

CHAPTER 551—H.F.No. 2410

An act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36, subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 89.36, subdivision 3, is amended to read:

Subd. 3. **SALE OR EXCHANGE OF STOCK.** In carrying out the provisions of sections 89.35 to 89.39, the commissioner may sell to or exchange surplus tree planting stock and seed with other states or the federal government for the following purposes:

(1) to acquire tree planting stock of a species which is in short supply in the commissioner's inventory;

(2) to acquire tree planting stock of a species not grown by the commissioner;

(3) to acquire tree planting stock genetically superior to that grown by the commissioner; and

(4) to utilize tree planting stock or seed not needed for the reforestation program in the state.

~~The commissioner's authority to acquire tree planting stock under this subdivision is limited to not more than five tree species per year. The minimum quantity of any species which may be acquired is 20,000 trees.~~

Sec. 2. Minnesota Statutes 1992, section 89.37, is amended by adding a subdivision to read:

Subd. 3b. SALES TO NURSERIES. To promote the availability and use of native plant material, the commissioner may sell native tree seed to licensed, private Minnesota nurseries when supplies of seed from geographically adapted sources are not available from private Minnesota seed dealers. The commissioner may also sell native trees and shrubs in lots of ten or more to nonprofit groups and local units of government.

Sec. 3. Minnesota Statutes 1993 Supplement, section 90.101, subdivision 1, is amended to read:

Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding \$50,000 in appraised value and may determine the

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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 (1) to the highest bidder at public auction, or (2) if unsold at public auction the commissioner may offer the timber for private sale for a period of no more than ~~90 days~~ six months after the public auction to any person who pays the appraised value for the timber. The minimum price shall be the appraised value as fixed by the report of the state appraiser. ~~All Sales may include tracts in more than one contiguous county and shall be held either in the county in which the tract is located or in an adjacent county which is nearest the tract offered for sale.~~ In adjoining counties, sales may not be held less than two hours apart.

Sec. 4. Minnesota Statutes 1992, 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 of an 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 in the list~~. 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~~ forest office or other public facility most accessible to potential bidders 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 a notice to be published ~~for three consecutive weeks~~ once not less than one week before the date of sale in a legal newspaper in the county or counties where the land is situated. The notice shall state the time and place of the sale and the location at which further information regarding the sale may be obtained. The commissioner may give ~~such~~ other published or posted notice as the commissioner deems proper to reach prospective bidders.

Sec. 5. Minnesota Statutes 1993 Supplement, section 90.121, is amended to read:

90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF \$15,000.

The commissioner may sell the timber on any tract of state land in lots not exceeding \$15,000 in appraised value, in the same manner as timber sold at public auction under section 90.101, and related laws, subject to the following special exceptions and limitations:

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(1) sales shall be at the forest office or other public facility most accessible to potential bidders or close to where the tract is located;

(2) the commissioner's list describing the tract, quantity of timber, and appraised price shall be compiled not less than 30 days before the date of sale and a copy of the list posted not less than 30 days before the date of the sale at the location designated for the sale;

(3) notice of the sale shall be published once, not less than one week before the date of the sale;

(4) no bidder may be awarded more than 25 percent of the total tracts offered at the first round of bidding unless fewer than four tracts are offered, in which case not more than one tract shall be awarded to one bidder. Any tract not sold ~~shall be available~~ may be offered for sale for a period of ~~90 days~~ six months for purchase by persons eligible under this section at the appraised value;

(5) the bond or deposit required pursuant to section 90.161 or 90.173 shall be given or deposited before any cutting begins or not later than ~~nine months~~ 120 days after the date of sale purchase, whichever is earlier, provided that the commissioner may extend the time for furnishing the bond or deposit for not more than 30 additional days for good cause shown;

(6) in lieu of the placing of the marks M I N on cut products as prescribed under section 90.151, subdivision 2, all landings of cut products shall be legibly marked with the name of the permit holder and the assigned permit number;

(7) no person may hold more than six permits issued under this section and no sale may be made to a person holding six permits which are still in effect or to a person having more than 20 employees;

(8) the permit may not exceed ~~one year~~ three years in duration;

(9) ~~if the purchaser for good and sufficient reason is unable to cut the timber within the one year permit period; the commissioner may grant one extension for a period of up to one year from the date of expiration of the original permit without interest; and one additional extension of one year with interest at the rate in effect under section 549.09 at the time the extension is granted;~~

(10) if all cut timber, equipment, and buildings; are not removed at the end of any 120-day extension period which the commissioner may grant for removal, the commissioner may grant a second period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of a request by the permit holder for hardship reasons only.

The auction sale procedure set forth in this section constitutes an additional alternative timber sale procedure available to the commissioner and is not intended to replace other authority possessed by the commissioner to sell timber in lots of \$15,000 or less.

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Sec. 6. Minnesota Statutes 1992, section 90.151, subdivision 1, is amended to read:

Subdivision 1. (a) 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 the purchaser 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 agent and signed by the purchaser.

(b) The permit shall expire no later than ~~three~~ five years after the date of sale as the commissioner shall specify, and the timber shall be cut within the time specified therein. All cut timber, equipment, and buildings not removed from the land within 90 days after expiration of the permit shall become the property of the state.

(c) The commissioner may grant an additional period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of such request by the permit holder for good and sufficient reasons. No permit shall be issued to any person other than the purchaser in whose name the bid was made.

Sec. 7. Minnesota Statutes 1992, section 90.161, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise provided by law, the purchaser of any state timber, before any timber permit shall become effective for any purpose, shall within ~~90~~ 120 days from the date of purchase give a good and valid bond to the state of Minnesota equal to the value of all timber covered or to be covered by the permit, as shown by the sale price bid ~~therefor~~ and the appraisal report ~~thereof~~ as to quantity, less the amount of any payment pursuant to section 90.14, ~~which~~. The bond shall be conditioned upon the faithful performance by the purchaser and successors in interest of all ~~the~~ terms and conditions of the permit and all requirements of law in respect to ~~such~~ timber sales; ~~and~~. The bond shall be approved in writing by the commissioner and filed for record in the commissioner's office. In the alternative to cash and bond ~~as provided above~~ requirements, but upon the same conditions, a purchaser may post bond for 100 percent of the purchase price and request refund of the amount of any payment pursuant to section 90.14.

Sec. 8. Minnesota Statutes 1992, section 90.161, subdivision 2, is amended to read:

Subd. 2. If ~~such~~ bond is not furnished within ~~90~~ 120 days from the date of purchase, the down payment for ~~such~~ timber shall forfeit to the state, except that the commissioner may grant an extension of time for good and sufficient reason, provided that ~~such~~ any extension of time shall not exceed 30 days.

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Sec. 9. Minnesota Statutes 1992, section 90.191, subdivision 2, is amended to read:

Subd. 2. Upon receipt of payment for the full appraised value, the commissioner may issue a permit to cut ~~such~~ timber within ~~one year~~ two years from the date of sale under ~~such~~ any supervision and provisions ~~as the commissioner shall deem~~ deems advisable. ~~If the purchaser for good and sufficient reason is unable to cut the timber within the one-year period, an extension of time may be granted by the commissioner. Only one extension shall be granted and the extension shall not exceed one year.~~ All cut timber, equipment, and buildings not removed from the land within 90 days after expiration of the permit shall become the property of the state. The commissioner ~~of natural resources~~ may grant an additional period of ~~time~~ not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of ~~such~~ a request by the permit holder for good and sufficient reasons. The commissioner may grant a second period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of ~~such~~ a request by the permit holder for hardship reasons only.

Sec. 10. Minnesota Statutes 1992, section 90.193, is amended to read:

90.193 EXTENSION OF TIMBER PERMITS.

The commissioner may, in the case of an exceptional circumstance beyond the control of the timber permit holder which makes it unreasonable, impractical, and not feasible to complete cutting and removal under the permit within the time allowed, grant an extension of one year ~~in addition to those provided in sections 90.124, 90.151, and 90.194.~~ A request for the extension must be received by the commissioner ~~15 days~~ before the permit expires. The request must state the reason the extension is necessary and be signed by the permit holder. The value of the timber remaining to be cut will be recalculated using current stumpage rates. Any timber cut during the period of extension or remaining uncut at the expiration of the extension shall be billed for at the stumpage rates determined at the time of extension provided that in no event shall stumpage rates be less than those in effect at the time of the original sale. An interest rate of eight percent will be charged as provided in section 90.151 for the period of extension.

Sec. 11. TEMPORARY PROVISION.

Unless a permit specifically prohibits granting of an extension, permits issued before August 1, 1994, shall have the same duration as those issued on or after that date under sections 5, 6, and 9.

Sec. 12. REPEAL.

Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14, are repealed.

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Presented to the governor May 2, 1994

Signed by the governor May 4, 1994, 3:15 p.m.

CHAPTER 552—S.F.No. 2104

An act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 611A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [611A.362] ABUSED CHILD PROGRAM.

Subdivision 1. DEFINITIONS. For the purposes of sections 1 to 4, the following terms have the meanings given.

Subd. 2. ABUSED CHILD. "Abused child" means a child, under the age of 18 years, who has suffered physical, emotional, or mental injury, harmful neglect, sexual abuse or exploitation, or negligent treatment.

Subd. 3. ABUSED CHILDREN SERVICES. "Abused children services" means any service or program designed to provide advocacy, education, prevention, or direct service to or on behalf of abused children, children at risk, and their families.

Subd. 4. COMMISSIONER. "Commissioner" means the commissioner of the department of corrections or a designee.

Sec. 2. [611A.363] GRANTS TO SERVICE PROVIDER PROGRAMS.

Subdivision 1. GRANTS AWARDED. The commissioner shall award grants to programs which provide abused children services. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations.

Subd. 2. APPLICATIONS. Any public or private nonprofit agency may apply to the commissioner for a grant to provide abused children services. The application shall be submitted in a form approved by the commissioner after consultation with the abused children advisory council and shall include:

(1) a proposal for the provision of abused children services to, or on behalf of, abused children, children at risk, and their families;

(2) a proposed budget;

(3) evidence of ability to represent the interests of abused children and their

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