

1. Claims and vouchers paid by the county more than *ten* years prior to such destruction ;
2. Receipts for taxes paid more than *ten* years prior thereto ;
3. Treasurers' checks paid more than *ten* years prior thereto ;
4. Receipts for mortgage registration taxes paid more than *ten* years prior thereto.
5. Miscellaneous receipts, delinquent tax statements and miscellaneous papers and correspondence bearing dates more than *ten* years prior thereto ;
6. With written approval of the treasurer county warrants paid more than *ten* years prior thereto ; and
7. All ballots and election returns, except the abstracts of the county canvassing board, *two* years after the date of the election.

Provided, however, that the said auditor, instead of personally destroying any miscellaneous papers and correspondence, or any other documents, instruments, or papers which may be of historical value, shall forward the same to the historical society, St. Paul, Minnesota, and such society is authorized to permanently preserve any matter found therein deemed by it to be of historical value and to destroy all other documents, papers and matters so received by it."

Approved April 12, 1939.

CHAPTER 202—H. F. No. 713

An act relating to sanitary districts embracing two or more contiguous cities of the first class so as to authorize each of such cities to use funds collected from sewer rentals to pay each city's share of the current operation and maintenance costs of such sanitary district system, including drains, intercepting sewers, pumping stations, and other structures used exclusively by each such city and forming a part of the sewage disposal system, in addition to the use of such funds for the payment of the debt incurred for the construction of such sewage disposal system; and to amend the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 1607-24.

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

Section 1. **Costs and expenses to be uniform.**—The 1938

Supplement to Mason's Minnesota Statutes of 1927, Section 1607-24, is hereby amended so as to read as follows:

"1607-24. (a). 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.

(b) 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 become 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 pro-

vided 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.

(c). 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 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.

(d'). 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, provided that any such city may raise

such portion of its required funds from such rental charges as its governing body may determine.

(e). In the event the governing body of any city of the first class shall by ordinance adopt the method proscribed 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 *cost of operation and maintenance* of the sanitary district system 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.

(f). 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 col-

lection of the same, shall transfer the same to the treasurer of the sanitary district.

(g). 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 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 30 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 *five* per cent 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 of 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 of 1927, Section 1938-7 and 1938-10, and such bonds shall be sold in the manner prescribed by Mason's Minnesota Statutes of 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.

(h). 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 *five* per cent per annum, payable sem-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 of 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 of 1927, Sections 1938-7 and 1938-10, and such bonds shall be sold in the manner prescribed by Mason's Minnesota Statutes of 1927, Section 1943.

(i). The total aggregate indebtedness for all purposes under this act shall not exceed *three and one-half* per cent 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.

(j). 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."

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Approved April 12, 1939.