

of lands shall not be chargeable against the supplemental or gross earnings aid received by the district under the provisions of *Minnesota Statutes 1941, sections 128.11 and 128.23.*

Approved April 13, 1945.

CHAPTER 269—S. F. No. 323

An act relating to auxiliary forests, amending Minnesota Statutes 1941, Section 88.47, Subdivisions 1 and 2, Section 88.51, Subdivision 1, Section 88.52, Subdivision 3, and repealing Minnesota Statutes 1941, Section 88.51, Subdivision 3.

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

Section 1. Minnesota Statutes 1941, Section 88.47, Subdivision 1, is hereby amended to read as follows :

Subdivision 1. **Created.** Any tract of land in this state containing not less than 35 acres, generally suitable for the planting, culture, and growth of trees for the production of timber or forest products may be made an auxiliary forest, subject to taxation only in accordance with the provisions of sections 88.47 to 88.53.

Sec. 2. Minnesota Statutes 1941, Section 88.47, Subdivision 2, is hereby amended to read as follows :

Subd. 2. **Wood lots.** Any tract of land in this state containing not less than five nor more than 40 acres generally suitable for the planting, culture, and growth of trees for the production of timber or forest products, being in the nature of wood lots guarded or protected by the owners or their tenants actually living on the land or immediately adjacent thereto, may, regardless of value, be made an auxiliary forest, subject to limited and special taxation only in accordance with the provisions of sections 88.47 to 88.53.

Sec. 3. Minnesota Statutes 1941, Section 88.51, Subdivision 1, is hereby amended to read as follows :

Subdivision 1. **Annual tax of six cents per acre.** From and after the filing of the contract creating any tract of land an auxiliary forest under sections 88.47 to 88.53 and hereafter upon any tract heretofore created as an auxiliary forest, the surface of the land therein, exclusive of merchantable timber thereon at the time of making such contract and of

mineral or any thing of value thereunder, shall be taxed annually at the rate of six cents per acre. This tax shall be levied and collected and the payment thereof enforced in the same manner as other county taxes and shall be credited to the funds of the taxing districts affected in the proportion of their interests in the taxes on this land if it had not been so made an auxiliary forest. Failure to pay when due and tax so levied shall be cause for cancellation of the contract.

The levy upon the land of the taxes provided for by Section 88.49, Subdivision 5, upon the cancellation of a contract, shall discharge and annul all unpaid taxes levied or assessed thereon.

Sec. 4. Minnesota Statutes 1941, Section 88.52, Subdivision 3, is amended to read as follows:

Subd. 3. **Examination.** When any timber growing or standing in any auxiliary forest shall have become suitable for merchantable forest products, the commissioner shall, at the written request of the owner, a copy of which shall at the time be filed in the office of the county auditor, make an examination of the timber and designate for the owner the kind and number of trees most suitable to be cut if in the judgment of the commissioner there be any, and the cutting and removal of these trees so designated shall be in accordance with the instructions of the commissioner. He shall inspect the cutting or removal and determine whether it or the manner of its performance constitute a violation of the terms of the contract creating the auxiliary forest or of the laws applicable thereto, or of the instructions of the commissioner relative to the cutting and removal. Any such violation shall be ground for cancellation of the contract by the commissioner; otherwise the contract shall continue in force for the remainder of the period therein stated, regardless of the cutting and removal.

Upon the filing of the notice the county board shall, with the assistance of the commissioner, determine the kinds, quantities, and value of the stump of timber proposed to be cut, such kinds and quantities to be determined in accordance with rules adopted by the commissioner for the measurement or scaling of forest products, which rules shall determine the log rule and method of scaling logs and the grades and sizes of ties, poles, posts, dimensions of cords, and other units of measurement in which forest products so cut and removed shall be measured.

The county board shall, before the cutting is to begin, file with the county auditor a report showing the kinds, quanti-

ties, and value of the timber proposed to be cut or removed. The county auditor shall assess and levy the yield tax thereon, make proper record of the assessment and levy in his office, and notify the owner of the auxiliary forest of the amount thereof. The owner shall, before any timber in the forest is cut or removed, give a bond in a sum equal to the amount of the tax, plus 25 per cent thereof, payable to the State of Minnesota, or *in lieu thereof, deposit in cash with the county treasurer 125 per cent of the amount of the tax*, conditioned for the payment of all taxes on the timber to be so cut or removed. The county board shall, either while the timber is being cut or after the cutting is completed, have a scale made thereof *in the same manner as is provided for the scaling of state timber on trust fund lands*, and file a report thereof in the office of the county auditor, *the cost of such scale to be paid by the owner of the auxiliary forest*; and, if the value shown in the report of the timber cut or removed is either greater or less than that assessed, the county auditor shall make a supplemental assessment so as to increase or reduce the original assessment to conform to the value of the timber actually cut or removed and notify the owner of the amount thereof. The county auditor shall certify each assessment to the county treasurer, who shall collect all taxes so assessed and credit the proceeds thereof to the funds of the taxing districts affected in the proportions of their interest in the taxes on the land, if it had not been so made an auxiliary forest, unless otherwise provided in the contract whereby the same was made an auxiliary forest.

In any case where the value of the timber to be cut in any one calendar year does not exceed \$50, the owner may file with his request a sworn statement in duplicate, on a form prescribed by the commissioner of conservation, describing the timber proposed to be cut and the proposed method and time of cutting and removal thereof, stating the quantity and value of each kind of such timber in accordance with the rules prescribed by the commissioner, and requesting that such statement be accepted in lieu of compliance with the requirements of this section respecting examination and designation by the commissioner of the timber to be cut, the determination of the value thereof by the county board, and the scaling thereof. Upon recommendation of the county board, certified by the county auditor to the commissioner, together with a duplicate of such sworn statement, the commissioner may, by order and notification to the county auditor, direct that such statement be so accepted in lieu of compliance with all or any part of such requirements, subject to review and modification

of such order by the commissioner upon inspection of the timber if he shall deem it necessary at any time before the same is cut and removed.

The owner shall, on or before the fifteenth day of January each year, file with the county auditor on a form prepared by the commissioner a report showing the quantity of each kind of forest products cut or removed from any auxiliary forest during the next preceding calendar year. The auditor shall compare such reports with the records in his office; and, if he finds that any timber so cut or removed has not been assessed, he shall forthwith assess the same as hereinbefore provided, certify the assessment to the county treasurer for collection, and notify the owner of the amount thereof. This tax shall be paid on or before March first next following; and, *if not so paid, shall be levied and collected in the same manner as taxes imposed under the provisions of section 88.51, subdivision 1.* No such report shall be required of timber cut and used by the owner for his own domestic uses, such as for fuel, fencing, or building when the same is so used on land owned by him and contiguous to or within the limits of the auxiliary forest from which the timber is cut.

The owner of any land or timber upon which a yield tax is assessed and levied as provided in this section may, within 15 days after mailing of notice of the amount of the tax, file with the county auditor a demand for hearing thereon before the county board. The county auditor shall thereupon fix a date of hearing, which shall be held within 30 days after the filing of the demand, and mail to the owner notice of the time and place of the hearing. The owner may appear at the hearing and present evidence and argument as to the amount of the tax and as to any matter relating thereto. The county board shall thereupon determine whether the tax as levied is proper in amount and make its order thereon. The county auditor shall forthwith mail to the owner a notice of the order. If the amount of the tax is increased or reduced by the order, the county auditor shall make a supplemental assessment and levy thereof, as in this subdivision provided.

Sec. 5. Repeal; renumber. Minnesota Statutes 1941, Section 88.51, Subdivision 3, is hereby repealed, and Subdivision 4 of that section is renumbered as Subdivision 3.

Approved April 13, 1945.