

Sec. 26. None of the moneys appropriated by this act or any other law shall be expended in making any refund where the amount thereof is \$1.00 or less.

Approved June 9, 1961.

EXTRA SESSION

CHAPTER 90—S. F. No. 73

[Not Coded]

An act relating to sewage disposal and control and providing for the establishment of a sewer district for the villages of Brooklyn Park, Blaine, Mounds View, Spring Lake Park and the cities of Coon Rapids and Fridley.

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

Section 1. North suburban sanitary sewer district act; declaration of purpose; citation. Subdivision 1. That it is the purpose of the legislature of the state of Minnesota to carry out with due speed and in a timely manner a policy of sanitation and water pollution prevention upon sound scientific principles for the protection of public health, safety and general welfare, and to authorize for such purposes a system of sanitary sewage collection, and the creation therefor of a sanitary sewer district as an agency of the state to serve an area in need thereof.

Subd. 2. The legislature of the state of Minnesota finds that by virtue of location, topography, soil content, governmental structure, and rapid growth, the existing units of government lying northerly of the cities of Minneapolis and St. Paul, located in the counties of Anoka, Hennepin and Ramsey, and consisting of the villages of Brooklyn Park, Blaine, Mounds View, Spring Lake Park, and the cities of Coon Rapids and Fridley, are in urgent need of a system of sewage collection, and are unable without the establishment of a sanitary sewer district therein to efficiently and effectively, and with timely and feasible means meet within their area their urgent and immediate needs for sewage collection, treatment and disposal. That such district, when established, and its benefits can serve also to the use and needs of other municipalities contiguous or adjacent thereto.

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Subd. 3. That to promote the public health, safety and welfare by providing in such area a safe, adequate and efficient system of sewage collection and disposal so that the pollution resulting from the discharge thereof to any watercourse shall be so reduced that such watercourse shall cease to be and shall not become a nuisance or injurious to the public health and welfare, a sanitary sewer system should be constructed within such area. A sanitary sewer district as an agency of the state is accordingly hereby authorized in such area, and the same may be created and established therein; all pursuant to and in accordance with the provisions of this act.

Subd. 4. This chapter shall be known and may be cited as the "North Suburban Sanitary Sewer District Act" and shall be construed and administered to make effective the purposes noted herein.

Sec. 2. **Definitions.** For the purposes of this chapter the terms defined in this section have the meanings ascribed to them, except as otherwise provided or indicated by the context:

(a) "Adjacent lands" means lands or tracts of land lying near or close to one another, contiguous or otherwise.

(b) "Board" or "Board of Trustees" means the permanent managing board of trustees of a district (unless otherwise designated).

(c) "Collector System" means mains, sub-mains, laterals and appurtenances thereto used in the collection of sewage.

(d) "Disposal System" means interceptors, disposal plants, outlets and sewers conveying effluents to a point of final discharge.

(e) "District" means the sanitary sewer district created under this act.

(f) "Drain" means a device for the drainage of storm surface or subsurface water, constructed in relation with a sanitary sewer.

(g) "Interceptor" means a sewer which receives dry-weather flow from a number of transverse sewers or outlets and frequently, additional predetermined quantities of storm water (from a combined system), and which conducts such

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waters to a point for treatment or disposal, and appurtenances necessary thereto.

(h) "Lateral" means a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

(i) "Main" means a sewer which receives many tributary branches and serves a large area of land.

(j) "Municipalities" means and includes all cities, villages and towns with territory detached from some other municipality.

(k) "Sewage" means a combination of liquid or water-carried wastes from residences, business buildings and institutions, together with those from industrial establishments, and with such ground water, surface water and storm water as may be present.

(l) "Sewage Disposal Outlet" means outlet for sewage effluent to another sewage system outside the district.

(m) "Sewage Treatment Plant" means an arrangement of devices and structures for treating sewage, industrial wastes and sludge in order to remove or alter their objectionable constituents and thus render them less offensive or dangerous. This is also termed sewage treatment works or sewage disposal plant.

(n) "Unit" means a political subdivision lying in whole or in part within the territorial limits of the district or proposed district under this act.

Sec. 3. Creation of sanitary sewer districts. Notwithstanding any other act passed by the 1961 session of the Minnesota legislature, the governing bodies of any two or more adjacent areas, whether contiguous or separate, having a total population of not less than 3,500 persons for the proposed district, limited to the villages of Brooklyn Park, Blaine, Mounds View, Spring Lake Park, and the cities of Coon Rapids and Fridley, but not situated entirely within the limits of a single one of said municipalities, may create a sanitary sewer district under and in the manner provided by this act.

Sec. 4. Procedure for creation. Subdivision 1. A proceeding for the creation of a district may be initiated by a resolution by the governing body of any one or more

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municipalities named in section 3 herein above, addressed to the governing bodies of all the other units in the proposed district.

Subd. 2. The units and their governing bodies shall be as follows:

(a) For each municipality containing any land in the proposed district, the council;

(b) For each organized town containing any land in the proposed district, the town board;

(c) For each county containing any land within an unorganized area within the proposed district, the county board.

Subd. 3. The resolution shall include the following:

(a) A proposal for the creation of a district;

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

(c) A description of the lands and areas to be included in the proposed district, and the unit of government for each;

(d) A statement showing the existence in such lands and areas of the conditions necessitating creation of a district;

(e) A statement describing the lands represented by the unit governing body passing the resolution.

Subd. 4. Upon the passage of such resolution, said resolution and a notice of hearing on the proposal shall be served upon the mayor, clerk, secretary or other person designated for the governing body of each of the other units within the proposed district. In addition, the resolution and notice shall be published in the legal newspaper for each said unit. The proceedings may be initiated by two or more of the units acting jointly.

Subd. 5. Said notice shall call for a public hearing on the resolution; shall state the territorial limits of the proposed district; shall state where the hearing shall be held within the boundaries of the proposed district; shall state the time of the hearing and shall state the unit or units which have initiated the proceedings. The time of the hearing shall be not less than ten days nor more than 30 days after service

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and publication of the notice. Said hearing may be adjourned from time to time without further notice.

Subd. 6. At the hearing, all interested persons so desiring shall be heard. The hearing shall be conducted by one of the members of the governing body of one of the initiating units who shall act as chairman and shall appoint an acting secretary. The governing body of each unit shall appoint a representative who shall sit as a member of an interim board of trustees. A majority of representatives of the governing bodies of the units shall constitute a quorum, but less than a quorum may adjourn the hearing from time to time.

Subd. 7. Following the hearing, the interim board of trustees may amend the boundaries of the proposed district and shall vote upon the establishment of the district as proposed or as amended. Upon a favorable vote by a majority of those voting, the sanitary sewer district shall be deemed created, subject to subdivision 8 of this section.

Subd. 8. The acting secretary shall give notice of said vote to the governing body of each unit, as provided in subdivision 4 of this section. Such notice shall be given within 15 days after said vote; provided, however, failure to give such notice shall not be deemed to nullify any acts taken by said interim board of trustees.

Subd. 9. Within 30 days following said notice, any unit may withdraw from the district by the passage of a resolution by a 4/5 vote of its governing body. A certified copy of said resolution shall be served on the acting secretary of the interim board of trustees within said 30 day period.

Subd. 10. After 30 days following the notice, as above provided, the interim board of trustees shall meet to complete the creation of the district. A majority of the trustees representing remaining units constitutes a quorum. In the event one or more units have withdrawn during the 30 day period, the remaining members shall by majority vote of those voting determine whether the creation of the district as proposed or as amended shall be completed. To complete the creation of the district the acting secretary shall certify to the secretary of state that the district has been created, including the following information:

- (a) The name of the district;

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(b) A description of the territory to be included therein;

(c) The name of each unit.

A copy of the certificate shall be filed with the county auditor of each county in which there is a territorial unit.

Sec. 5. Officers and elections. Subdivision 1. Each sanitary sewer district shall be governed by a permanent board of trustees composed of one member from, and selected by, the governing body of each unit included in the district and members elected by the voters of the district at large, as follows:

(a) For districts containing two units, one member at large;

(b) For districts containing three or four units, two members at large;

(c) For districts containing five or more units, three members at large.

Subd. 2. Terms of office. The governing body of each unit shall choose its member of the board of trustees in January of each year, to serve the ensuing year and until his successor is appointed and qualified. The members at large shall serve for terms of three years, except that the first members at large shall be appointed by the members representing the units for staggered terms; the first member at large serving for one year, the second for two years and the third for three years. Vacancies among members representing units shall be filled by the board of trustees for the unexpired terms. Upon an increase in the number of units so as to increase the members at large, such additional members shall be appointed by the board of trustees for staggered terms as above provided.

Subd. 3. Election of members at large shall be by the legal voters of the district at an election held on the first Tuesday after the first Monday in November; such election may be made a part of any general election held on the same date. Special elections may be called by the board of trustees at any time to vote on any matter required by law to be submitted to the electors. Voting and notice shall be in accordance with the Minnesota Election Code for Villages; and the precincts for such election shall be as established in each municipality pursuant to Minnesota Statutes, Chapter 203.

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Subd. 4. Any person desiring to be a candidate for member at large of the board of trustees shall file an application with the clerk of the board of trustees not more than six weeks nor less than four weeks before the election. All election expenses shall be paid by the district. Election judges and clerks shall be appointed and paid by the board of trustees as needed. Following each election the board of trustees shall canvass and certify the election. New members shall take office and be sworn at the first meeting of the board in January, or the first meeting of the board thereafter, following the appointment of the members.

Subd. 5. Regular meetings of the board of trustees shall be held at least once a month, at such time and place as the board shall by resolution determine, and special meetings may be held at any time upon the call of the chairman or of any two members, upon written notice mailed to each member three days prior to the meeting, or upon such other notice as the board by resolution may provide, or without notice if each member is present or files with the clerk a written consent to the holding of the meeting which consent may be filed before or after the meeting. Any action within the authority of the board of trustees may be taken by the vote of a majority of the members present at a regular or adjourned regular meeting or at a duly called special meeting, if a quorum is present. A majority of all the members of the board of trustees shall constitute a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Subd. 6. Upon qualification of the permanent board of trustees, the interim board automatically shall be deemed dissolved.

Subd. 7. At its first regular meeting each year the board shall elect one of their number as chairman and shall also select a clerk and treasurer who may be members of the board or others, as the board shall determine. The chairman, clerk and treasurer shall hold office, as such, at the pleasure of the board, subject to the terms of any contract of employment which the board may enter into with the clerk or treasurer.

Subd. 8. The chairman shall preside at all meetings of the board, shall sign orders upon the treasurer for claims allowed by the board, and shall perform all duties usually incumbent upon such an officer. The clerk shall record the minutes of all meetings of the board, shall countersign all orders

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upon the treasurer, and shall be the custodian of all books and records of the district. The treasurer shall be the custodian of all moneys received by the district, and shall pay out money only on orders signed by the chairman and clerk. Each order shall state the nature of the claim for which it is issued, the name of the payee, and the fund on which it is drawn, and may be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the depository of funds of the district. In case of absence, inability, or refusal of the chairman, clerk or treasurer to execute and disburse orders in payment of any claim duly allowed by the board, the board may declare any of said offices vacant and fill the same by appointment. The board may also appoint a deputy to perform any and all functions and duties of any of said officers, subject to the supervision and control of such officer.

Subd. 9. Each trustee shall be reimbursed his actual and necessary expense in the performance of his duty, and is entitled to and may receive compensation for the performance of his duties as a member of such board in an amount as may be determined by the board of trustees to be reasonable, but which in no event shall exceed the sum of \$25 per diem or part thereof for each meeting of the board, and is not in any event in excess of the sum of \$1,000 in any one year. Each member of the interim board of trustees shall act without compensation, except that the board of trustees, when established, shall reimburse each such interim member his actual and necessary expense in the performance of his duty.

The compensation to be paid to the clerk and to the treasurer, or either of them, when the same are not members of the board, may and shall be in such amount as is determined to be reasonable by the board of trustees and in accordance with any contract of employment made by such clerk or treasurer with the board.

Sec. 6. **Powers.** Subdivision 1. The 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 may be required by law.

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Subd. 2. The district shall have the powers and purposes prescribed by this section 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 the district or any of its officers, agents or employees shall be deemed exclusive after formation of such district.

Subd. 4. All of the powers of the district shall be exercised by its board of trustees except insofar as approval of any action by popular vote may be expressly required by law.

Subd. 5. The 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.

Subd. 6. The district may acquire by purchase, gift or condemnation or may lease or rent any real or personal property. All the said powers may be exercised both within or without the district as may be necessary for the exercise of its powers or the accomplishment of its purposes. The district 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. The 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.

Subd. 8. The district created or reorganized under this act shall have all of the powers necessary and convenient to act within or without the district so that it may locate and furnish sewage disposal outlets and, in conjunction therewith, provide for the construction, acquisition, betterment, operation, maintenance and administration of any disposal systems, sewage treatment plants, interceptors, mains, laterals, drains, and all other appurtenances incidental thereto as the board shall determine to be necessary and expedient to furnish, provide and make available to the villages of Brooklyn Park, Blaine, Mounds View, Spring Lake Park and the cities of Coon Rapids and Fridley, timely, adequate, ef-

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ficient and effective systems of sewage collection, treatment and disposal and which said systems of sewage collection, treatment and disposal can and may be enlarged and expanded to furnish, provide and make available the services of the district to lands and areas of municipalities outside the district which are contiguous or adjacent thereto and as may desire or may be found by the state board of health and the state water pollution control commission to be in need of sewage collection, treatment and disposal and are so situated that the needs of the municipality for sewage collection, treatment and disposal in such area can be adequately, efficiently and effectively met by the district.

Subd. 9. Specifically, the district, acting through its board, may

(1) Employ administrative, and other personnel, legal counsel, engineers, architects, accountants and other qualified persons who may be paid for their services by monthly salaries, hourly wages and pension benefits, or by such fees as may be agreed on;

(2) Cause reports, plans, studies and recommendations to be prepared;

(3) Adopt, by resolution, rules and regulations for the operation and administration of any and all facilities under its control;

(4) Impose by resolution and collect charges for all services and facilities provided and made available by it;

(5) Levy taxes and specially assess as hereinafter prescribed;

(6) Borrow money and issue bonds as hereinafter prescribed;

(7) Procure insurance against liability of the district or its officers and employees or both, for torts committed within the scope of their official duties, whether governmental or proprietary, and against damage to or destruction of any of its facilities, equipment or other property;

(8) Sell or lease any of its facilities or equipment as may be deemed expedient;

(9) Cause audits to be made of its accounts, books, vouchers and funds by competent public accountants.

Subd. 10. The district organized under this act is au-

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thorized to construct, maintain, alter and extend its mains and laterals as a proper use of highways along, upon, under and across any highway, street, alley or public ground in the state, so as not to inconvenience the public use thereof, to acquire either by purchase or condemnation within and without the district and to maintain, operate and improve and extend such properties as the board of trustees may determine to be conducive to the preservation of public health, comfort and convenience of such area, and shall have power to make, enact and enforce all needful rules and regulations in connection with the acquisition of any properties or to the construction thereof, the improvement, extension, management, maintenance, operation, care, protection and the use thereof, and it shall be the duty of such board to establish rates and charges for sewer services which shall be sufficient at all times to pay the costs of such service; provided, however, any district created under this act shall not have authority to construct, acquire, maintain or operate a collector system, as distinguished from a disposal system, in any city, village or organized town located within such district, except as hereinafter provided.

Subd. 11. If there be any city, village or organized town located within the boundaries of the district which does not own or operate a sanitary sewer collector system and such city, village or town may adopt a resolution requesting the district to supply sewage facilities for public and private use within such city, village or town, and the district may then construct, operate and maintain its properties within the corporate limits of such city, village or town for the purpose of supplying sewage collector facilities for public and private use to the inhabitants thereof.

Subd. 12. Any district organized under this act may contract to supply sewage facilities to any city, village or incorporated town owning and operating a sewage system whether said city, village or organized town is located within the corporate limits of the district or not, and any such district may also supply sewage facilities for public and domestic use in the area adjacent to the limits of said district, provided, the supplying of such sewage facilities is merely incidental to the maintenance and operation of its sewage properties for the use and benefit of the inhabitants of the district.

Subd. 13. A district may, upon such terms as may be agreed upon with the respective governing bodies or authori-

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ties concerned, provide for connecting with or using or may lease or acquire and take over any system, works or facilities for the purposes herein provided belonging to any other governmental subdivision or other public agency.

Subd. 14. 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 (herein provided) 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. 15. 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 herein provided upon such terms as may be agreed upon between the governing bodies or authorities concerned. Without limiting the effect of the foregoing provision or any other provisions herein, 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. 7. **Expenses and tax levies.** Subdivision 1. Expenses of construction, acquisition, betterment, administration operation and maintenance of all facilities operated by any district, including any reasonable and necessary costs incurred in setting up such district, may be paid from the revenues derived therefrom, and to the extent necessary, from ad valorem taxes levied by the board upon all taxable property situated within the district; provided however, no taxes levied by a district in any year, other than taxes levied for payment of bonded indebtedness, shall exceed in amount \$1.50 per capita of the population of the district, according to the last state or federal census.

Subd. 2. All levies and assessments shall be certified by the clerk of the board of trustees on or before October 10 in each year to the auditors of the counties in which the

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district may be located. Such time may be extended by the county auditor. The rate percent of all such taxes shall be calculated and fixed by the county auditor; and if the district shall be in more than one county, the rate percent for each county shall be based upon the ratio of the assessed valuation within the district in the particular county, to the assessed valuation within the rest of the district.

Subd. 3. At any time before the proceeds of the first tax levy in a district become available, the sewer district board or interim 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.

Subd. 4. In any 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 may by ordinance establish such area as a taxing subdistrict, to be designated by number, and may levy ad valorem 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, maintenance and operation of such system, works or facilities, or paying the principal and interest on bonds issued to provide funds therefor and expenses 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. 5. The board may 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. Proceedings for improvements hereunder shall be in accordance with the pro-

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visions of Minnesota Statutes 1957, Chapter 429, as now in force or hereafter amended.

Subd. 6. The board may prescribe service, use, or rental charges for persons or premises connecting with or making use of any system, works or facilities of the district, may prescribe the method of payment and collection of such charges, and may 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.

Subd. 7. The board may authorize the borrowing of money for any district purpose and provide for the repayment thereof.

Subd. 8. 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. No 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 herein specifically provided, 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.

Subd. 9. The proceeds of all tax levies, assessments, service, use or rental charges, and other income of the district treasury 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.

Subd. 10. A district shall not be subject to any existing statutory limit on tax levies, assessments against benefited property bonded indebtedness or other indebtedness, nor to any such limits hereafter prescribed unless expressly made applicable to sanitary sewer districts.

Sec. 8. **Dissolution and detachment.** Subdivision 1.

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A district may be dissolved upon a petition to the board stating the grounds for dissolution as hereinafter provided, signed by an authorized officer or officers of the governing body of a unit pursuant to a resolution of the governing body 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 board 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 board 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 board 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.

Subd. 2. An area within a district may be detached therefrom by the same procedure as provided for dissolution of the district. On detachment, 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 board 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.

Sec. 9. **Effective date; expansion of service; enlargement of district.** Subdivision 1. This act takes effect when approved by a majority of the governing body of at least four of the following municipalities: the villages of Brooklyn Park, Blaine, Mounds View, Spring Lake Park, and the cities of Coon Rapids and Fridley, and upon compliance with Laws 1959, Chapter 368.

Subd. 2. When created as herein provided, the district

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has all powers provided in section 6 hereof, but before commencing construction of any system of sewer collection, or sewage disposal outlet, the district shall prepare plans therefor and submit the same for examination and approval to the state board of health, to the state water pollution control commission, and also to the governing bodies of the cities of Minneapolis and Saint Paul. A statement shall also accompany such plans as to the boundaries of the district and the lands and areas therein to be served by the construction proposed and the time thereof; and no proposed construction shall be made without such approval being first obtained from both agencies and both cities.

Subd. 3. Any adjoining municipality upon petition of 4/5 vote of its governing body may apply to the sanitary district for inclusion herein and if accepted by the district shall be bound by the provisions of this act.

Subd. 4. If the district has outstanding bonds or has voted bonds which are not yet issued, the annexation proposed shall not be concurred in by the governing body of a municipality containing any part of such land, unless it shall first be approved by a majority of the electors of the municipality of the part thereof to be annexed to the district by a vote thereon held at a regular or special election. All territory annexed shall be subject to taxation by the district like other property in the district for the support of its facilities and for the payment of principal and interest thereafter becoming due on its bonds, whether authorized or issued before or after such annexation. The district may in its discretion condition approval of the annexation upon the contribution, by or on behalf of the municipality containing lands to be annexed, to the capital improvement fund or the bond sinking fund of the district of such amount as may be agreed upon as a reasonable estimate of the proportionate share, properly applicable to the annexed territory, of capital costs previously paid by the district, having regard to contributions previously made by municipalities in the district and their inhabitants, and principal and interest already paid on bonds of the district. Any municipality made a part of the district may appropriate money or may authorize, issue and sell its bonds or may accept and expend contributions from private parties for the purpose of paying the proportionate share so agreed upon.

Subd. 5. Whenever the district is enlarged in accordance with the provisions of this section so that the same

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shall then encompass within its boundaries three or more municipalities additional to the villages of Brooklyn Park, Blaine, Mounds View, Spring Lake Park and the cities of Coon Rapids and Fridley, that then the membership of the board of trustees of the district shall not be enlarged to include more than a total of eleven members, but rather the representation on the board shall be re-apportioned by the board among the municipalities comprising the district in accordance with the population of each municipality or portion thereof within the district; provided, further, that no single municipality shall be entitled to have more than one member selected by the governing body of such municipality.

Sec. 10. **Severability.** The provisions of this chapter shall be severable and the invalidity of any section or subdivision or part thereof shall not make void any other section or subdivision or part thereof.

Approved June 10, 1961.

EXTRA SESSION

CHAPTER 91—H. F. No. 74

[Coded in Part]

An act relating to taxation; relating to taxes on cigarettes and the use thereof; relating to taxes on and measured by net income; relating to a tax on tobacco products and distributors thereof; relating to an additional tax on the mining or production of iron ore; relating to an additional tax on royalties; relating to an additional tax on intoxicating liquors; and providing for the disposition of the receipts therefrom; amending Minnesota Statutes 1957, Sections 290.06, Subdivisions 3, 4, and 5, as amended; 290.06, by adding subdivisions thereto; 290.361, Subdivision 6, as amended; 290.361, by adding a subdivision thereto; 290.62, as amended; 297.02, Subdivision 1, as amended; 297.22, Subdivision 1, as amended; 297.32, Subdivisions 1 and 2, as amended; 297.32, by adding a subdivision thereto; 298.011, as amended; 299.011, as amended; 340.47, Subdivision 5, as amended; Laws 1961, Chapter 213, Article 1, Section 1, Subdivisions 2, 5, 6, and 15; Laws 1961, Chapter 213, Article 1, Section 2, Subdivision 5; Laws 1961, Chapter 213, Article 1, Sections 3 and 5.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.