

CHAPTER 262—S. F. No. 556

An act authorizing certain villages and townships to support and cooperate in the support of public cemeteries.

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

Section 1. Villages and townships may cooperate in support of cemeteries.—Where a village or township owns and maintains an established cemetery or burial ground, either within or without the municipal limits, said village or township may by mutual agreement with contiguous villages and townships each having an assessed valuation of not less than \$1,000,000.00, join together in the maintenance of such public cemetery or burial ground for the use of the inhabitants of each of such municipalities; and each such municipality is hereby authorized by action of its council or governing body to levy a tax or make an appropriation for the support and maintenance of such cemetery or burial ground, provided, the amount thus levied or appropriated by each municipality shall not exceed a total of \$1,000.00 in any one year.

Sec. 2. Limit to appropriations.—Such appropriation by each municipality shall not exceed the per capita amount paid by any other municipality sharing therein, based on the populations of the respective units; provided, also, that any arrangement hereunder shall not alter the management, control of ownership of any cemetery.

Approved April 20, 1931.

CHAPTER 263—S. F. No. 609

An act relating to state forests as therein defined.

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

Section 1. Definitions.—The term "State Forests" as used in this act shall include all state lands now or hereafter set apart as state forests and shall be held to include all state owned forest lands of every description which may now or hereafter be devoted to uses of forestation or timber production, including all such lands

set apart under section 7 of article 8 of the state constitution and laws enacted in pursuance thereof, also all such lands withdrawn from sale for the purpose of forestation and timber reserves under the provisions of section 4 of article IV, laws 1925, chapter 426, and all other such lands now or hereafter otherwise acquired or set apart as state forests or forest reserves or for the purpose of forestation and timber production.

Sec. 2. Commissioner of forestry to have charge of state forest.—The commissioner of forestry and fire prevention shall have charge and control of all state forests, and shall maintain and manage the same on forestry principles for timber production and for such other uses as are not inconsistent therewith.

Sec. 3. State Auditor to sell timber.—(a) Timber and other forest products in the state forests shall be sold by the state auditor, upon recommendation and request of the commissioner, in the same manner as provided by law for the sale of timber on other state lands, except as herein otherwise provided. Before any such sale is made, it shall be approved by the executive council, as successor in authority to the state timber board, as provided by law in case of sale of timber on other state lands. No timber or other forest products shall be offered or advertised for sale, or made subject to competitive bidding, in lots or parcels extending over more than one section or exceeding Fifteen Thousand (\$15,000.00) Dollars of appraised value.

(b) Such timber and other forest products in the state forests shall be estimated and appraised for sale under the direction of the commissioner. Such estimates and appraisals may be made either by duly appointed and qualified state appraisers, designated by the commissioner, with the approval of the state auditor, or by qualified persons appointed for the purpose by the commissioner, who shall be known as state forest appraisers. Each such state forest appraiser shall, before entering upon the duties of his office, take an oath and give a bond as provided by law for state appraisers, and shall, under the direction of the commissioner, with respect to all state forest lands and the timber and forest products thereon, have and exercise all the powers and perform all the duties by law vested in or imposed upon state appraisers with respect to other state lands.

(c) The cutting and removal of all such timber and other forest products sold in the state forests shall be conducted under the supervision of the commissioner, and subject to such conditions,

rules, and regulations as he may prescribe, and the notice of sale given by the auditor shall so state; provided, that so far as not inconsistent herewith all provisions of law relating to the cutting and removal of timber on other state lands shall apply to and govern the cutting and removal of timber and forest products in the state forests.

Sec. 4. Commissioner may sell dead and down timber.—The commissioner may sell dead, down, dying, insect infested or diseased timber in the state forests in the same manner and subject to the same conditions and restrictions as provided by law for the sale of such timber by the state auditor upon other state lands by Laws 1925, Chapter 276, Section 10. For the purpose of such sales and the cutting and removal of timber so sold the commissioner shall have and exercise all the powers and perform all the duties vested in or imposed upon the auditor by said section, and the cutting and removal of such timber shall be conducted under the supervision of the commissioner and subject to such conditions, rules, and regulations as he may prescribe. The commissioner may also sell in the same manner and subject to the same conditions and restrictions any green standing timber when in his judgment it is necessary or advisable to cut and remove such timber for the improvement of the forest wherein the same is situated.

Sec. 5. Commissioner to prosecute trespass.—With respect to trespass and unlawful cutting or removal of timber upon the state forest lands, the commissioner shall have and exercise all the powers and perform all the duties vested in or imposed upon the state auditor by Laws 1925, Chapter 276, Sections 32 and 33, or by any other law relating to trespass or unlawful cutting or removal of timber upon other state lands, and the state forest appraisers and other authorized employees of the commissioner shall have like power and authority with respect to trespass and unlawful cutting or removal of timber upon the state forest lands as the authorized employees of the auditor have by law with respect to said matters upon other state lands. Except as herein otherwise provided, all trespasses and unlawful cutting or removal of timber upon state forest lands and all matters pertaining thereto or connected therewith shall be subject to and shall be governed by the laws pertaining to trespasses and unlawful cutting or removal of timber upon state lands.

Sec. 6. Commissioner to grant leases.—The commissioner shall have power to grant and execute in the name of the state leases and permits for the use of any state forest lands for any purpose which in his opinion is not inconsistent with the maintenance and management of the state forest in which the land is situated on forestry principles for timber production; provided, that every such lease or permit shall be revocable at the discretion of the commissioner at any time, and shall be subject to such conditions and regulations as the commissioner may prescribe. The approval of the commission of administration and finance shall not be required upon any such lease or permit. No such lease or permit for a period exceeding two years shall be granted except with the approval of the executive council.

Sec. 7. Commissioner to issue permits for roads.—No public highway other than a state trunk highway shall be established or laid out through any State Forest as the same shall be created and withdrawn from public sale and entry by existing or subsequent Act, without the consent of the commissioner, certified by him in writing to the public authority having power to establish or lay out such highway. In any judicial proceedings affecting the laying out of a highway, the court may either sustain or reverse the action of the commissioner as the court in its discretion may deem proper. The limitations and restrictions provided in Section 7 of this act shall not apply to state owned lands which have not been expressly withdrawn from sale and created and reserved as State Forests, so called. No state forest lands or right or easement therein shall be taken by eminent domain for any purpose without the consent of the commissioner certified by him in writing to the authority or corporation exercising such right of eminent domain.

Sec. 8. Commissioner to make rules.—The commissioner shall have power to prescribe such rules and regulations governing the use of the state forests or any part thereof by the public or governing the exercising by holders of leases or permits upon state forest lands all their rights under such leases or permits as may be necessary to carry out the purposes of this act.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 20, 1931.