

90.201 **Timber lands; timber sales, when void; refunds.** Any sale of timber made by fraud or mistake or in violation of the provisions of this chapter shall be void, the permit issued thereon shall be of no effect, and the holder shall be required to surrender the same. In case of mistake the amount so paid shall be refunded to the permit holder, or at his request the commissioner may credit the refund as payment upon any other timber purchased by the permit holder. *If timber has been cut on a permit which required cancellation due to error by the state, it may be sold at single stumpage rate without formalities.*

Sec. 2. Minnesota Statutes 1965, Section 90.301, Subdivision 2, is amended to read:

Subd. 2. **Seizure of unlawfully cut timber.** The commissioner shall *may* take possession of any timber hereafter unlawfully cut upon or taken from any land owned by the state wherever found and may sell the same *informally* or at public auction after giving such notice as he deems reasonable and after deducting all the expenses of such sale the proceeds thereof shall be paid into the state treasury to the credit of the proper fund; and when any timber so unlawfully cut has been intermingled with any other timber or property so that it cannot be identified or plainly separated therefrom the commissioner may so seize and sell the whole quantity so intermingled and, in such case, the whole quantity of such timber shall be conclusively presumed to have been *unlawfully taken from state land*. When the timber unlawfully cut or removed from state land is so seized and sold the seizure shall not in any manner relieve the trespasser who cut or removed, or caused the cutting or removal of, any such timber from the full liability imposed by this chapter for the trespass so committed, but the net amount realized from such sale shall be credited on whatever judgment is recovered against such trespasser.

Sec. 3. **Effective date.** *This act is effective July 1, 1967.*

Approved March 1, 1967.

CHAPTER 24—H. F. No. 80

An act relating to forestry; amending certain laws regarding informal sales of timber; amending Minnesota Statutes 1965, Section 90.191, Subdivisions 1, 3, and 4.

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

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

Section 1. Minnesota Statutes 1965, Section 90.191, Subdivision 1, is amended to read:

90.191 Timber lands; informal sales of state timber. Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding \$350 ~~\$500~~ in appraised value, without formalities but for not less than the full appraised value thereof, to any individual. No sale shall be made under this section to any person holding ~~a previous permit~~ two permits issued hereunder which ~~is~~ are still in effect.

Sec. 2. Minnesota Statutes 1965, Section 90.191, Subdivision 3, is amended to read:

Subd. 3. All timber products, except ~~hardwood pulpwood, boughs for decorative purposes and fuelwood as specified by the commissioner of conservation, cut under the provisions of this chapter section,~~ shall be scaled by the surveyor general and the final settlement for the timber cut shall be made on this scale. The purchaser shall dispose of slashings according to law, shall be liable under this chapter in trespass for cutting *timber held in reserve* or unnecessarily injuring any timber not included within the sale made to him under this section, and shall be otherwise subject to all the laws governing the sale and removal of state timber, so far as applicable *except as provided under subdivision 4.*

The permit shall provide that should the commissioner find it advisable to salvage or remove for proper forest management certain unsold timber within the permit area, this timber, with the written consent of the permit holder, may be added at an appraised price to the timber sold.

Sec. 3. Minnesota Statutes 1965, Section 90.191, Subdivision 4, is amended to read:

Subd. 4. The provisions of any law fixing the fees for the sealing of any timber products shall not be applicable to this section. *In lieu of the placing of the marks M I N and the permit number on cut products as prescribed under Minnesota Statutes, 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.*

Sec. 4. **Effective date.** *This act is effective July 1, 1967.*

Approved March 1, 1967.

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