

## CHAPTER 194—S. F. No. 694

*An act relating to soil conservation, and amending Minnesota Statutes 1945, Sections 40.03, Subdivision 4, 40.04, Subdivision 8, and 40.06.*

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

Section 1. Minnesota Statutes 1945, Section 40.03, Subdivision 4, is amended to read as follows:

**40.03. Soil conservation committee.** Subdivision 4. **Powers and duties.** In addition to the powers and duties herein-after conferred upon the state soil conservation committee, it shall have the following powers and duties:

(1) To offer such assistance as may be appropriate to the supervisors of soil conservation districts, organized as provided hereinafter, in carrying out any of their powers and programs;

(2) To keep the supervisors of each of the several districts organized under the provisions of this chapter informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such district and cooperation between them;

(3) To coordinate the programs of the several soil conservation districts organized hereunder, so far as this may be done by advice and consultation;

(4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts;

(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable; and

(6) *To subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits, provided, further, that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships.*

Sec. 2. Minnesota Statutes 1945, Section 40.04, Subdivision 8, is amended to read as follows:

**40.04. Soil conservation districts created.** Subd. 8. **Terri-tory annexed; procedure.** (1) Petitions for including addi-

tional territory within an existing district may be filed with the state soil conservation committee, and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. The committee shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this chapter for petitions to organize a district. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held. In referenda upon petitions for such inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

(2) Petitions for consolidating two or more districts or for separating an existing district into two or more districts may be filed with the state soil conservation committee by any 25 or more occupiers of land within the district or districts affected. In such event, it shall not be necessary to obtain the consent of any fee owners of lands in any created districts before additional territory is annexed or before districts are consolidated, or before an existing district is divided, but all other proceedings herein provided for in the case of petitions to organize a district shall be followed in so far as they are applicable. The committee shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this chapter for petitions to organize a district.

(3) In the holding of the referendum for consolidation or separation, all land occupiers within the affected district or districts shall be eligible to vote. The committee shall not have authority to determine the administrative practicability or feasibility of consolidating or separating districts unless a majority of the votes cast in the referendum within each and all of the separate districts to be affected, or within each and all of the separate areas sought to be made separate districts, shall be in favor of such consolidation or separation.

(4) In the case of consolidation or separation of districts, the corporate existence and terms of office of the officers of the old district or districts shall expire upon the issuance and recording by the secretary of state of a certificate of the due organization of the consolidated district, or of the several new districts. Upon consolidation all of the rights and liabilities of the several consolidating districts shall be vested in, and assumed by the consolidated district. Upon

separation, the rights and liabilities of the original district shall be vested in and assumed by the new districts in the equitable proportion to be determined by the state soil conservation committee; *provided, however, that any subdividing shall not affect the term of office of any supervisor for which he was elected or appointed, and such supervisor shall continue to represent the district in which he resides for the full term for which he was elected or appointed.*

Sec. 3. Minnesota Statutes 1945, Section 40.06, is amended to read as follows:

40.06. **Supervisors; appointment, qualifications, term; organization.** *Subdivision 1. Supervisors.* The governing body of the district shall consist of five supervisors, elected or appointed as provided in section 40.05. The two supervisors appointed by the committee shall be persons who are by training and experience qualified to perform the specialized skilled services which will be required of them in the performance of their duties hereunder.

*Subd. 2. Chairman; term; compensation.* The supervisors shall elect a chairman to act during their pleasure. The term of office of each supervisor shall be three years, except that the term of the first appointed supervisors end on March 1st in the next calendar year and March 1st in the second calendar year. All supervisors heretofore appointed whose terms of office do not expire on March 1st shall continue to hold office until the 1st day of March following the expiration of their present terms of office. A supervisor shall hold office until his successor has been elected or appointed and has qualified. Vacancies in the office of supervisor appointed by the state committee, for an entire term or an unexpired term, shall be filled by the state committee. A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall receive such compensation for his services as the committee may determine, and he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties *to be paid by the county of which the supervisor is a resident, upon approval by the committee, and the sum so paid shall be reimbursed by the committee out of funds available therefor.*

*Subd. 3. Employees.* The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and

compensation. The county attorney of the county in which the major portion of said soil conservation district is located, shall be the attorney for said district, and the supervisors thereof, and the said supervisors may call upon said attorney for the necessary legal counsel and advice and service. The supervisors may delegate to their chairman, to one or more supervisors, or to one or more agents, or employees such powers and duties as they may deem proper. The supervisors shall furnish to the state soil conservation committee, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

*Subd. 4. Employee bonds; audit; removal of supervisor.* The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; the public examiner shall annually audit the books of said soil conservation district and its supervisors. Any supervisor may be removed by the state soil conservation committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

*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.

Approved April 2, 1947.

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CHAPTER 195—S. F. No. 817

[Not Coded]

*An act relating to the establishment and maintenance of law libraries in certain counties, and providing for the collection of fees for the acquisition and maintenance thereof.*

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