

CHAPTER 223—H. F. No. 567

[Coded in Part]

An act relating to forestry and the administration of state forests; amending Minnesota Statutes 1957, Sections 89.01, 89.015, 89.03, 89.031, 89.032, 89.033, 89.034, 89.035, 89.17 as amended, 89.18, and 89.19; repealing Minnesota Statutes 1957, Sections 89.037, 89.038, 89.12, 89.13, 89.14, 89.15, 89.16, 89.29 and 89.30.

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

Section 1. [89.001] **Definitions.** *Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following terms for the purpose of Minnesota Statutes, Chapter 89, shall have the meanings ascribed to them.*

Subd. 2. "Department" means the department of conservation of the State of Minnesota.

Subd. 3. "Commissioner" means the commissioner of conservation or his agent.

Subd. 4. "Forest land" means land which is at least ten percent stocked by trees of any size and capable of producing timber, or of exerting an influence on the climate or on the water regime; land from which the trees described above have been removed to less than ten percent stocking and which has not been developed for other use; and afforested areas.

Subd. 5. "Timber" means trees that will produce forest products of value, whether standing or down, and including but not limited to logs, bolts, pulpwood, posts, poles, cordwood, lumber and decorative material.

Subd. 6. "State forest lands" means all lands and waters owned by the state within state forests, including all lands set apart under the Constitution of the State of Minnesota, Article VIII, Section 7, and laws enacted pursuant thereto, but excepting lands acquired by the state for other specific purposes or tax-forfeited lands held in trust for the taxing districts unless incorporated into state forests as otherwise provided by law.

Subd. 7. "Reproduction" means young stands of commercial tree species ranging from one foot high to 4.9 inches

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diameter at 4-1/2 feet above the ground and at least 10 percent stocked.

Sec. 2. Minnesota Statutes 1957, Section 89.01, is amended to read:

89.01 Commissioner, powers and duties. *Subdivision 1.* The director shall have the management of the state forests and of all other property acquired therefor, supervise all matters of forest protection and reforestation and have charge of all moneys appropriated therefor or accruing therefrom, including the state forest fund and the forest service fund. ~~He~~ *The commissioner* shall ascertain and observe the best methods of reforesting cut-over and denuded lands, foresting waste and prairie lands, preventing destruction of forests and lands by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the head waters of streams and on the watersheds of the state, and shall collect information regarding the timber lands owned by the state. Biennially, ~~on or before the first Monday in December, of every even numbered year, the director shall report his doings, conclusions, and recommendations, and any damage caused by forest and prairie fires and any trespassing upon state lands to the governor, which report shall be printed and distributed to the members of the legislature and otherwise as he may direct.~~

The director shall be allowed necessary traveling and field expenses incurred in the conduct of his official duties. The director is hereby authorized, subject to the provisions of laws 1939, chapter 441, to employ such office assistants as may be necessary and to fix their compensation. The director may appoint an assistant forester and such other employees, outside of the office assistants, as may be necessary in carrying out the provisions of chapters 88 to 91 and, subject to the provisions of laws 1939, chapter 441, fix the amount of their compensation and remove any subordinate officers and employees so appointed by him. The director shall purchase all necessary equipment, instruments, and field supplies. A full and accurate account of all receipts and expenditures incurred in the carrying out of the provisions of chapters 88 to 91, with such vouchers and forms as may be approved by the public examiner, shall be kept in a system of books prescribed by the public examiner.

Subd. 2. The director ~~commissioner~~ shall execute all rules and regulations pertaining to forestry and forest pro-

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tection within the jurisdiction of the state; have charge of the work of protecting all forests and lands from fire; shall investigate the origin of all forest fires; and prosecute all violators of ~~chapters 88 to 91;~~ *as provided by law*; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules and regulations as may be formulated.

The ~~director~~ *commissioner* shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places, and shall furnish same to the railroad companies, whose duty it shall be to post them in such places as the ~~director~~ may direct.

The ~~director~~ shall become familiar with the location and area of all state timber and cut over lands and prepare maps of state forests and each of the timbered counties showing the state lands therein, and shall supply such maps to the district rangers, to the officials of the state, and to counties requiring them; and, in all ways that are practical and feasible, shall protect such lands from fire and the illegal cutting of timber; he shall report to the ~~commissioner~~, from time to time, such information as may be of benefit to the state in the care and management of its timber. It shall be his duty to inquire into the extent, kind, value, and condition of all timber lands; the amount of acres and value of timber that is cut or burned; and he shall also report the quantity and species of second growth timber and shall, not later than the first of December, of each year, make a written report to the ~~commissioner~~ upon all such data ascertained by him; and shall recommend therein plans for improving the state system of forest protection, management, and reforestation.

Subd. 3. Damage by fire occurring to state timber, *reproduction* or lands, when coming to the knowledge of the ~~director~~ or his employees *commissioner*, shall be promptly reported to the attorney general, who, at his discretion, may either enforce collection of such demands directly or may employ private attorneys therefor on such terms, not contingent, as he deems for the best interests of the state. The amount so collected, after deducting therefrom the fees of such attorneys, if any, and other necessary expenses incurred in investigation, preparation for trial, and trial, shall be paid into the state treasury and credited to the fund that would have been entitled to receive the sale price of the lands, *reproduction* or timber if sold; or, if there be no such fund, then such money shall be credited to the general revenue

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fund. The attorney general, either in or out of court, may compromise and settle state claims for fire damage to state lands, *reproduction*, or timber, on such terms as he deems for the best interests of the state.

Subd. 4. The ~~director~~ *commissioner* shall cooperate with the several departments of the state and federal governments and with counties, towns, corporations, or individuals in the preparation of plans for forest protection, management, replacement of trees, wood lots, and timber tracts, using his influence as time will permit toward the establishment of scientific forestry principles in the management, protection, and promotion of the forest resources of the state.

~~When any tract or tracts of land that have been included in areas set apart as state forests are found to be more valuable for the production of farm crops than for forestry purposes; the director shall recommend to the commissioner that the same be eliminated from the state forests; and the commissioner may adopt or otherwise approve such recommendation; whereupon such lands shall be subject to sale the same as other lands not reserved.~~

Subd. 5. *When any tract or tracts of land that are included in areas set apart as state forests are found to be more valuable for agriculture than for forestry or other conservation purposes, the commissioner by written order may eliminate such lands from state forest whereupon such lands shall be subject to sale the same as other lands not reserved.*

Subd. 6. *When any state lands not reserved or set aside are found by the ~~director~~ commissioner to be more valuable for the production of timber than for agriculture he may recommend to the commissioner that such lands be reserved and set aside for forestry purposes; and the commissioner may adopt or otherwise approve the recommendation; whereupon by written order designate such lands shall become a part of the as state forests forest subject to the approval of the state legislature at its next regular session.*

Sec. 3. Minnesota Statutes 1957, Section 89.015, is amended to read:

89.015 **Southern Minnesota tree species, research.** *Research shall be initiated carried on by the University of Minnesota School of Forestry in cooperation with the Division of Forestry of the Department of Conservation, Lake States Forest Experiment Station of the United States Forest Service, individual timber land owners and others directly*

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concerned on such valuable southern Minnesota farm woodland tree species as basswood, red elm, rock elm, red and white oak, black walnut, *black cherry*, butternut and green ash to develop means of increasing the contribution of the large acreage of farm woodlands to the agricultural economy. The research effort will be concentrated on such important problems as means of reproducing basswood, development of planting stock, selection of superior strains of these species, methods of field planting, management of existing stands, and methods of increasing the representation of these species in woodlands and forests in need of rehabilitation because of past damage from high-grading, burning, and grazing. The research shall be carried on by the University of Minnesota School of Forestry in cooperation with the Division of Forestry, Minnesota Department of Conservation, Lake States Forest Experiment Station, individual timber land owners, and others directly concerned with this problem.

Sec. 4. Minnesota Statutes 1957, Section 89.03, is amended to read:

89.03 Advancement of education. *The director commissioner* may advance, *as he deems wise*, education in forestry within the state by publications and lectures, and upon the invitation of the director of the college *School of forestry Forestry* of the University of Minnesota may cooperate with the college school, *as far as his time will permit*, and the college school shall furnish such aid to him as, in the circumstances, is consistent with its own proper functions.

Sec. 5. Minnesota Statutes 1957, Section 89.031, is amended to read:

89.031 Management and control. *The lands described in section 89.021* All state forest lands shall be under the management and control of the commissioner of conservation who shall have *and is hereby given full power and authority* to make, establish, promulgate and enforce all necessary rules and regulations not inconsistent with the laws of the state for the care and management of state forests *forest lands. and fire prevention*, and he is hereby authorized to lease for income or for protection, meadow and pasture lands where such use will not interfere with the growth of forest trees, may sell dead and down and mature timber and other timber where the public interests will be subserved thereby, any may issue special use permits and enter into agreements in the furtherance of the general management and maintenance of such state forests.

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Sec. 6. Minnesota Statutes 1957, Section 89.032, is amended to read:

89.032 **Acquisition of land.** Subdivision 1. The commissioner of conservation is hereby authorized and empowered to *may acquire administrative sites or rights of way* by eminent domain, in the manner provided in ~~chapter 117~~ *by law*, or by purchase, ~~or accept as a gift~~ any lands or interest in lands in the state forests ~~herein as created by law~~, which he shall deem necessary for state ownership, use, and development; ~~and may acquire any such lands or interests in lands subject to mineral reservations.~~

Subd. 2. The commissioner may acquire lands or interest in lands for state forest purposes subject to mineral reservations.

~~Subd. 2.~~ *Subd. 3.* The commissioner of conservation may lease any land which he shall deem necessary for use for buildings, lookout towers, or other facilities for forestry purposes for such period as he shall deem necessary.

Sec. 7. Minnesota Statutes 1957, Section 89.033, is amended to read:

89.033 **Gifts.** The commissioner of conservation is hereby authorized and empowered to *may accept* for and in behalf of the state, any gift, bequest, devise, or grant of land or interest in lands in any state forests, or of money or personal property of any kind, which he may deem suitable for use in connection with the operation, control, development, or use of any state forest.

Sec. 8. Minnesota Statutes 1957, Section 89.034, is amended to read:

89.034 **Tax-forfeited lands, inclusion in state forests.** Whenever the board of county commissioners, by resolution duly adopted, resolves that any lands, forfeited for non-payment of taxes, lying within the boundaries of any of the forests hereinabove designated, or that certain tax-forfeited land lying outside of such boundaries and classified as conservation lands are suitable primarily for the growing of timber and timber products and ~~said lands outside of the above state forests~~ *comprise 50 percent or more of the lands within any given area*, it may submit such resolution to the commissioner of conservation for the purpose of ~~establishing a state forest or of adding said lands to any of the state forests designated in section 89.021.~~ If, upon investigation,

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the commissioner of ~~conservation~~ determines that the lands covered by such resolution can best be managed and developed as state forest lands or as a portion of an existing state forest, he shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the state as state forest lands. The commissioner shall transmit the certificate to the county auditor, who shall note the same upon his records and record the same with the register of deeds. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts, and such lands shall thereafter be managed and devoted to the purposes of state forest lands in the same manner as lands hereinabove set apart as state forest lands, and subject to all the provisions of ~~laws 1942, Chapter 171. law.~~

Sec. 9. Minnesota Statutes 1957, Section 89.035, is amended to read:

89.035 Income from state forest lands, disposition. All income which may be received from lands acquired by the state within any area which has been designated or shall hereafter be designated by the Legislature or the commissioner of conservation as state forests *heretofore or hereafter for state forest purposes excepting university, school, and swamp lands; lands acquired under the system of rural credits; state forest lands included within the game preserve established by Laws 1929, Chapter 258; lands acquired under authority of Laws 1931, Chapter 407, and Laws 1933, Chapter 402; and lands accepted by Laws 1905, Chapter 83, by gift, purchase or eminent domain and tax-forfeited lands to which the county has relinquished its equity to the state for state forest purposes* shall be paid into the state treasury and credited to a fund designated as the state forest fund; *except where the conveyance to and acceptance by the state of lands for state forest purposes provides for other disposition of receipts.*

Sec. 10. Minnesota Statutes 1957, Section 89.17, as amended by Laws 1959, Chapter 473, Section 1, is amended to read:

89.17 Leases and permits. The director, with the approval of the commissioner, shall have power to grant and execute, in the name of the state, leases and permits for the use of any state forest lands for any purpose which in his opinion is not inconsistent with the maintenance and management of the state forest in which the land is situated, on forestry principles for timber production. Every such lease

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or permit shall be revocable at his discretion at any time subject to such conditions as may be agreed on in the lease. The approval of the commissioner of administration shall not be required upon any such lease or permit. No such lease or permit for a period exceeding ten years shall be granted except with the approval of the executive council; ~~provided that leases for the removal of peat may be granted for a period of not exceeding 25 years with the approval of the executive council.~~

Sec. 11. Minnesota Statutes 1957, Section 89.18, is amended to read:

89.18 Roads through state forests, permits. No public highway, other than a state trunk highway, shall be established or laid out through any state forest as the same shall be created and withdrawn from public sale and entry by existing or subsequent act, without the consent of the ~~director~~ *commissioner*, certified by him in writing to the public authority having power to establish or lay out such highway. In any judicial proceeding affecting the laying out of a highway, the court may either sustain or reverse the action of the ~~director~~ *commissioner* as the court, in its discretion, may deem proper. The limitations and restrictions provided in this section shall not apply to state-owned lands which have not been expressly withdrawn from sale and created and reserved as state forests. No state forest lands or right or easement therein shall be taken by eminent domain for any purpose without the consent of the ~~director~~ *commissioner*, certified by him in writing to the authority or corporation exercising such right of eminent domain.

Sec. 12. Minnesota Statutes 1957, Section 89.19, is amended to read:

89.19 Rules and regulations. The ~~director~~ *commissioner* shall have power to prescribe such rules and regulations governing the use of ~~the state forest lands forests~~, or any part thereof, by the public or governing the exercising by holders of leases or permits upon state forests lands of all their rights under such leases or permits as may be necessary to carry out the purposes of ~~sections 89.14 to 89.16 and 89.17 to 89.19~~ *this chapter*.

Sec. 13. [89.20] **Posted land, trespass.** *Camping on posted state forest land or the erection of any type of building without written authorization shall be considered trespass. Any violation of the terms of this section shall*

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constitute a misdemeanor. This does not prohibit temporary camping on unrestricted areas for such purposes as hunting, fishing, berry picking, or other similar uses of state forest land.

Sec. 14. *Minnesota Statutes 1957, Sections 89.037, 89.038, 89.12, 89.13, 89.14, 89.15, 89.16, 89.29 and 89.30 are repealed.*

Sec. 15. *This act shall not be construed as repealing any acts relating to forestry other than herein expressly repealed but shall be deemed and construed as supplementary thereto.*

Approved April 8, 1961.

CHAPTER 224—H. F. No. 1213

[Not Coded]

An act authorizing the governor and the state auditor to execute a perpetual easement to the city of Faribault for certain purposes in certain lands in Rice county.

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

Section 1. **Faribault, easement from state.** The governor and the state auditor of the state of Minnesota are hereby authorized and directed to convey by proper instrument in a form approved by the attorney general a perpetual easement to the city of Faribault in certain real estate situated in Rice county, Minnesota, described as follows:

The north 33 feet of the south one half of the southwest quarter of the southeast quarter and the north 33 feet of the south one half of the southeast quarter of the southeast quarter of section 32, township 110 north, range 20 west of the 5th Principal Meridian.

Sec. 2. The conveyance of said easement shall be made to the city of Faribault without any consideration whatever, for road and street purposes.

Approved April 8, 1961.

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