

and may be increased by the commissioner up to five percent each calendar year over the previous year until December 31, 1990. If the restoration under the lease is completed before December 31, 1990, the lease rate for the succeeding calendar year shall be as provided in the lease.

Approved May 20, 1985

CHAPTER 165 — S.F.No. 1388

An act relating to courts; clarifying the jurisdiction of the court of appeals to issue writs; amending Minnesota Statutes 1984, section 480A.06, subdivision 3.

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

Section 1. Minnesota Statutes 1984, section 480A.06, subdivision 3, is amended to read:

Subd. 3. **CERTIORARI REVIEW.** The court of appeals shall have jurisdiction to issue writs of certiorari to all agencies, public corporations and public officials, except the tax court and the workers' compensation court of appeals. The court of appeals shall have jurisdiction to review decisions of the commissioner of economic security, pursuant to section 268.10.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Approved May 20, 1985

CHAPTER 166 — S.F.No. 1429

An act relating to state government; providing for indemnification of judges and employees of the legislative and judicial branches from tort, civil, or equitable claims; preserving immunities; amending Minnesota Statutes 1984, sections 3.732, subdivision 1; and 3.736, subdivisions 1 and 9.

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

Section 1. Minnesota Statutes 1984, section 3.732, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section and section 3.736 the terms defined in this section have the meanings given them.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive branch, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the Minnesota Housing Finance Agency, the Minnesota Higher Education Coordinating Board, the Minnesota Higher Education Facilities Authority, the Armory Building Commission, the State Zoological Board, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors or employees of the state, members of the Minnesota national guard, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation, but does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or United States Code, title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983.

(3) "Scope of his office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned to him by competent authority.

Sec. 2. Minnesota Statutes 1984, section 3.736, subdivision 1, is amended to read:

Subdivision 1. **GENERAL RULE.** The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant. Nothing in this section waives the defense of judicial or legislative immunity except to the extent provided in subdivision 8.

Sec. 3. Minnesota Statutes 1984, section 3.736, subdivision 9, is amended to read:

Subd. 9. **INDEMNIFICATION.** The state of Minnesota shall defend, save harmless, and indemnify any employee of the state against expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the state in connection with any tort, civil, or equitable claim or demand, or expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the state in connection with any claim or demand arising from the issuance and sale of any securities by the state, whether groundless or otherwise, arising out of an alleged act or omission occurring heretofore or hereafter during his period of employment if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if the employee was acting within

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the scope of his employment. Except for elected employees, an employee of the state shall be conclusively presumed to have been acting within the scope of his employment if the employee's appointing authority issues a certificate to that effect. This determination may be overruled by the attorney general. The determination of whether an employee of the state was acting within the scope of his employment shall be a question of fact to be determined by the trier of fact based upon the circumstances of each case (i) in the absence of a certification, (ii) if a certification is overruled by the attorney general, (iii) if an unfavorable certification is made, or (iv) with respect to an elected official. The absence of the certification or an unfavorable certification shall not be evidence relevant to such a determination. It is the express intent of this provision to defend, save harmless, and indemnify any employee of the state against the full amount of any final judgment rendered by a court of competent jurisdiction arising from a claim or demand described herein, regardless of whether the limitations on liability specified in subdivision 4 or 4a hereof are, for any reason, found to be inapplicable. This subdivision does not apply in case of malfeasance in office or willful or wanton actions or neglect of duty, nor does it apply to expenses, attorneys' fees, judgments, fines, and amounts paid in settlement of claims for proceedings brought by or before responsibility or ethics boards or committees.

Approved May 20, 1985

CHAPTER 167 — H.F.No. 274

An act relating to crimes; defining "dangerous weapon" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

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

Section 1. Minnesota Statutes 1984, section 609.02, subdivision 6, is amended to read:

Subd. 6. **DANGEROUS WEAPON.** "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any flammable liquid or ~~any~~ other device or instrumentality ~~which that~~, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

As used in this subdivision, "flammable liquid" means Class I flammable liquids as defined in section 9.108 of the Uniform Fire Code, but does not include intoxicating liquor as defined in section 340.07.

Approved May 21, 1985

Changes or additions are indicated by underline, deletions by ~~strikeout~~.