

CHAPTER 3

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LEGISLATURE

3.01 SESSIONS. The legislature shall assemble at the seat of government on the first Tuesday after the first Monday in January of each odd-numbered year; and at such other times as it may be called by the governor to meet in extra session.

[R. L. s. 9] (24)

3.02 EVIDENCE OF MEMBERSHIP. For all purposes of organization of either house of the legislature, a certificate of election thereto, duly executed by the auditor of the proper county, shall be prima facie evidence of the right to membership of the person therein named.

[R. L. s. 10] (25)

3.03 TEMPORARY EMPLOYEES. At the opening of each session of the legislature, the superintendent of the capitol shall employ the following assistants who shall serve until their places are filled by action of the respective houses and no longer: For the senate, two doorkeepers, one cloakroom keeper, and two pages; and for the house of representatives, two doorkeepers, three cloakroom keepers, and four pages.

[R. L. s. 11] (26)

3.04 COMPENSATION OF TEMPORARY EMPLOYEES. Each door and cloakroom keeper so temporarily employed shall be paid \$3 per day, and each page \$2 per day, for the time of his actual service; but none of them shall receive any pay until the superintendent of the capitol shall have certified to the number of days of such service, and the amount due therefor. No other person shall be paid for assistance rendered to either house during its organization.

[R. L. s. 12] (27)

3.05 ORGANIZATION. At noon of the day appointed for the convening of the legislature, the members thereof shall meet in their respective chambers. The lieutenant governor shall call the senate to order; and the secretary of state, the

house of representatives. In the absence of either of these officers, the oldest member present shall act in his place. The person so acting shall appoint, from the members present, a clerk pro tem, who shall call the legislative districts in the order of their numbers; and, as each is called, the persons claiming to be members therefrom shall present their certificates to be filed. All whose certificates are so presented shall then stand and be sworn.

[*R. L. s. 13*] (28)

3.06 OFFICERS AND EMPLOYEES. Thereupon, a quorum being present, the respective houses shall elect the following officers, any of whom may be removed by resolution of the appointing body:

The senate, a secretary, a first and a second assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, and a chaplain; and

The house, a speaker, who shall be a member thereof, a chief clerk, a first and a second assistant clerk, an index clerk, a chief sergeant-at-arms, a first and a second assistant sergeant-at-arms, a postmaster, an assistant postmaster, and a chaplain.

[*G. S. 1894 s. 220; R. L. s. 14; 1905 c. 52 s. 1; Ex. 1936 c. 4 s. 1; 1947 c. 233 s. 1*] (29, 30)

3.07 ADDITIONAL EMPLOYEES. Each house, after its organization, may appoint and at pleasure remove such employees as are provided for by its permanent rules or recommended by its committee on legislative expense. All officers and employees shall be paid by the day and shall receive such compensation as is provided by the permanent rules of the electing or appointing body or recommended by its committee on legislative expense; and, unless otherwise expressly provided by law, no such officer or employee shall receive any other compensation for his services.

[*R. L. s. 15; 1947 c. 233 s. 2*] (31)

3.08 ELECTION; DUTIES. In addition to the duties prescribed by law, such officers and employees shall perform such services as may be required of them by rule or vote of the appointing body or by direction of any committee thereof.

[*R. L. s. 16; 1947 c. 233 s. 3*] (32)

3.081 JURY EXEMPTION. Any member, officer, or employee of the legislature is exempt from duty as a juror during all sessions thereof.

[*1947 c. 233 s. 4*]

3.085 MEMBERS LEAVING PRIVATE EMPLOYMENT, RIGHT TO RESTORATION. Every member of the legislature of the State of Minnesota who has left or leaves a position, other than a temporary position in the employ of any private employer for the purpose of serving in the legislature during any legislative session, who makes application for reemployment within 30 days after the end of such session, shall be restored to such position, or to a position of a like seniority, status and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

[*1955 c. 690 s. 1*]

3.086 LEAVE OF ABSENCE. Any member of the legislature who is restored to a position in accordance with the provisions of section 3.085 shall be considered as having been on leave of absence during his service in the legislature, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on leave of absence in effect with the employer at the time such legislator commenced to serve in the legislature, and shall not be discharged from such position without cause after such restoration.

[*1955 c. 690 s. 2*]

3.087 RIGHT OF ACTION IN DISTRICT COURT. In case any private employer fails or refuses to comply with the provisions of sections 3.085 and 3.086, the district court of the State of Minnesota for the district in which such private employer maintains a place of business, shall have the power, upon the filing of a memorandum, petition or other appropriate pleading by the member of the legislature entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such member of the legislature for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

[*1955 c. 690 s. 3*]

3.09 COMPENSATION OF EMPLOYEES. The compensation of officers and employees shall be at the rates per day fixed by the permanent rules of the electing or appointing body or recommended by its committee on legislative expense.

[*R. L. s. 17; 1907 c. 229 s. 1; 1909 c. 132 s. 1; Ex. 1936 c. 115 s. 1; Ex. 1937 c. 82 s. 1; 1947 c. 233 s. 5*] (33)

3.10 MEMBERS; COMPENSATION, MILEAGE. The compensation of each member of the House of Representatives of the legislature shall be \$4,800 for the entire term to which he is elected, which shall be due on the first day of the regular legislative session of the term and payable as follows:

\$200 on the fifteenth day of January and on the first day of each month, February to December, inclusive, during the term for which he was elected.

The compensation of each Senator of the Legislature shall be \$9,600 for the term to which he is elected, of which \$4,800 shall be due on the first day of each regular legislative session of the term and payable as follows:

\$200 on the fifteenth day of January and on the first day of each month February to December, inclusive, during the term for which he was elected.

In the event of extra legislative sessions, each member of the legislature shall receive additional compensation at the rate of \$25 for each day while engaged in extra session, payable every ten days during such session and on the last day thereof.

Each member shall receive mileage for one trip at the rate of 15 cents for each mile necessarily traveled in going to and returning from the place of meeting to his place of residence.

Each member shall receive in addition to his regular salary and mileage provided above per diem living expenses during a regular or special session of the legislature, the amount to be determined by the legislature each session but not to exceed that paid regularly by the State of Minnesota for employees as expenses away from home; such expenses to be paid to coincide on the same date as regular salary payments are made during the regular or special sessions.

On the fifteenth day of January and on the first day of each month, February to December, inclusive, the secretary of the Senate and the chief clerk of the House of Representatives, shall certify to the state auditor, in duplicate, the amount of compensation then payable to each member of their respective houses, and the aggregate thereof.

[*R. L. s. 17; 1907 c. 229 s. 1; 1909 c. 132 s. 1; Ex. 1936 c. 67 s. 1; Ex. 1936 c. 115 s. 1; Ex. 1937 c. 82 s. 1; 1943 c. 326 s. 1; 1943 c. 629 s. 1, 2; 1949 c. 525 s. 1; 1951 c. 701 s. 1; 1953 c. 467 s. 1; 1955 c. 793 s. 1; 1957 c. 811 s. 1*] (33, 35)

3.11 [Repealed, 1957 c. 811 s. 2]

3.12 COMPENSATION; MILEAGE. The compensation provided for in section 3.11 shall be in full for all services which are required to be performed by senators and representatives, whether rendered during the session of the legislature or subsequent to the adjournment thereof. Nothing in sections 3.09, 3.12, and 3.13 shall affect the compensation of senators and representatives for mileage in going to and returning from the session of the legislature.

[*1907 c. 229 s. 2*] (36)

3.13 PRESIDENT AND SPEAKER; COMPENSATION. The president of the senate and the speaker of the house shall receive, in addition to the amounts specified in section 3.09, the sum of \$5 each per day during any session of the legislature.

[*1907 c. 229 s. 3*] (37)

3.14 CONTEMPTS. Each house may punish, as a contempt, any breach of its privileges, or of the privileges of its members, but only for one or more of the following offenses:

(1) Arresting or causing to be arrested, any member or officer thereof, in violation of his privilege from arrest;

(2) Disorderly conduct in its view and presence, or in the view and presence of any of its committees, tending to interrupt their proceedings;

(3) Refusing to attend or be examined as a witness, before either house or any committee thereof, or before any person authorized by such house or committee to take testimony in legislative proceedings;

(4) Giving or offering a bribe to any member, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote. No person shall be excused from attending and testifying before either house of the legislature, or a committee thereof,

for an alleged offense upon an investigation in reference to such giving or offering of a bribe, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted, or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony, so given or produced, shall be received against him upon any criminal investigation or proceeding.

[R. L. s. 19; 1907 c. 319 s. 1] (38)

3.15 PUNISHMENT FOR CONTEMPT. Punishment for contempt shall be by imprisonment, but the term thereof shall not extend beyond the session at which it is inflicted. When either house shall direct the imprisonment of any person for a contempt the keeper of the common jail of the county in which the seat of government is situated shall receive such person and detain him in close confinement during the term fixed by the order of commitment, or until he is discharged by vote of the committing body or by due process of law.

[R. L. s. 20] (39)

3.16 MEMBERS, OFFICERS OF OR ATTORNEYS EMPLOYED BY, EXCUSED FROM COURT DUTY. No member or officer of, or any attorney employed by, the legislature shall be compelled to attend as a witness in any court of this state during the session of the legislature, or while attending meetings of any legislative committee or commission when the legislature is not in session unless the court in which the action is pending, upon sufficient showing, shall otherwise order with the consent of the presiding officer of the body of which such witness is an employee or the consent of the body of which such witness is a member. No cause or proceeding, civil or criminal, in court or before any commission or officer or referee thereof or motion or hearing therein, in which a member or officer of, or any attorney employed by, the legislature is a party, attorney, or witness shall be tried or heard during the session of the legislature or while any member, officer of, or attorney employed by the legislature is attending meetings of any legislative committee or commission when the legislature is not in session but shall be continued until the legislature or the committee or commission meeting shall have adjourned. The member or officer of, or any attorney employed by, the legislature may, with the consent of the body of the legislature of which he is a member or officer, or employed by, waive this privilege and in this case the cause or proceeding, motion, or hearing may be tried or heard at such time as will not conflict with legislative duties.

[1909 c 51 s 1; 1925 c 18 s 1; 1927 c 47 s 1; 1929 c 19 s 1; 1941 c 45 s 1; 1957 c 183 s 1] (40)

3.17 JOURNALS. A journal of the daily proceedings in each house shall be printed and laid before each member at the beginning of the next day's session. After it has been publicly read and corrected, a copy of the journal, kept by the secretary and chief clerk, respectively, and a transcript thereof as approved shall be certified by the secretary or clerk to the printer, who shall print the corrected sheets for the permanent journal. Executive messages, addresses, reports, communications, and all voluminous documents other than amendments to the constitution or to bills and resolutions and the protests of members submitted under the Constitution of the State of Minnesota, Article 4, Section 16, shall be omitted from the journals, unless otherwise ordered by vote.

[R. L. s. 21] (41)

3.18 OTHER RECORDS. Each house may determine, by rule or resolution, what number of copies of its journal shall be printed, and the form and contents of the other records it may see fit to keep. In like manner it may cause to be printed, in an appendix to its journal, the documents it shall desire to so preserve; but, if both houses shall order the same document to be so printed, it shall be inserted only in the appendix to the senate journal.

[R. L. s. 22] (42)

159C366 3.19 ENGROSSING AND ENROLLING. All bills, joint resolutions, and legislative acts may be engrossed or enrolled, as the case may be, by pen and ink, in long hand, or by printing, or by typewriting, or partly in either manner.

[1905 c 153 s 1] (43)

AMENDMENTS TO CONSTITUTION

3.20 FORM OF ACT; SUBMISSION. Every act for the submission of an amendment to the constitution shall set forth the section as the same will read in case the amendment is adopted, with such other matter only as may be necessary to show in what section or article the alteration is proposed. It shall be submitted and voted upon at the general election next ensuing in the manner provided for by the general law relating to such elections. If adopted, the governor shall announce the fact by proclamation.

[*R. L. s. 24*] (45)

3.21 NOTICE. At least four months preceding such election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended, except that when any section to which an amendment is proposed exceeds 150 words in length, the statement shall show that part of the section in which a change is proposed, both in its existing form and as it will read when amended, together with such portions of the context as the attorney general deems necessary to an understanding of the proposed amendment. In the month of October prior to the election, the secretary of state shall give two weeks published notice of such statement in all legal newspapers of the state. The secretary of state shall furnish such statement to such newspapers in plate form from seven-and-one-half-point type on eight-point slugs. The maximum rate for such publication shall be \$1.20 per folio net for the two publications. If any newspaper shall refuse the publication of the amendments, this refusal and failure of the publication shall have no effect on the validity of the amendments. The secretary of state shall also forward to each county auditor copies of such statement, in poster form, in quantities sufficient to supply each election district of his county with two copies thereof. The auditor shall cause two copies to be conspicuously posted at or near each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor.

[*R L s 25; 1907 c 152; 1913 c 299 s 1; 1941 c 136 s 1; 1951 c 699 s 1*] (46)

3.22 PAYMENT. The publisher of any newspaper publishing the proposed amendments shall, before receiving his fees for the publication, file with the secretary of state an affidavit showing the qualification and legality of the newspaper and that the publication of such amendments has been made as required by law.

[*1913 c. 299 s. 2*] (47)

STANDING APPROPRIATIONS

3.23 STANDING APPROPRIATION. A standing appropriation, within the meaning of sections 3.23 and 3.24, is one which sets apart a specified or unspecified and open amount of public money or funds of the state revenue fund for expenditure for any purpose and makes that amount, or some part of it, available for use continuously and at a time more distant than the end of the second fiscal year after the session of the legislature at which the appropriation is made.

Every appropriation stated to be an "annual appropriation," "payable annually," "appropriated annually," or "annually appropriated," and every appropriation described by equivalent terms or language is to be included among the standing appropriations as hereinbefore defined.

[*1913 c. 140 s. 1*] (48)

3.24 STANDING APPROPRIATION REPEALED. Each and every provision of the laws of Minnesota constituting a standing appropriation of money from the revenue fund, or derived from any revenue of the state, or in any way justifying the continuous payment of any money from the treasury of the state, is hereby repealed, except in cases where there is a provision for a tax levy or fees or receipts for any purpose and set apart in a special fund, and also excepting the miscellaneous receipts of all state educational, charitable, and penal institutions, and the state agricultural society; and all standing or continuous appropriations not based on a tax levy, fees, or receipts, as heretofore provided, are hereby abolished and terminated and each and every word, clause, and paragraph providing for such appropriations is hereby stricken from the laws of this state, respectively, in which they occur.

All acts containing provisions for standing appropriations shall remain unaffected by sections 3.23 and 3.24, except as to such appropriations and the amount thereof.

[1913 c. 140 s. 2] (49)

3.25 [Repealed, 1943 c 348 s 5]

UNIFORM LEGISLATION

3.251 COMMISSION ON UNIFORM STATE LAWS. A commission on uniform state laws in the several states of the United States is created. Before the first day of June, each odd-numbered year, the governor, the attorney general, and the chief justice of the supreme court shall appoint three persons learned in the law to serve as commissioners for a term of two years, and until their successors are appointed. If a vacancy occurs in the commission the appointing officers shall fill the vacancy for the remainder of the term.

[1943 c. 348 s. 1]

3.252 COMMISSIONERS TO REPRESENT STATE. The commissioners shall represent this state in the National Conference of Commissioners on Uniform State Laws; examine into legal subjects on which uniformity of legislation in the different states is desirable; ascertain the best means to effect uniformity; represent Minnesota in conventions of like commissioners of other states; cooperate in the consideration and drafting of uniform acts for submission to the legislatures of the several states; prepare bills adapting such uniform acts to our statutes for introduction in the legislature. The commission shall keep a record of all its transactions and report its activities and recommendations to the legislature at the beginning of each biennial session and may so report and recommend at any other time.

[1943 c. 348 s. 2]

3.253 NO COMPENSATION FOR COMMISSIONERS. The commissioners shall serve without compensation for services as commissioners.

[1943 c. 348 s. 3]

3.254 PRESENT COMMISSIONERS, TENURE. The commissioners serving on April 9, 1943, are to continue in office until their successors are appointed.

[1943 c 348 s 4]

3.26-3.28 [Repealed, 1943 c 348 s 5]

LEGISLATIVE RESEARCH

3.31 LEGISLATIVE RESEARCH COMMITTEE. There is hereby created a legislative committee, which is referred to in sections 3.31 to 3.40 as the "Legislative Research Committee" or the "Committee." The committee shall consist of one senator and one representative from each of the Congressional Districts in the State to be chosen before the close of each regular session of the Legislature to serve until the opening day of the next succeeding regular session of the Legislature. The House members shall be appointed by the Speaker of the House of Representatives and the Senate members shall be selected at a caucus by a majority of the Senators from the several Congressional Districts. In case of failure to make such selection at the time and manner herein provided for or upon a vacancy occurring after the selection has been made, the vacancy shall be filled by the selection of another member from the Congressional District in which the vacancy occurred, such selection to be made by the remaining Senate or House members of the committee, depending upon which body has the vacancy.

[1947 c. 306, s. 1]

3.32 POWERS, ASSISTANCE TO LEGISLATORS; LEGISLATIVE INTERIM COMMITTEE. In addition to the other applicable provisions of sections 3.31 to 3.40, the committee shall have the power and right to study, consider, accumulate, compile and assemble information on any subject upon which the Legislature may legislate, and upon such subjects as the Legislature may by concurrent or joint resolution authorize or direct, or upon any subject requested by a member of the Legislature; to collect information concerning the government and general welfare of the State and of its political subdivisions; to study and consider important issues of public policy and questions of general interest. The prime motive of the committee shall be to gather information and provide material to be used by the Legislature in its work while in session. To assist in this purpose the committee shall furnish interim committees of the Legislature, upon request, administrative, secretarial, and professional assistance, within the facilities and appropriations of said committee. When interim committees or commissions are created and no other pro-

vision is made therefor the director shall make arrangements for their initial meeting and call the members of such committees or commissions together for the purpose of organizing. The director and his assistants shall neither oppose nor urge legislation. The committee may as it deems advisable call to its assistance other members of the Legislature and it may create committees consisting of its own members, or one or more of its own members and one or more members of the Legislature and delegate by written resolution to such committees such of its powers and rights as it may deem advisable. Any member of the Legislature shall have the right to attend any meeting of the committee, and may present his views on any subject which the committee may at any particular time be considering. Any member shall have the right to attend and participate in the discussion but shall not have a vote, and upon request any member of the Legislature shall be notified of the dates and places of meetings.

[1947 c 306 s 2; 1955 c 860 s 1]

3.33 SUBJECTS FOR RESEARCH. The committee may assign the research director and staff to the various standing committees during each regular legislative session for the purpose of explaining the work of the committee and developing additional data with reference thereto. Each department, board, commission, agency, officer, and employee in the state government and those in local governments shall furnish such information and render such assistance to the committee as it may from time to time request.

[1947 c. 306 s. 3]

3.34 MEETINGS; QUORUM. The committee, or any sub-committee appointed by it, may sit at such time and place as it may deem advisable, but the committee shall meet at least once in each quarter year and shall meet at any time upon the call of the chairman or a call signed by nine members of the committee. At any meeting of the committee ten members shall constitute a quorum and a majority of such quorum shall have authority to act in any matter falling within the jurisdiction of the committee.

[1947 c. 306 s. 4]

3.35 OFFICERS; RESEARCH DIRECTOR; EMPLOYEES; BUDGET. The committee shall select a chairman and a vice-chairman from its own members and may prescribe its own rules of procedure. It may appoint a secretary who need not be a member, and shall appoint a research director who shall be paid such salary as the committee may determine. The committee may employ such other persons and obtain the assistance of such research agencies as it may deem necessary. The secretary, the director and all employees of the Legislative Research Committee shall be deemed to be legislative employees and shall be in the unclassified service of the state civil service. For the purpose of budgeting, expenses of the Legislative Research Committee shall be deemed to be legislative expense. Expenditures of funds made available to the committee by legislative appropriation shall be made only upon the authority of resolutions duly passed by the committee.

[1947 c. 306 s. 5]

3.36 MINUTES OF MEETINGS; REPORTS. The committee shall keep minutes of its meetings, which shall be open to the public. It shall make periodic reports to all members of the legislature and shall keep them fully informed of all matters which may come before it, the action taken thereon, and the progress made in relation thereto. At least 30 days prior to each biennial legislative session the committee shall make a written report summarizing its activities, investigations, surveys, and findings of facts to the members of the legislature, to the governor, and to the public.

[1947 c. 306 s. 6]

3.37 CERTAIN SUBJECTS PRESENTED 60 DAYS BEFORE REGULAR SESSION. The committee may require that any suggested legislation that is to be presented by any department, board, commission, agency, officer, official or employee of the state, except the governor, desiring the consideration of the committee, be presented to it at least 60 days in advance of any regular session.

[1947 c. 306 s. 7]

3.38 EXPENSE OF MEMBERS. The members of the committee and the members of any sub-committee of the committee, shall be compensated for their actual expenses necessarily incurred in attending said meetings and in the performance of their official duties.

[1947 c. 306 s. 8]

3.39 OFFICE. The commissioner of administration shall assign to the committee suitable quarters in the state capitol building.

[1947 c. 306 s. 10]

3.40 APPROPRIATION. There is hereby appropriated from the general revenue fund to the committee, for the purpose of carrying out the provisions of sections 3.31 to 3.40, the sum of \$7,000 to be immediately available; the sum of \$25,000 for the fiscal year ending June 30, 1948; the sum of \$25,000 for the fiscal year ending June 30, 1949. For the payment of the expenses of the committee it shall draw its warrants upon the state treasurer, which warrants shall be signed by the chairman and at least one other member of the committee, and the state auditor shall then approve them, and the state treasurer shall pay them as and when presented, but not exceeding in the aggregate the amount herein appropriated.

[1947 c. 306 s. 11]

3.42-3.65 [Obsolete 1953 c. 749 s 26]

LEGISLATIVE BUILDINGS COMMISSION

3.421 LEGISLATIVE BUILDINGS COMMISSION, CREATION. Subdivision 1. A commission to continually study and investigate the buildings needs of the government of the state of Minnesota, is hereby created.

Subd. 2. Such commission shall be known as the legislative buildings commission and shall make a continuing study and investigation of the building needs of the government of the state of Minnesota, including, but not limited to the following: the current and future requirements of new buildings, the maintenance of existing buildings, rehabilitating and remodeling of old buildings, the planning for administrative offices, and the exploring of methods of financing building and related costs.

[1957 c 827 s 1]

3.431 MEMBERSHIP. Subdivision 1. The commission shall consist of five members of the senate to be appointed by the committee on committees and five members of the house of representatives to be appointed by the speaker. The first members of this commission shall be selected immediately after the passage and approval of sections 3.421 to 3.461 to serve for a term expiring at the close of the next succeeding regular session of the legislature and until their successors are appointed. Subsequent members of the commission shall be appointed at the close of each regular session of the legislature for a two-year term. If any of the members elect not to serve on the commission, the house of which they are members, if in session, shall select some other member for such vacancy. If the legislature is not in session, vacancies in the membership of the commission shall be filled by the last senate committee on committees or other appointing authority designated by the senate rules in case of a senate vacancy, and by the last speaker of the house, or if he be not available, by the last chairman of the house rules committee in case of a house vacancy.

Subd. 2. The commissioner of administration shall be invited to participate in the meetings, studies and investigations of such commission, but he shall not be a member thereof.

[1957 c 827 s 2]

3.441 MEETINGS. Subdivision 1. The commission shall hold meetings at such times and places as it may designate. It shall select a chairman, a vice-chairman and such other officers from its membership as it may deem necessary.

Subd. 2. The commission may employ such professional, clerical, and technical assistants as it deems necessary in order to perform the duties herein prescribed.

Subd. 3. The commission may request information from any state officer or agency in order to assist in carrying out the terms of sections 3.421 to 3.461 and such officer or agency is authorized and directed to furnish any data required promptly. The commission shall use the available facilities and personnel of the legislative research committee unless the commission by resolution determines a special need or reason exists for the use of other facilities or personnel.

[1957 c 827 s 3]

3.451 EXPENSES, REIMBURSEMENT. The members of the commission, its assistants and the commissioner of administration shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties hereunder. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

[1957 c 827 s 4]

3.461 REPORTS AND RECOMMENDATIONS TO LEGISLATURE. The commission shall report to the legislature from time to time setting forth its findings as a result of its investigations and studies, and shall make such recommendations as it deems proper to assist the legislature in formulating legislation.

[1957 c 827 s 5]

3.471 APPROPRIATIONS AND REPORTS. The sum of \$17,500, or so much thereof as may be necessary, is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated for the purposes of sections 3.421 to 3.471 for the payment of any such expenses. The commission shall draw its warrants upon the state treasurer which warrants shall be signed by the chairman or any other authorized member of the commission, and the state auditor shall then approve, and the state treasurer then pay, such warrants as and when presented. A general summary or statement of expenses incurred by the commission and paid shall be made to the legislature from time to time.

[1957 c 827 s 6]

3.66 CLAIMS COMMISSION. A commission to hear and adjudicate claims against the state is hereby created. The commission shall consist of six members, three of whom shall be senators appointed by the committee on committees and three shall be members of the house of representatives appointed by the speaker of the house. The commission shall be appointed upon the passage of sections 3.66 to 3.84 and any vacancy occurring shall be filled by the appointing power.

[1957 c 899 s 1]

3.67 OFFICERS AND EMPLOYEES. The commission shall select a chairman, a vice-chairman and such other officers from its members as it deems necessary and may employ such assistants as it deems necessary to effectually perform its duties.

[1957 c 899 s 2]

3.68 MEETINGS. The commission shall hold meetings at the state capitol at such times as it may designate and the department of administration shall provide adequate quarters therefor, and it may in its discretion hold meetings at any county seat.

[1957 c 899 s 3]

3.69 CLERK AND DEPUTY CLERK. The director of research of the legislative research committee shall act as clerk for the commission. He may, with the advice and consent of a majority of the commission members, appoint a deputy clerk who shall aid in the discharge of the duties of the clerk, and who shall have the same duties and powers as the clerk.

The clerk shall have custody of all records and proceedings of the commission, shall attend meetings and hearings of the commission, may administer oaths and affirmations, and shall issue all official summons, orders, statements, and awards. The commission members may also administer oaths and affirmations.

[1957 c 899 s 4]

3.70 EXPENSES. The commission shall perform its duties during the two year period between the sine die adjournment of the regular sessions of the legislature. Each member of the commission shall receive actual expenses incurred in the performance of his duties. Each requisition for traveling expenses shall be accompanied by a sworn itemized statement which shall be filed with the state auditor and preserved as a public record. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

[1957 c 899 s 5]

3.71 MEMBER MAY NOT HEAR CLAIM, WHEN. No member of the commission shall hear or participate in the consideration of a claim in which he has a personal interest.

[1957 c 899 s 6]

3.72 ATTORNEY GENERAL TO REPRESENT STATE. The attorney general shall represent the interests of the state in all claims coming before the commission.

[1957 c 899 s 7]

3.73 CLAIMS WHICH MAY BE CONSIDERED. In accordance with sections 3.66 to 3.84, the commission shall consider claims which, but for some statutory restrictions, inhibitions, or limitations, could be maintained in the courts of the state. No liability is imposed upon the state or any of its agencies by a determination of the commission approving a claim and recommending an award unless the legislature

has previously made an appropriation for the payment of such claim subject to the determination of the commission, or unless the amount of the commission's award is less than \$2,500 and the legislature has previously made an appropriation for the payment of such claims during the biennium.

Except as provided in section 3.78, a claim shall be instituted by the filing of a written notice with the clerk. Each claim shall be considered by not less than four members of the commission. After consideration, if the commission finds that the claim is just and proper, it shall so determine and shall file with the clerk a brief statement of its reasons. A brief statement shall be similarly filed with the clerk as to any claim rejected by the commission. If the determination of the commission is not unanimous, the reasons of each dissenting member of the commission shall be stated. As to an approved claim, the commission shall determine the amount that should be paid to the claimant, and shall itemize this amount as an award, with the reasons therefor, in its statement filed with the clerk. In determining the amount of a claim, interest shall not be allowed unless the claim is based upon a contract which specifically provides for the payment of interest.

[1957 c 899 s 8]

3.74 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.

[1957 c 899 s 9]

3.75 CLAIMS WHICH MAY NOT BE CONSIDERED. Unless specifically referred to it by the legislature the jurisdiction of the commission shall not extend to any claim:

(1) For loss, damage, or destruction of property or for injury or death sustained by a member of the militia or national guard while in the service of the state.

(2) For loss, damage or destruction of property or for injury or death incurred by any person because of wild animals.

(3) Arising out of any contract to which the provisions of Minnesota Statutes, Section 161.03, Subdivisions 17 to 20, apply.

(4) For a disability or death benefit under Minnesota Statutes, Chapter 176.

(5) For unemployment compensation under Minnesota Statutes, Chapter 268.

(6) For relief or public assistance under Minnesota Statutes, Chapter 256.

(7) With respect to which a proceeding may be maintained by or on behalf of the claimant against the state in the courts of the state.

[1957 c 899 s 10]

3.76 RULES OF PROCEDURE FOR PROCEEDINGS. The commission shall adopt rules of procedure governing proceedings before it and may amend such rules. The rules shall be designed to assure a simple, expeditious, and inexpensive consideration of claims. The commission shall adopt rules pertaining to persons appearing as representatives of claimants and may amend such rules. The rules shall permit a claimant to appear in his own behalf or present his claim through a qualified representative. A representative shall be a person who is competent to present and protect the interests of the claimant. Under its rules the commission shall not be bound by the usual common law or statutory rules of evidence. It may accept and weigh, in accordance with its evidential value, any information that will assist it in determining the factual basis of the claim.

[1957 c 899 s 11]

3.77 CONSIDERATION OF CLAIMS, PROCEDURE. The procedure for the consideration of claims shall be substantially as follows:

(1) The claimant shall give written notice to the clerk that he desires to maintain a claim. The notice shall sufficiently identify the claimant, state the circumstances giving rise to the claim, and the state agency concerned.

(2) The clerk shall transmit a copy of the notice to the state agency concerned. If the commission finds that a claim is *prima facie* within its jurisdiction, it shall order the claim to be placed upon its regular docket for hearing.

(3) The commission shall so conduct the hearing as to disclose all material facts and issues of liability. Any member of the commission may examine or cross-examine witnesses. The commission may call witnesses or require evidence not produced by the parties, may stipulate the questions to be argued by the parties, and may continue the hearing to permit a more complete presentation of the claim.

(4) After the close of the hearing the commission shall consider the claim and shall make a determination thereof within 30 days, if possible.

When a claim does not arise under an appropriation for the current fiscal year, the amount claimed does not exceed \$1,000, the state agency concerned concurs in the claim, and the attorney general approves it as a claim which, in view of the purposes of sections 3.66 to 3.84, should be paid, the commission shall consider the claim informally upon the record submitted. The state agency concerned shall prepare the record of the claim to the extent required by the rules of the commission, and this record shall be filed with the clerk. If the commission determines that the claim should be entered as an approved claim and an award made, it shall so order and shall file its statements with the clerk. If the commission finds that the claim should not be paid, it shall reject the claim.

[1957 c 899 s 12]

3.78 ADVISORY DETERMINATION OF CLAIMS. The governor or the head of a state agency may refer a claim against the state or a state agency to the commission for an advisory determination. The procedure shall be substantially as follows:

(1) The record of the claim, including a full statement of the facts, the contention of claimant, and such other materials as the rules of the commission require, shall be filed with the clerk. The record shall submit specific questions for the commission's consideration.

(2) The clerk shall examine the record and determine whether it is adequate or inadequate under the rules. If he determines that the record is inadequate he shall refer it back to the officer submitting it with the request that it be altered so as to be adequate under the rules. If he determines that the record is adequate he shall place the same on a special docket.

(3) When the claim is reached on the special docket, it shall be considered informally and without hearing. After consideration the commission shall prepare a *brief opinion for the information and guidance of the officer submitting the claim*. No claimant may appear in connection with the consideration of any such claim.

(4) The opinion shall be filed with the clerk and a copy thereof transmitted to the officer who referred the claim.

An advisory determination does not bar a subsequent consideration of the claim if it is properly submitted by or on behalf of the claimant.

[1957 c 899 s 13]

3.79 CLAIMS NOT WITHIN JURISDICTION. The commission shall not take jurisdiction over a claim which would have been barred by existing statutes of limitation operating against said claim if not brought against the state of Minnesota except as to claim specifically referred to the commission by the legislature. No claim that has been rejected by the legislature shall be considered by the commission unless referred to the commission by the legislature. A claim shall be considered to have been rejected by the legislature if a properly authorized committee of either house of the legislature shall have disapproved said claim by motion properly adopted in such committee.

[1957 c 899 s 14]

3.80 WITNESSES. In all hearings and proceedings before the commission the evidence of witnesses and the production of documentary evidence may be required by issuance of subpoenas. Such subpoenas may be issued by the commission for the appearance at any designated place of hearing. In case of disobedience to a subpoena or other summons the commission may invoke the aid of any district court in requiring the evidence and testimony of witnesses and the production of documentary evidence. Upon proper showing the district court shall issue an order

requiring witnesses to appear before the commission, produce documentary evidence, and give testimony touching the matter in question. A person failing to obey the order may be punished by the district court as for contempt.

[1957 c 899 s 15]

3.81 LIST OF AWARDS; LEGISLATIVE CLAIM COMMITTEE. Upon the convening of the legislature, the clerk shall certify to the commissioner of administration a list of all awards recommended by the commission to the legislature for appropriation. The commissioner of administration shall include all awards so certified in the budget estimates submitted to the governor-elect immediately after his election.

The house members of the commission shall constitute the claims committee of the house and the senate members shall constitute the claims committee of the senate during a regular or special session of the legislature.

[1957 c 899 s 16]

3.82 RECORDS OF CLAIMS, RE-EXAMINATION. The complete record of each claim considered by the commission shall be preserved by the clerk and shall be made available to the legislature, or any member thereof, for the re-examination of the claim.

[1957 c 899 s 17]

3.83 OFFICIAL REPORTER. The clerk is the official reporter of the commission. He prepares the approved claims, awards, and statements for publication and submission to the legislature in the form of a biennial report.

Claims and awards shall be separately classified as follows:

(1) The approved claims and awards not satisfied but referred to the legislature for final consideration and appropriation.

(2) Claims rejected by the commission, with the reasons therefor.

(3) Advisory determination and opinions made at the request of the governor or the head of a state agency.

The commission may include other information or recommendations pertaining to the performance of its duties. The commission shall transmit its biennial report to the governor and a copy thereof to the presiding officer of each house of the legislature. The biennial reports of the commission shall be published by the clerk as a public document.

[1957 c 899 s 18]

3.84 MISDEMEANOR. A person who knowingly and wilfully presents, or attempts to present, a false or fraudulent claim; or a state officer who knowingly and wilfully participates, or assists, in the preparation or presentation of a false or fraudulent claim is guilty of a misdemeanor. If a person convicted of such offense is a state officer, he also forfeits his office.

[1957 c 899 s 19]

NOTE: Laws 1957, chapter 899, was preceded by Laws 1953, chapter 749, and Laws 1955, chapter 878.