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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1016**

February 15, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 27, 2007

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act  
1.2 relating to natural resources; providing for pest control measures; requiring  
1.3 approved firewood on land administered by the commissioner of natural  
1.4 resources; regulating sale and distribution of firewood; amending Minnesota  
1.5 Statutes 2006, sections 89.55; 239.092; 239.093; proposing coding for new law  
1.6 in Minnesota Statutes, chapter 89.

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

1.8 Section 1. Minnesota Statutes 2006, section 89.55, is amended to read:

1.9 **89.55 INFESTATION CONTROL, COSTS.**

1.10 Upon the establishment of the zone of infestation, the commissioner may apply  
1.11 measures of infestation control on public and private forest and other lands within ~~such~~  
1.12 an infected zone and to any trees, timber, plants ~~or~~, shrubs ~~thereon~~, or contaminated soil  
1.13 harboring or which may harbor the forest pests. For this purpose, the duly authorized  
1.14 representatives of the commissioner are authorized to enter upon any lands, public or  
1.15 private within such zone. The commissioner may enter into agreements with owners of the  
1.16 lands in the zone covering the control work on their lands, and fixing the pro rata basis on  
1.17 which the cost of ~~such~~ the work will be shared between the commissioner and said owner.

1.18 **Sec. 2. [89.551] APPROVED FIREWOOD REQUIRED.**

1.19 (a) After the commissioner issues an order under paragraph (b), a person may not  
1.20 possess firewood on land administered by the commissioner of natural resources unless  
1.21 the firewood:

1.22 (1) was obtained from a firewood distribution facility located on land administered  
1.23 by the commissioner;

2.1 (2) was obtained from a firewood dealer who is selling firewood that is approved by  
2.2 the commissioner under paragraph (b); or

2.3 (3) has been approved by the commissioner of natural resources under paragraph (b).

2.4 (b) The commissioner of natural resources shall, by written order published  
2.5 in the State Register, approve firewood for possession on lands administered by the  
2.6 commissioner. The order is not subject to the rulemaking provisions of chapter 14 and  
2.7 section 14.386 does not apply.

2.8 (c) A violation under this section is subject to confiscation of firewood and after  
2.9 May 1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to  
2.10 confiscation and assessed a \$100 penalty for each sale of firewood not approved under the  
2.11 provisions of this section and sold for use on land administered by the commissioner.

2.12 (d) For the purposes of this section, "firewood" means any wood that is intended for  
2.13 use in a campfire, as defined in section 88.01, subdivision 25.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.15 Sec. 3. Minnesota Statutes 2006, section 239.092, is amended to read:

2.16 **239.092 SALE FROM BULK.**

2.17 (a) Bulk sales of commodities, when the buyer and seller are not both present to  
2.18 witness the measurement, must be accompanied by a delivery ticket containing the  
2.19 following information:

2.20 (1) the name and address of the person who weighed or measured the commodity;

2.21 (2) the date delivered;

2.22 (3) the quantity delivered;

2.23 (4) the count of individually wrapped packages delivered, if more than one is  
2.24 included in the quantity delivered;

2.25 (5) the quantity on which the price is based, if different than the quantity delivered;

2.26 and

2.27 (6) the identity of the commodity in the most descriptive terms commercially  
2.28 practicable, including representations of quality made in connection with the sale.

2.29 (b) This section is not intended to conflict with the bulk sale requirements of the  
2.30 Department of Agriculture. If a conflict occurs, the law and rules of the Department of  
2.31 Agriculture govern.

2.32 (c) Firewood sold or distributed across state boundaries or more than 100 miles  
2.33 from its origin must include delivery ticket information regarding the harvest locations  
2.34 of the wood by county and state.

3.1 Sec. 4. Minnesota Statutes 2006, section 239.093, is amended to read:

3.2 **239.093 INFORMATION REQUIRED WITH PACKAGE.**

3.3 (a) A package offered, exposed, or held for sale must bear a clear and conspicuous  
3.4 declaration of:

3.5 (1) the identity of the commodity in the package, unless the commodity can be easily  
3.6 identified through the wrapper or container;

3.7 (2) the net quantity in terms of weight, measure, or count;

3.8 (3) the name and address of the manufacturer, packer, or distributor, if the packages  
3.9 were not produced on the premises where they are offered, exposed, or held for sale; and

3.10 (4) the unit price, if the packages are part of a lot containing random weight  
3.11 packages of the same commodity.

3.12 (b) This section is not intended to conflict with the packaging requirements of the  
3.13 Department of Agriculture. If a conflict occurs, the laws and rules of the Department of  
3.14 Agriculture govern.

3.15 (c) Firewood sold or distributed across state boundaries or more than 100 miles  
3.16 from its origin must include information regarding the harvest locations of the wood by  
3.17 county and state on each label or wrapper.