

1 as amended by Extra Session Laws 1955, Chapter 1, Section 128.082, Subdivisions 2, 3, 4, and 9 are repealed.

Approved April 29, 1957.

CHAPTER 938—H. F. No. 2041

[Not Coded]

An act authorizing any county and any city of the first class within the limits of such county, which county and city operate and maintain jointly a board of public welfare or county welfare board, the costs of which are borne jointly by said county and city, and under the jurisdiction of which board public hospitals are maintained and controlled, to acquire land for, erect, equip and furnish a hospital and nurses' home to be maintained and operated jointly by such county and such city; providing that the cost and expense thereof shall be borne in the following proportions: 72½ percent thereof by such county and 27½ percent thereof by such city; authorizing such county to issue bonds to defray its share of the expense thereof in an amount not to exceed \$11,600,000 without submitting the issuance thereof to a vote of the people; authorizing such city to issue bonds to defray its share of the expense thereof in an amount not to exceed \$4,400,000 without submitting the issuance thereof to a vote of the people; providing for the creation of a hospital facility building commission and prescribing the method of selection of site, erection, acquiring, equipping and furnishing of such hospital and nurses' home; authorizing the application for the receiving of assistance from the United States of America or any agency thereof, or the state of Minnesota or any agency thereof, to aid in such construction; providing for the maintenance and operation of such hospital and nurses' home by the board of public welfare or county welfare board of such county and such city; and providing for a referendum thereon upon the filing with the county auditor, within fifteen days of the passage of this act, petition or petitions signed by 25 percent of the total qualified voters in said county demanding that such referendum be held.

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

Section 1. **Ramsey county and city of St. Paul, joint hospital facilities.** Any county in the state and any city of the first class within the limits of such county, and which county and city operate and maintain jointly a board of public welfare or county welfare board, the costs of which are borne jointly by such county and such city, and under

the jurisdiction of which board public hospitals are maintained and controlled, may acquire land for, erect, equip and furnish a hospital and nurses' home, said facilities to be maintained and operated jointly by such county and such city.

Sec. 2. Division of costs between county and city. The cost and expense of acquiring land for, erecting, equipping and furnishing such hospital and nurses' home shall be borne by such county and such city in the following proportion: the county shall pay $72\frac{1}{2}$ percent of such cost and expense, and the city shall pay $27\frac{1}{2}$ percent of such cost and expense.

Sec. 3. Bonds, issuance by county. The county shall have the power to borrow, for the purposes defined in this act, a sum not to exceed \$11,600,000, or so much thereof as the board of county commissioners of said county may deem necessary, to defray the county's share of the cost and expense of the acquisition of land for, the erection, equipping and furnishing of said hospital and nurses' home. For the purposes aforesaid, the board of county commissioners of any such county is hereby given the power and authority to issue and sell, from time to time and without submitting the question of the issuance of the same to a vote of the people, the bonds of said county in the sum and amount of \$11,600,000, or such part thereof as shall be deemed necessary, the proceeds of the sale of such bonds to be used for the purposes specified herein, and to secure the payment of such bonds by pledging the full faith and credit of the county therefor. Such bonds shall be in such form and bear interest at such rate as the said county may prescribe and shall be sold by such county through its board of county commissioners to the highest bidder therefor, after notice of the time and the place for the receiving of the bids has been published according to law. Said bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than thirty years from their date. The proceeds received from the sale of such bonds shall be deposited by the county in a fund to be designated as hospital facility fund, and the moneys shall be disbursed therefrom for the purposes aforesaid in the same manner as other funds of the county are disbursed, but only for the purposes herein expressed, and according to such other procedural requirements in reference thereto as are set out specifically in this act.

Sec. 4. Tax levy for payment of bonds. Any such county shall have the power to levy annually upon all taxable property in the county, without limitation as to rate or amount, such ad valorem tax as may be necessary to provide for the

payment of the interest on such bonds as the same accrues and the payment of the principal thereof in full at maturity. The levy of such tax for such purpose is hereby made the duty of the board of county commissioners of such county. The powers granted to said county to levy taxes for the payment of the principal and interest of such bonds shall be in addition to all other taxing powers of the said county, and shall exist independently of any restrictions upon the power of such county to levy taxes for other purposes.

Sec. 5. May use other funds. Any county authorized to proceed under this act is authorized to use any moneys in the county treasury, not set aside for other purposes, to carry out the purposes of this act. If moneys in the said treasury are insufficient, and if sufficient moneys cannot be secured under statutes permitting any such county to levy a tax for general revenue purposes, the board of county commissioners may levy an additional tax for the purpose of this act.

Sec. 6. Bonds, issuance by city. Any such city of the first class shall have the power to borrow, for the purposes defined in this act, a sum not to exceed \$4,400,000, or so much thereof as the governing body of such city may deem necessary, to defray its share of the expense of the acquisition of land, the erection, equipping and furnishing of said hospital and nurses' home. For the purposes aforesaid, the governing body of any such city is hereby given the power and authority to issue and sell, from time to time and without submitting the question of the issuance of the same to a vote of the people, the bonds of said city in the sum and amount of \$4,400,000, or such part thereof as shall be deemed necessary, the proceeds of the sale of such bonds to be used for the purposes specified herein, and to secure the payment of such bonds by pledging the full faith and credit of the city therefor. Such bonds shall be in such form and bear interest at such rate as the said city may prescribe and shall be sold by such city through its governing body to the highest bidder therefor, after notice of the time and the place for the receiving of the bids has been published according to law. Said bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than thirty years from their date. The proceeds received from the sale of such bonds shall be deposited by the city in a fund to be designated as hospital facility fund, and the moneys shall be disbursed therefrom for the purposes aforesaid in the same manner as other funds of the city are disbursed, but only for the purposes herein expressed, and according to such other procedural requirements in reference

thereto as are set out specifically in this act. Any such bonds issued by such city shall not be included in computing the net indebtedness of such city under any applicable law or charter.

Sec. 7. Tax levy by city for payment of bonds. Any such city shall have the power to levy annually upon all the taxable property in such city, without limitation as to rate or amount, such ad valorem tax as may be necessary to provide for the payment of the interest on such bonds as the same accrues and the payment of the principal thereof in full at maturity. The levy of such tax for such purpose is hereby made the duty of the governing body of such city. The powers granted to such city to levy taxes for the payment of the principal and interest of such bonds shall be in addition to all other taxing powers of such city, and shall exist independently of any restrictions upon the power of such city to levy taxes for other purposes.

Sec. 8. County auditor, duties. If such board of county commissioners or the governing body of any such city shall fail to make provision in their annual tax levies for the payment and redemption of said bonds with the interest thereon as the same become due and payable, the county auditor of any such county shall add to the amount of taxes to be raised by any such county or city an amount sufficient to provide for the payment and redemption of any such bonds with interest due thereon.

Sec. 9. Hospital facilities building commission. As soon as it is practicable, after such county and such city, by formal action of their governing bodies, determine that it is in the public interest to proceed to initiate, effectuate and carry out the purposes of this act, there shall be appointed a "hospital facility building commission" consisting of nine members who shall be appointed as follows: Two members from the governing body of any such city as described herein to be chosen by such governing body; two members from the board of county commissioners of any such county to be chosen by such board; and five citizen members to be chosen by the members of the state senate and house of representatives, who represent any such county in the Minnesota state legislature which appointments shall be made by the senators and representatives acting jointly.

Sec. 10. Advisory board to assist commission. There shall also be appointed, to serve in an advisory capacity only to such hospital facility building commission, one member of the Minnesota state senate who represents such county in the senate and one member of the Minnesota house of representatives who represents such county in the house of represen-

tatives. If such county is represented in the Minnesota legislature by only one senator and one representative, these members of the legislature shall serve on such commission. If the county is represented by more than one senator and more than one representative in the legislature, the members of that county's Minnesota senate delegation representing such county shall choose and appoint such senator so to serve, and the members of the house delegation representing such county shall choose and appoint such representative so to serve. Such appointed senator and representative, serving on such commission, shall serve only in a consultant and advisory capacity, and shall receive no pay nor emoluments of any kind for such service.

Sec. 11. Membership of commission, appointment. No more than two members of said hospital facility commission shall be at any one time members of the board of county commissioners of said county, and no more than two of such members shall be at any one time members of the governing body of said city, and in the event that any person appointed a member of said commission, who was not at the time of his appointment a member of either the governing body of the city or board of county commissioners, and shall subsequently become a member of either said governing body of said city or the board, he shall thereupon cease to be a member of said hospital facility commission.

Immediately after the appointment of said commission, the persons appointed as members thereof shall indicate their acceptance of their appointment in writing, filed with the county auditor of such county.

In case any person appointed as a member of said commission shall fail so to file his written acceptance of such appointment within twenty days after such appointment, or in case any member shall die, resign, or be removed from office, or in case any of the members of said commission who were appointed from the membership of the governing body of the city or the board of county commissioners shall cease to be members of said governing body or board, their successors shall be appointed in the manner and by the same persons as originally appointed such member.

Immediately upon the expiration of the twenty days following the appointment of the members of such commission, or prior thereto, upon the filing of such acceptance by all those appointed as members thereof, the chairman of the board of county commissioners shall call a meeting of such commission and shall preside at the said first meeting. At such meeting,

the commission shall select from its own members a chairman, and such other officers as the commission may deem necessary.

Sec. 12. Commission to select plans. The commission, as soon as practicable after its formation, shall proceed to select and propose a plan or plans for a joint hospital facility, and if needed and deemed necessary by the commission, the location of land not now owned by city or county, the acquisition of which would be necessary for the erection of such joint hospital facility, in such plan or plans. When the said commission has formulated and proposed a plan or plans to effectuate the purposes of this act, said plan or plans shall be presented to the governing body of the city and the board of county commissioners for their ratification. Such plan or plans may include the use of any land or facilities now put to use separately by the city or county, or any land or facilities now used jointly by county and city for purposes similar to a hospital facility, and such plan may include the use of such land or facilities in combination, the addition thereto and subtraction therefrom, or the building of a complete new joint hospital facility on land either now owned by city or county, or land to be acquired for new building purposes by said commission, and ratified by the county and the city.

Sec. 13. Plans to be ratified by governing body, selection of site. If the plan or plans for such hospital facility as formulated by the commission and ratified by the governing body of the city and the board of county commissioners contemplates the acquisition of new lands and the building thereon of such hospital facility, the commission, as soon as the governing body of the city and the board have ratified such hospital facility building plan, shall proceed to select a site or sites for such hospital facility and may contract with the owners thereof for the acquisition of such site or sites by gift or purchase, which contract or contracts shall be subject to ratification by the governing body of the city and board of county commissioners. As soon as practicable after the ratification of site or sites made by the governing body of the city and board of county commissioners, the commission shall report to said governing body of the city and the board describing the property selected as a site for a new joint hospital facility, and the price at which the properties can be acquired. Upon the filing of the report, the board of county commissioners and the governing body of the city shall consider it, and may either reject the same or ratify the action taken by the commission. If the report of the commission is rejected by either or both the governing body of the city and the board, the matter shall be resubmitted to the commission for further action. In the event that the governing body of the city and the board shall

approve the site or sites selected by the commission, but shall not approve the price at which the site or sites can be acquired, the governing body of the city and the board shall thereupon proceed to acquire the property by the exercise of eminent domain. The proceedings in eminent domain for the acquisition of any such property may be instituted and carried to completion in the name of either the county or the city, as may be determined by the governing body of the city and the board of county commissioners, and may be instituted and completed either under the laws governing the condemnation of land by counties or under the provision of the charter of such city relating to the acquisition of land by eminent domain or under the laws of the state relating to the acquisition by cities of land by eminent domain.

Sec. 14. Plans and specifications. After the plan or plans as referred to in sections 12 and 13 have been ratified by the governing body of the city and the board of county commissioners, the commission shall cause to be prepared plans and specifications for such hospital facility, and may employ architects, engineers, draftsmen, and such clerical help as may be deemed necessary for the preparation of such plans and specifications. The compensation of such employees shall be fixed by the commission, subject to said governing body of the city and the board approval, and shall be paid from and out of the hospital facility funds as defined in section 3 and section 6, upon presentation of statements therefor, certified to be correct by action of the commission. All such contracts and employments shall be subject to approval by the governing body of the city and the board of county commissioners. Upon the completion of the plans and specifications for the said hospital facility, the commission shall submit the same to the governing body of the city and to the board of county commissioners for approval. The governing body of the city and the board shall thereupon approve the proposed plans and specifications or reject them and resubmit them to the commission for further consideration. When the plans and specifications are satisfactory to both the governing body of the city and the board of county commissioners, each of these bodies shall thereupon pass a resolution authorizing and instructing the commission to proceed with the work of the construction and erection of the hospital facility.

Sec. 15. Approval of plans, bids for construction. Upon the completion of the plans and specifications and upon their approval and adoption by the governing body of the city and the board of county commissioners, the commission shall proceed to advertise for bids or proposals for all or any portion of the work or materials, or both, to be done, performed or

furnished in the construction of the joint hospital facility. The advertisements for bids or proposals shall be published in the official newspaper of the city and the county, if there be one, and if not, in any newspaper published in such county, to be selected by the commission, and shall be published for such length of time as the commission may determine. All bids or proposals shall be sealed by the bidders or proposers, and shall be filed with the commission at or before the time specified in such advertising for the opening of bids or proposals. At the time and place specified in the advertisement for the opening of bids or proposals, the commission shall meet, open the bids or proposals, tabulate the same, and shall thereupon award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable to the city and the county, or reject all bids and proposals. In the event of the rejection of all bids and proposals, the commission may re-advertise for bids or proposals or may modify or change the plans and specifications and submit such modified plans and specifications to the governing body of the city and the board of county commissioners for approval, and when such modified or changed plans and specifications are satisfactory to both the governing body of the city and the board of county commissioners, the plans and specifications shall be returned to the commission, and the commission shall proceed again to advertise for bids or proposals in the manner hereinbefore provided. Any such contract awarded by the commission shall be subject to approval by the governing body of the city and the board of county commissioners.

Sec. 16. Bidders to deposit certified check. Each person, firm or corporation submitting bids or proposals in the manner provided by section 15 shall file with his bid or proposal a certified check in an amount prescribed in the specifications of the commission, the amount thereof to be retained as liquidated damages to the county and city in case of failure of the bidder to enter into a contract if he is awarded same.

All contracts shall be in writing and shall be made in the name of the county and the city proposing to erect such joint hospital facility, and shall be executed by the officers of the county and the city empowered by law or charter to execute contracts in behalf of the respective county and city. All persons who may be awarded contracts in connection with the erection of such hospital facility buildings shall be required to furnish bonds in the amount and in the form prescribed by the laws of the state relating to contracts for public improvements, and such bonds shall run to the county and the city erecting such buildings.

Sec. 17. Commission to supervise construction. The work of erecting, equipping and furnishing of any hospital facility or facilities as proposed by this act shall be conducted and completed under the direction or supervision of the commission, and the members thereof are charged with the duty of requiring the work to be done in strict accordance with the plans and specifications. The commission is hereby authorized to employ such architects, engineers, supervisors, inspectors, clerks and other employees as it may deem necessary or advisable to supervise and inspect the work and to assist in the performance of the duties of the commission, and the county and the city shall pay the compensation of such employees in the amounts fixed by the commission, subject to the approval of the board of county commissioners and the governing body of said city, upon the presentation of statements certified to be correct by the majority of the commission. Such employment shall, in all things, be specifically subject to the approval of the governing body of the city and the board of county commissioners in the manner provided by this act. Payment of such fees and expenses shall be made only from monies authorized by this act to be used for the purposes herein stated.

Sec. 18. Joint operation of facilities, apportionment of costs. The operation and management of the hospital facility or facilities erected and constructed under the provisions of this act shall be invested in the board of public welfare or county welfare board of such city and county, the appropriations to carry on the work of which are prorated between the said city and county under the provisions of Laws of the State of Minnesota for 1929, Chapter 371, as amended by Laws of the State of Minnesota for 1939, Chapter 178, as amended. When the said building is finally and completely erected according to the plans and specifications, to the approval of the said commission and the governing body of such city and the board of county commissioners of such county, the said hospital facility or facilities shall thereupon be turned over to such board of public welfare or county welfare board for the maintenance and operation of such as herein provided for.

Sec. 19. Powers of commission. The commission of any such city and county, created under this act, is hereby given full authority to do any and all things necessary for the application for and the receiving, from the state of Minnesota or the United States of America, or any agency of either the state or the federal government, of funds or appropriations allocated or granted by either the state or the federal government, to aid and assist in the acquisition of lands for

or the construction of such hospital facility or facilities as are contemplated by this act.

Sec. 20. Report to be filed with district court and city clerk. Upon the completion of the erection and the equipping of the joint hospital facility or facilities, the commission herein provided to be appointed, shall make and file with the district court of the county, the auditor of any such county, and the clerk of any city of the first class located in such county, a full report of its proceedings, setting forth in general terms the acts performed by such commission pursuant to this chapter, as well as the contracts which were let in the erection and the equipping of such hospital facility or facilities, and the balance, if any, remaining in the funds, obtained by the sale of bonds as herein provided. Any such balance remaining shall be placed to the credit of an initial maintenance fund devoted to operation and maintenance of such hospital. Upon the filing of such report, the commission shall thereupon be discharged by the governing body of the city and the board of county commissioners of any such county and the functions of such commission shall thereupon be deemed terminated.

Sec. 21. Bonds, Chapter 475, applicable. Except as otherwise provided in this act, the issuance of the bonds herein authorized by a city or county shall be governed by the provisions of Chapter 475 of Minnesota Statutes.

Sec. 22. Liberal Construction. This act shall be liberally construed to effectuate its purposes, and in the event any section or clause thereof shall be held invalid, the validity of the remaining parts of said act shall be in effect.

Sec. 23. Effective date. This act shall take effect and be in force fifteen (15) days after its passage.

Sec. 24. Referendum. The provisions contained, however, in section 23 shall not become operative if, within fifteen (15) days from and after the passage of this act, there shall be filed with the county auditor of any such county a petition or petitions, signed by not less than twenty-five (25%) percent of the qualified voters of such county requesting that a referendum be held to determine the question of the issuance of such bonds by such county and such city in the amount of and for the purposes designated in this act. Each of the signers on any such petition shall affix his signature and his permanent address to said petition in the presence of a notary public authorized to take the oath of such signer, and such signer shall swear that he is a resident of such county or of such city situated in such county and qualified to vote at a general election therein. Any such petition or petitions demanding a

reference of this act shall refer to the act by the chapter number thereof, its title, the date of its passage and shall state fully the subject matter of this act. If such petition or petitions containing not less than the minimum number of signatures as designated above, are filed and said signatures are genuine and the petition or petitions answer completely the requirements as set out in this section, the board of county commissioners of such county and the governing body of such city situated in such county shall fix a time for the holding of such referendum, which shall be not less than thirty (30) days and not more than one hundred and eighty (180) days after such petition or petitions are filed and the signatures thereon are found to be genuine and sufficient, by such board of county commissioners and governing body of such city, to answer the requirements set out herein, and such election shall be held at such time and at such places within such county and such city as the board of county commissioners of such county and the governing body of such city shall designate.

If the petition or petitions, referred to herein, are insufficient and do not comply with the requirements of such as set out in this section, and the board of county commissioners of any such county and the governing body of any such city shall so find, the said board and the said governing body by formal resolution shall declare their finding of the insufficiency of such petition or petitions to answer the requirements of such petition or petitions as provided in this section. Upon the passage of such resolution by such board of county commissioners and the governing body of such city, all sections of this act immediately preceding this section shall take effect and be in force and become operative immediately.

In submitting the question to the voters in said referendum, there shall be used two separate ballots, one for the voters registered and qualified to vote in such county and one for the voters registered and qualified to vote in such city. The ballots shall be in the following form:

COUNTY BALLOT

For the issuance of not to exceed \$11,600,000 of bonds of (name of county) and the expenditure of not to exceed such sum for the purpose of entering into a joint enterprise with (name of city) to acquire land for, erect, equip and furnish a hospital and nurses' home, according to the provisions of Laws of the State of Minnesota for 1957, Chapter _____ (Chapter Number of this Act to be here inserted), in which enterprise (name of city) shall

issue not to exceed \$4,400,000 of city bonds to join with (name of county) in such venture.

Yes

No

Voters desiring to vote in favor of such proposition shall place a cross in the square opposite the word, "yes."

Voters desiring to vote against such proposition shall place a cross in the square opposite the word, "no."

CITY BALLOT

For the issuance of not to exceed \$4,400,000 of bonds for (name of city) and the expenditure of not to exceed such sum for the purpose of entering into a joint enterprise with (name of county) to acquire land for, erect, equip and furnish a hospital and nurses' home, according to the provisions of Laws of the State of Minnesota for 1957, Chapter — (Chapter Number of this Act to be here inserted), in which enterprise (name of county) shall issue not to exceed \$11,600,000 of county bonds to join with (name of city) in such venture.

Yes

No

Voters desiring to vote in favor of such proposition shall place a cross in the square opposite the word, "yes."

Voters desiring to vote against such proposition shall place a cross in the square opposite the word, "no."

If a majority of the voters voting on the question submitted to the voters of such county and a majority of voters voting on the question submitted to the voters of such city shall vote in the affirmative, all sections of this act immediately preceding this section shall take effect and be in force immediately.

Approved April 29, 1957.
