

opening of such safe or box and its repair, or restoration for use; in case the lien of such licensed corporation, for rental and expenses, shall not be paid and discharged within six months from the date of the opening of such safe deposit box and the removal of the contents therefrom, then such licensed corporation may sell, or cause to be sold, at public auction the contents of such safe deposit box, or so much thereof as is required to pay and discharge the lien and expenses of sale, having first cause to be sent by registered mail addressed to the renter or lessee of such safe deposit box, directed to the address standing on its books, a written notice of the time and place of such sale and also giving public notice of the time and place of such sale by advertisement in a legal newspaper published in the county in which the place of business of such licensed corporation is located at least once a week for two successive weeks, and from the proceeds of such sale it may retain for its own use the amount of its lien and the expenses of the sale; the balance of such proceeds of the sale and the contents remaining unsold, if any, being held to be paid over and delivered to those having ownership of the contents of such safe deposit box so sold as aforesaid.

Sec. 15. **Provisions separable.**—In case any section, provision or part of this Act shall be declared unconstitutional, it shall not in any way effect any other section, provision or part thereof.

Sec. 16. **Inconsistent acts superseded.**—All other Acts or parts of Acts now in effect inconsistent with the provisions of this Act are hereby superseded, modified or amended to conform to and give full force and effect to the provisions of this Act.

Sec. 17. **Application of act.**—This Act shall not be held or construed as limiting, restricting or in any way affecting the operation or management of safe deposit boxes or vaults, or a safe deposit business conducted by any savings bank, or bank of discount and deposit or trust company, but any savings bank, or bank of discount and deposit or trust company may come under the provisions of this Act by complying with its requirements.

Approved April 20, 1933.

CHAPTER 341—H. F. No. 1948

An act to promote the public health and prevent nuisance; to provide for the creation of sanitary districts embracing two or more contiguous cities of the first class for the collection, treatment and disposal of sewage and other wastes, and to authorize and empower

such district and municipalities located therein to levy and collect taxes and borrow money and to authorize and empower such district and municipalities located therein to levy and collect sewer rental charges, and generally define their governmental powers and duties; to repeal Laws of 1927, Chapter 181; and collection, treatment and disposal of sewerage and other waste of other municipalities contiguous thereto grossly polluting any watercourse common to such cities of the first class and such other municipalities.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Sanitary district authorized.—Whenever two or more contiguous cities of the first class shall directly or indirectly discharge sewage and/or industrial wastes into a common natural water course, and do, or may, so discharge sewage and/or industrial wastes into such water course as to endanger public health and/or to create a nuisance, such cities shall be organized and incorporated into a Sanitary District.

Sec. 2. Sanitary district to be organized.—Immediately upon the passage of this Act and whenever any area, in the future comes within the meaning of this Act, the State Board of Health shall proceed to investigate each and every area comprised of two or more contiguous cities of the first class coming within the meaning of Section 1 hereof, for the purpose of determining whether the discharge of sewage and industrial wastes into a common natural water course from said cities is likely to endanger or does endanger the public health and is likely to cause or does cause a public nuisance and that the removal and/or abatement thereof will be a benefit to such area. Should it be determined by the State Board of Health that the discharge of sewage or industrial wastes from that particular area does or is likely to endanger the public health and/or does or is likely to cause a public nuisance, and that its removal and/or abatement will be a benefit to such area, the State Board of Health shall so find and shall by written order declare said cities to be a single Sanitary District. The State Board of Health shall forthwith serve a copy of said findings and order in the manner provided by statute for the service of summons in civil action upon the Mayor of each of said cities. Such notice shall set forth all the facts and conditions causing the creation of such Sanitary District and the reasons why each particular municipality is included within the proposed district. The original findings and order of said State Board of Health shall be filed with the Secretary of State. A copy of said findings and order together with a notice specifying the time and place of a public hearing by the State Board of Health on its action shall be published by the State Board of Health in a legal newspaper in each of the cities of the

first class once each week for two successive weeks. Such public hearing shall be held not earlier than 30 days after final publication of said notice and at a point convenient to the persons within the proposed District. Such hearing may be adjourned from time to time. At such hearing each city of the first class may appear and offer testimony and arguments either for or against the creation of the District. Likewise any citizen or taxpayer of any such city may appear and be heard in the matter. To carry out the purpose of this Act the State Board of Health shall have the power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, records, and other evidence. Witnesses shall receive the same fees and mileage as in civil actions. Disobedience of any subpoena in such proceedings, or contumacy of a witness, upon application of said Board, may be punished by the District Court in the same manner as if the proceedings were pending in such court. A complete record of each hearing shall be made. The Board may appoint any one or more of its officers, members or employes to hold any hearing herein provided for, with like power and authority as is herein vested in the Board with respect to the holding and conduct of such hearing and to the summoning of witnesses and production of evidence thereat, in which case the record of the hearing shall be reported to the Board, and the Board may take action thereon with like effect as if the hearing had been held before the Board. The Board may employ legal counsel and such other assistance as may be necessary for the purpose of making the investigations herein provided for and otherwise discharging the duties herein imposed upon the Board.

If after hearing and consideration the State Board of Health shall determine that the public health so requires, and the property in such area will be benefited by the elimination of such conditions, it shall so find and shall confirm its order creating said district. The State Board of Health shall file forthwith a copy of such confirming order with the governing body of each city of the first class and serve a copy of said order upon every person who appeared at said hearing, and shall file a copy of said order with the clerk of the district court of the county in which each city of the first class is located.

A copy of such order together with a notice addressed to all citizens, taxpayers, and each city and all other interested parties, stating that each city or person aggrieved by said order may appeal from such order in the manner provided in Section 3 hereof, shall be published in the same manner as is provided for the publication of the order creating such Sanitary District.

If after hearing and consideration the State Board of Health shall determine that the removal or abatement of the condition

created by such two or more contiguous cities of the first class discharging sewage and industrial wastes into a common natural water course will not benefit such area it shall so find and shall by order annul and cancel its former order creating said district.

Sec. 3. Appeals to District Court.—Within 30 days after the final publication of said order and notice as hereinbefore provided, each city or any citizen or taxpayer may appeal to the district court wherein the city or property of such citizen or taxpayer is located for exclusion of such city from such Sanitary District. The district court thus appealed to shall secure a judge from a judicial district not within or contiguous to such established Sanitary District to hear and determine said appeal. Said cause may be brought on for hearing by the city, citizen or taxpayer so appealing or the State Board of Health and said appeal shall be tried as other civil causes by the court without a jury. If the court finds that all the requirements of law in establishing said district have been complied with, and that the city or the property of such citizen or taxpayer appealing to said court be benefited by the elimination and/or abatement of said health menace and nuisance, it shall make its findings according to the evidence introduced before it, authorizing and directing the inclusion or exclusion of such city within the established Sanitary District, and the clerk of the district court where said cause is tried is directed to enter judgment in accordance with said findings. Said judgment shall be final and conclusive upon all the parties to such proceedings, except an appeal may be taken to the Supreme Court, as in other civil actions, but any appeal therefrom shall be taken within 30 days from entry of said judgment. In any court action the State Board of Health shall be represented by the counsel employed by the Board, as hereinbefore provided, and the Supreme Court shall, upon application of such counsel, advance the order on the calendar.

Sec. 4. Board of trustees to govern district.—The District shall be governed by a Board of Trustees who shall be appointed or selected as follows: Within 60 days after the filing of the order of the State Board of Health confirming the order creating said sanitary district, with the clerk of the District Court of the county in which each city of the first class is located, should there be no appeal by any municipality, citizen or taxpayer, or if there shall be such appeal, within 40 days after the order shall have been handed down by the District Court or by the Supreme Court affirming the establishment of a Sanitary District by the State Board of Health, the city councils, or other governing bodies of the cities within said sanitary district shall each elect one of its own members as trustees to said board, and also one trustee from the citizenry of each city or county wherein such cities of the first class are

located; provided that no such appointee from said citizenry shall hold office under the state or any of its political subdivisions except that of notary public. The Mayor of each city or such other member of the governing body as he may name shall also be a trustee during his term of office as Mayor. The Governor shall also appoint one member to such board from the state at large. No person residing in any county partly or wholly within said sanitary district or in any county adjacent to such county shall be eligible to appointment by the Governor.

The city clerk of each such city shall immediately, upon the election of the two trustees by the city council of his city, file with the Secretary of State a certified copy or copies of the resolution or resolutions of the city council of his city electing the said trustees. At the same time, he shall also file with the Secretary of State the full name and address of the mayor of such city, or, in the event the mayor of such city has appointed some member of the governing body in his place, the city clerk shall immediately file with the said Secretary of State a certified copy of the order of said mayor appointing said trustee. Thereafter, the city clerk shall immediately transmit to the State Board of Health the names and addresses of the trustees elected by his city. Immediately upon receiving notification from the cities of the first class comprising the said District of the names and addresses of the persons selected by such cities as trustees, the Secretary of the State Board of Health shall call a meeting of the Trustees so selected, and shall give written notice by mail to each trustee so selected, at least 5 days before said meeting.

If the city council, or mayor, of any of said cities of the first class shall within the time specified herein fail to select, and cause to be certified, any of the trustees to be chosen as above provided, the Governor shall thereupon select and appoint such trustees as have not been so designated. Any trustee so appointed by the Governor shall be a citizen of the city whose mayor or council has so failed to act or the county wherein such city is located.

Sec. 5. Election of first board.—The first board of trustees so selected shall serve as follows: The member elected by each city council who shall not hold public office other than that of notary public, for a term of four years, the member elected by each city council from its members, for a term of two years, and the member appointed by the Governor, for a term of four years. The mayor or the person appointed by the mayor shall serve for the term of office of the mayor, except that the mayor may, in the event said mayor shall appoint some member of the governing body to serve upon the board, terminate that person's membership as trustee at his will. Each of said periods of time is to be computed from the

first Tuesday in July of the year in which the appointments are made, and each of said terms is to end on the first Monday in July. Thereafter the terms of all trustees shall begin on a first Monday of July and shall be for four years except as herein otherwise provided. Each trustee shall serve until his successor is duly appointed and qualified. The term of a trustee shall terminate when for any reason he ceases to hold the city office to which he was elected. A vacancy in the office of trustee occurring from any cause shall be filled for the unexpired term as herein provided; a successor to a trustee, whether to fill a vacancy or in succession to a trustee whose term has expired, shall be appointed in the same manner as is provided for an original appointment.

Each appointee before entering upon the duties of his office shall take and subscribe the oath of office prescribed by Section 8, Article 5 of the Constitution. Such oath duly certified by the official administering the same shall, in the case of first Board of Trustees appointed, be filed with the Secretary of State. After the Sanitary District has been organized the oaths of office of trustees shall be filed with the Secretary of said Sanitary District.

The removal of any trustee from the county in which he resided at the time of his selection shall operate as a resignation of his office. Any trustee may be removed from office by the Governor for misfeasance, malfeasance or nonfeasance in the manner provided for by the laws of the state for removal of state officers. No trustee or person holding appointment under such board shall be interested directly or indirectly in any contract entered into under the provisions of this act. Each trustee shall be reimbursed the actual and necessary expense incurred by him in the performance of his duty. No trustee shall receive compensation for his services, except that the trustee selected by the Governor shall receive the sum of \$1,000.00 per year and each trustee selected by the councils or other governing bodies of said cities of the first class and not holding public office other than that of notary public shall receive the sum of \$10.00 per diem or part thereof spent in attending meetings of the board, but such trustee shall not receive more than the sum of \$600.00 in any one year.

Sec. 6. Shall adopt official name.—Immediately after the trustees shall organize, they shall adopt an official name for said Sanitary District. The names of the cities of the first class comprising said district shall be a part of the name of said district. Such sanitary district from the time said official name is adopted shall constitute a body corporate, and may sue and be sued, enter into contracts, adopt a common seal, and acquire and hold real and personal property for its corporate purposes. Said sanitary district

shall not be subject to the provisions of Laws of 1925, Chapter 426, or Acts amendatory thereof or supplemental thereto.

Sec. 7. Quorums—meetings—officers and employees.—Four-sevenths of the members of the board of trustees shall constitute a quorum for the transaction of business and an affirmative vote of four-sevenths of the entire membership of the board shall be required for the passage of any measure, except as otherwise provided herein. As soon as the trustees first appointed enter upon the duties of their office, they shall organize by electing one of their members chairman, who shall hold office at the pleasure of the trustees. The trustees shall have power to appoint a secretary, a chief engineer, consulting engineers and other consultants, attorneys, and such other officers, agents and employees as they may see fit; provided, however, that whenever the board of trustees performs any work within the limits of a city of the first class or establishes a minimum wage for skilled and/or unskilled labor in the specifications of any contract for work within a city of the first class, the rate of pay to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in such city. The State Treasurer shall be Treasurer of such District. The officers, agents and employees shall perform such duties and receive such compensation as the Board of Trustees may determine, and shall be removable at the pleasure of the Board.

Sec. 8. Board of trustees to adopt rules.—The Board of Trustees may from time to time make, adopt, and enforce such rules, regulations and ordinances as it may find expedient or necessary for carrying into effect the purposes of this Act, and fix penalties for violation thereof, not exceeding for each offense 90 days imprisonment in jail or workhouse, or a fine not exceeding one hundred dollars, with imprisonment not exceeding 90 days if the fine be not paid. Prosecution may be in any municipal court sitting within the District. Every sheriff, constable, policeman and other peace officer shall see that all such rules, regulations and ordinances are obeyed, and shall arrest and prosecute offenders. All fines collected shall be paid into the treasury of the city or county from which the arresting officer draws his salary; and all persons committed shall be received into any penal institution within the District at the expense of the District Courts and all persons shall take notice of such rules, regulations and ordinances without pleading or proof of the same. The Board of Trustees shall also have power to adopt orders, resolutions, rules and regulations for the proper management and conduct of the business of said sanitary district for carrying into effect the objects for which such sanitary district is formed. All sessions or meetings of the trustees shall be public and all records shall be public records. The Board of Trustees shall

prepare annually a comprehensive report of its official and financial transactions and shall mail a copy of such statement to the Governor of the State, the State Board of Health, and the governing body of each city of the first class included within such sanitary district.

Sec. 9. Powers of sanitary district.—The sanitary district, in addition to the other powers vested in it, is empowered:

(a) To regulate and control the discharge of so-called factory or industrial wastes into the jointly used sewers or works of said sanitary district.

(b) To enter into contracts with the industry or industries producing wastes for the purpose of determining the amount of treatment that such industry or industries shall give the wastes at the point of origin, and to enter into contracts with such industry or industries providing for charge to be made annually or otherwise for the treatment which may be given such wastes at the works of the sanitary district.

(c) To require any occupant of any industrial premises inside or outside of the boundaries of any established municipality within the area of said sanitary district engaged in discharging factory or industrial wastes directly or indirectly into any river, canal, ditch or other waterway within the boundaries of said sanitary district to discontinue such discharge or construct new sewage disposal plants or to so change or rebuild any outlet, drain or sewer as to discharge said factory or industrial waste into sewers of such municipality or into such intercepting sewers as may be established by said sanitary district under such regulations as said sanitary district may determine.

(d) To make, promulgate and enforce such reasonable rules and regulations for the supervision, protection, management and use of any system of jointly used intercepting sewers and treatment and disposal works as it may deem expedient, and such regulations shall prescribe the manner in which connections to the jointly used intercepting sewers shall be made, and may prohibit discharge into said sewers of any liquid, or solid waste deemed detrimental to the sewerage system or treatment and disposal works of said sanitary district.

(e) The Board of Trustees and the governing body of any municipality or territory adjacent to the sanitary district may by agreement provide for the treatment and disposal of the sewage of such municipality or territory at the sewage treatment and disposal works of said district; provided, however, that in the event said Board of Trustees has undertaken or shall undertake, by contract

or otherwise, to convey, treat and dispose of the sewage of territory or municipality not included within the boundaries of such district, such territory or municipality shall pay the entire cost of any sewage collection, treatment and disposal works used exclusively by it and of such additional capacity of joint intercepting sewers and treatment and disposal works as may be necessary for, and the cost of operation, maintenance and repair incurred in the conveying, pumping, treatment and disposal of sewage from, such territory not included within the boundaries of such district, such additional cost to be determined by the Board of Trustees. Like agreements may be made by the Board of Trustees with the United States Government, the State of Minnesota and with person, firms, institutions, or corporations having plants or industries located adjacent to said sanitary district. The reasonableness of any rule and the factual determinations of the Board of Trustees may be reviewed by the district court on application of any municipality or person or corporation aggrieved in the district.

Sec. 10. Objects and purposes.—The general purpose and object of any sanitary district organized under this Act shall be to promote the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treatment and disposal of all domestic sewage, commercial and industrial wastes and their products within its own territory, so that the pollution resulting from the discharge thereof into any water course within the sanitary district shall be so reduced that such river, stream or water course shall cease to be, and shall not become a nuisance, or offensive, or injurious to the health and well-being of the people of the State. To accomplish such purpose and end, the Board of Trustees of any sanitary district organized under this Act shall have power within or without the territorial boundaries of the district to construct, operate, maintain and reconstruct a sewage disposal system or systems and to obtain sites for, to lay out, establish, construct, operate and maintain, and may provide for the laying out, establishing, constructing, operating and maintaining of channels, drains, ditches, intercepting sewers, sewage treatment and disposal plants and works, pumping stations and other works necessary thereto and outlets for carrying off, treating and disposing of the drainage and sewage of such district; provided, that no site within or without the territorial limits of any municipality included in such sanitary district shall be acquired or used for any sewage treatment or sludge handling or disposal works or that any such treatment or sludge handling or disposal works be located, maintained or operated upon such site except with the approval and consent of five-sevenths of the entire Board of Trustees expressed by resolutions to such effect.

For the purpose of this Act, an intercepting sewer and appurtenances thereto shall be considered as only such sewer, and appurtenances thereto that are not now or will not be required by any municipality within the sanitary district, if said municipalities continued to dispose of their sewage and industrial waste by discharging said sewage and industrial waste without treatment into a common natural water course.

Sec. 11. Board of trustees to adopt comprehensive plan.— Before undertaking the construction or operation of any system of sewage disposal for the district including intercepting sewers, pumping stations, treatment works, and appurtenances, it shall be the duty of the Board of Trustees of such sanitary district to adopt a comprehensive plan and program of procedure and work, for the collection, treatment, and disposal of sewage and waste materials of said sanitary district, and the same may be modified from time to time, with necessary maps, plats, surveys, and estimates of probable cost of such system for the entire district based upon the probable needs and requirements of the district and of any adjacent territory likely to be annexed to such district, down to such time in the future as to the trustees shall seem most efficient and economical as well as proper and reasonable.

Notwithstanding any other provisions of this Act to the contrary or otherwise, any city included within any such sanitary district shall, after the Board of Trustees has adopted a comprehensive plan and program of procedure and work for the collection, treatment, and disposal of sewage and waste materials for the said Sanitary District, at its own cost and expense, and in accordance with such the comprehensive plan and program of procedure and work originally adopted or subsequently modified by the Board of Trustees, make provision for and construct and erect and maintain any and all drains, sewers, intercepting sewers and other structures necessary for and constituting, or to constitute, any portion or portions of such sewage disposal system situated within or without the corporate limits of such city and used solely by such city for the conveying of its sewage and other industrial waste and the sewage and industrial waste of territory served by such city; provided, that if any such city shall fail within six months after demand therefor by the Board to begin construction by said city of such portions of the sewage disposal system situated within the corporate limits of the city and to be used solely for the conveying of such sewage and industrial waste, or shall fail to complete such construction within a reasonable time thereafter, then the Board shall have full power and authority to undertake and complete such part of the sewage disposal system as provided by Sections 10 to 13 herein and, to provide the funds for such construction shall, subject to the provi-

sions of Section 17 hereof, have authority to levy upon the taxable property within said city such annual taxes as may be required, said levy to be certified to the county auditor, as provided in Section 17 hereof.

No taxes shall be levied upon the taxable property in such city, and no bonds or indebtedness of such city shall be sold or incurred in any manner whatever by or on behalf of any such sanitary district to defray the cost of like drains, sewers, intercepting sewers or structures constructed within or without the limits of, and used or to be used, solely by any other city or municipality or district within such sanitary district, and nothing contained in the provisions of any local charter or general or special law shall limit or curtail the power of any city to issue bonds to meet the cost of the construction authorized by this section, and the amount of bonds issued and sold for such purposes shall not be included in computing the net indebtedness of such city under the provisions of any local charter or general law.

Sec. 12. Cities may construct own sewers, etc.—When any city located within said sanitary district as established shall determine to erect and construct at its own cost and expense those drains, sewers, intercepting sewers, pumping stations, and other structures to be used exclusively by such city and territory served by such city, as set out in Section 11, said intention shall be expressed by a resolution adopted by a majority vote of the members elect of its governing body, and thereafter such municipality may, notwithstanding any provision to the contrary included within the charter of such city, or any general law of the State of Minnesota, issue and sell its bonds for the cost thereof, subject to the limitations of Section 17, without a vote upon said question by the electors of such city. All bonds issued under the provisions of this section shall be payable serially in annual installments as determined by the governing body of the city, the first thereof to become due and payable *in not more than three years from the date of such obligations*, and the last installment thereof to become due and payable not more than thirty years from their date. No annual maturing installment of principal of any issue of such obligations shall be more than two and one-half times the amount of the smallest installment thereof maturing in any one year.

Sec. 13. May enter land for purposes of surveys and construction.—Such sanitary district may, through its officers, agents and employees, enter upon land within or without the territorial limits of such district for the purpose of making surveys and examinations whenever the Board of Trustees shall deem it necessary or expedient in connection with the performance of its duties

or functions. Such sanitary district may like wise enter upon any state, county, town or municipal park, street, road, alley or any public highway within or without its territorial limits, whenever it shall be reasonably necessary or expedient for the purpose of constructing, maintaining or operating its sewage disposal system; and it may lay out and construct in any such park, street, road, alley or public highway, main and intercepting sewers and necessary appurtenances and connections thereto and connect thereto any sewer, drain, or outlet now in place or thereafter constructed by any municipality within the territorial limits of such sanitary district. Before proceeding with any such work, it shall notify in writing the public body or authority having charge or control of such park, street, road, alley, public highway, sewer, drain or outlet, and no permit or payment of fee or charge shall be required. Such sanitary district shall proceed with all due diligence with its work, and after completing the same it shall restore at its own expense such park, street, road, alley or public highway, and the public structures which may occupy such park, street, road, alley, or public highway, such as water mains, water connections and appurtenances, sewers, manholes, catchbasins and sewer connections, ornamental light poles and cables, and the property of municipal or public utility companies as gas mains and appurtenances, electric light and power cables or ducts, telephone cables or ducts, to as good condition as is reasonably possible as it or they existed before the commencement of said work.

Such sanitary district shall have power to lay out, construct, operate and maintain, without compensation to the State or to any of its subdivisions, any part of said system of channels, drains, ditches, sewers and outlets, or any other of its works over, upon or under any part of any river or stream flowing through or adjacent to any part of its territorial limits over, upon or under any land covered by any navigable waters of the State, which is owned or held by the State or any of its subdivisions, and over, upon and under canals and waterways, and under right-of-ways of railroads, inter urban and street railways and other public utility companies. All persons, firms, trustees, and corporations having buildings, structures, works, conduits, mains, pipes, tracks, poles, wires, cables or other physical obstructions in, over or under the public lands, streets, roads, alleys or highways of said cities, towns or municipalities either within or without the territorial limits of such sanitary districts which interfere with the construction of such system of sewers, channels, drains, ditches, outlets and sewage treatment and disposal works, pumping stations and other works, when in process of construction or repair, shall upon reasonable notice given to them by the sanitary district, promptly shift, adjust, accommodate or

remove the same at the cost and expense of said sanitary district, so as to comply reasonably with the needs and requirements of such sanitary district.

All contractor's bonds covering work to be done within the limits of any municipality within the district shall contain provisions indemnifying such city for loss, damage or injury to streets and public works or property resulting from such construction work, and saving the city or municipality harmless therefrom, and the Board of Trustees shall defend and save harmless such city in any action brought against said municipality for loss, injury or damage arising out of such construction.

Sec. 14. **May acquire lands, etc.**—The trustees may from time to time acquire in the name of the district by purchase, deed, grant, lease, devise or condemnation every such right, title and easement in land within its corporate limits as it may deem expedient, including among others the right and easement to construct and maintain underground conduits with or without disturbance of the surface. It may sell and convey land found unnecessary for its purpose, provided, however, that no sale of land be made by said board of trustees without first obtaining an order from the District Court of the district in which such land is situated authorizing said sale, which order shall be filed with the secretary of said district, and the Clerk of said District Court.

Land, or any right, interest, estate or easement therein, may be acquired by the exercise of the right of eminent domain in the manner prescribed by Mason's Minnesota Statutes of 1927 as amended, Sections 1552 to 1556 inclusive, but without any assessment of benefits. All awards not set aside as therein provided shall be a charge upon the district for which its credit shall be pledged. The duties specified to be performed in said sections by the city council, the city clerk and the city engineer, respectively, shall be performed by the trustees, the secretary and the chief engineer of the district. Appeals to the district court shall be taken to the district court of the county in which the land lies. The notices required to be published shall be published in every case in a newspaper of general circulation published in the county or counties wherein the land lies. All reports and papers required by said sections to be filed with the city clerk shall be filed with the secretary of the district. Unless a lesser estate be designated, an absolute estate in fee simple, unqualified in any way whatsoever, shall vest in the district in every case of taking by the exercise of the power of eminent domain, and such estate shall not be limited or qualified in any way by construction.

Sec. 15. **Construction work to be done by contract.**—All construction work and every purchase of equipment, supplies or

materials necessary in carrying out the purposes of this Act, that shall involve the expenditure of \$1,000.00, or more, shall be awarded by contract as hereinafter provided. Before receiving bids under the provisions of this Act the Board of Trustees shall publish, once a week for two consecutive weeks in the official newspaper of each city in said sanitary district a notice that bids will be received for such construction work, and/or such purchase of equipment, supplies or materials, stating the nature of the work, and the terms and conditions upon which the contract is to be let, naming therein a time and place where such bids will be received, opened and read publicly, which time shall be not less than seven days after the date of the last publication. After such bids have been duly received, opened and read publicly and recorded, the Board of Trustees, shall award such contract to the lowest responsible bidder, the Board of Trustees reserving the right, however, to reject any or all bids, each such contract to be duly executed in writing and the person to whom said contract is awarded shall give sufficient bond to the Board for its faithful performance. If no satisfactory bid is received the Board may re-advertise or, by an affirmative vote of five-sevenths of its members, may authorize such sanitary district to perform any part or parts of any construction work by day labor under such conditions as it may prescribe. The Board of Trustees shall have the right to set up reasonable qualifications to determine the fitness and responsibility of bidders, and to require bidders to meet such qualifications before bids are accepted by the trustees. If the Board of Trustees by an affirmative vote of five-sevenths of its members shall declare that an emergency exists requiring the immediate purchase of any equipment or material or supplies at a cost in excess of \$1,000.00, but not exceeding \$5,000.00 in amount, or making of emergency repairs, it shall not be necessary to advertise for bids, but such material, equipment or supplies may be purchased in the open market at the lowest price obtainable, or such emergency repairs may be contracted for or performed without securing formal competitive bids. An emergency, as considered in this Act, shall be understood to be unforeseen circumstances or conditions which result in the placing in jeopardy of human life or property.

In all contracts involving the employment of labor, the Board of Trustees shall stipulate and embody in the terms thereof such conditions as it deems reasonable, as to the hours of labor, wages and may stipulate as to the residence of workmen to be employed by the contractors.

Bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of Mason's Minnesota Statutes of 1927, Section 9700 to 9705 inclusive.

Sec. 16. **May contract with adjacent municipalities.**—Any city of the first class comprising said Sanitary District, may contract with any of its adjacent municipalities, villages, governmental functions, institutions, persons, or firms, for the conveying, treatment and disposal of their sewage and industrial waste.

Sec. 17. **Charges to be uniform on entire district.**—Except as herein otherwise provided, all costs of operation, maintenance and repair of joint or common sewers, and of all treatment and disposal works and appurtenances thereto for a period of ten years from and after commencement of construction of said disposal system, and all costs of land and right-of-way, construction or joint or common sewers, and of all treatment and disposal works and appurtenances thereto shall be a uniform charge upon the entire district, on the basis of assessed valuation exclusive of money and credits to be paid by a uniform annual tax upon the property of such district; provided, however, that in the event any such city of the first class has undertaken or shall undertake, by contract or otherwise, to convey, treat and dispose of the sewage of territory not included within the boundaries of such district, such city shall pay the entire cost of such additional capacity of joint intercepting sewers and treatment and disposal works as may be necessary for, and the cost of operation, maintenance and repair incurred in the conveying, pumping, treatment and disposal of sewage from such territory not included within the boundaries of such city, such additional cost to be determined by the Board of Trustees, and included in such city's proportion of the budget, as provided herein. From and after the ten year period from the commencement of construction, the costs of operation, maintenance and repair of joint and common sewers, and of all treatment and disposal works and appurtenances thereto shall be allocated in proper proportion to each city within the sanitary district, upon the basis of the total annual volume of sewage contributed by each city as the same shall be measured or estimated and each such city shall pay such share of the total cost thereof as the volume of sewage contributed by said city and the territory served by such city under contract or otherwise bears to the total volume of sewage. In such estimate of the costs to be borne by each city, there shall be taken into account not only the sewage and wastes of each such city that are intercepted and treated, but an estimate shall be made of the sewage wastes of each city which enter or are discharged directly or indirectly into any stream or water course flowing through or adjacent to such district or any part thereof, and such untreated sewage and wastes shall be considered as contributed by such city. Provided that the Board of Trustees shall make such allowance for infiltration, conveyance, losses, leakage, etc., into or out of the joint or common intercepting

sewers after the point of measurement by any city of the first class, as it may deem just and equitable.

The Board of Trustees when and as soon as the same shall be organized, in order to provide funds to carry out the purpose of this Act and for the expense and disbursement of such Sanitary District for the period before any tax moneys shall be come available, shall prepare a detailed budget of its needs and certify the same to the governing bodies of the respective cities which governing bodies shall review said budget, and the board of trustees, upon notice from any such city of the first class, shall hear objections to said budget and may after such hearing modify or amend the budget, and shall give due notice to the cities of the first class of such modification or amendment, and thereupon said governing bodies shall issue and sell bonds in the amount of said budget, as herein provided, and pay the proceeds of such bond sale into the treasury of said district. Thereafter the Board of Trustees shall, on or before the first day of July of each year, prepare a detailed budget of its needs for the next calendar year, specifying separately in said budget the amounts to be expended for construction, operation and maintenance respectively, and shall certify the same on said date to the governing body of each city of the first class within said sanitary district, together with a statement of the proportion of said budget to be provided by each such city as herein provided. The governing body of each such city of the first class shall review said budget, and the Board of Trustees, upon notice from any such city of the first class, shall hear objections to said budget and may after such hearing modify or amend the budget, and shall give due notice to the cities of the first class of such modification or amendment. It shall be the duty of the governing body of each city of the first class within the district to provide the funds necessary to meet its proportion of the total cost for construction, operation and maintenance as finally certified by the Board of Trustees, such funds to be raised by the tax levies, bond sales or by any other means within the authority of said cities of the first class, and to pay the same into the treasury of said district in such amounts and at such times as the treasurer of said district may require, and said city is hereby authorized to issue and sell such bonds as may be necessary to meet its obligations under this section, irrespective of any limitation in any home-rule charter or special or general law, without a vote upon said question by the electors of said city; and bonds so determined to be issued and sold shall be issued and sold in the manner provided by Section 12; but for the purpose of providing all or a part of the funds necessary for the current operating and maintenance charges of said sewage disposal system and to pay the interest and principal of any bonds issued or indebtedness incurred

for the construction of said system, the Board of Trustees, as soon as the sewage disposal system shall come into operation, shall adopt a resolution, uniform in its application to all cities of the first class within the Sanitary District, establishing reasonable rental charges and providing for the collection of the same by the respective cities from the owners or occupants of the property, which is served directly or indirectly by the system. For the purpose of making such rental charges equitable the Board of Trustees may classify the property benefited thereby, taking into consideration the volume and character of the sewage and wastes, and the nature of the use made of such facilities. Such rental may be based upon either the metered consumption of water on the premises connected with the sewer system, making due allowance for the commercial use of water and for the use of water from private sources of supply; or the number and kind of plumbing fixtures connected with the sewer system; or said rental charges may be determined by the Board of Trustees upon a combination of such methods, or upon any other equitable basis.

The Board of Trustees of said Sanitary District shall in its resolution provide for the billing and collecting of sewer rentals from all persons and corporations whose premises are served directly or indirectly by its sewage disposal system, including premises which derive their water supply in whole or in part from sources independent of the city or public water department. Upon the adoption of the terms of this resolution by the governing body of such city of the first class all such sewer rentals shall constitute a lien upon the real property served by the sewage disposal system, and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax or local assessment.

A copy of this resolution shall be transmitted to the governing body of each city of the first class within the sanitary district. Upon notice from any such city of the first class the Board of Trustees shall hear objections to said resolution and may after such hearing amend or modify such resolution. The governing body of any such city of the first class may then by ordinance adopt such resolution providing for the establishing and collection of such rentals from the respective owners or occupants of property.

In the event the governing body of any city of the first class shall by ordinance adopt the method prescribed by this resolution of the Board of Trustees the governing body of such city shall on or prior to August first of each year, by resolution determine the basis of rental to be charged property within said city served either directly or indirectly by the sewage disposal system and shall transmit forthwith a copy of said resolution to the water department of said city, and it shall be the duty of such water department to add

such charges to the next water bills rendered to the owners, lessees, or occupants of property for water service and to render bills to owners or occupants of property using private sources of supply. The sewer rentals may be charged and collected in two equal semi-annual installments. Said amounts so charged except against owners or occupants of property using private sources of supply, shall be collected in connection and in addition to the water charge for water service; and no part of the charge for water service shall be accepted without including therewith the sewer rental charge. The funds received from the collection of sewer rentals shall be kept by the Comptroller or proper official of such city of the first class, as a separate and distinct fund, and shall be known as the sewer rental fund. This fund shall be used by any such city of the first class for the payment of its portion of the budget of the Sanitary District as hereinbefore described, and for the payment of the interest on any debt incurred for the construction of such sewage disposal system and for retiring such debt, and shall not be used for the extension of a sewage system to serve unsewered areas or for any purpose other than one or more of those specified above.

If any such city of the first class shall fail to take the necessary action to provide the funds required by the Board of Trustees as hereinabove provided, the Board of Trustees shall, subject to the limitations herein on or before October 10th of each calendar year, certify to the County Auditor of the County in which such city so failing to comply shall be located the amount determined by the Board of Trustees to be raised by said city for operation and maintenance, and the County Auditor shall extend, spread and include the same with and as a part of the general taxes for state, county and municipal purposes, to be collected and enforced therewith, together with penalties and interest and costs, and the County Treasurer, upon the collection of the same, shall transfer the same to the Treasurer of the sanitary district.

Whenever any such city shall fail to provide the funds required by the Board of Trustees as hereinbefore provided, for construction purposes, the Board of Trustees shall adopt a resolution setting forth the particular construction purposes for which it deems it necessary for said city to provide funds, the amount of money required for such purposes and that said city is in default for failure to provide said funds. A copy of said resolution shall be served upon said defaulting city by delivering a copy to the mayor or to the governing body. If after thirty days after the service of said resolution, said defaulting city fails to provide such funds in such amount equal to said default as set forth in said resolution, such sanitary district through its Board of Trustees by a five-sevenths vote of the board, shall have power to incur indebtedness in the

amount set forth in the resolution and may issue bonds therefor. The bonds issued by said sanitary district pursuant hereto shall bear interest at a rate not exceeding 5% per annum, payable semi-annually, shall be of such date, denominations, form and place of payment, and shall be executed as determined by the Board of Trustees issuing them, shall be secured by pledge of the full faith, credit and resources of the defaulting municipality, shall comply with the provisions of Mason's Minnesota Statutes 1927, Section 1938-5, as to the maturity thereof, and such bonds shall be paid from tax levies made in conformity with Mason's Minnesota Statutes 1927, Section 1938-7 and 1938-10, and such bonds shall be sold in the manner prescribed by Mason's Minnesota Statutes 1927, Section 1943. Said sanitary district each year in addition to any other taxes authorized to be levied for it under this Act shall have power to cause to be levied a sufficient tax on the taxable property of such defaulting city to pay the interest and several installments of the principal of said bonds as they shall become due.

Whenever any such city of the first class within the said district shall have made the payments provided herein, such payment shall fully acquit and discharge such city and all the taxable property therein from all further liability or duty to pay for the work or improvements or portion thereof contemplated to be made or the indebtedness incurred, and for which such charge has been so allocated to such city; provided, however that if such allocation be based upon a preliminary estimate and the actual cost of such work or improvement, or portion thereof, shall thereafter be found to exceed the amount so allocated and charged to such city, such excess shall be charged to and paid by such city or by the taxable property therein as hereinbefore provided, and if upon completion of the work or improvement, or portion thereof, the cost of which has been so allocated and charged, it be found that the sum so paid by such city from the proceeds of a bond issue is excessive, such excess shall be returned to such city and shall be placed in the sinking fund of such bond issue, and shall be used solely for the purpose of paying the principal and interest of such bonds issued hereunder by such city. The bonds issued by any municipality pursuant hereto shall bear interest at a rate not exceeding 5% per annum, payable semi-annually, shall be of such date, denominations, form and place of payment, and shall be executed as determined by the governing body of the corporation issuing them, shall be secured by pledge of the full faith, credit and resources of the municipality, shall comply with the provisions of Mason's Minnesota Statutes 1927, Section 1938-5, as to the maturity thereof, and such bonds shall be paid from tax levies made in conformity with Mason's Minnesota Statutes 1927, Sections 1938-7 and 1938-10, and such bonds shall

be sold in the manner prescribed by Mason's Minnesota Statutes 1927, Section 1943.

The total aggregate indebtedness for all purposes under this Act shall not exceed $3\frac{1}{2}\%$ of the assessed valuation of the taxable real and personal property within said district, excluding money and credits, and the taxes levied against the property of any municipality in any one year shall not exceed two mills upon the assessed valuation thereof, exclusive of the taxes it may be necessary to levy to pay the principal or interest on any bonds or indebtedness of said municipality issued or incurred under the provisions of this Act.

No provisions of any existing law or special or home-rule charter under which any such municipality may be acting shall be deemed or construed to impair, curtail or limit in amount, form or manner the power to issue such bonds pursuant to this Act, and the bonds issued by any municipality pursuant to this Act shall not be included in computing the net indebtedness of such municipality under any applicable law or charter.

Sec. 18. Municipality may levy special assessment.—Any municipality within or without the district whose sewage or industrial waste is discharged by contract or otherwise into the sewage disposal system of said sanitary district, shall have authority to levy special assessments upon any property within said municipality, not subject to real estate taxes, which is benefited by the sewage disposal system located therein. - Said special assessments may be levied and collected in the same manner as other special assessments for local improvements authorized by local charters, or general laws.

Sec. 18a. Contiguous municipalities shall treat sewage.—Within one year after any such sanitary district shall begin treating sewage and industrial waste, any municipality contiguous thereto that is grossly polluting a watercourse common to such district and such municipality, shall treat its sewage to the same degree and extend as does such sanitary district, and the State Board of Health is hereby authorized, empowered and directed to establish such rules and regulations as will make this requirement effective. Whenever any such municipality shall determine or be directed to erect and construct at its own cost and expense the drains, sewers, intercepting sewers, pumping stations, treatment plant, and other structures to be used by it, said intention shall be expressed by a resolution adopted by a majority vote of the members elect of its governing body, and thereafter such municipality may, notwithstanding any provision to the contrary included within the charter of such municipality or any general law of the State of Minnesota, issue and sell

its bonds for the cost thereof without a vote upon said question by the electors of said municipality and outside of any limitation established upon the amount of bonds that may be issued by such municipality. Such bonds shall be issued and sold in the same manner and under the same conditions as any other bonds that may be issued and sold by such municipality. It is further provided that the cost of such construction may be paid in whole or in part out of tax levies and the cost of operation and maintenance shall be met out of annual tax levies and such levies for such purposes may be over and above any limitation now established in any general law of the State of Minnesota or by the charter of such municipality.

Sec. 19. **Law repealed.**—Laws 1927, Chapter 181, is hereby repealed. The proceeds of any taxes heretofore levied by any city of the first class for any metropolitan drainage commission created under said Act whose territorial limits are included within any regular sanitary district that may be organized under this Act, whether the funds are in the hands of the State Treasurer or in the process of collection, shall, as soon as the funds are available therefrom, be duly transmitted and paid over by the State Treasurer or by the several city treasurers as the case may be, to the treasurer of such Sanitary District, for credit to the respective cities, when and as soon as the same shall be organized. Such transfer shall be made upon the written request of such sanitary district by a resolution adopted by its trustees, certified copies of which shall be presented, one to the State Treasurer and one to each of the city comptrollers of said cities. Such sanitary district as may be created under this Act shall likewise succeed to and become vested with title and all right, estate, and interest in and to any property, real or personal, belonging to any metropolitan drainage commission organized under said Chapter 181, whose territorial limits are included within such sanitary district that may hereafter be organized; and the proper officers of such metropolitan drainage commission are hereby authorized and directed forthwith to transfer and deliver to such sanitary district whenever the same shall be organized, any or all property of every nature and description in the possession or control of such metropolitan drainage commission, including all maps, plats, records and reports, and all furniture, laboratory material, fixtures and equipment. Such sanitary district shall likewise assume and be obligated to pay all legal outstanding obligations of such metropolitan drainage commission at the time such transfer of property is made. Any metropolitan drainage commission created and existing under said Chapter 181 shall, however, continue to exist and operate until a sanitary district, that may be organized under this Act shall succeed to all the property rights of such drainage commission as set forth in this section. Said

drainage commission shall thereupon cease to exist, and no further taxes for its support shall be levied.

Sec. 20. Appropriation to State Board of Health for expenses.—The sum of \$15,000.00 or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, to the State Board of Health to defray necessary expenses in the execution of the duties enjoined upon said Board under this Act, provided however, that upon the establishment of a regular sanitary district under the provisions of this Act, all moneys so paid out of the State Treasury shall be refunded to the State with interest at 4% by such sanitary district and the amount thereof shall be included in the budget costs and collected in the manner provided in Section 17 of this Act.

Sec. 21. Inconsistent acts repealed.—All Acts or parts of Acts inconsistent herewith are hereby repealed; provided, that nothing in this Act contained shall be held or construed to repeal, supersede, or abrogate any of the laws of the State or any present or future regulations or requirements of the State Board of Health, adopted according to law, forbidding any pollution of any waters of the State.

Sec. 21a. Provisions separable.—If any part or provision of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair nor invalidate any other part or provision in the remainder of the Act.

Sec. 22. This Act shall take effect and be in force from and after its passage.

Approved April 19, 1933.

CHAPTER 342—H. F. No. 19

An act fixing the price of agricultural machinery, and parts thereof, and of binding twine manufactured at the Minnesota State Prison.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Prices of agricultural implements, etc., at State's prison.—During the calendar years 1933 and 1934 the maximum price charged by the Board of Control and the Warden of the State Prison to wholesalers, retailers and selling agents within the State