

AGRICULTURE COMMITTEE - STATE SOIL CONSERVATION COMMITTEE BACKGROUND MEMORANDUM

Section 14 of 2017 Senate Bill No. 2020 directs the Legislative Management to study the State Soil Conservation Committee. The study must include a review of the duties, responsibilities, and related costs and efficiencies of the committee and related North Dakota State University (NDSU) Extension Service staff, the needs of the soil conservation districts, and the necessity to continue the State Soil Conservation Committee.

BACKGROUND Study Directive

Senate Bill No. 2020, the appropriation bill for the NDSU Extension Service, Northern Crops Institute, Upper Great Plains Transportation Institute, the research centers, and the Agronomy Seed Farm, was amended in the House to include the study of the State Soil Conservation Committee. The standing committee minutes for the bill indicate there were concerns the State Soil Conservation Committee requires too much funding to administer continually shrinking grants to the various soil conservation districts to justify the committee's continued existence. The minutes indicated it costs approximately \$250,000 to disburse \$1 million in grants. Concern was expressed that soil conservation districts can utilize the North Dakota outdoor heritage fund for grant money and no longer need to rely on the committee. In addition, testimony suggested soil conservation activities could be moved from the NDSU Extension Service to the North Dakota Association of Soil Conservation Districts where there is greater support and staff, and the State Soil Conservation Committee could be eliminated. Testimony also contended much of the work of the State Soil Conservation Committee could be completed by the Agriculture Commissioner, the State Water Commission, the NDSU Extension Service, or other existing entities.

Federal Soil Conservation Efforts

According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service, the Natural Resources Conservation Service has been working with landowners, state and local governments, and other federal agencies to maintain healthy and productive working land since 1935. In 1935 Congress passed Public Law 74-46 (the Soil Conservation Act) which directed the Secretary of Agriculture to establish the Soil Conservation Service as a permanent agency in USDA. The agency was created to prevent the "wastage of soil and moisture resources on farm, grazing, and forest lands" after observing how the threat of soil erosion by water and wind reduced the ability of the land to sustain agricultural productivity during the dust bowl conditions of the early 1930s. The agency worked to advance scientific understanding of erosion processes, develop effective conservation practices, and extend conservation assistance to farmers. The agency accomplished this by organizing soil conservation districts to lead the conservation efforts at the local level. There are over 3,000 conservation districts in the country. The United States Department of Agriculture drafted the Standard State Soil Conservation District Laws, which was sent to all state governors. In 1936 the agency assumed responsibility for performing surveys and devising flood control plans for watersheds under Public Law 74-738 (the Flood Control Act). In 1938 the agency was made responsible for administering the USDA's drainage and irrigation assistance programs, the snow survey and water supply forecasting program, the water facilities program, the land utilization program, and the farm forestry program. These programs made the agency the lead lands conservation agency. The name of the agency officially changed to the Natural Resources Conservation Service in 1994.

NORTH DAKOTA CENTURY CODE PROVISIONS

In response to the Federal Soil Conservation Act, the 1937 Legislative Assembly adopted North Dakota Century Code Chapter 4-22 regarding soil conservation districts to provide for the conservation of the soil and soil resources of the state and to prevent soil erosion. During the 2017 legislative session, as part of the ongoing agricultural rewrite project, Chapter 4-22 was repealed and the contents of the chapter were moved into the newly created Chapter 4.1-20. Among the duties of the State Soil Conservation Committee under Section 4.1-20-05, the committee is responsible for assisting local soil conservation districts in the carrying out local conservation districts powers and programs. In addition, that section delegates the committee the authority to distribute money appropriated by the Legislative Assembly for grants to soil conservation districts. For the 2017-19 biennium, the State Soil Conservation Committee received a general fund appropriation of \$1,091,520 for soil district conservation grants.

The following is a list of all 32 statutory provisions that reference the "committee" at least once within Chapter 4.1-20, and the "state soil conservation committee" or "soil conservation committee" elsewhere in Century Code:

- 4.1-20-02 (committee definition)
- 4.1-20-03 (committee membership)

- 4.1-20-04 (committee meetings, chairman, quorum, and compensation)
- 4.1-20-05 (powers and duties of the committee)
- 4.1-20-06 (duties of the NDSU Extension Service to assist the committee)
- 4.1-20-07 (organization of a soil conservation district)
- 4.1-20-08 (hearings on petitions to create a soil conservation district)
- 4.1-20-09 (election to determine the creation of a proposed soil conservation district)
- 4.1-20-10 (publishing election results)
- 4.1-20-11 (filing certified statement of organization with the Secretary of State)
- 4.1-20-12 (soil conservation district is a political subdivision)
- 4.1-20-13 (petition to include additional areas within a district)
- 4.1-20-15 (notice to file nominating petitions for election of district supervisor)
- 4.1-20-18 (district supervisors, terms, vacancies, removal, and compensation)
- 4.1-20-19 (soil conservation district supervisor training)
- 4.1-20-20 (administrative assistants and advice of Attorney General and state's attorneys)
- 4.1-20-33 (board of adjustment members - appointed by the committee)
- 4.1-20-35 (petitions to board of adjustment - copies to the chairman of the committee)
- 4.1-20-40 (petitions to discontinue soil conservation districts)
- 4.1-20-41 (duties of the committee after the election on discontinuance of a district)
- 4.1-20-42 (termination of affairs of a district)
- 4.1-20-43 (ordinances, regulations, and contracts of districts after dissolution)
- 4.1-20-44 (limitation on filing a petition to discontinue a district)
- 4.1-20-45 (petition to consolidate districts)
- 4.1-20-46 (conduct of elections)
- 28-32-08.1 (economic impact statements)
- 38-14.1-21 (surface mining and reclamation operations - committee advice and technical assistance)
- 38-16-01 (surface mining reports - definition of committee)
- 38-16-02 (report to committee)
- 38-16-03 (annual report to committee)
- 38-16-04 (powers of the committee regarding the chapter on surface mining reports)
- 38-16-05 (transmission of annual report to local conservation district)

SUGGESTED STUDY APPROACH

In conducting this study, the committee may desire to receive testimony from representatives of the State Soil Conservation Committee regarding the duties, responsibilities, costs, and efficiencies of the committee. The committee also may consider receiving information and testimony regarding the necessity and efficiency of the State Soil Conservation Committee from representatives of the NDSU Extension Service, soil conservation districts, the Agriculture Commissioner, the North Dakota Association of Soil Districts, and the Game and Fish Department.