

Welfare, Recreation

CHAPTER 447

HOSPITALS, WELFARE ACTIVITIES

Sec.	
447.04	Charity bureau
447.045	Liquor dispensary fund, community hospital
447.05	Hospitals in certain cities
447.06	Acquisition of sites and property
447.07	Rules
447.08	Hospital boards may execute mortgages in certain cases
447.09	Limitation
447.10	Tax levy for operating and maintaining hospital
447.11	Special fund
447.12	Application
447.13	Power granted additional to existing powers
447.14	Gifts and devises in trust for free medical dispensaries and free public libraries
447.15	Administration of trust; designation of trustees

Sec.	
447.16	Application
447.17	Directors of trusts created
447.18	Trustees; terms
447.19	Powers and duties
447.191	Securities, investment of proceeds of sale
447.20	City treasurer to be custodian
447.21	Directors to receive no compensation
447.22	Application
447.23	Acquisition of lands for hospital
447.24	Contagious hospitals; bonds
447.25	Tax levy; sinking fund
447.26	Form of bonds
447.27	Use of proceeds
447.28	Limitations
447.29	Application

447.01-447.03 [Repealed, 1949 c 119 s 110]

447.04 CHARITY BUREAU. The council of any village now or hereafter having a population of more than 8,000, may establish and maintain a public charity bureau for the purpose of providing public charitable relief to the poor therein, and to assist ex-service men in securing hospitalization, sick relief, federal aid or benefits, and for the relief generally of such persons, and to defray the expense thereof.

[1933 c. 60 s. 1; 1935 c. 187] (1192-1)

447.045 LIQUOR DISPENSARY FUND, COMMUNITY HOSPITAL. Subdivision 1. The council of any city of the fourth class operating under a home rule charter and operating an off-sale municipal liquor dispensary may appropriate not to exceed \$125,000 from the liquor dispensary fund to any duly incorporated non-profit hospital association for the construction of a community hospital in such city governed by a board including two or more members of the city council and open to all residents of the city on equal terms. No such appropriation shall be made in any city where the average net earnings of the off-sale municipal liquor dispensary had not exceeded \$18,000 for the last five completed fiscal years preceding the date of such appropriation.

Subd. 2. If the voters of any village operating an on sale and off sale municipal liquor store, at a general or special election, vote in favor of contributing from its liquor dispensary fund toward the construction of a community hospital, the council thereof may appropriate not to exceed \$60,000 from its liquor dispensary fund to any duly incorporated non-profit hospital association for the construction of a community hospital in the village governed by a board including two or more members of the village council and open to all residents of the village on equal terms. This appropriation shall not exceed one half the total cost of construction of the hospital. No such appropriation shall be made in any village where the average net earnings of the on sale and off sale municipal liquor store have been less than \$10,000 for the last five completed fiscal years preceding the date of such appropriation.

Subd. 3. (a) If the voters of any village operating an off-sale, or an on and off-sale municipal liquor store at a general or special election vote in favor of contributing from the village liquor dispensary fund toward the construction, maintenance and operation of a community hospital, the council thereof may for a period of four years thereafter appropriate from its liquor dispensary fund to any duly incorporated non-profit hospital association not to exceed \$4,000 of the net profits or proceeds of the municipal liquor store in any one year for construction and

maintenance of any such hospital in such village; and not to exceed \$1,000 in any one year for the operation thereof; and the hospital shall be open to all residents of the community on equal terms.

(b) No such appropriation shall be made in any village where the average net earnings of the off-sale, or on and off-sale municipal liquor store have been less than \$8,000 for the last two completed years preceding the date of such appropriation.

Subd. 4. If the voters of any city of the fourth class operating under a home rule charter or otherwise, operating one or more municipal liquor stores, at a general or special election vote in favor of contributing from the profit in the city liquor dispensary fund toward the construction, equipping and maintenance of a community hospital within the limits of the city, the council thereof may appropriate not to exceed \$200,000 from profits in its liquor dispensary fund for the construction, equipping and maintenance of a community hospital in such city and open to all residents of the city on equal terms.

Certificates of indebtedness in anticipation of such profits may be issued by any such city payable only from profits from the operation of such store or stores.

Subd. 5. (a) The council of any village operating either an on sale or an off sale municipal liquor store, or both, may appropriate funds from the net earnings thereof, annually, not exceeding 50 percent thereof to any duly incorporated non-profit hospital association to aid in the maintenance and cost of operation of such hospital, provided such hospital is governed by a board of directors including two or more members of the village council, and the hospital grounds and buildings are owned by the municipality and leased to such hospital association, and provided the hospital is open to all residents of the village on equal terms.

(b) No such appropriation shall be made in any village where the average net earnings of the on sale, the off sale, or the on sale and off sale municipal liquor store have been less than \$8,000 for the last five completed fiscal years preceding the date of such appropriation.

Subd. 6. If the electors at any general or special election held in any city of the fourth class not operating under a home rule charter, which city operates a municipal liquor store, vote in favor of contributing from the city liquor dispensary fund an amount not to exceed \$15,000 per year for each of five years toward the construction and maintenance of a community hospital, the council may appropriate not to exceed said amount each year for not to exceed five years out of said fund and may pay the same to any incorporated community hospital association in the city.

Subd. 7. If the voters of any village operating an on sale, or an off sale, or an on sale and off sale municipal liquor store at a general or special election vote in favor of contributing from the village liquor dispensary fund toward the acquisition, construction, improvement, maintenance, and operation of a community hospital, the council may appropriate such sums of money as said council may from time to time determine out of the net profits or proceeds of the municipal liquor store to any incorporated non-profit hospital association in the village, governed by a board of directors elected by donors of \$50 or more, who shall each have one vote; and the hospital shall be open to all residents of the community on equal terms.

[1945 c 416 s 1; 1947 c 5 s 1; 1947 c 151 s 1; 1947 c 321 s 1; 1949 c 146 s 1, 2; 1949 c 214 s 1; 1949 c 382 s 1; 1949 c 480 s 1; 1949 c 531 s 1; 1951 c 424 s 1]

447.05 HOSPITALS IN CERTAIN CITIES. Any city in the state, whether operating under a home rule charter or otherwise, now or hereafter having more than 1,000, and not more than 20,000, inhabitants, in addition to all powers now possessed by it, is hereby authorized and empowered, acting by and through its council, by resolution or ordinance duly adopted or enacted by an affirmative vote of not less than two-thirds of all the members-elect of the council, to acquire by gift, devise, purchase, condemnation, or otherwise, and to establish, maintain, equip, improve, own, hold, and operate hospitals, hospital sites, and hospital grounds within the limits of the city.

[1927 c 292 s 1; 1945 c 102 s 1; 1949 c 119 s 111] (1372-8)

447.06 ACQUISITION OF SITES AND PROPERTY. Any city mentioned in section 447.05 may acquire by grant, gift, devise, purchase, condemnation, or otherwise, any property necessary, convenient, or desirable for the purpose of establishing, maintaining, equipping, improving, owning, and operating any hospital, hospital site, or hospital grounds within the limits of the city and such city is

hereby empowered to hold, own, and operate any hospital, hospital grounds and sites, and other real and personal property, heretofore transferred or conveyed to the city, by gift, devise, bequest, or otherwise for hospital purposes.

[1927 c 292 s 2; 1945 c 102 s 2; 1949 c 119 s 111] (1372-9)

447.07 RULES. The council of the city is hereby empowered to make such rules and regulations for the operation of such hospitals and to appoint such board to manage its hospital affairs and property, as it may deem necessary, proper, or expedient.

[1927 c 292 s 3; 1945 c 102 s 3; 1949 c 119 s 111] (1372-10)

447.08 HOSPITAL BOARDS MAY EXECUTE MORTGAGES IN CERTAIN CASES. In all cities of the fourth class where hospital boards have been created, either by home rule charter or legislative enactment, and where the city has obtained title to real estate, subject to a mortgage, by purchase, gift, or decree, such hospital boards are hereby authorized and empowered to enter into an agreement of extension of such mortgage or mortgages or to execute and deliver a new note and mortgage upon such premises for the purpose of refinancing the same, by and with the approval of the council of any such city; provided, that all funds so secured shall be employed exclusively in the payment of principal and interest on such original mortgage and prior liens if any, upon such real estate, including real estate taxes.

[1939 c. 196 s. 1] (1762-4)

447.09 LIMITATION. The lien of any such mortgage or mortgages so executed by such hospital board shall be limited to the premises therein described and in case of default the same may be foreclosed as provided by statute in case of other real estate mortgages, but otherwise the same shall not constitute a claim against such city.

[1939 c. 196 s. 2] (1762-5)

447.10 TAX LEVY FOR OPERATING AND MAINTAINING HOSPITAL. The governing body of any city of the first class in this state owning a hospital, is hereby authorized to annually levy and collect a tax not to exceed one mill on each dollar of the taxable property of the city for the purpose of operating and maintaining such hospital.

[1919 c. 58 s. 1] (1493-1)

447.11 SPECIAL FUND. The proceeds of this tax shall be placed in the treasury of the city levying the same and shall constitute a special fund, kept distinct from all other funds of the city, and used only for the purpose of operating and maintaining the hospital.

[1919 c. 58 s. 2] (1493-2)

447.12 APPLICATION. Sections 447.10 to 447.13 apply only to those cities of the first class in the state as are or may hereafter be governed by a charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36.

[1919 c. 58 s. 3] (1493-3)

447.13 POWER GRANTED ADDITIONAL TO EXISTING POWERS. The power of levying the tax provided for in sections 447.10 to 447.13 shall be and is in addition to all existing powers and taxes that may now be levied by such cities.

[1919 c. 58 s. 4] (1493-4)

447.14 GIFTS AND DEVICES IN TRUST FOR FREE MEDICAL DISPENSARIES AND FREE PUBLIC LIBRARIES. Any city of the first class in the state, shall, in addition to all other powers now possessed by it, have, and it is hereby given, power and authority to accept in trust, gifts, devises, and bequests of money or property, whether the same be donated, devised, or bequeathed prior or subsequent to the passage of Laws 1913, Chapter 232, for the purpose of founding, establishing, and maintaining free medical dispensaries for the benefit of the poor of any such city or of the county in which the city is situated, and for the purpose of founding, establishing, and maintaining free public libraries for the use and benefit of the inhabitants of any such city or of the county in which the city is situated.

[1913 c. 232 s. 1] (1592-5)

447.15 ADMINISTRATION OF TRUST; DESIGNATION OF TRUSTEES. Any such city is hereby authorized and empowered to administer any gift, devise, or bequest to it in trust for the purposes aforesaid, by such officials, officers, or trustees as the donor or testator may designate for that purpose in the will or instrument creating the trust and in accordance with the terms of such will or instrument, and any officers or officials of any such city or of any county in which

any such city is situated as may be designated to administer any such trust by any will or other instrument creating the trust in any such municipality for either of the purposes aforesaid, are hereby empowered to administer, and are hereby charged with the duty of administering, such trust in accordance with the terms of the will or instrument creating the same.

[1913 c. 232 s. 2] (1592-6)

447.16 APPLICATION. Sections 447.14 to 447.16 apply to cities of the first class in this state now or hereafter operating under a home rule charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36.

[1913 c. 232 s. 3] (1592-6)

447.17 DIRECTORS OF TRUSTS CREATED. All rights, powers, and duties of any city of this state of the first class concerning all property and estate donated to any such city for the establishment or maintenance of a hospital or hospitals, the administration and management of which is now or shall hereafter become vested in or confided to the city, shall be exercised and discharged by the city through the instrumentality of a board consisting of seven persons, to be called directors of trusts, who shall exercise and discharge all these rights, powers, and duties and have control and management of any hospital resulting from such charities to the extent that the same have been or hereafter may be by grant, statute, or otherwise vested in or delegated to the city.

[1931 c. 56 s. 1] (1499-1)

447.18 TRUSTEES; TERMS. The mayor of the city shall be ex officio a member of the board of directors of trusts and the other six members shall be residents of the city and appointed by the judges of the district court of the district in which the city is located, by concurrent action of a majority of the judges, for the following terms beginning with date of appointment; two for a term of two years; two for a term of four years and two for a term of six years, and thereafter as these terms expire the vacancies caused thereby shall be filled by appointment for six-year terms. These judges, by like concurrent action, shall appoint members to fill out the unexpired term of any member who for any reason ceases to be a member before the expiration of his term.

The judges of this district court shall meet and take action upon any of the matters in this section specified, upon call of the senior judge of the district or upon the petition of the mayor or any resident taxpayer of the city.

[1931 c. 56 s. 2] (1499-2)

447.19 POWERS AND DUTIES. The directors of trusts shall have power to make rules and by-laws for the proper conduct of their business; to appoint and remove from time to time such agents and employees as in their judgment may be required for the proper discharge of their duties, and to determine the duties and compensation of all such agents and employees; to make such contracts and agreements in accordance with the conditions of any such donation as in their judgment may from time to time be required in the administration and management of this property, and in conformity with the provisions of the charter of the city and existing or future ordinances enacted by the council relating to the award and conditions of contracts and generally, it shall be the duty of the directors of trusts, for and in the name of the city, to do, perform, and discharge all and singular whatever acts and duties are or from time to time may become proper or necessary to be done by the city in discharge of its duties in connection with such use or trust, and to file with the city clerk on or before February 15th of each year a report for the preceding calendar year showing all receipts and disbursements with sources and purposes thereof, together with a statement of assets under their control and property acquired or disposed of during the year, and such other general information as to the management and control of the trust property as in their judgment is proper.

[1931 c. 56 s. 3] (1499-3)

447.191 SECURITIES INVESTMENT OF PROCEEDS OF SALE. In addition to all powers, privileges and functions now or hereafter possessed or exercised by any board of directors of trusts created or existing under Laws 1931, Chapter 56, such board may, in its discretion, sell, exchange or transfer any securities under the control of such board of directors of trusts and invest the proceeds thereof, or any other funds, in any security now or hereafter permitted in the case of savings banks authorized to transact business in the state of Minnesota.

[1955 c 54 s 1]

447.20 CITY TREASURER TO BE CUSTODIAN. The treasurer of the city shall have custody of and be responsible for the safe-keeping of all cash, securities, title papers, records, and documents appertaining to the property, the administration and management of which devolves upon the directors of trusts, and shall furnish such information as to the cash and other property held by him as may be requested by the directors of trusts. He shall keep the cash and other property of each trust separate and pay out and deliver the same from time to time upon order of the board of directors of trusts made in accordance with their rules and regulations in carrying out their duties as a board of directors of trusts.

[1931 c. 56 s. 4] (1499-4)

447.21 DIRECTORS TO RECEIVE NO COMPENSATION. The directors of trusts in the discharge of their duties and, within the scope of their powers aforesaid, shall be considered agents of the city, but no compensation or emolument whatever shall be received by such director for such service, nor shall any such director have or ever acquire any personal interest in any contract whatever made by such directors of trusts in carrying out their duties or powers as such; nor shall any such director receive, directly or indirectly, any compensation for services rendered or material or supplies furnished to any person while an inmate of any institution conducted by such directors of trusts. Any director violating any of the provisions of this section shall thereby be disqualified from further acting as a director and the vacancy so caused shall be filled under the provisions of section 447.18.

[1931 c. 56 s. 5] (1494-5)

447.22 APPLICATION. Sections 447.17 to 447.22 apply to all cities of this state of the first class, except that it shall not apply to any city operating under a charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, providing for a department or board with authority to exercise and discharge these rights, powers, and duties to be exercised and discharged by the board of directors of trusts, nor to any city which now has erected or now maintains any such hospital jointly with any county.

[1931 c. 56 s. 6] (1499-6)

447.23 ACQUISITION OF LANDS FOR HOSPITAL. Any city of the first class in this state in which there is a city and county public hospital may acquire such additional lands as may be necessary therefor either by purchase or by condemnation thereof in the same manner as lands are condemned for the opening and widening of streets, and may pay the cost thereof either by public taxation or by issuing and selling the bonds of the city therefor; anything in the charter of the city or in any law of this state which may prohibit the issue of any bonds in excess of any specified percentage of taxable property in the city to the contrary notwithstanding. The aggregate amount of bonds issued for such purpose shall not be in excess of \$25,000, par value and shall not bear a greater rate of interest than four per cent per annum.

[1905 c. 139 s. 1] (1493)

54 C258S1 **447.24 CONTAGIOUS HOSPITALS; BONDS.** The governing body of any city of the first class in this state is hereby authorized and empowered, for the purposes herein designated, to issue, from time to time as needed, the negotiable bonds of the city to an amount in the aggregate not exceeding \$250,000; to be made in such denomination and payable at such places and at such times, not exceeding 30 years from the date thereof as may be deemed best, and to bear interest at a rate not to exceed six per cent per annum payable semiannually, with interest coupons attached, payable at such place or places as shall be designated therein, and the governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder therefor and upon the best terms that can be obtained.

No such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon.

Sections 447.24 to 447.29 shall not supersede the provisions of the charter of any city providing for the referendum of ordinances passed by the governing body to a vote of the electors of the city, nor with the provisions of the charter of any city making the action of its council subject to the approval of a board of estimate and taxation, nor with the provisions of any such charter prescribing a particular method of authorization of such bonds.

[1923 c. 223 s. 1] (1494)

MINNESOTA STATUTES 1957

447.25 HOSPITALS, WELFARE ACTIVITIES

3712

59 C 251 S1 **447.25 TAX LEVY; SINKING FUND.** The full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under sections 447.24 to 447.29, and for the payment of the current interest thereon, and the governing body of the city shall each year include in the tax levy a sufficient amount for the payment of interest as it accrues, and for the accumulation of a sinking fund for the redemption of these bonds at their maturity.

[1923 c. 223 s. 2] (1495)

59 C 251 S1 **447.26 FORM OF BONDS.** All bonds issued under authority of sections 447.24 to 447.29 shall be sealed with the seal of the city issuing the same and signed by the mayor and attested by the city clerk and countersigned by the comptroller or auditor of the city, except that the signatures to the coupons attached to these bonds, if any, may be lithographed thereon. The sale of these bonds shall be made in such manner and in such proportions of the whole amount authorized by sections 447.24 to 447.29 and at such times as may be determined by the governing body of the city.

[1923 c. 223 s. 3] (1496)

59 C 251 S1 **447.27 USE OF PROCEEDS.** The proceeds of any and all bonds issued and sold under authority of sections 447.24 to 447.29 shall be used only for the purpose of acquiring a site, constructing, and equipping a contagious hospital, and the proceeds of these bonds, or any thereof, shall not be used for any other purpose than those specified in this section.

[1923 c. 223 s. 4] (1497)

59 C 251 S1 **447.28 LIMITATIONS.** Nothing herein contained shall be construed to repeal or modify the provisions of any charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, requiring the question of the issuance of bonds to be submitted to a vote of the electors.

[1923 c. 223 s. 5] (1498)

59 C 251 S1 **447.29 APPLICATION.** The powers granted in sections 447.24 to 447.29 are in addition to all existing powers of these cities.

[1923 c. 223 s. 6] (1499)

59 C 42 A1

59 C 570 21-8