

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1329**

03/02/2015 Authored by McNamara

The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy

03/16/2015 Adoption of Report: Amended and re-referred to the Committee on Environment and Natural Resources Policy and Finance

03/23/2015 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act
 1.2 relating to natural resources; modifying invasive species provisions; modifying
 1.3 state parks and trails provisions; modifying requirements for fire training;
 1.4 modifying auxiliary forest provisions; modifying forest bough account;
 1.5 modifying recreational vehicle provisions; providing for review of certain
 1.6 grant-in-aid applications; modifying authority to issue water use permits;
 1.7 amending Minnesota Statutes 2014, sections 84.788, subdivision 5, by adding a
 1.8 subdivision; 84.84; 84.92, subdivisions 8, 9, 10; 84.922, subdivision 4; 84.9256,
 1.9 subdivision 1; 84.928, subdivision 1; 84D.01, subdivisions 13, 15, 17, 18;
 1.10 84D.03, subdivision 3; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision
 1.11 1; 84D.12, subdivisions 1, 3; 84D.15, subdivision 3; 85.015, subdivision
 1.12 28, by adding a subdivision; 85.054, subdivision 12; 88.17, subdivision 3;
 1.13 88.49, subdivisions 3, 4, 5, 6, 7, 8, 9, 11; 88.491, subdivision 2; 88.50; 88.51,
 1.14 subdivisions 1, 3; 88.52, subdivisions 2, 3, 4, 5, 6; 88.523; 88.53, subdivisions 1,
 1.15 2; 88.6435, subdivision 4; 103G.271, subdivisions 5, 6a; 282.011, subdivision 3;
 1.16 proposing coding for new law in Minnesota Statutes, chapters 84; 85; repealing
 1.17 Minnesota Statutes 2014, sections 88.47; 88.48; 88.49, subdivisions 1, 2, 10;
 1.18 88.491, subdivision 1; 88.51, subdivision 2; 282.013.

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

1.20 Section 1. Minnesota Statutes 2014, section 84.788, subdivision 5, is amended to read:

1.21 Subd. 5. **Report of ownership transfers; fee.** ~~A person who sells or transfers~~ (a)
 1.22 Application for transfer of ownership of an off-highway motorcycle registered under
 1.23 this section shall report the sale or transfer must be made to the commissioner within
 1.24 15 days of the date of transfer.

1.25 (b) An application for transfer must be executed by the registered owner and the
 1.26 buyer on a form prescribed by the commissioner with the owner's registration certificate,
 1.27 purchaser using a bill of sale, and a \$4 fee that includes the vehicle serial number.

1.28 (c) The purchaser is subject to the penalties imposed by section 84.774 if the
 1.29 purchaser fails to apply for transfer of ownership as provided under this subdivision.

2.1 **EFFECTIVE DATE.** This section is effective January 1, 2016.

2.2 Sec. 2. Minnesota Statutes 2014, section 84.788, is amended by adding a subdivision
2.3 to read:

2.4 Subd. 5a. **Report of registration transfers.** (a) Application for transfer of
2.5 registration under this section must be made to the commissioner within 15 days of the
2.6 date of transfer.

2.7 (b) An application for transfer must be executed by the registered owner and the
2.8 purchaser using a bill of sale that includes the vehicle serial number.

2.9 (c) The purchaser is subject to the penalties imposed by section 84.774 if the
2.10 purchaser fails to apply for transfer of registration as provided under this subdivision.

2.11 **EFFECTIVE DATE.** This section is effective January 1, 2016.

2.12 Sec. 3. **[84.8031] GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

2.13 The commissioner must review an off-road vehicle grant-in-aid application and, if
2.14 approved, commence public review of the application within 60 days after the application
2.15 has been locally approved and submitted to an area parks and trails office. If the
2.16 commissioner fails to approve or deny the application within 60 days after submission,
2.17 the application is deemed approved and the commissioner must provide for a 30-day
2.18 public review period.

2.19 Sec. 4. Minnesota Statutes 2014, section 84.84, is amended to read:

2.20 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

2.21 (a) Within 15 days after the transfer of ownership, or any part thereof, other than a
2.22 security interest, or the destruction or abandonment of any snowmobile, written notice
2.23 thereof of the transfer or destruction or abandonment shall be given to the commissioner
2.24 in such form as the commissioner shall prescribe.

2.25 (b) An application for transfer must be executed by the registered owner and the
2.26 purchaser using a bill of sale that includes the vehicle serial number.

2.27 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser
2.28 fails to apply for transfer of ownership as provided under this subdivision. Every owner
2.29 or part owner of a snowmobile shall, upon failure to give such notice of destruction or
2.30 abandonment, be subject to the penalties imposed by ~~Laws 1967, chapter 876~~ section 84.88.

2.31 **EFFECTIVE DATE.** This section is effective July 1, 2016.

3.1 Sec. 5. Minnesota Statutes 2014, section 84.92, subdivision 8, is amended to read:

3.2 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means
3.3 a motorized vehicle ~~of with:~~ (1) not less than three, but not more than six low pressure
3.4 or non-pneumatic tires, that is limited in engine displacement of less than 1,000 cubic
3.5 centimeters and; (2) a total dry weight of 2,000 pounds or less; and (3) a total width
3.6 from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle
3.7 includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does
3.8 not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used
3.9 specifically for lawn maintenance, agriculture, logging, or mining purposes.

3.10 Sec. 6. Minnesota Statutes 2014, section 84.92, subdivision 9, is amended to read:

3.11 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an
3.12 all-terrain vehicle that has a total ~~dry weight of less than 1,200 pounds~~ width from outside
3.13 of tire rim to outside of tire rim that is 50 inches or less.

3.14 Sec. 7. Minnesota Statutes 2014, section 84.92, subdivision 10, is amended to read:

3.15 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an
3.16 all-terrain vehicle that has a total ~~dry weight of 1,200 to 1,800 pounds~~ width from outside
3.17 of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

3.18 Sec. 8. Minnesota Statutes 2014, section 84.922, subdivision 4, is amended to read:

3.19 Subd. 4. **Report of transfers.** ~~A person who sells or transfers ownership of a~~
3.20 ~~vehicle registered under this section shall report the sale or~~ (a) Application for transfer of
3.21 ownership must be made to the commissioner within 15 days of the date of transfer.

3.22 (b) An application for transfer must be executed by the registered owner and
3.23 the purchaser on a form prescribed by the commissioner with the owner's registration
3.24 certificate, using a bill of sale and a \$4 fee that includes the vehicle serial number.

3.25 (c) The purchaser is subject to the penalties imposed by section 84.774 if the
3.26 purchaser fails to apply for transfer of ownership as provided under this subdivision.

3.27 **EFFECTIVE DATE.** This section is effective January 1, 2016.

3.28 Sec. 9. Minnesota Statutes 2014, section 84.9256, subdivision 1, is amended to read:

3.29 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on
3.30 public road rights-of-way that is permitted under section 84.928 and as provided under
3.31 paragraph (j), a driver's license issued by the state or another state is required to operate an
3.32 all-terrain vehicle along or on a public road right-of-way.

4.1 (b) A person under 12 years of age shall not:

4.2 (1) make a direct crossing of a public road right-of-way;

4.3 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

4.4 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
4.5 paragraph (f).

4.6 (c) Except for public road rights-of-way of interstate highways, a person 12 years
4.7 of age but less than 16 years may make a direct crossing of a public road right-of-way
4.8 of a trunk, county state-aid, or county highway or operate on public lands and waters or
4.9 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety
4.10 certificate issued by the commissioner and is accompanied by a person 18 years of age or
4.11 older who holds a valid driver's license.

4.12 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years
4.13 old, but less than 16 years old, must:

4.14 (1) successfully complete the safety education and training program under section
4.15 84.925, subdivision 1, including a riding component; and

4.16 (2) be able to properly reach and control the handle bars and reach the foot pegs
4.17 while sitting upright on the seat of the all-terrain vehicle.

4.18 (e) A person at least 11 years of age may take the safety education and training
4.19 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
4.20 the certificate is not valid until the person reaches age 12.

4.21 (f) A person at least ten years of age but under 12 years of age may operate an
4.22 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if
4.23 accompanied by a parent or legal guardian.

4.24 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

4.25 (h) A person under the age of 16 may not operate an all-terrain vehicle on public
4.26 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and
4.27 control the handle bars and reach the foot pegs while sitting upright on the seat of the
4.28 all-terrain vehicle.

4.29 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than
4.30 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county
4.31 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters
4.32 or state or grant-in-aid trails if:

4.33 (1) the nonresident youth has in possession evidence of completing an all-terrain
4.34 safety course offered by the ATV Safety Institute or another state as provided in section
4.35 84.925, subdivision 3; and

5.1 (2) the nonresident youth is accompanied by a person 18 years of age or older who
5.2 holds a valid driver's license.

5.3 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain
5.4 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted
5.5 under section 84.928 if the person:

5.6 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
5.7 and

5.8 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

5.9 Sec. 10. Minnesota Statutes 2014, section 84.928, subdivision 1, is amended to read:

5.10 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise
5.11 allowed in sections 84.92 to 84.928 or by local ordinance under paragraph (k), a person shall
5.12 not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside
5.13 bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

5.14 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside
5.15 bank or slope of a trunk, county state-aid, or county highway unless prohibited under
5.16 paragraph (d) or (f).

5.17 (c) A person may operate a class 1 all-terrain vehicle designed by the manufacturer
5.18 for off-road use to be driven by a steering wheel and equipped with operator and passenger
5.19 seat belts and a roll-over protective structure or a class 2 all-terrain vehicle:

5.20 (1) within the public road right-of-way of a county state-aid or county highway on
5.21 the right shoulder or the extreme right-hand side of the road and left turns may be made
5.22 from any part of the road if it is safe to do so under the prevailing conditions, unless
5.23 prohibited under paragraph (d) or (f);

5.24 (2) on the bank, slope, or ditch of a public road right-of-way of a trunk, county
5.25 state-aid, or county highway but only to access businesses or make trail connections, and
5.26 left turns may be made from any part of the road if it is safe to do so under the prevailing
5.27 conditions, unless prohibited under paragraph (d) or (f); and

5.28 (3) on the bank or ditch of a public road right-of-way on a designated class 2
5.29 all-terrain vehicle trail.

5.30 (d) A road authority as defined under section 160.02, subdivision 25, may after a
5.31 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under
5.32 its jurisdiction.

5.33 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the
5.34 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside
5.35 bank or slope of a trunk, interstate, county state-aid, or county highway:

6.1 (1) that is part of a funded grant-in-aid trail; or

6.2 (2) when the all-terrain vehicle is owned by or operated under contract with a publicly
6.3 or privately owned utility or pipeline company and used for work on utilities or pipelines.

6.4 (f) The commissioner may limit the use of a right-of-way for a period of time if the
6.5 commissioner determines that use of the right-of-way causes:

6.6 (1) degradation of vegetation on adjacent public property;

6.7 (2) siltation of waters of the state;

6.8 (3) impairment or enhancement to the act of taking game; or

6.9 (4) a threat to safety of the right-of-way users or to individuals on adjacent public
6.10 property.

6.11 The commissioner must notify the road authority as soon as it is known that a closure
6.12 will be ordered. The notice must state the reasons and duration of the closure.

6.13 (g) A person may operate an all-terrain vehicle registered for private use and used
6.14 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or
6.15 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand
6.16 side of the road, and left turns may be made from any part of the road if it is safe to do so
6.17 under the prevailing conditions.

6.18 (h) A person shall not operate an all-terrain vehicle within the public road
6.19 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in
6.20 the agricultural zone unless the vehicle is being used exclusively as transportation to and
6.21 from work on agricultural lands. This paragraph does not apply to an agent or employee
6.22 of a road authority, as defined in section 160.02, subdivision 25, or the Department of
6.23 Natural Resources when performing or exercising official duties or powers.

6.24 (i) A person shall not operate an all-terrain vehicle within the public road right-of-way
6.25 of a trunk, county state-aid, or county highway between the hours of one-half hour after
6.26 sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way
6.27 and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

6.28 (j) A person shall not operate an all-terrain vehicle at any time within the
6.29 right-of-way of an interstate highway or freeway within this state.

6.30 (k) A county, city, or town, acting through its governing body, may by ordinance
6.31 allow a person to operate an all-terrain vehicle on a public road or street under its
6.32 jurisdiction to access businesses and residences and to make trail connections.

6.33 Sec. 11. Minnesota Statutes 2014, section 84D.01, subdivision 13, is amended to read:

7.1 Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a
7.2 nonnative species that has been ~~listed~~ designated as a prohibited invasive species in a rule
7.3 adopted by the commissioner under section 84D.12.

7.4 Sec. 12. Minnesota Statutes 2014, section 84D.01, subdivision 15, is amended to read:

7.5 Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a
7.6 nonnative species that has been ~~listed~~ designated as a regulated invasive species in a rule
7.7 adopted by the commissioner under section 84D.12.

7.8 Sec. 13. Minnesota Statutes 2014, section 84D.01, subdivision 17, is amended to read:

7.9 Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a
7.10 nonnative species that has not been ~~listed~~ designated as a prohibited invasive species, a
7.11 regulated invasive species, or an unregulated nonnative species in a rule adopted by the
7.12 commissioner under section 84D.12.

7.13 Sec. 14. Minnesota Statutes 2014, section 84D.01, subdivision 18, is amended to read:

7.14 Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means
7.15 a nonnative species that has been ~~listed~~ designated as an unregulated nonnative species in
7.16 a rule adopted by the commissioner under section 84D.12.

7.17 Sec. 15. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

7.18 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested
7.19 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph
7.20 (b) or (c) and section 97C.341.

7.21 (b) In waters that are listed as infested waters, except those listed ~~because they~~
7.22 ~~contain~~ as infested with prohibited invasive species of fish or certifiable diseases of fish, as
7.23 defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

7.24 (1) commercial taking of wild animals for bait and aquatic farm purposes according
7.25 to a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

7.26 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
7.27 water milfoil, when the infested waters are listed solely because they contain Eurasian
7.28 water milfoil and if the equipment for taking is limited to cylindrical minnow traps not
7.29 exceeding 16 inches in diameter and 32 inches in length; ~~and~~.

7.30 ~~(3)~~ (c) In streams or rivers that are listed as infested waters, except those listed as
7.31 infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6,
7.32 the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers

8.1 for bait ~~from streams or rivers listed as infested waters~~, by hook and line for noncommercial
 8.2 personal use. ~~Other provisions that apply to this clause are~~ is allowed as follows:

8.3 ~~(i)~~ (1) fish taken under this ~~clause~~ paragraph must be used on the same body of water
 8.4 where caught and while still on that water body. Where the river or stream is divided by
 8.5 barriers such as dams, the fish must be caught and used on the same section of the river
 8.6 or stream;

8.7 ~~(ii)~~ (2) fish taken under this ~~clause~~ paragraph may not be transported live from or
 8.8 off the water body;

8.9 ~~(iii)~~ (3) fish harvested under this ~~clause~~ paragraph may only be used in accordance
 8.10 with this section;

8.11 ~~(iv)~~ (4) any other use of wild animals used for bait from infested waters is prohibited;

8.12 ~~(v)~~ (5) fish taken under this ~~clause~~ paragraph must meet all other size restrictions
 8.13 and requirements as established in rules; and

8.14 ~~(vi)~~ (6) all species listed under this ~~clause~~ paragraph shall be included in the person's
 8.15 daily limit as established in rules, if applicable.

8.16 ~~(e)~~ (d) Equipment authorized for minnow harvest in a listed infested water by permit
 8.17 issued under paragraph (b) may not be transported to, or used in, any waters other than
 8.18 waters specified in the permit.

8.19 Sec. 16. Minnesota Statutes 2014, section 84D.06, is amended to read:

8.20 **84D.06 UNLISTED NONNATIVE SPECIES.**

8.21 Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic
 8.22 plant or wild animal species unless:

8.23 (1) the person has notified the commissioner in a manner and form prescribed by
 8.24 the commissioner;

8.25 (2) the commissioner has made the classification determination required in
 8.26 subdivision 2 and ~~listed~~ designated the species as appropriate; and

8.27 (3) the introduction is allowed under the applicable provisions of this chapter.

8.28 Subd. 2. **Classification.** (a) If the commissioner determines that a species for which
 8.29 a notification is received under subdivision 1 should be classified as a prohibited invasive
 8.30 species, the commissioner shall:

8.31 (1) adopt a rule under section 84D.12, subdivision 3, ~~listing~~ designating the species
 8.32 as a prohibited invasive species; and

8.33 (2) notify the person from which the notification was received that the species is
 8.34 subject to section 84D.04.

9.1 (b) If the commissioner determines that a species for which a notification is
 9.2 received under subdivision 1 should be classified as an unregulated nonnative species,
 9.3 the commissioner shall:

9.4 (1) adopt a rule under section 84D.12, subdivision 3, ~~listing~~ designating the species
 9.5 as an unregulated nonnative species; and

9.6 (2) notify the person from which the notification was received that the species is not
 9.7 subject to regulation under this chapter.

9.8 (c) If the commissioner determines that a species for which a notification is received
 9.9 under subdivision 1 should be classified as a regulated invasive species, the commissioner
 9.10 shall notify the applicant that the species is subject to the requirements in section 84D.07.

9.11 Sec. 17. Minnesota Statutes 2014, section 84D.10, subdivision 3, is amended to read:

9.12 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed
 9.13 peace officer may order:

9.14 (1) the removal of aquatic macrophytes or prohibited invasive species from
 9.15 water-related equipment, including decontamination using hot water or high pressure
 9.16 equipment when available on site, before ~~it~~ the water-related equipment is transported or
 9.17 before it is placed into waters of the state;

9.18 (2) confinement of the water-related equipment at a mooring, dock, or other location
 9.19 until the water-related equipment is removed from the water;

9.20 (3) removal of water-related equipment from waters of the state to remove prohibited
 9.21 invasive species if the water has not been listed by the commissioner as being infested
 9.22 with that species; ~~and~~

9.23 (4) a prohibition on placing water-related equipment into waters of the state when
 9.24 the water-related equipment has aquatic macrophytes or prohibited invasive species
 9.25 attached in violation of subdivision 1 or when water has not been drained or the drain plug
 9.26 has not been removed in violation of subdivision 4; and

9.27 (5) decontamination of water-related equipment when available on site.

9.28 (b) An order for removal of prohibited invasive species under paragraph (a), clause
 9.29 (1), or decontamination of water-related equipment under paragraph (a), clause (5),
 9.30 may include tagging the water-related equipment and issuing a notice that specifies
 9.31 a time frame for completing the removal or decontamination and reinspection of the
 9.32 water-related equipment.

9.33 ~~(b)~~ (c) An inspector who is not a licensed peace officer may issue orders under
 9.34 paragraph (a), clauses (1), (3), ~~and~~ (4), and (5).

10.1 Sec. 18. Minnesota Statutes 2014, section 84D.11, subdivision 1, is amended to read:

10.2 Subdivision 1. **Prohibited invasive species.** The commissioner may issue a permit
10.3 for the propagation, possession, importation, purchase, or transport of a prohibited invasive
10.4 species for the purposes of disposal, decontamination, control, research, or education.

10.5 Sec. 19. Minnesota Statutes 2014, section 84D.12, subdivision 1, is amended to read:

10.6 Subdivision 1. **Required rules.** The commissioner shall adopt rules:

10.7 (1) ~~listing~~ designating prohibited invasive species, regulated invasive species, and
10.8 unregulated nonnative species of aquatic plants and wild animals;

10.9 (2) governing the application for and issuance of permits under this chapter, which
10.10 rules may include a fee schedule; and

10.11 (3) governing notification under section 84D.08.

10.12 Sec. 20. Minnesota Statutes 2014, section 84D.12, subdivision 3, is amended to read:

10.13 Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027,
10.14 subdivision 13, that ~~list~~ designate:

10.15 (1) prohibited invasive species of aquatic plants and wild animals;

10.16 (2) regulated invasive species of aquatic plants and wild animals; and

10.17 (3) unregulated nonnative species of aquatic plants and wild animals.

10.18 Sec. 21. Minnesota Statutes 2014, section 84D.15, subdivision 3, is amended to read:

10.19 Subd. 3. **Use of money in account.** Money credited to the invasive species account
10.20 in subdivision 2 shall be used for management of invasive species and implementation of
10.21 this chapter as it pertains to invasive species, including control, public awareness, law
10.22 enforcement, assessment and monitoring, management planning, habitat improvements,
10.23 and research.

10.24 Sec. 22. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision
10.25 to read:

10.26 Subd. 1e. **Connection to state parks and recreation areas.** Trails designated under
10.27 this section may include connections to state parks or recreation areas that generally lie in
10.28 between or within the vicinity of the waymarks specifically named in the designation.

10.29 Sec. 23. Minnesota Statutes 2014, section 85.015, subdivision 28, is amended to read:

10.30 Subd. 28. **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison**
10.31 **Counties.** The trail shall originate at Crow Wing State Park in Crow Wing County at

11.1 the southern end of the Paul Bunyan Trail and shall extend from Crow Wing State Park
 11.2 westerly to the city of Pillager, then southerly along the west side of Camp Ripley, then
 11.3 easterly along the south side of Camp Ripley across to the east side of the Mississippi
 11.4 River, and then northerly through Fort Ripley to Crow Wing State Park. A second segment
 11.5 of the trail shall be established that shall extend in a southerly direction and in close
 11.6 proximity to the Mississippi River from the southeasterly portion of the first segment of
 11.7 the trail to the city of Little Falls, and then terminate at the Soo Line Trail in Morrison
 11.8 County. Separation of motorized and nonmotorized corridors is acceptable as needed.

11.9 Sec. 24. **[85.0506] LAKE VERMILION-SOUDAN UNDERGROUND MINE**
 11.10 **STATE PARK; HOISTS.**

11.11 The Lake Vermilion-Soudan Underground Mine State Park mine tour operation is
 11.12 exempt from sections 326B.163 to 326B.191. The federal mine code for hoists that lift
 11.13 people under Code of Federal Regulations, title 30, part 57, subpart R, applies to the
 11.14 Lake Vermilion-Soudan Underground Mine State Park hoist. The commissioner shall
 11.15 employ a hoist safety expert to conduct an annual inspection of the hoist system at the
 11.16 Lake Vermilion-Soudan Underground Mine State Park.

11.17 Sec. 25. Minnesota Statutes 2014, section 85.054, subdivision 12, is amended to read:

11.18 Subd. 12. **Lake Vermilion-Soudan Underground Mine State Park.** A state park
 11.19 permit is not required and a fee may not be charged for motor vehicle entry or parking
 11.20 at the visitor parking area of Soudan Underground Mine ~~State Park~~ and the Stuntz Bay
 11.21 boat house area.

11.22 Sec. 26. Minnesota Statutes 2014, section 88.17, subdivision 3, is amended to read:

11.23 Subd. 3. **Special permits.** The following special permits are required at all times,
 11.24 including when the ground is snow-covered:

11.25 (a) **Fire training.** A permit to start a fire for the instruction and training of
 11.26 firefighters, including liquid fuels training, may be given by the commissioner or agent of
 11.27 the commissioner. Except for owners or operators conducting fire training in specialized
 11.28 industrial settings pursuant to applicable federal, state, or local standards, owners
 11.29 or operators conducting open burning for the purpose of instruction and training of
 11.30 firefighters with regard to structures must ~~follow the techniques described in a document~~
 11.31 ~~entitled: Structural Burn Training Procedures for the Minnesota Technical College System~~
 11.32 use only fuel materials as outlined in the current edition of National Fire Protection
 11.33 Association 1403, Standard on Live Fire Training Evolutions, and obtain the applicable

12.1 live burn documents in accordance with the current edition of the Board of Firefighter
 12.2 Training and Education's live burn plan established according to section 299N.02,
 12.3 subdivision 3, clause (2).

12.4 (b) **Permanent tree and brush open burning sites.** A permit for the operation of
 12.5 a permanent tree and brush burning site may be given by the commissioner or agent of
 12.6 the commissioner. Applicants for a permanent open burning site permit shall submit a
 12.7 complete application on a form provided by the commissioner. Existing permanent tree
 12.8 and brush open burning sites must submit for a permit within 90 days of the passage of
 12.9 this statute for a burning permit. New site applications must be submitted at least 90
 12.10 days before the date of the proposed operation of the permanent open burning site. The
 12.11 application must be submitted to the commissioner and must contain:

12.12 (1) the name, address, and telephone number of all owners of the site proposed for
 12.13 use as the permanent open burning site;

12.14 (2) if the operator for the proposed permanent open burning site is different from the
 12.15 owner, the name, address, and telephone number of the operator;

12.16 (3) a general description of the materials to be burned, including the source and
 12.17 estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation,
 12.18 and provisions for smoke management; and

12.19 (4) a topographic or similarly detailed map of the site and surrounding area within
 12.20 a one-mile circumference showing all structures that might be affected by the operation
 12.21 of the site.

12.22 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative
 12.23 method such as chipping, composting, or other method shall be permitted to be burned
 12.24 at a permanent open burning site. A permanent tree and brush open burning site must
 12.25 be located and operated so as not to create a nuisance or endanger water quality. The
 12.26 commissioner shall revoke the permit or order actions to mitigate threats to public health,
 12.27 safety, and the environment in the event that permit conditions are violated.

12.28 Sec. 27. Minnesota Statutes 2014, section 88.49, subdivision 3, is amended to read:

12.29 Subd. 3. **Recording Provisions of auxiliary forest contract to run with the land.**
 12.30 ~~The commissioner shall submit such contract in recordable form to the owner of the land~~
 12.31 ~~covered thereby. If the owner shall indicate to the commissioner an unwillingness to~~
 12.32 ~~execute the same, or if the owner or any of the persons having an interest therein or lien~~
 12.33 ~~thereon fail to execute it within 60 days from the time of its submission to the owner, all~~
 12.34 ~~proceedings relating to the making of this land into an auxiliary forest shall be at an end.~~

13.1 ~~When the contract shall have been executed it shall forthwith be recorded in the~~
 13.2 ~~office of the county recorder at the expense of the owner or, if the title to the land be~~
 13.3 ~~registered, with the registrar of titles. At the time the contract is recorded with the county~~
 13.4 ~~recorder for record the owner, at the owner's expense, shall record with the county recorder~~
 13.5 ~~a certificate from the county attorney to the effect that no change in record title thereof has~~
 13.6 ~~occurred, that no liens or other encumbrances have been placed thereon, and that no taxes~~
 13.7 ~~have accrued thereon since the making of the previous certificate. It shall be the duty of~~
 13.8 ~~the county attorney to furnish this certificate without further compensation.~~

13.9 All the provisions of the a recorded contract shall be for an auxiliary forest are deemed
 13.10 covenants running with the land from the date of the filing of the contract for record.

13.11 Sec. 28. Minnesota Statutes 2014, section 88.49, subdivision 4, is amended to read:

13.12 Subd. 4. **Effect.** Upon the filing of the contract for record, the land therein described
 13.13 in the contract shall become, and, during the life of the contract, remain and be, an
 13.14 auxiliary forest entitled to all the benefits and subject to all the restrictions of sections
 13.15 88.47 88.49 to 88.53, all of which shall be deemed a. These sections are part of the
 13.16 obligation of the contract and shall be are inviolate, subject only to the police power of the
 13.17 state, to the power of eminent domain, and to the right of the parties thereto by mutual
 13.18 agreement to make applicable to the contract any laws of the state enacted subsequent to its
 13.19 the execution and filing. This provision shall not be so construed as to prevent amendatory
 13.20 or supplementary legislation which does of the contract. Laws enacted subsequent to
 13.21 the date of execution of the contract are applicable to the contract, so long as the laws
 13.22 do not impair these the contract rights of the parties thereto, or as to prevent amendatory
 13.23 or supplementary legislation in respect of the culture, care, or management of the lands
 13.24 included in any such contract signatories of the contract or their successors or assigns.

13.25 Sec. 29. Minnesota Statutes 2014, section 88.49, subdivision 5, is amended to read:

13.26 Subd. 5. **Cancellation.** ~~Upon the failure of (a) If the owner fails to faithfully to~~
 13.27 ~~fulfill and perform such the contract or, any provision thereof of the contract, or any~~
 13.28 ~~requirement of sections 88.47 88.49 to 88.53, or any rule adopted by the commissioner~~
 13.29 ~~thereunder adopts under those sections, the commissioner may cancel the contract in~~
 13.30 ~~the manner herein provided. The commissioner shall give to the owner, in the manner~~
 13.31 ~~prescribed in section 88.48, subdivision 4, 60 days' notice of a hearing thereon at which~~
 13.32 ~~the owner may appear and show cause, if any, why the contract should not be canceled.~~
 13.33 ~~The commissioner shall thereupon then determine whether the contract should be canceled~~
 13.34 ~~and make an order to that effect. Notice of the commissioner's determination and the~~

14.1 ~~making of the order shall be given to~~ The commissioner shall give the owner in the manner
 14.2 ~~provided in section 88.48, subdivision 4~~ notice of the commissioner's determination and
 14.3 ~~order. On determining~~ If the commissioner determines that the contract should be canceled
 14.4 ~~and no appeal therefrom be taken~~ the owner does not appeal the determination as provided
 14.5 in subdivision 7, the commissioner shall send notice ~~thereof~~ of the cancellation to the
 14.6 auditor of the county and to the town clerk of the town affected and file with the recorder a
 14.7 certified copy of the order; ~~who~~. The recorder shall forthwith note the cancellation upon
 14.8 the record ~~thereof~~, and ~~thereupon~~ the land ~~therein~~ described in the contract shall cease to
 14.9 be an auxiliary forest and, together with the timber ~~thereon~~ on the land, become liable
 14.10 ~~to~~ for all taxes and assessments that ~~otherwise~~ would have been levied against ~~it had it~~
 14.11 ~~never been an auxiliary forest~~ the land from the time of the making of the contract, ~~any~~
 14.12 notwithstanding provisions of the statutes of limitation to the contrary ~~notwithstanding~~;
 14.13 ~~less~~. The amount of taxes paid under ~~the provisions of~~ section 88.51, subdivision 1,
 14.14 together with interest on such taxes and assessments at six percent per annum, but without
 14.15 penalties, must be subtracted from the tax owed by the owner.

14.16 (b) ~~The commissioner may in like manner and with like effect~~ cancel the contract
 14.17 upon written application of the owner.

14.18 (c) The commissioner shall cancel ~~any~~ the contract if the owner has ~~made successful~~
 14.19 ~~application successfully applied~~ under ~~sections 290C.01 to 290C.11~~, the Sustainable Forest
 14.20 Incentive Act, sections 290C.01 to 290C.11, and has paid to the county treasurer the tax
 14.21 difference between the amount ~~which that~~ would have been paid had the land under contract
 14.22 been subject to the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive
 14.23 Act from the date of the recording of the contract and the amount actually paid under
 14.24 section 88.51, ~~subdivisions~~ subdivision 1, and Minnesota Statutes 2014, section 88.51,
 14.25 subdivision 2. ~~This tax difference must be calculated based on the years the lands would~~
 14.26 ~~have been taxed under the Tree Growth Tax Law and the Sustainable Forest Incentive Act.~~
 14.27 The sustainable forest tax difference is net of the incentive payment of section 290C.07.
 14.28 If the amount ~~which that~~ would have been paid, ~~had~~ if the land under contract had been
 14.29 under the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from
 14.30 the date ~~of the filing of~~ the contract, was filed is less than the amount actually paid under
 14.31 the contract, the cancellation shall be made without further payment by the owner.

14.32 ~~When~~ (d) If the execution of ~~any~~ the contract creating an auxiliary forest ~~shall have~~
 14.33 ~~been~~ is procured through fraud or deception ~~practiced upon~~ on the county board ~~or~~, the
 14.34 commissioner, or any other person or body representing the state, it may ~~be canceled~~
 14.35 cancel it upon suit brought by the attorney general at the direction of the commissioner.

15.1 This cancellation ~~shall have~~ has the same effect as the cancellation of a contract by the
 15.2 commissioner.

15.3 Sec. 30. Minnesota Statutes 2014, section 88.49, subdivision 6, is amended to read:

15.4 Subd. 6. **Assessment after cancellation.** (a) For the purpose of levying ~~such~~ taxes,
 15.5 the county auditor shall, immediately upon ~~receipt of~~ receiving notice of the cancellation
 15.6 of ~~any~~ a contract creating an auxiliary forest, direct the local assessor to assess the lands
 15.7 within the forest, excluding the value of merchantable timber and minerals and other
 15.8 things of value taxed under the provisions of Minnesota Statutes 2014, section 88.51,
 15.9 subdivision 2, ~~as of~~ for each of the years ~~during which~~ the lands ~~have been~~ were included
 15.10 within the auxiliary forest. The local assessor shall ~~forthwith~~ make the assessment and
 15.11 certify the same to the county auditor. The county auditor shall ~~thereupon~~ levy a tax on the
 15.12 assessable value of the land ~~as~~, fixed by section 273.13, for each of the years ~~during which~~
 15.13 the land ~~has been~~ was within an auxiliary forest, at the rate at which other real estate
 15.14 within the taxing district was taxed in those years. The tax ~~so assessed and levied against~~
 15.15 ~~any land shall be~~ is a first and prior lien upon the land and upon all timber and forest
 15.16 products growing, grown, or cut ~~thereon~~ on the land and removed ~~therefrom~~ from the land.
 15.17 These taxes ~~shall~~ must be enforced in the same manner as other taxes on real estate are
 15.18 enforced and, ~~in addition thereto~~, the lien of the tax on forest products cut or removed
 15.19 from this land ~~shall~~ must be enforced by the seizure and sale of the forest products.

15.20 (b) No person shall, after the mailing by the commissioner, as provided in subdivision
 15.21 5, of notice of hearing on the cancellation of ~~a~~ the contract making ~~any~~ lands an auxiliary
 15.22 forest, cut or remove from these lands any timber or forest products growing, grown, or
 15.23 cut thereon until all taxes levied under this subdivision ~~shall have been~~ are paid, or, ~~in the~~
 15.24 ~~event such~~ if the levy ~~shall~~ is not ~~have been~~ completed, until the owner ~~shall have~~ has given
 15.25 a bond payable to the county, with sureties approved by the county auditor, in ~~such~~ the
 15.26 amount ~~as~~ the county auditor ~~shall deem~~ deems ample for the payment of all taxes that may
 15.27 be levied ~~thereon~~ under this subdivision, conditioned for the payment of ~~such~~ the taxes.

15.28 (c) Any person who ~~shall violate any of the provisions of~~ violates this subdivision
 15.29 ~~shall be~~ is guilty of a felony.

15.30 Sec. 31. Minnesota Statutes 2014, section 88.49, subdivision 7, is amended to read:

15.31 Subd. 7. **Appeal.** (a) The owner may appeal from any cancellation order of the
 15.32 commissioner to the district court of the county ~~wherein~~ where the land is ~~situate~~, located
 15.33 by serving notice of appeal on the commissioner and filing the same with the court

16.1 administrator of the district court within 30 days after the date of mailing of notice
 16.2 of such order.

16.3 (b) The appeal shall must be tried between the state of Minnesota and the owner by
 16.4 the court as a suit for the rescission of a contract is tried, and the judgment of the court
 16.5 shall be is substituted for the cancellation order of the commissioner, and shall be is final.

16.6 Sec. 32. Minnesota Statutes 2014, section 88.49, subdivision 8, is amended to read:

16.7 Subd. 8. **Proceedings in lieu of cancellation.** If cause for the cancellation of any a
 16.8 contract shall exist exists, the commissioner may, in lieu of canceling such the contract,
 16.9 perform the terms and conditions, other than the payment of that the owner was required
 16.10 to perform, except that the commissioner may not pay any taxes; that the owner was
 16.11 required, by the contract or by law or by the rules of the commissioner, to be performed by
 16.12 the owner, and may for that purpose to have paid by law. The commissioner may use any
 16.13 available moneys appropriated for the maintenance of the commissioner's division and
 16.14 any other lawful means to perform all other terms and conditions required to maintain the
 16.15 auxiliary forest status. The commissioner shall, on December 1 each year, certify to the
 16.16 auditor of each county the amount of moneys thus expended on and the value of services
 16.17 thus rendered in respect of any lands therein for land in the county since December 1 of
 16.18 the preceding year. The county auditor shall forthwith assess and levy the amount shown
 16.19 by this certificate against the lands described therein. This amount shall bear bears interest
 16.20 at the rate of six percent per annum and shall be is a lien upon the lands described therein;
 16.21 and. The collection thereof of the tax must be enforced in the same manner as taxes
 16.22 levied under section 88.52, subdivision 1 $\frac{1}{2}$ and; if such the tax be is not sooner paid, it
 16.23 shall must be added to, and the payment thereof enforced with, the yield tax imposed
 16.24 under section 88.52, subdivision 2.

16.25 Sec. 33. Minnesota Statutes 2014, section 88.49, subdivision 9, is amended to read:

16.26 Subd. 9. **Auxiliary forests; withdrawal of land from.** (a) Land needed for other
 16.27 purposes may be withdrawn from an auxiliary forest as herein provided. The owner may
 16.28 submit a verified application therefor in a form prescribed by the commissioner of natural
 16.29 resources may be made by the owner to the county board of the county in which the land is
 16.30 situated, describing the land and stating the purpose of withdrawal. Like proceedings shall
 16.31 be had upon the application as upon an application for the establishment of an auxiliary
 16.32 forest, except that consideration need be given only to the questions to be determined as
 16.33 provided in this subdivision. The county board shall consider the application and hear any
 16.34 matter offered in support of or in opposition to the application. The county board shall

17.1 make proper record of its action upon the application. If the application is rejected, the
17.2 county board shall prepare a written statement stating the reasons for the rejection within
17.3 30 days of the date of rejection. If the application is rejected, the county auditor shall,
17.4 within 30 days of the rejection, endorse the rejection on the application and return it,
17.5 together with a copy of the written statement prepared by the county board stating the
17.6 reasons for rejection to the applicant. The rejected application and written statement must
17.7 be sent to the owner by certified mail at the address given in the application.

17.8 (b) If the application is disapproved as to only a part of the lands described, the
17.9 county auditor shall notify the applicant in the same manner as if the application were
17.10 rejected. The applicant may amend the application within 60 days after the notice is
17.11 mailed. If it is not amended, the application is deemed rejected.

17.12 (c) If the county board ~~shall determine~~ determines that the land proposed to be
17.13 withdrawn is needed and is suitable for the purposes set forth in the application, and
17.14 that the remaining land in the auxiliary forest is suitable and sufficient for the purposes
17.15 thereof of the auxiliary forest as provided by law, the board may, in its discretion, grant
17.16 the application, subject to the approval of the commissioner. Upon such approval a
17.17 supplemental contract evidencing the withdrawal shall be executed, filed, and recorded
17.18 or registered as the case may require, in like manner as an original auxiliary forest
17.19 contract. Thereupon by both the county board and the commissioner, the county auditor
17.20 shall notify the applicant and the commissioner. Upon notice from the county auditor,
17.21 the commissioner shall cause to be prepared a supplemental contract executed by the
17.22 commissioner on behalf of the state and by the owner of the fee title or the holder of
17.23 a state deed and by all other persons having any liens on the land and witnessed and
17.24 acknowledged as provided by law for the execution of recordable deeds of conveyance.
17.25 Notices sent by certified mail to the owner in fee at the address given in the application
17.26 is deemed notice to all persons executing the supplemental contract. The supplemental
17.27 contract must be prepared by the director of the Division of Forestry on a recordable
17.28 form approved by an attorney appointed by the commissioner. Every supplemental
17.29 contract must be approved by the Executive Council. The commissioner shall submit the
17.30 supplemental contract to the owner of the land. If the owner indicates to the commissioner
17.31 an unwillingness to execute the supplemental contract, or if the owner or any of the
17.32 persons with an interest in the land or a lien upon the land fail to execute the contract
17.33 within 60 days from the time of submission of the contract to the owner for execution, all
17.34 proceedings relating back to the withdrawal of the land from an auxiliary forest shall be at
17.35 an end. When the supplemental contract is executed, it must be recorded in the office of
17.36 the county recorder at the expense of the owner or, if the title to the land is registered, the

18.1 supplemental contract must be recorded with the registrar of titles. At the time the contract
 18.2 is recorded with the county recorder, the owner, at the owner's expense, shall record with
 18.3 the county recorder a certificate from the county attorney to the effect that no change in
 18.4 record title to the land has occurred, that no liens or other encumbrances have been placed
 18.5 on the land, and that no taxes have accrued on the land since the making of the previous
 18.6 certificate. The county attorney must furnish this certificate without further compensation.
 18.7 Upon execution and recording of the supplemental contract, the land described in the
 18.8 supplemental contract shall cease that is to be withdrawn from the auxiliary forest ceases
 18.9 to be part of the auxiliary forest, and, together with the timber thereon, shall be the owner
 18.10 is liable to taxes and assessments of the withdrawn portion together with the timber on the
 18.11 withdrawn portion in like manner as upon cancellation of an auxiliary forest contract.

18.12 Sec. 34. Minnesota Statutes 2014, section 88.49, subdivision 11, is amended to read:

18.13 Subd. 11. **Auxiliary forests; transfer of title; procedure on division.** The title to
 18.14 the land in an auxiliary forest or any part thereof of an auxiliary forest is subject to transfer
 18.15 in the same manner as the title to other real estate, subject to the auxiliary forest contract
 18.16 ~~therefor~~ and to applicable provisions of law. ~~In case~~ If the ownership of ~~such a~~ an auxiliary
 18.17 forest is divided into two or more parts by any transfer or transfers of title and the owners
 18.18 of all ~~such~~ the parts desire to have the ~~same~~ parts made separate auxiliary forests, ~~they~~ the
 18.19 owners may join in a verified application ~~therefor~~ to the county board of the county in
 18.20 which the forest is situated in a form prescribed by the commissioner of natural resources.
 18.21 If the county board determines that each of the parts into which the forest has been divided
 18.22 is suitable and sufficient for a separate auxiliary forest as provided by law, it may, ~~in~~
 18.23 ~~its discretion~~, grant the application, subject to the approval of the commissioner. Upon
 18.24 ~~such~~ approval, the commissioner shall prepare a new auxiliary forest contract for each
 18.25 part transferred, with like provisions and for the remainder of the same term as the prior
 18.26 contract in force for the entire forest at the time of the transfer, and shall also prepare a
 18.27 modification of ~~such~~ the prior contract, eliminating ~~therefrom~~ the part or parts of the land
 18.28 transferred but otherwise leaving the remaining land subject to all the provisions of ~~such~~
 18.29 the contract. The new contract or contracts and modification of the prior contract ~~shall~~
 18.30 must be executed and otherwise dealt with in like manner as provided for ~~an original a~~
 18.31 supplemental auxiliary forest contract in subdivision 9, but no such instrument ~~shall~~ must
 18.32 take effect until all of them, ~~covering together all parts of the forest existing before the~~
 18.33 ~~transfer~~, have been executed, filed, and recorded or registered, ~~as the case may require.~~
 18.34 ~~Upon the taking effect of~~ When all ~~such~~ the instruments take effect, the owner of the
 18.35 forest prior to the transfer ~~shall be~~ is divested of all rights and relieved from all liabilities

19.1 under the contract then in force with respect to the parts transferred except ~~such~~ those as
 19.2 may have existed or accrued at the time of the taking effect of such instruments, and
 19.3 thereafter the several tracts into which the forest has been divided and the respective
 19.4 owners thereof ~~shall be~~ are subject to the new contract or contracts or the modified prior
 19.5 contract relating thereto, as the case may be, as provided for an original auxiliary forest
 19.6 contract. The provisions of this subdivision shall not supersede or affect the application
 19.7 of any other provision of law to any auxiliary forest which is divided by transfer of title
 19.8 unless the procedure herein authorized is fully consummated.

19.9 Sec. 35. Minnesota Statutes 2014, section 88.491, subdivision 2, is amended to read:

19.10 Subd. 2. **Effect of expired contract.** When auxiliary forest contracts expire,
 19.11 or prior to expiration by mutual agreement between the ~~land owner~~ landowner and the
 19.12 appropriate county office, the lands previously covered by an auxiliary forest contract
 19.13 automatically qualify for inclusion under the provisions of the Sustainable Forest Incentive
 19.14 Act; provided that when such lands are included in the Sustainable Forest Incentive Act
 19.15 prior to expiration of the auxiliary forest contract, they will be transferred and a tax paid as
 19.16 provided in section 88.49, subdivision 5, upon application and inclusion in the sustainable
 19.17 forest incentive program. The ~~land owner~~ landowner shall pay taxes in an amount equal to
 19.18 the difference between:

19.19 (1) the sum of:

19.20 (i) the amount which would have been paid from the date of the recording of the
 19.21 contract had the land under contract been subject to the Minnesota Tree Growth Tax
 19.22 Law; plus

19.23 (ii) beginning with taxes payable in 2003, the taxes that would have been paid if the
 19.24 land had been enrolled in the sustainable forest incentive program; and

19.25 (2) the amount actually paid under section 88.51, ~~subdivisions~~ subdivision 1, and
 19.26 Minnesota Statutes 2014, section 88.51, subdivision 2.

19.27 Sec. 36. Minnesota Statutes 2014, section 88.50, is amended to read:

19.28 **88.50 TAXATION.**

19.29 Every auxiliary forest in this state ~~shall~~ must be taxed ~~in the manner and to the extent~~
 19.30 ~~hereinafter provided~~ according to sections 88.49 to 88.53 and not otherwise. Except as
 19.31 expressly permitted by sections ~~88.47~~ 88.49 to 88.53, no auxiliary forest shall be taxed
 19.32 for, or ~~in any manner~~, directly or indirectly made to contribute to, or become liable for
 19.33 the payment of, any tax or assessment, general or special, or any bond, certificate of
 19.34 indebtedness, or other public obligation of any name or kind, made, issued, or created

20.1 subsequent to the filing of the contract creating the auxiliary forest, provided that
 20.2 temporary buildings, structures, or other fixtures of ~~whatsoever kind~~ located upon land
 20.3 within an auxiliary forest shall be valued and assessed as personal property and classified
 20.4 as class 3 under the general system of ad valorem taxation. In any proceeding for the
 20.5 making of a special improvement under the laws of this state by which any auxiliary forest
 20.6 will be benefited, the owner ~~thereof~~ may subject the lands ~~therein~~ to assessment ~~therefor~~ in
 20.7 the manner provided by law, by filing the owner's written consent ~~in writing~~ to the ~~making~~
 20.8 ~~of the~~ assessment in the tribunal in which the proceeding is pending, ~~whereupon~~. The lands
 20.9 shall for the purposes of the improvement and assessment not be treated as lands ~~not~~ in an
 20.10 auxiliary forest; but the lien of any assessment ~~so~~ levied on lands in any auxiliary forest ~~shall~~
 20.11 ~~be~~ is subject to the provisions of the contract creating the auxiliary forest and subordinate
 20.12 to the lien of any tax imposed under the provisions of sections ~~88.47~~ 88.49 to 88.53.

20.13 Sec. 37. Minnesota Statutes 2014, section 88.51, subdivision 1, is amended to read:

20.14 Subdivision 1. **Annual tax, ten cents per acre.** (a) From and after the filing of the
 20.15 contract creating any tract of land an auxiliary forest under sections ~~88.47~~ 88.49 to 88.53
 20.16 and hereafter upon any tract heretofore created as an auxiliary forest, the surface of the
 20.17 land ~~therein~~, exclusive of mineral or anything of value thereunder, ~~shall~~ must be taxed
 20.18 annually at the rate of 10 cents per acre. This tax ~~shall~~ must be levied and collected, and
 20.19 the payment ~~thereof~~ of the tax, with penalties and interest, enforced in the same manner as
 20.20 other taxes on real estate, and ~~shall~~ must be credited to the funds of the taxing districts
 20.21 affected in the proportion of their interest in the taxes on this land if it had not been so
 20.22 made an auxiliary forest; provided, that such tax ~~shall be~~ is due in full on or before May
 20.23 31, after the levy thereof. Failure to pay when due any tax so levied ~~shall be~~ is cause
 20.24 for cancellation of the contract.

20.25 (b) The levy upon the land of the taxes provided for by section 88.49, subdivision 5,
 20.26 upon the cancellation of a contract, ~~shall discharge and annul~~ discharges and annuls all
 20.27 unpaid taxes levied or assessed ~~thereon~~ on the land.

20.28 Sec. 38. Minnesota Statutes 2014, section 88.51, subdivision 3, is amended to read:

20.29 Subd. 3. **Determination of estimated market value.** In determining the net tax
 20.30 capacity of property within any taxing district, the value of the surface of lands within any
 20.31 auxiliary forest ~~therein~~ in the taxing district, as determined by the county board ~~under the~~
 20.32 ~~provisions of section 88.48, subdivision 3~~, shall, for all purposes except the levying of
 20.33 taxes on lands within any such forest, be deemed the estimated market value ~~thereof~~ of
 20.34 those surface lands.

21.1 Sec. 39. Minnesota Statutes 2014, section 88.52, subdivision 2, is amended to read:

21.2 Subd. 2. **Examination, report.** When any timber growing or standing in any
21.3 auxiliary forest ~~shall have become~~ is suitable for merchantable forest products, the
21.4 commissioner shall, at the written request of the owner, a copy of which shall at the time be
21.5 filed in the office of the county auditor, make an examination of the timber and designate
21.6 for the owner the kind and number of trees most suitable to be cut ~~if~~ in the judgment of
21.7 the commissioner ~~there be any, and~~. The cutting and removal of ~~these~~ designated trees ~~so~~
21.8 ~~designated shall~~ must be in accordance with the instructions of the commissioner. The
21.9 commissioner shall inspect the cutting or removal and determine whether it or the manner
21.10 of its performance constitute a violation of the terms of the contract creating the auxiliary
21.11 forest or of the ~~laws applicable thereto~~ laws, or of the instructions of the commissioner
21.12 relative to the cutting and removal. Any such violation ~~shall be~~ is ground for cancellation
21.13 of the contract by the commissioner; otherwise the contract ~~shall continue~~ continues in
21.14 force for the remainder of the period ~~therein stated in the contract~~, regardless of the cutting
21.15 and removal. Within 90 days after the completion of any cutting or removal operation,
21.16 the commissioner shall make a report of findings ~~thereon~~ and transmit copies of ~~such~~ the
21.17 report to the county auditor and the surveyor general.

21.18 Sec. 40. Minnesota Statutes 2014, section 88.52, subdivision 3, is amended to read:

21.19 Subd. 3. **Kinds, permit, scale report, assessment and payment of tax.** (a) Upon
21.20 ~~the filing of the owner's written request of the owner as provided in subdivision 2~~, the
21.21 director of ~~lands and~~ forestry, with the county board or the county land commissioner,
21.22 shall determine within 30 days the kinds, quantities, and value on the stump of the timber
21.23 proposed to be cut.

21.24 Before the cutting is to begin, the director of ~~lands and~~ forestry shall file with the
21.25 county auditor a report showing the kinds, quantities, and value of the timber proposed to
21.26 be cut or removed and approved by the director of ~~lands and~~ forestry for cutting within
21.27 two years after the date of approval of the report by the director of ~~lands and~~ forestry. The
21.28 county auditor shall assess and levy the estimated yield tax thereon, make proper record
21.29 of this assessment and levy in the auditor's office, and notify the owner of the auxiliary
21.30 forest of the tax amount ~~thereof~~. The owner shall, before any timber in the forest is cut or
21.31 removed, give a bond payable to the state of Minnesota, or ~~in lieu thereof~~, a deposit in
21.32 cash with the county treasurer, in the amount required by the report, ~~which shall be~~ and not
21.33 less than 150 percent of the amount of the levy, conditioned for the payment of all taxes on
21.34 the timber to be cut or removed. Upon receipt of notification from the county auditor that
21.35 the bond or cash requirement has been deposited, the director of ~~lands and~~ forestry will

22.1 issue a cutting permit in accordance with the report. The owner shall keep an accurate
22.2 count or scale of all timber cut. On or before ~~the fifteenth day of April 15~~ following
22.3 issuance of ~~such~~ the cutting permit, and on or before ~~the fifteenth day of April 15~~ of each
22.4 succeeding year in which any merchantable wood products were cut on auxiliary forest
22.5 lands prior to the termination of ~~such~~ the permit, the owner of the timber covered by the
22.6 permit shall file with the director of ~~lands and~~ forestry a sworn statement, submitted in
22.7 duplicate, on a form prepared by the director of ~~lands and~~ forestry, one copy of which
22.8 ~~shall~~ must be transmitted to the county auditor, specifying the quantity and value of each
22.9 variety of timber and kind of product cut during the preceding year ending on March 31,
22.10 as shown by the scale or measurement ~~thereof~~ made on the ground as cut, skidded, or
22.11 loaded as the case may be. If no such scale or measurement ~~shall have been~~ was made on
22.12 the ground, an estimate ~~thereof shall~~ must be made and ~~such estimate~~ corrected by the first
22.13 scale or measurement, made in the due course of business, ~~and such~~. The correction must
22.14 at once be filed with the director of ~~lands and~~ forestry who shall immediately transmit it to
22.15 the county auditor. On or before ~~the fifteenth day of May 15~~ following the filing of the
22.16 sworn statement covering the quantity and value of timber cut under an authorized permit,
22.17 the auditor shall assess and levy a yield (severance) tax, according to Minnesota Statutes
22.18 2014, section 88.51, subdivision 2, of the timber cut during the year ending on ~~the~~ March
22.19 ~~31st~~ 31 preceding the date of assessing and levying this tax. This tax is payable and must
22.20 be paid to the county treasurer on or before the following May 31 ~~next following~~. Copies
22.21 of the yield (severance) tax assessment and of the yield (severance) tax payment ~~shall~~ must
22.22 be filed with the director of ~~lands and~~ forestry and the county auditor. Except as otherwise
22.23 provided, all yield (severance) taxes herein provided for ~~shall~~ must be levied and collected,
22.24 and payment ~~thereof~~, with penalties and interest, enforced in the same manner as taxes
22.25 imposed under ~~the provisions of~~ section 88.51, subdivision 1, and ~~shall~~ must be credited to
22.26 the funds of the taxing districts affected in the proportion of their interests in the taxes on
22.27 the land producing the yield (severance) tax. ~~At any time~~ On deeming it necessary, the
22.28 director of ~~lands and~~ forestry may order an inspection of any or all cutting areas within
22.29 an auxiliary forest and ~~also~~ may require the owner of the auxiliary forest to produce for
22.30 inspection by the director of ~~lands and~~ forestry of any or all cutting records pertaining to
22.31 timber cutting operations within an auxiliary forest for the purpose of determining the
22.32 accuracy of scale or measurement reports, and if intentional error in scale or measurement
22.33 reports is found to exist, shall levy and assess a tax triple the yield (severance) tax on the
22.34 stumpage value of the timber cut in excess of the quantity and value reported.

23.1 (b) The following alternative method of assessing and paying annually the yield tax
 23.2 on an auxiliary forest is to be available to an auxiliary forest owner upon application and
 23.3 upon approval of the county board of the county within which the auxiliary forest is located.

23.4 For auxiliary forests entered under this ~~subdivision~~ paragraph, the county auditor
 23.5 shall assess and levy the yield tax by multiplying the acreage of each legal description
 23.6 included within the auxiliary forest by the acre quantity of the annual growth by species,
 23.7 calculated in cords, or in thousands of feet board measure Minnesota standard log scale
 23.8 rule, whichever is more reasonably usable, for the major species found in each type by
 23.9 the from year-to-year appraised stumpage prices for each of these species, used by the
 23.10 Division of ~~Lands and Forestry~~, Department of Natural Resources, in selling trust fund
 23.11 timber located within the district in which the auxiliary forest is located. The assessed
 23.12 value of the annual growth of the auxiliary forest, thus determined, ~~shall be~~ is subject to
 23.13 a ten percent of stumpage value yield tax, payable annually on or before May 31. In all
 23.14 other respects the assessment, levying and collection of the yield tax, as provided for in
 23.15 this subdivision ~~shall~~ must follow the procedures specified in ~~clause~~ paragraph (a).

23.16 Forest owners operating under this ~~subdivision~~ paragraph ~~shall be~~ are subject to all
 23.17 other provisions of the auxiliary forest law except ~~such~~ the provisions of ~~clause~~ paragraph
 23.18 (a) ~~as that~~ are in conflict with this ~~subdivision~~ paragraph. Penalties for intentional failure
 23.19 by the owner to report properly the quantity and value of the annual growth upon an
 23.20 auxiliary forest entered under this ~~subdivision~~ paragraph and for failure to pay the yield
 23.21 tax when due ~~shall be~~ are the same as the penalties specified in other subdivisions of this
 23.22 law for like failure to abide by its provisions.

23.23 To qualify for the assessment and levying of the yield tax by this method, the
 23.24 owner of the forest requesting this method of taxation must submit a map or maps
 23.25 and a tabulation in acres and in quantity of growth by legal descriptions showing the
 23.26 division of the area covered by the auxiliary forest for which this method of taxation is
 23.27 requested into the following forest types, namely: white and ~~Norway~~ red pine; jack pine;
 23.28 aspen-birch; spruce-balsam fir; ~~swamp~~ black spruce; tamarack; cedar; upland hardwoods;
 23.29 lowland hardwoods; upland brush and grass (temporarily nonproductive); lowland brush
 23.30 (temporarily nonproductive); and permanently nonproductive (open bogs, stagnant
 23.31 swamps, rock outcrops, flowage, etc.). Definition of these types and determination of the
 23.32 average rate or rates of growth (in cords or thousand feet, board measure, Minnesota
 23.33 standard log scale rule, ~~which ever~~ whichever is more logically applicable for each of
 23.34 them) ~~shall~~ must be made by the director of the Division of ~~Lands and Forestry~~, Minnesota
 23.35 Department of Natural Resources, with the advice and assistance of the land commissioner
 23.36 of the county in which the auxiliary forest is located; the director of the United States

24.1 Forest Service's North Central Forest Experiment Station; and the director of the School of
 24.2 Forestry, University of Minnesota. Before the approval of the application of the owner of
 24.3 an auxiliary forest to have the auxiliary ~~or proposed auxiliary~~ forest taxed under provisions
 24.4 of this ~~subdivision~~ paragraph is submitted to the county board, the distribution between
 24.5 types of the area as shown on the maps and in the tabulations submitted by the owner of the
 24.6 auxiliary ~~or proposed auxiliary~~ forest ~~shall~~ must be examined and their accuracy determined
 24.7 by the director of the Division of ~~Lands and~~ Forestry, Department of Natural Resources,
 24.8 with the assistance of the county board of the county in which the auxiliary forest is located.

24.9 During the life of the auxiliary forest, contract timber cutting operations within the
 24.10 various types shown upon the type map accepted as a part of the approved auxiliary forest
 24.11 application ~~shall~~ do not bring about a reclassification of the forest types shown upon that
 24.12 map or those maps until after the passage of ten years following the termination of ~~said~~ the
 24.13 timber cutting operations and then only upon proof of a change in type.

24.14 Sec. 41. Minnesota Statutes 2014, section 88.52, subdivision 4, is amended to read:

24.15 Subd. 4. **Hearing, procedure.** The owner of any land or timber upon which a yield
 24.16 tax is assessed and levied as provided in this section may, within 15 days after mailing
 24.17 of notice of the amount of the tax, file with the county auditor a demand for hearing
 24.18 ~~thereon on the tax~~ before the county board. The county auditor shall thereupon fix a date
 24.19 of hearing, which ~~shall~~ must be held within 30 days after the filing of the demand, and
 24.20 mail to the owner notice of the time and place of the hearing. The owner may appear at
 24.21 the meeting and present evidence and argument as to the amount of the tax and as to any
 24.22 related matter relating thereto. The county board shall ~~thereupon~~ determine whether the
 24.23 tax as levied is proper in amount and make its order ~~thereon~~. The county auditor shall
 24.24 ~~forthwith~~ mail to the owner a notice of the order. If the amount of the tax is increased or
 24.25 reduced by the order, the county auditor shall make a supplemental assessment and levy
 24.26 ~~thereof~~, as in this subdivision provided.

24.27 Sec. 42. Minnesota Statutes 2014, section 88.52, subdivision 5, is amended to read:

24.28 Subd. 5. **Yield tax, a prior lien.** Throughout the life of any ~~such~~ auxiliary forest,
 24.29 ~~the yield tax accruing thereon shall constitute and be~~ yield tax constitutes and is a first and
 24.30 prior lien upon all the merchantable timber and forest products growing or grown thereon;
 24.31 and, if not paid when due, this yield tax, together with penalties and interest ~~thereon~~ as
 24.32 otherwise provided by law and all expenses of collecting same, ~~shall continue~~ continues to
 24.33 be a lien upon the timber and forest products ~~and every part and parcel thereof wherever~~
 24.34 ~~the same may be~~ or however much changed in form or otherwise improved until the yield

25.1 tax is fully paid. ~~Such~~ The lien may be foreclosed and the property subject ~~thereto~~ to
 25.2 the lien dealt with by action in the name of the state, brought by the county attorney at
 25.3 the request of the county auditor.

25.4 Sec. 43. Minnesota Statutes 2014, section 88.52, subdivision 6, is amended to read:

25.5 Subd. 6. **Timber held exempt from yield tax.** Timber cut from an auxiliary forest
 25.6 by an owner and used by the owner for fuel, fencing, or building on land occupied by the
 25.7 owner which is within or contiguous to the auxiliary forest where cut ~~shall be~~ is exempt
 25.8 from the yield tax, and₂ as to timber so cut and used₂ the requirements of subdivisions
 25.9 1 and 2 ~~shall do not be applicable and in lieu thereof apply.~~ The owner shall₂ prior to
 25.10 cutting₂ file with the county auditor, on a form prepared by the commissioner, a statement
 25.11 showing the quantity of each kind of forest products proposed to be cut and the purposes
 25.12 for which the ~~same~~ the products will be used.

25.13 Sec. 44. Minnesota Statutes 2014, section 88.523, is amended to read:

25.14 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL**
 25.15 **AGREEMENTS.**

25.16 Upon application of the owner, any auxiliary forest contract ~~heretofore or hereafter~~
 25.17 ~~executed~~ may be made subject to any provisions of law enacted subsequent to the execution
 25.18 of the contract and in force at the time of application, so far as not already applicable, with
 25.19 the approval of the county board and the commissioner of natural resources. ~~As evidencee~~
 25.20 ~~thereof~~ A supplemental agreement in a form prescribed by the commissioner and approved
 25.21 by the attorney general ~~shall~~ must be executed by the commissioner in behalf of the state
 25.22 and by the owner. ~~Such~~ The supplemental agreement ~~shall~~ must be filed and recorded in
 25.23 like manner as the ~~original~~ supplemental contract under section 88.49, subdivision 9, and
 25.24 ~~shall thereupon take~~ takes effect upon filing and recording.

25.25 Sec. 45. Minnesota Statutes 2014, section 88.53, subdivision 1, is amended to read:

25.26 Subdivision 1. **Time for disposal.** ~~Any corporation, association, or organization~~
 25.27 ~~may acquire and hold any amount of land without restriction and without limit as to~~
 25.28 ~~acreage or quantity for the purpose of including same within and holding same as an~~
 25.29 ~~auxiliary forest under the provisions of sections 88.47 to 88.53. When the same shall~~
 25.30 ~~cease~~ land ceases to be an auxiliary forest₂ the owners ~~shall~~ have five years within which
 25.31 to dispose of the land, any provisions of general law to the contrary notwithstanding.

25.32 Sec. 46. Minnesota Statutes 2014, section 88.53, subdivision 2, is amended to read:

26.1 Subd. 2. **Rules.** The director shall make rules and adopt and prescribe such forms
26.2 and procedure as ~~shall be~~ is necessary in carrying out the provisions of sections ~~88.47~~
26.3 88.49 to 88.53; and the director and every county board, county recorder, registrar of titles,
26.4 assessor, tax collector, and every other person in official authority having any duties to
26.5 perform under or growing out of sections ~~88.47~~ 88.49 to 88.53 are hereby severally vested
26.6 with full power and authority to enforce such rules, employ help and assistance, acquire
26.7 and use equipment and supplies, or do any other act or thing reasonably necessary to the
26.8 proper performance of duties under or arising from the administration and enforcement of
26.9 sections ~~88.47~~ 88.49 to 88.53. ~~It shall be the duty of~~ The director ~~to~~ must cause periodic
26.10 inspections to be made of all auxiliary forests for the purpose of determining whether
26.11 relative contract and statutory provisions relative thereto are being complied with.

26.12 Sec. 47. Minnesota Statutes 2014, section 88.6435, subdivision 4, is amended to read:

26.13 Subd. 4. **Forest bough account; disposition of fees.** (a) The forest bough account
26.14 is established in the state treasury within the natural resources fund.

26.15 (b) Fees for permits issued under this section ~~shall~~ must be deposited in the state
26.16 treasury and credited to the forest bough account and, except for the electronic licensing
26.17 system commission established by the commissioner under section 84.027, subdivision
26.18 15, are annually appropriated to the commissioner of natural resources for costs associated
26.19 with ~~balsam bough educational~~ special forest product information and education programs
26.20 for harvesters and buyers.

26.21 Sec. 48. Minnesota Statutes 2014, section 103G.271, subdivision 5, is amended to read:

26.22 Subd. 5. **Prohibition on once-through water use permits.** (a) Except as provided
26.23 in paragraph (c), the commissioner may not issue a water use permit to increase the
26.24 volume of appropriation from a groundwater source for a once-through cooling system.

26.25 (b) Except as provided in paragraph (c), once-through system water use permits
26.26 using in excess of 5,000,000 gallons annually must be terminated by the commissioner,
26.27 unless the discharge is into a public water basin within a nature preserve approved by the
26.28 commissioner and established prior to January 1, 2001. The commissioner may issue a
26.29 permit for a system in existence prior to January 1, 2015, for up to 5,000,000 gallons
26.30 annually. Existing once-through systems must not be expanded and are required to convert
26.31 to water efficient alternatives within the design life of existing equipment.

26.32 (c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of
26.33 the commissioners of health and the Pollution Control Agency, may issue once-through
26.34 system water use permits on an annual basis for groundwater thermal exchange devices

27.1 or aquifer storage and recovery systems that return all once-through system water to the
27.2 source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply
27.3 to all water withdrawals under this paragraph, including any reuse of water returned to
27.4 the source aquifer.

27.5 Sec. 49. Minnesota Statutes 2014, section 103G.271, subdivision 6a, is amended to read:

27.6 Subd. 6a. **Payment of fees for past unpermitted appropriations.** An entity that
27.7 appropriates water without a required permit under subdivision 1 must pay the applicable
27.8 water use permit processing fee specified in subdivision 6 for the period during which the
27.9 unpermitted appropriation occurred. The fees for unpermitted appropriations are required
27.10 for the previous seven calendar years after being notified of the need for a permit. This
27.11 fee is in addition to any other fee or penalty assessed. The commissioner may waive
27.12 payment of fees for past unpermitted appropriations for a residential system permitted
27.13 under subdivision 5, paragraph (b).

27.14 Sec. 50. Minnesota Statutes 2014, section 282.011, subdivision 3, is amended to read:

27.15 Subd. 3. **Title examination.** The commissioner of revenue shall, if requested by the
27.16 purchaser or the county attorney of the county where all or a portion of the land is situated,
27.17 deliver the deed to the county attorney for use under Minnesota Statutes 2014, section
27.18 88.48, subdivision 5, but such delivery shall not be considered delivery to the purchaser.
27.19 The county attorney shall be instructed when taking the transferral of the deed that said
27.20 deed shall not be delivered to the purchaser unless the land involved is accepted as and
27.21 placed into an auxiliary forest.

27.22 Sec. 51. **ALL-TERRAIN VEHICLE REGISTRATION TRANSITION.**

27.23 (a) A person must have an unexpired class 1 or class 2 all-terrain vehicle or off-road
27.24 vehicle registration and may continue to display the unexpired class 1 or class 2 all-terrain
27.25 vehicle or off-road vehicle registration until the electronic licensing system has been
27.26 upgraded to conform with the amendments to Minnesota Statutes, section 84.92, under
27.27 this act.

27.28 (b) When the electronic licensing system has been upgraded, a person who possesses
27.29 an unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle registration may
27.30 continue to display that unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle
27.31 registration until the class 1 or class 2 all-terrain vehicle or off-road vehicle registration is
27.32 renewed, transferred, or replacement registration is applied for.

28.1 Sec. 52. **REVISOR'S INSTRUCTION.**

28.2 The revisor of statutes shall delete the range reference "88.47 to 88.53" wherever it
28.3 appears in Minnesota Statutes and Minnesota Rules and insert "88.49 to 88.53."

28.4 Sec. 53. **REPEALER.**

28.5 Minnesota Statutes 2014, sections 88.47; 88.48; 88.49, subdivisions 1, 2, and 10;
28.6 88.491, subdivision 1; 88.51, subdivision 2; and 282.013, are repealed.

88.47 AUXILIARY FORESTS; TAXATION.

Subdivision 1. **Created.** Any tract of land in this state containing not less than 35 acres, generally suitable for the planting, culture, and growth of trees for the production of timber or forest products may be made an auxiliary forest, subject to taxation only in accordance with the provisions of sections 88.47 to 88.53.

Subd. 2. **Wood lots.** Any tract of land in this state containing not less than five nor more than 40 acres generally suitable for the planting, culture, and growth of trees for the production of timber or forest products, being in the nature of wood lots guarded or protected by the owners or their tenants actually living on the land or immediately adjacent thereto, may, regardless of value be made an auxiliary forest, subject to limited and special taxation only in accordance with the provisions of sections 88.47 to 88.53.

Subd. 3. **Form and contents of application.** The owner of, the owner of an option to buy, or the owner of a contract to buy any tract or contiguous tract of land who deems the tract suitable for an auxiliary forest may make written application to the county board of the county in which such land is situate, setting forth the description thereof by governmental subdivisions or other proper survey, the estimated value per acre thereof, a brief statement of the facts showing its suitability for production of timber or forest products, a statement of the kinds of timber growing and proposed to be grown thereon and the kind and quantity of merchantable timber thereon, the methods of timber culture proposed to be followed, and a request that such land be made an auxiliary forest under and subject to the provisions of sections 88.47 to 88.53.

Subd. 4. **Verification.** The application shall be upon a form prescribed by the director and shall be verified by the applicant.

88.48 APPLICATION.

Subdivision 1. **Filing.** Such application shall be filed with the auditor of the county in which the land described therein is situate, who shall present the same to the county board at its first meeting held after the lapse of a period of ten days after such filing.

Subd. 2. **Notice.** The county auditor shall, upon receipt of the application and prior to the meeting of the county board at which it is presented, mail notice to the clerk of the town in which lies the land therein described.

Subd. 3. **Hearing, determination.** Upon the presentation to it of the application, the county board shall consider the same and hear any matter that may be offered in support of or in opposition to the application. It shall then determine whether the land covered by the application is suitable for the planting, culture, and growth of trees for the production of timber or forest products, the actual or market value thereof, exclusive of timber thereon and of minerals or anything under the surface thereof, and the amount of annual tax provided for in section 88.51, subdivision 1.

Subd. 4. **Action of county board.** The county board shall make proper record of its action upon the application including, if the application be rejected, a written statement, prepared within 30 days of the date of rejection, covering the reason or reasons for such rejection.

If the application be rejected, the county auditor shall endorse the rejection on the application and return it, together with a copy of the written statement prepared by the county board giving the reason or reasons for rejection, to the applicant within 30 days by certified mail at the address given in the application; or, if the application is disapproved as to a part only of the lands described therein, the county auditor shall in like manner notify the applicant, who may within 60 days after the mailing of the notice amend the application accordingly. If it be not so amended the application shall be deemed rejected.

If the application be accepted, the county auditor shall in like manner notify the applicant thereof and transmit the application, with the record of the approval thereof, to the director. It shall be the duty of the commissioner to approve or disapprove the application within 90 days from receipt thereof, to make proper record of the action and to give notice thereof to the applicant in the manner hereinbefore provided and to the county board.

Subd. 5. **Abstract of title.** Within 60 days after the mailing of notice of acceptance by the commissioner, the applicant shall furnish to the county attorney of the county in which the lands described in the contract lie an abstract of title to these lands, or a certificate of title, if the same be registered, including certificates by the county auditor and county treasurer that there are no unpaid taxes thereon, and a certificate of judgment search by the court administrator of the district court. In case of land conveyed to the applicant by the state of Minnesota under the provisions of section 282.01, subdivision 2, or sections 282.011 to 282.015, the furnishing of the recorded state deed and a certificate of judgment search to the county attorney in lieu of an abstract of title

APPENDIX

Repealed Minnesota Statutes: H1329-2

shall constitute satisfactory compliance with this subdivision. The county attorney shall make such examination as may be required by the commissioner and certify to the director the name of the owner of the fee title or the holder of a state deed issued pursuant to Minnesota Statutes, as amended, section 282.01, subdivision 2, or sections 282.011 to 282.015, thereto, and the names of all other persons having any liens thereon, and such other information as may be required by the commissioner. The applicant shall pay the county attorney a reasonable fee for the examination, not exceeding \$10 for each 640 acres, or fraction thereof, of contiguous lands included in any one abstract, certificate of title or state deed.

88.49 CONTRACTS.

Subdivision 1. **Execution.** When it shall have been determined that any lands may be made into an auxiliary forest, the commissioner shall prepare a contract therefor, which contract shall be executed by the commissioner in behalf of the state of Minnesota and by the owner of the fee title or the holder of a state deed and by all other persons having any liens thereon and witnessed and acknowledged as provided by law for the execution of recordable deeds of conveyance. Notices sent by certified mail to the owner in fee at the address given in the application shall be deemed notice to all persons executing such contract.

Subd. 2. **Preparation, form, approval.** The contract shall be prepared by the director of the Division of Lands and Forestry on a recordable form approved by the attorney general and prescribe such terms and conditions as will reasonably tend to produce merchantable timber upon the lands described therein and specify the kind or species of seeds to be planted or seedlings to be set out and the quantity or number thereof, or other acts or steps that the commissioner shall deem necessary in respect to afforestation or reforestation of the lands; the time or times when the same shall be done; the kind and amount, if any, of culture or other attention to be given in aid of the growth of timber thereon; the uses, if any, which may be made of the land while the same remains an auxiliary forest; the period of time, not exceeding 50 years, during which the land may continue to be an auxiliary forest, with privilege of renewal by mutual agreement between the owner and the state acting through the commissioner, with the approval of the county board and the Executive Council, for an additional period not exceeding 50 years; the rate of taxation which may be levied annually on the land, exclusive of merchantable timber growing thereon at the time of the making of the contract and exclusive of mineral or other things of value thereunder, the rate to be determined as hereinafter provided; the keeping open to the public, as public hunting and fishing grounds, of all approved auxiliary forest lands, except when such lands are closed to public hunting or fishing by order of the director of the Division of Lands and Forestry in order to protect such lands from fire, loss of life or property provided, however, that the term keeping open shall not apply to private roads or improvements should the owner desire to close same; and such other conditions, provisions, and stipulations, as the commissioner, in the exercise of scientific knowledge and business judgment, may deem necessary or proper. Every such contract shall be approved by the Executive Council.

As far as practicable all contracts shall be uniform and equal in respect to all lands or classes of lands substantially similar in capacity for, or adaptability to, any particular kind or species of tree culture or forest growth.

Subd. 10. **Auxiliary forest contracts; consolidation thereof.** For the purpose of the simplification of operations thereunder, two or more auxiliary forest contracts held by one owner in any county may be consolidated into a single contract, establishing the initial yield tax in the consolidated contract to such a percentage of market value as will represent a reasonable average of the various levels of the yield taxes payable under the contracts so consolidated at the time of consolidation, as may be determined by the commissioner with the approval of the board of county commissioners. The yield tax payable after consolidation shall be subject to the schedule provided by section 88.51, subdivision 2. The period of time of a consolidated contract shall be the average of the periods remaining of the contracts consolidated. Consolidation of contracts shall be effected in the manner a new contract is established as provided in section 88.48, subdivisions 1, 2, 3, and 4 and subdivisions 1, 2, 3, and 4 of this section but no consolidation shall be effected without the consent of both the county board of county commissioners in any county affected as well as the commissioner of natural resources and no such approval shall be given if the board or the commissioner shall be of the opinion the total taxes that have been paid to date under the separate parcels and are estimated will be paid under the consolidated contract during

APPENDIX

Repealed Minnesota Statutes: H1329-2

the period thereof would be less than the aggregate total of the taxes that would be paid under the separate contracts on the parcels sought to be consolidated.

88.491 RESTRICTIONS ON NEW AUXILIARY FORESTS, EXTENSIONS OF EXISTING CONTRACTS.

Subdivision 1. **New or extended auxiliary forest contracts.** After June 30, 1974, no application for an auxiliary forest contract may be accepted or approved by a county board under section 88.48, and no auxiliary forest contract may be executed by the commissioner of natural resources under section 88.49, subdivision 1. After June 30, 1974, no extension of an auxiliary forest contract may be agreed upon by the commissioner of natural resources or approved by a county board or the Executive Council under section 88.49, subdivision 2.

88.51 AUXILIARY FORESTS; TAX RATE, SPECIAL TAXES.

Subd. 2. **Merchantable timber taxed separately.** Timber which is merchantable at the time of filing of an auxiliary forest contract or which may become merchantable thereafter may be cut or otherwise removed from the land in accordance with applicable provisions of law and of the auxiliary forest contract, and shall be taxed in the following manner. The owner shall, in the event the timber is cut or removed within one year after March 31 following the date of filing the auxiliary forest contract, pay a special tax thereon, which is hereby designated as a yield tax, equal to 40 percent of the market value of the merchantable timber on the stump at the time of the cutting or removal. The aforesaid yield tax rate shall be reduced by two percent on each April 1st following until it shall become ten percent after which it shall remain constant. Minerals, mineral reservations, or any other thing of value under the surface of the land in any auxiliary forest shall not be included within the terms of sections 88.47 to 88.53 and shall be taxed separately in the same manner as mineral interests or minerals separately owned are taxed.

282.013 PLACED IN AUXILIARY FOREST BY PURCHASER.

Any purchaser under the provisions of section 282.012 or this section of lands sold upon condition that they be placed in an auxiliary forest shall furnish the county board, within six months from the date of purchase, satisfactory proof of having complied with the provisions of section 88.48, pertaining to auxiliary forests, and that the application thereunder, including such lands, has been finally approved, provided that such six-month period may be extended by resolution of the county board for good cause shown for an additional six-month period. If such proof is not so furnished, the sale shall be deemed canceled and the purchase price or portion thereof paid shall be refunded.