

at a time to act as a justice of the supreme court. Upon the assignment of a district judge to act as a justice of the supreme court a district judge previously acting as a justice may continue to so act to complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court or a district judge to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court under this section, he shall receive, in addition to his retirement pay, such further sum, to be paid out of the general fund of the state, as shall afford him the same salary as an associate justice of the supreme court.

[1973 c 18 s 1]

[For text of subd. 3, see M.S.1971]

CHAPTER 3. LEGISLATURE

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3.01	Repealed.	3.471	Repealed.
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3.01 [Repealed, 1973 c 1 s 3]

3.011 Sessions

The legislature shall assemble at the seat of government on the first Tuesday after the first Monday in January of each odd numbered year; provided, however, that when the first Monday in January falls on January 1, the legislature shall assemble on the first Wednesday after the first Monday in January of that year; and at such other times as it may be called by the governor to meet in extra session.

[1973 c 1 s 1]

3.012 Legislative day

A legislative day is any day when either house of the legislature is called to order. A legislative day shall commence at seven o'clock a. m. and continue until seven o'clock a. m. of the following calendar day.

[1973 c 1 s 2]

3.102 Interim living expenses

Each member of the legislature shall be reimbursed for his expenses when he is required to attend meetings of standing committees, commissions, or is engaged in other legislative activity when the legislature is not in session. The amount of such reimbursement shall not exceed \$33 per day as a per diem expense allowance for all expenses incurred except travel. He shall also be reimbursed for his travel expenses in the same amount as state employees are reimbursed for such travel.

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Reimbursements to members of the legislature for out-of-state meetings or other legislative activity shall be in the same amounts as state employees are reimbursed for such out-of-state expenses.

Expenses for members of the legislature are payable in the manner and in the amount designated by the senate committee on rules and administration as to members of the senate and by the committee on rules and legislative administration as to members of the house of representatives.

The expense allowances provided for herein to the persons designated are in lieu of any other expenses authorized by law or resolution for the same purposes.

[1973 c 720 s 55]

LEGISLATIVE SERVICES

3.301 [Repealed, 1973 c 598 s 5]

3.302 Legislative reference library

Subdivision 1. A legislative reference library is established under the jurisdiction and control of the joint coordinating committee.

[1973 c 598 s 3]

[For text of subds. 2 to 4, see M.S.1971]

3.303 Joint coordinating committee; creation and organization

Subdivision 1. A legislative committee is hereby created to be known as the joint coordinating committee, designated herein as the "committee", to coordinate the legislative activities of the senate and the house of representatives.

Subd. 2. The membership of the committee shall consist of the majority leader of the senate, the president of the senate, two senators appointed by the majority leader, the minority leader of the senate, and one senator appointed by the minority leader; and the majority leader of the house of representatives, the speaker of the house of representatives, two representatives appointed by the speaker, the minority leader of the house of representatives, and one representative appointed by the minority leader. Each member shall serve until a successor is named during a regular session following his appointment. A vacancy shall be filled for the unexpired term in the same manner as the original appointment.

Subd. 3. The president of the senate and the speaker of the house shall alternate annually as chairman of the committee.

Subd. 4. The members of the committee shall serve without compensation but shall be reimbursed in the same manner as members of standing committees of the senate and the house of representatives.

[1973 c 598 s 1]

3.304 Office of legislative research

Subdivision 1. Notwithstanding any other law which may be to the contrary, an office of legislative research, including the office of revisor of statutes and the legislative reference library, is hereby established under the jurisdiction and control of the joint coordinating committee. The office shall consist of a director and such additional personnel as are needed to perform its assigned duties.

Subd. 2. All employees of the office of legislative research are employees of the legislature. The committee may designate certain employees of the office as permanent for the purpose of conferring employee benefits.

Subd. 3. The office of legislative research may call upon any agency of the state or political subdivision thereof for such data as may be available, and such agencies shall cooperate with the office to the fullest possible extent.

Subd. 4. The director of the office of legislative research shall supervise the activities of the staff of the office and perform such other duties as are prescribed by the committee.

Subd. 5. One-half the cost of operating the office, as determined by the committee, shall be allocated from the legislative expense fund of each house of the legislature to a legislative research account. The compensation of the personnel of the office, and other expenses of the office as approved by the committee, shall be paid from the legislative research account upon vouchers signed by the director.

Subd. 6. Any appropriation heretofore or hereafter made to the office of revisor of statutes is preserved and transferred to the legislative research account, to be expended for the purposes for which the appropriation was originally made.

[1973 c 598 s 2]

STATE GOVERNMENT BUILDING NEEDS

3.421 [Repealed, 1973 c 660 s 1]

3.431 [Repealed, 1973 c 660 s 1]

3.441 [Repealed, 1973 c 660 s 1]

3.451 [Repealed, 1973 c 660 s 1]

3.461 [Repealed, 1973 c 660 s 1]

3.471 [Repealed, 1973 c 660 s 1]

3.472 Abolition of legislative buildings commission; transfer of functions

Subdivision 1. Notwithstanding the requirements of any law, upon August 1, 1973, no administrators shall be required to consult with the legislative buildings commission, which is hereby abolished.

Subd. 2. All functions, powers and duties heretofore imposed upon, vested in and exercised by the legislative buildings commission are hereby transferred to, imposed upon and vested in the chairmen of the Minnesota house of representatives appropriations committee and the Minnesota senate finance committee. Such functions, powers and duties shall be exercised jointly by said chairmen, who may delegate such powers and duties to chairmen of appropriate subcommittees.

Subd. 3. The committee chairmen referred to in subdivision 2 shall be deemed and held to constitute a continuation of the legislative buildings commission as to matters within the commission's jurisdiction, and not a new authority, for purpose of succession to all rights, powers, duties and obligations of the commission as constituted at the time of the transfer of functions, with the same force and effect as if such functions, powers and duties had not been assigned or transferred.

Subd. 4. Any proceeding, court action, prosecution or other business or matter undertaken or commenced prior to August 1, 1973 by the legislative buildings commission may be conducted and completed by the committee chairmen referred to in subdivision 2.

Subd. 5. The legislative buildings commission shall transfer and deliver to the committee chairmen referred to in subdivision 2 all property of every description within its control. Said chairmen are hereby authorized to take possession of such property.

[1973 c 660 s 2]

STATE CLAIMS COMMISSION

3.735 Jurisdiction

Except for the claims excluded by section 3.752, 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.

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(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.

[1973 c 494 s 1]

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, as directed by the committee on rules and administration of the senate and the committee on rules and legislative administration of the house of representatives, or as otherwise prescribed by resolution duly adopted or by law.

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 administration for its approval. No funds shall be expended by such standing committee without prior approval of the senate committee on rules and administration. 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.

[1973 c 720 s 69]

IRON ORE TAX COMMISSION

3.923 [Repealed, 1973 c 377 s 1]

CONTINUITY OF THE LEGISLATURE

3.97 Audit policy; creation of commission; transfer of functions of Public Examiner

Subdivision 1. Continuous legislative review of the effect of grant-in-aid programs, the spending of public funds and their financing at all levels of government is required in the public interest to enable the enactment of appropriate legislation.

Subd. 2. A legislative commission to be known as the legislative audit commission, designated herein as "the commission" is hereby created. The commission shall consist of the majority leader of the senate and the president pro-tempore of the senate, or their respective designees; the chairman of the senate committee on taxes or his designee, who shall be a member of the senate tax committee; the chairman of the senate committee on governmental operations or his designee, who shall be a member of the governmental operations committee; the chairman of the senate committee on finance or his designee, who shall be a member of the senate finance committee; and three members of the senate appointed by the senate minority leader; the speaker of the house and the chairman of the house committee on rules, or their respective designees; the chairman of the house committee on taxes or his designee, who shall be a member of the house tax committee; the chairman of the house committee on governmental operations or his designee, who shall be a member of the house governmental operations committee; the chairman of the house appropriations committee or his designee, who shall be a member of the house appropriations committee; and three members of the house appointed by the house minority leader. The appointed members of the commission shall serve for a term commencing upon appointment and expiring at the opening of the next regular session of the legislature in the odd numbered year and until a successor is appointed. A vacancy in the membership of the commission shall be filled for the unexpired term in such a manner as to preserve the representation established by this subdivision.

The commission shall elect its chairman and such other officers as it may determine necessary. It shall meet at the call of the chairman or at the call of its executive secretary. The members of the commission shall serve without compensation but shall be reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by section 3.153.

Subd. 3. The department of public examiner is transferred from the executive to the legislative branch.

Subd. 4. Until the expiration of his term the incumbent public examiner upon the effective date of this section shall continue in the legislative branch but as the legislative auditor. Thereafter, the commission shall appoint a legislative auditor. The legislative auditor is the executive secretary of the commission. After the expiration of the term of the incumbent public examiner the legislative auditor shall serve at the pleasure of the commission until May 1, 1977. Thereafter, the legislative auditor shall be appointed by the commission for a six year term. He shall serve in the unclassified service. He shall not at any time while in office hold any other public office. The

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legislative auditor appointed on May 2, 1977, shall not be removed from his office before the expiration of his term of service except for cause after public hearing.

Subd. 5. The legislative auditor may appoint a deputy legislative auditor and a confidential secretary each of whom shall serve at his pleasure in the unclassified service. Except as may be otherwise provided for by law the legislative auditor shall fix their salaries. The deputy may perform and exercise the powers, duties and responsibilities imposed by law on the legislative auditor and is authorized so to do by the legislative auditor. All other officers and employees of the legislative auditor shall continue to be in the classified civil service.

Subd. 6. All the powers, duties and responsibilities of the department of public examiner relating to the state of Minnesota, its departments and agencies as described in Minnesota Statutes 1971, Section 215.03, and any other law concerning powers, duties and responsibilities of the public examiner not otherwise dealt with by Laws 1973, Chapter 492 are hereby transferred to the legislative auditor. Nothing in this subdivision shall be deemed to supersede the powers conferred upon the commissioner of finance under section 6.21.

Subd. 7. In addition to the legislative auditing duties concerning state financial matters, the legislative auditor shall also exercise and perform such duties as may be prescribed by rule or regulation of the legislature or either body thereof or by the commission. The legislative auditor shall review department policies and evaluate projects or programs requested by the commission. Any standing legislative committee having legislative jurisdiction may request the commission to review projects or programs.

Subd. 8. The legislature may provide by rule or regulation such testimonial powers as are conferred by law on legislative standing commissions or committees on the legislative auditor.

[1973 c 492 s 12]

CHAPTER 3A. LEGISLATOR'S RETIREMENT

Sec.
3A.02 Retirement allowance.
3A.03 Contributions.
3A.04 Survivor benefit.

Sec.
3A.11 Participation in Minnesota adjustable fixed benefit fund [New].

3A.02 Retirement allowance

Subdivision 1. Qualifications. Any member of the legislature:

(1) Who has served at least eight years or who has served during all or part of four regular sessions as such member of the legislature, which service need not be continuous, but must have been after January 1, 1965 except as hereinafter provided; and

(2) Who attains the age of 60 years; and

(3) Who has retired as a member of the legislature; and

(4) Who has made all contributions provided for in sections 3A.01 to 3A.10, or who has made payments in lieu of all contributions provided for in sections 3A.01 to 3A.10 as provided for in subdivision 2; shall be entitled upon written application to the state auditor to receive a retirement allowance monthly of 40 percent of his average monthly salary during the period of his service as a member of the legislature since January 1, 1973, beginning with the first day of the month of receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature or as a constitutional officer or commissioner.

In addition to the amount provided above, the retired member who meets the qualifications of paragraphs (1), (2), (3) and (4) of this subdivision shall receive for every year of service over 8 years a monthly allowance which equals two and one half percent of the average monthly salary determined pursuant to paragraph (4).