

JUDICIAL DISTRICTS**2.72 BOUNDARIES AND JUDGES**

4. Amended, 1953 c 694.
Authorizing twelve judges for the fourth district, one of which is temporary.
8. Amended, 1953 c 584.
Authorizing two judges for the eighth district.
9. Amended, 1951 c 52.
Division of duties in the ninth district.
19. Amended, 1953 c 687.
Authorizing two judges for the nineteenth district.

CHAPTER 3**THE LEGISLATURE****3.01 SESSIONS**

HISTORY. 1849 c 18; RS Ter 1851 c 3 s 1; 1858 c 50 s 2; PS 1858 c 4 s 17; GS 1866 c 3 s 3; 1878 c 23 s 1; GS 1878 c 3 s 7; GS 1894 s 217; RL 1905 s 9; GS 1913 s 24; GS 1923 s 24; MS 1927 s 24.

3.02 EVIDENCE OF MEMBERSHIP

HISTORY. 1858 c 85 s 2; PS 1858 c 4 s 22; GS 1866 c 3 s 4; GS 1878 c 3 s 5; GS 1894 s 218; RL 1905 s 10; GS 1913 s 25; GS 1923 s 25; MS 1927 s 25.

3.05 ORGANIZATION

HISTORY. 1858 c 85 s 3, 6; PS 1858 c 4 s 23, 26; GS 1866 c 3 s 5, 7; 1872 c 58 s 1; GS 1878 c 3 s 6, 8; GS 1894 s 219, 221; RL 1905 s 13; GS 1913 s 28; GS 1923 s 28; MS 1927 s 28.

3.06 OFFICERS AND EMPLOYEES

HISTORY. RS Ter 1851 c 3 s 8-10; 1858 c 85 s 4, 7; PS 1858 c 4 s 24, 27; GS 1866 c 3 s 6, 7; 1872 c 58 s 1; GS 1878 c 3 s 7, 8; GS 1894 s 220, 221; 1905 c 52 s 1; RL 1905 s 14; GS 1913 s 29, 30; GS 1923 s 29, 30; MS 1927 s 29, 30; Ex1936 c 4 s 1; 1947 c 233 s 1.

3.07 ADDITIONAL EMPLOYEES

HISTORY. RL 1905 s 15; 1947 c 233 s 2; (31).

3.08 ELECTION; DUTIES

HISTORY. RS Ter 1851 c 3 s 15, 18; 1858 c 85 s 11; PS 1858 c 4 s 31; GS 1866 c 3 s 10; GS 1878 c 3 s 11; 1889 c 51 s 1; GS 1894 s 226, 230; RL 1905 s 16; GS 1913 s 32; GS 1923 s 32; MS 1927 s 32; 1947 c 233 s 3.

3.09 COMPENSATION OF EMPLOYEES

HISTORY. 1873 c 113 s 1, 2, 3; GS 1878 c 3 s 16, 17, 18; 1883 c 14 s 1; 1889 c 51 s 1; 1893 c 107; GS 1894 s 232-234; RL 1905 s 17; 1907 c 229 s 1; 1909 c 132 s 1; GS 1913 s 33; GS 1923 s 33; MS 1927 s 33; Ex1936 c 115 s 1; Ex1937 c 82 s 1; 1943 c 629 s 2; 1943 c 326 s 1; 1947 c 233 s 5.

3.10 MEMBERS; COMPENSATION, MILEAGE

HISTORY. 1868 c 43; 1873 c 113 s 1, 2, 3; PS 1878 c 3 s 16-18; 1883 c 14 s 1; 1889 c 51 s 1; 1893 c 107; GS 1894 s 230, 232-234; RL 1905 s 17; 1907 c 229 s 1; 1909 c 132 s 1; GS 1913 s 33, 35; MS 1927 s 33, 34; Ex1936 c 67; Ex1936 c 115 s 1; Ex1937 c 82 s 1; 1943 c 326; 1943 c 629; 1949 c 525 s 1. (Expiring first Monday in January, 1951); 1951 c 701 s 1; 1953 c 467 s 1 (33, 35).

The salary of a member of the legislature ceases when he dies and the salary remaining unpaid should be used as compensation for the representative elected to fill the vacancy. OAG April 14, 1947 (280-D).

3.11 COMPENSATION AND MILEAGE, WHEN PAID

HISTORY. Joint Res. Feb. 3, 1874; GS 1878 c 3 s 22-27; GS 1894 s 238-243; RL 1905 s 18; 1909 c 251; GS 1913 s 34; GS 1923 s 34; MS 1927 s 34; 1953 c 467 s 2 (34).

3.14 CONTEMPTS

Self incrimination; confession covered by police; legislative investigations; production of writings; bodily or mental examination; jurisdictional limits of the privilege; waiver by testifying. 34 MLR 1.

Rights of a witness at a legislative hearing. 37 MLR 298.

3.15 PUNISHMENT FOR CONTEMPT

HISTORY. RS Ter 1851 c 3 s 3, 4; PS 1858 c 4 s 2, 3; 1860 c 79 s 1; GS 1866 c 3 s 11, 12; GS 1878 c 3 s 12, 13; GS 1894 s 227, 228; RL 1905 s 20; GS 1913 s 39; GS 1923 s 39; MS 1927 s 39.

3.19 ENGROSSING AND ENROLLING

An appropriation item passed by both houses should be considered as an appropriation notwithstanding an error in engrossing or enrolling the bill. OAG May 3, 1951 (280-B).

AMENDMENTS TO CONSTITUTION

3.20 FORM OF ACT; SUBMISSION

Full and complete text of an amendment to the constitution adopted by the electorate should be included in the proclamation of the governor. The proclamation should be filed with the secretary of state but need not be published by paid legal advertisement. It is customary to insert the governor's proclamation in the first session laws published after the adoption of an amendment. OAG Nov. 18, 1948 (280-A).

3.21 NOTICE

HISTORY. 1887 c 157 s 1-6; GS 1878 Vol 2 (1888) c 6 s 11a-11f; GS 1894 s 310-315; RL 1905 s 25; 1907 c 152; GS 1913 s 46; 1913 c 299 s 1; GS 1923 s 46; MS 1927 s 46; 1941 c 136 s 1; 1951 c 699 s 1.

A newspaper published on Sunday is not a legal newspaper for publication of legal notices. OAG Nov. 12, 1947 (344-B-14).

STANDING APPROPRIATIONS

3.23 STANDING APPROPRIATION

Appropriation of state funds; moral obligation justifying public expenditures. 33 MLR 661.

3.24 STANDING APPROPRIATION REPEALED

HISTORY. 1913 c 140 s 2; GS 1913 s 49; MS 1927 s 49; Ex1933 c 16 s 2.

Where the clerk of the district court transmits to the state auditor certificates and receipts by a claimant asking a bounty for procuring the arrest and conviction of persons charged with horse stealing, and no specific appropriation for the payment of such bounty having been made by the legislature for many years, the state auditor has no authority at the next tax settlement to deliver to the state treasurer a warrant for the amount certified as a credit to the county. The only relief to the claimant is to present a claim to the next legislature. OAG May 1, 1947 (9-A).

When a permanent provision, properly included in an appropriation act, is necessarily inconsistent with an earlier law and so repugnant to the earlier law that the two laws cannot stand together and be operative at the same time, there is an implied repeal of the earlier law. Section 215.21 is thereby affected. State v City of Duluth, M, 56 NW(2d) 416.

3.25 Repealed, 1943 c 348 s 5.

3.26 to 3.28 Repealed, 1943 c 348 s 5.

LEGISLATIVE RESEARCH

3.31 LEGISLATIVE RESEARCH COMMITTEE

Legislative research committee created. 33 MLR 51.

Law-making and legislative precedent in American legal history. 33 MLR 103.

Legislative precedent in the development of American law. 33 MLR 103.

Early Colonial Law. 33 MLR 107.

Century Colonial Codes and Revisions. 33 MLR 121.

Massachusetts Code of 1648. 33 MLR 123.

Advent of the English style of draftsmanship. 33 MLR 134.

New York Codes. 33 MLR 139.

Employees of the legislative research commission are deemed legislative employees and are not entitled to membership in the state employees retirement association. OAG Sept. 15, 1947 (331-A-7).

3.41 Repealed, 1951 c 37 s 1.

STATE CLAIMS COMMISSION

3.42 DEFINITIONS

HISTORY. 1953 c 749 s 1.

NOTE: The doctrine of sovereign immunity has been upheld in Minnesota courts since the state was established. The state, unless it specifically waives its im-

3.43 THE LEGISLATURE

60

munity, is not liable in court for claims arising out of contract or tort. Immunity has been waived conditionally or in part as to highways, section 161.03, subdivision 17; certain cases relating to the quieting of title to property or the foreclosure of the lien thereon, section 582.13; the Workmen's Compensation Act applies to employees of the state employed in any department thereof, section 176.73; refund of money paid to the state through error, section 6.136, subdivisions 1, 2; and to some extent as to controversies arising out of contract by Laws 1952, Chapter 749, coded as sections 3.42 to 3.65, in force until the 1955 session of the legislature adjourns sine die.

3.43 CONTROVERSIES ARISING OUT OF CONTRACTS

HISTORY. 1953 c 749 s 2.

The chief clerk of the House of Representatives is eligible for appointment as a member of the Claims Commission created by the 1953 legislature, and is also eligible to be a member of the Youth Conservation Commission. OAG April 30, 1953 (358-G).

3.44 STATE CLAIMS COMMISSION

HISTORY. 1953 c 749 s 3.

3.45 DIRECTOR OF RESEARCH AS CLERK OF COMMISSION

HISTORY. 1953 c 749 s 4.

3.46 MEETINGS

HISTORY. 1953 c 749 s 5.

3.47 OFFICES

HISTORY. 1953 c 749 s 6.

3.48 SALARIES, EXPENSES

HISTORY. 1953 c 749 s 7.

3.49 OATH OF OFFICE

HISTORY. 1953 c 749 s 8.

3.50 INTEREST IN CLAIM, DISQUALIFICATION OF MEMBER

HISTORY. 1953 c 749 s 9.

3.51 ATTORNEY GENERAL, DUTIES

HISTORY. 1953 c 749 s 10.

3.52 CONSIDERATION OF CLAIMS

HISTORY. 1953 c 749 s 11.

Laws 1953, Chapter 749, creates a State Claims Commission, and Laws 1953, Chapter 746, Section 77, refers to a number of claims over which the commission is to take jurisdiction. The amounts set forth after the names of the claims in section 77 are descriptive of the claims and are not to be considered as an appropriation or an authority of any kind to pay the claims. The direction is to the commission to give them consideration. OAG May 29, 1953 (70).

3.53 JURISDICTION OF COMMISSION

HISTORY. 1953 c 749 s 12.

3.54 EXCEPTIONS TO JURISDICTION

HISTORY. 1953 c 749 s 13.

3.55 RULES OF PROCEDURE

HISTORY. 1953 c 749 s 14.

3.56 PROCEDURE FOR CONSIDERATION OF CLAIMS

HISTORY. 1953 c 749 s 15.

3.57 REFERENCE OF CLAIMS FOR ADVISORY DETERMINATION

HISTORY. 1953 c 749 s 16.

3.58 CLAIMS ARISING UNDER LEGISLATIVE APPROPRIATIONS

HISTORY. 1953 c 749 s 17.

3.59 APPROPRIATION FOR PAYMENT OF CLAIMS

HISTORY. 1953 c 749 s 18.

3.60 CLAIMS BARRED BY STATUTES OF LIMITATION

HISTORY. 1953 c 749 s 19.

3.61 EVIDENCE; SUBPOENAS; COURT ORDER FOR APPEARANCE OF WITNESSES; CONTEMPT

HISTORY. 1953 c 749 s 20.

3.62 LIST OF AWARDS CERTIFIED TO COMMISSIONER OF ADMINISTRATION

HISTORY. 1953 c 749 s 21.

3.63 RECORD OF CLAIMS CONSIDERED; RE-EXAMINATION OF CLAIMS

HISTORY. 1953 c 749 s 22.

3.64 OFFICIAL REPORTER; BIENNIAL REPORT

HISTORY. 1953 c 749 s 23.

3.65 FALSE OR FRAUDULENT CLAIMS

HISTORY. 1953 c 749 s 24.