

Approved April 11, 1975.

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**CHAPTER 34—S.F.No.702**

[Not Coded]

*An act relating to the city of Moorhead; authorizing the city to construct, maintain and operate a certain electric power transmission system; amending Laws 1955, Chapter 178, Section 1.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Laws 1955, Chapter 178, Section 1, is amended to read:

Section 1. **MOORHEAD, CITY OF; ELECTRIC POWER TRANSMISSION SYSTEM.** Any city of the third class having a population of more than 14,000 and less than 15,000 according to the 1950 federal census whose corporate limits abut the boundary line of another state—The city of Moorhead shall have power, acting in its proprietary capacity as a municipal corporation, to do any and all things necessary and required by the laws of this state, the laws of the adjoining state, or the laws of the United States, to permit it to construct, maintain and operate an electric power transmission system for the purpose of transmitting electrical energy from any source of public power under the control of the United States and located in the adjoining state to any point within its corporate limits.

Sec. 2. **EFFECTIVE DATE.** This act is effective upon approval by the governing body of the city of Moorhead, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 11, 1975.

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**CHAPTER 35—S.F.No.8**

[Not Coded]

*An act relating to all cities and towns in the counties of Marshall and Polk; authorizing a Warren hospital district formed in the counties of Marshall and Polk pursuant to Minnesota Statutes, Chapter 447, to exercise certain powers in addition to and in some cases in lieu of powers conferred by chapter 447; providing for the levy of taxes and issuance of bonds.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. **MARSHALL AND POLK COUNTIES; WARREN HOSPITAL DISTRICT; DEFINITIONS.** Subdivision 1. As used in this act,

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the words defined in this section have the meanings given them, unless a different meaning is clearly indicated by the context.

Subd. 2. "Board" means the hospital district board acting as the governing body of the district.

Subd. 3. "Debt service" means the amount due on obligations issued by the district to finance the acquisition, construction and equipment of the hospital facilities.

Subd. 4. "District" means any hospital district formed pursuant to Minnesota Statutes, Chapter 447, comprising all or parts of Marshall and Polk counties to operate a hospital in the city of Warren.

Subd. 5. "Hospital facilities" means those facilities operated by the board as a hospital.

Subd. 6. "Local government unit" means any city, statutory city or town which is located within the county of Polk or Marshall or both counties and which is included within the district pursuant to Minnesota Statutes, Chapter 447 and this act.

**Sec. 2. CITY OF WARREN; OPERATION OF HOSPITAL.** Notwithstanding any other statute, charter provision, ordinance or other provision of law to the contrary, the provisions of this act shall govern the operation of any district formed to operate a hospital in the city of Warren. With respect to matters on which this act is silent, the provisions of Minnesota Statutes, Chapter 447, and other general provisions of law shall apply to the extent they do not conflict with this act or Minnesota Statutes, Chapter 447.

**Sec. 3. SERVICE DISTRICTS. Subdivision 1. ESTABLISHMENT.** For the purposes of allocating costs of the acquisition and betterment of hospital facilities and levying ad valorem taxes to provide funds for the operation and maintenance of the hospital facilities, the board shall by resolution divide the district into a primary service district and two subordinate service districts, as provided by this section. The service districts may include lands which are not contiguous.

Subd. 2. **PRIMARY SERVICE DISTRICT.** The primary service district shall consist solely of the city of Warren.

Subd. 3. **SUBORDINATE SERVICE DISTRICTS.** The first subordinate service district shall include all territory within each local government unit, any part of which is within a certain distance of the nearest boundary of the primary service district. The board shall by resolution determine and set the distance. The second subordinate service district shall include all territory within all local government units of the district which are in neither the primary service district nor the first subordinate service district.

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**Sec. 4. ACQUISITION OF HOSPITAL FACILITIES; ALLOCATION OF DEBT SERVICE.** Subdivision 1. **DEBT SERVICE ALLOCATED.** Debt service to be paid by the board in each fiscal year shall be allocated by the board to the local government units as hereinafter provided in the budget for the year.

Subd. 2. **METHOD OF ALLOCATION.** The board shall allocate the costs of debt service to each local government unit in accordance with the formula set forth in section 7, subdivision 3.

Subd. 3. **PERMISSIVE DEFERMENT OF PAYMENTS.** The board may by resolution adopted by a two thirds vote of its members provide for the deferment of payment of all or part of costs of debt service which are allocated by the board to a local government unit in any budget year, repayable at such time or times as the board shall specify in the resolution with interest at the approximate average annual rate borne by bonds issued by the board and outstanding at the time of the deferment as determined by the board.

Subd. 4. **REALLOCATION OF DEFERRED PAYMENTS.** Payments deferred pursuant to subdivision 3 shall, to the extent necessary, be reallocated to and paid by local government units in a proportion the board deems equitable and in the best interests of the district. The adoption of a method of reallocation, or any revision thereof, shall be by the affirmative vote of at least two thirds of the members of the board. When deferred payments are repaid, they shall be applied in reduction of the total cost of debt service thereafter allocated to each of the local government units to which deferred payments were reallocated in the year of deferment in the same proportion as deferred payments were reallocated.

**Sec. 5. GOVERNMENT UNITS; PAYMENTS TO BOARD.** Subdivision 1. **OBLIGATIONS OF GOVERNMENT UNITS TO THE BOARD.** Each local government unit shall pay to the board all sums charged to it as provided in section 4, at the times and in the manner determined by the board. The governing body of each local government unit shall take all action that may be necessary to provide the funds required for payments and to make the payments when due.

Subd. 2. **AMOUNTS DUE BOARD; WHEN PAYABLE.** Charges payable to the board by local government units may be made payable at such times during each year as the board determines, after the board has taken into account the interest and principal payment dates on obligations issued by the board and the dates on which taxes, revenue collections and other funds become available to the local government units required to pay the charges.

Subd. 3. **GENERAL POWERS OF GOVERNMENT UNITS; LOCAL TAX LEVIES.** *To accomplish any duty imposed on it by the board, the governing body of every local government unit may, in addition to the powers granted in this act and in any other law or charter, exercise the*

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powers granted any municipality or hospital district by Minnesota Statutes, Chapters 117, 412, 475 and Sections 447.45 to 447.50 and 471.59 with respect to the area of the local government unit, including the authority to levy taxes on all taxable property within the local government unit to pay all or a part of the amounts payable to the board as determined pursuant to section 4.

**Subd. 4. DEFICIENCY TAX LEVIES.** If the local government unit fails to make any payment to the board when due, the board may certify to the auditor of the county in which the local government unit is located the amount required for payment of the amount with interest at not more than the maximum rate per annum authorized at that time on assessments pursuant to Minnesota Statutes, Section 429.061, Subdivision 2. The auditor shall levy and extend the amount as a tax upon all taxable property in the local government unit for the next calendar year, free from any limitation imposed by law or charter. The tax shall be collected in the same manner as other general taxes of the local government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the treasurer of the board and credited to the local government unit for which the tax was levied.

**Subd. 5. LEVIES CONSIDERED SPECIAL LEVIES.** Any ad valorem taxes levied pursuant to subdivisions 3 or 4 shall be considered special levies within the meaning of Minnesota Statutes, Section 275.50, Subdivision 5, and the levy shall not cause the amount of other taxes, levied or to be levied by the local government unit, which are subject to any limitation as to rate or amount, to be reduced in any amount whatsoever.

**Sec. 6. GENERAL OBLIGATION BONDS.** The board may by resolution authorize the issuance of general obligation bonds, maturing in one or more annual or semiannual installments, for the acquisition or betterment of any part of the district hospital facilities, including but without limitation the payment of interest during construction and for a reasonable period thereafter, or for the refunding of outstanding bonds, or judgments. The board shall pledge its full faith and credit and taxing power for the payment of the bonds and shall provide for the issuance and sale and for the security of the bonds in the manner provided in Minnesota Statutes, Chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that the debt limitations of Minnesota Statutes, Chapter 475, shall not apply to the bonds. The board may also pledge for the payment of the bonds and deduct from the amount of any tax levy required under Minnesota Statutes, Section 475.61, Subdivision 1, any sums receivable under section 5 of this act or any state and federal grants anticipated by the board, and may covenant to refund the bonds if and when and to the extent that, for any reason, the revenues, together with other funds properly available and appropriated for that purpose, are not sufficient to pay all principal and interest due or about to become due thereon.

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**Sec. 7. TAX LEVIES. Subdivision 1. PAYMENT OF BONDS.** The board may levy taxes for the payment of bonds authorized in section 6 upon all taxable property within the district without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the board for other purposes or by any local government unit in the district. No other provision of law relating to debt limit shall restrict or in any way limit the power of the board to issue the bonds authorized in section 6. The board shall also have power to levy taxes as provided in section 5, subdivision 4. The county auditor shall annually assess and extend upon the tax rolls against taxable property included within the district in his county the portion of the taxes levied by the board in each year as certified to him by the board. The county treasurer shall collect and make settlement of the taxes with the treasurer of the board.

**Subd. 2. OPERATION AND MAINTENANCE COSTS.** The board may levy taxes for the costs of administration, operation and maintenance of the hospital facilities in the manner prescribed in this section.

**Subd. 3. TAX LEVY AND ALLOCATION FORMULA.** In levying pursuant to section 7, subdivision 2, and in allocating costs of debt service pursuant to section 4, the board shall apply the following formula:

(a) The primary service district is presumed to receive 100 percent benefit.

(b) The board shall determine the benefit received by the subordinate districts expressed as a percentage.

(c) The percentage in each subordinate district shall be multiplied by the assessed value of the taxable property in each subordinate district.

(d) The product of the multiplications shall be added to 100 percent of the assessed value of the taxable property in the primary service district.

(e) The sum of the addition shall be divided into the dollar amount of the hospital board's levy or costs of debt service for the year.

(f) The quotient of the division shall be multiplied by 100 percent of the assessed value of the taxable property in the primary service district, and in the case of a tax levy the resulting product shall be levied against that property.

(g) In each of the subordinate districts, the quotient of the division shall be multiplied by the product of clause (c).

(h) In the case of a tax levy, the dollar amount of the product of each of the calculations pursuant to clause (g) shall be levied against

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the entire assessed value of the taxable property in the particular subordinate district.

(i) In the case of allocation of costs of debt service, the assessed value of the taxable property in each service district shall be divided into the assessed value of each local government unit in the service district, and that quotient shall be multiplied by the product of clause (g) to determine the cost allocated to each local government unit.

Sec. 8. **COUNTY AUDITOR.** A certified copy of each resolution, amendment or order adopted pursuant to this act shall be filed with the county auditors of Marshall and Polk counties before it becomes effective.

Sec. 9. **POWERS ADDITIONAL AND SUPPLEMENTAL.** The powers conferred by sections 1 to 9 shall be in addition and supplemental to the powers conferred by any other law or charter. Insofar as the provisions of any other law or charter are inconsistent herewith, the provisions of sections 1 to 9 shall be controlling as to matters covered by sections 1 to 9.

Sec. 10. **AFFECTED LOCAL GOVERNMENT UNITS.** Local government units in the counties of Marshall and Polk are affected by this act. Local consent shall not be required.

Sec. 11. **EFFECTIVE DATE.** This act is effective on the day following final enactment.

Approved April 17, 1975.

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**CHAPTER 36—S.F.No.186**

[Not Coded]

*An act relating to the fire department relief association of the city of Grand Rapids; amending Laws 1971, Chapter 233, Section 1.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Laws 1971, Chapter 233, Section 1, is amended to read:

Section 1. **GRAND RAPIDS, CITY OF; FIRE DEPARTMENT RELIEF ASSOCIATION.** The fire department relief association of the ~~village-city~~ city of Grand Rapids may provide in its certificate of incorporation or bylaws for a lump sum service pension in an amount which does not exceed ~~\$500~~ \$700 per year of service where the retiring member qualifies for a monthly service pension under Minnesota Statutes, Section 69.06, notwithstanding the limitation imposed by ~~such~~ section 69.06. ~~The amount of benefit provided to a retiring fireman shall be de-~~

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