

in semi-monthly installments out of the treasury of the city of Minneapolis. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 2. *Extra Session Laws 1959, Chapter 10, Section 3, is hereby repealed.*

Approved May 17, 1961.

## EXTRA SESSION

### CHAPTER 13—S. F. No. 8

[Not Coded]

*An act relating to claims against the state; providing certain conditions in certain cases including waiving the state's immunity from suit, and appropriating moneys for the payment thereof.*

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

Section 1. **Claims against state.** Subdivision 1. There is appropriated from any moneys in the state treasury credited to the trunk highway fund, or funds accredited thereto from highway patrol fines or other sources, the sums of money set forth in this section to the persons named therein in full payment of claims against the state.

Subd. 2.	Donald and Vincent Kerkvliet, Marshall, Minnesota, for flood damage to property due to highway construction and maintenance	\$ 4,242.00
Subd. 3.	Swan Lake Rural Telephone Co., Rte. 5, Fergus Falls, Minnesota, expenses as result of highway construction	57.95
Subd. 4.	Odell M. Arens, Kellogg, Minnesota, for labor and services performed for the state highway department	60.00
Subd. 5.	Fred Gerten, 2410 Maplewood Drive, St. Paul, for damages to crops due to highway construction	3,550.00

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Subd. 6.	Raymond and Evelyn Hanel, RFD 2, Lake Crystal, Minnesota, for funeral expenses of child in highway accident	475.00
Subd. 7.	Minnesota Transfer Railway Co., 214 E. 4th Street, St. Paul, for demolition and removal of scale house belonging to state as per contract	2,192.42
Subd. 8.	City of Duluth for certain facilities to serve new state highway building in Duluth	18,132.41
Subd. 9.	H. C. Mitchell, Sr., Big Lake, Minnesota, for damages to vehicle because of unbarricaded excavation	50.80
Subd. 10.	City of Montevideo for special assessments levied on properties acquired by the state through eminent domain proceedings	377.31
Subd. 11.	Carl Vitalis of Franconia township,	50.00
Subd. 12.	Gerald Vitalis of Franconia township,	60.00
Subd. 13.	Axel Vitalis of Franconia township, all in Chisago County, Minnesota, for damages to garden caused by spray used by highway department	50.00
Subd. 14.	New London Materials and Construction Company, E. Benson Avenue, Willmar, Minnesota, for cost of additional material and work on piers of bridge	151.53
Subd. 15.	Brown Engineers, Coliseum Towers, 10 Columbus Circle, New York 19, New York, for roadway and bridge engineering work performed for highway construction	58,433.00

The Department of Highways is requested to apply to the federal

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bureau of public roads for the federal government's proportionate cost of this project.

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| Subd. 16. | Oleen S. and Margaret Sonstegard, Paynesville, Minnesota, for damages to their home caused by surface water diverted by highway construction | 1,433.60 |
| Subd. 17. | Irie A. Bergs, Blakely, Minnesota for replacing waste materials left by the state after removing gravel                                      | 1,565.00 |
| Subd. 18. | John Stowe, Wayzata, Minnesota for damages caused by excessive water running off highway   | 2,000.00 |
| Subd. 19. | City of North Mankato, for special assessments levied but not paid in eminent domain proceedings   | 1,139.27 |
| Subd. 20. | Don Swanson, Park Rapids, Minnesota, for damages to trees  | 100.00   |

Sec. 2. Subdivision 1. There is appropriated from any moneys in the state treasury credited to the highway user tax distribution fund the sums of money set forth in this section to the persons named therein in full payment of claims against the state.

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| Subd. 2. | Leonard Thompson, 228 South Haven, Appleton, Minnesota, for taxes paid on gasoline lost due to broken pipe | 96.60  |
| Subd. 3. | Donald Steve, Sanborn, Minnesota, for taxes paid on gasoline lost due to unusual causes                    | 206.45 |

Sec. 3. Subdivision 1. There is appropriated from any moneys in the state treasury not otherwise appropriated the sums of money set forth in this section to the persons named therein in full payment of claims against the state arising from damages and loss of property due to brucellosis testing, and other related services.

- Subd. 2. Roy E. Johnson, Route 1, Box 86,

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	Taylor's Falls, Minnesota, for damage to cattle	102.48
Subd. 3.	William Jensen, Jr., Kensington, Minnesota for loss of cow	250.00
Subd. 4.	Kenneth C. Lien, Bagley, Minnesota, for loss of heifer	200.00
Subd. 5.	Paul Mittag, Leonard, Minnesota, for loss of cow	275.00
Subd. 6.	Dr. L. T. Ausherman, Willmar, Minnesota, expenses under corrected statement as an employee of livestock sanitary board	255.00
Subd. 7.	Nordahl Mikkelsen, Howard Lake, Minnesota, for loss of cow	225.00
Subd. 8.	Russell Thompson, Nicollet, Minnesota, for loss of Holstein cow	335.00
Subd. 9.	Alfred Nibbe, Lake City, Minnesota, for loss of Hereford cow	200.00
Subd. 10.	Walter Neundorf, Waseca, Minnesota, for injuries to cow	275.00
Subd. 11.	Francis A. Hanson, 617 N. Buse Street, Fergus Falls, Minnesota	300.02

Sec. 4. Subdivision 1. There is appropriated from any moneys in the state treasury not otherwise appropriated the sums of money set forth in this section to the persons named therein in full payment of claims against the state.

Subd. 2.	City of Shakopee for sewer construction of benefit to the state reformatory for women	80,000.00
Subd. 3.	John Oelkers, Route 4, Red Wing, Minnesota, for damage to automobile by inmate of state training school for boys at Red Wing	200.00
Subd. 4.	August F. Dettloff, Stillwater, Minnesota, for injuries sustained in state prison, to be paid at the rate of \$75.00 per month retroactive to January 1, 1961	3,000.00

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Subd. 5.	Louis Boucher, Faribault, Minnesota, for injuries sustained by contracting tuberculosis while at a state institution, to be paid at the rate of \$200.00 per month	4,800.00
Subd. 6.	Gordon E. Tomhave, Route 2, Fergus Falls, Minnesota, for damage to oat crop by grazing cattle from Fergus Falls state hospital dairy herd	75.00
Subd. 7.	John Joseph Niezgocki, Box 25, Silver Creek, Minnesota, for loss of finger while operating machine at Stillwater state prison	911.26
Subd. 8.	George D. Ferguson, 811 Fir Street, Brainerd, Minnesota, for damage to his automobile caused by a patient at Brainerd state hospital	47.20
Subd. 9.	Eugene Rainer, c/o William E. Crowder, 740 Midland Bank Building, Minneapolis, for wrongful imprisonment and illness and disability resulting therefrom, this amount to be paid to a guardian of said Eugene Rainer to be duly appointed by the Probate Court of Blue Earth County, Minnesota, and the money disbursed under the supervision of said court for the benefit of the family of said Eugene Rainer	4,500.00
Subd. 10.	George L. Hellvig, Florence, Minnesota, for loss of part of thumb while employed in carpentry shop at St. Cloud reformatory	726.25
Subd. 11.	Joseph Sypnieski, Route 1, Brainerd, Minnesota, for damages to his automobile caused by inmates of state school and hospital for mentally retarded at Brainerd	87.97
Subd. 12.	LeRoy Jackson, 1576 Duluth Ave-	

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	nue, St. Paul for damage to lake cabin property on <i>Little Tamarack Lake</i> , Pine County, by persons under commitment to youth conservation commission	400.35
Subd. 13.	Distillers Distributing Company, 628 Stinson Boulevard, Minneapolis, for unused portion of branch wholesale liquor license	2,083.34
Subd. 14.	Alvin Wright of Chisholm, Minnesota, for injuries incurred at the state reformatory, to be paid at the rate of \$130.00 per month	3,120.00
Subd. 15.	Spitzer Well Company, Tracy, Minnesota, to seal off flow of water in well at Camden State Park	1,636.38
Subd. 16.	Olin A. Johnson, Hokah, Minnesota, for unused portion of wholesale beer distributor's license	125.00
Subd. 17.	Dwight W. Burris, 3211 Sheridan Ave., Minneapolis and Charles Burris, Osseo, Minnesota, for damage done to property they own jointly by boys under commitment to youth conservation commission	409.00
Subd. 18.	Olive F. Kennedy, 3648 Park Avenue, Minneapolis, for damages sustained while a patient in Willmar state hospital	84.81
Subd. 19.	Floyd A. Wilson, 4341 Monroe Street, N.E., Minneapolis, for injury sustained while an inmate of St. Cloud state reformatory	250.00
Subd. 20.	Old Peoria Co., Inc., 701 Stinson Boulevard, Minneapolis, for unused portion of branch wholesale liquor license	833.33
Subd. 21.	Armin J. Amann, 1106 Frank Avenue, Albert Lea, Minnesota, for services rendered to reorganize	

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	National Guard company at Albert Lea	405.57
Subd. 22.	Marshall County, Minnesota, for ditch drainage assessments covering county ditches 2, 15, 23, 25, 28 and Judicial ditches 21, 21 (Belt), 23 and 63	3,321.90
Subd. 23.	Marshall County, Minnesota, for ditch drainage assessments covering county ditches 20, 27 and 32, Judicial ditches 11 and 63	65,789.60
Subd. 24.	Roseau County, Minnesota, for ditch drainage, assessments covering county ditches 9, 23 in Beltrami Island Forest Area; county ditches 9, 18, 19, 61 and Judicial ditches 63, 91, 95, trust fund lands; and county ditches 19, 21, state ditch 91 and Judicial ditch 95, on forfeited lands outside conservation area	10,274.66
Subd. 25.	Roseau County, Minnesota, for ditch drainage assessments covering common outlet ditches 90, 91, 95, 63, Judicial ditches 95, 63 and county ditch 9 on trust fund lands; common outlet ditches 90, 91, 95, 63, Judicial ditch 95, and county ditch 7	6,935.06
Subd. 26.	Sherburne County, Minnesota, for ditch drainage assessments covering Government Lot 1, of Sand Dunes state forest land	1.25
Subd. 27.	Carlson-Duluth Construction Co. for emergency work performed, provided a release in full is furnished by the John Antila Construction Co., subcontractors on this project	12,000.00
Subd. 28.	Dorothy Hosking, 2267 Commonwealth Ave., St. Paul, for damages to her automobile by inmates of	

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	Red Wing state training school for boys	500.00
Subd. 29.	Village of Cambridge for installation of water main abutting state property	1,229.52
Subd. 30.	County of Benton, Minnesota, for care and treatment of an indigent transient	3,375.27
Subd. 31.	Frank Najbar, Minnesota State Sanatorium, Ah-gwah-ching, Minnesota, for dividend checks received while committed but not cashed.	37.62
Subd. 32.	Dimitr Botoff, Plovdivska, Bulgaria, for a final bank dividend lost to him because of World War II	13.49
Subd. 33.	Emil Tomek, Lonsdale, Minnesota, for expenses of burial of his son who died from injuries inflicted by another inmate of St. Peter State hospital	500.00
Subd. 34.	Mrs. Margaret Kujawa, 1394 Taylor Ave., St. Paul, for expenses for injuries to her daughter at Lake Shetek State Park	42.25
Subd. 35.	Gordon Gabriel Paymar, 890 Linwood, St. Paul, for disability incurred while a member of the state guard, to be paid at the rate of \$75.00 per month, retroactive to January 1, 1961	3,500.00
Subd. 36.	City of Bemidji for street improvement, curb and gutter installation, abutting state property	1,461.00

Sec. 5. Subdivision 1. There is appropriated from any moneys in the state treasury credited to the veterans compensation fund the sums of money set forth in this section to the persons named therein in full payment of claims against the state for adjusted compensation arising from World War II service.

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- Subd. 2. William A. Madill, 123 North 63rd Ave. W., Duluth, Minnesota 50.00

Sec. 6. Subdivision 1. There is appropriated from any moneys in the state treasury credited to iron range resources and rehabilitation commission from the occupational tax on iron ore, the sum of money set forth in this section to the company named therein in full payment of claim against the state.

- Subd. 2. H. L. Stavn Company, Inc., 2521 First Avenue, Hibbing, Minnesota, for work done under two supplemental agreements in building Multi-Ply Plant at Virginia 1,224.78

- Subd. 3. William P. and Josephine Shutte of Eveleth, Minnesota, in satisfaction of judgment in an action for trespass 436.34

Sec. 7. Subdivision 1. There is appropriated from any moneys in the state treasury credited to the game and fish fund the sum of money set forth in this section to the person named therein in full payment of claim against the state.

- Subd. 2. Ruth Auer, Route 2, Austin, Minnesota, in refund of certain minnow dealer and helper licenses purchased by her husband shortly before his death 267.50

- Subd. 3. Roseau County, Minnesota, for ditch assessments covering county ditch 17, on game and fish lands 3,211.60

- Subd. 4. Zefere F. Lusignan, Landcaster, Kittson County, for damage to property resulting from dikes breaking 450.00

This sum is allowed subject to the repeal and return of Warrant No. 297476 for \$224.00 which was issued pursuant to Laws of 1957, Chapter 963, Section 6 (12), and subject to the execution by claimant of a full and final release of

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the State of Minnesota against further claims arising out of the circumstances outlined in the claim.

Sec. 8. Subdivision 1. There is appropriated from any moneys in the state treasury credited to the wetlands acquisition fund the sum of money set forth in this section to the person named therein in full payment of claim against the state.

Subd. 2.	Leo Reiner, Stewart, Minnesota, for damages to property caused by conservation department in connection with wetlands acquisition and construction work	104.00
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Subd. 3.	Murray County, Minnesota, for cleaning and repairing Ditch No. 7	3,568.00
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Sec. 9. Subdivision 1. There is hereby appropriated from the trunk highway fund, or funds accredited thereto from the highway patrol fines or other sources, the sum of \$9,281.20, to Francis B. Baber of Detroit Lakes, Minnesota, for damages to his business and property resulting from the arbitrary, unreasonable and unlawful acts of the state highway department in depriving the property of an access for a period of 23 months during the construction and maintenance of trunk highway No. 10 in the city of Detroit Lakes, Minnesota.

The above amount, or so much thereof as may be necessary, shall be paid only on a final judgment against the state in a suit against the state for which the state waives its immunity in connection with such claim, if suit is brought against the state of Minnesota within six months from the effective date of this act by service of process upon the attorney general, and hereby confers jurisdiction upon the district court of the state to hear and try a suit upon the claim upon the compliance with the conditions set forth above. In any such suit the state is entitled to interpose any legal or equitable defenses to the claim and shall not be required to pay the claim nor any part thereof except as may be duly adjudged in an action brought as above provided, with the right of appeal as in other cases.

Subd. 2. The state hereby waives immunity from suit in the district court of Ramsey County by the Junior Mining Company, Virginia, Minnesota, arising out of a state mining

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lease issued to David D. Haley and assigned to the Junior Mining Company, known as lease No. 1-7003, granting the right to mine iron ore from a portion of the bed of Long-year Lake upon the conditions specified in such lease and as provided by law. The state expressly reserves all defenses, legal and equitable, to said action, including but not limited to the defense of payment, estoppel, accord and satisfaction, laches, termination of lease and the pendency of another action, and by this waiver of immunity to suit does not expressly concede but expressly denies that the state is liable for any amount whatsoever.

Sec. 10. Subdivision 1. There is reappropriated from any moneys in the state treasury credited to swamp trust fund lands on state forests, the sums of money set forth in this section to the persons named therein in full payment of claims against the state for unused timber permits.

Subd. 2.	Larry Saarikoski, Gheen, Minnesota	197.50
Subd. 3.	Merton Lego, Federal Dam, Minnesota	126.50
Subd. 4.	Russell W. Lego, Federal Dam, Minnesota	199.75
Subd. 5.	Abramson-Novak, Orr, Minnesota	1,221.10

Sec. 11. Subdivision 1. There is appropriated from any moneys in the state treasury credited to the consolidated conservation areas-apportionment fund, the sum of money set forth in this section to the county named therein in full payment of claims against the state.

Subd. 2.	Roseau County, Minnesota, for ditch drainage assessments, covering county ditches 9, 18, 21, judicial ditches 61, 63 and state ditch 91 outside of Beltrami Island forest area	12,752.05
Subd. 3.	Roseau County, Minnesota, for ditch drainage assessments, covering common outlet ditches 90, 91, 95, 63, county ditch 9, and judicial ditch 63 outside Beltrami Island forest area	965.14

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Sec. 12. Subdivision 1. There is appropriated from any moneys in the state treasury credited to the state forest account, the sum of money set forth in this section to the county named therein in full payment of claim against the state.

Subd. 2.	Sherburne county, Minnesota, for ditch drainage assessments covering Government Lot 1 of Sand Dunes state forest land	1.25
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Sec. 13. There is hereby appropriated from any moneys in the state treasury credited to the board of accountancy the sum of \$3,441.10, to Christopher L. Columbus & Associates, 720 Commerce Building, St. Paul, for reporter services rendered the state board of accountancy in the J. George Zimmerman, C.P.A. proceedings. Of the appropriation provided for herein, a sufficient amount of money shall be paid from the general revenue fund to the board of accountancy to pay said bill in full, provided that said general revenue fund shall be reimbursed from the fees and moneys accruing to the board of accountancy fund until said amount advanced is fully repaid.

Sec. 14. Subdivision 1. Each claim hereinafter set forth is hereby referred to the state claims commission, which, unless the claim is barred by some other provisions of this act, shall have jurisdiction over it.

Subd. 2. Walter and Kenneth Green, Villard, Minnesota

Subd. 3. Marvin Johnson, Route 2, Badger, Minnesota

Subd. 4. Oliver Rice, Pinecreek, Minnesota

Subd. 5. Albin M. Olson, Route 2, Badger, Minnesota

Subd. 6. John T. Elton, Pinecreek, Minnesota

Subd. 7. Justin Trangsrud, Route 2, Badger, Minnesota

Subd. 8. Holger Lislegaard, Pinecreek, Minnesota

Subd. 9. Edgar, Clarence and Selvin Erickson, Route 2, Badger, Minnesota

Subd. 10. Clarence Pitkanen, Cloquet, Minnesota

Subd. 11. Henry Schultz, Truman, Minnesota

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Subd. 12. Clarence Wesley Gillespie, Irondale, Crow Wing County, Minnesota

Subd. 13. V. H. Heyn, Willmar, Minnesota

Subd. 14. Harold Weisen, Sauk Rapids, Minnesota

Subd. 15. Gunston Skomedal, Thief River Falls, Minnesota

Subd. 16. C. R. Curtiss, Middle River, Minnesota

Subd. 17. Wayne Juhl, Greenbush, Minnesota

Subd. 18. Elizabeth Rantenen, Middle River, Minnesota

Subd. 19. Town of Pohlitz, Roseau County, Minnesota

Subd. 20. Ervin Peterson, Middle River, Minnesota

Subd. 21. Rantanen Brothers, Middle River, Minnesota

Subd. 22. LeRoy Padgett, Sr., 805 Woodland Avenue, Mankato, Minnesota

Subd. 23. Rolland O. Fitting, Houston, Minnesota

Subd. 24. Edward D. Willie, aka Edward Watkins, c/o Thos. L. Hunt, Attorney at Law, 800 Torrey Building, Duluth, Minnesota

Subd. 25. Julia Hostad, Kasson, Minnesota

Subd. 26. Daniel J. Porter, Alexandria, Minnesota

Subd. 27. Kulseth Brothers Construction Co., Mankato, Minnesota

Subd. 28. Harvey Swanson, 4220 Seville Road, Duluth, Minnesota

Subd. 29. Lawrence Mangan, 1919 Jefferson Ave., St. Paul

Subd. 30. McLean-Astleford Company, 7701 Harriet Ave., South, Minneapolis, Minnesota

Subd. 31. Village of Norwood, Minnesota

Subd. 32. Edward W. Hiley, Dr. G. Orville Anderson, Fred and Pauline Matuske and William Schroeder, all of Jackson, Minnesota

Subd. 33. Norman Ziemer, Box 55, Stillwater, Minnesota

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Subd. 34. Floyd A. Wilson, 4341 Monroe Street N.E., Minneapolis

Subd. 35. Omar E. Rood, Crookston, Minnesota

Subd. 36. Henry Keyser, Elk River, Minnesota

Subd. 37. Henry Hjalmer Johnson, 3424 Fifth Avenue S., Minneapolis

Subd. 38. Jarl E. and Clara Tilleskjor, Rockford, Minnesota

Subd. 39. Clarence H. Klinker, Woodstock, Minnesota

Subd. 40. Jerome Breberg, Dawson, Minnesota

Subd. 41. Lena Mock, Woodstock, Minnesota

Subd. 42. Richard A. Anderson, 3048 Edgewood Ave. S., Minneapolis

Subd. 43. Geo W. Bottolfson, Route 2, Forest Lake, Minnesota

Subd. 44. Dale Swenson

Subd. 45. Elizabeth Davidson, Rogers, Minnesota

Sec. 15. Unless otherwise specified, payment pursuant to this act shall constitute full and final release of any and all claims against the State of Minnesota.

Sec. 16. This act is in effect upon its final enactment.

Approved May 19, 1961.

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## EXTRA SESSION

### CHAPTER 14—S. F. No. 14

[Not Coded]

*An act proposing an amendment to the constitution of the state of Minnesota, Article VIII, Sections 2, 5, and 6; providing for consolidation of the permanent school and swamp land funds and regulating the investment thereof, and making the net fund perpetual.*

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

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**