

missioner and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested. The director, with the approval of the commissioner, shall prescribe such further rules and regulations as may be necessary to properly carry out the purposes of sections 84.09 to 84.15 and to properly regulate the harvest. He may, with the approval of the commissioner, appoint, in addition to the paid assistants appointed by the commissioner, deputies to serve without pay to assist him in any or all of his duties. The commissioner is hereby authorized to designate the season for the harvesting of the wild rice in each lake or rice bed or close the same upon the recommendation and report of the director of rice harvest, notice of the season to be published five days, or less, in advance. *When any waters have been opened to the harvesting of wild rice, the director may specify the days and the hours of the day during which such harvest may be conducted and the specific areas of each body of public water upon which ricing may be conducted on any day.* The provisions hereof shall not limit or supersede any authority otherwise conferred on the commissioner by law.

Sec. 2. Minnesota Statutes 1957, Section 84.14 is amended by adding the following subdivision:

Subd. 2. It shall be the duty of the commissioner upon recommendation and advice of the director of wild rice harvest to list the important bodies and beds of wild rice growing in the public waters of this state and to rotate the opening of such beds with the general view that each bed shall be closed to harvesting where the director of wild rice finds that there is need of such closing for the purpose of re-stocking and re-seeding such bed.

Approved March 25, 1959.

CHAPTER 130—S. F. No. 857

An act relating to the division of forestry; amending Minnesota Statutes 1957, Section 88.49, Subdivision 5.

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

Section 1. Minnesota Statutes 1957, Section 88.49, Subdivision 5 is amended to read:

Subd. 5. Cancellation. Upon the failure of the owner faithfully to fulfill and perform such contract or any provision thereof, or any requirement of sections 88.47 to 88.53, or any rule or regulation adopted by the commissioner thereunder, the commissioner may cancel the contract in the manner herein provided. The commissioner shall give to the owner, in the manner prescribed in section 88.48, subdivision 4, 60 days notice of a hearing thereon at which the owner may appear and show cause, if any, why the contract should not be canceled. The commissioner shall thereupon determine whether the contract should be canceled and make an order to that effect. Notice of his determination and the making of the order shall be given to the owner in the manner provided in section 88.48, subdivision 4. If the commissioner determines that the contract should be canceled and no appeal therefrom be taken, he shall send notice thereof to the auditor of the county and to the town clerk of the town affected and file with the register a certified copy of the order, who shall forthwith note the cancellation upon the record thereof, and thereupon the land therein described shall cease to be an auxiliary forest and, together with the timber thereon, become liable to all taxes and assessments that otherwise would have been levied against it had it never been an auxiliary forest from the time of the making of the contract, any provisions of the statutes of limitation to the contrary notwithstanding, less the amount of taxes paid under the provisions of section 88.51, subdivision 1, together with interest on such taxes and assessments at six percent per annum, but without penalties.

The commissioner may at his discretion in like manner and with like effect cancel the contract upon written application of the owner.

The commissioner shall cancel any contract if the owner has made successful application under Minnesota Statutes 1957, Sections 270.31 to 270.39 inclusive, the Minnesota tree growth tax law, and has paid to the county treasurer the difference between the amount which would have been paid had the land under contract been subject to the Minnesota tree growth tax law from the date of the filing of the contract and the amount actually paid under Minnesota Statutes 1957, Section 88.51, Subdivisions 1 and 2. If the amount which would have been paid, had the land under contract been under the Minnesota tree growth tax law from the date of the filing of the contract, is less than the amount actually paid under the contract, the cancellation shall be made without further payment by the owner.

When the execution of any contract creating an auxiliary

forest shall have been procured through fraud or deception practiced upon the county board or the commissioner or any other person or body representing the state, it may be canceled upon suit brought by the attorney general at the direction of the executive council. This cancellation shall have the same effect as the cancellation of a contract by the commissioner.

Approved March 25, 1959.

CHAPTER 131—S. F. No. 888

[Not Coded]

An act relating to firemen's relief and retirement in the City of Rochester; providing for a relief association and rules and regulations therefor.

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

Section 1. **Definitions.** For the purposes of this act the following terms shall have the following meanings:

(a) "Fire department" means the fire department of the city of Rochester, Minnesota.

(b) "Relief association" or "association" means the Rochester fire department relief association.

(c) "Fireman" used alone means every person who is duly appointed and regularly entered upon the payroll of the fire department of the city of Rochester and who is on active duty with that department. The term does not include temporary or emergency employees.

(d) "Member" used alone means every fireman who has been admitted to membership in the relief association as hereinafter provided.

(e) "Unit" means a fractional part of the lowest monthly base salary paid to any fireman as such salary is established from time to time by the common council. A "unit" shall be not more than one-seventy-fifth and not less than one-ninetieth of such monthly salary as established from time to time in accordance with the provisions of this act.

(f) "Disability" means a physical or mental, or combination physical and mental, incapacity which renders a member unable to perform the duties of his position in the fire department.