

CHAPTER 346—S. F. No. 844

An act relating to election of chairman of county board of education in certain counties; amending Minnesota Statutes 1945, Section 123.34.

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

Section 1. Minnesota Statutes 1945, Section 123.34, is amended to read :

123.34. **Members.** The chairman of the board of county commissioners, the county superintendent of schools, and the county treasurer, shall, ex officio, compose the county board of education for unorganized territory in each county within the state. In any county now or hereafter having more than 15,000 inhabitants and an area of more than 3,000 square miles, the board of county commissioners of said county shall elect one of its members for a term to be determined by said board of county commissioners, who shall serve in place of the chairman of the board of county commissioners of said county and said member elected by said board of county commissioners shall be the chairman of the county board of education for unorganized territory of said county but not extending beyond his term as county commissioner. In all other counties the chairman of the county board of commissioners shall be the chairman of the county board of education for unorganized territory; the county treasurer shall be treasurer of this board; and the county superintendent of schools shall be the clerk of this board of education.

Approved April 9, 1949.

CHAPTER 347—S. F. No. 848

An act relating to soil conservation, amending Minnesota Statutes 1945, Sections 40.03, subdivisions 1, 2 and 3; 40.04, subdivision 2; 40.05, subdivisions 1, 2 and 3; and 40.06, as amended by Laws 1947, Chapter 194, Section 3, Subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1945, Section 40.03, subdivisions 1, 2 and 3 are amended as follows:

40.03. Soil conservation committee. Subdivision 1. **Members.** There is hereby established, to serve as an agency of this state and to perform the functions conferred upon it in this chapter, the state soil conservation committee *to be composed of nine members, four of whom shall be bona fide farmers actually operating farms either as owners, operators, or tenants, and selected as herein provided. Five 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 department of agriculture of the University of Minnesota; the commissioner of conservation; the commissioner of agriculture, dairy, and food, and such person as may be appointed by the secretary of agriculture of the United States, or, in the event of his failure to appoint such person within 30 days after the receipt of a certified copy of this chapter, then the fifth member of the committee shall be appointed by the governor. *The other four members of said committee shall be appointed by the governor from nominees recommended by the state association of soil 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. Such four members shall be first appointed for the following terms: One for one year, one for two years, one for three years, and one for four years, and thereafter their successors shall be appointed for a term of four years.* The committee 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.

Subd. 2. Employees. The state soil conservation committee may employ an administrative officer 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 committee 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.* Upon request of the committee, for the pur-

pose 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 committee members of the staff or personnel of the agency or institution of learning, and make such special reports, surveys, or studies as the committee may request.

Subd. 3. Officers; quorum; bonds. The committee shall designate its chairman, and may annually, from time to time, change such designation. A member of the committee shall hold office so long as he shall retain the office by virtue of which he shall be serving on the committee. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The *ex officio* members of the committee shall receive no compensation for their services on the committee, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee. *The other members of said committee shall receive \$10.00 per day for each day while engaged in the performance of their official duties and shall be reimbursed for all expenses, including traveling expenses necessarily incurred in connection with their duties as members of said committee.* The committee 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 the committee.

Sec. 2. Minnesota Statutes 1945, Section 40.04, subdivision 2, is amended as follows:

Subd. 2. Hearings. Within 30 days after such a petition has been filed with the state soil conservation committee, it may cause due notice to be given of a proposed hearing, *to be held by the committee or its authorized agent*, upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, for the creation of such district, upon the question of the appropriate boundaries to be assigned to the district, upon the propriety of the petition and other proceedings taken under this chapter, and upon all questions relevant to such inquiries. All occupiers of land within the limits of the territory described in the petition, and of lands

within any territory considered for addition to the described territory, and all other interested parties, shall have the right to attend these hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and the further hearing held. After this hearing, if the committee shall determine, upon the facts presented at the hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety, and welfare, for a soil conservation district to function in the territory considered at the hearing, it shall make and record such determination, and shall define, by metes and bounds or by legal subdivisions, the boundaries of the district. In making the determination and in defining the boundaries, the committee shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits these lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions and to other soil conservation districts already organized or proposed for organization under the provisions of this chapter, and such other physical, geographical, and economic factors as are relevant, having due regard to the public policy set forth in section 40.02. The territory to be included within these boundaries need not be contiguous. If the committee shall determine, after such hearing, after due consideration of the relevant facts, that there is no need for a soil conservation district to function in the territory considered at the hearing, it shall make and record such determination and deny the petition. After six months shall have expired from the date of the denial of any such petition, subsequent petitions concerning the case or substantially the same territory may be filed, as aforesaid, and new hearings held and determinations made thereon.

Sec. 3. Minnesota Statutes 1945, Section 40.05, subdivisions 1, 2 and 3, are amended as follows:

40.05. **Three supervisors elected.** 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 *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. Each petition must be subscribed by 10 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 *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.

Subd. 3. After the effective date of Laws 1943, Chapter 274, 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 ten 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.

Sec. 4. Minnesota Statutes 1945, Section 40.06, as amended by Laws 1947, Chapter 194, Section 3, subdivisions 1 and 2, is amended as follows:

40.06. Supervisors; appointment, qualifications, term; organization. Subdivision 1. The governing body of the district shall consist of five supervisors, elected or appointed as herein provided. *All supervisors shall be actual bona fide farmers operating farms as owners or renters, tenants, and legal voters residing within the district. The two supervisors appointed by the committee 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 committee, and thereafter their successors shall be elected for terms of five 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.*

Subd. 2. The supervisors shall elect a chairman to act during their pleasure. 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.

Approved April 9, 1949.