

## CHAPTER 90

### TIMBER LANDS

90.031	Executive council, powers; commissioner, powers.	90.121	Intermediate auction sales; maximum lots of \$15,000.
90.041	Commissioner, powers and duties.	90.201	Void timber sales; refunds; adjustment of sale terms.
90.101	Timber sold at public auction, maximum lots of \$50,000.		

#### 90.031 EXECUTIVE COUNCIL, POWERS; COMMISSIONER, POWERS.

*[For text of subd 3, see M.S.1992]*

Subd. 4. The executive council may formulate and establish, from time to time, rules it deems advisable for the transaction of timber business of the state, including approval of the sale of timber on any tract in a lot exceeding \$50,000 when the sale is in the best interests of the state, and may abrogate, modify, or suspend rules at its pleasure.

*[For text of subd 5, see M.S.1992]*

**History:** 1993 c 172 s 43

#### 90.041 COMMISSIONER, POWERS AND DUTIES.

*[For text of subs 1 to 5, see M.S.1992]*

Subd. 6. The commissioner may sell at public auction timber that has been damaged by fire, windstorm, flood, or other natural cause on notice that the commissioner considers reasonable when there is a high risk that the salvage value of the timber would be lost.

**History:** 1993 c 172 s 44

#### 90.101 TIMBER SOLD AT PUBLIC AUCTION, MAXIMUM LOTS OF \$50,000.

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 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. In adjoining counties, sales may not be held less than two hours apart.

*[For text of subd 2, see M.S.1992]*

**History:** 1993 c 172 s 45

#### 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:

(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;

(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 for a period of 90 days 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 after the date of sale, whichever is earlier;

(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 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.

**History:** 1993 c 172 s 46

## **90.201 VOID TIMBER SALES; REFUNDS; ADJUSTMENT OF SALE TERMS.**

*[For text of subds 1 to 3, see M.S.1992]*

Subd. 4. When standing timber under a valid permit is damaged through fire, windstorm, flood, or other natural cause, the commissioner may reappraise the timber and modify the permit. The commissioner shall ensure that the reappraisal is in the best interest of the state and the trust.

**History:** 1993 c 172 s 47