

**2023 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**SB 2353**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2353  
2/2/2023

A BILL for an Act to provide for a needs assessment; and to provide for a report
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2:56 PM Chairman Luick called the hearing to order. Senators Hogan, Weston, Weber, Luick, Myrdal, Lemm were all present

### **Discussion Topics:**

- Soil conservation needs
- Legislative study vs needs assessment

2:56 PM Senator Mathern, North Dakota State Senate, District 11, introduced the bill and testified in favor #19953.

3:06 PM Mary Podall, State Conservationist, USDA-NCRS, testified in favor verbally.

3:17 PM Sam Wagner, Ag and Food Field Organizer, Dakota Resource Council, testified in favor #18661.

3:23 PM Rebecca Phillips, small farmer and rancher, Emmons County, testified in favor #18214.

3:26 PM Rhonda Kelsch, Operations Officer, North Dakota Association of Conservation Districts – testified opposed #19997.

3:45 PM Chairman Luick closed the hearing on SB 2353

*Dave Owen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2353  
2/3/2023

A BILL for an act to provide for a needs assessment

9:39 AM Chairman Luick called the committee work to order. Senators Hogan, Weston, Weber, Luick, Myrdal, and Lemm were present.

### Discussion Topics:

- Soil conservation
- Systemic problems
- History
- Legislative study

9:39 AM Senator Lemm moved DO NOT PASS SB 2353.

9:40 AM Senator Myrdal seconded DO NOT PASS SB 2353.

9:52 AM Senator Lemm retracts his motion.

9:52 AM Senator Myrdal retracted her second.

10:00 AM Chairman Luick closed the committee work on SB 2353.

*David Owen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2353  
2/9/2023

A BILL for an Act to provide for a legislative management study relating to soil conservation districts
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9:05 AM Chairman Luick called the committee to order. Senators Hogan, Weston, Weber, Luick, Myrdal, and Lemm were present.

### Discussion Topics:

- Amendment
- Committee action

9:05 AM Chairman Luick handed out a proposed amendment to SB 2353. #20910

9:06 AM Senator Hogan moved to adopt amendment #23.0205.05001.

9:15 AM Senator Myrdal seconded an amendment #23.0205.05001.

9:15 AM Roll Call Vote – ADOPT AMENDMENT #23.0205.05001.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion Passed 6-0-0. ADOPT AMENDMENT #23.0205.05001.

9:15 AM Senator Hogan moved DO PASS AS AMENDED SB 2353.

9:15 AM Senator Myrdal seconded DO PASS AS AMENDED SB 2353.

9:15 AM Roll Call Vote – DO PASS AS AMENDED SB 2353.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion Passed 6-0-0. DO PASS AS AMENDED. Senator Hogan will carry the bill.

9:17 AM Chairman Luick adjourned the committee work on SB 2353

*Dave Owen, Committee Clerk*

February 6, 2023

AG  
2-9-23  
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2353

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to soil conservation districts."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SOIL CONSERVATION DISTRICTS.** During the 2023-24 interim, the legislative management shall consider studying the structure, function, operation, infrastructure, and needs of the soil conservation districts. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2353: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to soil conservation districts.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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Renumber accordingly

**2023 HOUSE AGRICULTURE**

**SB 2353**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Room JW327C, State Capitol

SB 2353  
3/3/2023

Relating to soil conservation districts.

Chairman Thomas call the meeting to order 10:37 AM

Members present: Chairman Thomas, Vice Chairman Beltz, Representatives Finley-DeVille, Fisher, Headland, Henderson, Kiefert, Olson, Prichard, Schreiber-Beck, Tveit, VanWinkle.

Member absence: Representative Christy.

### Discussion Topics:

- Soil waste
- Soil study
- Districts in need
- Outdoor heritage fund

### In Favor:

Senator Tim Mathern, District 11, Fargo ND, #21951  
Sam Wagner, Ag and Food Field Organizer, Dakota Resource Council, #21636  
Rebecca Phillips, Farmer, rancher, and resident of Emmons County, #21863

### Opposed:

Rhonda Kelsch, Program Coordinator, ND Association Soil Districts, #21969

### Neutral:

Mary Podoll, ND State Conservationist, volunteer for Baldwin greenhouse & nursery (no written testimony)

Representative Headland moved a do not pass.  
Representative Tveit seconded.

Roll call vote:

Representatives	Vote
Representative Paul J. Thomas	Y
Representative Mike Beltz	Y
Representative Josh Christy	AB
Representative Lisa Finley-DeVille	N
Representative Jay Fisher	Y
Representative Craig Headland	Y
Representative Donna Henderson	Y

Representative Dwight Kiefert	Y
Representative SuAnn Olson	Y
Representative Brandon Prichard	Y
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y

Motion passed 11-1-1

Representative Tveit will carry the bill.

**Additional written testimony:**

Shelley Lenz, Owner of State Ave Vet Clinic in Dickinson, ND, #21860

Chairman Thomas adjourned the meeting 11:32 AM

*Diane Lillis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2353, as engrossed: Agriculture Committee (Rep. Thomas, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2353 was placed on the Fourteenth order on the calendar.

**TESTIMONY**

**SB 2353**

February 2, 2023, Agriculture and Veteran's Affairs Committee

Chairman Luick and members of the Committee,

My name is Rebecca Phillips, and I am a small farmer and rancher and resident of Emmons County. In Emmons County, we have one staff member representing the ND State Soil Conservation District (SCD). I have an interest in conserving soils and have asked my local SCD for assistance that is commonly offered to farmers by SCDs in Burleigh County. However, in Emmons County, SCD resources are severely limited, and my requests could not be met. It appears there is a resource imbalance among counties that should be considered on a statewide scale, as described in HB2353.

Soil Conservation District Representatives will likely agree that certain counties need more support than others to effectively help us with soil conservation implementation measures. I support a survey and assessment of SCD resources and capabilities for each ND County. House Bill 2353 is the first step towards remedying discrepancies among Districts, so that all ND SCDs can more effectively serve rural farmers and ranchers.

Thank you for your consideration.

Rebecca Phillips

Testimony SB2353

Sam Wagner  
Ag and Food Field Organizer  
Dakota Resource Council  
1720 Burnt Boat Dr. Ste 104  
Bismarck ND 58503  
Testimony in Support for SB2353

To the Honorable Chairman and the members of the Committee, we submit these remarks on behalf of DRC.

Mr. Chairman,

DRC would like to support SB2353. Over the past year our group formed a soil committee, talked to soil districts, NDSU extension, attended the state soil convention, and talked to farmers and ranchers about what they can do to better their service to farmers and ranchers across North Dakota. Time and time again we've heard the same thing. The storage buildings are getting older. They have vehicles and tractors that are getting a bit outdated. They have Nurseries or tree coolers that need more capacity or are aging rapidly. After all of our meetings, it became clear that updated infrastructure was needed at our Soil Conservation Districts.

Conservation Districts have good funding but there is a blindspot for some of these infrastructure needs. They do not always qualify for federal or state grants in the traditional sense. County mills are not always there to fund these projects. In counties with high amounts of non taxable federal land it's not as simple as raising the levies to pay for these projects.

SB2353 is a simple solution to address this issue. It is a study to assess what infrastructure needs updating. This bill would give the Extension office the tools they need to analyze the situation and provide a report to the committee. We spoke to the NDSU extension office to ask what they needed and they had told us that 80 thousand would be needed if we wanted to contract a full study and have some extra to deal with travel and staff hours to present the data. After speaking with the soil districts it was brought to our attention that some districts do have 10 year plans in place for their infrastructure. We specifically worded the legislation to give the Extension office the power to use their discretion when spending money and we don't expect to use all this money. Extension will have the options to do a study, a simple data call to the districts, or something in between. If the money is not used it will simply go back into the general fund.

This is a cost effective way to determine exactly how much money we need to spend on our Soil Districts and if we follow through with providing them the infrastructure they need, they can increase their capacity to produce revenue and be less dependent on the state.

We urge a DO PASS on this Bill.

February 2, 2023, Agriculture and Veteran's Affairs Committee

Chairman Luick and members of the Committee,

My name is Tim Mathern. I am a former farm boy who has now lived in Fargo for over 50 years. In recent past winters, I saw mounds of field dirt along the north fence line on I-94. I saw payloaders move dirt off the highway and rest area between Edgeley and Jamestown on Highway 281. This prompted me to get interested in soil conservation and to introduce SB 2323.

As you can see by the LC number, the bill has gone through 5 iterations, starting out as an appropriation for equipment, then buildings, then oversight, and now to be a report to Legislative Management. There was also some concern about the appropriate way to address this issue too, through NDSU, North Dakota Extension Service, SBARE, or a stand-alone bill.

After a number of discussions, it was clear that there are many needs within the soil conservation entities around the state. Staff, buildings, infrastructure, software, and equipment are some of the most important. It seemed appropriate to take some time to come up with a well-researched proposal that covers a full decade. The best way to do that is to give the people closest to the need a clear request from the legislature to make this assessment and come back to us with a report we can work with and fund in the next legislative session.

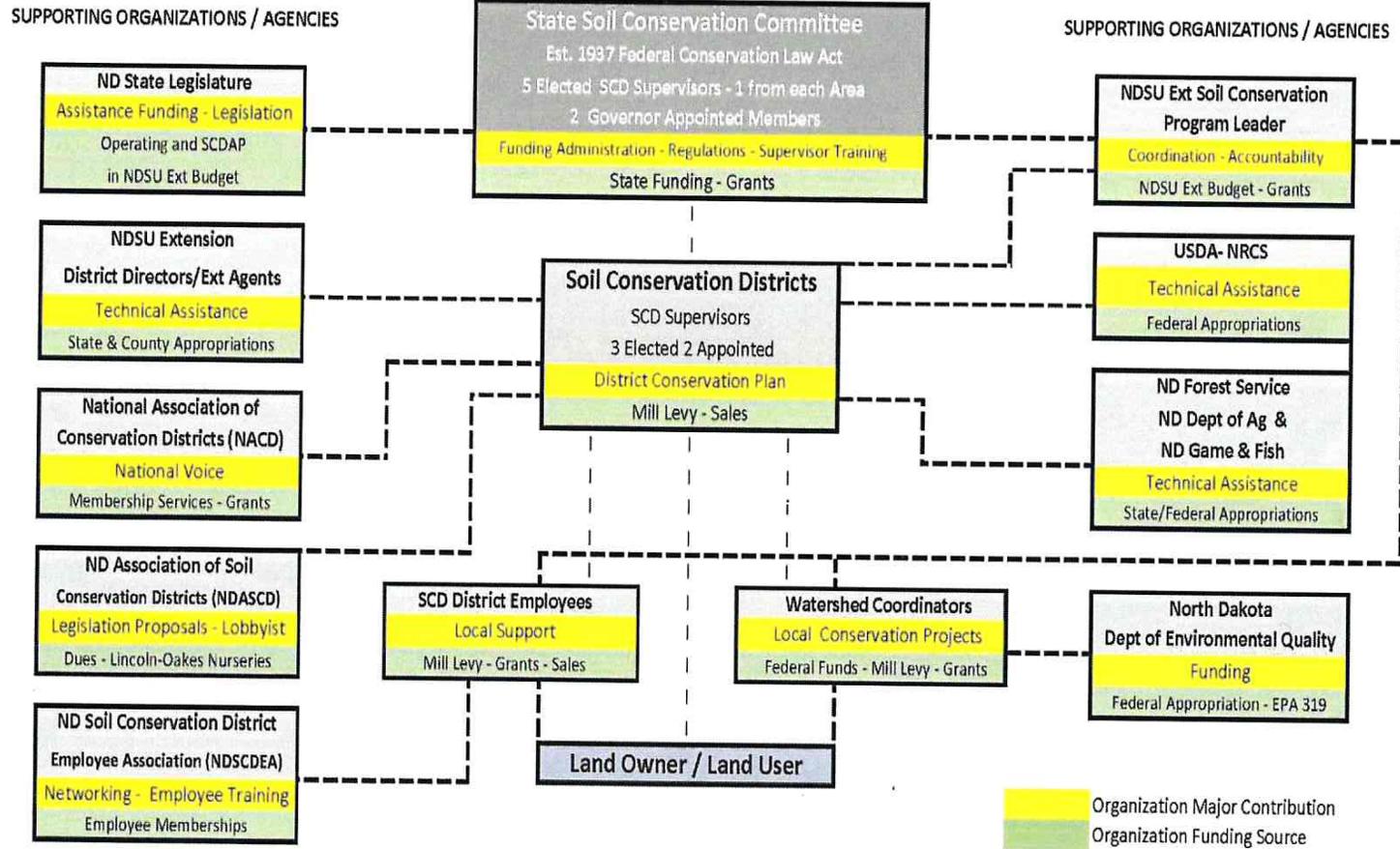
The bill directs the North Dakota State University Extension Service to do this study and make the report. If you feel that the Service needs extra funding to do this, please add an appropriation to cover that. You might consider an amount that is less than \$50,000 to escape the referral process to the Appropriations Committee!

Let's protect our most important natural asset, our soil. I ask for a Do Pass recommendation on SB2353.

Thank you for your consideration.

Senator Tim Mathern

## ND Structural Organization Soil Conservation Districts



23.0205.05001  
Title.

Prepared by the Legislative Council staff for  
the Senate Agriculture and Veterans Affairs  
Committee

February 6, 2023

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Renumber accordingly

Testimony SB2353

Sam Wagner  
Ag and Food Field Organizer  
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1720 Burnt Boat Dr. Ste 104  
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To the Honorable Chairman and the members of the Committee, we submit these remarks on behalf of DRC.

Mr. Chairman,

DRC would like to support SB2353. Over the past year our group formed a soil committee, talked to soil districts, NDSU extension, attended the state soil convention, and talked to farmers and ranchers about what they can do to better their service to farmers and ranchers across North Dakota. Based on these conversations this is what we've heard. The storage buildings are getting older and do not always qualify for federal or state grants to renovate them. They have vehicles and tractors that are getting a bit outdated. They have nurseries or tree coolers that need more capacity or are aging rapidly. Recruiting new employees and employee retention have been challenging for Soil Conservation districts. There is disparity between funding in the high and low population areas of our state and county mills are not always there to fund these projects. In counties with high amounts of non taxable federal land it's not as simple as raising the levies to pay for these projects.

We think that everyone can agree that soil conservation is important for our Ag based economy in North Dakota. I would also say that it's safe to say that many people here want to make sure our Soil Conservation districts have the tools they need to help out our farmers, ranchers, and land owners keep their land in the best shape possible.

SB2353 is a simple solution to address this issue but it also could have an unexpected benefit to the state. As most of you know the 2023 Farm Bill is coming. In a current marker bill, The ARA or Agriculture Resiliency Act, there is a bipartisan supported part of the bill that includes federal assistance to states that are developing and implementing a soil plan for their state. If you take a look at the language it is currently broad enough that our state would qualify for up to 6 million dollars in federal money (1 million to study, and 5 million to implement the plan). By passing an interim study now, we should easily qualify for the implementing funds when the Farm Bill is enacted by as early as next year.

We believe that we need an objective look at our resources in our soil conservation districts and this bill will be a great way to assess what our soil districts need and give them the tools to succeed.

We urge a DO PASS on this Bill.

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**This is the language from the [Ag Resiliency Act \(S.1337\)](#) Submitted to the 117th Senate regarding support for State Soil Health Plans. Important parts in Yellow that apply**

**SEC. 1240S. STATE ASSISTANCE FOR SOIL HEALTH.**

“(a) Availability And Purpose Of Grants.—Using funds made available under subsection (k), the Secretary shall make grants to States or tribal governments for each of fiscal years 2022 through 2030 to be used by State departments of agriculture or appropriate tribal authorities to develop and implement plans to improve soil health on agricultural lands.

“(b) Application.—

“(1) IN GENERAL.—A State department of agriculture or tribal government requesting a grant under this section may prepare and submit, for approval by the Secretary, an application at such time, in such a manner, and containing such information as the Secretary shall require, including an assurance that grant funds received under this section shall supplement the expenditure of State or tribal funds in support of soil health, rather than replace State or tribal funds.

“(2) USE OF FUNDS.—A State or tribal government may request funds under this section to—

**“(A) develop or modify a State or tribal soil health plan; or**

**“(B) implement a State or tribal soil health plan approved by the Secretary under this section, including through—**

**“(i) technical assistance;**

**“(ii) financial assistance;**

**“(iii) on-farm research and demonstration;**

“(iv) education, outreach, and training;

“(v) monitoring and evaluation; or

“(vi) such other activities as the Secretary deems appropriate.

“(3) PLAN COMPONENTS.—Prior to approving a State or tribal soil health plan, the Secretary shall ensure that the plan, at a minimum—

“(A) is broadly consistent with the soil health principles of the Natural Resources Conservation Service; and

“(B) identifies effective strategies for increasing adoption of regionally appropriate soil health practices and systems on privately owned agricultural land under the jurisdiction of the applicable State or tribal government.

“(C) Includes input from diverse stakeholders

“(4) ELIGIBILITY.—A State or tribal government may—

“(A) apply for a grant under paragraph (2)(A) at any time; and

“(B) apply for a grant under paragraph (2)(B) upon approval by the Secretary of its soil health plan.

“(c) Tribal Option.—At the sole discretion of a tribal government, an Indian tribe or tribal organization shall have the option of being incorporated into a State application rather than submitting its own application.

“(d) Grant Amount.—

“(1) MAXIMUM.—The maximum grant any one State or tribal government may receive under this section for a fiscal year shall be—

“(A) for a grant under subsection (b)(2)(A), \$1,000,000.

“(B) for a grant under subsection (b)(2)(B), \$5,000,000.

“(2) FEDERAL SHARE.—

“(A) GRANTS TO STATES.—The grant amount to a State shall not exceed 75 percent of the cost of developing or modifying a soil health plan, or 50 percent of the cost of implementing the soil health plan.

“(B) GRANTS TO TRIBES.—The grant amount to a tribal government shall not exceed 90 percent of the cost of developing or modifying a soil health plan, or 75 percent of the cost of implementing the soil health plan.

“(3) NON-FEDERAL FUNDS.—A grant made under this section shall be made on the condition that the non-Federal share of expenditures under paragraph (2) be provided by non-Federal sources.

“(e) Grant Term.—A grant under this section shall be for one year and may be renewed annually, at the discretion of the Secretary.

“(f) Priority.—The Secretary shall give priority to States or tribal governments with a climate action plan that includes soil health, as determined by the Secretary.

“(g) Performance Measures And Evaluation.—

“(1) PERFORMANCE MEASURES.—Each application under subsection (b) shall include performance measures to be used to evaluate the results of the assistance received under this section.

“(2) REVIEW.—The State department of agriculture or the tribal authority shall submit a review and evaluation of its progress using the performance measures under paragraph (1) to the Secretary at such intervals as the Secretary shall establish.

“(h) Effect Of Noncompliance.—If the Secretary, after reasonable notice to a State or tribal government, finds that there has been a failure by the State or tribal government to comply with the terms of a grant made under this section, the Secretary may disqualify, for one or more years, the State or tribal government from receipt of future grants under this section.

“(i) Audit Requirement.—For each year that a State or tribal government receives a grant under this section, the State or tribal government shall conduct an audit of the

expenditures of grant funds by the State or tribal government and shall submit a copy of the audit to the Secretary within 30 days of its completion.

“(j) Administration.—

“(1) DEPARTMENT.—The Secretary may not use more than 3 percent of the funds made available to carry out this section for a fiscal year for administrative expenses.

“(2) STATES OR TRIBES.—A State or tribal government receiving a grant under this section may not use more than 7 percent of the funds received under the grant for a fiscal year for administrative expenses.

**“(k) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary shall make grants under this section using—**

**“(1) \$60,000,000 for fiscal years 2022 through 2023;**

**“(2) \$80,000,000 for fiscal years 2024 through 2026; and**

**“(3) \$100,000,000 for fiscal year 2027 and each fiscal year thereafter.”.**

Dear House Agricultural Committee.

My name is Shelley Lenz, owner of State Ave Vet Clinic in Dickinson, ND and I would like to express my full support of this legislation (SB2353).

I had the joy of running a Statewide campaign for Governor in 2020. One unifying theme from my conversations across the state rural is the importance of healthy soil. People shared concerns about local food movements, food security, bee populations, carbon sequestration/climate solutions, urban gardening, improved farm/beef production, dangerous algae blooms, access to clean water, healthy foods, and green spaces; hunting, flood/drought issues and economic resilience. All these things have one thing in common--Healthy Soil.

SB2353 will enable North Dakota to take an objective look at soil health and the needs of soil health districts to better inform our investment and future direction for one of North Dakota's greatest resources—our land. This study is long overdue as it has not been looked at for over 8 years. Further, there will possibly be money in the Agriculture Resiliency Act that is going to be put in the Farm Bill. As written, up to \$6 million (\$1 million for planning, \$5million for implementation) will be available for soil health programs for our state. Our soil districts have been working hard for generations and North Dakota is proud that we have been progressive stewards of the land. This study and possible future funding will ensure that we stay at the forefront of soil health and strengthen our programs in North Dakota with the best equipment, facilities, and staff. This is vital for now and for generations to come.

I fully support SB2353 and ask you to vote YES.

Sincerely,  
Shelley J. Lenz, DVM, Ph.D.

March 2, 2023, Committee Hearing for SB2353

Chairman Luick and members of the Committee,

My name is Rebecca Phillips, and I am a small farmer and rancher and resident of Emmons County. In Emmons County, we have one staff member representing the ND State Soil Conservation District (SCD). I have an interest in conserving soils and have asked my local SCD for assistance that is commonly offered to farmers by SCDs in Burleigh County. However, in Emmons County, SCD resources are severely limited, and my requests could not be met. It appears there is a resource imbalance among counties that should be considered on a statewide scale, as described in HB2353.

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Thank you for your consideration.

Rebecca Phillips

March 3, 2023

Chairman Thomas and members of the House Agriculture Committee,

My name is Tim Mathern. I am a former farm boy who has now lived in Fargo for over 50 years. In recent past winters, I saw mounds of field dirt along the north fence line on I-94. I saw payloaders move dirt off the highway and rest area between Edgeley and Jamestown on Highway 281. This prompted me to get interested in soil conservation and to introduce SB ~~2323~~. **2353**

As you can see by the LC number, the bill has gone through 6 iterations, starting out as an appropriation for equipment, then buildings, then oversight, then to a report to Legislative Management, and now a study by the interim committee process. There was also some concern about the appropriate way to address this issue, through NDSU, North Dakota Extension Service, SBARE, or a stand-alone bill.

After a number of discussions, it was clear that there are many needs within the soil conservation entities around the state. Staff, buildings, infrastructure, software, and equipment are some of the most important. It seemed appropriate to take some time to come up with a well-researched proposal that covers a full decade. The best way to do that is to give the people closest to the need a clear understanding to the legislature to make this assessment and come back to us through a study with results to be addressed by the next legislative session.

The bill asks us to study the structure, function, operation, infrastructure, and needs of the soil conservation districts. We are to report findings and recommendations, together with any legislation required to implement the recommendations, to the next session of the legislature. I ask for a Do Pass recommendation on SB2353.

Thank you for your consideration.

Senator Tim Mathern



# Soil Conservation District Success in North Dakota

54

54 Conservation Districts serve all counties in the state of North Dakota. Most counties have a single Conservation District, while some counties are split into two Districts.



3.3 Million

Conservation Districts installed Farmstead Windbreaks, Field Windbreaks, Wildlife, and Mitigation tree plantings across the state. 3.3 million feet or 628 miles of windbreaks.



8,000 hours

Free Technical Assistance to landowners, producers, and the general public is provided by district staff on topics ranging from tree species to native grass seeding to soil health practices to urban conservation.



24,565 students

School-age education is a priority. Programs may include Eco-Education field days, tree planting programs, and celebrating Stewardship Week in schools. North Dakota Districts also provide sponsorship and support for the State and National Envirothon programs.



1,000 hours

Urban conservation and agriculture programs have continued to grow across the state. Programs and outreach include pollinator plantings, rain barrel workshops, composting seminars, community gardens and pocket prairies.



5,500 hours

District employees support many cost-share programs that vary from district sponsored to partnership programs like the Outdoor Heritage Fund to USDA Farm Bill programs. The hours spent administering these programs are vital to implementing voluntary conservation on private lands.



16,248 acres

Grass seeding, native grass seeding and providing resources to promote planting marginal lands into grass are a high priority for districts relating to soil health, soil erosion and water quality.



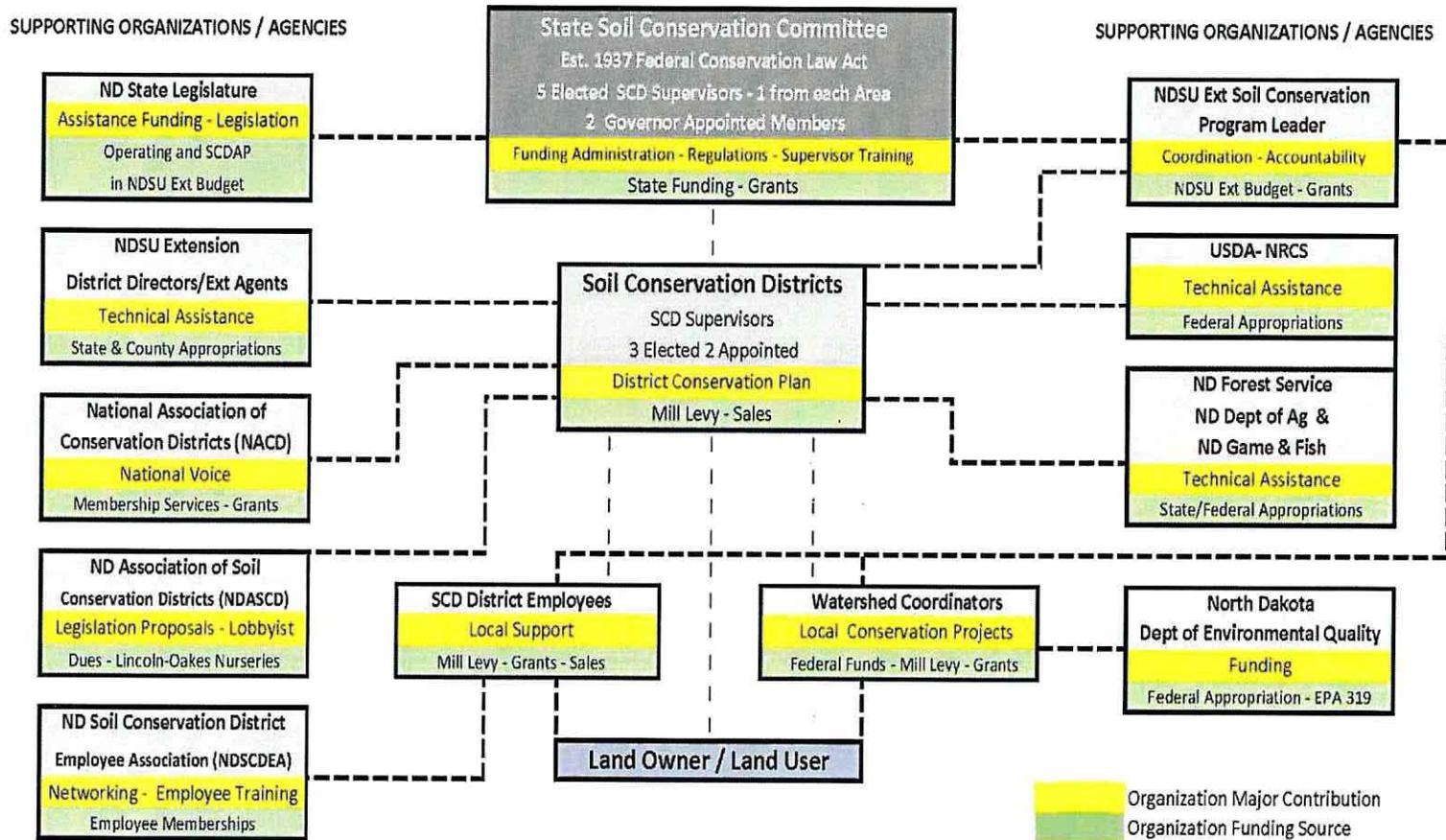
7,800 attendees

Conservation, agriculture and natural resource outreach and education events are held throughout the year. These include field days, soil health workshops, achievement celebrations, and crop/livestock workshops.

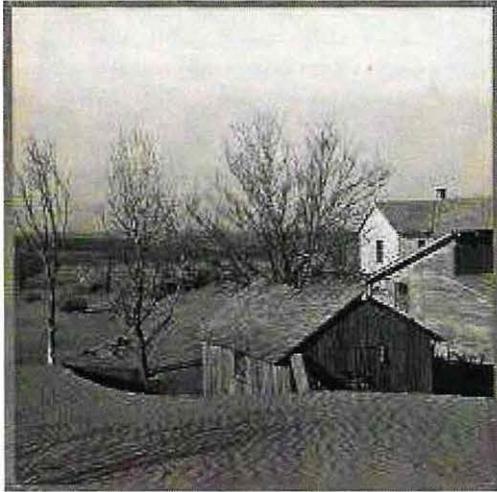


ND Association of Soil Conservation Districts  
ND Conservation District Employees Association  
ND State Soil Conservation Committee

## ND Structural Organization Soil Conservation Districts



## History of Soil Conservation



While soil conservation districts had their baptism by fire following the devastation of the 1930s Dust Bowl, the movement got its beginning decades earlier. It was championed by Hugh Hammond Bennett, a young college graduate who went to work as a soil surveyor for USDA in 1905.

Now recognized as the “father of soil conservation,” Bennett spent 20 years trying to bring attention to the nation’s eroded soils and the need for conservation. Lawmakers finally started to listen in the late 1920s, and the Dust Bowl — a drought that led to massive dust storms and topsoil losses across a swath land reaching

from Texas to Canada — fueled the movement.

The groundwork for the Dust Bowl was laid in the early 1900s when high demand for wheat, generous federal farm policies and a series of wet years caused a land boom in the Great Plains. New machinery made for easier and faster farming, and vast tracts of native grasslands in the Plains — more than 100 million acres — were plowed to plant crops, according to the USDA.

But the stock market crashed in 1929, and the Great Depression followed. Wheat prices plummeted, and farmers in the Plains plowed up even more land to try to recoup their losses. Prices dropped further, and drought conditions set in, causing widespread crop failure. Many farmers abandoned their fields to find work elsewhere, leaving behind a landscape that had changed from protective grassland to exposed soil.

The result was large dust storms that blew exposed soil as far as the East Coast. Bennett seized the opportunity to explain the cause of the dust storms to Congress and push for a permanent soil conservation agency. The Soil Conservation Service was created in 1935, and Bennett served as its first chief. Its predecessor, the temporary Soil Erosion Service — also led by Bennett — had established demonstration projects to show landowners the benefits of conservation. In 1994, Congress gave the Soil Conservation Service a new name: the Natural Resources Conservation Service.

As early as 1935, USDA managers began to search for ways to extend conservation assistance to more farmers, believing the solution was to establish democratically organized soil conservation districts to lead the conservation effort at the local level.

To that end, USDA drafted the Standard State Soil Conservation District Law, which President Franklin Delano Roosevelt sent to the governors of all states in 1937. The first conservation district was organized in the Brown Creek watershed of North Carolina that same year.

Across the United States, nearly 3,000 conservation districts—almost one in every county—work directly with landowners to conserve and promote healthy soils, water, forests and wildlife. NACD represents these districts and the more than 17,000 citizens who serve on conservation district governing boards.

Conservation districts may go by different names—”soil and water conservation districts,” “resource conservation districts,” “natural resource districts” and “land conservation committees”—but they all share a single mission: to coordinate assistance from all available sources—public and private, local, state and federal—to develop locally-driven solutions to natural resources concerns.

In addition to serving as coordinators for conservation in the field, districts:

- Implement farm, ranch and forestland conservation practices to protect soil productivity, water quality and quantity, air quality and wildlife habitat;
- Conserve and restore wetlands, which purify water and provide habitat for birds, fish and other animals;
- Protect groundwater resources;
- Assist communities and homeowners in planting trees and other land cover to hold soil in place, clean the air, provide cover for wildlife, and beautify neighborhoods;
- Help developers control soil erosion and protect water and air quality during construction; and
- Reach out to communities and schools to teach the value of natural resources and encourage conservation efforts.

***For more information view - YouTube – Hugh Hammond Bennett: The Story of America’s Private Lands Conservation Movement.***

**North Dakota  
Soil Conservation  
Districts**

**AREA I**

North Central SCD  
(Benson County)  
Cavalier County SCD  
Eddy County SCD  
Foster County SCD  
Grand Forks County SCD  
Nelson County SCD  
Pembina County SCD  
Ramsey County SCD  
Towner County SCD  
Walsh County SCD  
Wells County SCD

**AREA II**

Barnes County SCD  
Cass County SCD  
James River SCD  
(Dickey County)  
Griggs County SCD  
LaMoure County SCD  
Ransom County SCD  
Richland County SCD  
Wild Rice SCD  
(Sargent County)  
Steele County SCD  
Traill County SCD

**AREA III**

Mouse River SCD  
(Bottineau County)  
Turtle Mountain SCD  
(Bottineau County)  
Burke County SCD  
Divide County SCD  
North McHenry County SCD  
South McHenry County SCD  
Mountrail County SCD  
Pierce County SCD  
Renville County SCD  
Rolette County SCD  
Ward County SCD

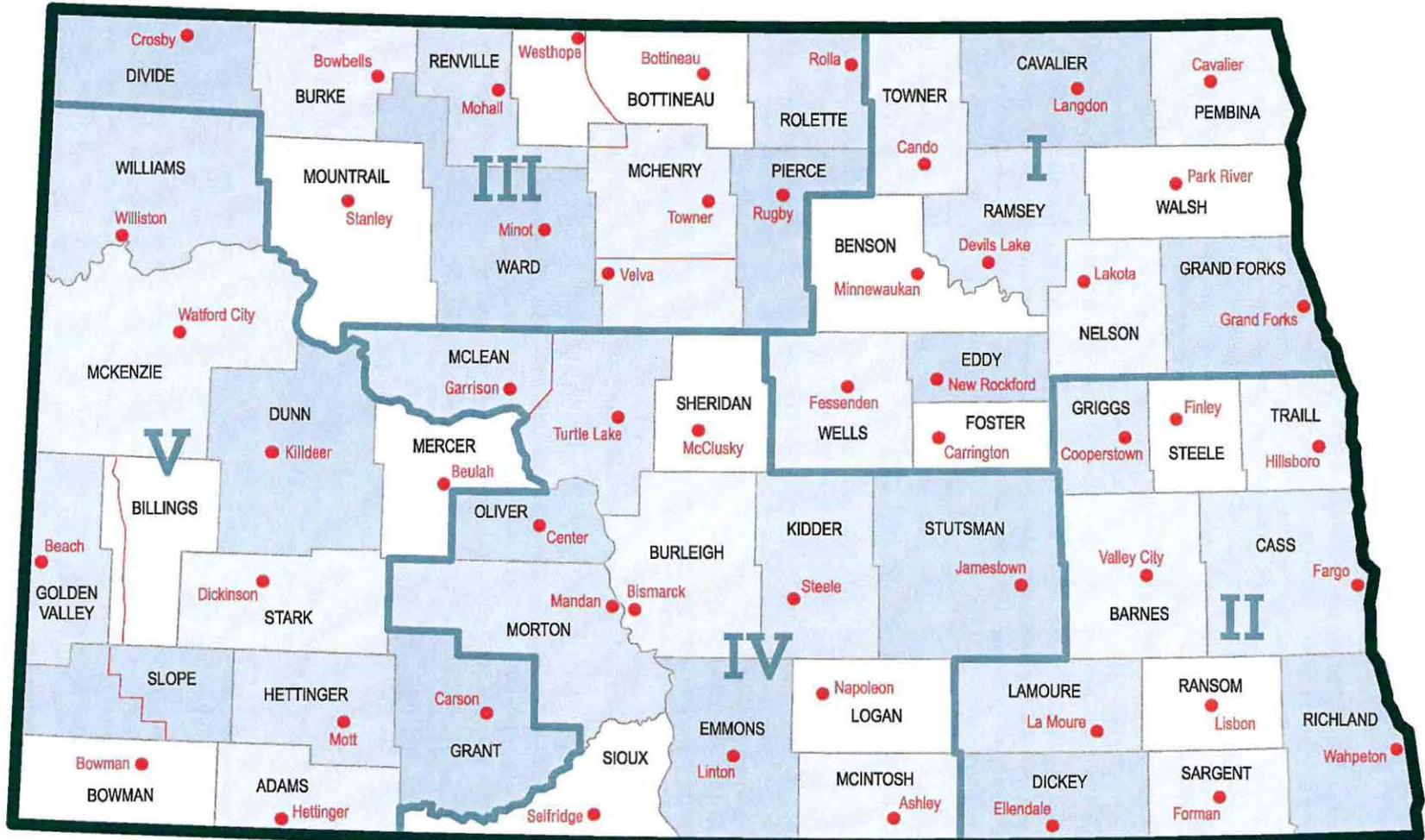
**AREA IV**

Burleigh County SCD  
Emmons County SCD  
Kidder County SCD  
Logan County SCD  
McIntosh County SCD  
South McLean County SCD  
West McLean County SCD  
Morton County SCD  
Oliver County SCD  
Sheridan County SCD  
Cedar SCD  
Stutsman County

**AREA V**

Adams County SCD  
Bowman-Slope SCD  
Dunn County SCD  
Golden Valley SCD  
Grant County SCD  
Slope-Hettinger SCD  
McKenzie County SCD  
Mercer County SCD  
Stark and Billings SCD  
Williams County SCD

# Soil Conservation Districts in North Dakota



**NDSU**

EXTENSION

- Shared SCD/County Boundary
- SCD Boundary
- SCD Area Boundary
- SCD Office

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## **Structural Organization of Soil Conservation Districts**

The Soil Conservation District is a crucial member of a three-way partnership of federal, state, and local agencies. The continuation of this working relationship is vital to the work of soil and water conservation. The partnering agencies in the above chart are integral working parts of a multi-agency team effort to protect and preserve natural resources.

Districts are generally organized in a similar manner. The board of supervisors provides overall supervision and sets policy assuring that the district performs tasks required by law and memorandums of understanding.

The everyday business of running a district is handled by the district staff. The district manager is responsible for handling administrative details and office operations on the board's behalf. Managers may also assume technical responsibilities. The district technician is responsible for providing technical support, plan reviews, etc. Each report to the board of supervisors and provides the board with the information it needs to make policy and planning decisions.

### **Soil Conservation District Supervisors**

The Soil Conservation District is considered a political subdivision, organized under the North Dakota Soil Conservation Districts Law enacted in 1937 and as later amended. They are organized by vote of the people within the district and are managed by a board of supervisors, also elected by the people.

Soil Conservation Districts are responsible for carrying out a program of soil and water conservation with all cooperating rural and urban residents within the district boundaries.

#### **District Supervisors Shall Have the Power To: (N.D.C.C. 4.1-20 Conservation Law)**

- Appoint two additional supervisors. (4.1-20-18)
- Employ temporary and permanent employees. (4.1-20-20)
- Seek legal services from the County State's Attorney or Attorney General. (4.1-20-20)
- Conduct surveys, investigations and research. (4.1-20-24)
- Conduct demonstration projects. (4.1-20-24)
- Carry out preventive and control measures within the district. (4.1-20-24)
- Cooperate or enter into agreements. (4.1-20-24)
- Obtain options upon or acquire real or personal property. (4.1-20-24)
- Make available machinery, equipment, seeds, and seedlings. (4.1-20-24)
- Construct, improve and maintain structures. (4.1-20-24)
- Develop comprehensive plans for the conservation of soil resources. (4.1-20-24)

- Administer and act as agent for the United States in any soil erosion, erosion control, or erosion prevention project; accept donations, gifts and contributions in money, services, and materials. (4.1-20-24)
- Sue and be sued in the name of the district. (4.1-20-24)
- Have a seal. (4.1-20-24)
- Have perpetual succession. (4.1-20-24)
- Make and execute contracts. (4.1-20-24)
- Make, amend and repeal, rules and regulations. (4.1-20-24)
- Require contributions from beneficial operations performed by a district on lands not controlled by this state (4.1-20-24)
- Expend moneys for education, promotion, and recognition activities. (4.1-20-24)
- To levy taxes. (4.1-20-24)
- Formulate land use regulations. (4.1 -20-25) through (4.1-20-37)
- District Supervisor Compensation. (4.1-20-18)

**ND Century Code website** <https://www.legis.nd.gov/general-information/north-dakota-century-code>

### **District Supervisors Responsibilities and Duties:**

- Furnish to the State Soil Conservation Committee (SSCC), upon request, copies of any ordinances, rules, regulations, orders, contracts, or other documents they shall adopt or employ, and such other information concerning their activities as the SSCC may require.
- Provide for the execution of surety bonds for all employees and officers. N.D.C.C. Chapter 4.1-20-22.
- Provide for keeping of a full and accurate record of all proceedings, resolutions, regulations, and orders issued or adopted by them. N.D.C.C. Chapter 4.1-20-22.
- Maintain complete and accurate records of receipts and disbursements of the district and provide for an annual audit N.D.C.C. Chapter 4.1-20-22)
- Prepare an annual financial statement at the close of the business year and forward a copy to the SSCC.
- Attend and participate in regular monthly meetings and attend district functions.
- Keep the long-range planning current to meet total resource development needs of your district. The long range program should be reviewed annually.
- Develop a District Planning Process which provides for carrying out action projects of highest priority that seek to accomplish the goals and objectives of the long range program. Refer regularly to the District plan to see that activities are carried out.
- Be informed on the North Dakota Soil Conservation Districts Law and the administrative functions of the State Soil Conservation Committee. Be informed on your State Association, NACD, and the North Dakota Conservation District Employees Association. Keep abreast of changes in the law, operational policies and program concepts of importance to the district.

- Develop district conservation needs and set district priorities in providing technical assistance to landowners and operators for a complete coordinated soil conservation program for all rural and urban residents.
- Invite agencies assisting in carrying out the district program to meet with the District Board to consider mutual problems. Keep these organizations and the general public informed of progress, objectives and district needs.
- Develop a realistic annual budget and manage the funds of the district by anticipating project activities and board expenditures for the coming year.
- Approve bills to be paid by the District
- Carry out a dynamic information and education program to include the general public, students, producers and others focusing on resource conservation, programs and services, district activities and other pertinent information This can be accomplished in part by printing and distributing annual reports, district newsletters, and by utilizing other news media.
- Conduct conservation tours, demonstrations, and support educational meetings
- Cooperate with fellow board members in establishing district policies.
- Know the functions of other agricultural agencies that operate in your district.

**District Supervisors / District Employees** - A large portion of the board's responsibility lies with their employees. The board is responsible for not only hiring district staff, but also supporting them and ensuring they have the means to perform their jobs, the equipment and knowledge. Providing guidance, support, and reviewing performance is a key component of the Board/Employee relationship. District staff are the customer facing link between the board and their constituents, ensuring they are properly trained and have the resources available to perform their duties, including professional development is vital.

Dealing with employees is not an easy task and one where a lot of consideration must be given to the well-being of the employee which is part of the well-being of the district. Board members have to decide on the wages, benefits and requirements of their employees. This is an area where state and federal laws must be taken into consideration.

The board does rely on their managers and employees to keep them informed on the current events affecting the district, but this by no means releases them from their obligation of being involved and informed by other sources. Communication between the board members, the employees and the landowners is critical in all areas.

Remember the conservation district supervisor's obligations as a public official. Any supervisor who finds it is impossible to fulfill these obligations because of poor health, lack of time, or any other reason, should resign from office and make way for an individual who can perform effectively.

**District Supervisor Removal** - After notice given and hearing held in accordance with N.D.C.C. Chapter 28-32, a supervisor of a Soil Conservation District maybe removed from office by State Soil Conservation Committee. N.D.C.C 4.1-20-18. Supervisors may also be removed by a vote of district residents, in the same matter as other locally-elected officials.

**District Supervisor Compensation** - Upon a majority vote of the supervisors, the supervisors of a soil conservation district are entitled to receive compensation of up to sixty-two dollars and fifty cents for attending each regular or special meeting or for attending other meetings or events in the performance of their official duties.

Supervisors of soil conservation districts are entitled to receive travel and subsistence expenses necessarily incurred in attending district, state, or other meetings. The compensation and all other expenses including travel incurred by district supervisors while transacting district business must be paid from district funds. N.D.C.C. Chapter 4.1- 20-18

**District Officers** – During the board's January meeting, the board of supervisors should hold an election for the various district board's officers; chair; vice-chair; secretary; and treasurer; or secretary-treasurer.

- An active district chair is the key to a successful board of supervisors meeting, it is the responsibility of the chair to accept the leadership roles, involving each member in the discussion of issues and programs of the district, starting meetings promptly and closing meetings after all business has been completed.
- The State Soil Conservation Committee recommends that, no one elected or appointed soil conservation district supervisor should serve as Chair of their district board for more than two consecutive years.
- District Reorganization Form - (SFN 11-20). Your district reorganization meeting should be held as soon as possible after the first of the year. Please provide the State Soil Conservation Committee with this information by March 1. The reorganization form is available on-line.
- District Inventory - The soil district board may set a minimum value on equipment that gets logged on the inventory list. The inventory list should be reviewed annually and a walk through done with a supervisor to make sure inventory is accountable. Inventory information is due March 1<sup>st</sup>.
- Each meeting month the Chair should meet with the District Staff and District Conservationist prior to the scheduled meeting and work out a tentative agenda which is sent to each board member and other individuals invited with their notification of the meeting and post notice of the meeting as required by law. N.D.C.C. Chapter 44-04-17.1

*The Attorney General's office has a great resource on Guidelines for Open Meetings at: <https://attorneygeneral.nd.gov/sites/ag/files/documents/Open-Meetings-Guide.pdf>*

**Soil Conservation District Assistance Funds** – The ND Legislature may appropriate state funds each session to help defray costs of the local SCDs for conservation activities. These funds are used to cover salaries of SCDs employees who plan and design local soil conservation projects. The State Soil Conservation Committee approves the allocations and NDSU Extension notifies each district of their funding allocation, directions for reimburse them for salary expenditures through the NDSU Agriculture Budget Office.

**District Audit and Financial Report** – The district supervisors should arrange for the Annual Audit of the account of receipts and disbursements of their district as required by the Soil Conservation Districts Law N.D.C.C. Chapter 4-1-20-22.

Due to the 55th Legislative Assembly, Soil Conservation Districts were added to the list of political subdivisions to be audited by the State Auditor. The law requires the State Auditor, a Certified Public Accountant, or a License Public Accountant to audit the districts every two years.

The State Auditor may in lieu of conducting an audit every two years, require an annual financial report from districts with less than \$750,000 in annual receipts. Districts are required to complete the Annual Financial Report for the year by December 31. A template for this report can be found on the State Auditor's website, and their local government division can be of assistance.

The district needs to forward the completed report by June 1 to:  
State Auditor's Office,  
600 E. Boulevard Ave. - Dept. 117  
Bismarck, ND 58505.

The State Auditor may also charge districts a fee not exceeding \$50 an hour for the cost of reviewing the report.

**NDASCD OFFICER TEAM**

President..... Kent Pedersen  
Vice President.....Monte Bloms  
Secretary..... Steve Gilje  
Treasurer.....Rocky Bateman

**NDASCD Contact Information**

3310 University Drive  
Bismarck, ND 58504  
(701) 223-8518

Rhonda Kelsch – NDASCD Operational Officer  
(701) 321-0627  
Rhonda@lincolnoakes.com

**2023 NDASCD BOARD OF DIRECTORS**

Area I.....Sam Partlow, Carrington  
Area I.....Jon Iverson, Langdon  
Area II.....Gary Dathe, Ellendale  
Area II.....Kelli Bowen, Casselton  
Area III.....Steve Gilje, Rolette  
Area III..... Monte Bloms, Carpio  
Area IV..... Kelly Froelich, Selfridge  
Area IV..... Rocky Bateman, New Salem  
Area V..... Kent Pedersen, Arnegard  
Area V..... Paul Schmitz, Beach

**NACD COMMITTEE REPRESENTATIVES**

ND NACD Representatives

- Keith Bartholomay
- Steve Gilje

Resource Policy Groups (Forestry)

- Keith Bartholomay - NDASCD
- Sarah Tunge – NCDEA

Resource Policy Group (Legislative/Farm Bill)

- Rhonda Kelsch – NDASCD

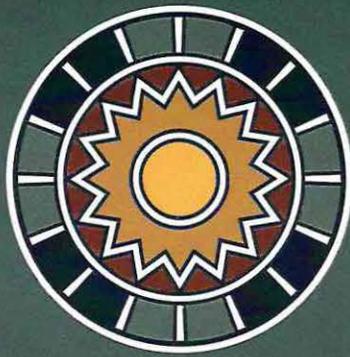
**2023 NDCDEA OFFICERS AND DIRECTORS**

President.....Dustin Krueger, Stutsman  
Vice President.....Matt Olson, Wild Rice  
Secretary.....Kari Beckman, Bottineau  
Treasurer.....Darci Gahner, Sheridan  
Area I Director.....Shannon Anderson, Eddy  
Area I Director.....Vacant  
Area II Director.....Matt Olson, Wild Rice  
Area II Director.....Tokina McHarry, Dickey  
Area III Director..... Kari Beckman, Bottineau  
Area III Director.....Stetson Myers, Ward  
Area IV Director.....Dustin Krueger, Stutsman  
Area IV Director.....Chad Thorson, Burleigh  
Area V Director.....Cassidy Fairbanks, B-Slope  
Area V Director.....Molly Jugovich, Williams  
NCDEA Director.....Sarah Tunge, Mercer

**ND STATE SOIL CONSERVATION COMMITTEE**

Chair .....Wes Frederick  
Vice Chair.....Kelly Klosterman

Governor Appt.....Anthony Moch, Braddock  
Governor Appt.....Kelly Klosterman, Mooreton  
Area I.....Donna Grann, Sheyenne  
Area II.....Warren Solberg, Horace  
Area III.....David Hill, Willow City  
Area IV.....Bob Martin, Jamestown  
Area V.....Wes Frederick, Flasher  
Ext. Program Director.....Jodi Delozier, Fargo



## DAKOTA LEGACY INITIATIVE

### Preserving North Dakota's legacy of agriculture, conservation, and legendary land and water

The Dakota Legacy Initiative is an effort to bring all conservation groups and resources in North Dakota together to create one centralized location, equipping producers and landowners with timely, relevant and streamlined information.

#### Where collaborative conservation begins

Our goal is to work together to make resources easily accessible to producers to practice good conservation and planning! We take the guesswork out of what sources are reliable and share information that is vital to the success of our land and water.

#### Come join us in this effort!

Conservation is work worth doing here in North Dakota. You could play a big part in our effort and help instill lasting change!

#### Help preserve our lands for generations to come

##### As a partner, you will receive:

- Free statewide media coverage showcasing your programs and resources
- Your own custom landing page with no additional work required
- Support within our community of collaboration to help open new doors for funding

### Contact us to partner today!

[DakotaLegacyInitiative.com](http://DakotaLegacyInitiative.com)

Sarah Tunge [mcsd@westriv.com](mailto:mcsd@westriv.com) | Rhonda Kelsch [rhonda@lincolnoakes.com](mailto:rhonda@lincolnoakes.com)

**Note: The following is a summary of state laws relating to Soil Conservation Districts and should not be considered legal advice. Contact your local State's Attorney for any legal services your SCD requires.**

#### **Mill Levy Authority - N.D.C.C. 4.1-20-24**

The Legislative Assembly granted the Supervisors of North Dakota Soil Conservation Districts the authority to levy a tax, **not exceeding 2.5 mills**, for the payment of the expenses of the district, including mileage and other expenses of the supervisors, and technical, administrative, clerical, and other operating expenses. This authority is provided in the North Dakota Soil Conservation Districts Law, N.D.C.C. 4.1-20-24

Upon filing a certified copy of the levy, the county auditor of each county in the district will extend the levy upon the tax list of the county for the current year against each description of real property lying both within the county and the district in the same manner and with the same effect as other taxes are extended. The county treasurer collects all taxes and turns the funds over to the soil conservation district on a monthly basis. According to a February 21, 1992 Attorney General opinion, "Soil conservation districts are taxing districts because they are authorized to levy taxes under North Dakota Century Code - N.D.C.C. Section 4.1-20-24."

N.D.C.C. 57-02-01 says, "Municipality" or "taxing district" means a county, city, township, school district, water conservation or flood control district, Garrison Diversion Conservancy District, county park district, joint county park district, irrigation district, park district, rural fire protection district, or any other subdivision of the state empowered to levy taxes.

Therefore, soil conservation districts are also subject to Title 57 because they are subdivisions of the state and have the authority to levy taxes.

N.D.C.C. 57-15-31 provides the formula for determination of a levy. This determination is made by considering the estimated expenditures for the current fiscal year and the required reserve fund. The municipality may only levy for what is actually needed for the fiscal year. This process eliminates municipalities from creating a big "nest egg."

N.D.C.C. 57-15-27 provides that a municipality authorized to levy taxes may include in its budget an interim fund. The interim fund is to be carried over to meet any requirements of the next fiscal year that may become due prior to the receipt of taxes in that fiscal year. The interim fund cannot be in excess of what may be reasonably required to finance the municipality for the first nine months of the next fiscal year. The interim fund cannot exceed three fourths of the current appropriation for all purposes other than debt retirement and appropriations from bond sources.

N.D.C.C. 57-15 entitled "Tax Levies and Limitations." N.D.C.C. 57-15-02 provides for the determination of rate:

Determination of rate. The tax rate of all taxes, except taxes the rate of which is fixed by law, must be calculated and fixed by the county auditor within the limitations prescribed by statute. If any municipality levies a greater amount than the prescribed maximum legal rate of levy will produce, the county auditor shall extend only such amount of tax as the

prescribed maximum legal rate of levy will produce. The rate must be based and computed on the taxable valuation of taxable property in the municipality or district levying the tax. The rate of all taxes must be calculated by the county auditor in mills, tenths, and hundredths of mills.

The county auditor can limit the soil conservation district mill levy request and will only extend the amount of levy as allowed pursuant to title 57. The county auditor will not extend any levy in excess of the allowable levy which is the difference between the sum of the estimated expenditures, and interim fund needs and debt retirement and the sum of the projected revenues and cash balances. Allowance may be made for a permanent delinquency or loss in tax collection not to exceed five percent of the levy. N.D.C.C. 57-15-31.

The 1997 Legislature let stand the provision enacted in 1995 that, beginning with taxable year 1997, a soil conservation district may elect to levy the amount levied in dollars in the base year with no percentage increase. Any levy under this section must be specifically approved by the governing body of the soil conservation district.

**Additional Mills** – The ability of a Soil Conservation District to levy additional taxes, beyond 2.5 mills, with the approval of a majority vote of district residents, is currently unclear. Districts wishing to do so should work with their local State’s Attorney.

**Preliminary Budgets** - In 2017, the North Dakota Legislature made some important changes to budget deadlines and the notice process, which the county and other local governments need to comply with every year. All local governments need to file a preliminary budget with the County Auditor’s Office. County Auditors will provide information on submitting budgets and mill levy requests. Filing dates are typically in early August.

Whether you are a county, city, park district, school district, township, fire district, or soil conservation district you will need to file a preliminary budget with the County Auditor. If you fail to file the preliminary budget by early August. You will be limited to levying the same dollars as levied in the previous year. You also must file a final budget to actually levy taxes for your budget.

When you provide the preliminary information to the County Auditor, you also need to provide the date, time, and place of your budget hearing, if you levy over \$100,000 in taxes. The hearing date cannot be any earlier than early September nor later than early October. The reason for the new deadline is to allow the county time to prepare an Estimated Tax Statement that needs to be mailed by the end of August.

If you levy over \$100,000 in taxes, the County Auditors will put the hearing notice on the Estimated Tax Statement. If you levy less than \$100,000, you will need to publish the notice of the budget hearing in your official newspaper.

Once you have held your final budget hearing and your board has approved the current year budget, you will need to file your final budget with the County Auditor. Remember the amount requested for the final budget cannot be greater than the amount of your preliminary budget.

## Soil Conservation Districts Election

**District Supervisor Election Procedure** - Any land occupier physically living in the soil conservation district and is a qualified elector is eligible to run for the office of a soil conservation district supervisor. A "land occupier" as defined in the Soil Conservation Districts Law, includes any person that holds title to or is in possession of any lands lying within a district whether living or located in a rural or urban area within the district.

"Qualified elector" means an individual who is at least eighteen years old, is a citizen of the United States, and who has resided in the precinct thirty days next preceding any election, whether or not the individual is living in a rural or urban area.

**District Supervisor Election Procedure** - Any person can become a candidate upon filing a petition and statement of interests with the county auditor of the county or counties in which their district lies. The final filing date for petitions and statement of interests is no later than sixty days before the day of the election and not later than four p.m. of such day. The candidates' petition must contain signatures of not less than twenty-five, nor more than three hundred qualified electors of the district (N.D.C.C. Chapter 4.1-20-15 & 16)

In the event a soil conservation district lies in two counties, an original petition and statement of interests with original signatures must be filed with both county auditors concerned. Any land occupier living in the district who has failed to file a nominating petition and statement of interests may furnish stickers to be attached to the ballot. The ballot shall have blank spaces below the names of candidates nominated by petition for writing in other names.

The regular election of Soil Conservation District supervisors shall be held at the same time, and at the same place, as the general election is held. Supervisors are elected for a term of six years. Candidates shall be elected on a nonpartisan ballot.

*Nominating Petitions and Statement of interest forms are available through the local County Auditor Office. Contact County Auditor to confirm General Election ballot includes SCD Supervisor.*

Only those appointed soil conservation district supervisors who have completed and filed an Oath of Office would qualify for their appointive position. The district law requires that there be two appointees and not just one. The Committee does not file the appointed supervisor's Oath of Office form with the Secretary of State until both appointees' Oath of Office forms are received.

**Advisors** – If the soil conservation district board needs broader coverage than can be obtained with the elected and appointed supervisors, advisors can be appointed.

- Can offer advice and counsel.
- Cannot vote or take official action at board meetings.
- Cannot hold an office on the board of supervisors.
- Cannot receive supervisor compensation.
- Can be reimbursed for their expenses.