

is amended to read:

Subd. 2. **ESTABLISHMENT.** If the board or court shall find that the engineer's and viewers' reports have been made and all other proceedings in the matter had in accordance with law, that the estimated benefits are greater than the total estimated cost, including damages, that the damages and benefits have been duly determined, that the proposed drainage system will be of public utility and benefit, and will promote the public health, that the proposed system is practicable, and that such reports as made or amended are complete, just and correct, ~~and comply with requirements of section 106.021~~, then the board or court shall by order containing such findings, establish the drainage improvement as reported or amended, and adopt and confirm the viewers' report as made or amended.

Sec. 27. **APPROPRIATION.** The sum of \$1,040,000 is appropriated from the general fund to the commissioner of natural resources for the purposes of this act. This appropriation shall be available immediately upon the effective date of this act and shall not cancel but shall be available until expended. Of this amount, \$240,000 is appropriated to carry out the purposes of section 8, \$200,000 is appropriated for the purposes of grants to counties pursuant to section 8, subdivision 6, and \$600,000 is appropriated for the water bank program pursuant to section 9. The unobligated balance of the \$750,000 appropriated by Laws 1975, Chapter 415, Section 1, Subdivision 7, is cancelled and reappropriated for the purposes of the waterbank program pursuant to section 9 of this act and for fee acquisition pursuant to section 97.481 of wetlands eligible for inclusion in the waterbank program as specified in section 9 of this act.

Sec. 28. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved March 25, 1976.

CHAPTER 84—S.F.No.1456

An act relating to soil and water conservation; providing for the operation of the soil and water conservation commission; amending Minnesota Statutes, 1975 Supplement, Section 40.03, Subdivision 1; Minnesota Statutes 1974, Sections 40.03, Subdivisions 2 and 4; and 40.06, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes, 1975 Supplement, Section 40.03, Subdivision 1, is amended to read:

40.03 SOIL AND WATER CONSERVATION COMMISSION; OP-

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ERATION. Subdivision 1. **MEMBERS.** There is hereby established, to serve as 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 11 members, seven of whom shall be 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 director of the pollution control agency; the commissioner of agriculture. ~~The director of the agricultural extension service-~~ Each ex officio member may designate ~~the associate director of the agricultural extension service-~~ a person within his organization 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 seven 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 present or past supervisors of soil and water conservation districts. One member shall be appointed from each department of natural resources region except that two members shall be appointed from region number one. The four members heretofore appointed shall serve for the balance of the terms for which they were appointed. ~~The fifth, sixth and seventh member-members~~ term terms 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. 2. Minnesota Statutes 1974, Section 40.03, Subdivision 2, is amended to read:

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~~

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~~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 department of natural resources shall provide administrative functions of Minnesota Statutes, Section 40.03. The commissioner of natural resources shall make available by separate budget to the state soil and water conservation commission such staff services, funds for operation, and office space as are necessary for the administration and coordination of its functions. The commission shall be responsible to the commissioner for reporting purposes in regard to staff functions and those operations as they relate to department activities.~~

The commissioner of natural resources shall, subject to approval of the state soil and water conservation commission, provide an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require in carrying out Minnesota Statutes, Section 40.03, and shall determine their qualifications and duties, and recommend compensation to the commissioner of personnel. 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. The administrative officer is responsible to the commissioner and may be dismissed by the commissioner of natural resources only upon the advice and recommendation of the commission. All permanent personnel of the commission are employees of the department of natural resources and are in the classified service of the state except as otherwise required by statute.~~ All rights, duties and responsibilities of the existing staff of the commission on November 12, 1971 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 available 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.

Sec. 3. Minnesota Statutes 1974, Section 40.03, Subdivision 4, is amended to read:

Subd. 4. **POWERS AND DUTIES.** In addition to the powers and duties hereinafter conferred upon the state soil and water conservation commission, it shall have the following powers and duties:

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(1) Prepare and present to the commissioner of the department of natural resources a budget to finance the activities of the commission and the districts and to administer any law appropriating funds to districts;

~~(1)-(2)~~ To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts, organized as provided hereinafter, in carrying out any of their powers and programs. Any funds made available to a soil and water conservation district for expenditures necessary to the operations of the district shall be a grant to the district to be used only for purposes authorized by the commission pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the commission shall audit, in a manner it prescribes, the expenditure of funds so granted ;

~~(2)-(3)~~ 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 districts and cooperation between them;

~~(3)-(4)~~ To coordinate the programs of the several soil and water conservation districts organized hereunder, so far as this may be done by advice and consultation;

(5) Approve or disapprove the plans or programs of districts as they relate to the use of state funds as administered by the commission;

~~(4)-(6)~~ 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;

~~(6)-(7)~~ To disseminate information throughout the state concerning the activities and programs of the soil and water conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable; and

~~(6)-(8)~~ 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. 4. Minnesota Statutes 1974, Section 40.06, Subdivision 2, is amended to read:

Subd. 2. **TENURE; VACANCIES; QUORUM; COMPENSATION.** A supervisor shall hold office until his successor has been elected or ap-

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pointed and has qualified. Vacancies in the office of supervisor appointed by the state commission, for an entire term or an unexpired term, shall be filled by the state commission. 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 except as otherwise expressly provided. A supervisor shall receive such compensation for his services as the commission 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 commission, and the sum so paid shall be reimbursed by the commission out of funds available therefor, provided that~~. A supervisor shall receive as reimbursement for the use of his own automobile in the performance of his duties, the rate per mile prescribed for state officers and employees ~~to be allowed and paid as above prescribed~~.

Sec. 5. This act is effective July 1, 1976.

Approved March 25, 1976.

CHAPTER 85—S.F.No.1576

[Not Coded]

An act relating to retirement; police pensions in cities of Crookston and Thief River Falls.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **CROOKSTON AND THIEF RIVER FALLS, CITIES OF; POLICE PENSIONS; SURVIVOR BENEFITS.** Subdivision 1. Notwithstanding Minnesota Statutes, Section 423.58, when a service pensioner, disability pensioner, deferred pensioner, or an active member of the Crookston police relief association or the Thief River Falls police relief association dies, leaving a surviving spouse, one or more surviving children, or both, such surviving spouse and said child or children shall be entitled to a pension or pensions as follows:

(1) To such surviving spouse a pension in an amount equal to 30 percent of the member's average monthly salary earned as a police officer over the last six months of allowable service preceding death, payable monthly for the surviving spouse's natural life; provided, however, that if the surviving spouse shall remarry, then such pension shall cease and terminate as of the date of remarriage.

(2) To such child or children, until the child reaches the age of 18 years, or age of 21 years if dependent and a full-time student, a monthly benefit equal to ten percent of the member's average monthly salary earned as a police officer over the last full six months of allowa-

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