

home care and medicine and medical supplies under the categorical aid programs.

(14) *In accordance with federal requirements establish procedures to be followed by county welfare boards in creating citizen advisory committees including procedures for selection of committee members.*

Approved May 12, 1969.

CHAPTER 366—H. F. No. 831

[Coded in Part]

*An act relating to forestry; amending certain laws concerned with the sale and removal of state timber; providing penalties; amending Minnesota Statutes 1967, Sections 90.01, Subdivision 4; 90.101, Subdivision 2; 90.151, Subdivision 2; 90.171; 90.181, Subdivision 1; 90.191, Subdivision 4; 90.231; 90.251, Subdivisions 1 and 2; and 90.41; and amending Minnesota Statutes 1967, Chapter 90, by adding a section.*

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

Section 1. Minnesota Statutes 1967, Section 90.01, Subdivision 4, is amended to read:

Subd. 4. **State timber; sale and removal.** “Scaler” means ~~an employee of the department~~ *a qualified bonded person designated by the commissioner to measure cut forest products.*

Sec. 2. Minnesota Statutes 1967, Section 90.101, Subdivision 2, is amended to read:

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 commissioner

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

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.

Sec. 3. Minnesota Statutes 1967, Section 90.151, Subdivision 2, is amended to read:

Subd. 2. The permit shall state the amount of timber estimated for cutting on the land, the estimated value thereof, and the price at which it is sold per thousand feet, per cord, per piece, or by whatever description sold, and shall specify the *state identification marks to be used which shall be M I N unless otherwise specified. The permit shall provide that the permit holder shall plainly place the specified marks upon a sufficient number of pieces to adequately identify the timber from the time of cutting until delivered to the consumer thereon. These marks shall be M I N and the permit number. The permit shall provide that the permit holder shall plainly place the specified marks upon the end of each piece of timber cut, except that in the case of piles of pulpwood or other cordwood, a sufficient number of pieces shall be marked to adequately identify the timber before such timber is sealed. It shall provide that, in case of any failure to place these marks upon any state timber, the state shall have the right to take possession of the same wherever found. The permit shall provide that the permit holder may place his own mark upon timber cut under the permit but only after the state marks have been first plainly placed thereon; that no mark of the permit holder shall in any way encroach upon, obliterate, or obscure the state marks or any part thereof; and that no figure shall be used by the permit holder as his mark or any part thereof. Christmas trees or other decorative material need not be marked with M I N and the permit number but any landing or concentration of such material shall be posted with a notice listing the permit holder's name, permit number, and description of the land from which the material was cut. The permit shall make provisions for the continuous identification of the cut timber. It shall provide that in case of any failure to mark the timber as specified in the permit, the state has the right to take possession of the cut timber.*

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1967, Section 90.171, is amended to read:

90.171 **Assignment of auction timber permits.** Any permit sold at public auction may be assigned upon written approval of the commissioner. The assignment of any permit shall be signed and acknowledged by the permit holder. The commissioner shall not approve any assignment until the assignee has given to the state a bond which shall be substantially in the form of, and shall be deemed of the same effect as, the bond required of the original purchaser; ~~but the original bond given by the purchaser and any bond given by any prior assignee shall remain in full force.~~ The commissioner in his discretion may accept the agreement of the assignee and any corporate surety upon such original bond, substituting the assignee in the place of such original purchaser and continuing such original bond in full force and effect, as to the assignee. Thereupon but not otherwise the permit holder making the assignment shall be released from all liability arising or accruing from actions taken after the assignment became effective.

Sec. 5. Minnesota Statutes 1967, Section 90.181, Subdivision 1, is amended to read:

90.181 **Statement of timber cut.** Subdivision 1. **Passage of title to timber.** ~~At least annually and upon completion of the cutting,~~ The commissioner shall transmit to the permit holder a statement of the amount due therefor by the terms of the permit *upon completion of the cutting or at least annually in the case of an auction permit.* Any partial payment received may be applied to any items on the statement as the commissioner shall determine.

*When actual cash in the full amount due under such permit for the timber shall have come into the state treasury in payment thereof, but not before, the title to the timber shall pass from the state. The title to the timber shall not pass from the state until such timber has been scaled as required by the permit and the commissioner has made adequate arrangements for collecting the payment for the same as will protect the interest of the state.*

Sec. 6. Minnesota Statutes 1967, Section 90.191, Subdivision 4, is amended to read:

Subd. 4. In lieu of the placing of the marks M I N ~~and the permit number~~ on cut products as prescribed under section 90.151, subdivision 2, all landings of cut products must be legibly marked with the name of the permit holder and the assigned permit number.

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Sec. 7. Minnesota Statutes 1967, Section 90.231, is amended to read:

90.231 **Timber sales, marking of boundaries.** Whenever timber on a tract of state owned land ~~which does not border on privately owned, federally owned, or tax feited lands held in trust by the state for the county~~ is sold, prior to the removal of the timber, the ~~director of the division of forestry of the department of conservation~~ *commissioner* shall ~~cause~~ *designate* the boundaries of ~~the such~~ tract to be marked with ~~suitable identification marks located at intervals of not more than 20 rods upon the boundaries of the tract.~~

Sec. 8. Minnesota Statutes 1967, Section 90.251, Subdivision 1, is amended to read:

90.251 **Timber scaling; reports; fees; settlement of claims.** Subdivision 1. The commissioner shall institute such scaling and check scaling procedures for state timber as will protect the interests of the state. This will include the assignment of a trained timber scaling specialist in the classified service to be responsible for check scaling and to develop scaling and check scaling techniques and standards. Such scaling and check scaling techniques and standards will be approved by the commissioner and public examiner. Check scaling will also be accomplished by other forestry supervisors with such reports forwarded to the timber scaling specialist. The timber scaling specialist will report any scaling deficiencies or trespass to the commissioner. Any such deficiencies requiring the attention of the public examiner, attorney general, or state executive council will be forwarded to these offices by the commissioner. All timber cut on lands in the charge of the commissioner, except as expressly provided otherwise ~~in this chapter by the commissioner~~ shall be scaled. No timber ~~sold at public auction~~ may be scaled until such timber is first marked with M I N ~~and~~ *or as otherwise properly identified as specified in the permit number.* All scaling shall be done upon the land from which the timber was cut; provided that the state appraiser, subject to the approval of the commissioner, may designate in writing to a permit holder another location where such timber may be scaled, counted or measured; all logs *individually* scaled shall be numbered consecutively, and the number of each entered upon the minutes of the scaler; such allowance shall be made for defects therein as will make such timber equivalent to merchantable timber. No state timber shall be removed from the land where it was cut until it has been so scaled or counted except as herein provided. Any person removing any such timber from the land where it was cut, or from the place designated, before it has been so scaled or counted shall be guilty of a gross misdemeanor.

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Sec. 9. Minnesota Statutes 1967, Section 90.251, Subdivision 2, is amended to read:

Subd. 2. The scaler or state appraiser shall make separate reports to the commissioner of all such timber scaled, covering the respective permits. ~~Each report shall describe the land on which the timber was cut; and state the names of the persons cutting, the person for whom the cutting was done, and the person hauling the timber, the quantities of each kind or species of timber, the state marks used thereon, the number of logs or pieces, and the total number of feet or other units of measurement, as the case may be. Each report shall state specifically whether the scaling was done upon the land from which the timber was cut; whether the cutting was done without unnecessary waste or damage; whether all timber cut has been scaled and reported and whether the timber has been marked with the state marks specified in the permit. Each report shall describe the land on which the timber was cut, the quantities of each kind or species of timber, the total number of feet or other units of measurement, as the case may be.~~

Sec. 10. Minnesota Statutes 1967, Chapter 90, is amended by adding a section to read:

**[90.252]. Consumer scale of state timber.** *The commissioner may enter into an agreement with either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling of the cut timber and the collection of the payment for the same can be consummated by the consumer. Such an agreement shall provide for a bond or cash in lieu of a bond and such other safeguards as are necessary to protect the interests of the state. Such a scaling and payment collection procedure may be used for any state timber sale, except that in the case of timber sold under section 90.101, no permittee who is also the consumer shall both cut and scale the timber sold unless such scaling is supervised by a state scaler.*

Sec. 11. Minnesota Statutes 1967, Section 90.41, is amended to read:

**90.41 State appraiser and scaler; violations, penalties.**  
 Subdivision 1. Any *state scaler or state appraiser* who shall accept any compensation or gratuity for his services as such from any other source except the state of Minnesota, or *any state scaler, or other person authorized to scale state timber, or state appraiser*, who shall make any false report, or insert in any such report any false statement, or shall make any such report without having examined the land embraced therein or without having actually been upon the land, or omit from any such report any statement required

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by law to be made therein, or who shall fail to report any trespass committed upon state lands which has come to his knowledge, or who shall conspire with any other person in any manner, by act or omission or otherwise, to defraud or unlawfully deprive the state of Minnesota of any land or timber, or the value thereof, shall be guilty of a felony. Any material discrepancy between the facts and the scale returned by any such person scaling timber for the state shall be considered prima facie evidence that such person is guilty of violating this statute.

No such appraiser or scaler who has been once discharged for cause shall ever again be appointed. This provision shall not apply to resignations voluntarily made by and accepted from such employees.

Subd. 2. Every person who shall cut timber on state lands and fail to mark the same, as provided by law, and the permit under which the same was cut, ~~or shall place any other mark thereon, except as provided in this chapter, and every person who shall sell, transfer, or manufacture any timber cut on state lands, before the amount due to the state therefor shall have been paid,~~ shall be guilty of a gross misdemeanor.

Sec. 12. **Effective date.** *This act is effective July 1, 1969.*

Approved May 12, 1969.

#### CHAPTER 367—H. F. No. 956

*An act relating to the terms of district court in the counties comprising the tenth judicial district; amending Minnesota Statutes 1967, Section 484.18.*

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

Section 1. Minnesota Statutes 1967, Section 484.18, is amended to read:

484.18 **District courts; tenth judicial district.** Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the time herein specified.

Subd. 2. Anoka county: On the first Tuesday in ~~October~~ *September*.

Subd. 3. In Chisago county: On the first Tuesday in ~~April~~ *May* and the first Tuesday in ~~November~~ *December*.

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**