

CHAPTER 40

SOIL AND WATER CONSERVATION

40.03 State soil and water conservation board.

40.06 Supervisors.

40.03 STATE SOIL AND WATER CONSERVATION BOARD.

Subdivision 1. **Members.** There is hereby established, to serve as an agency within the department of agriculture 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. In making these appointments the governor may consider persons recommended by the state association of soil and water conservation district. One member shall be appointed from each of the state soil and water conservation board administrative regions.

Subd. 1a. **Terms, compensation, removal, vacancies.** The membership terms, compensation, removal of members, and filling of vacancies on the state board with respect to the non-ex-officio members shall be as provided in section 15.0575.

Subd. 2. **Employees.** The department of agriculture shall provide administrative functions of this section. The commissioner of agriculture shall make available to the state soil and water conservation board staff, funds for operation, and office space necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner.

The commissioner of agriculture shall provide an administrative officer and other necessary permanent and temporary technical experts, agents and employees. 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. All permanent personnel of the state board are employees of the department of agriculture and are in the classified service of the state except as otherwise required by statute. 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.

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 agriculture a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts. The board shall receive and disburse any grants made available to the state by the United States department of agriculture under the preferred program developed under United States Code, title 16, sections 2001 to 2009;

(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 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) Identify research needs and cooperate with other public agencies in 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, and long term soil productivity;

(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.

History: 1983 c 66 s 1; 1983 c 293 s 59; 1983 c 305 s 12

40.06 SUPERVISORS.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. **Employee bonds; audit; removal of supervisor.** 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 auditor shall annually audit the books of said soil and water conservation district and its supervisors, or, at the request of the board of supervisors, the state auditor may contract for an annual audit by a certified public accountant. The state auditor may determine that an annual audit of a soil and water conservation district is not necessary, in which case the audit shall be conducted at least every four years. Any supervisor may be removed by the state soil and water conservation board upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

[For text of subd 5, see M.S.1982]

History: 1983 c 79 s 1