

CHAPTER 455

ELECTRICAL

455.01 CITIES OF THE SECOND OR THIRD CLASS MAY CONSTRUCT OR PURCHASE ELECTRIC LIGHT PLANT.

HISTORY. 1901 c. 199 s. 1; M.S. 1927 s. 1325-1.

455.02 BONDS.

HISTORY. 1901 c. 199 s. 2; M.S. 1927 s. 1325-2.

455.03 CONDITIONS FOR BONDS.

HISTORY. 1901 c. 199 s. 3; M.S. 1927 s. 1325-3.

455.04 NEGOTIATION OF BONDS.

HISTORY. 1901 c. 199 s. 4; M.S. 1927 s. 1325-4.

455.05 ELECTRIC LIGHT AND POWER PLANTS; AUTHORITY; SALE OF ELECTRICITY.

HISTORY. 1921 c. 91 s. 1; M.S. 1927 s. 1703-1.

455.06 BOND ISSUE.

HISTORY. 1921 c. 91 s. 2; M.S. 1927 s. 1703-2.

455.07 BOND ISSUE; ELECTION, NOTICE.

HISTORY. 1921 c. 91 s. 3; M.S. 1927 s. 1703-3.

455.08 BOND ISSUE; ELECTION, BALLOTS, CANVASS.

HISTORY. 1921 c. 91 s. 4; M.S. 1927 s. 1703-4.

455.09 BOND ISSUE; USE OF BONDS OR PROCEEDS.

HISTORY. 1921 c. 91 s. 5; M.S. 1927 s. 1703-5.

455.10 BOND ISSUE; LIEN.

HISTORY. 1921 c. 91 s. 6; M.S. 1927 s. 1703-6.

455.11 CONDEMNATION OF FLOWAGE RIGHTS FOR POWER DAMS.

HISTORY. 1927 c. 214; M.S. 1927 s. 1703-7.

455.12 PURCHASE OF ELECTRICAL ENERGY; CONTRACTS.

HISTORY. 1913 c. 317 ss. 1, 2; G.S. 1913 ss. 1327, 1328; G.S. 1923 ss. 1252, 1253; M.S. 1927 ss. 1252, 1253.

Section 412.19, subdivisions 20, 21, is the source of authority by the city council to provide electric lighting of streets and for pumping water, while this section appears to be applicable only to proposed contracts that would include distribution and supplying of electrical energy to inhabitants. OAG March 20, 1933.

A village entering into an absolute contract to pay a certain amount for electricity for ten years has no power to revise or lower such rate during such period. OAG Aug. 8, 1934 (624c-11).

A contract for the purchase of electrical energy purporting to extend over a term longer than that limited by statute is void after the expiration of the limited period. OAG June 12, 1935 (469a-2).

One village council may bind subsequent councils to either grant an extension of an electric franchise or pay a portion of the cost of a white way constructed by a private utility. OAG Oct. 31, 1936 (707b-14).

North St. Paul village council may contract for electrical energy, rather than the commission. 1942 OAG 248, Sept. 5, 1941 (624C-2).

455.13 PURCHASE OF ELECTRICITY.

HISTORY. 1913 c. 103 s. 1; G.S. 1913 s. 1772; G.S. 1923 s. 1764; M.S. 1927 s. 1764.

A city of the fourth class which has an electric plant is authorized to purchase electric current; and it is authorized to sell surplus current to consumers beyond the limits of the city. The statute permits the city to contract to furnish electric current to consumers outside the city, but it does not compel the city to contract. The court cannot require such a contract at the suit of such consumers nor fix the price at which the current shall be furnished. *Guth v City of Staples*, 183 M 552, 237 NW 411.

A contract for the furnishing to a city of electric current, to be delivered and metered at the city's power plant, is within the authority of this section, under which, by a two-thirds vote of its governing body, a city may contract for the purchase of electricity for the purpose of operating its own electric plant for a period of not to exceed 15 years. *Northern States Power Co. v City of Granite Falls*, 186 M 209, 242 NW 714.

Providing electricity for its inhabitants is a proprietary function of a municipality, and its contracts relating thereto are governed by the same rules of contract law regarding laches and estoppel as those of private corporations or individuals.

Where both parties have fully performed for half the ten-year term of such a contract, and the city has permitted the other party to put itself to expense in the performance, which will result in substantial loss if the contract is set aside, the city is estopped to question the contract. *City of Staples v Minnesota Power & Light Co.* 196 M 303, 265 NW 58.

455.14 OBLIGATION NOT INDEBTEDNESS.

HISTORY. 1913 c. 103 s. 2; G.S. 1913 s. 1773; G.S. 1923 s. 1765; M.S. 1927 s. 1765.

The contract of a city to purchase at wholesale electrical energy over a period of ten years with fixed minimum each year did not create an indebtedness under the city charter or under any state law fixing a limit of indebtedness. *McNaught v City of St. James*, 198 M 379, 269 NW 897.

455.15 CORPORATIONS TO PROVIDE ELECTRICITY IN CITIES UPON RIVERS.

HISTORY. 1911 c. 141 s. 1; G.S. 1913 s. 1405; G.S. 1923 s. 1341; M.S. 1927 s. 1341.

455.16 UNITING WITH ADJACENT CITY; FAILURE TO UNITE.

HISTORY. 1911 c. 141 s. 2; G.S. 1913 s. 1406; G.S. 1923 s. 1342; M.S. 1927 s. 1342.

455.17 CORPORATION, HOW ORGANIZED.

HISTORY. 1911 c. 141 s. 3; G.S. 1913 s. 1407; G.S. 1923 s. 1343; M.S. 1927 s. 1343.

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455.18 OFFICERS AND GOVERNMENT.

HISTORY. 1911 c. 141 s. 4; G.S. 1913 s. 1408; G.S. 1923 s. 1344; M.S. 1927 s. 1344.

455.19 ACQUISITION AND DEVELOPMENT OF WATER POWER.

HISTORY. 1911 c. 141 s. 5; G.S. 1913 s. 1409; G.S. 1923 s. 1345; M.S. 1927 s. 1345.

455.20 DISPOSITION OF ELECTRICAL ENERGY.

HISTORY. 1911 c. 141 s. 6; G.S. 1913 s. 1410; G.S. 1923 s. 1346; M.S. 1927 s. 1346.

455.21 RATES.

HISTORY. 1911 c. 141 s. 7; G.S. 1913 s. 1411; G.S. 1923 s. 1347; M.S. 1927 s. 1347.

455.22 ISSUANCE OF BONDS.

HISTORY. 1911 c. 141 s. 8; G.S. 1913 s. 1412; G.S. 1923 s. 1348; M.S. 1927 s. 1348.

455.23 ELECTRIC LIGHT AND POWER PLANTS IN CITIES OF FOURTH CLASS AND VILLAGES.

HISTORY. 1923 c. 29 s. 1; M.S. 1927 s. 1860-1.

The profits of a water and light plant could be used to take up indebtedness originally represented by water and light bonds though such bonds have been refunded and combined with other bonds. OAG Feb. 11, 1932.

A village purchasing electricity at wholesale and deriving a profit the resale thereof may devote such profits for general village expenditures, in the absence of statutory or charter restriction or lien. OAG Feb. 15, 1932.

The city of Luverne could enter into a contract for the purchase of a Diesel generating unit, to be paid for out of the earnings of the power plant only, without calling for bids. OAG Aug. 12, 1937 (707a-4).

455.24 SUBMISSION TO VOTERS.

HISTORY. 1923 c. 29 s. 2; M.S. 1927 s. 1860-2.

455.25 BOND ISSUE.

HISTORY. 1923 c. 29 s. 3; M.S. 1927 s. 1860-3.

455.26 EXTENSION OF ELECTRIC LINES.

HISTORY. 1909 c. 218 s. 1; G.S. 1913 s. 1769; G.S. 1923 s. 1761; M.S. 1927 s. 1761.

455.27 POWERS OF COUNCIL.

HISTORY. 1909 c. 218 s. 2; G.S. 1913 s. 1770; G.S. 1923 s. 1762; M.S. 1927 s. 1762.

455.28 USE OF STREETS; CONTRACTS.

HISTORY. 1909 c. 218 s. 3; G.S. 1913 s. 1771; G.S. 1923 s. 1763; M.S. 1927 s. 1763.

455.29 MUNICIPALITIES MAY EXTEND ELECTRIC SERVICE.

HISTORY. 1933 c. 141 s. 1; 1935 c. 316 s. 1; M. Supp. s. 1867-1.

Where the specifications and contract for a power plant called for a plant "in and for the said village" there was nothing to show that the village intended to embark on an extra-corporate distribution. *Davies v Village of Madelia*, 205 M 526, 287 NW 1.

The city of Willmar may furnish water and light beyond the city limits without a vote of the people. OAG July 15, 1933.

The city of Fairmont may purchase an electric line outside of the city limits for the purpose of distributing surplus electricity to nonresident consumers without a vote of the people. OAG May 11, 1934 (59a-36).

The city of Waseca, through its water and light board, has authority to enter into a contract with an electric construction company to sell electricity, to be delivered at a substation in the city and used by the purchaser outside the limits of the city, without a vote of the electors, though the city purchases its current at wholesale from a public utility. OAG June 30, 1937 (626c-12).

A village may repair utility lines extending outside the village without submitting the question to the voters, the line going to a farm which was at one time a part of the village. OAG July 24, 1939 (624c).

A city cannot extend its power lines beyond the city limits without a vote of the people. OAG Aug. 3, 1933.

The city of Alexandria, having a contract with private corporation furnishing light and power to a village cannot acquire the plant of such private corporation without a vote of the electors, the city home rule charter being silent as to the extension of lines out of the city. OAG Nov. 21, 1934 (624c-2).

The proposition of extending power lines beyond village limits should be submitted to the voters by the village council and not by the village water, light, power, and building commission. OAG July 9, 1935 (469h-6).

A village owning its own distributing system, but purchasing its electrical energy, can own lights outside its corporate limits and sell and dispose of electric energy and current to persons residing outside the village limits, but only upon a vote of the electors. OAG June 14, 1939 (624d-17).

A city may supply electricity to a nearby village with the consent of the latter. OAG May 25, 1935 (59a-36).

Whether the cost of meters and transformers is to be computed as a part of the cost of extension within the limitation fixed by the voters is a question of fact for the officials. OAG Sept. 14, 1936 (624c-7).

Municipally owned electric light and power plant lines used for purpose of furnishing electricity to persons outside the municipality are exempt from taxation. OAG Feb. 2, 1938 (414a-13).

Granite Falls legally may purchase electric lines outside of the city. A vote is not required. OAG May 9, 1944 (59a-36).

455.30 NOT TO EXTEND INTO OTHER MUNICIPALITIES.

HISTORY. 1933 c. 141 s. 2; 1935 c. 316 s. 2; M. Supp. s. 1867-2.

455.31 DISPOSAL OF ELECTRICAL ENERGY TO PRIVATE CONSUMERS.

HISTORY. 1913 c. 127 s. 1; G.S. 1913 s. 1497; G.S. 1923 s. 1483; M.S. 1927 s. 1483.

455.32 DISPOSITION OF SURPLUS ELECTRICITY TO PRIVATE CONSUMERS OUTSIDE CITY.

HISTORY. 1915 c. 34 s. 1; M.S. 1927 s. 1765-1.

A corporation engaged in the business of furnishing electrical power to private consumers is not a private consumer of electricity. *City of Owatonna v Interstate Power Co.* 18 F. Supp. 6.

A city selling electricity to persons outside its limits under contract may discriminate in favor of residents of the city. *Guth v City of Staples*, 183 M 552, 237 NW 411.

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A city of the fourth class may sell surplus electricity to those outside the city limits regardless of whether the city itself manufactures the current or purchases from another. *Guth v City of Staples*, 183 M 552, 237 NW 411.

453.33 SALE OF SURPLUS ELECTRICITY.

HISTORY. 1919 c. 313; M.S. 1927 s. 1253-1.

This section is not applicable to those villages which own their distributing plants but do not produce electricity. OAG June 14, 1939 (624d-17).

Village operating its only owned utility may only sell surplus electricity to consumers outside corporate limits or inside corporate limits. OAG May 24, 1935 (624c-12).

The village of Mazeppa may dispose of its surplus electric energy at its corporate limits. OAG Aug. 24, 1938 (624c-12).

There is no tax upon the sale of surplus electric energy outside the corporate limits of a city, even though in another county. OAG Aug. 12, 1937 (624c-13).