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of the commissioner incurred in examining the records and accounts of such societies or associations.

[1977 c 121 s 6]

CHAPTER 40. SOIL AND WATER CONSERVATION

Sec.		Sec.	
40.005	Repealed.	40.035	Program plan. [New]
40.01	Definitions.	40.036	Cost-sharing contracts for erosion control and water management. [New]
40.02	Public policy; purpose.	40.07	Powers of district boards.
40.03	State soil and water conservation board.		

40.005 [Repealed, 1977 c 304 s 25]

40.01 Definitions.

[For text of subds 1 to 7, see M.S.1976]

Subd. 8. **Agency of this state.** "Agency of this state" or "state agency" includes the government of this state and any subdivision, agency, or instrumentality; corporate or otherwise, of the government of this state.

[For text of subds 9 to 14, see M.S.1976]

Subd. 15. **Appropriate agencies.** "Appropriate agencies" include any local, state or federal agency which possesses expertise, involvement or authority concerning the use and development of land and water resources, but does not include any district or the state board.

[1977 c 304 s 1,2]

40.02 Public policy; purpose.

Improper land-use practices have caused serious wind and water erosion of the lands of this state, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have the responsibility to implement the practices which correct these conditions and to conserve the soil and water resources of the state.

It is the policy of the state to encourage land occupiers to conserve the soil and water resources through the implementation of practices that effectively reduce or prevent erosion, sedimentation, siltation and agriculturally related pollution in order to preserve natural resources, insure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands.

[1977 c 304 s 3]

40.03 State soil and water conservation board.

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 board to be composed of 12 members, seven of whom shall be elected supervisors and the following five ex-officio members: 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; and the commissioner of natural resources. Each ex-officio member may designate a person within his organization to act in his stead as a member of the state board, with all his rights and privileges. The designation shall be filed with the secretary of state. The state board shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The state board may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of Minnesota cities and any other organizations and appropriate agencies deemed necessary to serve as advisory members. The seven members of the state board who are elected supervisors shall be appointed by the governor with the advice and consent of the senate. In making these appointments the governor may consider persons re-

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commended by the state association of soil and water conservation district. One member shall be appointed from each department of natural resources region except that two members shall be appointed from region number one.

[For text of subd 1a, see M.S.1976]

Subd. 2. **Employees.** The department of natural resources shall provide administrative functions of this section. The commissioner of natural resources shall make available by separate budget to the state soil and water conservation board the staff services, funds for operation, and office space necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner for reporting purposes in regard to staff functions and operations which relate to department activities.

The commissioner of natural resources shall, subject to approval of the state board, provide an administrative officer and other necessary permanent and temporary technical experts, agents and employees. The state board shall determine the personnel's qualifications and duties, and recommend compensation to the commissioner of personnel. The state board may call upon the attorney general for necessary legal services. It shall have authority to delegate to its chairman or to one or more of its other officers or members or administrative officer any of its own powers and duties it may deem proper. The administrative officer is responsible to the state board and may be dismissed by the commissioner of natural resources only upon the advice and recommendation of the state board. All permanent personnel of the state board 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 state board on November 12, 1971 shall remain unchanged except as may be agreed upon by the state board and the commissioner. In order to perform its duties, the state board may request information from the supervising officer of any state agency or state institution of higher education, including the state universities, the community colleges, and the post-secondary vocational technical schools. The supervising officer shall comply with the state board's request to the extent possible considering available appropriations and may assign agency or institution employees to compile existing information and to complete special reports, surveys, or studies concerning the problems specified in section 40.02.

Subd. 3. **Officers; quorum.** The state board shall designate its chairman, and may annually change its designation. A member of the state board shall hold office so long as he shall retain the office by virtue of which he shall be serving on the state board. A majority of the state board shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The state board shall keep a full and accurate record of its official actions. The state board may hold any public hearings and promulgate rules necessary to execute its duties specified in this chapter. The legislative auditor shall annually audit the books of the state board.

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

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

(2) Offer any appropriate assistance to the supervisors of the districts in implementing any of their powers and programs. Any funds made available to a district for expenditures necessary for the operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county

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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 state board shall audit, in a manner it prescribes, the expenditure of funds so granted;

(3) Keep the supervisors of each district informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among the districts;

(4) Coordinate the programs and activities of the districts with appropriate agencies by advice and consultation;

(5) Approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state board;

(6) Secure the cooperation and assistance of the appropriate agencies in the work of the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding and agriculturally related pollution control programs;

(7) Develop and implement a comprehensive public information program concerning the districts' activities and programs, the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and the advantages of formation of districts in areas where their organization is desirable;

(8) Subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits, provided that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships;

(9) Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;

(10) Conduct research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state;

(11) Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;

(12) Develop a system of priorities within the state to identify the erosion, flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and

(13) Ensure compliance with statewide programs established by the state board pursuant to this section by advice, consultation, and approval of cost-sharing contracts with the districts.

[1977 c 304 s 4-7]

40.035 Program plan.

Subdivision 1. The state board shall prepare, in consultation with the districts and appropriate agencies, a program plan for the accomplishment of its duties specified in section 40.03, subdivision 4. The state board shall use this program plan in decisions to allocate funds to the districts. The state board shall give immediate emphasis to the determination of priority areas within the state where ero-

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sion, sedimentation and related water quality problems appear most in need of control methods and to the development of the comprehensive public information program.

Subd. 2. For the purpose of developing the program plan, the state board may request any existing pertinent information from any state agency pursuant to section 40.03, subdivision 2, and may conduct any hearing it deems necessary.

Subd. 3. The plan shall be coordinated as closely as possible with other statewide resource plans, such as the statewide framework water resources plan and the statewide water quality management plan.

Subd. 4. The state board shall review and revise the plan at intervals it deems appropriate.

[1977 c 304 s 8]

40.036 Cost-sharing contracts for erosion control and water management.

Subdivision 1. Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion control and water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan completed pursuant to section 40.07, subdivision 9, and an application on the form prescribed by the state board. After review of the district's comprehensive plan, the state board shall approve it with any necessary amendments or reject it. If the state board approves the district's comprehensive plan, it shall also determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.

Subd. 2. Within the limits of funds available, a district board may contract on a cost share basis to furnish financial aid to a land occupier or to a state agency for the implementation of permanent systems for erosion control and water quality improvement which are consistent with the district's comprehensive plan developed pursuant to section 40.07, subdivision 9. The duration of the contract may be the time required to complete the planned systems. A contract may provide for cooperation or funding with United States agencies. Every contract shall specify that the land occupier is liable for monetary damages, not to exceed the amount of financial assistance he received from the district, if he fails to timely complete or maintain the systems or practices as specified in the contract. A land occupier or any state agency may provide the cost-sharing portion of the contract through in-kind services.

Subd. 3. The state board shall promulgate rules specifying the procedures and criteria for allocating funds to districts for cost-sharing contracts. The rules shall also include standards and guidelines which the districts shall include in all cost-sharing contracts. The state board may for the purpose of implementing this section exercise emergency power and adopt emergency rules pursuant to section 15.0412, subdivision 5. No emergency rules may be adopted by the state board pursuant to this subdivision after July 1, 1978.

Subd. 4. Before November 15, 1978, the state board shall submit a report to the legislature, as provided in section 3.195, concerning the status of cost-sharing contract programs authorized by this section.

[1977 c 304 s 9]

40.07 Powers of district boards.

Subdivision 1. A soil and water conservation district shall constitute a governmental and political subdivision of this state, and a public body, corporate and politic, and shall have the following powers in addition to those otherwise prescribed by law.

Subd. 2. A district may conduct surveys, investigations, and research to identify the problems and preventive practices specified in section 40.02. In order to avoid duplication of research activities, no district shall initiate any research pro-

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gram except in cooperation with a state agency or an agency of the United States. A district may publish its comprehensive plan and the results of its surveys, investigations, and research and may disseminate information to the public concerning any of its activities.

Subd. 3. A district may conduct demonstration projects within the district on lands owned or administered by a state agency, with the cooperation of the administering agency, and on any other lands with the consent of the land occupier, in order to demonstrate by example the practices which implement the state policy specified in section 40.02.

Subd. 4. A district may implement any necessary practices within the district, including but not limited to structural measures and works of improvement for any purpose specified in section 40.02, methods of cultivation, the use of vegetation, and changes in use of land, on lands acquired by the district, and on other lands owned or administered by a state agency, with the cooperation of the administering agency, and on any other lands, with the consent of the land occupier.

Subd. 5. A district may cooperate or enter into agreements with and, within the limits of available appropriations furnish financial or other aid to any land occupier or appropriate agency, to implement the policy specified in section 40.02 within the district, subject to conditions the supervisors deem necessary.

Subd. 6. A district may acquire any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise. It may maintain, operate, administer, and improve any properties acquired, may receive income from the properties and expend the income in implementing the provisions of this chapter, and may sell, lease, or otherwise dispose of any of its property or interests.

Subd. 7. A district may make available, on terms it shall prescribe, to land occupiers within the district, any agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and other material or equipment which will assist land occupiers to implement upon their lands the practices specified in section 40.02.

Subd. 8. A district may construct, install, improve, maintain, and operate any structures and works necessary or convenient for the performance of any of the operations authorized in this chapter.

Subd. 9. A district may develop and revise a comprehensive plan, specifying the practices to implement the state policy specified in section 40.02, including, without limitation, the construction, maintenance, and operation of structural measures, methods of cultivation, the use of vegetation, cropping programs, mechanical practices, and changes in use of land and technical standards and specifications related thereto. The plan shall include a classification of the soil types within the district as determined by the Minnesota cooperative soil survey and the areas within the district where erosion, sedimentation and related water quality problems appear most in need of control methods. The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's cost-sharing program plan.

Subd. 10. A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate and administer any soil or water conservation, erosion-control, erosion-prevention, watershed protection, flood prevention or flood control project located within its boundaries undertaken by the United States or by a state agency, may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States, any state agency or any other source, in order to accomplish the authorization in this section. A board may enter into any contract or agreement necessary or appropriate to accomplish the transfer, and may use or expend any moneys, services, materials, or other things to accomplish any authorized purpose.

Subd. 11. A district may sue and be sued in the name of the district, have perpetual succession unless terminated as hereinafter provided, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations not inconsistent with this chapter.

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Subd. 12. As a condition to the extending of any benefits for the performance of work upon any lands not owned or administered by a state agency or the district, the supervisors may require compensation or contributions in money, services, materials, or otherwise commensurate with the cost or reasonable value of the operations or work conferring the benefits.

Subd. 13. [Repealed, 1977 c 304 s 25]

Subd. 14. A district may submit any application and enter into any agreement or contract with the secretary of agriculture or other designated authority for the purpose of obtaining or using federal assistance under the provisions of Public Law 566 or any other law providing for federal assistance for any authorized purpose of the district. A district may acquire without cost to the federal government any land, easements, or rights-of-way needed in connection with works of improvement installed with federal assistance; may assume the proportionate share of the cost of installing any works of improvement involving federal assistance determined by the secretary or other designated authority to be equitable in consideration of anticipated benefits from the improvements; may make arrangements satisfactory to the secretary or other authority for defraying costs of operating and maintaining the works of improvement in accordance with prescribed regulations; may acquire or provide assurance that land occupiers have acquired the water rights and other rights, pursuant to state law, needed in the installation, maintenance, and operation of the works of improvement; may obtain agreements to carry out recommended soil and water conservation measures and prepare farm plans for owners of not less than 50 percent or other required percentage of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law 566 or applicable federal law, and may do any other acts necessary to secure and use federal aid.

[For text of subds 15 and 16, see M.S.1976]

[1977 c 304 s 10-22]

CHAPTER 41. FAMILY FARM SECURITY PROGRAM

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41.52 Definitions.
41.54 Advisory council.

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41.56 Procedure.
41.57 Terms of the loan.
41.58 Seller-sponsored loans.

41.52 Definitions.

[For text of subds 1 to 4, see M.S.1976]

Subd. 5. "Family farm security loan", except in the case of a seller-sponsored loan, means a loan secured by a first real estate mortgage. It shall be used for acquisition of farm land and shall be approved by the commissioner. This loan shall be guaranteed and may qualify for a payment adjustment as defined in subdivision 10 and may be a seller-sponsored loan as defined in subdivision 8.

[For text of subds 6 and 7, see M.S.1976]

Subd. 8. "Seller-sponsored loan" means a loan in which part or all of the purchase price of the farm is financed by a loan from the seller of the property who is a natural person or a family farm corporation as defined in section 500.24, and the remainder of the loan, if any, is supplied by a lender as defined in subdivision 7. This loan shall be secured by a real estate mortgage evidenced by one or more notes that may carry different interest rates.

[For text of subds 9 and 10, see M.S.1976]

[1977 c 170 s 1,2]