

Subd. 4. Nothing contained in this section shall limit or affect the right to serve any process in any other manner now or hereafter provided by law or the Minnesota Rules of Civil Procedure.

Sec. 12. **[116B.12] RIGHTS AND REMEDIES NONEXCLUSIVE.** No existing civil or criminal remedy for any wrongful action shall be excluded or impaired by this act. The rights and remedies provided herein shall be in addition to any administrative, regulatory, statutory, or common law rights and remedies now or hereafter available.

Sec. 13. **[116B.13] SEVERABILITY.** If any section, subdivision, sentence, or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, subdivision, sentence, or clause thereof not adjudged unconstitutional.

Sec. 14. **[116B.14] CITATION.** This act may be cited as the "Minnesota Environmental Rights Act".

Approved June 7, 1971.

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## CHAPTER 953—S.F.No.576

[Coded in Part]

*An act relating to water pollution control; establishing the Minnesota state water pollution control fund for the appropriation and loan of money to municipalities for public land and buildings and other public improvements of a capital nature needed for this purpose; authorizing the issuance and sale of state bonds for the purpose of the fund pursuant to the Constitution, Article IX, Section 6; and appropriating money in connection therewith.*

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

Section 1. **[116.16] MINNESOTA STATE WATER POLLUTION CONTROL FUND; APPROPRIATION.** Subdivision 1. **PURPOSE.** A Minnesota state water pollution control fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts of the proceeds of state bonds and other money appropriated to the fund and disbursements of money appropriated or loaned from the fund to agencies and subdivisions of the state for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention,

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control, and abatement of water pollution in accordance with the long range state policy, plan, and program established in sections 115.41 to 115.63, and in accordance with standards adopted pursuant to law by the Minnesota pollution control agency. It is determined that state financial assistance for the construction of water pollution prevention and abatement facilities for municipal disposal systems is a public purpose and a proper function of state government, in that the state is trustee of the waters of the state and such financial assistance is necessary to protect the purity of state waters, and to protect the public health of the citizens of the state, which is endangered whenever pollution enters state waters at one point and flows to other points in the state.

**Subd. 2. DEFINITIONS.** In this section and section 2:

(1) Agency means the Minnesota pollution control agency created by chapter 116;

(2) Municipality means any county, city, village, borough, and town, the metropolitan sewer board created by chapter 473C and the metropolitan council when acting under the provisions of that chapter, and any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state;

(3) Pollution control fund means the Minnesota state water pollution control fund created by subdivision 1;

(4) Bond account means the Minnesota state water pollution control bond account created in the state bond fund by section 2, subdivision 4;

(5) Terms defined in section 115.01 have the meanings therein given them;

(6) The cost of any project includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, sociological, project administrative costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension; (e) inspection of performance, monitoring, or control and supervision; and (f) all other expenses of the kinds enumerated in section 475.65.

**Subd. 3. RECEIPTS.** The state auditor and treasurer shall deposit in the fund as received (a) all proceeds of Minnesota water pollution control bonds, except accrued interest and premiums received upon the sale thereof, (b) all other money appropriated by

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law for purposes stated in subdivision 1, (c) all money granted to the state for such purposes by the federal government or any agency thereof, (d) all income from the investment of the fund, which income shall be credited thereto in each fiscal year in an amount equal to the approximate average rate of return that year on all funds invested by the state treasurer, as estimated by the treasurer, times the average balance in the fund that year, and (e) all money appropriated to the agency by section 116.15, subdivision 5, and not yet expended or committed. All such receipts are annually appropriated for the permanent construction and improvement purposes of the fund, and shall be and remain available for expenditure in accordance with this section and federal law until the purposes for which such appropriations were made have been accomplished or abandoned.

Subd. 4. **DISBURSEMENTS.** Disbursements from the fund shall be made by the state treasurer upon order of the state auditor at the times and in the amounts requested by the agency in accordance with the federal laws and regulations and the state appropriation acts governing such disbursements; except that no appropriation or loan of state funds for any project, except for a grant in aid of the payment of interest under section 116.15, shall be disbursed to any municipality until and unless the agency has by resolution determined the total estimated cost of the project, and ascertained that financing of the project is assured by:

(1) A grant to the municipality by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state; or

(2) A grant of funds appropriated by state law; or

(3) A loan authorized by state law; or

(4) The appropriation of proceeds of bonds or other funds of the municipality to a fund for the construction of the project; or

(5) Any or all of the means referred to in paragraphs (1) to (4); and

(6) An irrevocable undertaking, by resolution of the governing body of the municipality, to use all funds so made available exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate, by the appropriation to the construction fund of additional municipal funds or the proceeds of additional bonds to be issued by the municipality; and

(7) Conformity of the project and of the loan or grant application with the state water pollution control plan as certified to the federal government and with all other conditions under federal laws and regulations for a grant of federal funds of the nature and in the amount involved.

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Subd. 5. **RULES.** The agency shall promulgate rules for the administration of grants and loans authorized to be made from the fund. The rules shall contain as a minimum:

- (1) Procedures for application by municipalities;
- (2) Conditions for the administration of the grant or loan;
- (3) Criteria for eligibility for grants or loans, including those specified in subdivision 6; and
- (4) Such other matters as the agency and the director find necessary to the proper administration of the grant program.

Subd. 6. **PRIORITIES.** The rules of the agency shall provide that a high priority shall be given to applications from municipalities which because of limited tax base, excessive bonded indebtedness, or critical conditions of water pollution requiring agency action pursuant to law, would face extreme financial hardship without the assistance provided by this act, and to applications from sanitary districts or for systems to be constructed to serve more than one municipality. The rules shall contain criteria relating to:

- (1) The extent and nature of pollution,
- (2) Per capita costs of the proposed projects,
- (3) Financial capability of the municipality,
- (4) The technological feasibility of the project,
- (5) The availability of other sources of financing, and
- (6) The adequacy of provision made to assure proper and efficient operation and maintenance of the project after the construction is completed.

Subd. 7. **INTEREST GRANTS.** To the extent that money is available in the fund from time to time, it may be used by the agency to assist municipalities in defraying interest costs during construction as provided in section 116.15.

Subd. 8. **LOANS.** Each loan made to a municipality from the proceeds of state bonds, when authorized by law, shall be evidenced by resolutions adopted by the agency and by the governing body of the municipality, obligating the municipality to repay the loan to the state treasurer, for credit to the water pollution control bond account in the state bond fund, in annual installments including both principal and interest, each in an amount sufficient to pay the principal amount within such period as may be provided by the agency in accordance with the law authorizing the loan, with interest on the declining balance thereof at a rate not less than the average annual

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interest rate on state bonds of the issue from the proceeds of which the loan was made, and obligating the municipality to provide money for such repayment from user charges, taxes, special assessments, or other funds available to it. For the purpose of repaying such loans the municipality by resolution of its governing body may undertake to fix rates and charges for disposal system service and enter into contracts for the payment by others of costs of construction, maintenance, and use of the project in accordance with section 444.075, and may pledge the revenues derived therefrom, and the agency may condition any such loans upon the establishment of rates and charges or the execution of contracts sufficient to produce the revenues pledged.

Subd. 9. **APPLICATIONS.** Applications by municipalities for grants or loans from the fund shall be made to the director of the agency on forms requiring information prescribed by rules of the agency. The director shall certify to the agency those applications which appear to meet the criteria set forth in this act and the rules promulgated hereunder, and the agency shall award grants or loans on the basis of the criteria and priorities established in its rules and in this act.

Sec. 2. [116.17] **MINNESOTA STATE WATER POLLUTION CONTROL BONDS.** Subdivision 1. **PURPOSE AND APPROPRIATION.** For the purpose of providing money to be appropriated or loaned to municipalities from the Minnesota state water pollution control fund for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution in accordance with the provisions of section 1, when such appropriations or loans are authorized by law and funds therefor are requested by the agency, the state auditor shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for this purpose. Any act authorizing the issuance of bonds for this purpose, together with this section, constitutes complete authority for such issue, and such bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. **ISSUANCE OF BONDS.** Upon request by resolution of the agency and upon authorization as provided in subdivision 1 the state auditor shall sell and issue Minnesota state water pollution control bonds in the aggregate amount requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such

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bank or banks within or outside the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further regulations, as the auditor shall determine, subject to the approval of the attorney general, but not subject to the provisions of sections 15.0411 to 15.0422. The bonds shall be executed by the state auditor and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any appurtenant interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The state auditor shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

**Subd. 3. EXPENSES.** All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the pollution control fund, and the amounts necessary therefor are appropriated from that fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

**Subd. 4. STATE WATER POLLUTION CONTROL BOND ACCOUNT IN THE STATE BOND FUND.** The state auditor shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the state water pollution control bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota state water pollution control bonds and income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

**Subd. 5. APPROPRIATIONS TO BOND ACCOUNT.** The premium and accrued interest received on each issue of Minnesota state water pollution control bonds, and all loan payments received under the provisions of section 1, subdivision 5, shall be credited to the bond account. In order to reduce the amount of taxes otherwise required to be levied, there shall also be credited to the bond account therein from the general fund in the state treasury, on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand therein, to pay all Minnesota water pollution control bonds and interest thereon due and to become due to and including

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July 1 in the second ensuing year. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4. The state auditor and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. **TAX LEVY.** On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Minnesota water pollution control bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota water pollution control bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

Sec. 3. **[116.18] WATER POLLUTION CONTROL FUND APPROPRIATIONS AND BONDS.** Subdivision 1. **APPROPRIATION FROM THE FUND FOR FEDERALLY AIDED PROJECTS.** The sum of \$34,750,000, or so much thereof as may be necessary, is appropriated from the Minnesota state water pollution control fund in the state treasury to the pollution control agency, for the period commencing on the effective date of this act and ending June 30, 1973, to be granted and disbursed to municipalities and agencies of the state in aid of the construction of projects conforming to section 1, in accordance with the rules, priorities, and criteria therein described. Except as otherwise provided in subdivision 2, these funds shall be expended only for projects for which there becomes available, through use of these funds, a grant of federal funds at a percentage of cost exceeding the percentage which would be available for the project if these state funds were not available. Not less than 20 percent of such cost shall be paid by the municipality or agency constructing the project. It is the purpose of this appropriation that a grant of state funds for each project approved in each of the fiscal years ending June 30, 1971, 1972, and 1973, shall be made in an amount not less than that required in federal law and regulations

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as a condition for the grant of federal funds for the project and for all other water pollution control projects for which federal grants are allocated in the same year, in the maximum amount permissible under such law and regulations.

**Subd. 2. ADDITIONAL PURPOSES OF APPROPRIATION.**

If the pollution control agency, acting in accordance with section 1, subdivisions 4 to 6, determines that the public health of the state requires the construction of a project by a municipality or agency that is unable to provide 20 percent of the eligible cost thereof, the funds appropriated in subdivision 1 may be expended to reduce its contribution to not less than 15 percent of the eligible cost. Funds estimated by the pollution control agency to be available, consistent with the fulfillment of the purpose expressed in subdivision 1, may also be granted to assist in defraying interest costs during construction of water pollution control projects for which federal grants are anticipated, as provided in Minnesota Statutes, Section 116.15.

**Subd. 3. APPROPRIATION FROM GENERAL FUND; REIMBURSEMENT.** The sum of \$9,750,000, or so much thereof as may be necessary, is appropriated from the general fund to the Minnesota state water pollution control fund, for the purpose of providing money appropriated in subdivision 1 for expenditure from that fund for the purpose therein stated, provided that:

(a) No amount shall be credited at any time to the water pollution control fund, pursuant to this appropriation, which would cause the balance then on hand in the fund to exceed the aggregate amount of grants approved and not theretofore disbursed by the pollution control agency, as certified by its director; and

**Subd. 4. BOND AUTHORIZATION.** For the purpose of providing money appropriated in subdivision 1 for expenditure from the Minnesota state water pollution control fund through grants to municipalities and agencies of the state for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution, including reimbursement of amounts expended from the general fund for this purpose, the state auditor is authorized upon request of the pollution control agency to sell and issue Minnesota state water pollution control bonds in the amount of \$25,000,000, in the manner and upon the conditions prescribed in section 2 and in the Constitution, Article IX, Section 6. The proceeds of such bonds, except as provided in section 2, subdivision 5, are appropriated and shall be credited to the Minnesota state water pollution control fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the water pollution control fund equal to the aggregate amount of grants then approved and not previously disbursed, plus the amount of such grants to be approved in the current and the following fiscal year, as estimated by the pollution control agency.

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Subd. 5. **FEDERAL AND OTHER FUNDS.** All federal and other funds made available for any purpose of the water pollution control fund are also appropriated to that fund.

Subd. 6. **CONTINUANCE OF APPROPRIATIONS.** None of the appropriations made in this section shall lapse until the purpose for which it is made has been accomplished or abandoned. The amount of each grant approved for disbursement from the water pollution control fund shall be and remain appropriated for that purpose until the grant is fully disbursed or part or all thereof is revoked by the pollution control agency.

Approved June 7, 1971.

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## CHAPTER 954—S.F.No.1086

[Not Coded]

*An act relating to Hennepin county and the Hennepin county park reserve district; mill levy; amending Laws 1967, Chapter 721, Section 2, as amended.*

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

Section 1. Laws 1967, Chapter 721, Section 2, as amended by Laws 1969, Chapter 885, Section 2, is amended to read:

Sec. 2. **HENNEPIN COUNTY; PARK RESERVE DISTRICT.** To provide funds for the purposes of the Hennepin county park reserve district as set forth in its annual budget, in lieu of the levies authorized by any other ~~general or~~ special law for such purposes, the board of county commissioners of Hennepin county upon approval of each annual budget may levy taxes on all the taxable property in the county and park district at a rate not exceeding ~~80 mill~~ 1 mill on the assessed valuation thereof. To provide funds for the acquisition and betterment of park properties and facilities of the district in accordance with plans filed by it under Minnesota Statutes, Section 398.19, upon request of the board of park district commissioners by a resolution or resolutions regularly adopted by a majority of all members thereof, the board of county commissioners of Hennepin county may by resolution issue and sell general obligation bonds of the county in the manner provided in Minnesota Statutes, Sections 475.60 to 475.753, in an aggregate amount not exceeding \$5,000,000. Taxes for the payment of the principal of and interest on such bonds, shall be assessed and extended upon all taxable property in the

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