

been repaid to the Revenue Fund for the purpose of reimbursing said Revenue Fund for monies unlawfully expended from the Revenue Fund in collecting and enforcing payment of license and taxes for the Trunk Highway Sinking Fund as provided by Article 16 of the Constitution of Minnesota.

Sec. 2. This Act shall be in force from and after its passage.

Approved March 27, 1933.

CHAPTER 111—S. F. No. 95

An act enlarging the powers of the Water, Light, Power, and Building Commission in villages having a population of more than 10,000.

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

Section 1. **Powers of water, light, power and building commission enlarged in certain cases.**—In all villages in this State having now, or hereafter having, a population of 10,000 inhabitants and in which there is existing at the present time a water, light, power, and building commission, pursuant to Chapter 412 of the Laws of 1907, the said commission, in addition to the general duties and powers as outlined in said Chapter 412, Laws of 1907, as amended, shall have and possess the additional powers and duties set forth in this Act.

Sec. 2. **Commission to collect funds.**—It shall be the duty of the said commission, and it is hereby empowered to collect water, light, heat, power, gas, and rent charges from patrons including the Village, and pay the same into a fund to be known and designated as "Water and Light Fund." The said commission shall have exclusive control of the said fund and of all collections made by the said commission. It shall be the duty of the commission to have full, absolute, and exclusive control of the operation and management of the water, light, power, gas, and heating plants in said Villages and to pay for the operation thereof out of the said "Water and Light Fund." The said commission shall, out of the said "Water and Light Fund," purchase all necessary material and employ all necessary help in the general management, operation, and conduct of its business, including extensions and additions to systems provided, that this shall not restrict or extend the powers of the village and commission to provide replacements, additions or extensions to these systems from other funds.

Sec. 3. **To create reserve fund.**—It shall be the duty of the said commission, on the first day of each month, commencing

November 1st, 1933, to set aside into a "Reserve Fund" a sum equal to one-twelfth of not less than two per cent of the replacement value of the fixed assets, which sum shall, in any event, be equal to ten per cent of the gross receipts collected by the said commission during the preceding month. Said "Reserve Fund" shall be used by said commission only for the purpose of replacing existing buildings, plants, systems, and stationary equipment for which the reserve is established. The said commission is hereby prohibited from using any such "Reserve Fund" for any other purpose.

Provided, however, the fixed assets of the commission for the purpose of this section shall not include buildings used by other departments of the village, and no reserve shall be created for the replacement of any such buildings. Only such buildings as are principally used and necessary in the operation or administration of water, light, power, gas, and heating plants may be replaced from said reserve fund, and no revenue received from the operation thereof may be used for the maintenance of any other buildings of the Village.

The commission shall have authority to invest, and it shall 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 investments of the State of Minnesota or in certificates of indebtedness and duly authorized bonds of said village. All income earned by such securities shall belong to and become a part of the "Reserve Fund." When such fund equals a total of seventy-five 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 such sum falls below the seventy-five per cent of the replacement value of the fixed assets, the commission will thereupon renew the placing into such "Reserve Fund" the monthly payments specified above. The commission shall require any bank in which any of its funds are deposited, to give Bond as required of banks acting as depositories of municipal funds.

Sec. 4. Not to limit or extend powers of taxation.—Nothing in this act shall be construed to limit or extend the powers of the village to levy as provided by Mason's Minnesota Statutes of 1927, Sections 1245 to 1247 inclusive, or to 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. Provided, further, that 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 Chapter 206 and Chapter 208, General Laws of Minnesota for 1929.

Sec. 5. **Effective October 1, 1933.**—This Act shall take effect commencing October 1, 1933.

Approved March 27, 1933.

CHAPTER 112—S. F. No. 444

An act to exclude certain lands from the bed of that part of Lake Minnetonka known as Grays Bay, in Hennepin County, Minnesota, and to relinquish any right of the State of Minnesota thereto.

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

Section 1. **Certain lands excluded from lake bed.**—That certain tract or parcel of land, lying and being in the County of Hennepin, State of Minnesota, which is described according to the plat thereof on file in the office of the Register of Deeds of said County as follows, to-wit:

All that part or parcel of land which may be now or hereafter termed accretions to Lots 1 to 12 inclusive, Block 5, Rearrangement of Blocks in Wayzata Heights, and Lot 11, Block 5, Wayzata Heights, described as follows: Beginning at a point in the Easterly line of Birch Street 92 feet Southerly from the Northwesterly corner of Block 5, said rearrangement of Blocks in Wayzata Heights; thence South 10 degrees 54 minutes West along said Easterly line of Birch Street produced 68.5 feet; thence South 53 degrees 25 minutes East 75 feet; thence south 66 degrees 19 minutes East 100 feet; thence South 78 degrees 26 minutes East 50 feet; thence South 75 degrees 46 minutes East 80 feet; thence South 63 degrees 09 minutes East 45 feet; thence South 43 degrees 54 minutes East 38 feet; thence south 20 degrees 25 minutes West 180 feet; thence South 41 degrees 21 minutes West 25 feet; thence South 89 degrees 25 minutes West 20 feet; thence north 63 degrees 30 minutes West 85 feet; thence North 48 degrees 01 minute West 68 feet; thence North 39 degrees 41 minutes West 100 feet; thence North 33 degrees 31 minutes West 140 feet; thence North 8 degrees 02 minutes West 50 feet; thence North 7 degrees 45 minutes East 97.6 feet; thence South 79 degrees 06 minutes East 30 feet to point of beginning, is hereby declared to be private land, and the said described subdivision, now platted and known as Banta's Point, is hereby excluded from the bed of that part of Lake Minnetonka known as Grays Bay, as established by the United State Government Survey thereof.