

A county board of certain counties may levy a tax under sections 38.27 and 38.28 for aid to agricultural societies within certain limitations and certain restrictions. The county board may appropriate only a sum of not to exceed \$1,000 to certain agricultural societies under the provisions of section 375.18, subdivision 9; and under section 395.08, the county board may levy a certain amount for aid to any organization of the state for use in advancing the interest of the county by advertising, improving, or developing the agricultural resources of the county. OAG Sept. 5, 1952 (519-A).

The county board is authorized to levy a tax of one-half mill and pay the proceeds of such tax when collected to the county agricultural society for certain purposes. OAG Apr. 22, 1953 (519-A).

**38.29, 38.30** Omitted, local.

## **CHAPTER 39**

### **STALLIONS AND JACKS**

**39.01-39.15** Repealed, 1953 c 186 s 1.

## **CHAPTER 40**

### **SOIL CONSERVATION**

#### **40.01 DEFINITIONS**

Motor vehicles of a soil conservation district are exempt from motor vehicle taxes. OAG Mar. 20, 1953 (632-A-12).

#### **40.02 PUBLIC POLICY; PURPOSE**

Soil conservation districts need not advertise for bids when purchasing personal property, the cost of which exceeds \$500. Such districts may borrow money and repay same out of available funds or from income derived from rental of equipment. OAG Oct. 4, 1950 (705-A-3).

#### **40.03 SOIL CONSERVATION COMMITTEE**

**HISTORY.** Amended, 1949 c 347 s 1.

Additional powers conferred on state soil conservation committee. 33 MLR 35.

The state soil conservation committee is subject to the reorganization act, Laws 1939, Chapter 431, Section 2, and in entering into contracts with the federal government or agencies thereof, the committee must comply with Laws 1947, Chapter 634, Section 62. OAG Nov. 26, 1947 (705-A-2).

Laws 1947, Chapter 194, Section 1 (6) empowers the committee to subdivide and consolidate districts without a hearing, and action taken by the committee pursuant thereto may be by resolution. Where a new district is created or new additions from non-existing districts are added to old districts, an application from the supervisors should be filed. OAG Nov. 26, 1947 (705-A-3).

The soil conservation committee may cooperate with federal and state agencies in carrying on the duties prescribed; but are not authorized to transfer any of its duties or funds to the University of Minnesota, as suggested by Laws 1947, Chapter 364 Section 40. OAG June 20, 1947 (705-A-2).

No authority exists to bind or designate by proxy or otherwise some other person to represent a member on a soil conservation committee. OAG Jan. 29, 1948 (705-A-2).

Where the secretary of agriculture did not execute the power authorized, the governor has power to appoint a fifth member of the committee. OAG Jan. 13, 1948 (705-A-2).

The executive secretary of the state soil conservation committee receiving his salary from the University of Minnesota state soil conservation committee, and the U. S. Department of Agriculture, is by law a member of the state employees' retirement association, regardless of exclusion as employee of the University of Minnesota. OAG July 31, 1950 (331-A-7).

### 40.04 SOIL CONSERVATION DISTRICTS CREATED

**HISTORY.** 1937 c 441 s 4; 1943 c 274 s 1; 1945 c 95 s 1; 1947 c 194 s 2; 1949 c 347 s 2; 1951 c 340 s 1.

There being no statutory provisions authorizing the change of a name of a soil conservation district in order to change the name of the district the procedure for creating a new district, if followed, would be valid. OAG Apr. 25, 1949 (705-A-3).

Soil conservation districts are created by authority of section 40.04. Proceedings to create a district are initiated by petition. Where two petitions are pending upon proper notice the two petitions may conveniently be heard at the same time and place. OAG Dec. 20, 1949 (705-A-3).

Where state soil conservation committee has denied petition for formation of a district, a new petition embracing substantially the same territory may not be filed until six months have expired since the date of such denial. OAG Sept. 7, 1950 (705-A-3).

A soil conservation district is not required to advertise for bids when purchasing personal property the cost of which exceeds \$500. Such districts may borrow money and repay the same out of available funds, or from income derived from receipts from rental of its equipment. OAG Oct. 4, 1950 (705-A-3).

Districts created under section 40.04 may contract to purchase the necessary machinery and equipment to be paid exclusively from earnings and may provide in the contract of purchase that the supervisor shall not be personally liable for payment of the machinery and equipment purchased. OAG May 10, 1951 (705-A-3).

### 40.05 THREE SUPERVISORS EACH DISTRICT

**HISTORY.** 1937 c 441 s 5; 1943 c 274 s 2; 1945 c 95 s 2; 1949 c 347 s 3; 1953 c 370 s 1.

A person must be a legal voter in the district in order to be elected or to retain the office of supervisor of a soil conservation district. OAG Feb. 2, 1948 (705-A-8).

When a supervisor of a soil conservation district ceases to be an inhabitant of the district, a vacancy occurs. Such vacancy should be filled in accordance with the provisions of section 40.05, subdivision 4. OAG Jan. 21, 1950 (705-A-8).

There are no statutory provisions applicable to the election of supervisors in a county wherein there are no organized towns, no town officers, or election officials. OAG Jan. 15, 1953 (705-A-8).

### 40.06 SUPERVISORS

**HISTORY.** 1937 c 441 s 6; 1943 c 274 s 3; 1945 c 95 s 3; 1947 c 194 s 3; 1949 c 347 s 4; 1951 c 340 s 2.

The matter of handling and allowing claims for expenses of the supervisor should be handled on the same basis as other accounts against the committee. OAG May 15, 1947 (705-A-8).

Under the provisions of Laws 1947, Chapter 194, Section 3, Subdivision 4, a soil conservation district may call upon the public examiner to audit the books and records of the district in case of the death of the secretary-treasurer and before turning the office over to the successor of the decedent. The district may pay the costs of such audit. OAG Jan. 5, 1949 (705-A-3).

The supervisors of a soil conservation district are empowered to employ a treasurer and determine his qualifications and duties and fix his compensation. In doing so they may cause the payment of his salary to begin from the time of his taking office, but unless in fixing his salary they clearly provide that it takes effect retroactively, his salary will begin as of the time of the adoption of the ordinance authorizing payment. OAG Sept. 19, 1950 (705-A-3).

Supervisors are entitled to travel expenses necessarily incurred in the discharge of their duties if funds are available therefor. OAG Jan. 5, 1953 (705-A-8).

## 40.07 POWERS OF DISTRICTS AND SUPERVISORS

A soil conservation district lacks power and authority to purchase and lease lands exclusively for a recreational area. OAG Mar. 23, 1949 (705-A-3).

No authority exists under which a soil conservation district may acquire land for the protection of a trunk highway or a railroad, the protection being for the purpose of limiting erosion or washout caused by a run-off or other natural causes. OAG Aug. 23, 1949 (705-A-3).

The soil conservation district may acquire real estate by lease or purchase. It has authority to lease its equipment for soil conservation purposes and the proceeds of such rental may be used for any purpose which the law authorizes. OAG Dec. 30, 1949 (705-A).

The soil conservation district constitutes a governmental subdivision of the state. It is a public body corporate and politic. Any lands acquired by it are exempt from taxation. OAG Jan. 20, 1950 (414-C-3).

A village has no authority to expend village funds for the rental of an office for the use of a soil conservation district. OAG Feb. 23, 1951 (476-B-1).

## 40.11 BOARD OF ADJUSTMENT

Time to appeal. 35 MLR 640.

# CHAPTER 41

## RURAL CREDIT

### 41.02 DEPARTMENT OF RURAL CREDIT

Unless a reservation of minerals follows from the mortgage under which the state acquired title, the conservator should convey land without a mineral reservation. OAG Oct. 28, 1947 (311-F) (770).

### 41.03 ORGANIZATION

A judgment against the state, growing out of rural credit operations, must be paid, if the money is available from any balance in the rural credit expense fund if sufficient after providing for the appropriations made by Laws 1947, Chapter 634, Section 44. OAG Aug. 11, 1947 (770-A-1).