

collected in the same manner as other real estate taxes are collected.

Sec. 9. Repeal. Minnesota Statutes 1941, Sections 20.16 and 20.18 are hereby repealed.

Approved April 23, 1945.

CHAPTER 535—S. F. No. 814

An act relating to tree planting for conservation purposes, providing for the procurement and distribution of planting stock, and appropriating money therefor.

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

Section 1. Reforestation; 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 procured, distributed, and planted hereunder shall include auxiliary forests, woodlots, shelterbelts, 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, planting for purely ornamental purposes, or planting windbreaks for farm buildings or farmyards.

Sec. 2. Planting stock; procurement and distribution. Subdivision 1. **Letting contract.** The commissioner of conservation is authorized to procure tree planting stock for the purposes herein authorized by contract in the manner provided by law for contracts for construction or purchase provided, that in case two or more competitive bids are not received pursuant to an advertisement, a contract may be awarded to a single bidder if, in the opinion of the commissioner, the bid is reasonable and it is not practicable to obtain competitive bids.

Subd. 2. **Requirements for growing and delivery; bonds.** So far as practicable, planting stock shall be procured by the commissioner hereunder through contracts for the grow-

ing thereof. In any contract hereunder the commissioner may specify the area of the state wherein the stock shall be grown and the conditions under which it shall be grown, cared for and delivered, together with such other terms and conditions as he deems necessary to accomplish the purposes hereof. Separate contracts may be made for different areas of the state or for different lots or kinds of trees, as the commissioner may determine. A contract may be made for the growing and delivery of stock at any time not exceeding five years from the date of letting as stated in the advertisement for bids, subject to availability of funds for payment. Every contractor shall furnish a bond in the amount of the total contract price in like manner as required for public work contracts.

Subd. 3. Distribution. The commissioner may provide for distribution of planting stock hereunder in the contract with the grower or by separate contract, let as provided in subdivision 1, or by state employees under his direction, as he deems most expedient.

Subd. 4. Inspection; cancelation; liability. All operations under any contract shall be subject to inspection by the commissioner or his agents or employees at any time. If the commissioner finds at any time that a contractor will not be able to fulfill his contract, the commissioner may, upon 30 days written notice to the contractor by registered mail, cancel the contract or such part thereof as is affected by the default, but such cancellation shall not relieve the contractor or the surety on his bond from any obligation theretofore incurred under the contract or bond; provided, that there shall be no liability under any contract for the growing of planting stock on account of failure of the contractor to produce the stock due to an Act of God, the consequences of which he could not have foreseen or prevented by the exercise of reasonable diligence.

Sec. 3. Planting stock; sale. Subdivision 1. **Planting conditions; costs.** The commissioner may sell tree planting stock procured hereunder for planting on public or private lands for the purposes herein authorized under such conditions and regulations respecting the planting and care thereof as he may prescribe, and subject to inspection and supervision by him, his agents or employees. Sales shall be made at not less than the cost of the stock to the state plus such additional amount as the commissioner may determine as a fair proportionate charge for expenses of operation hereunder, which additional amount shall include, without limitation, a

fair proportionate charge for salaries of employees engaged in distribution of planting stock and other actual overhead expenses of such distribution.

Subd. 2. **State projects.** The commissioner may furnish tree planting stock procured hereunder for planting in connection with any state project or activity, upon reimbursement of the price thereof, determined as provided in subdivision 1, from the funds available for such project or activity.

Subd. 3. **Re-sale prohibited.** 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.

Sec. 4. **Revolving fund.** A fund to be known as the State Tree Planting Revolving Fund is hereby established. All moneys received under Section 3 shall be credited to this fund. All moneys now or hereafter appropriated or credited to this fund from any source are hereby continuously appropriated to the commissioner of conservation for the purposes of this act, and shall remain available therefor until expended, subject to any other express provisions of law respecting the same. Allotments and encumbrances may be made at any time against the moneys in this fund and against anticipated receipts therefor for such period as may be necessary for the fulfillment of any contract or for the carrying out of any project or activity authorized hereunder.

Sec. 5. **Appropriations.** Subdivision 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$3,000 for the State Tree Planting Revolving Fund established hereunder, to be available from and after July 1, 1946.

Subd. 2. There is hereby appropriated to the commissioner of conservation out of any moneys in the state treasury not otherwise appropriated the sum of \$4,460 for the fiscal year ending June 30, 1946, and the sum of \$4,460 for the fiscal year ending June 30, 1947, for salaries, supplies, and expenses for the administration of this act. Any balances remaining at the end of either of those fiscal years shall be credited to the State Tree Planting Revolving Fund.

Approved April 23, 1945.