

~~The commissioner of highways is directed to conduct an in-depth study of the damage, if any, caused to the public roadways of this state which results from the use of metal tire studs, salt de-icing materials, and other materials of a chemical or physical nature used upon said highways. Further, the commissioner is directed to evaluate whether or not changes in asphalts, concrete aggregates, or other highway surface materials could be made to reduce the damage, if any, caused by metal tire studs and de-icing materials. The commissioner shall evaluate the effects, if any, that discontinuing the use of studded tires will have on highway safety. The commissioner is directed to conduct the study herein prescribed and to report his findings to the 1971 session of the state legislature.~~

Subd. 2. Notwithstanding the provisions of subdivision 1, a person, operating a motor vehicle properly licensed and registered in another state or province of a foreign country which authorizes the use of tires with metal studs or wire embedded tires on its highways, may operate the motor vehicle with tires having metal type studs or with tires having wire embedded therein on the highways of this state while occasionally within the state, and such use while occasionally within the state is not unlawful. Use of a vehicle in this state on more than 30 days in any year is not occasionally.

Approved November 11, 1971.

EXTRA SESSION
CHAPTER 44—H.F.No.71

An act relating to natural resources; state soil and water conservation districts; including municipalities within districts; changing the terms of district supervisors; providing that the state soil and water conservation commission be an agency within the department of natural resources and providing for membership thereon and employees thereof; amending Minnesota Statutes 1969, Sections 40.03, Subdivisions 1 and 2; 40.04, Subdivisions 6 and 12; 40.05; and 40.06, Subdivisions 1 and 5.

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

Section 1. Minnesota Statutes 1969, Section 40.04, Subdivision 6, is amended to read:

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Subd. 6. **SOIL AND WATER CONSERVATION COMMISSION; SUPERVISORS A CORPORATION; NAME OF DISTRICT; CERTIFICATE OF ORGANIZATION.** If the state soil and water conservation commission shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two supervisors to act, with the three supervisors elected as provided hereinafter, as the governing body of the district. The district shall be a governmental subdivision of this state and a public body corporate and politic, upon the taking of the following proceedings:

The two appointed supervisors shall present to the secretary of state an application signed by them, which shall set forth (and such application need contain no detail other than the mere recitals):

(1) That a petition for the creation of a district was filed with the state soil and water conservation commission pursuant to the provisions of this chapter, and that the proceedings specified in this chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body, corporate or politic, under this chapter; and that the commission has appointed them as supervisors;

(2) The name and official residence of each supervisor, together with a certified copy of the appointment evidencing his right to office;

(3) The term of office of each supervisor;

(4) The name which is proposed for the district; and

(5) The location of the principal office of the supervisors of the district.

The application shall be subscribed and sworn to by each supervisor before an officer authorized by the laws of this state to take oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application, and that each has subscribed thereto in the officer's presence. The application shall be accompanied by a statement by the state soil and water conservation commission, which shall certify (and such statement need contain no detail other than the mere recitals) that a petition was filed, notice issued, and hearing held as aforesaid; that the commission did duly determine that there is need, in the interest of the public health, safety, and welfare, for a soil and water conservation district to function in the proposed territory, and did

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define the boundaries thereof; that notice was given and a referendum held on the question of the creation of the district, and that the result of the referendum showed a majority of the votes cast in the referendum to be in favor of the creation of the district; that thereafter the commission did duly determine that the operation of the proposed district is administratively practicable and feasible. The statement shall set forth the boundaries of the district as they have been defined by the commission.

The secretary of state shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other soil and water conservation district in this state, or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and record them in an appropriate book of record in his office. If the secretary of state shall find that the name proposed for the district is identical with that of any other soil and water conservation district of this state, or so nearly similar as to lead to confusion and uncertainty, he shall certify that fact to the state soil and water conservation commission, which shall thereupon submit to the secretary of state a new name for the district, which shall not be subject to such defects. Upon receipt of the new name, free from such defects, the secretary of state shall record the application and statement, with the name so modified, in an appropriate book of record in his office. When the application and statement have been made, filed, and recorded, as herein provided, the district shall constitute a governmental subdivision of this state. The secretary of state shall make and issue to the supervisors a certificate, under the seal of the state, of the due organization of the district and record the certificate with the application and statement. The boundaries of the district shall include the territory as determined by the state soil and water conservation commission, as aforesaid, but in no event shall they include any area included within the boundaries of another soil and water conservation district organized under the provisions of this chapter.

After July 1, 1972, all cities, villages, and boroughs lying within the boundaries of an existing soil and water conservation district are included within the boundaries of the district. Cities, villages, and boroughs shall be included within the boundaries of any district organized after July 1, 1972. In doubtful cases, the state soil and water conservation commission shall determine the district within which a city, village, or borough shall be included.

Sec. 2. Minnesota Statutes 1969, Section 40.04, Subdivision 12, is amended to read:

Subd. 12. **FORMATION OF SUPERVISOR DISTRICTS.** The district governing body of any district, heretofore or hereafter organized, after two successive annual elections have been held

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may, with the approval of the state soil and water conservation commission, divide a district into five supervisor districts for election purposes and at each election thereafter one and only one supervisor shall be elected from each such district, and whenever the boundary of any district has been substantially changed after a division thereof, such district shall thereupon be divided into five supervisor districts for election purposes in accord with this subdivision, provided that nothing herein will be construed to disqualify a supervisor during the term for which he was elected. Any vacancy occurring in any such district by failure to elect a supervisor or otherwise, shall be filled by a majority of the supervisors until the next annual town election in the manner provided in Minnesota Statutes, Section 40.05, Subdivision 4.

A certified copy of the minutes or the resolution of the supervisors establishing districts as herein authorized shall be promptly filed by the chairman of the board of supervisors with the county auditor wherein the districts are located and with the state soil and water conservation commission.

Sec. 3. Minnesota Statutes 1969, Section 40.05, is amended to read:

40.05 SUPERVISORS ELECTED FOR EACH DISTRICT.
Subdivision 1. Within 30 days after the date of issuance by the secretary of state of a certificate of organization of a soil and water conservation district, or such further time as the state soil and water conservation commission may allow, nominating petitions may be filed with the state soil and water conservation commission nominating legal voters as candidates for election as supervisors of such district, one two for a term terms to expire at the time of the third annual town election in March and one to expire at the time of the fourth succeeding town election, and one to expire at the fifth succeeding town election in March on December 31 following the second general election after their initial election, and one for a term to expire on December 31 following the third general election after their initial election. Each petition must be subscribed by one or more legal voters of the district. No person shall sign petitions nominating more than three candidates and if he does his signature shall not be counted on any petition. The commission shall give due notice of the time and place where the election of three supervisors shall be held in the district, and shall specify therein the names of all candidates and the terms for which nominated. The commission shall prepare ballots for such election with the surnames of the candidates printed thereon in alphabetical order for each term and a square before each name and a direction to insert an X mark in the square before three names with different terms to indicate the voter's choice. All legal voters shall be eligible to vote at such election. The three candidates who shall receive the highest

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numbers respectively of the votes cast at such election shall be the elected supervisors for the district. In case of a tie, the election shall be determined by lot, under the direction of the commission. The commission shall supervise such election, pay all the expenses thereof, prescribe the regulations governing the same, determine the eligibility of voters and publish the results.

~~Subd. 2. In districts heretofore organized, the present elected supervisors shall hold their respective offices until the expiration of their present terms. Thereafter as such terms expire a successor shall be elected for the term of five years. (a) On December 31, 1972, the terms of the following two incumbent supervisors shall terminate: The two supervisors whose terms, under Minnesota Statutes, Chapter 40, as existing before the effective date of this act, terminate at the time of the annual town elections of 1973 and 1974. Their successors shall be elected at the general election, as defined in Minnesota Statutes, Section 200.02, Subdivision 2, held in 1972. Thereafter, except for the filling of vacancies, their successors shall be elected for six year terms.~~

(b) On December 31, 1974, the terms of the following two incumbent supervisors shall terminate: The two supervisors whose terms, under Minnesota Statutes, Chapter 40, as existing before the effective date of this act, terminate at the time of the annual town elections of 1975 and 1976. Their successors shall be elected at the general election, as defined in Minnesota Statutes, Section 200.02, Subdivision 2, held in 1974. Thereafter, except for the filling of vacancies, their successors shall be elected for six year terms.

(c) On December 31, 1976, the term of the following incumbent supervisor shall terminate: The supervisor whose term, under Minnesota Statutes, Chapter 40, as existing before the effective date of this act, terminates at the time of the town election of 1977. The successor shall be elected at the general election, as defined in Minnesota Statutes, Section 200.02, Subdivision 2, held in 1976. Thereafter, except for the filling of a vacancy, the successor shall be elected for a six year term.

~~Subd. 3. After the effective date of Laws 1943, Chapter 274, December 31, 1972, and for the elections required by subdivision 2, all elections except that provided for the organization of the district, in subdivision 1, shall be held at the time and place of holding the annual spring town meeting and the town election officers shall act as the officers of the soil and water conservation district election general election, as defined in Minnesota Statutes, Section 200.02, Subdivision 2. Election of supervisors of the soil and water conservation district shall be by separate ballot inclusion on the "canary ballot," as described in Minnesota Statutes, Section 203.29. Nominating petitions conforming to the rules~~

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stated in subdivision 1 shall be filed with the secretary of the soil and water conservation district at least ~~15~~ 45 days before the time of holding the ~~town meeting~~ general election . At least 30 days before the general election the district secretary shall submit the names of the candidates and the terms for which nominated to the appropriate county auditor. The ballots for use at the election shall be prepared by the ~~secretary of the conservation district and delivered to the town clerk and shall conform to the rules in subdivision 1 so far as applicable~~ county auditor . All laws relating to ~~town~~ county elective office elections shall govern insofar as applicable. The county auditor shall ~~canvass the returns and certify the result to the state soil and water conservation commission, and if the soil and water conservation district embraces land in more than one county~~ the county auditor shall forthwith certify to the state soil and water conservation commission the vote, as shown by the report of the county canvassing board, for all candidates voted for in more than one county. In the latter case the state soil and water conservation commission shall canvass certify the results of the election and publish the result.

~~—Provided, that whenever a soil and water conservation district is located within a town which is unorganized, or which has been dissolved, or where a district is composed entirely of unorganized territory, and where no town meetings or town elections are held, the election of supervisors for any such district shall be held annually on the day when annual spring town meetings and elections of town officers in organized towns are held. The governing body of any such soil and water conservation district shall designate by resolution the time and place when the annual election will be held, and the secretary of such district shall give posted notice stating the time and place of holding such annual election. All laws relating to town elections and giving notice thereof shall govern. All provisions of law relating to the term of office, the election of supervisors of a soil and water conservation district, the nominating petitions therefor, and the canvassing and certifying of election returns shall govern. The governing body of any such soil and water conservation district shall annually appoint three judges and one clerk who shall act as such at the annual election, and who shall receive as compensation for their services the same as judges and clerks of town elections, which compensation shall be audited and paid in the same manner as other expenses of such soil and water conservation districts.~~

Subd. 4. If a vacancy except by reason of expiration of term shall occur in the office of an elected supervisor, more than 30 ~~45~~ days before the next ~~annual town meeting~~ succeeding general election , the governing body of the district shall fill the vacancy by appointment; and the supervisor appointed shall hold office

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~~until the next annual town meeting~~ December 31 following the next succeeding general election . If the term does not then expire, his successor shall be elected at the next succeeding general election following the appointment and hold office for the remainder of the term. If a vacancy except by reason of expiration of term shall occur in such office less than ~~30~~ 45 days before the next ~~annual town meeting succeeding general election~~ , the governing body of the district shall fill the vacancy by appointment; and the supervisor shall hold office until the expiration of the term or until December 31 following the second succeeding town meeting general election , whichever is the shortest term, when his successors shall be elected and hold office for the remainder of the term .

Sec. 4. Minnesota Statutes 1969, Section 40.06, Subdivision 1, is amended to read:

40.06 SUPERVISORS. Subdivision 1. **MEMBERS; ELECTION, APPOINTMENT.** The governing body of the district shall consist of five supervisors, elected or appointed as herein provided. All supervisors shall be legal voters residing within the district. The two supervisors appointed by the commission upon the creation of the district as hereinbefore provided shall serve for terms ending ~~respectively at the next annual town election and at the second annual town election following their appointment, as designated by the commission on December 31 following the next succeeding general election after their appointment~~ , and thereafter their successors shall be elected for terms of ~~five~~ six years. ~~In districts heretofore organized, the present appointed supervisors shall hold office until the next occurring annual town election, and their successors shall be elected for terms of three and four years, respectively, and thereafter their successors shall be elected for terms of five years. Such elections shall be held in like manner as provided for the election of other supervisors.~~

Sec. 5. Minnesota Statutes 1969, Section 40.06, Subdivision 5, is amended to read:

Subd. 5. **ADVISORY ASSISTANCE.** The supervisors may invite the legislative body of any municipality or county located ~~near the territory comprised~~ within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

Sec. 6. Minnesota Statutes 1969, Section 40.03, Subdivision 1, is amended to read:

40.03 SOIL AND WATER CONSERVATION COMMISSION. Subdivision 1. **MEMBERS.** There is hereby established, to serve

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~~as an agency of this state~~ an agency within the department of natural resources and to perform the functions conferred upon it in this chapter, the state soil and water conservation commission to be composed of nine members, five of whom shall be ~~bona fide farmers actually operating farms either as owners, operators, or tenants and~~ elected supervisors of soil and water conservation districts selected as herein provided. Four members thereof shall be ex officio members composed of the following: The director of the agricultural extension service of the University of Minnesota; the dean of the institute of agriculture of the University of Minnesota; ~~the commissioner of natural resources~~ director of the pollution control agency; the commissioner of agriculture. The director of the agricultural extension service may designate the associate director of the agricultural extension service to act in his stead as a member of the commission, with all his rights and privileges. The designation shall be filed with the secretary of state. Similarly, the dean of the institute of agriculture may designate the associate dean of the institute of agriculture to act in his stead, with all his rights and privileges, which designation also shall be filed with the secretary of state. The commission shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The commission may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of municipalities and such other organizations and governmental agencies as may be deemed necessary to serve as advisory members. The other five members of said commission shall be appointed by the governor from nominees who are elected representatives of the state soil and water conservation districts, recommended by the state association of soil and water conservation district supervisors submitted to the governor, and in the event of a failure to submit such nominees to the governor he shall make the necessary appointments from ~~bona fide farmers actually operating farms, either as owners, operators or tenants~~ supervisors of soil and water conservation districts. The four members heretofore appointed shall serve for the balance of the terms for which they were appointed. The fifth member shall be appointed for a term of five years. Thereafter as vacancies occur all appointments shall be made for terms of five years. The commission shall keep a record of its official actions, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter. The commission shall be responsible to the commissioner of natural resources and shall continue to exercise all powers and duties as conferred upon it by law.

Sec. 7. Minnesota Statutes 1969, Section 40.03, Subdivision 2, is amended to read:

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Subd. 2. **EMPLOYEES.** The state soil and water conservation commission may employ, with the approval of the commissioner of natural resources, an administrative officer in the unclassified service and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. The commission may call upon the attorney general for such legal services as it may require. It shall have authority to prescribe the powers and duties of its officers and employees, and to delegate to its chairman or to one or more of its other officers or members or administrative officer such of its own powers and duties as it may deem proper. The administrative officer shall serve at the pleasure of the commissioner and may be dismissed only upon the advice and recommendation of the commission. All other personnel of the commission shall be transferred to the department of natural resources and shall be in the classified service of the state. All rights, duties and responsibilities of the existing staff of the commission on the date of this act shall remain unchanged except as may be agreed upon by the commission and the commissioner. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning, shall, insofar as may be possible under liable appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission members of the staff or personnel of the agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

Approved November 11, 1971.

EXTRA SESSION
CHAPTER 45—H.F.No.187

[Not Coded]

An act relating to hospital districts in the county of Roseau; the creation, organization and administration thereof; the issuance of bonds therefor; amending Laws 1961, Chapter 115, Section 4.

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

Section 1. Laws 1961, Chapter 115, Section 4, is amended to read:

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