

history offered in the elementary schools of the state. These recordings are to be made on 16mm film and all rights to which are to remain the property of the state of Minnesota.

Sec. 2. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$25,000 to the Minnesota historical society for the purposes of this act for the biennium beginning July 1, 1969. None of the funds appropriated in this section may be expended unless matching funds of an equal amount are available from other sources.

Approved June 6, 1969.

CHAPTER 1018—H. F. No. 1248

[Coded in Part]

An act relating to the state claims commission; providing its jurisdiction; providing penalties for false claims; amending Minnesota Statutes 1967, Section 3.74.

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

Section 1. Minnesota Statutes 1967, Section 3.74, is amended to read:

3.74 Claims commission; jurisdiction. Except for the claims excluded by section 3.75, the jurisdiction of the commission shall extend to the following matters:

(1) Claims and demands against the state or any of its agencies, which the state in its sovereign capacity should in equity and good conscience discharge and pay.

(2) Claims and demands which may be asserted in the nature of set-off or counterclaim on the part of the state or any of its agencies.

(3) The status of any claim referred to the commission by the head of a state agency for an advisory determination.

(4) For injury to or death of an inmate of a state penal institution.

(5) Arising out of the care or treatment of a person in a state institution.

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

(6) For loss, damage, or destruction of property or for injury or death incurred or sustained by a member of the military forces, as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, while in "active service" or "on duty" as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, when such service or duty is ordered by state authority. Except as provided in Minnesota Statutes 1961, Section 192.38, and acts amendatory thereof, the jurisdiction of the commission to hear such claims includes claims arising before or after April 2, 1965. The commission shall consider the following payments before making a determination on any such claim:

(a) Any payments made under Minnesota Statutes 1961, Section 192.38, and acts amendatory thereof, and

(b) Any payments and awards made to a member of the military forces, as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, his dependent widow, child, or parent under any law of the United States of America arising out of injury or death for which a claim for compensation is made against the state of Minnesota under this clause (6), except payments under the federal social security act or the federal government life insurance program for members of the armed forces.

In the determination of claims under this clause (6) arising from the injury or death of a member of the military forces, as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, the commission shall consider the amount which would be allowed and the duration of the payment which would be provided by the workmen's compensation law as now or hereafter in force based on the member's usual earnings in civil life. If there be no evidence of previous occupation or earnings, the commission shall consider the member's earnings as a member of the military forces.

(7) Compensation to innocent persons injured and to dependents of such persons killed as a result of such person's coming to the aid of another person upon whom a crime is being perpetrated or is about to be perpetrated, or his efforts to apprehend or arrest a suspected criminal or to aid a police officer in doing so.

Sec. 2. [3.741] **Standards for compensation.** *For the purpose of determining the amount of any compensation payable pursuant to section 3.74 (7), the commission shall, insofar as practicable, formulate standards for uniform application of said section, taking into consideration rates and amounts of compensation payable for injuries and death under other laws of this state and of the United States.*

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Sec. 3. [3.742] **Awarding compensation.** (a) *In any case in which a person is injured or killed by an incident specified in section 3.74 (7), the commission may recommend the payment of compensation in accordance with the provisions of this act: (1) to or for the benefit of the injured person; (2) in the case of personal injury, to any person responsible for the maintenance of such person who has suffered pecuniary loss or incurred expenses as a result of such injury; or (3) in the case of death of such person to or for the benefit of any one or more of his or her dependents.*

(b) *An award may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act. Upon application made by an appropriate prosecuting authority, the commission may suspend proceedings under this act for such period as it deems appropriate on the ground that a prosecution for an offense arising out of such act or omission has been commenced or is imminent.*

(c) *In determining the amount of compensation to be allowed by order, the commission shall take into consideration amounts received or receivable from any other source or sources by such person or his dependents as a result of the incident or offense giving rise to the application.*

Sec. 4. [3.743] **Nature of the compensation.** *The commission may recommend the payment of compensation under section 3.74 (7) for:*

(1) *Expenses actually or reasonably incurred as a result of the personal injury or death of such injured person;*

(2) *Loss of earning power as a result of total or partial incapacity of such injured person;*

(3) *Pecuniary loss to the dependents of the deceased person; and*

(4) *Any other loss resulting from the personal injury or death of such person which the board determines to be reasonable.*

Sec. 5. [3.744] **Limitations on awarding compensation.** (a) *No order for the payment of compensation shall be made under section 3.74 (7) unless the application has been made within two years after the date of the personal injury or death which was the result of an incident described in that section and which has been reported in writing by the claimant or his agent to the law enforcement officer or agency having jurisdiction of said matters within 30 days of its occurrence or, if the incident or offense could*

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not reasonably have been reported within such period, within ten days of the time when the report could reasonably have been made.

(b) No compensation shall be awarded under section 3.74 (7) if the claimant (1) is a relative of the offender; (2) was injured as a result of the operation of a motor vehicle, boat or airplane unless the same was used as a weapon in a deliberate attempt to injure the injured person or another person.

(c) No compensation shall be awarded under section 3.74 (7) in an amount in excess of \$10,000 and all payments shall be made in a lump sum.

(d) Orders for payment of compensation pursuant to section 3.74 (7) may be made only as to injuries or deaths resulting from incidents or offenses occurring on or after July 1, 1969.

Sec. 6. [3.745] Recovery from offender. *Whenever payment of compensation for personal injury or death is or has been made under section 3.74 (7), the commission shall, upon payment of the amount awarded, be subrogated to the cause of action of the claimant against the person or persons responsible for such injury or death and shall be entitled to bring an action against such person or persons for the amount of damages sustained by the claimant. If an amount greater than that paid pursuant to the award is recovered and collected in any such action, the commission shall pay the balance to the applicant. The attorney general of this state shall represent the commission in any such action.*

Sec. 7. [3.746] Application for compensation. *(a) In any case in which the person entitled to compensation is a minor, the claim may be made on his behalf by his parent or guardian. In any case in which the person entitled to make a claim is mentally incompetent, the claim may be made on his behalf by his parent, guardian or individual authorized to administer his estate.*

(b) In order to be eligible for compensation under section 3.74 (7), the claimant shall, prior to a hearing on any claim pursuant to this act, submit reports, if reasonably available, from all physicians or surgeons who have treated or examined the injured person in relation to the injury for which compensation is claimed at the time of or subsequent to his injury or death. If, in the opinion of the commission, reports on the previous medical history of the injured person, examination of the injured person and a report thereon or a report on the cause of death of an injured person by an impartial medical expert would be of material aid to its just determination, the commission shall order such reports and examination.

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Sec. 8. [3.747] **Definitions.** *As used in section 3.74 (7) and sections 2 to 7:*

(1) *"Injury" means actual bodily harm. "Injured person" means any person who sustains any injury or is killed as a result of an act described in section 3.74 (7).*

(2) *"Dependents" means such relatives of a deceased person as were wholly or partially dependent upon his income at the time of his death and shall include the child of such person born after his death.*

(3) *"Relative" of any person means his spouse.*

Sec. 9. [3.748] **False claim; penalty.** *Whoever, with the intent to defraud, conspires with another and presents or causes to be presented a claim before the commission under the provisions of section 3.74 (7), which he knows to be false in whole or in part, shall be guilty of a felony.*

Sec. 10. *This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971.*

Approved June 6, 1969.

CHAPTER 1019—H. F. No. 1332

An act relating to juveniles; dispositions of a delinquent child; amending Minnesota Statutes 1967, Section 260.185, Subdivision 3.

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

Section 1. Minnesota Statutes 1967, Section 260.185, Subdivision 3, is amended to read:

Subd. 3. **Juveniles; dispositions; continuances.** When it is in the best interests of the child to do so and when child has admitted the allegations contained in the petition before the judge or referee, or when a hearing has been held as provided for in section 260.155 and the allegations contained in the petition have been duly proven but, in either case, before a finding of delinquency has been entered, the court may continue the case for a period not to exceed 90 days on any one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding of delinquency. During this continuance

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