

excess of any personnel limitations, quotas or complements as established by law. Said employment shall be subject to the advance approval of the commissioner of administration.

Sec. 2. Minnesota Statutes 1971, Section 16.173, is amended to read:

**16.173 APPROVED COMPLEMENTS.** Whenever an appropriation to any state department or agency for salaries discloses an approved complement, that department or agency, except for seasonal employees, and part time employees, and service workers is limited in the employment of the number of persons indicated by such approved complement. The employment of seasonal employees, and part time employees, and service workers shall be in addition to the approved complement but subject to the approval of the commissioner of administration who shall determine the need therefor.

Additional employees over the number of the approved complement may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve such additional personnel until he has consulted with the legislative advisory committee created by Laws 1943, Chapter 594, and such committee has made its recommendation upon the matter. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation. The provisions hereof shall extend to any other agency to which the present authority of the legislative advisory committee may be transferred, but shall be deemed to be repealed in case such authority shall be abolished.

Sec. 3. Minnesota Statutes 1971, Section 43.17, Subdivision 4, is repealed.

Approved May 11, 1973.

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## CHAPTER 234—S.F.No.1503

[Coded in Part]

*An act relating to natural resources; the production, procurement, distribution, and planting of trees, shrubs, and vines for conservation purposes; amending Minnesota Statutes 1971, Sections 89.36, Subdivision 2; 89.37, by adding a subdivision; 89.38; and*

**Changes or additions indicated by underline, deletions by strikeout.**

*Chapter 89, by adding a section; repealing Minnesota Statutes 1971, Sections 89.31 through 89.34, and 89.40.*

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

Section 1. Minnesota Statutes 1971, Section 89.36, Subdivision 2, is amended to read:

**Subd. 2. NATURAL RESOURCES; PLANTING STOCK FOR CONSERVATION PURPOSES; PURCHASE OF STOCK.** The commissioner of natural resources may purchase tree planting stock for the purposes herein authorized under the provisions of sections ~~89.31 to 89.34~~ 89.35 to 89.39, or any other applicable law now or hereafter in force.

Sec. 2. Minnesota Statutes 1971, Section 89.37, is amended by adding a subdivision to read:

**Subd. 3a. SALES OF TREES TO SOIL AND WATER CONSERVATION DISTRICTS.** The commissioner of natural resources may supply tree planting stock to organized soil and water conservation districts for soil, water, wildlife and conservation purposes or as prescribed in section 89.35, subdivision 2.

There is no minimum limitation on the number of trees going on an individual location. The district shall make the determination of the numbers of trees going to each location.

Resale of trees with roots attached by the districts to their cooperators is permitted if planted in accordance with conservation purposes set forth in section 89.35, subdivision 2.

The soil and water conservation districts are permitted to resell trees with an adequate amount added to defray costs of handling, grading, transportation, storage, salaries and other costs directly related to planting the stock.

The district shall keep a record of all trees planted and the locations of the plantings. A record of the plantings shall be sent to the commissioner of natural resources.

Soil and water conservation districts may establish joint distribution centers, if necessary, to facilitate distribution or improve quality of tree planting stock when approved by the commissioner of natural resources and the soil and water conservation districts so affected.

Sec. 3. Minnesota Statutes 1971, Section 89.38, is amended to read:

**89.38 PROHIBITION; PENALTIES.** It shall be unlawful for any person who purchases trees from the commissioner to use or

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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.

Sec. 4. Minnesota Statutes 1971, Chapter 89, is amended by adding a section to read:

**[89.391] NURSERY INSPECTION CERTIFICATES; LIMITATIONS ON ISSUANCE.** No certificate of inspection shall be issued pursuant to section 18.51 by the commissioner of agriculture to a person who is determined by the commissioner of natural resources to have purchased trees from him pursuant to sections 89.35 to 89.39 and who is selling, giving, removing, or permitting the removal of the trees with roots attached.

Sec. 5. Minnesota Statutes 1971, Sections 89.31; 89.32; 89.33; 89.34; and 89.40, are repealed.

Sec. 6. This act is effective the day following its final enactment.

Approved May 11, 1973.

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## CHAPTER 235—S.F.No.1507

*An act relating to public welfare; changing the method of determining rates for state hospital care; amending Minnesota Statutes 1971, Sections 246.50, Subdivision 5; and 246.51.*

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

Section 1. Minnesota Statutes 1971, Section 246.50, Subdivision 5, is amended to read:

Subd. 5. **PUBLIC WELFARE; COST OF CARE IN STATE HOSPITALS.** "Cost of care" means the commissioner's determination of the anticipated average per capita cost of all maintenance, treatment and expense, including depreciation of buildings and equipment, and indirect costs related to the operation other than that paid from the Minnesota state building fund, at all of the state hospitals for the mentally ill or mentally deficient during the fiscal current year ~~previous to the period~~ for which billing is being made. "Cost of care" for outpatient or day-care patients shall not

Changes or additions indicated by underline, deletions by ~~strikeout~~.