

CHAPTER 94—H. F. No. 332
[Coded as sections 89.35 to 89.40]

An act relating to the production, procurement, distribution, and planting of trees, shrubs, and vines for conservation purposes, prescribing penalties for violations, and repealing Minnesota Statutes 1945, Section 89.08.

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

[89.35] Section 1. **Tree planting.** Subdivision 1. **Trees defined.** The term "tree" or "trees" as used herein shall include any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of conservation for the purposes herein authorized except such cultivated varieties as are capable of producing fruit for human consumption.

Subd. 2. **Purpose of planting.** The purposes for which trees may be produced, procured, distributed, and planted hereunder shall include auxiliary forests, woodlots, windbreaks, shelter-belts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, and afforestation and reforestation on public or private lands of any kind, but shall not include the raising of fruit for human consumption or planting for purely ornamental purposes. It is hereby declared that all such authorized purposes are in furtherance of the public health, safety, and welfare.

[89.36] Sec. 2. **Planting stock; production and procurement.** Subdivision 1. **Production at state nurseries.** The commissioner of conservation may produce tree planting stock for the purposes of this act upon any lands under his control which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law.

Subd. 2. **Purchase of stock.** The commissioner of conservation may purchase tree planting stock for the purposes herein authorized under the provisions of Minnesota Statutes 1945, Sections 89.31 to 89.34, or any other applicable law now or hereafter in force.

[89.37] Sec. 3. **Planting stock; distribution.** Subdivision 1. **Planting conditions.** The commissioner of conservation may supply planting stock produced or procured hereunder for use on any public or private lands within the state for the purposes herein authorized under such conditions as he may prescribe for planting, care, and maintenance in furtherance of such purposes.

Subd. 2. **Supply for public lands.** Such planting stock may be supplied for use on any lands owned by or subject to an easement or right of way held by the state or by any political subdivision of the state free of charge or upon payment of all or any part of the cost of such stock or expenses of distribution, as the commissioner may determine.

Subd. 3. **Supply for private lands.** Such planting stock in lots of not less than 500 may be supplied for use on private land only upon payment of such sum as the commissioner shall determine to be fair and reasonable.

Subd. 4. **Proceeds of sale.** All moneys received in payment for tree planting stock supplied under this section shall be deposited in the state treasury and credited to the general revenue fund.

[89.38] **Sec. 4. Prohibitions and penalties.** It shall be unlawful for any person to use or permit the use of planting stock furnished hereunder for any purpose not authorized hereunder, or to sell, give, remove, or permit the removal with roots attached of any tree previously planted from stock furnished hereunder for replanting on any ground other than his own or for any purpose not authorized hereunder. Any violation of this section shall be a misdemeanor.

[89.39] **Sec. 5. Purchase agreements and penalties.** Every individual, partnership, or private corporation to whom any planting stock is supplied for planting on private land hereunder shall execute an agreement, upon a form approved by the attorney general, to comply with all the requirements of this act and all conditions prescribed by the commissioner hereunder. Any party to such an agreement who shall violate any provision thereof shall, in addition to any other penalties that may be applicable, be liable to the state in a sum equal to three times the reasonable value of the trees affected by the violation at the time the same were shipped for planting; provided, that if such trees are sold or offered for sale for any purpose not herein authorized, such penalty shall be equal to three times the sale price. Such penalties shall be recoverable in a civil action brought in the name of the state by the attorney general.

[89.40] **Sec. 6. Surplus planting stock; disposition.** In case the commissioner of conservation finds that any tree planting stock procured under the provisions of Minnesota Statutes 1945, Sections 89.31 to 89.34, is not salable in accordance therewith, he may request the commissioner of administration to sell such planting stock. The commissioner of ad-

ministration shall thereupon proceed to sell such stock at the highest prices obtainable in accordance with the laws relating to the sale of surplus materials, except that he may, in his discretion, dispense with advertising for bids. All proceeds of such sales shall be credited to the State Tree Planting Revolving Fund. The provisions of Laws 1939, Chapter 431, and any other existing laws relating to the sale of such materials are hereby modified and superseded so far as may be necessary to give effect to the provisions hereof.

Sec. 7. Repeal of Section 89.08. Minnesota Statutes 1945, Section 89.08, is hereby repealed.

Approved March 15, 1947.

CHAPTER 95—H. F. No. 608

[Coded as Section 357.02, Subdivisions 1 and 2]

An act relating to fees of clerks of district courts, and to amend Minnesota Statutes 1945, Section 357.02.

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

Section 1. Minnesota Statutes 1945, Section 357.02, is amended to read as follows:

357.02. Fees of clerk of district court. Subdivision 1. Schedule. The fees to be charged and collected by the clerk of the district court shall be as follows, and no lesser or greater fees shall be charged for:

(1) Issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not herein specifically mentioned, \$1.00; issuing an execution and filing the return thereof, \$1.00; issuing a subpoena, 50 cents for each name;

(2) A certified copy of a judgment, a writ, a rule, or an order, 75 cents for the first three folios, 15 cents for each additional folio, and 50 cents for the certificate;

(3) Entering an appearance, non-suit, continuance, setting for trial, or striking from calendar, 25 cents;

(4) Entering each motion and order, in term, 50 cents;

(5) For each certificate, 50 cents;