

applicant shall pay the clerk of the court the sum of \$3.00, which shall be in full of all clerk's fees and charges in such proceedings on his behalf. Any defendant on entering his appearance shall pay a like sum, which shall be in full of all clerk's fees on his behalf. When any number of defendants enter their appearance, jointly but one fee shall be paid. Every publication in a newspaper required by this law shall be paid for by the party on whose application the publication is made. The party at whose request any notice is issued shall pay for the service of the same, except when sent by mail by the clerk or by the registrar. In all other counties the fees of the clerk of the district court for services performed in connection with his duties in proceedings for the registration of a land title shall be governed by the provisions of Minnesota Statutes 1945, Section 357.02.

Approved April 3, 1957.

CHAPTER 295—S. F. No. 1282

[Coded]

An act providing for the protection of forests and forest values; amending Laws 1955, Chapter 676, Section 1, Subdivisions 3, 8 and Sections 2 to 10.

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

Section 1. Laws 1955, Chapter 676, Section 1, Subdivision 3, is amended to read:

[89.51] Subd. 3. *Commissioner* shall mean the commissioner of the department of agriculture, dairy and food.

Sec. 2. Laws 1955, Chapter 676, Section 1, Subdivision 8, is amended to read:

[89.51] Subd. 8. Forest pest, means any vertebrate or invertebrate animal or plant pathogen which is determined by the *commissioner* to be harmful, injurious or destructive to forests or timber.

Sec. 3. Laws 1955, Chapter 676, Section 2, is amended to read:

[89.52] Sec. 2. The *commissioner* shall make surveys and investigations to determine the presence of infestations of forest pests. For this purpose duly designated representatives of the *commissioner* may enter at reasonable times

on public and private lands for the purpose of conducting such surveys and investigations.

Sec. 4. Laws 1955, Chapter 676, Section 3, is amended to read :

[89.53] Sec. 3. **Control of forest pests.** Subdivision 1. Whenever the *commissioner* finds that an area in the state is infested or threatened to be infested with forest pests, *he* shall determine whether measures of control are needed and are available and the area over which the control measures shall be applied. The *commissioner* shall prescribe a proposed zone of infestation covering the area in which control measures are to be applied and shall publish notice of the proposal once a week, for two successive weeks in a newspaper having a general circulation in each county located in whole or in part in the proposed zone of infestation.

Subd. 2. The notice shall include a description of the boundaries of the proposed zone of infestation and a time and place where owners of forest lands in the zone may show cause orally or in writing why the zone should or should not be established. The *commissioner* shall consider any statements received in determining whether the zone shall be established.

Sec. 5. Laws 1955, Chapter 676, Section 4, is amended to read :

[89.54] Sec. 4. **Zones of infestation.** Upon the decision by the *commissioner* that the establishment of a zone is necessary, he shall make a written order establishing said zone, and upon making said order, said zone shall be established. Notice of the establishment of the zone shall thereupon be published in a newspaper having a general circulation in each county located in whole or in part in the proposed zone.

Sec. 6. Laws 1955, Chapter 676, Section 5, is amended to read :

[89.55] Sec. 5. **Infestation control.** Upon the establishment of the zone of infestation, the *commissioner* may apply measures of infestation control on public and private forest and other lands within such zone and to any trees, timber, plants or shrubs thereon harboring or which may harbor the forest pests. For this purpose, the duly authorized representatives of the *commissioner* are authorized to enter upon any lands, public or private within such zone. The *commissioner* may enter into agreements with owners of the lands in the zone covering the control work on their lands, and fixing the pro rata basis on which the cost of such work will be shared between the *commissioner* and said owner.

Sec. 7. Laws 1955, Chapter 676, Section 6, is amended to read:

[89.56] Sec. 6. Expenses. Subdivision 1. At the end of each fiscal year and upon completion of the infestation control measures in any zone of infestation, the *commissioner* shall prepare a certified statement of expenses incurred in carrying out such measures, including expenses of owners covered by agreements entered into pursuant to section 5. The statement shall show the amount which the *commissioner* determines to be its share of the expenses. The share of the *commissioner* may include funds and the value of other contributions made available by the federal government and other co-operators. The balance of such costs shall constitute a charge on an acreage basis as provided herein against the owners of lands in the zone containing trees valuable or potentially valuable for commercial timber purposes and affected or likely to be affected by the forest pests for which control measures were conducted. In fixing the rates at which charges shall be made against each owner, the *commissioner* shall consider the present commercial value of the trees on his land, the present and potential benefits to such owner from the application of the control measures, and the cost of applying such measures to his land, and such other factors as in the discretion of the *commissioner* will enable *him* to determine an equitable distribution of the cost to all such owners including the recommendations of the director, division of forestry. No charge shall be made against owners to the extent that they have individually or as members of a cooperative association contributed funds, supplies, or services pursuant to agreement under section 6.

Subd. 2. Notice of said charge and the amount thereof shall be given to the owner by delivery or by depositing the same in the United States mails in an envelope properly addressed to him and bearing sufficient postage. The owner shall have the right to protest such charge to the *commissioner* within 60 days from the date of such notice. He shall also have the same right to review of such charge as is provided with respect to ad valorem property assessments. Application for such review shall be made within 60 days from the date of action by the *commissioner* on any protest.

Subd. 3. The unpaid charges assessed under this act and the actions of the *commissioner* on any protests filed pursuant to subdivision 2, shall be reported to the tax levying authority for the county in which the lands for which the charges are assessed are situated and shall be made a public record. Any charges finally determined to be due shall become

a special assessment and shall be payable in the same manner and with the same interest and penalty charges and with the same procedure for collection as apply to ad valorem property taxes. Upon collection of the charges the county treasurer shall forthwith cause the amounts thereof to be paid to the forest pest control fund created by this act. Any unpaid charge or lien against the lands shall not be affected by the sale thereof or by dissolution of the zone of infestation.

Sec. 8. Laws 1955, Chapter 676, Section 7, is amended to read:

[89.57] Sec. 7. **Dissolution of zone infestation.** Whenever the *commissioner* shall determine that forest pest control work within an established zone of infestation is no longer necessary or feasible, the *commissioner* shall dissolve the zone.

Sec. 9. Laws 1955, Chapter 676, Section 8, is amended to read:

[89.58] Sec. 8. **Forest pest control fund.** All moneys collected under the provisions of this act together with such moneys as may be appropriated by the legislature or allocated by the legislative advisory committee for the purposes of this act, and such moneys as may be contributed or paid by the federal government, or any other public or private agency, organization or individual, shall be deposited in the state treasury, to the credit of the forest pest control fund, which fund is hereby created, and any moneys therein are appropriated to the *commissioner* for use in carrying out the purposes of this act.

Sec. 10. Laws 1955, Chapter 676, Section 9, is amended to read:

[89.59] Sec. 9. **Cooperation.** The *commissioner* may cooperate with the United States or agencies thereof, other agencies of the state, county or municipal governments, agencies of neighboring states or other public or private organizations or individuals and may accept such funds, equipment, supplies or services from cooperators and others as it may provide in agreements with the United States or its agencies for matching of federal funds as required under laws of the United States relating to forest pests.

Sec. 11. Laws 1955, Chapter 676, Section 10, is amended to read:

[89.60] Sec. 10. **Duties.** The *commissioner* is authorized to employ personnel in accordance with the laws of this state, to procure necessary equipment, supplies and serv-

ice, to enter into contracts, to provide funds to any agency of the United States for work or services under this act, and to designate or appoint, as its representatives, employees of its cooperators including employees of the United States or any agency thereof. The *commissioner* may prescribe rules and regulations for carrying out the purposes of this act.

Approved April 3, 1957.

CHAPTER 296—S. F. No. 1406

[Coded in part]

An act relating to the state civil service; amending Minnesota Statutes 1953, Section 43.22, Subdivision 2, and adding a new subdivision thereto.

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

Section 1. Minnesota Statutes 1953, Section 43.22, Subdivision 2, is amended to read:

Subd. 2. **Leaves of absence.** Any person holding a permanent position in the classified service of this state may be granted a leave of absence on the grounds of sickness, disability, or other good and sufficient reason; provided, that no leave, except military leave, sick or disability leave, leave to accept an appointive position in the state unclassified service, and leave to accept employment with a civil defense survival plan project to which the state is a party, shall exceed one year, except as provided in subdivisions 4, 5 and 6.

Sec. 2. Minnesota Statutes 1953, Section 43.22, is amended by adding a new subdivision thereto reading as follows:

[Subd. 7] *Leave of absence is hereby granted to persons, not exceeding six in number, holding a permanent position in the classified service to enable such persons to continue in or to accept employment with a civil defense survival plan project to which the state is a party. Persons having accepted, or hereafter accepting such employment, shall be restored, at any time within one year after termination of said employment, to the status and class which he last held in the permanent classified service upon application therefor to the director of civil service.*

Approved April 3, 1957.
