

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 742
Version: As introduced
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Authors: Howes and others
Subject: Right to Practice Forestry; limiting local government authority to regulate forestry
Analyst: Deborah A. Dyson, 651-296-8291

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Overview

House File 742 prohibits local governments from restricting forestry activities and creates an irrebuttable presumption that forestry activities are not a nuisance.

- 1 Definition; forestry activity.** Defines forestry activity to include activity on forest land, such as reforesting, growing, managing, protecting, or harvesting timber, wood or another forest resource. (For definitions of forest land, forest resource, see the end of the summary.)
- 2 Local government authority limited.**
 - Subd. 1. Local restrictions.** (a) Prohibits a local government from prohibiting or unreasonably restricting forestry activity that is conducted in accordance with generally accepted silviculture practices on forest land.
 - (b) Prohibits a local government from requiring a permit or imposing a fee for forestry activity.
 - (c) Requires local ordinances to be reasonable and necessary to protect the health, safety and welfare of citizens, and not conflict with promoting growth, continuation, and use of the state's privately owned forest resources.
 - (d) Permits a local government to get the commissioner of natural resources to determine if a proposed ordinance or regulation will conflict with this section. Permits a local zoning administrator to review a proposed forestry activity to determine if it complies with a local zoning ordinance.
 - Subd. 2. Timber harvesting.** Makes the section apply to timber harvesting on land if it is artificially or naturally reforested, or is converted to agricultural or improved pasture.
 - Subd. 3. Rezoned land.** Provides that this section does not apply to land rezoned or converted at the request of the owner.
- 3 Irrebuttable presumption; nuisance liability.** Creates an irrebuttable presumption that forestry

activity conducted according to generally accepted silviculture practices is not a public or private nuisance.

Definitions:

"Forest land" or "forest," means land on which occurs a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses or other purposes, and shall include lands owned or controlled by the state of Minnesota. Minn. Stat. § 89.51, subd. 9.

"Forest resources" means those natural assets of forest lands, including timber and other forest crops; biological diversity; recreation; fish and wildlife habitat; wilderness; rare and distinctive flora and fauna; air; water; soil; and educational, aesthetic, and historic values. Minn. Stat. § 89.001, subd. 8.