

each calendar month, as the salaries of other county officials are paid.

Sec. 2. Laws 1919, Chapter 210, Section 2, as amended by Laws 1935, Chapter 88, Section 2, is amended to read :

Sec. 2. **Allowances for mileage.** Each member of such county board shall also receive ten cents per mile each way for every mile necessarily traveled in the discharge of his official duties, *which shall include necessary travel while supervising and inspecting county roads, county institutions, and other county property; and also while traveling to attend regular and special meetings of the board, to be audited and allowed as other claims against the county.*

Sec. 3. Laws 1919, Chapter 210, Section 3, as amended by Laws 1935, Chapter 88, Section 3, is amended to read :

Sec. 3. **\$1,000 limit.** The total amount of *such actual and necessary expenditures* of any county commissioner, of any such county, which may be so allowed and paid shall not exceed \$1,000 in any one year.

Sec. 4. **Repeal.** Laws 1935, Chapter 88, Sections 4 and 5, are hereby repealed.

Approved April 14, 1949.

CHAPTER 422—H. F. No. 1332

[Not Coded]

An act relating to the water, light, power and building commission in certain villages; defining and enlarging the powers of such commission.

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

Section 1. **Villages having a population of excess of 10,000; water, light, power and building commission.** In any village now or hereafter having a population of more than 10,000 and in which there exists at the present time a water, light power, and building commission, hereinafter referred to as

the commission, created pursuant to Minnesota Statutes 1945, Sections 453.01 to 453.07 inclusive, and having gross receipts from operation of public utilities exceeding \$700,000 per annum, the commission shall have the duties and powers as hereinafter set forth.

Sec. 2. Members; appointment; term; meetings; quorum. The commission, consisting of three members, shall be appointed by the village council for a term of three years. The original appointees shall serve one, two and three years respectively as designated by the council. Each commissioner shall hold office until his successor is appointed and qualified by subscribing to an oath that he will faithfully and impartially perform the duties of this office. A member of the commission shall be chairman of the commission during the last year of the term for which he is appointed. The commission shall meet at least twice each month. Special meetings may be called by the chairman of the commission, and in addition, a majority of the members may call a special meeting by giving two days' written mailed notice thereof to all members who have not joined in the request for such special meeting. Two members of said commission constitute a quorum.

Sec. 3. Powers. Subdivision 1. Except as hereinafter provided, the commission shall have full and exclusive control, of the water, light, gas, and power plants, municipal heating plants and all systems, parts, attachments, lines, mains, and appurtenances thereto, and all apparatus and material of every kind and description used or to be used in operating these plants or any or either of them. The commission shall have the power and authority to operate the same and each thereof, and to extend, add to, change or modify the same and to do any and all things in and about the same which they may deem necessary for a proper economical operation of same. The commission shall not have the right to sell, lease, rent, or in any way dispose of, or encumber, or suffer or permit this property or any part thereof, to come under the control of any other person or corporation. This shall not prevent the commission from renting or from leasing public halls or buildings for public use and entertainment. The commission shall have authority to buy all material and it may contract to extend, add to, change or modify these systems, plants, buildings, or any part thereof. The commission shall have the authority to buy all fuel and supplies, and employ all help necessary to operate the plant.

Subd. 2. The commission shall collect all water, light, gas, heat, steam and power charges from patrons including the village, and pay the same into a fund to be known and designated as the "Water and Light." The commission shall have exclusive control of the fund and of all disbursements therefrom, and of all collections made by the commission. Said fund shall be used exclusively for the benefit of the utility system and shall not in any manner be diverted or expended for any purpose which may be considered foreign to the operation of the utility plant and system. Separate funds shall be maintained for all meter deposits. If such commission has assumed or shall assume control over public buildings, the income obtained from such buildings shall be collected and kept in a separate fund to be used for the operation and maintenance of such buildings.

Subd. 3. It is the duty of the commission to secure proper and sufficient surety bonds at all times for any officers or employees who are delegated the duty of handling in any manner any of the funds belonging to said commission and they may in their discretion require and secure bonds for any other employees.

Subd. 4. The commission is required to call for bids on any work or for any item or material purchased when the cost thereof exceeds the sum of \$1,000. This shall not limit in any manner the power of the commission to undertake work of any kind when such work is to be performed by men regularly employed by the commission, nor shall said limitation be applicable in event of an emergency.

Subd. 5. The commission may employ an attorney at a salary not exceeding \$1,800 per annum.

Subd. 6. The commission shall have the power to pay a monthly pension to any employees of the commission at the age of 65 or over who were more than 60 years of age on the date that the municipality adopted the provisions of the public employees retirement act and who have served as employees of the commission for more than 20 years at the time of such adoption, and in no event shall the amount of such pension exceed the amount which such employees would have received as a pension if they had contributed to the public employees retirement fund during the course and length of their employment.

The commission shall appoint a superintendent who shall be in charge of all the operations and activities of the commission, and he shall manage and coordinate the functions of said commission.

Subd. 7. The commission is hereby given the power and authority to appoint or employ a secretary of the commission, which secretary shall keep an accurate record of the proceedings and business transactions of the commission. In addition the secretary shall perform any and all other duties as authorized and directed by the commission. He shall furnish a bond running to the commission in an amount to be fixed by the commission that he will faithfully perform all the duties of his office and the bond shall be approved and filed with the commission. The relationship of the secretary to the commission shall be deemed confidential and the commission may revoke its appointment and discharge its secretary at any time and may appoint a successor thereto. The secretary shall not be delegated any of the duties provided under Section 2, Subdivision 8, of this act.

Subd. 8. The commission may appoint and employ a cashier who shall collect all charges, deposits and payments of any kind due the commission, and immediately deposit them in the "Water and Light Fund" excepting however, that meter deposits shall be deposited in the appropriate meter deposit fund. A detailed statement of all receipts shall be submitted once in each month to the commission. The cashier shall be bonded by a corporate bond running to the commission in an amount fixed by the commission and conditioned that he will faithfully perform all the duties of his office and promptly pay into the "Water and Light Fund" or meter deposit fund all receipts and collections of the commission and upon his resignation or termination of employment, that he will deliver to his successor all of the funds belonging to the commission. The salary of such cashier shall be fixed by the commission and it may at any time revoke its appointment and appoint a successor thereto. The cashier shall not be delegated any of the duties provided under Section 2, Subdivision 7, of this act.

Subd. 9. The commission shall have the power to fix all rates and charges for water, heat, gas, light, power, steam; and rents for public buildings if such commission has assumed control or shall in the future assume control over public buildings of the municipality.

Subd. 10. The commission shall each month publish in a newspaper in the municipality its proceedings and shall, in addition, publish quarterly statements of the revenue received and disbursements made by the commission.

Subd. 11. An annual audit of all books, acts and affairs of the commission shall be made by the state public examiner, and it shall be the duty of the commission within 30 days after the end of its fiscal period, to request the public examiner to make such audit.

Sec. 4. Reserve for replacement fund. It shall be the duty of the commission on or before the 20th day of each month to set aside into a reserve for replacement fund, a sum equal to not less than 10 per cent of the gross receipts collected by the commission during the preceding month. This reserve for replacement fund shall be used by the commission only for the purpose of replacing existing buildings, plants, systems, and stationary equipment and other fixed assets. No replacement of any of the foregoing from said fund shall be made if the cost of such replacement is less than \$2,000. The commission is hereby prohibited from using the reserve fund for any other purpose. Only buildings that are principally used and necessary in the operation or administration of water, light, power, gas and heating plants may be replaced from this reserve fund and other public buildings of the municipality shall not in any manner be replaced from said fund. The commission shall have authority to invest and it shall be the duty to invest the reserve fund and operating surpluses in amounts to be determined by the commission in such securities as permitted by the state board of investment or in certificates of indebtedness and duly authorized bonds of the village. All income earned by these securities shall belong to and become a part of the reserve fund. When the fund equals a total of 75 per cent of the replacement value of the fixed assets of the commission, it will no longer be necessary to add the monthly sum specified above. When this sum falls below 75 per cent of the replacement value of the fixed assets, the commission will thereupon renew the placing into the reserve fund of these monthly payments. The commission shall require any bank in which any of its funds are deposited to give bond as required of banks as depositories of municipal funds.

Sec. 5. Revenue anticipation certificates. The commission is hereby authorized to issue Revenue Anticipation Certificates to pay for expansions or improvements; and replace-

ments when the reserve for replacement fund is inadequate. Such certificates shall be payable solely and exclusively from future revenues derived from the sale of electricity, heat, steam, gas, water, and power, and provision shall be made for time and manner of payment thereof whenever any such certificates shall be issued. Revenue Anticipation Certificates for replacement of the existing system or any part thereof in excess of the sum of \$250,000 shall be issued only with the approval of the majority of the voters of the municipality voting upon the question of such issuance at any general or special village election. Revenue Anticipation Certificates for expansion of the existing system or any part thereof in excess of the sum of \$100,000 shall be issued only with the approval of the majority of the voters of the municipality voting upon the question of such issuance of any general or special village election. In computing the limitations herein before set out the amount of all outstanding unpaid certificates of the type proposed shall be added to the contemplated issue.

Sec. 6. **Limitation.** Nothing in this act shall be construed to limit or extend the powers of the village to levy, as provided by sections 457.09 to 457.11 or be in lieu of such levies, nor shall be construed to limit or extend the powers or limitations with respect to levies for or expenditures from other funds by the village or commission for the operation of the water and light department, or for replacements, additions, or extensions to such system from such funds. Nothing in this act shall be construed to limit the power of the village to make levies in excess of the present per capita limitations for indebtedness existing prior to January 1, 1929, as provided by sections 275.11 and 275.17 to 275.21.

Approved April 14, 1949.

CHAPTER 423—H. F. No. 1335

An act relating to salaries of county commissioners in certain counties; and amending Minnesota Statutes 1945, Section 375.055, as amended by Laws 1947, Chapter 259.

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

Section 1. Minnesota Statutes 1945, Section 375.055, is amended to read: