

## CHAPTER 90

### TIMBER LANDS

90.031	Executive council, powers; commissioner, powers.	90.161	Surety bonds for auction timber permits.
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#### 90.031 EXECUTIVE COUNCIL, POWERS; COMMISSIONER, POWERS.

Subd. 3. The commissioner may make settlement for not less than the full value of any timber cut by lessees of state lands holding under section 92.50.

*[For text of subds 4 and 5, see M.S.1986]*

**History:** 1987 c 109 s 4

#### 90.041 COMMISSIONER, POWERS AND DUTIES.

*[For text of subd 1, see M.S.1986]*

Subd. 2. The commissioner may compromise and settle, with the approval of the attorney general, upon terms the commissioner deems just, any claim of the state for casual and involuntary trespass upon state lands or timber; provided that no claim shall be settled for less than the full value of all timber or other materials taken in casual trespass or the full amount of all actual damage or loss suffered by the state as a result. The commissioner shall advise the executive council of any information acquired by the commissioner concerning any trespass on state lands, giving all details and names of witnesses and all compromises and settlements made under this subdivision.

*[For text of subds 3 and 4, see M.S.1986]*

**History:** 1987 c 109 s 5

#### 90.101 TIMBER SOLD AT PUBLIC AUCTION, MAXIMUM LOTS OF \$20,000.

Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding \$20,000 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 (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 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 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.

*[For text of subd 2, see M.S.1986]*

**History:** 1987 c 109 s 6

#### 90.14 AUCTION SALE PROCEDURE.

All state timber shall be offered and sold by the same unit of measurement as it was appraised. The sale shall be made to the party who (1) shall bid the highest price for all the several kinds of timber as advertised, or (2) if unsold at public auction, to the party who purchases at any sale authorized under section 90.101, subdivision 1. The purchaser at any sale of timber shall, immediately upon the approval of the bid,

or, if unsold at public auction, at the time of purchase at a subsequent sale under section 90.101, subdivision 1, pay to the commissioner 25 percent of the appraised value. In case any purchaser fails to make such payment, the purchaser shall be liable therefor to the state in a civil action, and the commissioner may reoffer the timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

**History:** 1987 c 109 s 7

#### **90.151 PERMITS TO CUT AND REMOVE TIMBER SOLD AT PUBLIC AUCTION.**

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 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.

*[For text of subs 2 to 12, see M.S.1986]*

Subd. 13. **Permit extensions.** (a) The commissioner may grant extensions of timber permits and contracts for periods as the commissioner deems advisable, provided that:

(1) for permits issued on or after May 15, 1975, and before June 13, 1987, the total of the extensions shall not exceed three years from the date of the expiration of the original permit; and

(2) for permits issued on or after June 13, 1987, the permit may not be extended more than two one-year periods.

(b) All extensions granted pursuant to this subdivision shall be subject to all the provisions of this chapter.

Subd. 14. **Interest on extensions.** (a) The commissioner shall include in each extension a condition that the purchaser shall pay to the state interest at the rate of:

(1) eight percent of the unpaid purchase price for each year of extension for an extension granted under subdivision 13, paragraph (a), clause (1); and

(2) five percent the first year of extension and 15 percent the second year of extension for an extension granted under subdivision 13, paragraph (a), clause (2).

(b) The interest shall be calculated from the beginning of the extension period to the date of the seasonal scale report of products cut and computed on:

(1) the sale price of the timber cut; or

(2) if not cut, upon the official estimate of the merchantable timber not utilized under the permit.

(c) A purchaser is not required to pay interest totaling \$1 or less.

**History:** 1987 c 109 s 8,9

#### **90.161 SURETY BONDS FOR AUCTION TIMBER PERMITS.**

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 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 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 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, 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.

*[For text of subds 2 and 3, see M.S.1986]*

**History:** 1987 c 109 s 10

#### **90.173 PURCHASER'S OR ASSIGNEE'S CASH DEPOSIT IN LIEU OF BOND.**

In lieu of filing the bond required by section 90.161 or 90.171, as security for the issuance or assignment of a timber permit the person required to file the bond may deposit with the state treasurer cash, a certified check, a cashier's check, a personal check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit, in the same amount as would be required for a bond. If securities listed in this section are deposited, the par value of the securities shall be not less than the amount required for the timber sale bond, and the person required to file the timber sale bond shall submit an agreement authorizing the commissioner to sell or otherwise take possession of the security in the event of default under the timber sale. All of the conditions of the timber sale bond shall equally apply to the deposit with the state treasurer. In the event of a default the state may take from the deposit the sum of money to which it is entitled; the remainder, if any, shall be returned to the person making the deposit and shall bear interest at the rate determined pursuant to section 549.09 if not returned within 30 days from the date of the default. Sums of money as may be required by the state treasurer to carry out the terms and provisions of this section are appropriated from the general fund to the state treasurer for these purposes. When cash is deposited for a bond, it shall be applied to the amount due when a statement is prepared and transmitted to the permit holder pursuant to section 90.181. Any balance due to the state shall be shown on the statement and shall be paid as provided in section 90.181. Any amount of the deposit in excess of the amount determined to be due pursuant to section 90.181 shall be returned to the permit holder when a final statement is transmitted pursuant to that section. All or part of a cash bond may be withheld from application to an amount due on a nonfinal statement if it appears that the total amount due on the permit will exceed the bid price.

**History:** 1987 c 109 s 11

#### **90.301 TIMBER TRESPASS ON STATE LANDS; UNLAWFUL POSSESSION AND SALE; REWARDS; RECORDS.**

*[For text of subds 1 to 5, see M.S.1986]*

**Subd. 6. Ticket for theft violations.** The commissioner may design and issue a ticket in the form, and having the effect, of a summons and complaint, for use in cases of theft of state timber or other state property, where the value of the property is within the limits established by section 609.52, subdivision 3, clause (7). The ticket shall provide for the name and address of the person charged with the violation, the offense charged, the time and place the person is to appear before a court, and any other necessary information.

**History:** 1987 c 254 s 5