

The examining committee shall forthwith make, in duplicate, a verified detailed report of all assets carried on the books in excess of the actual value thereof, specifying the latter, and deliver the same to the cashier, who shall forthwith transmit one copy to the commissioner and duly record the other. *The directors may employ such assistants in making such examination as they deem necessary providing that examiners having statutory power to examine said bank shall not be permitted to act as such assistants.*

Approved March 13, 1945.

CHAPTER 95—H. F. No. 311

An act relating to soil conservation districts, amending Minnesota Statutes 1941, Sections 40.04, Subdivision 8, 40.05 and 40.06, as amended by Laws 1943, Chapter 274, Section 2, Paragraph (3), and Section 3.

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

Section 1. Minnesota Statutes 1941, Section 40.04, Subdivision 8, as amended by Laws 1943, Chapter 274, Section 1, Subdivision (2), is amended to read as follows:

“H. (1) **Territory annexed; procedure.** Petitions for including additional 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 act 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 twenty-five (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 act 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.”

Sec. 2. Minnesota Statutes 1941, Section 40.05, as amended by Laws 1943, Chapter 274, Section 2, is amended to read as follows:

“40.05. Three 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 conservation district, or such further time as the state soil conservation committee may allow, nominating petitions may be filed with the State soil conservation committee nominating legal voters as candidates for election as supervisors of such district, one for a term to expire at the time of the next annual town election in March and one to expire at the time of the second succeeding town election, and one to expire at third succeeding town election in March. Each petition must be subscribed by 25 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 committee 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 committee 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 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 committee. The committee 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 supervisors shall hold their respective offices until the next annual spring town election following the expiration of their present terms. If the term of only one supervisor in the district shall expire in the spring of 1944 one supervisor shall be elected at that time for the term of three years. If the term of two supervisors shall expire in the spring of 1944, one supervisor shall be then elected for three years and one shall be elected for two years. If the terms of three supervisors shall expire at that time, three shall be elected for terms of one, two and three years respectively. Thereafter as such terms expire a successor shall be elected for the term of three years.

“Subd. 3. After the effective date of this act, 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 conservation district election. Election of supervisors of the soil conservation district shall be by separate ballot. Nominating petitions conforming to the rules stated in subdivision 1 of this section shall be filed with the secretary of the soil conservation district at least 10 days before the time of holding the town meeting. 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 of this section so far as applicable. All laws relating to town elections shall govern. The county auditor shall canvass the

returns and certify the result to the state soil conservation committee, and if the soil conservation district embraces land in more than one *county* the state soil conservation committee shall canvass the results of the election and publish the result.

"Subd. 4. If a vacancy except by reason of expiration of term shall occur in the office of an elected supervisor, more than 30 days before the next annual town meeting, the governing body of the district shall fill the vacancy by appointment; and the supervisor appointed shall hold office until the next annual town meeting. If the term does not then expire, his successor shall be elected 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 days before the next annual town meeting, 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 the second succeeding town meeting, whichever is the shortest term, when his successors shall be elected."

Sec. 3. Minnesota Statutes 1941, Section 40.06, as amended by Laws 1943, Chapter 274, Section 3, is amended to read:

40.06. Supervisors; appointment, qualifications, term; organization. The governing body of the district shall consist of five supervisors, elected or appointed as provided above. 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.

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 if funds are available therefor.

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 district 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 act.

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 State Comptroller 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.

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 March 12, 1945.

CHAPTER 96—H. F. No. 441

An act relating to veterans service officers, providing for their appointment and maintenance, and prescribing their duties.