

CHAPTER 3

LEGISLATURE

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LEGISLATURE

3.01 SESSIONS. The legislature shall assemble at the seat of government on the first Tuesday after the first Monday in January of each odd-numbered year, and at such other times as it may be called by the governor to meet in extra session.
[R. L. s. 9] (24)

3.02 EVIDENCE OF MEMBERSHIP. For all purposes of organization of either house of the legislature, a certificate of election thereto, duly executed by the auditor of the proper county, shall be prima facie evidence of the right to membership of the person therein named.
[R. L. s. 10] (25)

3.03 TEMPORARY EMPLOYEES. At the opening of each session of the legislature, the superintendent of the capitol shall employ the following assistants who shall serve until their places are filled by action of the respective houses and no longer: For the senate, two doorkeepers, one cloakroom keeper, and two pages; and for the house of representatives, two doorkeepers, three cloakroom keepers, and four pages.
[R. L. s. 11] (26)

3.04 COMPENSATION OF TEMPORARY EMPLOYEES. Each door and cloakroom keeper so temporarily employed shall be paid \$3 per day, and each page \$2 per day, for the time of his actual service; but none of them shall receive any pay until the superintendent of the capitol shall have certified to the number of days of such service, and the amount due therefor. No other person shall be paid for assistance rendered to either house during its organization.
[R. L. s. 12] (27)

3.05 ORGANIZATION. At noon of the day appointed for the convening of the legislature, the members thereof shall meet in their respective chambers. The lieutenant governor shall call the senate to order; and the secretary of state, the house of representatives. In the absence of either of these officers, the oldest member

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

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

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

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

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

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

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

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

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

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

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

[*1947 c. 233 s. 4*]

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

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

3.10 MEMBERS; COMPENSATION, MILEAGE. The compensation of each member of the House of Representatives of the Legislature shall be \$3,000 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:

\$500 on the first day of February;

\$500 on the first day of March;

\$500 on the first day of April of the year in which the regular legislative session is held, and

\$500 on the last day of the regular legislative session;

\$1,000 on the first day of January in the year following the year in which the regular legislative session was held which shall be compensation for that full year.

The compensation of each Senator of the Legislature shall be \$6,000 for the entire term to which he is elected, of which \$3,000 shall be due on the first day of each regular legislative session of the term and payable as follows:

\$500 on the first day of February;

\$500 on the first day of March;

\$500 on the first day of April of each year in which a regular legislative session is held, and

\$500 on the last day of the regular legislative session;

\$1,000 on the first day of January in the year following the year in which the regular legislative session was held which shall be compensation for that full year.

In the event of extra legislative sessions, each member of the legislature shall receive additional compensation at the rate of \$10 for each day while engaged in extra session, payable every ten days during such session and on the last day thereof.

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

[*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*] (33, 35)

3.11 COMPENSATION, MILEAGE; WHEN PAID. Subdivision 1. (1) On the first day of February, March and April, respectively, of the year in which the regular session is held, and on the last day of the regular legislative session, 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.

(2) The state auditor shall forthwith after the first day of January in the year following the year in which the regular legislative session was held draw his warrants for \$1,000 each upon the appropriation to the legislature for the regular session, payable, respectively, to each member of the legislature whose name has been certified to him by the secretary of the senate or the clerk of the house of representatives, respectively, immediately before such regular session of the legislature was adjourned sine die.

Subd. 2. On the eleventh day of the session, and on every tenth day thereafter, the secretary of the senate and the chief clerk of the house shall certify to the state auditor, in duplicate, the amount of compensation due each officer and employee of their respective houses for the preceding ten days, and the aggregate thereof. As soon as the committee on mileage of either house shall have reported, and the report has been approved by the respective houses, fixing the amount of mileage due each member, the secretary of the senate and the chief clerk of the house shall certify the aggregate amount of mileage due each member and the same and all thereof shall then be due and payable. Suitable blanks for such certificates shall be furnished by the auditor. Upon receipt of one of such duplicates, with a certificate of approval thereof by the auditor, and his warrant for payment, the state treasurer shall forthwith pay to the several persons named the amounts to which each is thereby shown to be entitled, taking his receipt therefor. No member, officer, or employee shall receive pay for the time of any unexcused absence, and the treasurer shall have credit under this section only for sums actually disbursed.

[*R L s 18; 1909 c 2 s 1; 1953 c 467 s 2*] (34)

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

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

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

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

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

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

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

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

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

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

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

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

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

3.16 MEMBERS, OFFICERS OF, AND ATTORNEYS EMPLOYED BY, EXCUSED FROM COURT DUTIES. 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, 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 but shall be continued until the legislature 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*] (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)

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

[*1905 c. 152 s. 1*] (43)

AMENDMENTS TO CONSTITUTION

3.20 FORM OF ACT; SUBMISSION. Every act for the submission of an amendment to the constitution shall set forth the section as the same will read in case the amendment is adopted, with such other matter only as may be necessary

to show in what section or article the alteration is proposed. It shall be submitted and voted upon at the general election next ensuing in the manner provided for by the general law relating to such elections. If adopted, the governor shall announce the fact by proclamation.

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

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

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

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

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

STANDING APPROPRIATIONS

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

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

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

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

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

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

3.25 [Repealed, 1943 c 348 s 5]

UNIFORM LEGISLATION

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

[1943 c. 348 s. 1]

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

[1943 c. 348 s. 2]

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

[1943 c. 348 s. 3]

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

[1943 c. 348 s. 4]

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

LEGISLATIVE RESEARCH

3.31 LEGISLATIVE RESEARCH COMMITTEE. There is hereby created a legislative committee, which is referred to in sections 3.31 to 3.41 as the "Legislative Research Committee" or the "Committee." The committee shall consist of one senator and one representative from each of the Congressional Districts in the State to be chosen before the close of each regular session of the Legislature to serve until the opening day of the next succeeding regular session of the Legislature. The House members shall be appointed by the Speaker of the House of Representatives and the Senate members shall be selected at a caucus by a majority of the Senators from the several Congressional Districts. In case of failure to make such selection at the time and manner herein provided for or upon a vacancy occurring after the selection has been made, the vacancy shall be filled by the selection of another member from the Congressional District in which the vacancy occurred, such selection to be made by the remaining Senate or House members of the committee, depending upon which body has the vacancy.

[1947 c. 306, s. 1]

3.32 POLICY; POWERS; RESTRICTIONS; RIGHTS OF LEGISLATORS. In addition to the other applicable provisions of sections 3.31 to 3.41, the committee shall have the power and right to study, consider, accumulate, compile and assemble information on any subject upon which the Legislature may legislate, and upon such subjects as the Legislature may by concurrent or joint resolution authorize or direct, or upon any subject requested by a member of the Legislature; to collect information concerning the government and general welfare of the State and of its political subdivisions; to study and consider important issues of public policy and questions of general interest. The prime motive of the committee shall be to gather information and provide material to be used by the Legislature in its work while in session. The director and his assistants shall neither oppose nor urge legislation. The committee may as it deems advisable call to its assistance other members of the Legislature and it may create committees consisting of its own members, or one or more of its own members and one or more members of the Legislature and delegate by written resolution to such committees such of its powers and rights as it may deem advisable. Any member of the Legislature shall have the right to attend any meeting of the committee, and may present his views on any subject which the committee may at any particular time be considering. Any member shall

have the right to attend and participate in the discussion but shall not have a vote, and upon request any member of the Legislature shall be notified of the dates and places of meetings.

[1947 c. 306 s. 2]

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

[1947 c. 306 s. 3]

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

[1947 c. 306 s. 4]

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

[1947 c. 306 s. 5]

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

[1947 c. 306 s. 6]

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

[1947 c. 306 s. 7]

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

[1947 c. 306 s. 8]

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

[1947 c. 306 s. 10]

3.40 APPROPRIATION. There is hereby appropriated from the general revenue fund to the committee, for the purpose of carrying out the provisions of sections 3.31 to 3.40, the sum of \$7,000 to be immediately available; the sum of \$25,000 for the fiscal year ending June 30, 1948; the sum of \$25,000 for the fiscal year ending June 30, 1949. For the payment of the expenses of the committee it shall draw its

warrants upon the state treasurer, which warrants shall be signed by the chairman and at least one other member of the committee, and the state auditor shall then approve them, and the state treasurer shall pay them as and when presented, but not exceeding in the aggregate the amount herein appropriated.

[1947 c. 306 s. 11]

3.41 [Repealed, 1951 c 37 s 1]

STATE CLAIMS COMMISSION

3.42 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 3.42 to 3.65 the terms defined in subdivisions 2 to 7 have the meanings ascribed to them.

Subd. 2. **Commission.** "Commission" means the state claims commission established by section 3.44.

Subd. 3. **Claim.** "Claim" means a claim authorized to be heard by the commission in accordance with sections 3.42 to 3.65.

Subd. 4. **Approved claim.** "Approved claim" means a claim found by the commission to be one that should be paid under the provisions of sections 3.42 to 3.65.

Subd. 5. **Award.** "Award" means the amount recommended by the commission to be paid in satisfaction of an approved claim.

Subd. 6. **Clerk.** "Clerk" means the clerk of the state claims commission.

Subd. 7. **State agency.** "State agency" means a state department, board, commission, institution, or administrative agency of the state government; but does not include any political or local subdivision of the state regardless of any state aid that might be provided.

[1953 c 749 s 1]

3.43 CONTROVERSIES ARISING OUT OF CONTRACTS. Subdivision 1. **Waiver of immunity from suit; jurisdiction of district court.** When a controversy arises out of any contract entered into by any state agency through established procedure in respect to which a person would be entitled to bring suit against the state, if the state were suable, where no claim has been made against it, the state hereby waives immunity from suit in connection with such controversy. The state hereby confers jurisdiction on the district courts of the state to hear and determine any such controversy.

Subd. 2. **Commencement of action.** No action shall be maintained under subdivision 1 unless commenced within six months after the work provided for in the contract is completed. The action shall be commenced by filing a complaint with the clerk of the court and serving the summons and a copy of the complaint upon the attorney general.

Subd. 3. **Venue.** Any such action may be brought in the district court of the county in which one or more of the plaintiffs reside, in the district court of the county where a major portion of the contract is performed, or in the district court of Ramsey county.

Subd. 4. **Answer.** In any such action the state shall have 40 days from the date of the service of the summons and complaint upon it in which to serve its answer in the action upon the plaintiff.

Subd. 5. **Trial procedure.** Every such action shall proceed in the district court as other actions at law.

Subd. 6. **Appeals.** An appeal may be taken to the state supreme court from any final order or judgment in any such action as is an appeal in an ordinary civil action.

[1953 c 749 s 2]

3.44 STATE CLAIMS COMMISSION. There is hereby created a State Claims Commission which shall be a special instrumentality of the legislature for the purpose of considering claims against the state which may not be heard in a court of law or equity as authorized in section 3.43. The commission may act on such claims only as prescribed in sections 3.42 to 3.65. The commission is not vested with, and may not exercise, the judicial power of the state in the sense of the Constitution of the State of Minnesota, Article 6. A determination by the commission is not subject to appeal to, or review by, any court created by, or pursuant to, said Article 6. The commission shall consist of five commissioners, two to be selected by the Committee on Committees of the Senate, and two to be named by the Speaker of the House, these four to name a fifth member. The commissioners may be retired district court judges or retired Supreme Court justices who may be paid for their services as herein provided notwithstanding any retirement compensation or retirement

restrictions: The terms of the commissioners shall be from the date of their appointment and shall expire with the adjournment sine die of the next regular session of the legislature. Remaining members of the commission shall fill any vacancies that occur when the legislature is not in session. An appointment to fill a vacancy shall be for the unexpired term. The commission shall select one of its members as chairman. No member of the legislature shall be eligible for appointment to the commission during the term for which he was elected.

[1953 c 749 s 3]

3.45 DIRECTOR OF RESEARCH AS CLERK OF COMMISSION. The director of research of the Legislative Research Committee shall act as clerk for the commission. He shall have custody of all records and proceedings of the court, shall attend meetings and hearings of the commission, may administer oaths and affirmations, and shall issue all official summons, orders, statements, and awards.

[1953 c 749 s 4]

3.46 MEETINGS. The commission shall hold at least four meetings between the close of each biennial legislative session and the commencement of the next ensuing biennial legislative session. The dates for these meetings shall be determined by the commission by its permanent rules. If one week prior to the date of any such meeting, not more than ten claims are ready for hearing or consideration, the clerk, with the approval of the chairman, may notify the members that the commission will not hold the meeting. So far as possible, the commission shall not conclude any such meeting until all claims then upon its docket and ready for hearing or consideration are disposed of. At the request of the chairman the clerk may call a special meeting whenever the number of claims awaiting consideration or any other matter of official business makes such a meeting advisable.

[1953 c 749 s 5]

3.47 OFFICES. The regular meeting place of the commission shall be at the state capitol and the department of administration shall provide adequate quarters therefor. In order to facilitate the full hearing of claims arising elsewhere in the state the commission may hold meetings at any county seat.

[1953 c 749 s 6]

3.48 SALARIES, EXPENSES. Each member of the commission shall receive actual expenses incurred in the performance of his duties. Members shall receive \$20 for each day actually served, except that members if retired district court judges or retired Supreme Court justices shall receive one half the per diem compensation provided for other members. Days served include time spent in the hearing of claims, the consideration of the records and the preparation of opinions, but shall not exceed 150 days of each year during the two-year period between the sine die adjournment of the regular sessions of the state legislature. 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.

[1953 c 749 s 7]

3.49 OATH OF OFFICE. Before entering upon the duties of his office, the member of the commission appointed by the governor shall take and subscribe to the oath prescribed by the Constitution of the State of Minnesota, which oath shall be filed with the clerk.

[1953 c 749 s 8]

3.50 INTEREST IN CLAIM, DISQUALIFICATION OF MEMBER. No member of the commission shall hear or participate in the consideration of a claim in which he has a personal interest.

[1953 c 749 s 9]

3.51 ATTORNEY GENERAL, DUTIES. The attorney general shall represent the interests of the state in all claims coming before the commission.

[1953 c 749 s 10]

3.52 CONSIDERATION OF CLAIMS. In accordance with sections 3.42 to 3.65, the commission shall consider claims which, but for some statutory restrictions, inhibitions, or limitations, could be maintained in the courts of the state. No liability is imposed upon the state or any of its agencies by a determination of the commission approving a claim and recommending an award unless the legislature has previously made an appropriation for the payment of a claim subject only to the determination of the commission. The commission shall consider claims in accordance with sections 3.55 to 3.61.

Except as provided in section 3.57, a claim shall be instituted by the filing of a written notice with the clerk. Each claim shall be considered by not less than three 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. If the determination of the commission is not unanimous, the reasons of each dissenting member of the commission shall be separately stated. A claim so filed is 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.

[1953 c 749 s 11]

3.53 JURISDICTION OF COMMISSION. Except for the claims excluded by section 3.54, 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.

[1953 c 749 s 12]

3.54 EXCEPTIONS TO JURISDICTION. Unless specifically referred to it by the legislature the jurisdiction of the commission shall not extend to any claim:

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

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

(3) For injury to or death of an inmate of a state penal institution.

(4) Arising out of the care or treatment of a person in a state institution.

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

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

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

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

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

[1953 c 749 s 13]

3.55 RULES OF PROCEDURE. 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.

[1953 c 749 s 14]

3.56 PROCEDURE FOR CONSIDERATION OF CLAIMS. 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 3.42 to 3.65, 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 statement with the clerk. If the commission finds that the claim should not be paid, it shall reject the claim.

[1953 c 749 s 15]

3.57 REFERENCE OF CLAIMS FOR ADVISORY DETERMINATION. 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.

[1953 c 749 s 16]

3.58 CLAIMS ARISING UNDER LEGISLATIVE APPROPRIATIONS. A claim arising under an appropriation made by the legislature during the fiscal year to which the appropriation applies may be submitted by:

(1) A claimant whose claim has been rejected by the state agency concerned or by the state auditor.

(2) The head of the state agency concerned in order to obtain a determination of the matters in issue.

(3) The state auditor in order to obtain a full hearing and consideration of the merits.

If the commission finds that the claimant should be paid, it shall certify the approved claim and award to the head of the state agency, the state auditor, and the governor. The governor may thereupon instruct the auditor to issue his warrant in payment of the award and to charge the amount thereof to the proper appropriation. The auditor shall forthwith notify the state agency that the claim has been paid.

[1953 c 749 s 17]

3.59 APPROPRIATION FOR PAYMENT OF CLAIMS. Whenever the legislature makes an appropriation for the payment of claims against the state then accrued or arising during the ensuing biennium, determination of claims and payment thereof may be made in accordance with this section, but this section applies only if the legislature, in making its appropriation, specifically so provides.

The claim shall be considered and determined, and the amount of the award fixed, by the commission. The clerk shall certify each approved claim and award to the governor and shall issue his requisition to the auditor who shall issue his warrant to the treasurer in favor of the claimant.

[1953 c 749 s 18]

3.60 CLAIMS BARRED BY STATUTES OF LIMITATION. The commission shall not take jurisdiction over a claim which would have been barred by existing

statutes of limitation operating against said claim if not brought against the State of Minnesota. No such claim as shall have arisen prior to the effective date of the act shall be barred if the claimant proves to the satisfaction of the commission that he has been prevented or restricted from presenting such claim for good cause, provided, however, that no claim that has been rejected by the legislature shall be considered by the commission whether it has arisen prior or subsequent to April 24, 1953 unless referred to the commission by the legislature.

[1953 c 749 s 19]

3.61 EVIDENCE; SUBPOENAS; COURT ORDER FOR APPEARANCE OF WITNESSES; CONTEMPT. 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.

[1953 c 749 s 20]

3.62 LIST OF AWARDS CERTIFIED TO COMMISSIONER OF ADMINISTRATION. On or before the first day of October preceding the convening of the legislature, the clerk shall certify to the commissioner of administration a list of all awards recommended by the commission to the legislature for appropriation. The commissioner of administration shall include all awards so certified in the budget estimates submitted to the governor-elect immediately after his election.

[1953 c 749 s 21]

3.63 RECORD OF CLAIMS CONSIDERED; RE-EXAMINATION OF CLAIMS. 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 committee thereof, for the re-examination of the claim.

[1953 c 749 s 22]

3.64 OFFICIAL REPORTER; BIENNIAL REPORT. 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) Approved claims and awards satisfied by payments out of regular appropriations for the biennium.
- (3) Approved claims and awards satisfied by payment out of a special appropriation made by the legislature to pay claims arising during the biennium.
- (4) Claims rejected by the commission, with the reasons therefor.
- (5) Advisory determinations 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.

[1953 c 749 s 23]

3.65 FALSE OR FRAUDULENT CLAIMS. 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.

[1953 c 749 s 24]