

CHAPTER 294—S.F.No. 2596

An act relating to game and fish; providing an appropriation for emergency deer feeding; appropriating money; amending Minnesota Statutes 1994, section 97A.075, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **DEER AND BEAR LICENSES.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4) and (5), and 3, clauses (2) and (3).

(b) At least \$2 from each deer license shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each resident deer license and each resident bear license shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each resident deer license is appropriated for emergency deer feeding. Money appropriated for emergency deer feeding is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding at the end of a fiscal year exceeds \$750,000, \$750,000 is canceled to the unappropriated balance of the game and fish fund and the amount appropriated for emergency deer feeding is reduced to 25 cents from each resident deer license.

Sec. 2. APPROPRIATION.

\$750,000 is appropriated from the game and fish fund to the commissioner of natural resources for emergency deer feeding in areas of the state affected by severe weather. This appropriation is in addition to the appropriation in Laws 1995, chapter 220, section 5, subdivision 7.

Sec. 3. DEER FEEDING STUDY.

The commissioner, in consultation with the citizen oversight committee appointed under Minnesota Statutes, section 97A.055, subdivision 4a, paragraph (b), clause (3), shall study the costs associated with emergency deer feeding and shall include the effect that the feeding project has on the deer population.

Sec. 4. EFFECTIVE DATE.

Section 1 is effective July 1, 1997. Section 2 is effective the day following final enactment.

Presented to the governor February 29, 1996

Signed by the governor March 1, 1996, 8:34 a.m.

CHAPTER 295—H.F.No. 2365

An act relating to natural resources; modifying open burning restrictions; empowering the commissioner to declare an emergency; modifying provisions relating to timber sales; amending

New language is indicated by underline, deletions by ~~strikeout~~.

Minnesota Statutes 1994, sections 88.171, subdivision 4; 90.031, subdivision 4; 90.041, by adding a subdivision; 90.101, subdivision 1; 90.121; and 90.191, subdivision 1; Minnesota Statutes 1995 Supplement, section 88.171, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1995 Supplement, section 88.171, subdivision 2, is amended to read:

Subd. 2. **PROHIBITED MATERIALS; EXCEPTIONS.** No person shall conduct, cause, or permit open burning of rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters. The commissioner may allow burning of prohibited materials when the commissioner of health or the local board of health has made a determination that the burning is necessary to abate a public health nuisance. Except as specifically authorized by the commissioner of the pollution control agency as an emergency response to an oil spill, no person shall conduct, cause, or permit open burning of oil.

Sec. 2. Minnesota Statutes 1994, section 88.171, subdivision 4, is amended to read:

Subd. 4. **INDUSTRIAL SOLID WASTE.** (a) No person shall conduct, cause, or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

(b) The commissioner may allow open burning of raw untreated wood if the commissioner determines that reuse, recycling, or land disposal is not a feasible or prudent alternative.

Sec. 3. Minnesota Statutes 1994, section 90.031, subdivision 4, is amended to read:

Subd. 4. The executive council may formulate and establish, from time to time, rules it deems advisable for the transaction of timber business of the state, including approval of the sale of timber on any tract in a lot exceeding \$50,000 6,000 cords in volume when the sale is in the best interests of the state, and may abrogate, modify, or suspend rules at its pleasure.

Sec. 4. Minnesota Statutes 1994, section 90.041, is amended by adding a subdivision to read:

Subd. 7. The commissioner may declare an emergency in the event of a catastrophe caused by fire, windstorm, flood, insect, disease, or other natural cause. In the event of an emergency declaration, the commissioner may grant an extension, without penalty or interest, on an existing permit for standing timber if the permit holder has entered into a purchase agreement to harvest timber damaged by the natural catastrophe.

Sec. 5. **PERMIT EXTENSION VALIDATION.**

An extension on an existing permit for standing timber granted in 1995 or 1996 is valid if it would have been lawful under section 90.041 as amended by this act.

Sec. 6. Minnesota Statutes 1994, section 90.101, subdivision 1, is amended to read:

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Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding ~~\$50,000 in appraised value~~ 6,000 cords in volume and may determine the number of sections or fractional sections of land to be covered by any one permit issued to the purchaser of timber on state lands, or in any one contract or other instrument relating thereto. No timber shall be sold, except (1) to the highest bidder at public auction, or (2) if unsold at public auction the commissioner may offer the timber for private sale for a period of no more than six months after the public auction to any person who pays the appraised value for the timber. The minimum price shall be the appraised value as fixed by the report of the state appraiser. Sales may include tracts in more than one contiguous county and shall be held either in the county in which the tract is located or in an adjacent county which is nearest the tract offered for sale. In adjoining counties, sales may not be held less than two hours apart.

Sec. 7. Minnesota Statutes 1994, section 90.121, is amended to read:

**90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF \$15,000
3,000 CORDS.**

The commissioner may sell the timber on any tract of state land in lots not exceeding ~~\$15,000 in appraised value~~ 3,000 cords in volume, in the same manner as timber sold at public auction under section 90.101, and related laws, subject to the following special exceptions and limitations:

(1) sales shall be at the forest office or other public facility most accessible to potential bidders or close to where the tract is located;

(2) the commissioner's list describing the tract, quantity of timber, and appraised price shall be compiled not less than 30 days before the date of sale and a copy of the list posted not less than 30 days before the date of the sale at the location designated for the sale;

(3) notice of the sale shall be published once, not less than one week before the date of the sale;

(4) no bidder may be awarded more than 25 percent of the total tracts offered at the first round of bidding unless fewer than four tracts are offered, in which case not more than one tract shall be awarded to one bidder. Any tract not sold may be offered for sale for a period of six months for purchase by persons eligible under this section at the appraised value;

(5) the bond or deposit required pursuant to section 90.161 or 90.173 shall be given or deposited before any cutting begins or not later than 120 days after the date of purchase, whichever is earlier, provided that the commissioner may extend the time for furnishing the bond or deposit for not more than 30 additional days for good cause shown;

(6) in lieu of the placing of the marks MIN on cut products as prescribed under section 90.151, subdivision 2, all landings of cut products shall be legibly marked with the name of the permit holder and the assigned permit number;

(7) no person may hold more than six permits issued under this section and no sale may be made to a person holding six permits which are still in effect or to a person having more than 20 employees;

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(8) the permit may not exceed three years in duration; and

(9) if all cut timber, equipment, and buildings are not removed at the end of any 120-day extension period which the commissioner may grant for removal, the commissioner may grant a second period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of a request by the permit holder for hardship reasons only.

The auction sale procedure set forth in this section constitutes an additional alternative timber sale procedure available to the commissioner and is not intended to replace other authority possessed by the commissioner to sell timber in lots of \$15,000 3,000 cords or less.

Sec. 8. Minnesota Statutes 1994, section 90.191, subdivision 1, is amended to read:

Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding \$3,000 in appraised value 500 cords in volume, without formalities but for not less than the full appraised value thereof, to any person. No sale shall be made under this section to any person holding two permits issued hereunder which are still in effect; except that (1) a partnership as defined in chapter 323, which may include spouses but which shall provide evidence that a partnership exists, may be holding two permits for each of not more than three partners who are actively engaged in the business of logging or who are the spouses of persons who are actively engaged in the business of logging with that partnership; and (2) a corporation, a majority of whose shares and voting power are owned by natural persons related to each other within the fourth degree of kindred according to the rules of the civil law or their spouses or estates, may be holding two permits for each of not more than three shareholders who are actively engaged in the business of logging or who are the spouses of persons who are actively engaged in the business of logging with that corporation.

Sec. 9. EFFECTIVE DATE.

Sections 4 and 5 are effective the day following final enactment.

Presented to the governor March 1, 1996

Signed by the governor March 4, 1996, 11:10 a.m.

CHAPTER 296—S.F.No. 2020

An act relating to human services; requesting the commissioners of health and human services to seek a federal waiver; amending Minnesota Statutes 1994, section 144A.04, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 144A.04, is amended by adding a subdivision to read:

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