

CHAPTER 3

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NOTE: For Iron Range Resources and Rehabilitation Commission, see Section 298.22; for Minnesota Resources Commission, see Section 86.06; for the Legislative Advisory Committee to the Minnesota-Wisconsin boundary commission, see Section 1.34; and for the advisory committee on statewide planning, see Section 4.14.

LEGISLATURE

3.01 SESSIONS. Subdivision 1. 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.

Subd. 2. For the purpose of determining the length of sessions the term "legislative day" means any day when either house of the legislature meets to transact business between January 1 and June 1 of any year.

[R L s 9; 1969 c 1158 s 1] (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, or by the secretary of state when the member is elected from more than one county, shall be prima facie evidence of the right to membership of the person therein named.

[*R L s 10; 1969 c 9 s 1*] (25)

3.03 [Repealed, 1961 c 561 s 17]

3.04 [Repealed, 1961 c 561 s 17]

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; Ex1936 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 em-

ployer 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; Ex1936 c 115 s 1; Ex1937 c 82 s 1; 1947 c 233 s 5] (33)

3.095 LEGISLATIVE EMPLOYEES, LEAVES. Rules of the department of civil service pertaining to sick leave and annual leave shall apply to all permanent employees of the legislature and of legislative committees and commissions.

[1965 c 901 s 76]

3.096 TRANSFER OF LEAVE. An employee in the classified service who accepts a position as a permanent employee of the legislature shall have any accrued vacation or sick leave transferred and placed to his credit on the legislative records. A permanent employee of the legislature who accepts a position in the classified service shall have any accrued vacation or sick leave transferred and placed to his credit on the records of the new appointing authority.

[Ex1967 c 48 s 65]

3.10 MEMBERS; COMPENSATION, MILEAGE. The compensation of each member of the House of Representatives of the legislature shall be \$9,600 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:

\$400 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 \$19,200 for the term to which he is elected, of which \$9,600 shall be due on the first day of each regular legislative session of the term and payable as follows:

\$400 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.

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.

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; Ex1936 c 67 s 1; Ex1936 c 115 s 1; Ex1937 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; 1965 c 881 s 1; 1969 c 9 s 109] (33, 35)

3.101 LIVING EXPENSES DURING SESSION. A member of the legislature in addition to the compensation and mileage otherwise provided for by law shall be reimbursed for his living and other expenses incurred in the performance of his duties during a regular session, a special session, and when the legislature is not in session in the manner and in such amount as may be prescribed by the senate as to senate members and by the house of representatives as to house members.

[1969 c 1139 s 70]

3.11 [Repealed, 1957 c 811 s 2]

3.12 [Repealed, 1961 c 561 s 17]

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)

3.151 DISTURBING LEGISLATURE OR INTIMIDATING MEMBER. Every person who shall wilfully disturb the legislature, or either house thereof, while in session, or who shall commit any disorderly conduct in the presence and view of either house thereof, tending to interrupt its proceedings or impair the respect due to its authority, or who, wilfully, by intimidation or otherwise, shall prevent any member of the legislature from attending any session of the house of which he shall be a member, or of any committee thereof, or from giving his vote upon any question which may come before such house, or from performing any other official act, shall be guilty of a gross misdemeanor.

[R L s 4815] (10000)

3.152 WITNESSES REFUSING TO ATTEND LEGISLATURE OR COMMITTEE, OR TO TESTIFY. Every person duly summoned to attend as a witness before either house of the legislature, or any committee thereof authorized to summon witnesses, who shall refuse or neglect, without lawful excuse, to attend pursuant to such summons, and every person present before either house of the legislature, or any committee thereof authorized to summon witnesses, who shall wilfully refuse to be sworn or to affirm, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper books, papers, or documents in his possession or under his control, shall be guilty of a gross misdemeanor.

[R L s 4818] (10003)

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)

3.185 ALTERING DRAFT OF BILL. Every person who shall fraudulently alter the draft of any bill or resolution which has been presented to either house of the legislature to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by its presiding officer, in language different from that intended by such house, shall be guilty of a gross misdemeanor.

[R L s 4816] (10001)

3.19 ENGROSSING AND ENROLLING. All bills, joint resolutions, and legislative acts shall be engrossed or enrolled in the manner provided by the rules of the senate and the house of representatives or the joint rules thereof. In the engrossing or enrolling of bills copying machines and other labor saving devices and equipment shall be used to the greatest possible extent.

[1905 c 153 s 1; 1959 c 366 s 1] (43)

3.191 ALTERING ENGROSSED BILL. Every person who shall fraudulently alter the engrossed copy or enrollment of any bill which has been passed by the legislature, with intent to procure it to be approved by the governor, or certified by the secretary of state, or printed or published by the printer of the statutes, in language different from that in which it was passed by the legislature, shall be guilty of a felony.

[R L s 4817] (10002)

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 general 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; 1969 c 399 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 general 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; 1969 c 399 s 1*] (49)

UNIFORM LEGISLATION

3.251 COMMISSION ON UNIFORM STATE LAWS. A commission on uniform state laws consisting of four commissioners 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. The fourth commissioner is the revisor of statutes or his designated assistant. 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; 1969 c 39 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.

[1943 c 348 s 2; 1969 c 540 s 1]

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

[1943 c 348 s 3]

3.254 [Expired]

INTERSTATE COOPERATION

3.29 COMMISSION ON INTERSTATE COOPERATION. Subdivision 1. **Senate committee.** There is hereby established a standing committee of the senate of this state, to be officially known as the senate committee on interstate cooperation, and to consist of five senators. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the senate. In addition to the regular members, the president of the senate shall be ex officio an honorary non-voting member of this committee.

Subd. 2. **House committee.** There is hereby established a similar standing committee of the house of representatives of this state, to be officially known as the house committee on interstate cooperation, and to consist of five members of the house of representatives. The members and the chairman of this committee shall be designated in the manner as is customary in the case of the members and chairmen of other standing committees of the house of representatives. In addition to the regular members the speaker of the house of representatives shall be ex officio an honorary non-voting member of this committee.

Subd. 3. **Governor's committee.** There is hereby established a committee of administrative officials and employees of this state, to be officially known as the governor's committee on interstate cooperation, and to consist of five members. Its members shall be the budget director or the corresponding official of this state, ex officio; the attorney general, ex officio; the chief of the staff of the state planning board or the corresponding official of this state, ex officio; and two other administrative officials or employees to be designated by the governor. If there is uncertainty as to the identity of any of the ex officio members of this committee, the governor shall determine the question, and his determination and designation shall be conclusive. The governor shall appoint one of the five members of this committee as its chairman. In addition to the regular members, the governor shall be ex officio an honorary non-voting member of this committee.

Subd. 4. **Minnesota commission.** There is hereby established the Minnesota commission on interstate cooperation, which shall be composed of 15 regular members, namely:

The five members of the senate committee on interstate cooperation;

The five members of the house committee on interstate cooperation; and

The five members of the governor's committee on interstate cooperation.

The governor, the president of the senate, and the speaker of the house of representatives shall be, ex officio, honorary nonvoting members of this commission. The chairman shall be elected by the members of this commission.

Subd. 5. **Senate council and house council of American legislators.** The standing committee of the senate and the standing committee of the house of representatives shall function during the regular sessions of the legislature and also during the interim periods between the sessions during the term of their respective offices and until their successors are designated by the president of the senate and the speaker of the house, respectively; and they shall, respectively, constitute for this state the senate council and the house council of the American legislators' association. The incumbency of each administrative member of this commission shall extend until the first day of February next following his appointment, and thereafter until his successor is appointed.

Subd. 6. **Functions of commission.** It shall be the function of this commission:

(1) To carry forward the participation of this state as a member of the council of state governments;

(2) To encourage and assist the legislative, executive, administrative, and judi-

cial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with officials and employees of the other states, of the federal government, and of local units of government;

(3) To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

- (a) The adoption of compacts;
- (b) The enactment of uniform or reciprocal statutes;
- (c) The adoption of uniform or reciprocal administrative rules and regulations;
- (d) The informal cooperation of governmental offices with one another;
- (e) The personal cooperation of governmental officials and employees with one another, individually;

(f) The interchange and clearance of research and information; and

(g) Any other suitable process.

(4) To do all such acts as will in the opinion of the commission enable this state to do its part, or more than its part, in forming a more perfect union among the various governments in the United States and in developing the council of state governments for that purpose.

Subd. 7. Powers and duties. The commission on interstate cooperation shall establish such delegations and committees as it deems advisable, in order that they may confer and formulate proposals concerning effective means to secure interstate harmony, and may perform other functions for the commission in obedience to its decisions. Subject to the approval of the commission, the member or members of each such delegation or committee shall be appointed by the chairman of the commission. State officials or employees who are not members of the commission on interstate cooperation may be appointed as members of any such delegation or committee, but private citizens holding no governmental position in this state shall not be eligible. The commission may provide such other rules as it considers appropriate concerning the membership and the functioning of any such delegation or committee. The commission may provide for advisory boards for itself and for its various delegations and committees, and may authorize private citizens to serve on such boards.

Subd. 8. Reports; expenses. The commission shall report to the governor and to the legislature on November 15, in each even numbered year, and at such other times as it deems appropriate. Its members and the members of all delegations and committees which it establishes shall serve without compensation for such service, but they shall be paid their necessary expenses in carrying out their obligations under this chapter. The commission may employ a secretary and a stenographer; it may incur such other expenses as may be necessary for the proper performance of its duties; and it may, by contributions to the council of state governments, participate with other states in maintaining the council's district and central secretariats, and its other governmental services.

Subd. 9. Informal titles. The committees and the commission established by this section shall be informally known, respectively, as the senate cooperation committee, the house cooperation committee, the governor's cooperation committee, and the Minnesota cooperation commission.

Subd. 10. Council of state governments; governmental agency. The council of state governments is hereby declared to be a joint governmental agency of this state and of the other states which cooperate through it.

Subd. 11. Secretary of state; duties. The secretary of state shall forthwith communicate the text of this measure to the governor, to the senate, and to the house of representatives, of each of the other states of the Union, and shall advise each legislature which has not already done so that it is hereby memorialized to enact a law similar to this measure, thus establishing a similar commission, and thus joining with this state in the common cause of reducing the burdens which are imposed upon the citizens of every state by governmental confusion, competition and conflict.

[1937 c 315 s 1-11; 1963 c 409 s 1; 1969 c 540 s 2] (53-61 to 53-71)

LEGISLATIVE ADVISORY COMMITTEE

3.30 LEGISLATIVE ADVISORY COMMITTEE. Subdivision 1. **Appropriation; transfers.** There is hereby authorized one general contingent appropriation for each year of the biennium in such amount as the legislature may deem suffi-

cient. Transfers from such appropriation to the appropriations of the various departments and agencies may be made by the state auditor subject to the following provisions:

(a) Transfers may be authorized by the commissioner of administration not exceeding \$2000 for the same purpose for any quarterly period;

(b) Transfers exceeding \$2000 but not exceeding \$5000 may be authorized by the commissioner of administration with the approval of the governor;

(c) Transfers exceeding \$5000 may be authorized by the governor; provided, that no such transfer shall be made until the governor has consulted the legislative advisory committee hereinafter provided for and such committee has made its recommendation thereon. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 2. Members; duties. The chairman of the senate committee on taxes and tax laws, the chairman of the senate committee on finance, the chairman of the house committee on taxes and tax laws, and the chairman of the house committee on appropriations shall constitute a committee to be known as the legislative advisory committee. The governor shall preside over the meetings of the committee but shall not be a member thereof. If any of the legislative members elect not to serve on the committee, 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 legislative membership of the committee shall be filled 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, and by the last senate committee on committees or other appointing authority designated by the senate rules in case of a senate vacancy. The commissioner of administration shall act as secretary of the committee and shall keep a permanent record and minutes of its proceedings, which shall be made available for examination upon request of any interested citizen. The commissioner of administration shall transmit a report to the next legislature of all actions of said committee. The members of the committee shall receive travelling and subsistence expenses in attending meetings of the committee. The sum of \$2000, or so much thereof as may be necessary, is hereby annually appropriated out of any money in the state treasury not otherwise appropriated for the travelling and subsistence expenses of members of the committee in attending meetings thereof and for the payment of stenographic services which if performed by a person in the classified service of the state shall be in addition to his regular salary. The committee shall meet from time to time upon the call of the governor or upon the call of the secretary at the request of three or more of its members.

Subd. 3. Limitations. The provisions of this section shall not be construed to prevent the appropriation of separate contingent funds to the governor and the attorney general, or to limit the use of said funds as otherwise authorized by law.

[1943 c 594 s 1]

LEGISLATIVE SERVICES

3.301 LEGISLATIVE SERVICES COMMISSION; CREATION AND ORGANIZATION. Subdivision 1. A legislative commission is created to be known as the legislative services commission, designated herein as the "commission", with such powers and duties as are needed to carry out the provisions of section 3.302. It shall serve all members of the legislature equally and impartially.

Subd. 2. The membership of the commission consists of three members of the house of representatives appointed by the speaker and three members of the senate appointed by the committee on committees, each for a term extending from the last day of a regular session of the legislature to the last day of the next succeeding regular session of the legislature and until a successor is appointed. A vacancy occurring in the membership of the commission between regular sessions of the legislature is filled by the appointing authority for the unexpired term.

Subd. 3. The members of the commission serve without compensation but are reimbursed for necessary meals, lodging, and travel as the legislature may provide.

Subd. 4. The commission shall elect a chairman and such other officers as it may deem necessary, including a secretary, or it may appoint one of its employees to act as its secretary. It meets at the call of its chairman or at such other times as it may prescribe. Four members thereof constitute a quorum for the transaction of its business.

Subd. 5. The committee may employ such persons it deems necessary to assist it

in the performance of its duties. All such persons are to be selected on the basis of qualifications required for efficient performance in the position to be filled and without regard to political affiliations. Such employees are permanent employees of the legislature and members of the Minnesota state retirement system. Unless otherwise prescribed by law the commission fixes the compensation of its employees and other terms and conditions of their employment not inconsistent with the provisions of sections 3.301 and 3.302.

Subd. 6. The commission may promulgate rules governing the conduct of any of the services under its control and jurisdiction. This authority is not subject to any of the provisions of chapter 15, governing the rule making power of departments and agencies in the executive branch of the state government.

Subd. 7. The commissioner of administration shall furnish the commission with adequate quarters. The commission shall procure all equipment, furniture, and other office supplies in such manner as it may deem expedient and in so doing may utilize the services of the department of administration. This authority is not subject to any of the provisions of chapter 16.

Subd. 8. Notwithstanding the provision of subdivision 2, the term of the first members of the commission extends from the date of appointment which may be made upon final enactment of Laws 1969, Chapter 1130, and until the last day of the 1971 regular session of the legislature.

[1969 c 1130 s 1]

3.302 LEGISLATIVE REFERENCE LIBRARY. Subdivision 1. A legislative reference library is established under the jurisdiction and control of the legislative services commission.

Subd. 2. The legislative reference library shall collect, index, and make available in suitable form information relative to governmental and legislative subjects which will aid members of the legislature in the performance of their duties in an efficient and economical manner. It shall maintain an adequate collection of public documents of Minnesota and other states and may enter into loan agreements with other libraries.

Subd. 3. The legislative reference library is a depository of all documents published by the state and shall receive such materials without cost in the same manner as other depositories.

Subd. 4. The legislative reference library may utilize the materials assembled to prepare studies and reports providing pertinent information regarding subjects which are or may become items of concern to members of the legislature and where warranted publish such studies and reports.

[1969 c 1130 s 2]

3.31 [Repealed, 1969 c 1130 s 4 subd 6]

3.32 [Repealed, 1969 c 1130 s 4 subd 6]

3.33 [Repealed, 1969 c 1130 s 4 subd 6]

3.34 [Repealed, 1969 c 1130 s 4 subd 6]

3.35 [Repealed, 1969 c 1130 s 4 subd 6]

3.36 [Repealed, 1969 c 1130 s 4 subd 6]

3.37 [Repealed, 1969 c 1130 s 4 subd 6]

3.38 [Repealed, 1969 c 1130 s 4 subd 6]

3.39 [Repealed, 1969 c 1130 s 4 subd 6]

3.40 [Expired]

3.41 [Repealed, 1951 c 37 s 1]

3.42 [Expired 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]

3.43 [Expired 1953 c 749 s 26]

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]

3.44 [Expired 1953 c 749 s 26]

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]

3.45 [Expired 1953 c 749 s 26]

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]

3.46 [Expired 1953 c 749 s 26]

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]

3.47 [Expired 1953 c 749 s 26]

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]

3.48-3.65 [Expired 1953 c 749 s 26]

STATE CLAIMS COMMISSION

3.66 STATE CLAIMS COMMISSION. A commission to hear and adjudicate claims against the state is hereby created. Such commission shall be known as the state claims commission. 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; 1963 c 672 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 any place within the state.

[1957 c 899 s 3; 1961 c 453 s 1]

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 [Repealed, 1969 c 886 s 8]

3.731 CLAIMS WHICH MAY BE CONSIDERED; PAYMENT. 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. If the commission recommends an award of \$250 or less to be paid from any account or fund in the state treasury, the department or agency against whom the award is made may pay the claim from any appropriation made to it if funds are available therein for such purpose. The moneys in such appropriation are hereby reappropriated therefor. A department or agency making such payment shall biennially report to the legislature concerning the same on or before January 15 of each odd numbered year.

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.

[1969 c 886 s 6 subd 1]

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.

(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 section 190.05, while in "active service" or "on duty" as defined in section 190.05, when such service or duty is ordered by state authority. Except as provided in section 192.38, 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 section 192.38, and

(b) Any payments and awards made to a member of the military forces, as defined in section 190.05, 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 section 190.05, 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.

[1957 c 899 s 9; 1961 c 453 s 2; 1965 c 140 s 1; 1969 c 1018 s 1]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

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.

[1969 c 1018 s 2]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

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 sections 3.74 to 3.748: (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 sections 3.74 to 3.748 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.

[1969 c 1018 s 3]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

3.743 NATURE OF 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.

[1969 c 1018 s 4]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

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 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.

[1969 c 1018 s 5]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

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.

[1969 c 1018 s 6]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

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 sections 3.74 to 3.748, 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.

[1969 c 1018 s 7]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

3.747 DEFINITIONS. As used in section 3.74(7) and sections 3.741 to 3.746:

(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.

[1969 c 1018 s 8]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

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.

[1969 c 1018 s 9]

NOTE: Laws 1969, Chapter 1018, Section 10, reads: "Sec. 10. This act shall not apply to claims or demands arising from occurrences which take place after July 1, 1971."

3.75 [Repealed, 1969 c 1066 s 19 subd 2]

3.751 CONTRACT CLAIMS. Subdivision 1. When a controversy arises out of any contract for work, services, or the delivery of goods entered into by any state agency through established procedure, in respect to which controversy a person to the contract would be entitled to redress against the state, in a court of appropriate jurisdiction, if the state were suable, and when no claim against the state has been filed in the state claims commission or made in a bill pending in the legislature for the same redress against it, the state hereby waives immunity from suit in connection with such controversy and confers jurisdiction on the district court to hear and determine any such controversy in the manner provided for the trial of causes in the district court. Only a party to the contract may bring action against the state. The state does not waive immunity with respect to claims of patients or other inmates of state institutions.

Subd. 2. No action shall be maintained unless commenced within 90 days after the plaintiff has been furnished by the state with a final estimate under his contract, or, at the election of the plaintiff, within six months after the work provided for under his contract is completed.

Subd. 3. The action may be brought in the district court of the county in which the cause of action or some part thereof arose, or in the district court of Ramsey county. The action shall be commenced by filing a complaint with the clerk of court, and serving a summons and copy of the complaint upon the attorney general at the state capitol. The state shall have 40 days from the date of such service within which to serve an answer upon the plaintiff. The action shall proceed in the district court as other actions at law.

Subd. 4. An appeal from any final order or judgment in such action may be taken to the supreme court in the same manner as appeals in ordinary civil actions.

Subd. 5. This section does not apply to controversies arising out of any contract for the construction or repair of a state trunk highway.

[1961 c 453 s 4]

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

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

(2) Arising out of any contract to which the provisions of section 161.34, or section 3.751 apply, or any bid or contract negotiation in connection with such contract.

(3) For a disability or death benefit under chapter 176.

(4) For unemployment compensation under chapter 268.

(5) For relief or public assistance under chapter 256.

(6) 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.

[1969 c 1066 s 19 subd 1]

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 limi-

tation 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. 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.

[1957 c 899 s 16; 1961 c 453 s 5]

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]

PUBLIC RETIREMENT COMMISSION

3.85 PUBLIC RETIREMENT COMMISSION. Subdivision 1. **Creation.** A permanent commission to continually study and investigate public retirement systems is hereby created.

Subd. 2. **Powers.** The name of the commission is the legislative retirement study commission. The commission shall make a continuing study and investigation of retirement benefit plans applicable to non-federal government employees in this state. The powers and duties of the commission include, but are not limited to the following:

(a) The study of retirement benefit plans applicable to non-federal government employees in the state of Minnesota, including federal plans available to such employees;

(b) the making of recommendations within the scope of the study, including attention to financing of the various pension funds and financing of accrued liabilities;

(c) the consideration of all aspects of pension planning and operation and the making of recommendations designed to establish and maintain sound pension policy as to all funds;

(d) the filing of a report at least biennially to each session of the legislature;

(e) the analyzing of each item of proposed pension and retirement legislation, including amendments thereon, with particular reference to analysis as to cost, actuarial soundness, and adherence to sound pension policy, and the reporting of its findings to the legislature;

(f) the creation and maintenance of a library for reference concerning pension and retirement matters, including information as to laws and systems in other states; and

(g) to study, analyze, and have prepared reports in regard to subjects certified to the commission for such study.

Subd. 3. Membership. The commission consists 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 to serve for a term expiring on January 15 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 commencement of each regular session of the legislature for a two year term beginning January 16 of the year of such regular session. Vacancies on the commission occurring while the legislature is in session shall be filled in the same manner as original appointments to the commission. 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. 4. Office, meetings, officers. The commission shall maintain an office in the capitol group of buildings in space which the commissioner of administration shall provide. 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. 5. Staff. The commission may employ such professional, clerical, and technical assistants as it deems necessary in order to perform the duties herein prescribed.

Subd. 6. Assistance of other agencies. The commission may request information from any state officer or agency in order to assist in carrying out the terms of this section and such officer or agency is authorized and directed to promptly furnish any data requested.

Subd. 7. Legislative bills furnished. The secretary of the senate and the chief clerk of the house shall provide the commission with a copy of each bill introduced in the legislature concerning retirement and pensions.

Subd. 8. Expenses, reimbursement. The members of the commission and its assistants 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.

Subd. 9. Appropriations and reports. The sum of \$25,000, or so much thereof as may be necessary, is hereby annually appropriated from the general fund for the purposes of this section for the payment of any such expenses. Of the foregoing appropriation the sum of \$4,000 shall be available for expenditure in the fiscal year ending June 30, 1967. Any balance remaining on June 30, 1968, shall not cancel but be carried forward to the following year. Expenses of the commission shall be approved by the chairman or such other member as the rules of the commission may provide and the expenses shall then be paid in the same manner as other state expenses are paid. A general summary or statement of expenses incurred by the commission and paid shall be made to the legislature at each regular session.

Subd. 10. **Effective date.** This section is effective May 1, 1967 and shall terminate June 30, 1973.

[1967 c 549 s 1-6; 1969 c 399 s 1]

COMMITTEES ON ETHICS

3.87 PURPOSE. The legislature finds and determines that high moral and ethical standards among public officers and employees in all branches of government are essential to the conduct of free government; that the rule which forbids an agent or trustee to place himself in a position wherein his private interest may conflict with his duty to his principal applies to public service, which is a public trust; and that a need exists to define and regulate the conduct of public officials and employees to eliminate conflicts of interest in public office so as to improve standards of public service and strengthen the faith and confidence of the people of Minnesota in their government; and sections 3.87 to 3.92 shall be liberally construed to effectuate these ends.

[1961 c 558 s 1]

3.88 LEGISLATIVE CODE OF ETHICS, CONTENT. Subdivision 1. The code of legislative ethics shall be:

(a) A legislator or legislative employee should not accept other employment which will impair his independence of judgment in the exercise of his official duties.

(b) A legislator or legislative employee should not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by himself or another for activity before any state board, commission, or public agency when such activity is in substantial conflict between his personal interest and his duties in the public interest so as to thereby create a possibility of undue influence or wrongful advantage.

(c) A legislator or legislative employee should refrain from acting and a legislator should refrain from voting in any matter where the interest of the public and the interest of the legislator or legislative employee are or may be in conflict.

Subd. 2. Legislative ethics committees in interpreting section 3.88, subdivision 1, shall take into consideration that most legislators and legislative employees must in most instances engage in employment outside of legislative work and in a number of instances maintain investments all of which in themselves are in no way in conflict with the code of ethics herein enunciated.

[1961 c 558 s 2]

3.89 LEGISLATIVE COMMITTEES. Subdivision 1. There is hereby created a permanent committee of the senate to be known as the senate committee on ethics. This committee shall consist of four members to be selected as follows: Two members shall be appointed by the committee on committees of the senate which committee shall also name the chairman of the senate ethics committee, and two members shall be appointed by the minority leader of the senate. The first such appointees shall be named within ten days following adjournment of the 62nd session of the legislature and shall hold office until their successors are duly appointed and qualified.

Subd. 2. There is hereby created a permanent committee of the house of representatives to be known as the house committee on ethics. The committee shall consist of four members to be selected as follows: Two members shall be appointed by the speaker of the house who shall also name the chairman of the house committee on ethics and two members shall be appointed by the minority leader of the house.

Subd. 3. Thereafter members of the senate and house ethics committees shall be named as provided in subdivisions 1 and 2 hereof on or before the 10th day after the convening of each regular session of the legislature and such persons, so named, shall serve until their successors are duly named and qualified at the succeeding regular session of the legislature.

[1961 c 558 s 3]

3.90 DUTIES OF COMMITTEE; COMPLAINTS; HEARING; DETERMINATION. Subdivision 1. The following shall be the duties of the committees on ethics:

(a) To render advisory opinions upon the request of any legislator or legislative employee as to whether the facts and circumstances of a particular case constitute or will constitute a violation or probable violation of section 3.87 to 3.92. The identity of persons involved shall be kept in confidence.

(b) To receive and consider complaints concerning alleged violations of sections 3.87 to 3.92; to investigate and hold hearings.

(c) To subpoena witnesses, administer oaths and take testimony relating to matters before the committee and require the production for examination of any books or papers relative to any matter under investigation or in question before the committee. Before the committee shall exercise any of the powers authorized herein with respect to any investigation or hearings it shall by formal resolution, supported by a vote of three or more members of the committee, define the nature and scope of its inquiry.

Subd. 2. Complaints must be in writing, signed by the person making the complaint under oath. The committee shall initially investigate complaints on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If, after inquiry, three or more members of the committee determine that there is probable cause for belief that a violation of sections 3.87 to 3.92 might have occurred, a copy of the complaint and a further statement of the alleged violation shall be personally served upon the alleged violator. He shall have 20 days after service thereof to respond in writing to the complaint and statement.

Any committee member or individual, including the individual making the complaint, who divulges information concerning the complaint prior to the issuance of the complaint by the committee; or if the investigation discloses that the complaint should not be issued by the committee, at any time divulges any information concerning the original complaint, shall be guilty of a gross misdemeanor.

Subd. 3. If three or more members of the committee shall conclude that there is reason to believe that a violation of sections 3.87 to 3.92 has been committed then the committee shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. All parties shall have an opportunity (1) to be heard, (2) to subpoena witnesses and require the production of any books or papers relative to the proceedings, (3) to be represented by counsel, and (4) to have the right of cross-examination. All witnesses shall testify under oath and the hearings shall, upon consent of the party complained against, be open to the public. The committee shall not be bound by the strict rules of evidence but the committee's findings must be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available to all interested parties at their own expense, and the fees therefor shall be deposited in the state's general fund.

Subd. 4. A decision of the committee pertaining to the conduct of any legislator or legislative employee shall be in writing and signed by three or more of the members of such ethics committee.

Subd. 5. The committee shall thereafter dismiss the complaint or, if it determines that a violation has occurred, make its findings and recommend to the senate or house of representatives, as the case may be, appropriate disciplinary action against the party or parties violating the provisions of sections 3.87 to 3.92 or deliver such findings to the attorney general for civil or criminal action as he may determine is warranted.

[1961 c 558 s 3]

3.91 STATE AGENCIES, CODES; SUBMISSION TO LEGISLATIVE COMMITTEE. The head of each state agency shall prepare and publish for the guidance of its officers and employees a code of public service ethics appropriate to the specific needs of such agency.

Copies of such codes shall be delivered to the ethics committees of the house and senate and, in the event such committees find any code to be inadequate, the committee shall designate in writing such inadequacies to the head of the state agency.

[1961 c 558 s 4]

3.92 EFFECT. Nothing contained in sections 3.87 to 3.92 shall amend or repeal any of the provisions in Minnesota Statutes, Chapter 43, nor any other existing laws defining criminal acts.

[1961 c 558 s 5]

STANDING COMMITTEES OF THE LEGISLATURE

3.921 STANDING COMMITTEES AS INTERIM STUDY COMMITTEES. Subdivision 1. Each standing committee or subcommittee existing in the senate and house of representatives is continued during the intervals between sessions of

the legislature to make studies and investigations within the general jurisdiction of each such committee, or as otherwise prescribed by resolution, existing at the time the legislature last adjourned in regular session.

Subd. 2. Vacancies in any such committee or subcommittee during such intervals shall be filled by the last elected speaker of the house of representatives as to house committees and by the last elected senate committee on committees as to senate committees.

Subd. 3. Any standing committee of the senate that requires an appropriation of funds to defray expenses of its operations during the interim shall prepare a budget, which budget shall be submitted to the senate committee on rules and legislative expense for its approval. No funds shall be expended by such standing committee without prior approval of the senate committee on rules and legislative expense. Any standing committee of the house of representatives that requires an appropriation of funds to defray expenses of its operations during the interim shall prepare a budget, which budget shall be submitted to the rules committee of the house of representatives for its approval. No funds shall be expended by such standing committee without prior approval of the rules committee of the house of representatives.

Subd. 4. The expenses of any such committee shall be paid upon the certification to the state auditor of the amount thereof. Payment of such expenses is hereby directed from any direct appropriation therefor to the legislature or either branch thereof.

[1963 c 887 s 1]

INDIAN AFFAIRS COMMISSION

3.922 INDIAN AFFAIRS COMMISSION. Subdivision 1. **Creation, membership.** There is created a state commission on Indian affairs to consist of the following members: The governor or a member of his official staff designated by him, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, and the commissioner of economic development, who shall be ex officio members thereof, but each may designate a member of his staff to serve in his place; the chairmen of the Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, Nett Lake and White Earth reservation business committees, each of whom shall be an ex officio member thereof if their reservation is not represented by a voting member, but each may designate another member of their committee or another person of special qualifications by unanimous vote of their reservation business committee, to serve in his place; eight persons who are of at least one-fourth Indian ancestry, one of whom shall be a member of the Red Lake band of Chippewa Indians, two of whom shall be members of the Minnesota Chippewa tribe, with one to be selected to represent the Fond du Lac, Nett Lake, and Grand Portage reservations and the other to be selected to represent the Mille Lacs, White Earth, and Leech Lake reservations, one of whom shall be a member of the Sioux Indian tribes, one of whom shall be a resident of the city of Duluth, one a resident of the city of St. Paul, and two residents of the city of Minneapolis, all such eight members shall be appointed by the respective Indian groups which they represent and shall be subject to removal by such appointing group; three members of the state house of representatives appointed by the speaker of the house of representatives, three members of the state senate appointed by the committee on committees of the senate. Commission members appointed to represent the state house of representatives and the state senate shall no longer serve on the commission at such time as they are no longer members of the bodies which they represent, and upon such circumstances, their offices shall be vacant. Ex officio members or their designees on the commission shall not be voting members of the commission.

Subd. 2. **Terms.** To ensure a continuity of work, the initial appointments shall be: One of the three members selected from the Indian tribes shall be for a term of one year, one thereof for a term of two years, and one thereof for a term of three years, and two of the members selected from the cities shall be for a term of one year, one for a term of two years, and one for a term of three years, and until their successors are appointed and qualified. Appointments for succeeding terms shall all be for three years, and until their successors are appointed and qualified.

Subd. 3. **Compensation, expenses.** Members of the commission, other than state officials, shall receive as compensation for their services in attending meet-

ings of the commission or a committee thereof, the sum of \$10 for each such meeting day so attended. Each member of the commission shall receive reimbursement for actual and necessary traveling expenses incurred on official business. Reimbursement shall be made in the manner provided by law for state employees. Expenses of the commission shall be approved by the chairman and one other member of the commission designated by the commission and shall then be paid in the same manner as other state expenses are paid.

Subd. 4. **Meetings.** The commission shall meet quarterly. Special meetings may be called by the chairman or at the written request of five members of the commission. A majority of the members of the commission constitutes a quorum.

Subd. 5. **Officers, personnel.** The state commission on Indian affairs shall elect a chairman and such other officers as it may deem necessary. It shall also employ, fix the compensation, and prescribe the duties of such clerks, employees, and agents as it deems necessary. The chairman shall be an ex officio member of the state board of human rights. The appropriations and other funds of this commission are subject to the provisions of chapter 16.

Subd. 6. **Duties.** The commission shall have as its primary duty to acquire information in the fields of employment and housing, civil rights, education, health and welfare, and law and order so that:

(a) Through its reports and recommendations adequate legislation may be enacted when it is required;

(b) Plans and programs may be worked out with Indian people who need assistance in finding employment, acquiring education, improving housing, getting medical care, developing natural resources and generally in becoming self-sufficient.

Further duties of the commission shall be:

(a) To provide information for and direction to a program designed to assist our Indian citizens to assume all the rights, privileges, and duties of full citizenship;

(b) To coordinate and cooperate with the many governmental and private agencies providing services to Indian people on the local, state, and national level;

(c) To help implement the findings of various private and governmental studies dealing with Indian needs in Minnesota.

Subd. 7. **State officials and departments; cooperation.** In carrying out these objectives and to ascertain Indian needs the commission shall have the right to confer with state officials and other governmental units, and to have access to such records as are necessary to obtain needed information. The commission also shall have the right to call upon various state departments for such technical advice and service as are needed to fulfill the purposes of the commission.

Subd. 8. **Annual report.** The commission shall make an annual report to the governor on its activities, its findings, and its recommendations, and a full report to the legislature on November 15 in each even numbered year.

[1963 c 888 s 2 subd 2, 3, 4, 6, 7, 8; 1965 c 888 s 7 subd 1, 3; 1967 c 299 s 9; *Ex*1967 c 55 s 1, 2; 1969 c 540 s 3; 1969 c 975 s 17; 1969 c 1005 s 1, 2; 1969 c 1129 art 3 s1]

NOTE: Laws 1965, Chapter 888, Section 8, Subdivision 3 reads in part as follows:

"Subd. 3. (a) Commissions referred to in this act may subpoena witnesses and records. In case of the refusal by any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the district court of any county, on application of the commission, may issue an order requiring the person to comply with the subpoena and to testify. Any failure to obey the order of the court may be punished by the court as a contempt thereof."

IRON ORE TAX COMMISSION

3.923 COMMISSION ON TAXATION AND PRODUCTION OF IRON ORE AND OTHER MINERALS. Subdivision 1. **Creation, membership.** A commission to investigate and study all matters relating to the production and taxation of iron ore and other minerals, is hereby created to consist of eight members of the senate, to be appointed by the committee on committees, and eight members of the house of representatives, to be appointed by the speaker. The appointment of such commission shall be made upon the passage of this act. Any vacancy that may occur in the membership of the commission shall be filled by the appointing power.

Subd. 2. **Powers and duties.** Such commission shall make a comprehensive, detailed, and complete investigation and study of all the factors contributing to the production of iron ore and other minerals and to a sound iron ore tax policy for this state, including information regarding the quality and extent of Minnesota's iron ore and other mineral reserves and those in other parts of the world; the methods of valuing iron ore and other minerals as a tax base; the impact of national defense considera-

tions upon Minnesota iron ore industry; and other related factors for the purpose of formulating policies to stimulate and expand the commercial use of iron ore and other minerals and determining a proper policy of taxation in respect thereto, in order that the state shall receive the maximum possible benefit from these natural resources. The commission shall report to the legislature from time to time and at least once on November 15 during each even numbered year, making such recommendations as it may deem proper in order to assist the legislature in formulating policies to stimulate and expand the commercial use of these natural resources and determining a proper policy of taxation in respect thereto.

Subd. 3. **Meetings, officers.** The commission may 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.

[1963 c 888 s 3; 1969 c 540 s 4]

NOTE: Laws 1965, Chapter 888, Section 8. Subdivision 3 reads in part as follows:
 "Subd. 3. (a) Commissions referred to in this act may subpoena witnesses and records. In case of the refusal by any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the district court of any county, on application of the commission, may issue an order requiring the person to comply with the subpoena and to testify. Any failure to obey the order of the court may be punished by the court as a contempt thereof."

CONTINUITY OF THE LEGISLATURE

3.93 DEFINITIONS. As used in sections 3.93 to 3.96 "attack" means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this state whether through sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means.

[1961 c 572 s 1]

3.94 PLACE OF SESSION. Whenever, in the event of an attack, or a finding by the executive council that an attack may be imminent, the governor deems the place of the legislative session then prescribed to be unsafe, he may change it to any other place within or without the state which he deems safe and convenient.

[1961 c 572 s 2]

3.95 SPECIAL SESSION IN EVENT OF ATTACK. In the event of an attack, if the legislature is not then in session, the governor shall convene a special session thereof, as soon as practicable, and in no case later than 30 days following the inception of the attack. If the governor fails to issue such a call, the legislature, on the first Tuesday after the first Monday after the expiration of 30 days following the date of the inception of the attack, shall convene without call at the place where the governor then maintains his official office.

[1961 c 572 s 3]

3.96 QUORUM AND VOTE REQUIREMENTS. In the event of an attack the quorum requirement for the legislature shall be a majority of the members of each house who convene for the session. Where the affirmative vote of a specified proportion of members of the legislature would otherwise be required for approval of a bill, resolution, or for any other action, the same proportion of those members of each house convening at the session shall be sufficient.

[1961 c 572 s 4]