

Sec. 3. Minnesota Statutes 1961, Section 138.17, is amended by adding a subdivision to read:

Subd. 8. Emergency records preservation. In light of the danger of nuclear or natural disaster, the State Archives Commission shall establish and maintain a program for the selection and preservation of public records considered essential to the operation of government and to the protection of the rights and interests of persons, and shall make or cause to be made preservation duplicates or designate as preservation duplicates existing copies of such essential public records. Preservation duplicates shall be durable, accurate, complete, and clear, and such duplicates reproduced by photographic or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. A transcript, exemplification, or certified copy of such preservation duplicate shall be deemed for all purposes to be a transcript, exemplification, or certified copy of the original record. Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the State Archives Commission.

Every county, municipality, or other subdivision of government may institute a program for the preservation of necessary documents essential to the continuity of government. Such a program shall first be submitted to the State Archives Commission for its approval or disapproval and no such program shall be instituted until such approval is obtained.

Approved May 14, 1963.

CHAPTER 696—H. F. No. 1561

An act relating to water and sewer systems and sewage disposal plants in cities of the second, third, and fourth class, villages, and boroughs; amending Minnesota Statutes 1961, Section 444.075, Subdivisions 1, 2, and 3; and repealing Section 444.075, Subdivision 6.

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

Section 1. Minnesota Statutes 1961, Section 444.075, Subdivision 1, is amended to read:

444.075 Waterworks systems, main sewers, sewage disposal plants. Subdivision 1. **Authorization.** Any city, except cities

Changes or additions indicated by italics, deletions by strikeout.

of the first class operating under a home rule charter, or any village is hereby authorized and empowered to build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain *waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a waterworks system, and sewers, sewage treatment plants, systems, and other facilities for disposing of sewage or industrial waste, all hereinafter called facilities, and to maintain and operate the same inside or outside the city or village its corporate limits, and to acquire by gift, purchase, lease, condemnation or otherwise any and all land and easements required for that purpose.* The authority hereby granted shall be in addition to all other powers with reference to such facilities otherwise granted by the laws of this state or by the charter of *any* such city.

Sec. 2. Minnesota Statutes 1961, Section 444.075, Subdivision 2, is amended to read:

Subd. 2. **Financing.** For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improving, or in other manner obtaining such facilities or any portion thereof, any such city or village may issue and sell its general obligations, which may be made payable primarily from taxes or from special assessments to be levied to pay the cost of the facilities or from net revenues derived from *water or sewer service charges* or from any other non-tax revenues pledged for their payment under charter or other statutory authority, or from any two or more of ~~both~~ such sources; or it may issue special obligations, payable solely from such *taxes or special assessments or from such revenues, or from both any two or more of such sources.* All such obligations shall be issued and sold in accordance with Chapter 475. When special assessments are pledged for the payment of such obligations, they shall be authorized and issued in accordance with the further provisions of Chapter 429, or of the municipality's charter if it authorizes such obligations and the governing body determines to proceed thereunder. When net ~~sewer~~ revenues are pledged to the payment of the obligations, together with or apart from taxes and special assessments, such pledge shall be made in accordance with the further provisions of subdivision 3.

Sec. 3. Minnesota Statutes 1961, Section 444.075, Subdivision 3, is amended to read:

Subd. 3. **Charges; net revenues.** For the purpose of paying for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of such facilities, the governing body of any such city or village

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shall have authority to impose just and equitable charges for the use and for the availability of such facilities and for connections therewith and to make contracts for such charges as hereinafter provided. Such charges may be imposed with respect to facilities made available by agreement with other municipalities or private corporations or individuals, as well as those owned and operated by the city or village itself. Charges made for sewer service directly rendered shall be as nearly as possible proportionate to the cost of furnishing the same, and *sewer charges* may be fixed on the basis of water consumed, or by reference to a reasonable classification of the types of premises to which service is furnished, or by reference to the quantity, pollution qualities and difficulty of disposal of sewage produced, or on any other equitable basis including, but without limitation, any combination of those referred to above. Minimum charges for the availability of *water or sewer* service may be imposed for all premises abutting on streets or other places where municipal *water mains or sewers* are located, whether or not connected thereto. Charges for connections to the facilities may in the discretion of the governing body be fixed by reference to the portion of the cost thereof which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection. The governing body may make *sewer any such* charges a charge against the owner, lessee, occupant or all of them and may provide and covenant for certifying unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected. The governing body may fix and levy taxes for the payment of reasonable charges to the municipality itself for the use and availability of the facilities for *fire protection and for* maintaining sanitary conditions in public buildings, parks, streets, and other public places. In determining the reasonableness of the charges to be imposed, the governing body may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city or village, including the principal and interest to become due on obligations issued or to be issued therefor. When net revenues have been appropriated to the payment of the cost of the establishment, or of any specified replacement, improvement, enlargement or extension thereof, or to pay the principal and interest due on obligations to be issued for such purpose, no charges imposed to produce net revenues adequate for such purpose shall be deemed unreasonable by virtue of the fact that the project to be financed has not been commenced or completed, if proceedings therefor are taken with reasonable dispatch and the project, when completed, may be expected to ~~produce benefits~~ *makes service available* to the premises charged which ~~are will~~

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have a value reasonably commensurate with such charges. All ~~sewer~~ *such* charges, when collected, and all moneys received from the sale of any ~~sewer~~ facilities or equipment or any by-products of ~~sewage treatment or disposal thereof~~, shall be placed in a separate fund, ~~except as otherwise provided in subdivision 6~~, and shall be used first to pay the normal, reasonable and current costs of operating and maintaining the facilities. The net revenues from time to time received in excess of such costs may be pledged by resolutions of the governing body, or may be used though not so pledged, for the payment of principal and interest on obligations issued as provided in subdivision 2, or to pay such portion of said principal and interest as may be directed in such resolutions, *and net revenues derived from any facilities of the types listed in subdivision 1, whether or not financed by the issuance of such obligations, may be pledged or used to pay obligations issued for other facilities of any such types.* In resolutions authorizing the issuance of either general or special obligations and pledging net revenues thereto, the governing body may make such covenants for the protection of holders of the obligations and taxpayers of the municipality as it deems necessary, including, but without limitation, a covenant that the municipality will impose and collect charges of the nature herein authorized at the times and in the amounts required to produce, together with any taxes or special assessments designated as a primary source of payment of the obligations, net revenues adequate to pay all principal and interest when due on the obligations and to create and maintain such reserves securing said payments as may be provided in said resolutions. *When such a covenant is made it shall be enforceable by appropriate action on the part of any holder of the obligations or any taxpayer of the municipality in a court of competent jurisdiction, and the obligations shall be deemed to be payable wholly from the income of the system whose revenues are so pledged, within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.*

Sec. 4. **Repeal.** *Minnesota Statutes 1961, Section 444.075, Subdivision 6, is repealed.*

Approved May 14, 1963.

CHAPTER 697—H. F. No. 1633

An act relating to the city of Duluth; prescribing the salaries of certain officers of the municipal court thereof; amending Minnesota Statutes 1961, Section 488A.66, Subdivisions 2 and 3.

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