

CHAPTER 108—S. F. No. 413.

An act to amend Chapter 122, Session Laws of Minnesota 1917, as amended by Chapter 25, Extra Session Laws of Minnesota 1919, authorizing and empowering any city having a population of not more than 10,000 inhabitants, or any village having a population of not more than ten thousand inhabitants, whether organized under General or Special Laws, to provide for a heating plant, the same to be of municipal or private ownership.

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

Section 1. **Cities of less than 10,000 and all villages authorized to provide for municipal or privately owned heating plants.**—That Section 1 of chapter 122, Session Laws of Minnesota 1917, as amended by chapter 25, Extra Session Laws of Minnesota 1919, be and the same hereby is amended so as to read as follows :

“Section 1. Any city of this state having a population of not more than 10,000 inhabitants, *or any village in this state*, is hereby authorized and empowered :

(a) To grant to any person, persons, company or corporation, the right of the use of the streets, alleys and other public grounds of such city *or village* for the erection, operation and maintenance of any heating system to furnish heat to the inhabitants of such city *or village*, the same to be on such terms and subject to such conditions as the governing body of such city *or village* shall determine, including therein the right to sell to such person, persons, company or corporation, at a profit to such city *or village*, any steam generated or water heated by any plant owned and operated by such city *or village*, and to make contracts and arrangements for the furnishing of heat to the inhabitants of such city *or village* thereby, and for the regulation and control of such heating system.

(b) To grant to any person, persons, company or corporation the right of the use of the streets, alleys, and other public grounds of such city *or village* for the installation, without any expense to such city *or village* of pipes, conduits, and other equipment necessary and incidental to the construction, operation and maintenance of a heating system to furnish heat to the inhabitants of such city *or village*, the same to be on such terms and subject to such conditions as the governing body of such city *or village* shall determine, including the right to make all necessary and incidental contracts and arrangements for the furnishing of heat to the inhabitants of such city *or village*, at a profit to such city *or village*, from any steam generated or water heated by any plant owned and operated by such city *or village*, including the right to acquire, own, operate and enlarge the heating system after the same shall have been installed, and including the right to issue certificates of indebtedness of such city *or village* payable in heat to be sold by such city *or village*; any such city *or village* in which there is *now* in operation, or in which there

may be hereafter in operation a municipal electric light and water plant, or either, may agree with any such service company which the city *or village* may authorize to furnish steam or hot water heat to its inhabitants, to supply from such municipal plant to such company, upon such terms as may be mutually agreed upon between the city *or village* and the company, the necessary steam or hot water or both to be supplied to the patrons of the company, and by such agreement may provide for joint approval of plans, joint supervision of construction and ascertainment and determination at the time of completion of the cost of the company's plant, and by such agreement may fix and establish the rates to be charged to the company's patrons for the heat supplied, the charges to be billed to and collected from the consumer either by the city *or village* or the service company, as agreed upon, the revenue received therefrom to be apportioned and divided between the city *or village* and the company upon such reasonable and proper basis of division as they may agree upon with appropriate provision for the purchase of the company's plant by the city *or village* at cost, plus reasonable interest thereon, and the payment therefor from the moneys received and accumulated by the city *or village* as its share of the derived revenues.

(c) Any such city *or village* in which there is already constructed, or in which there may be hereafter constructed any such heating system not owned by the city *or village* is authorized to acquire such existing heating system by purchase at such price not exceeding its fair value and on such terms as may be agreed on between such city *or village* and the owners of such system, and in order to provide the funds for such purchase the city *or village* council or other governing body, by whatever name denominated, is hereby authorized to issue and sell the bonds of such city *or village* to such an amount as may in its judgment be necessary for the purpose, said bonds shall be in such form and denomination, shall bear such rate of interest not exceeding six per cent per annum, payable semi-annually, and shall become due and payable at such time or times, not more than twenty years from their date, all as the city *or village* council or other governing body shall determine. Said bonds shall be signed by the mayor, and countersigned by the clerk if issued by such a city, and shall be signed by the president of the village council and countersigned by the clerk or recorder, if issued by any such village, and shall be sold for not less than par and accrued interest.

Sec. 2. Not to be considered as a limitation on present indebtedness.—That section 2 of chapter 122, Session Laws of Minnesota 1917, as amended by chapter 25, Extra Session Laws of Minnesota 1919, be and the same hereby is amended so as to read as follows:

"Sec. 2. The obligations incurred by any such city *or village* in the making of such contracts and arrangements shall not be considered as a part of its indebtedness under the provisions of its gov-

erning charter or of any law of this state fixing the limit of indebtedness for such city *or village*. The powers conferred by this act are additional to all other powers conferred by law, and the amount of any bonds issued hereunder at any time outstanding shall not be included in determining any such city's *or village's* net indebtedness under the provisions of its charter, or of any other applicable law."

Sec. 3. **Application.**—That section 3 of chapter 25, Extra Session Laws of Minnesota 1919, be and the same hereby is amended so as to read as follows:

"Sec. 3. This act shall apply to all cities of the indicated class whether organized under general or special laws, including those operating under home rule charters and to all villages having a population of not more than 10,000 inhabitants, whether organized under general or special laws.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 22, 1921.

CHAPTER 109—S. F. No. 394.

An act to amend Paragraph 6, Section 2, and Section 3, Chapter 341, Session Laws of 1919, relating to state fishing operations.

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

Section 1. **Game and fish commissioner authorized to remove fish under certain conditions.**—That paragraph 6, section 2, Chapter 341, session laws of 1919, be amended so as to read as follows:

"(6) That such waters are not suitable for taking fish by angling: Then, and in such case he may provide, by contract, or by day labor under his supervision or both, for the taking and removal of a portion of any fish therein by means of nets, by any other devices not deemed by him to be inconsistent with fish propagation, provided the commissioner shall not conduct said operations in any waters of this state where commercial fishing is being carried on by persons duly licensed by him. Provided that no fish, *except carp, buffalo-fish, sheephead, tullibeas, bullheads, dogfish, burbot, suckers, and goldeyes*, shall be taken under the provisions of this act from any lake of less area than two hundred square miles."

Sec. 2. **Surplus sold—Proceeds to revolving fund.**—That Section 3, Chapter 341, session laws of 1919, be amended so as to read as follows: °

"Section 3. Fish so taken and removed shall be sold by the commissioner at not more than the prevailing market price, and the proceeds of such sales shall be paid by the commissioner into the State treasury and by the treasurer credited to the revolving fund aforesaid. Fish so taken and sold shall not be shipped to points without