

maintain, operate and keep up pipe lines for the transportation and transmission of gasoline and other petroleum products over and across lands subject to rural credit mortgages, and over and across such mortgage lands acquired by the State by foreclosure or deed, upon such terms and conditions as he shall deem advisable;

(5) To insure buildings and structures upon any such mortgaged property acquired by the State against loss by fire, tornado, windstorm and/or hail, in any insurance company or association, however organized, authorized to do business in this State, and to pay the premiums, assessments and dues thereby accruing; and to make such repairs and improvements upon such property as are essential to the operation and preservation thereof;

(6) To do all things that may be necessary and proper in carrying out the provisions of this act.

b. It shall be the duty of the Conservator:

(1) To maintain the office of the Department at the seat of government;

(2) To keep such books and records as are necessary for the conduct of the business of the Department and to keep in his custody all promissory notes, mortgages, securities, evidences of indebtedness, muniments of title, and all other papers, records and instruments of every kind now in the possession of or hereafter received or acquired by the Department.

(3) To diligently collect all moneys due the State under this act and to sell all property acquired by it but subject to the limitations herein provided; with a view to the complete and speedy liquidation of the business of the Department.

(4) To promptly meet all obligations of the Department to the end that no default shall occur in the payment of principal or interest on its bonds or certificates.

(5) To submit an annual report to the Governor."

Approved April 26, 1937.

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#### CHAPTER 470—S. F. No. 1462

*An act to amend Laws 1935, Chapter 331, relating to the conservation of evergreen and coniferous trees, providing for the supervision and control of the traffic in such trees intended for use as Christmas trees or for other decorative purposes, and for the licens-*

*ing of dealers in such evergreen and coniferous trees, and for the use thereon of tags issued by the director of the division of forestry, department of conservation, and providing fees therefor.*

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

Section 1. **Title amended.**—That the title of Laws 1935, Chapter 331, be and the same is hereby amended so as to read as follows:

*"An act to amend Laws 1935, Chapter 331, being an act relating to the conservation of evergreen and coniferous trees, providing for the supervision and control of the traffic in such trees intended for use as Christmas trees or for other purposes and for the issuance of permits to dealers in such evergreen and coniferous trees, and for the use thereon of tags, labels or stickers issued by the director of the division of forestry, department of conservation, and providing fees therefor; so as to include decorations and relating to permit fees and tags, labels or stickers and the seizure of trees under this act."*

Section 2. **Law amended.**—That Laws 1935, Chapter 331, Section 1, be and the same is hereby amended so as to read as follows:

**"Section 1. Shipping of evergreens prohibited—exceptions.**—  
(a) Except as otherwise authorized by this act, no person shall remove, ship, transport, offer for sale, sell, purchase for re-sale, or have in possession for transportation or sale, and no common carrier shall transport or receive or have in possession for transportation any green pine, cedar, spruce, balsam, fir, hemlock or other evergreen or coniferous tree intended for use as a Christmas tree, *for decorations*, or for other purposes unless the same has attached thereto an official tag issued by the director of the division of forestry, department of conservation, as provided by this act; provided, that the provisions of this act shall not apply to nursery stock nor to trees cut or used by the state or *Federal government* for any lawful public purpose; and provided, further, that any person may cut within the state or import from without the state and may transport and possess within the state for his or its own use not to exceed *three* such trees in a single lot in one year without having the same tagged as herein provided. Provided further, that *permits* may be issued to dealers in such trees as provided in paragraph (b) of this section, in which case the provisions hereof, except those contained in said paragraph (b), shall not apply to such *permittees* or trees handled by them."

(b) Any person engaged in the business of cutting, processing, shipping or selling evergreen or other coniferous trees intended for use as Christmas trees, *for decorations*, or for other purposes may

apply to the director of the division of forestry of the department of conservation for a *permit* as dealer in such trees, which *permit* shall expire on December 31st of the year in which issued. At the time of applying for such *permit* the applicant shall give such information as to the proposed manner of conducting the business and the number, kind and character of trees intended to be dealt in as may be required by the director. With such application the applicant shall submit a fee of \$200.00 payable to the state treasurer. In addition to the *permit* fee required hereby, such *permittee* shall be required to purchase tags and/or labels or stickers, and affix the same to all trees or shipments sold, or transported by them, except trees shipped out of the state of Minnesota. *Under this section, the time and method of the attachment, use, and the kind of tag, label or sticker, are to be prescribed by the director of forestry.* Such *permittee* shall pay a fee at the rate of two cents for each tree required to be tagged under this section. The term "processed," as used herein, shall mean the treatment of any tree by a chemical bath, either through dipping or spraying, for the purpose of fixing, intensifying or changing the color thereof and/or to prevent the falling off of needles therefrom. Each *permittee* shall display on all vehicles used in the transportation of trees handled by him, from the place of cutting to the place where such trees are processed, a copy of his *permit* as a *permittee*; he shall affix to each tree, crate or carton, for which a fee is required hereunder, such tag, label or sticker before such tree is sold, shipped, or transported by him.

Section 3. **Law amended.**—That Laws 1935, Chapter 331, Section 2, be and the same is hereby amended so as to read as follows:

"Section 2. **What are trees.**—All tops cut from trees of the kinds aforesaid and all bushes, shrubs, saplings, and seedlings of such kinds, when wholly or partly untrimmed, shall be deemed to be trees within the meaning of the provisions of this act, but slashings or side branches cut from such trees shall not be so regarded. The fact that any such tree has been removed in a wholly or partly untrimmed condition from the immediate premises where cut shall be prima facie evidence that it is intended for transportation or sale and for use as a Christmas tree for decorations, or for other purposes, and the burden of proving the contrary shall be upon the defendant or other party so asserting in any criminal or civil action involving the provisions of this act."

Section 4. **Law amended.**—That Laws 1935, Chapter 331, Section 4, be and the same is hereby amended so as to read as follows:

"Section 4. **Issuance of tags.**—Such tags shall be issued by the director of the division of forestry, department of conservation,

or by any officer or agent authorized by him, to any person required or entitled to obtain and use the same as herein provided, upon written application made by such person or by his authorized agent as hereinafter provided, and upon payment of a fee of two cents per tag. Such application shall be in such form as the director may prescribe, subject to the provisions hereof. It shall state the name and address of the applicant and the number and kind of trees to be tagged, and shall state generally how and where the same are to be disposed of. In the case of trees cut or to be cut within the state, the application shall set forth a description of the premises whereon the trees are located and the name of the owner thereof. In the case of trees cut without the state, the application shall state the place from which the trees were shipped or transported into this state and the name and address of the person from whom obtained. The application shall give such other pertinent information as the director may require. The applicant shall submit with the application proof that he is the lawful owner of the trees therein referred to and has lawful authority to dispose of the same as proposed and that all the provisions of the laws of this state relating thereto have been complied with, and, in the case of imported trees, that all the provisions of the laws of the state or country wherefrom the same were obtained relating thereto have been complied with. The director or authorized officer or agent receiving the application may make such further investigation as he deems necessary for the purpose of verifying the statements of the application and determining the sufficiency of the proof submitted therewith. The applicant may be required to verify upon oath the statements of the application or accompanying proof, or any part thereof. If the director or authorized officer or agent receiving the application is satisfied that the facts therein stated are true and that the proof submitted therewith is sufficient and that the applicant is entitled to receive the tags applied for under the provisions of this act, he shall issue to the applicant the tags applied for, upon payment of the fee hereinbefore prescribed."

**Section 5. Law amended.**—That Laws 1935, Chapter 331, Section 5, be and the same is hereby amended so as to read as follows:

**"Section 5. Owner to affix tags.**—(a) Before any such tree cut within the state is removed from the premises where cut, whether intended for transportation, sale, or use within or without the state, it shall be the duty of the owner of such tree to affix or cause to be affixed one of such tags thereto, and to have his name and address plainly written, printed or stamped upon such tag.

(b) Before any such tree imported from without the state is shipped or transported within the state after arrival at its initial destination whereto it was imported or is separated from the original

lot shipment or consignment in which it was imported, or is offered for sale, or is used, the owner shall affix or cause to be affixed one of such tags thereto; provided, that by written permission of the director or of any officer or agent authorized to issue tags hereunder, any unbroken lot, shipment, or consignment of imported trees may be reshipped or transported from its initial destination to any other point within the state without tags, which permission shall be granted without charge upon like application and showing as herein provided for the issuance of tags, but such permission shall not relieve the owner from the obligation to tag such trees as herein provided after the termination of such reshipment or transportation.

(c) Each tag shall be affixed as herein provided by securely fastening the same to the trunk or stem of the tree with wire at a point above the lowest branch or branches, unless some other method shall be prescribed by the director of forestry by instructions printed upon the tag, in which case the method so prescribed shall be followed.

(d) No person shall remove any such tag from any tree until such tree has actually been placed in use by the ultimate purchaser or user thereof, or until it is no longer required or available for such use, or, in the case of a tree shipped or transported out of the state, until it has left the state."

(e) *All trees which do not conform with the provisions of this act are declared to be contraband and subject to seizure and confiscation as hereinafter provided.*

Section 6. **Law amended.**—That Laws 1935, Chapter 331, Section 6, paragraph (c) be and the same is hereby amended so as to read as follows:

"Section 6. **Hours and duties of forest rangers etc.**—(c) To enter with or without a warrant for the purpose aforesaid any premises whereon such trees are being or have been cut or wherein such trees are kept for transportation or sale, including the premises, cars, or other transportation facilities of common carriers, and to stop any vehicle or other means of conveyance found carrying any such trees upon any public highway of this state, and to seize and confiscate in the name of the state any evergreen or coniferous tree or trees taken or had in possession or under control, or sold or transported in violation of this chapter, and to seize, confiscate and dispose of all trees unlawfully used or had in possession in violation of this chapter as the director of forestry may prescribe. All confiscated trees may be retained by the director of forestry or sold at the highest price obtainable by the director of forestry or forest officers or by an agent of the director of forestry, under written

authority and supervision of the director of forestry. The net proceeds of such sales, after deducting the expense of seizure and sale and any such commissions, shall be promptly remitted by the forest officer by whom and under whose authority and supervision the sales were made, to the director of forestry and by him paid into the state treasury; the remittances to be accompanied by the complete and certified report of such sales supported by such vouchers covering all deduction made for expenses and commissions, to be filed for record in the office of the division of forestry. All net proceeds from such sales are hereby appropriated as under Section 10 of this act.

*Confiscation of coniferous trees under this act may include two or more trees when packed, bundled, fastened together, or contained in the same bag, crate, box, or other receptacle or otherwise commingled and when one or more thereof are contraband, then and in such case the whole bundle or parcel thereof shall be deemed contraband, although a part of the trees in such bundle or parcel may have tags affixed thereto."*

Section 7. **Law amended.**—That Laws 1935, Chapter 331, Section 8, be and the same is hereby amended so as to read as follows:

"Section 8. **Officers may make complaint.**—Any officer discovering or having knowledge of offense under this act shall forthwith make complaint against the offender before a court or magistrate having jurisdiction to issue warrants of arrest in such cases, and shall submit to the jurisdiction of such court or magistrate or of such other court or magistrate as may take cognizance of the case any trees affected by or involved in the offense and seized as herein provided.

Section 8. **Law amended.**—That Laws 1935, Chapter 331, Section 10, be and the same is hereby amended so as to read as follows:

"Section 10. **Fees to be paid into state treasury.**—All fees received from the issuance of such tags, labels or stickers and the sale of permits shall be promptly transmitted through the director to the state treasurer. All such fees are hereby appropriated to the director for salaries and other expenses incurred in connection with the enforcement of this act, subject to the provisions of Laws 1925, Chapter 426, and acts amendatory thereof."

Approved April 26, 1937.