

commissioner by regulation. Permits for more than the minimum amount but less than an intermediate amount to be specified by the commissioner by regulation shall be processed and approved at the municipal, county, or regional level based on regulations to be established by the commissioner by January 1, 1977. The regulations shall include provisions for reporting to the commissioner the amounts of water appropriated pursuant to local permits.

**Nothing in this section shall be construed to apply to the use of water for domestic purposes serving at any time less than 25 persons; and nothing in this subdivision shall apply to any beneficial uses and rights, outside the geographical limits of any municipality, in existence on July 1, 1937, or to any beneficial uses and rights, within the geographical limits of any municipality, in existence on July 1, 1950.**

Sec. 2. This act is effective the day following its final enactment.

Approved May 14, 1975.

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#### CHAPTER 106—S.F.No.451

[Coded in Part]

*An act relating to natural resources; raising limitations on values of timber which may be sold by informal sale; reducing the value of timber which may be sold at auction; altering certain sale procedures; amending Minnesota Statutes 1974, Chapter 90, by adding a section; Sections 90.02; 90.101; 90.151, Subdivisions 1 and 13; and 90.191, Subdivision 1; repealing Minnesota Statutes 1974, Section 9.051.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 90.02, is amended to read:

**90.02 NATURAL RESOURCES; TIMBER SALES; 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.

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Sec. 2. Minnesota Statutes 1974, Section 90.101, is amended to read:

**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 ~~\$15,000~~ \$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 the county auditor for distribution to applicants. The commissioner shall cause ~~the list~~ 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.

~~Subd. 3. There can be a maximum of three such sales as authorized by this section in any one year in any one county.~~

Sec. 3. Minnesota Statutes 1974, Section 90.151, Subdivision 1, is amended to read:

**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, ac-

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ording 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 ~~cover one or more logging seasons- 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.

Sec. 4. Minnesota Statutes 1974, Section 90.151, Subdivision 13, is amended to read:

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, ~~not to provided that exceed a total of ten years from date of issuance; but otherwise-~~ (1) for permits issued on or after the effective date of this act 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 the effective date of this act 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.

Sec. 5. Minnesota Statutes 1974, Section 90.191, Subdivision 1, is amended to read:

**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 ~~\$500-\$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 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.

Sec. 6. Minnesota Statutes 1974, Chapter 90, is amended by adding a section to read:

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**[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.

Sec. 7. Minnesota Statutes 1974, Section 9.051, is repealed.

Sec. 8. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved May 14, 1975.

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#### CHAPTER 107—S.F.No.452

*An act relating to game and fish; affording protection to turtles and regulating the taking thereof; amending Minnesota Statutes 1974, Sections 97.40, Subdivision 11; 98.46, Subdivision 5; and 101.45.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Minnesota Statutes 1974, Section 97.40, Subdivision 11, is amended to read:

Subd. 11. **GAME AND FISH; TURTLES, POSSESSION AND SALE RESTRICTIONS.** "Rough fish" includes carp, buffalofish, perch, suckers, redhorse, sheepshead, dogfish, eelpout, tullibeas, garfish, goldeyes, and bullheads and turtles .

Sec. 2. Minnesota Statutes 1974, Section 98.46, Subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, \$3;

(2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and \$6 for each fish house or dark house rented or offered for hire. Each such fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance.

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