

30 West, lying North of Minnesota Boulevard, and That portion of the East 33 feet of the Northeast quarter of the Northeast quarter of Section 12, Township 35 North, Range 31 West, lying North of Minnesota Boulevard.

Approved March 22, 1967.

CHAPTER 110—H. F. No. 85

[Coded in Part]

An act relating to forestry; amending certain laws in regard to timber auctions; repealing laws in regard to small auction timber sales; amending Minnesota Statutes 1965, Sections 90.101; 90.14; 90.151, Subdivisions 1, 4, 5, 7, 8, and 11, and adding a subdivision to the section; 90.161, Subdivision 1; and 90.181, Subdivision 2; repealing Minnesota Statutes 1965, Section 90.111.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 90.101, is amended to read:

90.101 Timber lands; timber sold at public auction, maximum lots of \$15,000. Subdivision 1. ~~The executive council may authorize the commissioner to~~ *may sell the timber on any tract of state land in lots not exceeding \$15,000 in appraised value 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 to the highest bidder at public auction, and the minimum price shall be the appraised value as fixed by the report of the state appraiser. All sales shall be held ~~at the county seat of in the county in which the tract is located.~~

Subd. 2. At least 30 days before the date of sale the commissioner shall compile a list containing a description of each tract of land upon which any timber to be offered is situated and a statement of the quantity of timber and of the appraised price of each kind of timber thereon as shown by the report of the state appraiser. The commissioner may also list the quantity of timber of doubtful market value and the appraised price of each kind of such timber located in other timber types within the sale area that may be cut at the discretion of the purchaser. Optional timber will not be considered a part of the sale contract until the permit holder has advised the com-

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missioner of his intent to cut such timber. No description shall be added after the list is posted as herein provided and no timber shall be sold from land not described therein. Copies of the list shall be furnished to all interested applicants. A copy of the list shall be conspicuously posted in the office of the commissioner and in the office of the auditor of the county in which the lands are situated at least 30 days prior to the date of sale, and extra copies of the list shall be furnished to the county auditor for distribution to applicants. The commissioner shall cause the list to be published for three consecutive weeks in a legal newspaper in the county where the land is situated. He may give such other published or posted notice as he deems proper to reach prospective bidders.

Subd. 3. There shall be only one sale of timber under this section in any one county in each year. There can be a maximum of three such sales as authorized by this section in any one year in any one county.

Sec. 2. Minnesota Statutes 1965, Section 90.14, is amended to read:

90.14 Auction sale procedure. All state timber estimated and appraised as log timber shall be offered and sold by the thousand feet; ~~timber estimated and appraised as tie, or pole, or post timber shall be offered and sold by the tie, or pole, or post; as the ease may be, timber estimated and appraised as pulpwood, or bolts, or mine lagging, or wood for fuel purposes shall be offered and sold by the single cord by the same unit of measurement as it was appraised.~~ The sale shall be made to the party who shall bid the highest price for all the several kinds of timber as advertised. The purchaser at any sale of timber shall, immediately upon the approval of his bid, pay to the commissioner 25 percent of the appraised value. In case any purchaser fails to make such payment, he shall be liable therefor to the state in a civil action, and the commissioner may reoffer the timber for sale as though no bid therefor had been made.

Sec. 3. Minnesota Statutes 1965, Section 90.151, Subdivision 1, is amended to read:

90.151 Permits to cut and remove timber sold at public auction. Subdivision 1. Following receipt of the down payment for state timber sold at public auction, the commissioner shall issue a numbered permit to the purchaser, in a form approved by the attorney general, by the terms of which he shall be authorized to enter upon the land, and to cut and remove the timber therein described, according to the provisions of this chapter. The permit shall be correctly dated and executed by the commissioner *or his agent* and

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signed by the purchaser. The permit shall cover one or more logging seasons as the ~~executive council~~ *commissioner* shall specify, and the timber shall be cut and removed within the time specified therein. No permit shall be issued to any person other than the purchaser in whose name the bid was made.

Sec. 4. Minnesota Statutes 1965, Section 90.151, Subdivision 4, is amended to read:

Subd. 4. The permit shall provide that all timber sold or designated for cutting shall be cut without damage to other timber; that the permit holder shall remove all timber authorized to be cut under the permit; that timber sold by board measure but later determined by the commissioner not to be convertible into board measure shall be paid for by the piece or cord *or other unit of measure* according to the size, species, or value of ~~each piece or cord~~, as may be determined by the commissioner; that the permit holder shall pay to the state the permit price for all timber authorized to be cut, including timber which he fails to cut ~~and remove~~ together with all fees of the surveyor general for scaling same; that the permit holder shall notify the surveyor general at least 15 days before any cutting is done, at which time such cutting will begin, and at least 15 days before any timber is removed from the land, at which date the removal will begin. The permit holder shall notify the commissioner, as provided by law.

Sec. 5. Minnesota Statutes 1965, Section 90.151, Subdivision 5, is amended to read:

Subd. 5. *The permit shall provide that the permit holder upon request of the commissioner shall make a report in writing to the commissioner under oath enumerating and stating the amounts of timber cut under such permit, the kinds of timber removed and the amounts of each in board feet, per piece, in cords, or any other dimension unit of measure, in the manner required by the commissioner. Any false return or report made to the commissioner by any such permit holder or by any one representing him shall constitute a gross misdemeanor.*

Sec. 6. Minnesota Statutes 1965, Section 90.151, Subdivision 7, is amended to read:

Subd. 7. The permit shall provide that the permit holder shall pay the ~~appraised~~ *permit price* value for any timber sold which is negligently destroyed or damaged by the permit holder in cutting or removing other timber sold. If the permit holder shall cut or remove or negligently destroy or damage any timber upon the land described, not sold under the permit, except such timber as it may

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be necessary to cut and remove in the construction of necessary logging roads and landings approved as to location and route by the commissioner, such timber shall be deemed to have been cut in trespass. The permit holder shall be liable for any such timber and recourse may be had upon his bond.

Sec. 7. Minnesota Statutes 1965, Section 90.151, Subdivision 8, is amended to read:

Subd. 8. The permit shall provide that the commissioner shall have the power to order suspension of all operations under the permit when in his judgment the conditions thereof have not been complied with and any timber cut or removed during such suspension shall be deemed to have been cut in trespass; that the ~~executive council~~ *commissioner* may cancel the permit at any time when in ~~its~~ *his* judgment the conditions thereof have not been complied with and such cancellation shall constitute repossession of the timber by the state; that the permit holder shall remove his equipment and buildings from such land within 90 days ~~thereafter~~ *after such cancellation*; that, if the purchaser at any time fails to pay any obligations to the state under any other permits, any or all of his permits may be cancelled; and that any timber removed in violation of the terms of the permit or of any law shall constitute trespass.

Sec. 8. Minnesota Statutes 1965, Section 90.151, Subdivision 11, is amended to read:

Subd. 11. *Except as authorized under Minnesota Statutes, Section 90.191*, any permit failing to conform to the requirements of this section shall be void on its face.

Sec. 9. Minnesota Statutes 1965, Section 90.151, is amended by adding a subdivision to read:

Subd. 12. The permit shall provide that should the commissioner find it advisable to salvage or remove for proper forest management certain unsold timber within the permit area, this timber, with the written consent of the permit holder, may be added at an appraised price to the timber sold.

Sec. 10. Minnesota Statutes 1965, Section 90.161, Subdivision 1, is amended to read:

90.161 Surety bonds for auction timber permits. Subdivision 1. Except as otherwise provided by law the purchaser of any state timber, before any timber permit to him shall become effective for any purpose, shall within 90 days from the date of purchase give a good and valid bond to the state of Minnesota ~~in double equal to the value of all timber covered or to be covered by the permit, as shown~~

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by the sale price bid therefor and the appraisal report thereof as to quantity, which bond shall be conditioned upon the faithful performance by the purchaser and his successors in interest of all the terms and conditions of the permit and all requirements of law in respect to such sales; and the bond shall be approved in writing by the commissioner and filed for record in his office.

Sec. 11. Minnesota Statutes 1965, Section 90.181, Subdivision 2, is amended to read:

Subd. 2. **Deferred payments.** If the amount of the statement is not paid within 30 days of the date thereof, it shall bear interest at the rate of six percent per annum from date, except that the purchasers shall not be required to pay such interest that totals \$1 of less. If the amount is not paid within 60 days, the commissioner shall place the account in the hands of the attorney general who shall proceed to collect the same. When the commissioner shall deem it for the best interest of the state he shall take possession of the timber for which such amount is due wherever it may be found and sell the same *informally or at public auction after giving such notice as he deems reasonable*. The proceeds of such sale shall be applied, first, to the payment of the expenses of seizure and sale; and, second, to the payment of the amount due for such timber, with interest; and the surplus, if any, shall belong to the state; and, in case a sufficient amount is not realized to pay such amounts in full, the balance shall be collected by the attorney general. Neither payment of such amount, nor the recovery of judgment therefor, nor satisfaction of such judgment, nor the seizure and sale of such timber, shall release the sureties on any bond given pursuant to this chapter, or preclude the state from afterwards claiming that such timber was cut or removed contrary to law and recovering damages for the trespass thereby committed, or from prosecuting the offender criminally.

Sec. 12. **Repealer.** *Minnesota Statutes 1965, Section 90.111, is repealed.*

Sec. 13. **Effective date.** *This act is effective July 1, 1967.*

Approved March 23, 1967.

CHAPTER 111—H. F. No. 680

An act relating to the board of examiners in basic sciences; increasing annual registration fees; amending Minnesota Statutes 1965, Section 146.13.

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