

## CHAPTER 874—S. F. No. 243

[Coded in Part]

*An act relating to water pollution, providing for the prevention, control, and abatement thereof by the construction and operation of municipal sewage disposal systems and otherwise; amending Minnesota Statutes 1961, Section 115.01, Subdivisions 9 and 10.*

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

Section 1. **[115.41] Municipal water pollution control; definitions.** *Subdivision 1. The definitions given in this section shall obtain for the purposes of this act except as otherwise expressly provided or indicated by the context.*

*Subd. 2. "Commissioner" means the commissioner of administration.*

*Subd. 3. "Commission" means the water pollution control commission.*

*Subd. 4. "Municipality" means a city, village, borough, sanitary district, or other governmental subdivision or public corporation.*

*Subd. 5. The definitions given in Minnesota Statutes 1961, Section 115.01, as now in force or hereby or hereafter amended, shall govern for the purposes of this act except as otherwise expressly provided or indicated by the context.*

Sec. 2. Minnesota Statutes 1961, Section 115.01, Subdivision 9, is amended to read:

*Subd. 9. "Waters of the state" means all streams, and lakes, including all rivers and lakes bordering on the state, ponds, marshes, watercourses, state, county, town or judicial waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, of such character that the pollution thereof may create a nuisance or be either actually or potentially harmful or detrimental to the public health, safety or welfare, or to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life, which are contained within, flow through, or border upon the state or any portion thereof.*

Sec. 3. Minnesota Statutes 1961, Section 115.01, Subdivision 10, is amended to read:

*Subd. 10. "Person" means the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, and in-*

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cludes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation.

Sec. 4. [115.42] **Policy; long-range plan; purpose.** *It is the policy of the state to provide for the prevention, control, and abatement of pollution of all waters of the state, so far as feasible and practical, in furtherance of conservation of such waters and protection of the public health and in furtherance of the development of the economic welfare of the state. The commission shall prepare a long-range plan and program for the effectuation of said policy, and shall make a report of progress thereon during each biennium to the legislature at the beginning of each regular session, with recommendations for action in furtherance of such program during the ensuing biennium. It is the purpose of this act to safeguard the waters of the state from pollution by: (a) preventing any new pollution; and (b) abating pollution existing when this act becomes effective, under a program consistent with the declaration of policy above stated.*

Sec. 5. [115.43] **Powers. Subdivision 1.** *In addition to the other powers prescribed by law, the commission shall have the powers and duties prescribed in this section. In exercising all such powers the commission shall give due consideration to the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom and shall take or provide for such action as may be reasonable, feasible and practical under the circumstances.*

*Subd. 2. Acting within the scope of the policy and purposes of this act, the commission may adopt, promulgate, amend, or rescind regulations in the manner provided by law, as may be necessary or proper to carry into effect the provisions of this act.*

*Subd. 3. The commission may issue, modify, or revoke orders after due notice and hearing for the following purposes when deemed necessary to prevent, control, or abate pollution:*

(1) *Prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof where the same is likely to get into any waters of the state in accordance with the provisions of this act and specifying the conditions and time within which such prohibition or abatement must be accomplished;*

(2) *Prohibiting the storage of any liquid in a manner which does not reasonably assure proper retention against entry into any*

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waters of the state that would be likely to pollute any waters of the state;

(3) *Requiring the construction, installation, maintenance, and operation by any municipality of any disposal system or any part thereof or the reconstruction, alteration, or enlargement of its existing disposal system or any part thereof, or the adoption of other remedial measures to prevent, control or abate pollution or to prevent, control or abate any discharge or deposit of sewage, industrial waste or other wastes by any municipality;*

(4) *Except as otherwise provided herein in the case of municipalities, the provisions of Minnesota Statutes 1961, Section 115.05 shall apply to proceedings under this act.*

**Sec. 6. [115.44] Classification of waters; standards of quality and purity.** *Subdivision 1. It is recognized that, due to variable factors, no single standard of quality and purity of the waters is applicable to all waters of the state or to different segments of the same waters.*

*Subd. 2. In order to attain the objectives of this act, the commission after proper study, and after conducting public hearing upon due notice, shall, as soon as practicable, group the designated waters of the state into classes, and adopt classifications and standards of purity and quality therefor. Such classification shall be made in accordance with considerations of best usage in the interest of the public and with regard to the considerations mentioned in subdivision 3 hereof.*

*Subd. 3. In adopting the classification of waters and the standards of purity and quality above mentioned, the commission shall give consideration to:*

(a) *The size, depth, surface area covered, volume, direction and rate of flow, stream gradient and temperature of the water;*

(b) *The character of the district bordering said waters and its peculiar suitability for the particular uses, and with a view to conserving the value of the same and encouraging the most appropriate use of lands bordering said waters, for residential, agricultural, industrial, or recreational purposes;*

(c) *The uses which have been made, are being made, or may be made of said waters for transportation, domestic and industrial consumption, bathing, fishing and fish culture, fire prevention, the disposal of sewage, industrial wastes and other wastes or other uses within this state, and, at the discretion of the commission, any such*

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*uses in another state on interstate waters flowing through or originating in this state;*

(d) *The extent of present defilement or fouling of said waters which has already occurred or resulted from past discharges therein;*

(e) *The need for standards for effluent from disposal systems entering waters of the state;*

(f) *Such other considerations as the commission deems proper.*

*Subd. 4. The commission, after proper study, and after conducting public hearings upon due notice, shall adopt and design standards of quality and purity for each such classification necessary for the public use or benefit contemplated by such classification. Such standards shall prescribe what qualities and properties of water shall indicate a polluted condition of the waters of the state which is actually or potentially deleterious, harmful, detrimental or injurious to the public health, safety or welfare, to terrestrial or aquatic life or to the growth and propagation thereof, or to the use of such waters for domestic, commercial and industrial, agricultural, recreational or other reasonable purposes, with respect to the various classes established pursuant to subdivision 2 hereof, and may contain such other provisions as the commission deems proper. Wherever practicable and advisable the commission shall establish standards for effluent of disposal systems entering classified waters.*

*Subd. 5. In establishing such standards, consideration should be given to the following factors:*

(a) *The extent, if any, to which floating solids may be permitted in the water;*

(b) *The extent to which suspended solids, colloids or a combination of solids with other substances suspended in water, may be permitted;*

(c) *The extent to which organism of the coliform group (intestinal bacilli) or any other bacteriological organisms may be permitted in the water;*

(d) *The extent of the oxygen demand which may be permitted in the receiving waters;*

(e) *Such other chemical or biological properties necessary for the attainment of the objectives of this act.*

*Subd. 6. The adoption, alteration or modification of the standards of quality and purity, above prescribed, shall be made by the commission only after public hearing on due notice.*

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*Subd. 7. Notices of public hearing for the consideration, adoption, modification, alteration or amendment of the classification of waters and standards of purity and quality thereof shall specify the time, date and place of hearing, and the waters concerning which classification is sought to be made or for which standards are sought to be adopted or modified.*

*Copies of said notice shall:*

*(a) Be published at least twice in a newspaper regularly published or circulated in the county or counties bordering or through which the waters sought to be classified, or for which standards are sought to be adopted, flow, the first date of publication of which shall not be more than 30 days nor less than 20 days before the date fixed for such hearing; and*

*(b) Be mailed at least 20 days before such hearing to the chief executive of each municipality bordering or through which said waters, for which standards are sought to be adopted, flow, and to such other persons as the commission has reason to believe may be affected by the proposed standards.*

**Sec. 7. [115.45] Violations.** *Subdivision 1. It is the duty of every person affected to comply with the provisions of this act and of Minnesota Statutes 1961, Sections 115.01 to 115.09, comprising the state water pollution control act, as now in force or hereafter amended, and all regulations, orders, and permits adopted or issued by the commission thereunder, and to do and perform all acts and things within his or its power required to effectuate, carry out, and accomplish the purposes of such provisions, regulations, orders, and permits.*

*Subd. 2. It is unlawful for any person to cause pollution of any waters of the state in excess of or contrary to any applicable standard of water quality established, regulation adopted, or order issued by the commission, or to discharge any sewage, industrial wastes, or other wastes into any waters of the state or to deposit any thereof where the same is likely to get into any waters of the state in excess of or contrary to any such standard, regulation, or order. Any such pollution, discharge, or deposit is a public nuisance and may be enjoined and abated as such as provided by law.*

**Sec. 8. [115.46] Taxation by municipality.** *Subdivision 1. Any taxes, special assessments, levied or to be levied, and any bonds or other evidences of indebtedness issued or to be issued for the construction, installation, maintenance, or operation by a municipality of any disposal system or part thereof, shall not be subject to any limitation and shall be excluded in computing*

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amounts subject to any limitation on tax levies, special assessments, bonded indebtedness or other indebtedness and the governing or managing body and the proper officers of the municipality concerned shall have the power and, to comply with any order of the commission, it shall be their duty to levy such taxes and special assessments and issue such bonds and take such other lawful actions as may be appropriate and necessary to provide funds to meet the cost of such construction or work, notwithstanding any such limit and without any election or referendum therefor. A recital in any bond, tax levy, or assessment that the same is issued or made for the purposes of a disposal system or any part thereof ordered by the commission and is not subject to any provisions of law prescribing limits or requiring an election or referendum therefor shall be prima facie evidence thereof and that all requirements of law relating thereto have been complied with. In any suit, action, or proceedings involving the validity or enforceability of any bonds of a municipality or the security therefor, any such bond reciting in substance that it has been issued by the municipality to aid in financing a sewage disposal system or part thereof, shall be conclusively deemed to have been issued for such purpose, and in compliance with all requirements of the law relating thereto.

Subd. 2. For the same purposes as the purposes for which a tax may be levied under subdivision 1 of this section, a municipality may levy taxes in anticipation of need and the provision of subdivision 1 shall be applicable so far as appropriate to any such anticipatory levy. If such a tax is levied in anticipation of need, the purpose must be specified in the resolution of the governing body directing the levy, and proceeds of the tax must be used only for that purpose, and until used the proceeds shall be retained in a separate fund or invested as surplus in a sinking fund may be invested under Minnesota Statutes, Section 475.66.

Sec. 9. [115.47] **Enforcement.** Subdivision 1. The provisions of this act and of Minnesota Statutes 1961, Sections 115.01 to 115.09 and of any regulation adopted or order or permit issued by the commission thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by injunction, action to compel performance, or other appropriate action. The attorney general shall bring any action required therefor in the name of the state at the request of the commission.

Subd. 2. In any action to compel performance of an order of the commission for any purpose relating to the prevention, control, or abatement of pollution the court may require any defendant adjudged responsible to do and perform any and all acts

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*and things within his or its power which are reasonably necessary to accomplish the purposes of the order. In case a municipality or its governing or managing body or any of its officers is a responsible defendant, the court may require it or him to exercise its or his powers, without regard to any limitation or any requirement for an election or referendum imposed thereon by law, to do any or all of the following, without limiting the generality hereof: To levy taxes, levy special assessments, prescribe service or use charges, borrow money, issue bonds, employ assistance, acquire real or personal property, let contracts or otherwise provide for the doing of work or the construction, installation, maintenance, or operation of facilities, and do all other acts and things reasonably necessary to accomplish the purposes of the order.*

**Sec. 10. [115.48] Assumption of power by commission.**  
*Subdivision 1. In lieu of enforcement action as provided by section 9, the commission, in case of failure by any municipality or its governing or managing body or officers to comply with any order of the commission for the construction, installation, maintenance, or operation of a disposal system or part thereof, may by resolution assume the powers of the legislative authority of the municipality and confer on the commissioner the powers of the administrative officers of the municipality relating to the construction, installation, maintenance, or operation of a disposal system, or part thereof, or issuing bonds and levying taxes therefor, after holding a hearing on the case as provided by Minnesota Statutes 1961, Sections 115.03 and 115.05, upon notice specifying the particulars of the alleged failure to comply with the order and the powers proposed to be assumed for the purpose of remedying such failure. The resolution shall include or have attached thereto a copy of the order, shall set forth the findings of the commission as to failure of compliance therewith after the hearing thereon, and shall set forth the powers assumed and determine the action to be taken. Certified copies of the resolution and order shall be transmitted by the secretary of the commission to the commissioner and to the clerk or other recording officer of the municipality concerned. The resolution and order and certified copies thereof shall be prima facie evidence that the order is reasonable and valid, that all requirements of law relating thereto and to the hearing thereon have been complied with by the commission, that the municipality and its governing or managing body and officers have failed to comply with the order as set forth in the resolution, and that the powers so assumed are vested in the commission and the commissioner as therein set forth. Thereupon the commission and the commissioner shall have charge of the case, and all other proceedings for enforcement of the order shall be suspended until the authority of*

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*the commissioner in the case has been terminated as hereinafter provided. At this stage of the case there is a right of judicial review, and the resolution and attached order shall be deemed a final order for the purpose of judicial review, but failure at this stage to seek judicial review does not preclude judicial relief at a subsequent stage where, and in a manner, otherwise appropriate.*

*Subd. 2. Upon the assumption of powers as provided in subdivision 1, all the powers of the municipality and its governing or managing body and officers with respect to the subject matter of the order shall thereby be forthwith transferred to and vested in the commission and the commissioner, and they shall thereafter exercise the same in the name of the municipality or its governing or managing body or officers, as the case may require, until terminated as hereinafter provided. Such powers shall include, without limitation, the power to levy taxes, to certify such taxes for collection, to levy assessments on benefited property, to prescribe service or use charges, to borrow money, to issue bonds, to employ necessary assistance, to acquire necessary real or personal property, to let contracts or otherwise provide for the doing of work or the construction, installation, maintenance, or operation of facilities, and to do and perform for the municipality or its governing or managing body or officers all other acts and things required to effectuate, carry out, and accomplish the purposes of the order and which might have been done or performed by the municipality or its governing or managing body or officers. The exercise of any and all such powers by the commission and the commissioner shall have like force and effect as if the same had been exercised by the municipality or by its governing or managing body or officers. All such acts or things done or performed by the commission or the commissioner shall be prima facie lawful and valid, and it shall be presumed that all requirements of law or charter relating thereto have been complied with. Any bond pursuant to this section in the hands of a holder in good faith and for value reciting that such bond is issued for the purposes of a disposal system, or part thereof, pursuant to the order of the commission under this section shall be conclusively deemed to have been issued for such purpose and in compliance with all requirements of law relating thereto and shall be a valid and binding instrument enforceable against the municipality in accordance with its terms. The impact on a municipality of taxes or special assessments which are likely to result from compliance with an order made under section 5, subdivision 3, clause (1), weighed against the urgency of the need for compliance in the light of public health and the policy and purposes of this act shall be a relevant consideration in any judicial inquiry into the reasonableness of the order.*

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*Subd. 3. Except as otherwise provided herein, all proceedings of the commission or the commissioner under subdivision 2 shall be governed by the laws or charter provisions governing like proceedings of the governing or managing body or administrative officers of the municipality, so far as applicable, and they shall have like powers and duties with respect thereto as the governing or managing body, the mayor or other presiding officer, the clerk or other recording officer, and any other officer of the municipality having authority in the matter, respectively. In any case where the governing or managing body of the municipality is required to act by motion, resolution, or ordinance, the adoption thereof by resolution or order of the commission shall have like force and effect as adoption by the governing or managing body and approval by the mayor or other presiding officer of the municipality, if required.*

*Subd. 4. If at any time while the commission and the commissioner have charge of a case as provided in this section, the governing or managing body or the officers of the municipality concerned shall offer to exercise their powers and perform their duties with respect to the subject matter in accordance with the order of the commission, the commission may by order, of which certified copies shall be transmitted to the secretary of the commission and to the clerk or other recording officer of the municipality, reinstate such powers to the extent and subject to any conditions specified in the order, and the governing or managing body or officers of the municipality may thereupon exercise such powers accordingly. Such reinstatement may be revoked by the commission by order in like manner in case it shall determine that the affected powers have not been properly or effectively exercised by the governing or managing body or the officers of the municipality.*

*Subd. 5. If, at any time while the commission and the commissioner have charge of a case hereunder, the commission shall determine that the further exercise of the powers of the municipality assumed in the case will not be feasible or will not be the most effective procedure for accomplishing the purposes of the commission's order involved, it may by order so declare. Certified copies of the order shall be transmitted by the secretary of the commission to the commissioner and the clerk or other recording officer of the municipality concerned. Thereupon the powers assumed shall be vested in the municipality, and the commission may proceed with the enforcement of its order in such manner as may be authorized by law.*

**Sec. 11. [115.49] Cooperation between municipalities; contracts.** *Subdivision 1. If the commission determines after*

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*a hearing on the subject matter that cooperation between two or more municipalities is necessary to prevent, control, or abate pollution, it may adopt a resolution so declaring and determining whether it will be feasible to secure such cooperation by contract between the municipalities concerned.*

*Subd. 2. If the commission determines that procedure by contract will be feasible, it may issue an order so declaring, setting forth the general purposes and terms of a proposed contract under any applicable law, determining, among other things, which of the municipalities concerned shall have charge of any facilities constructed, and directing the municipalities concerned to formulate and execute such contract within such time as the commission may specify in the order, but not less than 90 days from the date of mailing copies of the order to the clerks or other recording officers of such municipalities or service thereof upon them. If a contract approved by the commission as sufficient for the purposes set forth in the order is not made within the time therein specified, the commission may refer the case to the commissioner as provided in section 10. Thereupon and thereby all the appropriate contractual powers of each municipality concerned and its governing or managing body and officers shall be transferred to and vested in the commissioner. The commissioner may then formulate a contract in accordance with the commission's order, with necessary counterparts, and execute the same in the name of each municipality concerned, with like force and effect as if executed by their officers as provided by law or charter. An executed counterpart of the contract shall be delivered or sent by certified mail by the commissioner to the clerk or other recording officer of each municipality concerned, and the contract shall thereupon take effect and be binding on such municipalities.*

*Subd. 3. Any contract for disposal of sewage, industrial wastes, or other wastes or for the construction, maintenance, or operation of any facilities therefor heretofore or hereafter executed between two or more municipalities may be renegotiated, reviewed, and revised or modified with respect to rates or charges or any other provision by agreement of the parties to the contract, any provision of law, charter, or the contract to the contrary notwithstanding.*

*Subd. 4. Any municipality which is a party to a contract for any of the purposes specified in subdivision 3 and which operates a plant for the disposal of sewage, industrial wastes, or other wastes, or which is a city of the first class comprising a part of a sanitary district under Minnesota Statutes, Chapter 445 upon written notice to the other party or parties, fix new rates and charges for the service performed under the contract, notwithstanding any provision of*

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law, charter, or the contract to the contrary. Any other party or parties to such a contract with a municipality which operates such a plant, or with a city of the first class comprising a part of a sanitary district under Minnesota Statutes, Chapter 445 upon written notice to such municipality, demand that new rates and charges be fixed for service performed under the contract, notwithstanding any provision of law, charter, or the contract to the contrary. Whenever notice is given as provided herein, it shall be the duty of the municipality operating the plant for the disposal of sewage, industrial wastes, or other wastes, or a city of the first class comprising a part of a sanitary district under Minnesota Statutes, Chapter 445, to hold a hearing for the determination of proper rates and charges. A valid notice given under this subdivision of a demand to fix new rates and charges as to any contract precludes another such notice by any party as to that contract for a period of five years from the time of the notice, or the time of dismissal of proceedings under a notice, or the time of determination of rates and charges by the affected agencies or by judgment, as the case may be, whichever of these events is last, but there may always be a contract change under subdivision 3 of this section; provided there can be no such demand as of right within the first five years of a contract. A municipality which may be affected by determination of new rates and charges in such a proceeding may participate in the proceeding as an interested third party by filing a notice of its intention to so participate with the clerk of the municipality to which the original notice was directed. If any party to the contract involved in the proceeding initiated by notice of demand for new rates and charges is dissatisfied with the rates and charges as set in the proceeding it may within 30 days after such determination by written notice given to the other party or parties elect to submit the matters in dispute to a board of arbitration which shall be created as follows: The municipality making such written election shall in such written election appoint a referee; the other municipality shall within ten days after such election and appointment also appoint a referee; the two referees shall appoint a third referee, or if they fail for ten days to do so, unless the municipalities mutually extend the time for them to do so the district court of a judicial district which is mutually agreeable to the municipalities shall make the appointment of the third referee. A decision of the majority of the board shall be a decision of the board. Each municipality shall pay the compensation of the referee appointed by it, and one-half of the compensation of the third referee, such compensation to be at the rate usually charged by such person for services in his profession or occupation. The hearing initiated by the notice of demand to fix new rates and charges and all proceedings in connection therewith shall be in conformity with Minnesota Stat-

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*utes, Sections 15.0418 to 15.0422 and the municipality conducting the hearing is an agency as such term is used in such sections. Any party to the contract aggrieved by the decision or order made in conformity with such provisions shall be entitled to judicial review in the district court in the county in which such decision or order was made and in the manner provided in subdivision 5. The new rates and charges established by the agency upon the initial demand will continue until the proper rates and charges are finally determined, notwithstanding submission to arbitration or judicial review, but the order or judgment which finally determines legality will provide for adjustment of overpayment or underpayment, if any, during the period after the new rates and charges were initially fixed.*

*All records of any municipality relating to such rates and charges shall be available at all reasonable times for examination by any municipality.*

*Subd. 5. Any party to the contract aggrieved by a decision or order shall be entitled to judicial review thereof by serving a petition therefor upon the municipality making the decision or order, and filing the same with proof of service in the office of the clerk of such court, all within 30 days after the decision or order has been made and the parties notified thereof. The petition shall state the nature of the petitioner's interest, and the ground or grounds upon which the petitioner contends the decision or order should be reversed or modified. The petition may be amended by leave of court, though the time for serving the same has expired.*

*Within 20 days after service of such petition for review, the municipality shall serve upon the petitioner an answer stating its position with reference to the reversal or modification of the order or decision under review. Such answer with proof of service thereof shall be filed with the clerk of the district court within ten days after such service. No further pleadings shall be necessary. The review shall be noticed for trial as in the case of a civil action and shall take precedence over other civil cases for trial.*

*The institution of the proceeding for review shall not stay enforcement of the order or decision, but the court may order a stay upon such terms as it deems proper.*

*Within 30 days after service of the petition for review upon the municipality, or within such further time as the court may allow, the municipality shall transmit to the court the original or a certified copy of the entire record of the proceedings in which such order or decision under review was made, but by stipulation of the parties to the review proceeding, the record may be shortened*

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by eliminating any portion thereof. The record may be typewritten or printed and the exhibits may be typewritten, photostated or otherwise reproduced, or upon motion of any party, or by order of the court, the original exhibits shall accompany the record. The court may require or permit substantial corrections or additions to the record when deemed desirable.

If before the date set for trial an application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material, the court may order that such additional evidence be taken upon such terms as the court may deem proper.

The review shall be conducted by the court without a jury and the court may affirm, reverse or modify the order or decision if the substantial rights of the petitioner have been prejudiced as a result of such order or decision being:

- (a) *Contrary to constitutional rights or privileges; or*
- (b) *In excess of the statutory authority or jurisdiction of the agency, or affected by other error of law; or*
- (c) *Made or promulgated upon unlawful procedure; or*
- (d) *Unsupported by substantial evidence in view of the entire record as submitted; or*
- (e) *Arbitrary or capricious.*

Any party may appeal from the final judgment of the district court to the supreme court in the manner provided by law for other appeals in civil actions.

No party to the review in any court is entitled to recover therein costs or attorney's fees or witness fees or any other disbursement.

Subd. 6. All rates and charges shall be reasonable and shall be sufficient to compensate for all costs of devoting the sewage disposal plant, equipment, its collector system, and personnel to the accomplishment of the purpose of the service to be rendered but shall not include profit. When the sewer system of any municipality or any part thereof is devoted to the use of another municipality, all charges for such use shall be reasonable and shall be sufficient to compensate for all costs of such use, but shall not include profit.

Subd. 7. Nothing in subdivision 4 shall preclude the fixing of rates and charges by agreement of the parties under subdivision 3.

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*Subd. 8. Any case referred to the commissioner under this section may be remanded to the commission as provided in section 10, subdivision 5.*

**Sec. 12. [115.50] Towns, powers to act.** *For the purposes of carrying out the policy and purposes of this act and of Minnesota Statutes 1961, Sections 115.01 to 115.09, there is hereby conferred upon all towns of this state the power and authority to construct, install, acquire, maintain and operate disposal systems and parts thereof, and to levy taxes, and special assessments, to issue bonds and to do all other things necessary or convenient for such construction, installation, acquisition, maintenance and operation in the same manner and extent and subject to the same limitations as villages.*

**Sec. 13. [115.51] Enforcement of contracts between municipalities.** *The provisions of any contract between two or more municipalities for any purpose relating to the prevention, control, or abatement of pollution, whether now in force or hereafter consummated as provided in section 11 or otherwise, may be enforced by action to compel performance brought by any municipality which is a party to the contract or by the attorney general in the name of the state at the request of the commission. In any such action the court shall have like powers as provided in section 9, subdivision 2, for enforcement of an order of the commission.*

**Sec. 14. [115.52] Severability.** *The provisions of this act 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.*

**Sec. 15. [115.53] Modification of classification or standards.** *In any case where the commission has heretofore adopted and established a classification or standards for any waters as then provided by law, the commission, at any hearing held pursuant to the provisions of this section for the purpose of modification, alteration, or amendment of such classification or standards or the adoption and establishment of any classification or standards for the same waters or any part thereof as required by this act, may receive and consider for any such purpose any testimony received at such previous hearing, as reported in the stenographic transcript thereof, and any exhibits received at such previous hearing, which are relevant, with like force and effect and subject to like objections, if any, as if such testimony or exhibits had been produced at the hearing hereunder, together with any further testimony or*

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*exhibits which may be submitted and received at the hearing hereunder.*

Approved May 27, 1963.

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CHAPTER 875—S. F. No. 284

[Coded]

*An act establishing a Mississippi river parkway commission; and appropriating money therefor; repealing Minnesota Statutes 1961, Section 161.142, Subdivision 1.*

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

Section 1. [161.1419] **Mississippi river parkway commission.** Subdivision 1. It is declared to be the policy of the state and to be in the best public interest for the promotion of public safety, recreation, travel, trade, and the general welfare of the people to cooperate with the federal government and with the interstate Mississippi river parkway planning commission. To carry out such policy and to aid in the promotion and securing of a scenic parkway and highway for the state of Minnesota and to aid in securing the location of federal parks within Minnesota a Mississippi River parkway commission is created. Such commission shall also work toward the planning, construction, maintenance, and improvement of the Great River Road or Mississippi River Parkway which is to follow generally the course of the Mississippi River and extend from Canada to the Gulf of Mexico.

Subd. 2. The commission shall be composed of nine members of which three shall be appointed by the governor, three shall be members of the senate to be appointed by the committee on committees, and three shall be members of the house of representatives to be appointed by the speaker. The members of the commission shall be selected immediately after final enactment of this act and shall serve for a term expiring at the close of the next regular session of the legislature and until their successors are appointed. Successor members shall be appointed at the close of each regular session of the legislature by the same appointing authorities. Members may be reappointed. Any vacancy shall be filled by the appointing authority. The commissioner of highways, the commissioner of conservation, and the director of the Minnesota historical society shall be ex officio members, and shall be in addition to the nine members heretofore provided for. Immediately upon making the

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