

MINNESOTA STATUTES 1977 SUPPLEMENT

LEGISLATURE 3.088

any court to act as a judge of any court except the supreme court. A judge acting pursuant to this subdivision shall receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving.

Subd. 4. The chief justice shall exercise general supervisory powers over the courts in the state. His powers shall include, but not be limited to:

(a) Supervision of the courts' financial affairs, programs of continuing education for judicial and nonjudicial personnel and planning and operations research;

(b) Serving as chief representative of the court system and as liaison with other governmental agencies for the public; and

(c) Supervision of the administrative operations of the courts.

The chief justice may designate other justices or judges to assist him in the performance of his duties.

[1977 c 432 s 2]

CHAPTER 3. LEGISLATURE

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3.081 [Repealed, 1977 c 286 s 21]

3.088 Leave of absence.

Subdivision 1. **Leave of absence without pay.** Subject to the conditions prescribed by this section, any appointed officer or employee of any political subdivision, municipal corporation, or school district of the state or institution of learning maintained by the state who serves as a state legislator during a session or is elected to any full time city or county office in Minnesota shall be entitled to a leave of absence from his public office or employment without pay during any part or all of the service, with right of reinstatement as provided in this section.

Subd. 2. **Reinstatement.** Except as otherwise provided in this section, upon the completion of the last legislative day in each calendar year, or in the case of an elected city or county official, on the completion of the final day of the term to which he was elected, the officer or employee shall be reinstated in the public position which he held at the time of entry into the legislature or at the time of taking office as a city or county officer, or shall be placed in a public position of like seniority, status, and pay if it is available at the same salary which he would have received if he had not taken the leave, upon the following conditions: (1) that the position has not been abolished or that the term thereof, if limited, has not expired; (2) that he makes written application for reinstatement to the appointing authority within 30 days after the last legislative day in a calendar year or, in the case of an elected city or county official, within 30 days after the expiration of the term to which he was elected and; (3) that the request for reinstatement is made not later than 10 years after the granting of the leave. Upon reinstatement the officer or employee shall have the same rights with respect to accrued and future seniority status, efficiency rating, vacation, insurance benefits, sick leave, and other benefits as if he had been actually employed during the time of the leave. No public employer shall be required to compensate a reinstated employee or officer for any time spent by that employee or officer away from his or her work for the employer and on the business of the state legislature at any time during the period between the first and last legislative day in each calendar year or on the business of any other elected city or county office. No officer or employee reinstated shall be removed or discharged within one year thereafter except for cause, after notice and hearing; but this shall not operate to extend a term of service limited by law.

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Subd. 3. **Officers and employees to preserve pension and retirement rights.** Any public officer or employee receiving leave of absence under this section or who is elected as a state constitutional officer and having rights in any state, municipal, or other public pension, retirement, or relief system shall retain all the rights accrued up to the time of taking leave. The time spent by the employee as a member of the legislature or as an elected city or county official or who is elected as a state constitutional officer shall be calculated in the same manner as if he had spent that time in the service of his public employer for the purpose of determining vesting of his rights in the employer's pension, retirement or relief system. Under no circumstances shall two governmental units pay the employee's share of pension contributions for that period on which he is on leave of absence to serve in the legislature or as an elected city or county official.

[For text of subd 4, see M.S.1976]

Subd. 5. **Supplementary.** The rights and privileges granted by this section shall not apply when the elected office is constitutionally or legally incompatible with the public office or employment or when the elected person chooses to take leave as provided by other law.

[For text of subd 6, see M.S.1976]

[1977 c 140 s 1-4]

3.099 Members; compensation and expenses, flexible sessions.

Subdivision 1. The compensation of each member of the legislature shall be due on the first day of the regular legislative session of the term and payable in equal parts 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 necessary travel in going to and returning from the place of meeting to his place of residence in such amount and for such trips as may be authorized by the senate as to senate members, and by the house of representatives as to house members.

Each member shall receive in addition to the foregoing, such per diem living expenses during a regular or special session of the legislature in such amounts and for such purposes as may be determined by the senate as to senate members and by the house of representatives as to house members; provided, that because of the salary increases provided in subdivision 2, the amount of the per diem living expenses payable pursuant to this section during the 71st legislative session shall be set at a level not to exceed \$27 for each member who has moved from his usual place of lodging during a substantial part of the session and not to exceed \$17 for each member who has not so changed his place of lodging.

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 commissioner of finance, in duplicate, the amount of compensation then payable to each member of their respective houses, and the aggregate thereof.

Subd. 2. The compensation of each member of the legislature until the start of the legislative session in 1979 shall be \$8,400 per year. Commencing with the start of the legislative session in 1979, the compensation of each member of the legislature shall be \$16,500 per year. Effective January 1, 1980, the compensation of each member of the legislature will be \$18,500 per year.

Subd. 3. Commencing with the start of the legislative session in 1979, the senate committee on rules and administration for the senate and the house committee on rules and legislative administration for the house may each designate for their respective body up to three leadership positions to receive up to 140 percent of the compensation of other members.

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At the commencement of each biennial legislative session, each house of the legislature shall adopt a resolution designating the majority and minority leader of that respective body.

The majority leader shall be that person elected by a caucus of members in each house which constitutes the largest political affiliation within that body and the minority leader shall be that person elected by a caucus of members in each house which constitutes the second largest political affiliation within that body.

[1977 c 35 s 10]

3.102 Legislative living expenses.

Each member of the legislature shall be reimbursed for expenses incurred while engaged in official business when the legislature is not in session. The amount of such reimbursement shall not exceed \$48 per day as a per diem expense allowance for all expenses incurred except travel and lodging. The member shall also be reimbursed for travel and lodging expenses in the same manner and amount as state employees.

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.

[1977 c 35 s 11]

3.13 [Repealed, 1977 c 35 s 21]

NOTE: Section 3.13 is repealed on January 1, 1979 pursuant to Laws 1977, Chapter 35, Section 21.

3.22 Payment.

The publisher of any newspaper publishing the proposed amendments shall, before receiving his fees for the publication and prior to the first day of January following an election year, file with the secretary of state an affidavit showing the qualification and legality of the newspaper and stating that the amendments have been published as required by law.

[1977 c 42 s 1]

3.737 Livestock owners; compensation for destroyed or crippled animals.

Subdivision 1. Notwithstanding section 3.736, subdivision 3, paragraph (e) or any other law to the contrary, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed or is crippled so that it must be destroyed after July 1, 1977 by an animal classified as endangered under the federal endangered species act of 1973. The owner shall be entitled to the fair market value of the destroyed livestock, not to exceed \$400 per animal destroyed, as determined by the commissioner of agriculture, upon recommendation of the county extension agent for the owner's county and a conservation officer. The commissioner, upon recommendation of the agent and conservation officer, shall determine whether the livestock was destroyed by an animal described in this subdivision. The owner shall file a claim on forms provided by the commissioner of agriculture and available at the county extension agent's office.

Subd. 2. Any payments made pursuant to this section shall be reduced by amounts received by the owner as proceeds from any insurance policy covering livestock losses, or from any other source for the same purpose including, but not limited to, a federal program.

Subd. 3. The commissioner of agriculture shall adopt and may amend rules to carry out the provisions of this section which shall include: (a) methods of valuation of livestock destroyed; (b) criteria for determination of the cause for livestock loss; (c) notice requirements by the owner of destroyed livestock; and (d) any other matters determined necessary by the commissioner to carry out the provisions of this section.

[1977 c 450 s 4]

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3.738 LEGISLATURE

3.738 Injury or death of patient or inmate.

Subdivision 1. **Legislative authority.** Claims and demands arising out of injury to or death of a patient of a state institution under the control of the commissioner of public welfare or an inmate of a state correctional institution while performing assigned duties shall be presented to, heard and determined by the legislature.

Subd. 2. **Evaluation of claims.** Claims arising under this section shall be paid pursuant to legislative appropriation following evaluation of each claim by the appropriate committees of the senate and house of representatives. Compensation will not be paid for pain and suffering.

Subd. 3. **Exclusive remedy.** The procedure established by this section is exclusive of all other legal, equitable and statutory remedies.

[1977 c 450 s 6]

3.86 Tax study commission.

Subdivision 1. **Creation; purpose.** A tax study commission is hereby created to examine the total tax structure and the revenue needs and the sources of revenue of this state and its political subdivisions.

Subd. 2. **Duties.** Together with its examination of the existing tax system, the commission shall:

(a) study and make recommendations regarding long range tax policy;

(b) analyze proposed tax legislation, with particular reference to analysis of revenue and distribution impact, local government financing and adherence to sound tax policy, and report its findings to the legislature; and

(c) file a report at least biennially with the legislature.

Subd. 3. **Membership.** The commission shall consist of seven members of the senate, including the chairman of the committee on taxes and tax laws, to be appointed by the committee on committees and seven members of the house of representatives, including the chairman of the committee on taxes, to be appointed by the speaker. Each of these people shall be a member of the commission only while that person is a member of the body from which that person was appointed. The first members of this commission shall be selected to serve for a term expiring on January 15 of the next biennial session of the legislature and until their successors are appointed. Subsequent members of the commission shall be appointed at the commencement of each biennial session of the legislature for a two year term beginning on January 16 of that year. Vacancies shall be filled in the same manner as the original appointment.

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 the times and places it may designate. It shall select a chairman, a vice chairman and other officers from its membership as it deems necessary.

Subd. 5. **Staff.** The commission may employ the professional, clerical, and technical assistants it deems necessary in order to perform its duties.

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 the officer or agency shall promptly furnish any data requested to the extent permitted by law.

Subd. 7. **Records and information of previous tax study commission.** The records, information and other material in the possession of the tax study commission created pursuant to Extra Session Laws 1971, Chapter 31, Article 13, Section 1, shall be conveyed to the tax study commission created pursuant to this section.

Subd. 8. **Expenses and reimbursement of members and staff.** The members of the commission and its assistants shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties. Reimbursement shall be made pursuant to the rules governing legislators and legislative employees.

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Subd. 9. **Commission expenses and reports.** Expenses of the commission shall be approved by the chairman or 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 by November 15 of each even numbered year.

[1977 c 423 art 8 s 1]

3.925 Purpose.

The legislature of the state of Minnesota expresses concern over the future of elementary and secondary education in this state, its ability to meet the educational needs of the public school students, the professional growth and satisfaction of school staffs, the effectiveness and efficiency of present schools and their learning processes, continuing pupil unit cost escalation and the resulting financial crisis which this brings about. New approaches to the learning process, better utilization of professional staff and community resources, different requirements as to course offerings, course content, grading, graduation and school attendance must be researched and developed. It is believed that revised programs, innovations, new attitudes about learning and the public schools' responsibilities can be effectively achieved if such research and development are performed by the council on quality education and at the local school level by the school's staff and with involvement by the students and their community. Although funds spent now for such purposes can produce substantial educational and cost benefits in the future, such capital type funds are seldom available within any single school district's budget.

The purpose of the council on quality education is, therefore, to encourage, promote, aid, and perform research and development for quality education in Minnesota elementary and secondary schools, to evaluate the results of significant innovative programs and to disseminate information about these programs throughout the state.

To these ends, the council through the state board of education shall establish a venture fund from which grants or loans may be made in support of research and development programs relating to the problems and objectives heretofore described which shall include but not be limited to:

- (1) Effective utilization of community personnel and resources.
- (2) Developing model personnel policies and procedures, and new staffing concepts such as differentiated staffing.
- (3) Assessment and evaluation of education programs.
- (4) Developing a management and unit of instructional objectives design which will provide accountability by relating time and dollars to the amount of learning produced.
- (5) Determining responsibilities to be assumed by the schools exclusively or concurrently with other agencies or individuals.
- (6) Effective dissemination of educational information.
- (7) Developing new knowledge about learning and teaching.
- (8) Developing model educational programs as alternatives to existing educational practices and curricula.
- (9) Model programs and innovations to increase equality of educational opportunities.
- (10) Research and testing of new concepts of educational efficiency, effectiveness and cost benefits.

The council shall not be limited to supporting innovations, programs or procedures supplementary to existing school structures and programs but may assist or research entirely new concepts such as open schools, informal schools and the like. It is the legislature's intent that any supported program shall hold promise of both educational and cost benefits and that the costs and improvements in learning effectiveness introduced thereby shall be measured and related.

The council may also review literature and other information about innovative programs in Minnesota and other states and disseminate the results of this re-

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search throughout the state. The council may identify ideas for innovative programs in the course of this research and solicit proposals from school boards for grants for such programs; provided not to exceed ten percent of the funds appropriated to the venture fund in any year may be expended to fund such research and programs.

The council shall make a report by November 15 of each even numbered year to the legislature concerning all research and all proposals received and the dispositions made thereof by the council and the state board of education.

[1977 c 404 s 1]

3.927 State board and commissioner.

The state board of education shall develop and promulgate such additional recommendatory guidelines as may be appropriate for the furtherance of sections 3.924 to 3.927 and the development and implementation of the programs contemplated herein, for its benefit and the benefit of the council and applicants. The commissioner of education shall make available to the council at its request such staff as the council deems necessary to perform its functions. The council may also employ or contract for the services of outside consultants, and as much of the annual appropriation to the state department of education, made for the purposes of sections 3.924 to 3.927 as is necessary, shall be made available to the council for this purpose.

[1977 c 404 s 2]

3.9271 Early childhood and family education programs.

Subdivision 1. For the 1977-1978 and 1978-1979 school years, the council on quality education shall make grants to no fewer than 22 pilot early childhood and family education programs. Early childhood and family education programs are programs for children before kindergarten and below age six which may include the following: identification of potential barriers to learning, education of parents on child development, libraries of educational materials, family services, education for parenthood programs in secondary schools, in-center activity, home-based programs, and referral services.

Notwithstanding section 3.926, subdivision 2, every early childhood and family education program proposal shall be submitted to the council on quality education not less than six weeks before the planned commencement of the program. These programs or grants shall be as equally distributed as possible among districts in cities of the first class, in suburbs, and outside the seven county metropolitan area. No more than two of these programs shall receive these grants in any one school district. Each pilot program shall serve one elementary school attendance area in the local school district or a combination of attendance areas if deemed appropriate by the council.

The council on quality education shall prescribe the form and manner of application and shall determine the participating pilot programs. In the determination of pilot programs, programs shall be given preference for their ability to coordinate their services with existing programs and other governmental agencies. The council on quality education shall report on the programs annually to the committees on education of the senate and house of representatives.

Subd. 2. Each district providing pilot programs shall establish and maintain an account separate from all other district accounts for the receipt and disbursement of all funds related to these early childhood and family education programs.

Subd. 3. A school district providing early childhood and family education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when such funds are available.

Subd. 4. A district may charge reasonable fees for early childhood and family education services; however, a district shall waive the charge or fee if any pupil, his parent or guardian is unable to pay it.

[1977 c 447 art 8 s 1]

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LEGISLATOR'S RETIREMENT 3A.02

3.9272 Advisory task force on early childhood and family education programs.

The council on quality education shall appoint an advisory task force on early childhood and family education programs. The advisory task force shall be composed of parents of young children and persons knowledgeable in the fields of health, education and welfare. A majority of the task force shall be parents of young children. The advisory task force shall advise the council in the administration of the early childhood and family education programs. The terms, compensation and removal of members shall be governed by the provisions of section 15.059, subdivision 6. The task force shall expire June 30, 1979.

[1977 c 447 art 8 s 2]

3.9275 Voluntary participation.

All participation by parents and children in these early childhood and family education programs shall be voluntary, and shall not preclude participation in any other state or local program. All pilot programs shall provide services to all qualified children, regardless of race, religion or ethnic background, and no such programs shall be used in whole or in part for religious worship or instruction.

[1977 c 447 art 8 s 3]

3.973 State treasurer; audit.

At least once each year, and at such other times as he may deem appropriate, without previous notice to the state treasurer, the legislative auditor shall examine and audit the accounts, books, and vouchers of the state treasurer, ascertain the amounts of the several funds which should be in the treasury, count the sums actually on hand, and make a record of the facts found. On or before the third day of each regular session the legislative auditor shall report to the legislature the results of such examinations and his doings in the premises. He shall also witness and attest the transfer of books, accounts, vouchers, and funds from the out-going treasurer to his successor in office, verify the official record of all redeemed bonds, certificates of indebtedness, and interest coupons issued by the state; and, from time to time, shall cause to be destroyed all such obligations which shall have been redeemed for at least one year. A notation shall be made by the treasurer in his records of all such obligations destroyed and the legislative auditor shall certify to the correctness thereof. A copy of each such legislative auditor's certificate shall be filed with the commissioner of finance and treasurer.

[1977 c 347 s 1]

CHAPTER 3A. LEGISLATOR'S RETIREMENT

Sec.
3A.02 Retirement allowance.

Sec.
3A.04 Survivor benefit.

3A.02 Retirement allowance.

Subdivision 1. **Qualifications.** Any former legislator:

(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 director to receive a retirement allowance monthly of 40 percent of that member's final monthly salary during the final term of office as a member of the legislature 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.