

MINNESOTA STATUTES 1975 SUPPLEMENT

TIMBER LANDS 90.101

CHAPTER 88. DIVISION OF LANDS AND FORESTRY

Sec.
88.063 Acceptance of federal grants.

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[For text of subd 1, see M.S.1974]

Subd. 2. [Repealed, 1975 c 204 s 106]

[For text of subd 3, see M.S.1974]

CHAPTER 90. TIMBER LANDS

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90.02 Citation, statement of policy.
90.101 Timber sold at public auction, maximum
lots of \$7,500.

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90.191 Informal sales of state timber.

90.02 Citation, statement of policy.

This chapter may be cited as the state timber act.

It is the intent and desire of the Minnesota legislature to provide equal opportunity for all segments of our society to participate in the sale process; and attempt to prevent the purchase or acquisition of excessive volumes of the state's timber resources by any one individual or corporation.

The department of natural resources is directed to enact regulations to reach this objective; including provision for sale of all timber species by both the informal and the auction sale method; and maintaining reasonable proportions of volume in each method of sale.

[1975 c 106 s 1]

90.101 Timber sold at public auction, maximum lots of \$7,500.

Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding \$7,500 in appraised value and may determine the 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 to the highest bidder at public auction, and the minimum price shall be the appraised value as fixed by the report of the state appraiser. All sales shall be held in the county in which the tract is located and no sale shall be held in more than one location on any one day.

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 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

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the county auditor for distribution to applicants. The commissioner shall cause a notice to be published for three consecutive weeks in a legal newspaper in the county 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. He may give such other published or posted notice as he deems proper to reach prospective bidders.

[1975 c 106 s 2]

90.151 Permits to cut and remove timber sold at public auction.

Subdivision 1. 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 he 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 his agent and signed by the purchaser. The permit shall expire no later than two 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. 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.

[For text of subds 2 to 12, see M.S.1974]

Subd. 13. The commissioner may grant extensions of timber permits and contracts, whether issued before or after July 1, 1967, for such periods as the commissioner deems advisable, provided that (1) for permits issued on or after May 15, 1975 the total of such extensions shall not exceed three years from the date of the expiration of the original permit, and (2) for permits issued prior to May 15, 1975 the total of such extensions and the original permit term shall not exceed ten years from date of issuance of the permit. All extensions granted pursuant to this subdivision shall be subject to all the provisions of chapter 90. The commissioner shall include in each extension a condition that the purchaser shall pay to the state interest at the rate of six percent of the unpaid purchase price for each year of such extension or portion thereof to the date of the seasonal scale report of products cut as computed on the sale price of the timber cut, or if not cut, upon the official estimate thereof; however, the purchaser is not required to pay interest totaling \$1 or less.

[1975 c 106 s 3,4]

90.172 Annual report.

The commissioner shall file an annual report on or before September 30 of each year with the legislative reference library providing detailed information on all auctions and informal sales made in the previous fiscal year. The report shall include but not be limited to the names and addresses of all purchasers, volumes of timber purchased, species, appraised value and sale price. The commissioner shall make copies of the report available to the public upon request.

[1975 c 106 s 6]

90.191 Informal sales of state timber.

Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding \$1,500 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 two permits issued

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hereunder which are still in effect.

Before issuing a permit or contract under this section the purchaser shall file an affidavit with the commissioner stating under oath, that if the permit is issued the purchaser will not hold more than two permits which are in effect.

[1975 c 106 s 5]

[For text of subds 2 to 4, see M.S.1974]

CHAPTER 92. STATE LANDS; SALES, INVESTMENT OF PROCEEDS

Sec.

92.46 Lands as camp grounds.

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[For text of subds 1 and 1a, see M.S.1974]

Subd. 2. [Repealed, 1975 c 353 s 41]

CHAPTER 94. LANDS, STATE FORESTS

Sec.

94.09 Sale and disposition of surplus state owned land.

94.10 Surveys, appraisals and sale.

94.36 Repealed.

Sec.

94.37 Repealed.

94.38 Repealed.

94.39 Repealed.

94.40 Repealed.

94.09 Sale and disposition of surplus state owned land.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. On or before October 1 of each year, the commissioner of administration shall review the certifications of heads of each department or agency provided for in this section. He shall send written notice to all state departments, agencies and the university of Minnesota describing any lands or tracts which may be declared surplus. If a department or agency or the university of Minnesota desires custody of the lands or tracts, it shall submit a written request to the commissioner, no later than four calendar weeks after mailing of the notice, setting forth in detail its reasons for desiring to acquire, and its intended use of, the land or tract. The commissioner of administration shall then determine whether any of the lands described in the certifications of the heads of the departments or agencies should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the board of regents of the university of Minnesota for educational purposes, provided however that transfer to the board of regents shall not be determinative of tax exemption or immunity. If he determines that any of such lands are no longer needed for state purposes, he shall make findings of fact, describe the lands, declare such lands to be surplus state land, state the reasons for the sale or disposition thereof, and notify the state executive council of such determination.

[1975 c 81 s 5]

[For text of subds 4 to 6, see M.S.1974]

94.10 Surveys, appraisals and sale.