

CHAPTER 3

LEGISLATURE

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3.06 OFFICERS AND EMPLOYEES.

Subdivision 1. Election. 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.

Subd. 2. Successors. In the event of the resignation or death of an officer of the house of representatives or senate, the duties of the officer shall be performed by a successor as provided in the rules of the respective house until a successor is elected at a regular or special session of the legislature.

History: *1Sp1987 c 2 s 1*

3.099 MEMBERS; COMPENSATION AND EXPENSES, FLEXIBLE SESSIONS.

[For text of subd 1, see M.S.1986]

Subd. 2. [Repealed, 1987 c 404 s 191]

[For text of subd 3, see M.S.1986]

3.30 LEGISLATIVE ADVISORY COMMISSION.

[For text of subd 1, see M.S.1986]

Subd. 2. Members; duties. The majority leader of the senate or a designee, the chair of the senate committee on finance, and the chair of the senate division of finance responsible for overseeing the items being considered by the commission, the speaker of the house of representatives or a designee, the chair of the house committee on appropriations, and the chair of the division of the house appropriations committee responsible for overseeing the items being considered by the commissioner constitute the legislative advisory commission. The division chair of the finance committee in the senate and the division chair of the appropriations committee in the house shall rotate according to the items being considered by the commission. If any of the legislative 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 legislative membership of the commission shall be filled by the last speaker of the house or, if the speaker be not available, by the last chair 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 finance shall act as secretary

of the commission and shall keep a permanent record and minutes of its proceedings, which shall be public records. The commissioner of finance shall transmit, under the provisions of section 3.195, a report to the next legislature of all actions of said commission. The members of the commission shall receive traveling and subsistence expenses in attending meetings of the commission. The commission 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.

[For text of subds 3 and 4, see M.S.1986]

History: 1987 c 404 s 60

3.303 LEGISLATIVE COORDINATING COMMISSION; CREATION AND ORGANIZATION.

[For text of subds 1 to 4, see M.S.1986]

Subd. 5. The commission shall represent the legislature and assist state agencies in making arrangements for the accommodation and appropriate recognition of individuals or groups visiting Minnesota as direct or indirect representatives of foreign governments, other states, or any of the subdivisions or agencies of foreign governments or other states; and provide other services determined by the commission. The commission may make grants, employ staff, and obtain office space, equipment, and supplies necessary to perform the designated duties.

History: 1987 c 404 s 61

3.732 SETTLEMENT OF CLAIMS.

Subdivision 1. **Definitions.** As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the Minnesota housing finance agency, the Minnesota higher education coordinating board, the Minnesota higher education facilities authority, the armory building commission, the Minnesota zoological board, the state agricultural society, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota national guard, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation, but does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or United States Code, title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983.

(3) "Scope of office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

[For text of subds 2 to 6, see M.S.1986]

History: 1987 c 7 s 1

3.736 TORT CLAIMS.

[For text of subds 1 and 2, see M.S.1986]

Subd. 3. **Exclusions.** Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) Any loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) Any loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) Any loss in connection with the assessment and collection of taxes;

(d) Any loss caused by snow or ice conditions on any highway or public sidewalk that does not abut a publicly-owned building or a publicly-owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) Any loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) Any loss other than injury to or loss of property or personal injury or death;

(g) Any loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) Any loss incurred by a user within the boundaries of the outdoor recreation system and arising from the construction, operation, or maintenance of the system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, or from the construction, operation, or maintenance of a water access site created by the iron range resources and rehabilitation board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(i) Any loss of benefits or compensation due under a program of public assistance or public welfare, except where state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) Any loss based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) Any loss based on the usual care and treatment, or lack of care and treatment, of any person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) Any loss, damage, or destruction of property of a patient or inmate of a state institution;

(m) Any loss for which recovery is prohibited by section 169.121, subdivision 9; and

(n) Any loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources.

The state will not pay punitive damages.

[For text of subs 4 to 11, see M.S.1986]

History: 1987 c 184 s 1; 1987 c 373 s 1

3.7371 COMPENSATION FOR CROP DAMAGE CAUSED BY ELK.

Subdivision 1. Authorization. Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law to the contrary, a person who owns an agricultural crop shall be compensated by the commissioner of agriculture for an agricultural crop that is damaged or destroyed by elk as provided in this section.

Subd. 2. Claim form. The crop owner must prepare a claim on forms provided by the commissioner of agriculture and available at the county extension agent's office. The claim form must be filed with the commissioner of agriculture. A claim form may not be filed for crop damage or destruction that occurs before June 3, 1987.

Subd. 3. Compensation. The crop owner shall be entitled to the target price or market price, whichever is greater, of the damaged or destroyed crop plus adjustments for yield loss determined according to agricultural stabilization and conservation service programs for individual farms, adjusted annually, as determined by the com-

missioner of agriculture, upon recommendation of the county extension agent for the owner's county or a federal crop adjuster. The commissioner of agriculture, upon recommendation of the agent or adjuster, shall determine whether the crop damage or destruction is caused by elk and, if so, the amount of the crop that is damaged or destroyed. In any calendar year, a crop owner may not be compensated for a damaged or destroyed crop that is less than \$100 and may be compensated up to \$20,000 in value, as determined under this section, provided normal harvest procedures for the area are followed.

Subd. 4. Insurance deduction. Payments authorized by this section must be reduced by amounts received by the owner as proceeds from an insurance policy covering crop losses, or from any other source for the same purpose including, but not limited to, a federal program.

Subd. 5. Decision on claims; opening land to hunting. If the commissioner of agriculture finds that the crop owner has shown that the damage or destruction of the owner's crop was caused more probably than not by elk, the commissioner of agriculture shall pay compensation as provided in this section and the rules of the commissioner. Total compensation to all claimants shall not exceed the amount of funds appropriated for Laws 1987, chapter 373. A crop owner who receives compensation under this section may, by written permission, permit hunting on the land at the landowner's discretion.

Subd. 6. Denial of claim; appeal. (a) If the commissioner denies compensation claimed by a crop owner under this section, the commissioner shall issue a written decision based upon the available evidence including a statement of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision must be transmitted to the crop owner by first class mail.

(b) A decision denying compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but a crop owner may have the claim reviewed in a trial de novo in the county court in the county where the loss occurred. The decision of the county court may be appealed as in other civil cases. Review in the county court may be obtained by the filing of a petition for review with the administrator of the county court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator of the county court shall mail a copy of it to the commissioner and set a time for hearing within 90 days after the filing of the petition.

Subd. 7. Rules. The commissioner of agriculture shall adopt rules and may adopt emergency rules and may amend rules to carry out the provisions of this section. The rules must include:

- (1) methods of valuation of crops damaged or destroyed;
- (2) criteria for determination of the cause of the crop damage or destruction;
- (3) notice requirements by the owner of the damaged or destroyed crop; and
- (4) any other matters determined necessary by the commissioner to carry out the provisions of this section.

History: 1987 c 373 s 2

NOTE: This section, as added by Laws 1987, chapter 373, section 2, is effective June 3, 1987. However, a person may not apply for compensation for crop damage until after the commissioner of agriculture promulgates rules. See Laws 1987, chapter 373, section 16.

3.85 LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT.

[For text of subds 1 to 11, see M.S.1986]

Subd. 12. Valuations and reports to legislature. (a) The commission shall contract with an established actuarial consulting firm to conduct annual actuarial valuations and financial adequacy studies for the retirement plans named in clause (b). The contract shall also include provisions for performing cost analyses of proposals for changes in benefit and funding policies.

(b) The contract for actuarial valuation and analysis shall include the following retirement plans:

- (1) the Statewide Teachers Retirement Association;
- (2) the General Plan, Minnesota State Retirement System;
- (3) the Correctional Plan, Minnesota State Retirement System;
- (4) the State Patrol Plan, Minnesota State Retirement System;
- (5) the Judges Plan, Minnesota State Retirement System;
- (6) the Minneapolis Employees Retirement Fund;
- (7) the General Plan, Public Employees Retirement Association;
- (8) the Police and Fire Plan, Public Employees Retirement Association;
- (9) the Duluth Teachers Retirement Association;
- (10) the Minneapolis Teachers Retirement Association;
- (11) the St. Paul Teachers Retirement Association;
- (12) the Legislator's Retirement Plan, Minnesota State Retirement System; and
- (13) the Elective State Officers Retirement Plan, Minnesota State Retirement System.

(c) The contract shall include the following:

(1) Effective for every year beginning in fiscal year 1986, the contract shall specify completion of standard actuarial valuations for the fiscal year with contents as described in section 356.215, subdivisions 4 to 4k; and cash flow forecasts through the amortization target date.

(2) Effective for every plan year beginning in fiscal year 1987, the contract shall specify preparation of an exhibit on the experience of the fund for inclusion in the annual actuarial valuation and completion of a periodic experience study as provided for in the standards adopted by the commission. The experience study shall evaluate the appropriateness of continuing to use for future valuations the assumptions relating to: individual salary progression; rate of return on investments; payroll growth; mortality; withdrawal; disability; retirement; and any other experience-related factor that could impact the future financial condition of the retirement funds.

(d) The commission shall annually prepare a report to the legislature summarizing the results of the valuations and cash flow projections and shall include with its report recommendations concerning the appropriateness of the support rates to achieve proper funding of the retirement funds by the required funding dates. It shall also, within two months of the completion of the periodic experience studies, prepare a report to the legislature on the appropriateness of the valuation assumptions required for evaluation in the periodic experience study.

(e) The commission shall assess the retirement plans specified in paragraph (b) other than clauses (12) and (13) the cost of their actuarial valuations and of their experience studies. The assessment shall be that part of the amount of contract compensation with the actuarial consulting firm retained by the commission specified for these functions that bears the same relationship that the total active, deferred, inactive, and benefit recipient membership of the retirement plan bears to the total active, deferred, inactive, and benefit recipient membership of all retirement plans specified in paragraph (b). The assessment shall be made upon the completion of the actuarial valuations and the experience studies. The amount of the assessment is appropriated from the retirement fund applicable to the retirement plan. Receipts from assessments shall be deposited in the state treasury and credited to the general fund.

History: 1987 c 259 s 1; 1987 c 404 s 62

3.861 TAX STUDY COMMISSION.

Subdivision 1. Creation. A legislative tax study commission is created.

Subd. 2. Duties. The commission shall:

(1) examine the burden of income maintenance and social services on the property tax levies of the counties, and of each county individually, and determine the impact of total or increased state funding of income maintenance and social services on those levies;

(2) examine and recommend to the legislature alternative methods of income adjusted property tax relief for homeowners and renters;

(3) examine and recommend to the legislature alternative property tax classification systems that reduce the number of property classifications, and determine the effects of the consolidation by type and use of property;

(4) examine the tax structures and revenue needs and revenue resources of state and local governments;

(5) study and make recommendations about long-range tax policy;

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

(7) examine the property tax burdens on agricultural, commercial, industrial, and employment property by county, and by type, use, and market value; and

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

Subd. 3. Membership. The commission consists of seven members of the senate, including the chair of the committee on taxes and tax laws, to be appointed by the subcommittee on committees of the committee on rules and administration, and seven members of the house of representatives, including the chair of the committee on taxes, to be appointed by the speaker.

Appointees are members of the commission only while they are members of the bodies from which they were appointed. The first members serve for a term expiring on January 15 of the next biennial session of the legislature and until their successors are appointed. Later members must be appointed at the start of each biennial session of the legislature for a two-year term beginning on January 16 of that year. Vacancies must be filled in the same manner as the original appointment.

Subd. 4. Meetings; officers. The commission shall hold meetings at the times and places it designates. The commission's first chair shall be the chair of the house tax committee. Every two years, the chair of the house tax committee and the chair of the senate committee on taxes and tax laws shall alternate the office of commission chair. The commission shall select a vice-chair and other officers from its membership.

Subd. 5. Staff; office; equipment. (a) In performing its duties, the commission must utilize existing legislative staff.

(b) The commission may purchase equipment and supplies, and may enter into contracts for the furnishing of services, equipment, and supplies necessary to discharge its duties.

Subd. 6. Assistance of other agencies. (a) The commission may request information from any state officer or agency to assist in carrying out this section. The officer or agency shall promptly provide the data requested to the extent permitted by law.

(b) The commissioner of revenue shall prepare, maintain, and make available to the commission data that compares (1) household incomes with rents and property tax burdens; and (2) household incomes with home market values and property tax burdens. The data must be furnished and made available in the form and manner that the commission determines will facilitate its use to discharge the duty imposed in subdivision 2, clause (2). The data must not disclose the name, address, social security number, or any other item of information that the commissioner believes may identify an individual. The data must be furnished to the commission by September 15, 1987, and subsequently maintained by the commissioner so that the most complete and current data available is furnished to the commission.

Subd. 7. Expenses and reimbursement of members and staff. The members of the commission may receive per diem when attending meetings and other commission

business. Members and legislative employees must be reimbursed for expenses actually and necessarily incurred in the performance of their duties under the rules governing legislators and legislative employees.

Subd. 8. **Commission expenses and reports.** Expenses of the commission must be approved by the chair or other member as the rules of the commission may provide. The expenses must then be paid in the same way as other state expenses are paid. A general summary or statement of expenses incurred by the commission and paid must be made to the legislature by November 15 of each even-numbered year.

Subd. 9. **Appropriation.** \$300,000 is appropriated for the biennium ending June 30, 1989, from the general fund to the tax study commission.

History: 1987 c 268 art 7 s 1

LEGISLATIVE COMMITTEE ON PLANNING AND FISCAL POLICY

3.885 LEGISLATIVE COMMITTEE ON PLANNING AND FISCAL POLICY.

Subdivision 1. **Membership.** The legislative committee on planning and fiscal policy consists of 18 members of the senate and the house of representatives appointed by the legislative coordinating commission. Vacancies on the committee are filled in the same manner as original appointments. The committee shall elect a chair and a vice-chair from among its members. The chair alternates between a member of the senate and a member of the house in January of each odd-numbered year.

Subd. 2. **Compensation.** Members of the committee are compensated in the manner provided by section 3.101.

Subd. 3. **Staff.** The committee may hire staff necessary to carry out its duties and may also use other legislative staff. The legislative coordinating commission shall provide office space and administrative support to the committee. The commissioners of finance and revenue shall supply the committee with information upon request of the chair. The state planning agency shall report to the committee, and the committee may make recommendations to the state planning agency.

Subd. 4. **Duties.** The committee shall study and evaluate the actual and projected expenditures by state government, the actual and projected sources of revenue that support these expenditures, and the various options available to meet the state's future fiscal needs. In performing this duty the committee shall consider, among other things:

(1) the relative dependence on state tax revenues, federal funds, and user fees to support state-funded programs, and whether the existing mix of revenue sources is appropriate, given the purposes of the programs;

(2) the relative percentages of state expenditures that are devoted to major programs such as education, assistance to local government, aid to individuals, state agencies and institutions, and debt service; and

(3) the role of the legislature in overseeing state government expenditures, including legislative appropriation of money from the general fund, legislative appropriation of money from funds other than the general fund, state agency receipt of money into revolving and other dedicated funds and expenditure of money from these funds, and state agency expenditure of federal funds.

As necessary, the committee shall recommend to the legislature changes in the mix of revenue sources for programs, in the percentage of state expenditures devoted to major programs, and in the role of the legislature in overseeing state government expenditures. The committee may also make recommendations for changes in the design or continuing operation of programs. The committee's recommendations must consider the long-term needs of the state. The recommendations must not duplicate work done by standing committees of the senate and house of representatives.

The committee shall report to the legislature on its activities and recommendations by January 15 of each odd-numbered year.

History: 1987 c 404 s 63

3.922 INDIAN AFFAIRS COUNCIL.*[For text of subds 1 to 5, see M.S.1986]*

Subd. 6. **Duties.** The primary duties of the council shall be to:

(1) clarify for the legislature and state agencies the nature of tribal governments, the relationship of tribal governments to the Indian people of Minnesota;

(2) assist the secretary of state in establishing an election of at large members of the council;

(3) make recommendations to members of the legislature on desired and needed legislation for the benefit of the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian community;

(4) provide, through the elected apparatus of the council, an effective conduit for programs, proposals, and projects to the legislature submitted by tribal governments, organizations, committees, groups, or individuals;

(5) provide a continuing dialogue with members of the appropriate tribal governments in order to improve their knowledge of the legislative process, state agencies, and governmental due process;

(6) assist in establishing Indian advisory councils in cooperation with state agencies delivering services to the Indian community;

(7) assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services;

(8) assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;

(9) act as a liaison between local, state, and national units of government in the delivery of services to the Indian population of Minnesota;

(10) assist state agencies in the implementation and updating of studies of services delivered to the Indian community;

(11) provide, for the benefit of all levels of state government, a continuing liaison between those governmental bodies and duly elected tribal governments and officials;

(12) interreact with private organizations involved with Indian concerns in the development and implementation of programs designed to assist Indian people, insofar as they affect state agencies and departments;

(13) act as an intermediary, when requested and if necessary between Indian interests and state agencies and departments when questions, problems, or conflicts exist or arise;

(14) provide information for and direction to a program designed to assist Indian citizens to assume all the rights, privileges, and duties of citizenship, and to coordinate and cooperate with local, state, and national private agencies providing services to the Indian people;

(15) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for the benefit of Indian persons who have been, are, or will be subject to prejudice and discrimination; and

(16) cooperate and consult with appropriate commissioners and agencies to develop plans and programs to most effectively serve the needs of Indians.

*[For text of subds 7 to 9, see M.S.1986]***History:** 1987 c 375 s 1**3.9226 COUNCIL ON ASIAN-PACIFIC MINNESOTANS.***[For text of subds 1 to 7, see M.S.1986]*

Subd. 8. [Repealed, 1987 c 404 s 191]