

## EXTRA SESSION

## CHAPTER 20—H. F. No. 46

[Coded]

*An act relating to water pollution control and sanitation; providing for the establishment of sanitary regions and for the creation and administration of a water pollution control advisory committee and sanitary districts.*

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

Section 1. [145.61] **Advisory committee; definitions.** Subdivision 1. As used in sections 2 and 3 the terms defined in this section have the meanings given them except as otherwise provided or indicated by the context.

Subd. 2. "Commission" means the state water pollution control commission.

Subd. 3. "Region" means a sanitary region created as provided by section 2.

Subd. 4. "Committee" means the advisory committee created as provided by section 3.

Sec. 2. [145.62] **Congressional district a sanitary region.** Each congressional district of the state as now or hereafter established shall constitute a sanitary region for the purposes of sections 1 to 3.

Sec. 3. [145.63] **Advisory committee.** Subdivision 1. **Membership.** There is hereby created a water pollution control advisory committee, consisting of two members for each region, who shall be citizens residing in their respective regions. The members of the committee shall be appointed by the governor, with the advice and consent of the senate. Of the members first appointed to the committee, the term of one for each district shall expire March 1 of the second calendar year after his appointment and the term of the other shall expire March 1 of the third calendar year after his appointment, as designated by the governor. The succeeding regular terms of members, shall be three years, beginning on such expiration dates, respectively. Each member shall serve until his successor is appointed and has qualified. The governor may fill any vacancy on the committee for the unexpired term, subject to confirmation by the senate if in session before the end of such term. Officers and em-

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ployees of governmental subdivisions may serve on the committee but no state officer or employee shall serve thereon. As far as practicable the governor shall select the members of the committee so as to provide appropriate representation for municipal, industry, labor, agriculture and conservation interests. In appointing members of the committee the governor may consider recommendations submitted by any interested person, organization, or the governing body of a governmental subdivision, but shall not be limited thereto.

**Subd. 2. Expenses of members.** The members of the committee shall receive no compensation, but shall be reimbursed for their expenses incurred on committee business out of any funds appropriated and available therefor.

**Subd. 3. Meetings of committee.** The committee shall meet at St. Paul at the call of the governor as soon as practicable after the appointment of the first members, and thereafter shall hold one regular annual meeting as soon as practicable after January 1 each year and three additional regular quarterly meetings each year at such times and places in St. Paul or Minneapolis as the chairman of the committee shall designate. The regular meetings shall occur on dates coincident with meetings of the commission as far as practicable. The committee may hold special meetings anywhere within the state at the call of its chairman or upon the request of any five members of the committee. A majority of the members of the committee shall constitute a quorum. The vote of a majority of all the members of the committee shall be required for the adoption of any resolution, recommendation, or report.

**Subd. 4. Officers of committee.** The committee at its first meeting and at each regular annual meeting thereafter shall elect a chairman, a vice-chairman, and a secretary, who shall perform the usual duties of their respective offices, to serve until the next regular annual meeting and until their successors are elected and have qualified. Any vacancy in any office may be filled by the committee for the unexpired term at any regular meeting or at any special meeting called for the purpose.

**Subd. 5. Subcommittees.** As soon as practicable after his election the chairman shall appoint from the members of the committee four subcommittees, each consisting of three or more members, as follows:

(1) On municipal sewage, public health, safety, and welfare;

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- (2) On conservation of water, wild life, and related problems;
- (3) On soil conservation and agricultural problems;
- (4) On industrial waste problems.

The committee may create such other subcommittees as it deems advisable.

Each subcommittee shall give special consideration and study to the subject matter indicated by its title.

**Subd. 6. Duties of committee.** The duties of the committee are:

- (1) To assist the commission in the performance of its statutory powers and duties and in formulating a general statewide comprehensive policy for the conservation, utilization and development of the water resources and other interrelated natural resources of the state for their most beneficial uses and the prevention, control, and abatement of pollution and the establishment of reasonable pollution standards for the waters of the state;

- (2) To maintain liaison between the commission and the communities, industries, and persons concerned with the conservation, utilization, and development of the water resources within the respective regions of the committee members, and to stimulate action by those responsible for dealing with such problems;

- (3) To assist in programs designed to inform the public regarding the importance of the conservation, utilization and development of the water resources of the state, and the prevention, control and abatement of water pollution, and of methods of accomplishing such purposes;

- (4) To meet with the commission four times each year and at such other times as the commission may request.

**Subd. 7. Investigations; annual report; recommendations.** In furtherance of its purposes the committee and its members may jointly or severally investigate and study any problem relating to its duties. The committee shall make and file with the secretary of the commission at least once each year a written report of its findings and recommendations, but shall not as a body make specific recommendations on any proposal for action by the commission. The recommendations of the committee shall be advisory only, and not binding on the commission. The commission shall re-

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ceive and consider all reports made by the committee or its members and take such action thereon as it deems advisable. A copy of every report made by the committee shall be filed with the governor.

**Subd. 8. Recommendations for appointment of commission members.** In case a member at large of the commission is to be appointed by the governor on expiration of a regular term or on the occurrence of a vacancy, the committee may recommend not more than two qualified persons from their own number or others for the position. The governor shall receive and consider all such recommendations but shall not be limited thereto in making the appointment.

**Sec. 4. [145.64] Sanitary districts; definitions.**  
**Subdivision 1.** As used in sections 4 to 23, the terms defined in this section have the meanings given them except as otherwise provided or indicated by the context.

**Subd. 2.** "Commission" means the state water pollution control commission.

**Subd. 3.** "District" means a sanitary district created under the provisions of sections 4 to 23.

**Subd. 4.** "Board" means the board of managers of a sanitary district.

**Subd. 5.** "Territorial unit" means all that part of the territory of a district situated within a single municipality, a single organized town outside of any municipality, or, in the case of an unorganized area, within a single county.

**Subd. 6.** "Related governmental subdivision" means a municipality or organized town wherein there is a territorial unit of a district, or, in the case of an unorganized area, the county. "Related governing body" means the governing body of a related governmental subdivision, and, in the case of an organized town, means the town board.

**Subd. 7.** "Village" means a village organized as provided by Minnesota Statutes 1957, Chapter 412, under the plan other than optional.

**Subd. 8.** "Municipality" means a city, village, or borough, however organized.

**Subd. 9.** The terms defined in Minnesota Statutes 1957, Section 144.371, as now in force or hereafter amended, have the meanings given them therein.

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Sec. 5. [145.65] **Creation; purpose; exceptions.** A sanitary district may be created under the provisions of sections 4 to 23 for any territory embracing an area or a group of two or more adjacent areas, whether contiguous or separate, but not situated entirely within the limits of a single municipality, for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage and garbage and industrial wastes within the district, in any case where the commission finds that there is need throughout such territory for the accomplishment of such purposes, that such purposes cannot be effectively accomplished throughout such territory by any existing public agency or agencies, that such purposes can be effectively accomplished therein on an equitable basis by a district if created, and that the creation and maintenance of such a district will be administratively feasible and in furtherance of the public health, safety, and welfare; but subject to the following exceptions:

(1) No such district shall be created within 25 miles of the boundary of any city of the first class without the approval of the governing body thereof and the approval of the governing body of each and every municipality in such proposed district by resolution filed with the commission.

Sec. 6. [145.66] **Proceeding to create a district.** Subdivision 1. A proceeding for the creation of a district may be initiated by a petition to the commission, filed with its secretary, containing the following:

(1) A request for creation of the proposed district;

(2) The name proposed for the district, to include the words "sanitary district";

(3) A description of the territory of the proposed district;

(4) A statement showing the existence in such territory of the conditions requisite for creation of a district as prescribed in Section 5;

(5) A statement of the territorial units represented by and the qualifications of the respective signers;

(6) The post office address of each signer, given under his signature. A petition may consist of separate writings of like effect, each signed by one or more qualified

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persons, and all such writings, when filed, shall be considered together as a single petition.

Subd. 2. Every such petition shall be signed as follows:

(1) For each municipality wherein there is a territorial unit of the proposed district, by an authorized officer or officers pursuant to a resolution of the municipal governing body;

(2) For each organized town wherein there is a territorial unit of the proposed district, by an authorized officer or officers pursuant to a resolution of the town board;

(3) For each county wherein there is a territorial unit of the proposed district consisting of an unorganized area, by an authorized officer or officers pursuant to a resolution of the county board, or by at least 20 percent of the voters residing and owning land within such unit.

Each such resolution shall be published in the official newspaper of the governing body adopting it and shall become effective 40 days after such publication, unless within said period there shall be filed with the governing body a petition signed by qualified electors of a territorial unit of the proposed district, equal in number to 5 percent of the number of such electors voting at the last preceding election of such governing body, requesting a referendum on the resolution, in which case the same shall not become effective until approved by a majority of such qualified electors voting thereon at a regular election or special election which the governing body may call for such purpose. The notice of any such election and the ballot to be used thereat shall contain the text of the resolution followed by the question: "Shall the above resolution be approved?"

If any signer is alleged to be a landowner in a territorial unit, a statement as to his status as such as shown by the county auditor's tax assessment records, certified by the auditor, shall be attached to or endorsed upon the petition.

Subd. 3. The commission or its agent holding the hearing on a petition may, at any time before the reception of evidence begins, permit the addition of signatures to the petition or may permit amendment of the petition to correct or remedy any error or defect in signature or otherwise except a material error or defect in the description of the territory of the proposed district. No proceeding shall be invalidated on account of any error or defect in the petition

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unless questioned by an interested party before the reception of evidence begins at the hearing except a material error or defect in the description of the territory of the proposed district. If the qualifications of any signer of a petition, are challenged at the hearing thereon, the commission or its agent holding the hearing shall determine the challenge forthwith on the allegations of the petition, the county auditor's certificate of landownership, and such other evidence as may be received.

Subd. 4. Upon receipt of a petition the commission shall cause a hearing to be held thereon, subject to the provisions of Minnesota Statutes 1957, Sections 15.0411 to 15.0422 and other laws not inconsistent therewith now or hereafter in force relating to hearings held under authority of the commission, so far as applicable, except as otherwise provided. Notice of the hearing, stating that a petition for creation of the proposed district has been filed and describing the territory thereof, shall be given by the secretary of the commission by publication for two successive weeks in a qualified newspaper published within such territory, or, if there is no such newspaper, by publication in a qualified newspaper of general circulation in such territory, also by posting for two weeks in each territorial unit of the proposed district, and by mailing a copy of the notice to each signer of the petition at his address as given therein. Registration of mailed copies of the notice shall not be required. Proof of the giving of the notice shall be filed in the office of the secretary.

Subd. 5. After the hearing and upon the evidence received thereat the commission shall make findings of fact and conclusions determining whether or not the conditions requisite for the creation of a district exist in the territory described in the petition. If the commission finds that such conditions exist it may make an order creating a district for the territory described in the petition under the name proposed in the petition or such other name, including the words "sanitary district", as the commission deems appropriate.

Subd. 6. If the commission after a hearing determines that the creation of a district in the territory described in the petition is not warranted, it shall make an order denying the petition. The secretary of the commission shall give notice of such denial by mail to each signer of the petition. No petition for the creation of a district consisting of the

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same territory shall be entertained within a year after the date of such an order, but this shall not preclude action on a petition for the creation of a district embracing part of such territory with or without other territory.

Subd. 7. Notice of the making of every order of the commission creating a sanitary district, referring to the date of the order and describing the territory of the district, shall be given by the secretary in like manner as for notice of the hearing on the petition for creation of the district.

Subd. 8. An appeal may be taken from an order of the commission creating or dissolving a district, annexing territory to or detaching territory from a district, or denying a petition for any such action, as now or hereafter provided for appeals from other orders of the commission except that the giving of notice of the order as provided in subdivision 7 shall be deemed notice thereof to all interested parties, and the time for appeal by any party shall be limited to 30 days after completion of the mailing of copies of the order or after expiration of the prescribed period of posting or publication, whichever is latest. The validity of the creation of a district shall not be otherwise questioned.

Subd. 9. Upon expiration of the time for appeal from an order of the commission creating a district, or, in case of an appeal, upon the taking effect of a final judgment of a court of competent jurisdiction sustaining the order, the secretary of the commission shall deliver a certified copy of the order to the secretary of state for filing. Thereupon the creation of the district shall be deemed complete, and it shall be conclusively presumed that all requirements of law relating thereto have been complied with. The secretary of the commission shall also transmit a certified copy of the order for filing to the county auditor of each county and the clerk or recorder of each municipality and organized town wherein any part of the territory of the district is situated and to the secretary of the district board when elected.

Sec. 7. [145.67] **Annexation, detachment, and dissolution.** Subdivision 1. An area adjacent to an existing district may be annexed thereto upon a petition to the commission stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, also signed with respect to the area proposed for annexation in like manner as provided for a petition for creation of a district. Except as otherwise provided, a proceeding for annexation shall be

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governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. For the purpose of giving the required notices the territory involved shall comprise the area proposed for annexation together with the entire territory of the district. If the commission determines that the requisite conditions exist in the area proposed for annexation together with the territory of the district, it may make an order for annexation accordingly. All taxable property within the annexed area shall be subject to taxation for any existing bonded indebtedness or other indebtedness of the district for the cost of acquisition, construction, or improvement of any disposal system or other works or facilities beneficial to the annexed area to such extent as the commission may determine to be just and equitable, to be specified in the order for annexation. The proper officers shall levy further taxes on such property accordingly.

Subd. 2. An area within a district may be detached therefrom upon a petition to the commission stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, also signed with respect to the area proposed for detachment in like manner as provided for a petition for creation of a district. Except as otherwise provided, a proceeding for detachment shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. For the purpose of giving the required notices the territory involved shall comprise the entire territory of the district. If the commission determines that the requisite conditions for inclusion in a district no longer exist in the area proposed for detachment, it may make an order for detachment accordingly. All taxable property within the detached area shall remain subject to taxation for any existing bonded indebtedness of the district to such extent as it would have been subject thereto if not detached, and shall also remain subject to taxation for any other existing indebtedness of the district incurred for any purpose beneficial to such area to such extent as the commission may determine to be just and equitable, to be specified in the order for detachment. The proper officers shall levy further taxes on such property accordingly.

Subd. 3. Different areas may be annexed to and detached from a district in a single proceeding upon a joint petition therefor and upon compliance with the provisions of

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subdivisions 1 and 2 with respect to the area affected so far as applicable.

Subd. 4. A district may be dissolved upon a petition to the commission stating the grounds for dissolution as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, and containing a proposal for distribution of the remaining funds of the district, if any, among the related governmental subdivisions. Except as otherwise provided, a proceeding for dissolution shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. If the commission determines that the conditions requisite for the creation of the district no longer exist therein, that all indebtedness of the district has been paid, and that all property of the district except funds has been disposed of, it may make an order dissolving the district and directing the distribution of its remaining funds, if any, among the related governmental subdivisions on such basis as the commission determines to be just and equitable, to be specified in the order. Certified copies of the order for dissolution shall be transmitted and filed as provided for an order creating a district. The secretary of the commission shall also transmit a certified copy of the order to the treasurer of the district, who shall thereupon distribute the remaining funds of the district as directed by the order, and shall be responsible for such funds until so distributed.

Sec. 8. [145.68] **Petitioners to pay expenses.** Expenses of the preparation and submission of petitions in proceedings under sections 5 to 7 shall be paid by the petitioners. Expenses of hearings therein shall be paid out of any available funds appropriated for the commission.

Sec. 9. [145.69] **Board of managers of district.**  
Subdivision 1. The governing body of each district shall be a board of managers of five members, who shall be voters residing in the district, and who may but need not be officers, members of governing bodies, or employees of the related governmental subdivisions, except that where there are more than five territorial units in a district there shall be one board member for each unit.

Subd. 2. The terms of the first board members elected after creation of a district shall be so arranged and determined by the electing body as to expire on the first business day in January as follows:

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(1) The terms of two members in the second calendar year after the year in which they were elected;

(2) The terms of two other members in the third calendar year after the year in which they were elected;

(3) The term of the remaining member in the fourth calendar year after the year in which he was elected. In case a board has more than five members the additional members shall be assigned to the groups hereinbefore provided for so as to equalize such groups as far as practicable. Thereafter board members shall be elected successively for regular terms beginning on expiration of the preceding terms and expiring on the first business day in January of the third calendar year thereafter. Each board member shall serve until his successor is elected and has qualified.

Subd. 3. In a district having only one territorial unit all the members of the board shall be elected by the related governing body. In a district having more than one territorial unit the members of the board shall be elected by the members of the related governing bodies in joint session except as otherwise provided. The electing bodies concerned shall meet and elect the first board members of a new district as soon as practicable after creation of the district, and shall meet and elect board members for succeeding regular terms as soon as practicable after November 1 next preceding the beginning of the terms to be filled, respectively.

Subd. 4. Upon the creation of a district having more than one territorial unit the commission, on the basis of convenience for joint meeting purposes, shall designate one of the related governing bodies as the central related governing body in the order creating the district or in a subsequent special order, of which the secretary of the commission shall notify the clerks or recorders of all the related governing bodies. Upon receipt of such notification, the clerk or recorder of the central related governing body shall immediately transmit the same to the presiding officer of such body. Such officer shall thereupon call a joint meeting of the members of all the related governing bodies to elect board members, to be held at such time as he shall fix at the regular meeting place of his governing body or at such other place in the district as he shall determine. At least ten days notice of the meeting shall be given by mail by the clerk or recorder of such body to the clerks or recorders of all the other related governing bodies, who shall immedi-

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ately transmit such notice to all the members of such bodies, respectively. Subsequent joint meetings to elect board members for regular terms shall be called and held in like manner. The presiding officer and the clerk or recorder of the central related governing body shall act respectively as chairman and secretary of the joint electing body at any meeting thereof, but in case of the absence or disability of either of them such body may elect a temporary substitute. A majority of the members of each related governing body shall be required for a quorum at any meeting of the joint electing body.

Subd. 5. Nominations for board members may be made by petitions, each signed by ten or more voters residing and owning land in the district, filed with the clerk, recorder, or secretary of the electing body before the election meeting. No person shall sign more than one petition. The electing body shall give due consideration to all such nominations but shall not be limited thereto.

Subd. 6. In the case of an electing body consisting of a single related governing body, a majority vote of all the members shall be required for an election. In the case of a joint electing body, a majority vote of the members present shall be required for an election. In case of lack of a quorum or failure to elect, a meeting of an electing body may be adjourned to a stated time and place without further notice.

Subd. 7. In any district having more than one territorial unit the related governing bodies, instead of meeting in joint session, may elect a board member by resolutions adopted by all of them separately, concurring in the election of the same person. A majority vote of all the members of each related governing body shall be required for the adoption of any such resolution. The clerks or recorders of the other related governing bodies shall transmit certified copies of such resolutions to the clerk or recorder of the central related governing body. Upon receipt of concurring resolutions from all the related governing bodies, the presiding officer and clerk or recorder of the central related governing body shall certify the results and furnish certificates of election as provided for a joint meeting.

Subd. 8. Any vacancy in the membership of a board shall be filled for the unexpired term in like manner as provided for the regular election of board members.

Subd. 9. The presiding and recording officers of the

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electing body shall certify the results of each election to the secretary of the commission, to the county auditor of each county wherein any part of the district is situated, and to the clerk or recorder of each related governing body, and shall make and transmit to each board member elected a certificate of his election. Upon electing the first board members of a district, the presiding officer of the electing body shall designate one of them to serve as temporary chairman for the purposes of initial organization of the board, and the recording officer of the body shall include written notice thereof to all the board members with their certificates of election.

**Sec. 10. [145.70] Organization and procedure of board.** Subdivision 1. As soon as practicable after the election of the first board members of a district they shall meet at the call of the temporary chairman to elect officers and take other appropriate action for organization and administration of the district. Each board shall hold a regular annual meeting at the call of the chairman or otherwise as it shall prescribe on or as soon as practicable after the first business day in January of each year, and such other regular and special meetings as it shall prescribe.

Subd. 2. The officers of each district shall be a chairman and a vice-chairman, who shall be members of the board, and a secretary and a treasurer, who may but need not be members of the board. The board of a new district at its initial meeting or as soon thereafter as practicable shall elect the officers to serve until the first business day in January next following. Thereafter the board shall elect the officers at each regular annual meeting for terms expiring on the first business day in January next following. Each officer shall serve until his successor is elected and has qualified.

Subd. 3. The board at its initial meeting or as soon thereafter as practicable shall provide for suitable places for board meetings and for offices of the district officers, and may change the same thereafter as it deems advisable. Such meeting place and offices may be the same as those of any related governing body, with the approval of such body. The secretary of the board shall notify the secretary of state, the secretary of the commission, the county auditor of each county wherein any part of the district is situated, and the clerk or recorder of each related governing body of the locations and post office addresses of such meeting place and offices and any changes therein.

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Subd. 4. At any time before the proceeds of the first tax levy in a district become available the district board may prepare a budget comprising an estimate of the expenses of organizing and administering the district until such proceeds are available, with a proposal for apportionment of the estimated amount among the related governmental subdivisions, and may request the governing bodies thereof to advance funds in accordance with the proposal. Such governing bodies may authorize advancement of the requested amounts, or such part thereof as they respectively deem proper, from any funds available in their respective treasuries. The board shall include in its first tax levy after receipt of any such advancements a sufficient sum to cover the same and shall cause the same to be repaid, without interest, from the proceeds of taxes as soon as received.

Sec. 11. [145.71] **Status and powers of district.**  
Subdivision 1. Every district shall be a public corporation and a governmental subdivision of the state, and shall be deemed to be a municipality or municipal corporation for the purpose of obtaining federal or state grants or loans or otherwise complying with any provision of federal or state law or for any other purpose relating to the powers and purposes of the district for which such status is now or hereafter required by law.

Subd. 2. Every district shall have the powers and purposes prescribed by sections 4 to 23 and such others as may now or hereafter be prescribed by law. No express grant of power or enumeration of powers herein shall be deemed to limit the generality or scope of any grant of power.

Subd. 3. Except as otherwise provided, a power or duty vested in or imposed upon a district or any of its officers, agents, or employees shall not be deemed exclusive and shall not supersede or abridge any power or duty vested in or imposed upon any other agency of the state or any governmental subdivision thereof, but shall be supplementary thereto.

Subd. 4. All the powers of a district shall be exercised by its board of managers except so far as approval of any action by popular vote or by any other authority may be expressly required by law.

Subd. 5. A district may sue and be sued and may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

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Subd. 6. A district may acquire by purchase, gift, or condemnation or may lease or rent any real or personal property within or without the district which may be necessary for the exercise of its powers or the accomplishment of its purposes, may hold such property for such purposes, and may lease or rent out or sell or otherwise dispose of any such property so far as not needed for such purposes.

Subd. 7. A district may accept gifts, grants, or loans of money or other property from the United States, the state, or any person, corporation, or other entity for district purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

Sec. 12. [145.72] **Specific purposes and powers.**  
Subdivision 1. A district may construct, install, improve, maintain, and operate any system, works, or facilities within or without the district required to control and prevent pollution of any waters of the state within its territory.

Subd. 2. A district may construct, install, improve, maintain, and operate any system, works, or facilities within or without the district required to provide for, regulate, and control the disposal of sewage, industrial waste and other waste originating within its territory. The district may require any person upon whose premises there is any source of sewage, industrial waste, or other waste within the district to connect the same with the disposal system, works, or facilities of the district whenever reasonable opportunity therefor is provided.

Subd. 3. A district may construct, install, improve, maintain, and operate any system, works, or facilities within or without the district required to provide for, regulate, and control the disposal of garbage or refuse originating within the district, and may require any person upon whose premises any garbage or refuse is produced or accumulated to dispose thereof through the system, works, or facilities of the district whenever reasonable opportunity therefor is provided.

Subd. 4. A district may procure supplies of water so far as necessary for any purpose under subdivisions 1, 2, and 3, and may construct, install, improve, maintain, and operate any system, works, or facilities required therefor within or without the district.

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Sec. 13. [145.73] **District projects and facilities.**  
Subdivision 1. For the purpose of constructing, improving, maintaining, or operating any system, works, or facilities designed or used for any purpose under section 12, a district, its officers, agents, employees, and contractors may enter, occupy, excavate, and otherwise operate it, upon, under, through, or along any public highway, including a state trunk highway, or any street, park, or other public grounds so far as necessary for such work, with the approval of the governing body or other authority in charge of the public property affected and on such terms as may be agreed upon with such governing body or authority respecting interference with public use, restoration of previous conditions, compensation for damages, and other pertinent matters. If such an agreement cannot be reached after reasonable opportunity therefor, the district may acquire the necessary rights, easements, or other interests in such public property by condemnation, subject to all applicable provisions of law as in case of taking private property, upon condition that the court shall determine that there is paramount public necessity for such acquisition.

Subd. 2. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, provide for connecting with or using or may lease or acquire and take over any system, works, or facilities for any purpose under section 12 belonging to any other governmental subdivision or other public agency.

Subd. 3. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, authorize the use by any other governmental subdivision or other public agency of any system, works, or facilities of the district constructed for any purpose under section 12 so far as the capacity thereof is sufficient beyond the needs of the district. A district may extend any such system, works, or facilities and permit the use thereof by persons outside the district, so far as the capacity thereof is sufficient beyond the needs of the district, upon such terms as the board may prescribe.

Subd. 4. A district may be a party to a joint cooperative project, undertaking, or enterprise with any one or more other governmental subdivisions or other public agencies for any purpose under section 12 upon such terms as may be agreed upon between the governing bodies or authorities concerned. Without limiting the effect of the foregoing pro-

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vision or any other provisions of sections 4 to 23, a district, with respect to any of said purposes, may act under and be subject to the provisions of Minnesota Statutes 1957, Section 471.59, as now in force or hereafter amended, or any other appropriate law now in force or hereafter enacted providing for joint or cooperative action between governmental subdivisions or other public agencies.

Sec. 14. [145.74] **Control of sanitary facilities.** A district may regulate and control the construction, maintenance, and use of privies, cesspools, septic tanks, toilets, and other facilities and devices for the reception or disposal of human or animal excreta or other domestic wastes within its territory so far as necessary to prevent nuisances or pollution or to protect the public health, safety, and welfare, and may prohibit the use of any such facilities or devices not connected with a district disposal system, works, or facilities whenever reasonable opportunity for such connection is provided; provided, that the authority of a district under this section shall not extend or apply to the construction, maintenance, operation, or use by any person other than the district of any disposal system or part thereof within the district under and in accordance with a valid and existing permit heretofore or hereafter issued by the commission.

Sec. 15. [145.75] **District programs, surveys, and studies.** A district may develop general programs and particular projects within the scope of its powers and purposes, and may make all surveys, studies, and investigations necessary therefor.

Sec. 16. [145.76] **General and village powers.** A district may do and perform all other acts and things necessary or proper for the effectuation of its powers and the accomplishment of its purposes. Without limiting the effect of the foregoing provision or any other provision of sections 4 to 23, a district, with respect to each and all of said powers and purposes, shall have like powers as are vested in villages with respect to any similar purposes, and the exercise of such powers by a district and all matters pertaining thereto shall be governed by the provisions of law relating to the exercise of similar powers by villages and matters pertaining thereto, so far as applicable, with like force and effect, except as otherwise provided.

Sec. 17. [145.77] **Advisory committee.** Subdivision 1. The board may appoint an advisory committee with such membership and duties as it may prescribe.

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Sec. 18. [145.78] **Powers of board.** Subdivision 1. The board of managers of every district shall have charge and control of all the funds, property, and affairs of the district. With respect thereto, the board shall have like powers and duties as are provided by law for a village council with respect to similar village matters, except as otherwise provided. Except as otherwise provided, the chairman, vice-chairman, secretary, and treasurer of the district shall have like powers and duties, respectively, as the mayor, acting mayor, clerk, and treasurer of a village. Except as otherwise provided the exercise of the powers and the performance of the duties of the board and officers of the district and all other activities, transactions, and procedures of the district or any of its officers, agents, or employees, respectively, shall be governed by the provisions of law relating to similar matters in a village, so far as applicable, with like force and effect.

Subd. 2. The board may enact ordinances, prescribe regulations, adopt resolutions, and take other appropriate action relating to any matter within the powers and purposes of the district, and may do and perform all other acts and things necessary or proper for the effectuation of said powers and the accomplishment of said purposes. The board may provide that violation of any ordinance shall be a penal offense and may prescribe penalties therefor, not exceeding those prescribed by law for violation of village ordinances.

Subd. 3. Violations of district ordinances may be prosecuted before any court or magistrate of any related governmental subdivision having jurisdiction of misdemeanors, and every such court or magistrate shall have jurisdiction of such violations. Any constable or other peace officer of any such governmental subdivision may make arrests for such violations committed anywhere within the district in like manner and with like effect as for violations of village ordinances or for statutory misdemeanors.

All fines collected in such cases shall be deposited in the treasury of the district.

Sec. 19. [145.79] **Tax levies, assessments, and service charges.** Subdivision 1. The board may levy taxes for any district purpose on all property taxable within the district, subject only to the limitation that the tax levy for any year for all purposes other than the payment of bonds and interest thereon and expenses incident thereto shall not exceed

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\$10,000 or ten mills on the dollar of the assessed value of all the property taxable within the district, whichever is greater, provided that no taxes levied under this subdivision in any year shall exceed in amount \$1.50 per capita of the population of the district according to the last state or federal census, if the amount proposed to be levied in excess of such amount, when added to the levy subject to the limitations of Minnesota Statutes, Section 275.10 or Section 275.11, of any of the municipalities within the district, would cause such municipal levy to exceed the limitations of such applicable section.

Subd. 2. In the case where a particular area within the district, but not the entire district, is benefited by a system, works, or facilities of the district, the board, after holding a public hearing as provided by law for levying assessments on benefited property, shall by ordinance establish such area as a taxing subdistrict, to be designated by number, and shall levy special taxes on all the taxable property therein, to be accounted for separately and used only for the purpose of paying the cost of construction, improvement, acquisition, maintenance, or operation of such system, works, or facilities, or paying the principal and interest on bonds issued to provide funds therefor and expense incident thereto. Such hearing may be held jointly with a hearing for the purpose of levying assessments on benefited property within the proposed taxing subdistrict.

Subd. 3. The board shall levy assessments on benefited property to provide funds for payment of the cost of construction, improvement, or acquisition of any system, works, or facilities designed or used for any district purpose, or for payment of the principal of and interest on any bonds issued therefor and expenses incident thereto.

Subd. 4. The board shall prescribe service, use, or rental charges for persons or premises connecting with or making use of any system, works, or facilities of the district, prescribe the method of payment and collection of such charges, and provide for the collection thereof for the district by any related governmental subdivision or other public agency on such terms as may be agreed upon with the governing body or other authority thereof.

Sec. 20. [145.80] **Borrowing powers; bonds.** Subdivision 1. The board may authorize the borrowing of money for any district purpose and provide for the repayment thereof, subject to Minnesota Statutes 1957, Chapter 475. The

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taxes initially levied by any district in accordance with Minnesota Statutes, Section 475.61 for the payment of its bonds, upon property within each municipality included in the district, shall be included in computing the limitations upon the levy of such municipality under Minnesota Statutes, Section 275.10 or Section 275.11, as the case may be. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon property within any municipality included in the district would, when added to the taxes levied by such municipality for all purposes in the year preceding such issue, exceed the limitations prescribed in section 275.10 or section 275.11, the bonds shall not be issued without the consent by resolution of the governing body of such municipality.

Subd. 2. The board may authorize the issuance of bonds or obligations of the district to provide funds for the construction, improvement, or acquisition of any system, works, or facilities for any district purpose, or for refunding any prior bonds or obligations issued for any such purpose, and may pledge the full faith and credit of the district or the proceeds of tax levies or assessments or service, use, or rental charges, or any combination thereof, to the payment of such bonds or obligations and interest thereon or expenses incident thereto. An election or vote of the people of the district shall be required to authorize the issuance of any such bonds or obligations. Except as otherwise provided in sections 4 to 23, the forms and procedures for issuing and selling bonds and provisions for payment thereof shall comply with the provisions of Minnesota Statutes 1957, Chapter 475, as now in force or hereafter amended.

Sec. 21. [145.81] **Funds; district treasury.** The proceeds of all tax levies, assessments, service, use, or rental charges, and other income of the district shall be deposited in the district treasury and shall be held and disposed of as the board may direct for district purposes, subject to any pledges or dedications made by the board for the use of particular funds for the payment of bonds or interest thereon or expenses incident thereto or for other specific purposes.

Sec. 22. [145.82] **Effect of district ordinances and facilities.** In any case where an ordinance is enacted or a regulation adopted by a district board relating to the same subject matter and applicable in the same area as an existing ordinance or regulation of a related governmental subdivi-

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sion for the district, the district ordinance or regulation, to the extent of its application, shall supersede the ordinance or regulation of the related governmental subdivision. In any case where an area within a district is served for any district purpose by a system, works, or facilities of the district, no system, works, or facilities shall be constructed, maintained, or operated for the same purpose in the same area by any related governmental subdivision or other public agency except as approved by the district board.

Sec. 23. [145.83] **Application.** The provisions of this act shall not abridge or supersede any provision of Minnesota Statutes 1957, Sections 144.371 to 144.379, or any authority of the state water pollution control commission or the state board of health, but shall be subject and supplementary thereto. Districts and members of district boards shall be subject to the authority of the commission and shall have no power or authority to abate or control pollution which is permitted by and in accord with any classification of waters, standards of water quality, or permit established, fixed, or issued by the commission.

Approved May 22, 1961.

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## EXTRA SESSION

### CHAPTER 21—H. F. No. 93

*An act relating to firemen's relief associations; amending Minnesota Statutes 1957, Section 69.54.*

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

Section 1. Minnesota Statutes 1957, Section 69.54, is amended to read:

**69.54 Surcharge on premiums to restore deficiency in special fund.** When the balance in the special fund of any firemen's relief association in any city of the first class is less than \$600,000, or is less than a figure arrived at by multiplying the population of the city according to the latest federal census by one dollar and eighty-seven cents per inhabitant, whichever is the larger, as determined by the association's board of trustees, which fact shall be duly certified to by the public examiner, the board of trustees may thereupon file its duly verified petition for relief, accom-

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