

## CHAPTER 90

### TIMBER LANDS

<p>90.01 Definitions.  90.041 Commissioner powers and duties.  90.042 Public involvement process.  90.101 Timber sold at public auction.  90.121 Intermediate auction sales; maximum lots of 3,000 cords.  90.172 Annual reports.</p>	<p>90.173 Purchaser's or assignee's cash deposit in lieu of bond.  90.195 Special use permit.  90.211 Purchase money, when forfeited.  90.301 Timber trespass on state lands; unlawful possession and sale; rewards; records.</p>
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#### 90.01 DEFINITIONS.

*[For text of subs 1 to 8, see M.S.2004]*

Subd. 9. [Repealed, 2005 c 141 s 14]

*[For text of subd 10, see M.S.2004]*

Subd. 11. **Effective permit.** "Effective permit" means a permit for which the commissioner has on file full or partial surety as required by section 90.161, 90.162, 90.163, or 90.173 or, in the case of permits issued according to section 90.191 or 90.195, the commissioner has received a down payment equal to the full appraised value.

Subd. 12. **Responsible bidder.** "Responsible bidder" means a person who is financially responsible; demonstrates the judgment, skill, ability, capacity, and integrity requisite and necessary to perform according to the terms of a permit issued under this chapter; and is not currently debarred by another government entity for any cause.

**History:** 2005 c 141 s 2,3

#### 90.041 COMMISSIONER POWERS AND DUTIES.

*[For text of subs 1 and 2, see M.S.2004]*

Subd. 3. [Repealed, 2005 c 141 s 14]

Subd. 4. [Repealed, 2005 c 141 s 14]

Subd. 5. **Forest improvement contracts.** The commissioner may contract as part of the timber sale with the purchaser of state timber at either informal or auction sale for the following forest improvement work to be done on the land included within the sale area: preparation of the site for seeding or planting of seedlings or trees, seeding or planting of seedlings or trees, and other activities relating to forest regeneration. A contract issued under this subdivision is not subject to the competitive bidding provisions of chapter 16C and is exempt from the contract approval provisions of section 16C.05, subdivision 2.

*[For text of subs 6 and 7, see M.S.2004]*

**History:** 2005 c 141 s 4

#### 90.042 PUBLIC INVOLVEMENT PROCESS.

Subdivision 1. **Report to legislature.** By July 1 each year, the commissioner must provide a complete description of the public involvement process for timber harvest plans to the chairs of the legislative committees with jurisdiction over natural resources policy and finance. The process must provide public notice and public input in affected areas of proposed annual harvest plans.

Subd. 2. **Public meetings.** By May 1 each year, the commissioner shall hold one or more public meetings in the forested area of the state to inform the public of the manner in which the proposed annual harvest plan for the next fiscal year is proposed to be allocated between informal, intermediate, and regular auction sales. The public

shall be afforded an opportunity to provide written and oral comments concerning the proposed allocation.

**History:** 2005 c 141 s 5

#### 90.101 TIMBER SOLD AT PUBLIC AUCTION.

*[For text of subd 1, see M.S.2004]*

Subd. 2. **Sale list and notice.** 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 estimated quantity of timber and of the appraised price of each kind of timber thereon as shown by the report of the state appraiser. No description shall be added after the list is posted and no timber shall be sold from land not described in the list. Copies of the list shall be furnished to all interested applicants. A copy of the list shall be conspicuously posted in the forest office or other public facility most accessible to potential bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to be published once not less than one week before the date of sale in a legal newspaper in the county or counties 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. The commissioner may give other published or posted notice as the commissioner deems proper to reach prospective bidders.

**History:** 2005 c 141 s 6

#### 90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000 CORDS.

(a) The commissioner may sell the timber on any tract of state land in lots not exceeding 3,000 cords in volume, 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) the commissioner shall offer all tracts authorized for sale by this section separately from the sale of tracts of state timber made pursuant to section 90.101;

(2) 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 at public auction may be offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible under this section at the appraised value; and

(3) no sale may be made to a person having more than 20 employees. For the purposes of this clause, "employee" means an individual working for salary or wages on a full-time or part-time basis.

(b) 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 3,000 cords or less.

**History:** 2005 c 141 s 7

#### 90.172 ANNUAL REPORTS.

Subdivision 1. **Report to legislature.** 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.

Subd. 2. **Report to Executive Council.** The commissioner shall report on or before September 30 of each year or more frequently, as required, to the state Executive Council concerning the status of the state timber sales and timber management

program, including any special problems or changes occurring since the previous report.

**History:** 2005 c 141 s 8

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

(a) 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 commissioner cash; a certified check; a cashier's check; a personal check; a postal, bank, or express money order; or an irrevocable bank letter of credit in the same amount as would be required for a bond. All of the conditions of the timber sale bond shall equally apply to the alternatives in lieu of bond. 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. 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.

(b) If an irrevocable bank letter of credit is provided as security under paragraph (a), at the written request of the permittee the state shall annually allow the amount of the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the state has received payment under the timber permit. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than the value of the timber remaining to be harvested under the timber permit.

(c) If cash; a certified check; a cashier's check; a personal check; or a postal, bank, or express money order is provided as security under paragraph (a) and no cutting of state timber has taken place on the permit, the commissioner may credit the security provided, less any deposit required by sections 90.14 and 90.163, to any other permit to which the permit holder requests in writing that it be credited.

**History:** 2005 c 141 s 9

### **90.195 SPECIAL USE PERMIT.**

The commissioner may issue a permit to salvage or cut not to exceed 12 cords of fuelwood per year for personal use from either or both of the following sources: (1) dead, down, and diseased trees; (2) other trees that are of negative value under good forest management practices. The permits may be issued for a period not to exceed one year. The commissioner shall charge a fee for the permit that shall cover the commissioner's cost of issuing the permit and shall not exceed the current market value of fuelwood of similar species, grade, and volume that is being sold in the area where the salvage or cutting is authorized under the permit.

**History:** 1Sp2005 c 1 art 2 s 74

### **90.211 PURCHASE MONEY, WHEN FORFEITED.**

If the holder of an effective permit fails to cut any part thereof before the expiration of the permit, the permit holder shall nevertheless pay the price therefor; but under no circumstances shall timber be cut after the expiration of the permit or extension thereof.

**History:** 2005 c 141 s 10

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

*[For text of subds 1 to 3, see M.S.2004]*

Subd. 4. **Apprehension of trespassers; reward.** The commissioner may offer a reward to be paid to a person giving to the proper authorities any information that leads to the conviction of a person violating this chapter. The reward is limited to the greater of \$100 or ten percent of the single stumpage value of any timber unlawfully cut or removed. The commissioner shall pay the reward from funds appropriated for that purpose or from receipts from the sale of state timber. A reward shall not be paid to salaried forest officers, conservation officers, or licensed peace officers.

*[For text of subds 5 and 6, see M.S.2004]*

**History:** 2005 c 141 s 11