

CHAPTER 3

LEGISLATURE

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NOTE: For Iron Range Resources and Rehabilitation Board, see Section 298.22; for Legislative Commission on Minnesota Resources, see Section 86.06; and for the Legislative Advisory Commission to the Minnesota-Wisconsin Boundary Commission, see Section 1.34.

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 [Repealed, 1973 c 1 s 3]

Subd. 2. [Repealed, 1971 c 71 s 1]

3.011 SESSIONS.

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

History: 1973 c 1 s 1

3.012 LEGISLATIVE DAY.

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

History: 1973 c 1 s 2

3.02 EVIDENCE OF MEMBERSHIP.

For all purposes of organization of either house of the legislature, a certificate of election thereto, duly executed by the auditor of the proper county, or by the secretary of state when the member is elected from more than one county, shall be prima facie evidence of the right to membership of the person therein named.

History: RL s 10; 1969 c 9 s 1 (25)

3.03 [Repealed, 1961 c 561 s 17]

3.04 [Repealed, 1961 c 561 s 17]

3.05 ORGANIZATION.

At noon of the day appointed for the convening of the legislature, the members thereof shall meet in their respective chambers. The lieutenant governor shall call the senate to order; and the secretary of state, the house of representatives. In the absence of either of these officers, the oldest member present shall act in his place. The person so acting shall appoint, from the members present, a clerk pro tem, who shall call the legislative districts in the order of their numbers; and, as each is called, the persons claiming to be members therefrom shall present their certificates to be filed. All whose certificates are so presented shall then stand and be sworn.

History: RL 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.

History: GS 1894 s 220; RL s 14; 1905 c 52 s 1; Ex1936 c 4 s 1; 1947 c 233 s 1 (29,30)

3.07 ADDITIONAL EMPLOYEES.

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

History: *RL s 15; 1947 c 233 s 2 (31)*

3.073 ORGANIZATION OF SPECIAL SESSION.

The officers elected, the rules adopted, and the committees established by the legislature and by each house during the preceding regular session shall serve and be in effect during any special session, except as the legislature or a house provides otherwise.

History: *1978 c 566 s 1*

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.

History: *RL s 16; 1947 c 233 s 3 (32)*

3.081 [Repealed, 1977 c 286 s 21]**3.082 MEMBERS' EMPLOYMENT; CONTINUATION.**

Any member of the legislature of the state of Minnesota who held a position, other than a temporary position, in the employ of any private employer in Minnesota at the commencement of his service in any legislative session, who makes application for reemployment not later than 30 days after the last legislative day in each calendar year, shall be continued in or restored to such position, or to a position of like seniority, status and pay.

History: *1974 c 306 s 1*

3.083 RETENTION OF SENIORITY, FRINGE BENEFITS AND TENURE.

Subdivision 1. Any member of the legislature who is continued in or restored to a position in accordance with the provisions of section 3.082 shall be so continued or restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to its established rules and practices, and shall not be discharged from such position for a period of three years after his continuation or restoration except in the reverse order of his seniority with the employer within the field of the legislator's training and experience without good cause after such continuation or restoration.

Subd. 2. No employer or employee organization may at any time discharge or otherwise discriminate against an employee or member who is or was a member of the legislature in retribution for statements made or beliefs held by the employee or member in his capacity as a member of the legislature. For purposes of this subdivision "employee organization" means any union or organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances or term or conditions of employment.

History: *1974 c 306 s 2; 1978 c 650 s 1*

3.085 [Repealed, 1974 c 306 s 5]

3.086 [Repealed, 1974 c 306 s 5]

3.087 RIGHT OF ACTION IN DISTRICT COURT.

In case any private employer fails or refuses to comply with the provisions of sections 3.082 and 3.083, the district court of the state of Minnesota for the district in which such private employer maintains a place of business, shall have the power, upon the filing of a memorandum, petition or other appropriate pleading by the member of the legislature entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such member of the legislature for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

History: 1955 c 690 s 3; 1974 c 306 s 3

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.

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.

Subd. 4. Vacancies to be filled temporarily. When a public officer or employee is absent with leave under the provisions of this section and it is necessary in the public interest to provide for the performance of the duties of his position during the absence, the authority having power to fill a vacancy in the position may appoint a substitute, to be known as acting incumbent, who shall qualify as required for the regular incumbent, receive the same compensation as fixed by law, or otherwise the compensation as fixed by proper authority, and have all the powers and perform all the duties of the position until the return of the regular incumbent. This section shall not preclude the making of any other provision for the discharge of the duties of the position which may be otherwise authorized by law.

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.

Subd. 6. Notwithstanding the provisions of any other law or ordinance or the provisions of any state, municipal, or other public retirement or relief association regulation or bylaw, a person who has served as a member of the legislature and has qualified for a legislative retirement pension or allowance shall not be disqualified from receiving that retirement pension or allowance by reason of the fact that he is entitled to receive a public pension or retirement benefit as a result of employment by another public employer, and the person shall receive both the legislative retirement pension or allowance and any state, municipal or other public pension or retirement benefit for which he has qualified.

History: 1974 c 306 s 4; 1977 c 140 s 1-4

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.

History: RL s 17; 1907 c 229 s 1; 1909 c 132 s 1; Ex1936 c 115 s 1; Ex1937 c 82 s 1; 1947 c 233 s 5 (33)

3.095 LEGISLATIVE EMPLOYEES, LEAVES.

Rules of the department of employee relations pertaining to sick leave and annual leave shall apply to all permanent employees of the legislature and of legislative committees and commissions.

History: 1965 c 901 s 76; 1973 c 507 s 45; 1980 c 617 s 47

3.096 TRANSFER OF LEAVE.

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

History: *Ex1967 c 48 s 65*

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.

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.

History: *Ex1971 c 32 s 22 subd 1; 1973 c 492 s 14; 1977 c 35 s 10*

3.10 [Repealed, Ex1971 c 32 s 22 subd 2]

3.101 LIVING EXPENSES DURING SESSION.

A member of the legislature in addition to the compensation and mileage otherwise provided for by law shall be reimbursed for his living and other expenses incurred in the performance of his duties during a regular session, a special session, and when the legislature is not in session in the manner and in

such amount as may be prescribed by the senate as to senate members and by the house of representatives as to house members.

History: 1969 c 1139 s 70

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.

History: Ex1971 c 3 s 83; Ex1971 c 48 s 15; 1973 c 720 s 55; 1975 c 204 s 63; 1977 c 35 s 11

3.103 SPECIAL SESSION LIVING EXPENSES.

Each member of the legislature, during a special session thereof, shall be reimbursed for expenses incurred in the performance of his duties in the same amounts, for the same purposes, and in the same manner as were authorized for the members of the senate and the members of the house of representatives at the last regular session occurring immediately prior to such special session. Reimbursement for travel, however, shall not exceed more than one round trip per member per each seven calendar days in which the legislature meets in such special session. This section applies to each special session of the legislature commencing after May 24, 1971.

History: Ex1971 c 3 s 70

3.11 [Repealed, 1957 c 811 s 2]

3.12 [Repealed, 1961 c 561 s 17]

3.13 [Repealed, 1977 c 35 s 21]

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) 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.

History: *RL s 19; 1907 c 319 s 1; 1971 c 227 s 2 (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.

History: *RL s 20 (39)*

3.151 DISTURBING LEGISLATURE OR INTIMIDATING MEMBER.

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

History: *RL s 4815 (10000)*

3.152 [Repealed, 1971 c 227 s 3]

3.153 LEGISLATIVE SUBPOENAS.

Subdivision 1. Any standing or interim legislative committee by a two-thirds vote of its members, may request the issuance of subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and the giving of relevant testimony. Subpoenas shall be issued by the chief clerk of the house or the secretary of the senate upon receipt of such request. A person subpoenaed to attend a meeting of the legislature or a hearing of a legislative committee shall receive the same fees and expenses provided by law for witnesses in district court.

Subd. 2. Service of a subpoena authorized by this section shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date fixed in the subpoena for appearance or production of records unless a shorter period of time is authorized by a majority vote of all the members of the legislative committee.

Subd. 3. Any person served with a subpoena shall also be served with a notice that he may be accompanied by counsel of his own choosing in the event a personal appearance is required. In addition, any person served with a subpoena issued by a legislative committee shall also be served with a copy of the resolution or statute establishing the committee, and a general statement informing him of the subject matter of the committee's investigation or inquiry.

Subd. 4. In order to carry out the authority granted by Laws 1971, Chapter 227, any committee authorized by subdivision 1 to request the issuance of subpoenas may, by a two-thirds vote of its members, request the issuance of attachments to compel the attendance of witnesses who, having been duly subpoenaed

to attend, fail to do so. The chief clerk of the house or the secretary of the senate upon receipt of the request shall apply to the district court of Ramsey county for issuance of the attachment.

Subd. 5. Any person who without lawful excuse fails to respond to subpoenas issued pursuant to Laws 1971, Chapter 227 or who, having been subpoenaed, willfully refuses to be sworn or affirm or to answer any material or proper question before a committee of the legislature is guilty of a misdemeanor and upon conviction thereof may be punished accordingly.

History: 1971 c 227 s 1

3.16 MEMBERS, OFFICERS OF, OR ATTORNEYS EMPLOYED BY, EXCUSED FROM COURT DUTY.

No member or officer of, or any attorney employed by, the legislature shall be compelled to attend as a witness in any court of this state during the session of the legislature, or while attending meetings of any legislative committee or commission when the legislature is not in session unless the court in which the action is pending, upon sufficient showing, shall otherwise order with the consent of the presiding officer of the body of which such witness is an employee or the consent of the body of which such witness is a member. No cause or proceeding, civil or criminal, in court or before any commission or officer or referee thereof or motion or hearing therein, in which a member or officer of, or any attorney employed by, the legislature is a party, attorney, or witness shall be tried or heard during the session of the legislature or while any member, officer of, or attorney employed by the legislature is attending meetings of any legislative committee or commission when the legislature is not in session but shall be continued until the legislature or the committee or commission meeting shall have adjourned. The member or officer of, or any attorney employed by, the legislature may, with the consent of the body of the legislature of which he is a member or officer, or employed by, waive this privilege and in this case the cause or proceeding, motion, or hearing may be tried or heard at such time as will not conflict with legislative duties.

History: 1909 c 51 s 1; 1925 c 18 s 1; 1927 c 47 s 1; 1929 c 19 s 1; 1941 c 45 s 1; 1957 c 183 s 1 (40)

3.17 JOURNALS.

A journal of the daily proceedings in each house shall be printed and laid before each member at the beginning of the next day's session. After it has been publicly read and corrected, a copy of the journal, kept by the secretary and chief clerk, respectively, and a transcript thereof as approved shall be certified by the secretary or clerk to the printer, who shall print the corrected sheets for the permanent journal. Executive messages, addresses, reports, communications, and all voluminous documents other than amendments to the constitution or to bills and resolutions and the protests of members submitted under the Constitution of the State of Minnesota, Article 4, Section 11, shall be omitted from the journals, unless otherwise ordered by vote.

History: RL s 21; 1976 c 2 s 172 (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.

History: *RL s 22 (42)*

3.185 ALTERING DRAFT OF BILL.

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

History: *RL s 4816 (10001)*

3.19 ENGROSSING AND ENROLLING.

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

History: *1905 c 153 s 1; 1959 c 366 s 1 (43)*

3.191 ALTERING ENGROSSED BILL.

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

History: *RL s 4817 (10002)*

3.195 REPORTS TO THE LEGISLATURE.

Whenever a report to the legislature is required of a department or agency of government, it shall be made, unless otherwise specifically required by law, by the filing of one copy with the secretary of the senate, one copy with the chief clerk of the house of representatives, and ten copies with the legislative reference library. The same distribution procedure shall be followed for other reports and publications unless otherwise requested by a legislator or the legislative reference library. The legislative reference library shall monthly publish and distribute to legislators a checklist of state documents. Additional copies of the checklist sufficient for distribution to all state agencies, public, university and college libraries shall be provided by the documents section, department of administration.

History: *1974 c 456 s 1; 1976 c 30 s 1*

EDUCATION COMPUTER INFORMATION

3.198 COMPUTER TERMINALS; ACCESS TO INFORMATION SYSTEM PROVIDED BY MECC.

The Minnesota state senate and the Minnesota state house of representatives are hereby authorized to obtain computer terminals for the purpose of gaining access to the statewide management information system provided for school districts through the Minnesota Educational Computing Consortium. Further, the Minnesota Educational Computing Consortium is directed to provide the staff of the senate and house of representatives with training for use of that system.

History: *1978 c 764 s 138*

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.

History: *RL s 24 (45)*

3.21 NOTICE.

At least four months preceding the 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 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 the statement in all legal newspapers of the state. The secretary of state shall furnish the statement to the newspapers in reproducible form approved by the secretary of state, set in 7-1/2 point type on an eight point body. The maximum rate for publication shall be 17 cents per standard line in 1979 and 18 cents per standard line thereafter 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 the 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.

History: *RL s 25; 1907 c 152; 1913 c 299 s 1; 1941 c 136 s 1; 1951 c 699 s 1; 1974 c 38 s 1; 1974 c 184 s 1; 1978 c 725 s 1; 1979 c 252 s 2 (46)*

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.

History: *1913 c 299 s 2; 1977 c 42 s 1*

STANDING APPROPRIATIONS

3.23 APPROPRIATIONS.

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

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

History: 1913 c 140 s 1; 1969 c 399 s 1 (48)

3.24 STANDING APPROPRIATION REPEALED.

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

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

History: 1913 c 140 s 2; 1969 c 399 s 1 (49)

3.25 APPROPRIATIONS; NOT DISCLOSING SOURCE.

Whenever moneys are appropriated from the state treasury and the appropriation does not disclose the source thereof, the appropriation is from the general fund.

History: Ex1971 c 3 s 97

UNIFORM LEGISLATION

3.251 COMMISSION ON UNIFORM STATE LAWS.

A commission on uniform state laws consisting of four commissioners is created. Before the first day of June, each odd-numbered year, the governor, the attorney general, and the chief justice of the supreme court shall appoint three persons learned in the law to serve as commissioners for a term of two years, and until their successors are appointed. The fourth commissioner is the revisor of statutes or his designated assistant. If a vacancy occurs in the commission the appointing officers shall fill the vacancy for the remainder of the term.

History: 1943 c 348 s 1; 1969 c 39 s 1

3.252 COMMISSIONERS TO REPRESENT STATE.

The commissioners shall represent this state in the National Conference of Commissioners on Uniform State Laws; examine into legal subjects on which uniformity of legislation in the different states is desirable; ascertain the best means to effect uniformity; represent Minnesota in conventions of like commissioners of other states; cooperate in the consideration and drafting of uniform acts for submission to the legislatures of the several states; prepare bills adapting such uniform acts to our statutes for introduction in the legislature. The commission shall keep a record of all its transactions.

History: 1943 c 348 s 2; 1969 c 540 s 1

3.253 NO COMPENSATION FOR COMMISSIONERS.

The commissioners shall serve without compensation for services as commissioners.

History: 1943 c 348 s 3

3.254 [Expired]**INTERSTATE COOPERATION****3.29 COMMISSION ON INTERSTATE COOPERATION.**

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

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

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

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

- The five members of the senate committee on interstate cooperation;
- The five members of the house committee on interstate cooperation; and
- The five members of the governor's committee on interstate cooperation.

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

Subd. 5. **Senate council and house council of American legislators.** The standing committee of the senate and the standing committee of the house of representatives shall function during the regular sessions of the legislature and also during the interim periods between the sessions during the term of their respective offices and until their successors are designated by the president of the senate and the speaker of the house, respectively; and they shall, respectively, constitute for this state the senate council and the house council of the American legislators' association. The incumbency of each administrative

member of this commission shall extend until the first day of February next following his appointment, and thereafter until his successor is appointed.

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

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

(2) To encourage and assist the legislative, executive, administrative, and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with officials and employees of the other states, of the federal government, and of local units of government;

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

(a) The adoption of compacts;

(b) The enactment of uniform or reciprocal statutes;

(c) The adoption of uniform or reciprocal administrative rules and regulations;

(d) The informal cooperation of governmental offices with one another;

(e) The personal cooperation of governmental officials and employees with one another, individually;

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

(g) Any other suitable process.

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

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

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

Subd. 9. **Informal titles.** The committees and the commission established by this section shall be informally known, respectively, as the senate cooperation

committee, the house cooperation committee, the governor's cooperation committee, and the Minnesota cooperation commission.

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

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

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

LEGISLATIVE ADVISORY COMMISSION

3.30 LEGISLATIVE ADVISORY COMMISSION.

Subdivision 1. **Appropriation; transfers.** There is hereby authorized one general contingent appropriation for each year of the biennium in such amount as the legislature may deem sufficient. There is further authorized such additional special contingent appropriations as the legislature may deem necessary. Transfers from such appropriations to the appropriations of the various departments and agencies may be made by the commissioner of finance subject to the following provisions:

(a) Transfers may be authorized by the commissioner of finance not exceeding \$5,000 for the same purpose for any quarterly period;

(b) Transfers exceeding \$5,000 but not exceeding \$10,000 may be authorized by the commissioner of finance with the approval of the governor;

(c) Transfers exceeding \$10,000 may be authorized by the governor; provided, that no such transfer shall be made until the governor has consulted the legislative advisory commission hereinafter provided for and such commission has made its recommendation thereon. Such recommendation shall be advisory only. Failure or refusal of the commission to make a recommendation promptly shall be deemed a negative recommendation.

The commissioner of finance shall return to the appropriate contingent account any funds transferred under this subdivision that the commissioner determines are not needed.

Subd. 2. **Members; duties.** The chairman of the senate committee on taxes and tax laws, the chairman of the senate committee on finance, the chairman of the house committee on taxes and tax laws, and the chairman of the house committee on appropriations shall constitute the legislative advisory commission. The governor shall preside over the meetings of the commission but shall not be a member thereof. 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 he be not available, by the last chairman of the house rules committee, in case of a house vacancy, and by the last senate committee on committees or other appointing authority designated by the senate rules in case of a senate vacancy. The commissioner of 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.

Subd. 2a. [Repealed, 1976 c 231 s 34]

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

Subd. 4. **Public relief advisory committee; abolition.** The Minnesota public relief advisory committee is abolished, and its powers and duties are transferred to the legislative advisory commission.

History: 1943 c 594 s 1; 1971 c 713 s 1,2; Ex1971 c 48 s 3; 1973 c 492 s 4 subd 2, s 14; 1975 c 271 s 6; 1976 c 149 s 1; 1976 c 231 s 1

3.3005 FEDERAL MONEY; EXPENDITURE REVIEW.

Subdivision 1. As used in this section, the term "state agency" means all agencies in the executive branch of state government, but does not include the Minnesota historical society, the University of Minnesota, state universities, or community colleges.

Subd. 2. Except as provided in subdivision 4, a state agency shall not expend money received by it under any federal law for any purpose unless a request to spend federal money from that source for that purpose in that fiscal year has been submitted by the governor to the legislature as a part of his biennial budget request or as part of a supplementary or deficiency budget request, or unless specifically authorized by law.

Subd. 3. When a request to spend federal money has been included in the governor's budget or authorized by law as described in subdivision 2, but the state agency proposes to use the federal money to hire state employees in addition to the number included in the governor's budget request or authorized by law, or the amount of federal money received will require a state match greater than that included in the governor's budget request or authorized by law, the additional personnel shall not be hired and the federal money that will require an additional state match shall not be allotted for expenditure until the state agency has first presented to the legislative advisory commission a request in the manner of a budget request and has received the recommendation of the commission on it. Failure or refusal of the commission to make a recommendation promptly is deemed a negative recommendation.

Subd. 4. If federal money becomes available to the state for expenditure while the legislature is not in session, and the availability of money from that source or for that purpose or in that fiscal year could not reasonably have been anticipated and included in the governor's budget request, and an urgency requires that all or a portion of the money be allotted before the legislature reconvenes, all or a portion of the money may be allotted to a state agency after it has submitted to the legislative advisory commission a request in the manner of a budget request and has received the commission's recommendation on it. Failure or refusal of the commission to make a recommendation within 30 days is deemed a negative recommendation.

History: Ex1979 c 1 s 14; 1980 c 614 s 35

LEGISLATIVE SERVICES

3.301 [Repealed, 1973 c 598 s 5]

3.302 LEGISLATIVE REFERENCE LIBRARY.

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

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

Subd. 3. The legislative reference library is a depository of all documents published by the state and shall receive such materials automatically without cost. As used in this chapter, "document" shall include any publication issued by the state, constitutional officers, departments, commissions, councils, bureaus, research centers, societies, or other agencies supported by state funds, or any publication prepared for the state by private individuals or organizations and issued in print, including all forms of duplicating other than by the use of carbon paper, considered to be of interest or value to the legislative reference library. Intraoffice or interoffice memos and forms and information concerning only the internal operation of an agency are not included.

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

History: 1969 c 1130 s 2; 1973 c 598 s 3; 1975 c 271 s 6; 1976 c 30 s 2

3.3025 DIRECTOR OF LEGISLATIVE REFERENCE LIBRARY.

Subdivision 1. The legislative coordinating commission shall appoint a director of the legislative reference library who is qualified to perform the duties imposed upon the office at an annual salary which it shall fix unless otherwise provided for by law. The director of the legislative reference library shall serve at the pleasure of the commission and shall be reimbursed for any necessary travel expenses.

Subd. 2. Subject to the approval of the legislative coordinating commission, the director of the legislative reference library shall employ and may fix the compensation of technical research, clerical, and stenographic assistants as necessary to expeditiously and efficiently discharge the duties imposed upon the office and shall procure the necessary furniture and supplies.

Subd. 3. The legislative reference library shall be kept open during the time provided by law for other state offices. When the legislature is in session the office shall be kept open at the hours most convenient to members of the legislature.

History: 1975 c 252 s 1; 1975 c 271 s 6

3.303 LEGISLATIVE COORDINATING COMMISSION; CREATION AND ORGANIZATION.

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

Subd. 2. The membership of the commission shall consist of the majority leader of the senate, the president of the senate, two senators appointed by the majority leader, the minority leader of the senate, and one senator appointed by the minority leader; and the majority leader of the house of representatives, the speaker of the house of representatives, two representatives appointed by the

speaker, the minority leader of the house of representatives, and one representative appointed by the minority leader. Each member shall serve until a successor is named during a regular session following his appointment. A vacancy shall be filled for the unexpired term in the same manner as the original appointment.

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

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

History: 1973 c 598 s 1; 1975 c 271 s 6

3.304 OFFICE OF LEGISLATIVE RESEARCH.

Subdivision 1. **Revisor and legislative reference library; jurisdiction of legislative coordinating commission.** The legislative coordinating commission may establish under its jurisdiction and control an office of legislative research, and may include within such office the office of revisor of statutes and the legislative reference library. The commission may appoint, set salaries for, and delegate authority to, such personnel as it deems necessary to perform the functions required.

Subd. 2. **Employees in unclassified service.** All employees under the jurisdiction and control of the legislative coordinating commission are employees of the legislature in the unclassified service of the state.

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

Subd. 4. [Repealed, 1975 c 252 s 10]

Subd. 5. **Expenses of legislative coordinating commission.** One-half the expenses of the legislative coordinating commission not including the expenses of the office of the revisor of statutes and the legislative reference library, as determined by the commission, shall be allocated from the legislative expense fund of each house of the legislature to a legislative research account. The expenses of the commission other than the expenses of the office of the revisor of statutes and the legislative reference library, shall be paid from the legislative research account upon vouchers signed by the chairman of the commission.

Subd. 6. [Repealed, 1975 c 252 s 10]

Subd. 7. [Repealed, 1975 c 252 s 10]

History: 1973 c 598 s 2; 1974 c 404 s 1,2; 1975 c 252 s 2-5; 1975 c 271 s 6

3.305 LEGISLATIVE COORDINATING COMMISSION; BUDGET REVIEW.

The administrative budget request of any statutory commission the majority of whose members are members of the legislature shall be submitted to the legislative coordinating commission for review and comment prior to submission to the finance committee of the senate and the appropriations committee of the house of representatives. No such commission shall employ additional personnel or increase the compensation of any employee without first having received the recommendation of the legislative coordinating commission.

History: 1978 c 548 s 1

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

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

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

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

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

3.351 LEGISLATIVE COMMISSION ON ENERGY.

Subdivision 1. **Composition.** The legislative commission on energy is composed of five senators of the majority party and three senators of the minority party appointed by the subcommittee on committees of the committee on rules and administration, and five representatives of the majority party and three representatives of the minority party appointed by the speaker of the house. The commission shall be appointed by June 1, 1980. The commission shall elect a chairman from among its members.

Subd. 2. **General duties.** The commission shall:

(a) Make a continuing study of matters relating to energy supply and use in the state;

(b) Identify the potential for enhanced economic growth and job creation from increased energy efficiency and the production and utilization of renewable energy systems.

(c) Identify ways to assure the provision of necessary energy supplies to all Minnesotans;

(d) Coordinate resources and programs on energy conservation; and

(e) Review overall legislative policy concerning energy.

Subd. 3. **Energy plan; report to legislature.** The commission shall develop legislative energy plans based on the provisions of subdivision 2 and consistent with appropriate long term energy goals for Minnesota. The plans shall be reported to the legislature no later than February 15 of each year.

Subd. 4. **Staff.** The commission shall use existing legislative facilities and staff.

History: 1980 c 579 s 1

NOTE: This section expires July 1, 1987. See Laws 1980, Chapter 579, Section 34.

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

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

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

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

3.40 [Expired]

3.41 [Repealed, 1951 c 37 s 1]

3.42 [Expired, 1953 c 749 s 26]

3.421 [Repealed, 1973 c 660 s 1]

3.43 [Expired, 1953 c 749 s 26]

3.431 [Repealed, 1973 c 660 s 1]

3.44 [Expired, 1953 c 749 s 26]

3.441 [Repealed, 1973 c 660 s 1]

3.45 [Expired, 1953 c 749 s 26]

3.451 [Repealed, 1973 c 660 s 1]

3.46 [Expired, 1953 c 749 s 26]

3.461 [Repealed, 1973 c 660 s 1]

3.47 [Expired, 1953 c 749 s 26]

3.471 [Repealed, 1973 c 660 s 1]

STATE GOVERNMENT BUILDING NEEDS

3.472 ABOLITION OF LEGISLATIVE BUILDINGS COMMISSION; TRANSFER OF FUNCTIONS.

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

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

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

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

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

History: 1973 c 660 s 2

- 3.48 [Expired, 1953 c 749 s 26]
- 3.49 [Expired, 1953 c 749 s 26]
- 3.50 [Expired, 1953 c 749 s 26]
- 3.51 [Expired, 1953 c 749 s 26]
- 3.52 [Expired, 1953 c 749 s 26]
- 3.53 [Expired, 1953 c 749 s 26]
- 3.54 [Expired, 1953 c 749 s 26]
- 3.55 [Expired, 1953 c 749 s 26]
- 3.56 [Expired, 1953 c 749 s 26]
- 3.57 [Expired, 1953 c 749 s 26]
- 3.58 [Expired, 1953 c 749 s 26]
- 3.59 [Expired, 1953 c 749 s 26]
- 3.60 [Expired, 1953 c 749 s 26]
- 3.61 [Expired, 1953 c 749 s 26]
- 3.62 [Expired, 1953 c 749 s 26]
- 3.63 [Expired, 1953 c 749 s 26]
- 3.64 [Expired, 1953 c 749 s 26]
- 3.65 [Expired, 1953 c 749 s 26]
- 3.66 [Repealed, 1976 c 331 s 42]

- 3.67 [Repealed, 1976 c 331 s 42]
 3.68 [Repealed, 1976 c 331 s 42]
 3.69 [Repealed, 1976 c 331 s 42]
 3.70 [Repealed, 1976 c 331 s 42]
 3.71 [Repealed, 1976 c 331 s 42]
 3.72 [Repealed, 1976 c 331 s 42]
 3.73 [Repealed, 1969 c 886 s 8]
 3.731 [Repealed, 1971 c 962 s 12 subd 3]
 3.7311 [Repealed, 1976 c 331 s 42]

SETTLEMENT OF CLAIMS

3.732 SETTLEMENT OF CLAIMS.

Subdivision 1. 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 and officers in the executive branch 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 State Zoological Board, 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 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 an independent contractor.

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

Subd. 2. The head of each department or agency of the state, or his designee, acting on behalf of the state, shall attempt to determine, adjust and settle, at any time, any claim for money damages of \$2,500 or less against the state for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant. Any such settlement shall be final and conclusive on all officers of the state, except where procured by fraud. The acceptance by the claimant of any such settlement shall be final and conclusive on the claimant and shall constitute a complete release of any claim against the state and against the employee of the state whose act or omission gave rise to the claim, by reason of the same subject matter.

Subd. 3. No settlement made under the provisions of this section shall be valid unless it is supported by a claim in writing, and is approved in writing by the attorney general as to its form and legality. The claim shall be in such form as the attorney general may prescribe.

Subd. 4. [Repealed, 1978 c 793 s 98]

Subd. 5. Nothing in this section is to be construed as to deny a claimant who is not paid pursuant to the provisions hereof from bringing an action at law in the courts of this state.

History: 1971 c 962 s 13; 1973 c 123 art 5 s 7; 1973 c 349 s 2; 1974 c 557 s 8-10; 1975 c 271 s 6; 1975 c 321 s 2; 1976 c 331 s 30-32; 1978 c 669 s 1

3.735 [Repealed, 1976 c 331 s 42]

3.736 TORT CLAIMS.

Subdivision 1. **General rule.** The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant.

Subd. 2. **Procedure.** Claims of various kinds shall be considered and paid only in accordance with the statutory procedures provided. Where there is no other applicable statute, a claim shall be brought pursuant to this section as a civil action in the courts of the state.

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 regulation;

(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 other public place, 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;

(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 arising from the construction, operation, or maintenance of the outdoor recreation 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, 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.

The state will not pay punitive damages.

Subd. 4. **Limits.** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case.

(b) \$500,000 for any number of claims arising out of a single occurrence. If the amount awarded to or settled upon multiple claimants exceeds \$500,000, any party may apply to any district court to apportion to each claimant his proper share of the \$500,000. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Subd. 4a. Securities claims limits. The total liability of the state and its employees acting within the scope of their employment on any claim of whatever matter arising from the issuance and sale of securities by the state shall not exceed:

(a) \$100,000 to any one person or

(b) \$500,000 to all claimants in respect of the securities of the same series.

The foregoing limitations in clauses (a) and (b) shall not affect the obligation of the issuing state entity to pay the indebtedness under the securities in accordance with their terms and from the sources pledged to their payment.

Subd. 5. Notice required. Except as provided in subdivision 6, every person, whether plaintiff, defendant or third party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of his employment for or on account of any loss or injury shall present to the attorney general of the state or, in the case of a claim against the university of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, within 180 days after the alleged loss or injury is discovered, a notice stating the time, place and circumstances thereof, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, but the claimant shall furnish full information available regarding the nature and extent of the injuries and damages within 15 days after demand by the state. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.

Subd. 6. Claims for wrongful death; notice. When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.

Subd. 7. Payment. A state agency, including any entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation shall seek approval to make payment by submitting a written request to the commissioner of finance. The request shall contain a description of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which

the agency is seeking payment. Upon receipt of the request and review of the claim, the commissioner of finance shall determine the proper appropriation from which to make payment. If there is sufficient money in an appropriation or combination of appropriations to the agency for its general operations and management to allow the claim to be paid from that source without unduly hindering the operation of the agency, the commissioner shall direct that payment be made from that source. Claims relating to activities paid for by appropriations of dedicated receipts shall be paid from those appropriations if practicable. If the commissioner determines that an agency has sufficient money in these appropriations to pay only part of a claim, the commissioner shall pay the remainder of the claim from the money appropriated to him for this purpose. If the commissioner determines that the agency does not have sufficient money to pay any part of the claim, the commissioner shall pay all of the claim from money appropriated to him for this purpose. On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chairmen of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the payments made with respect to each request. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

No attachment or execution shall issue against the state.

Subd. 8. Liability insurance. A state agency, including any entity defined as a part of the state in section 3.732, subdivision 1, clause (1), may procure insurance against liability of the agency and its employees for damages resulting from the torts of the agency and its employees. The procurement of this insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the agency and its employees beyond the coverage so provided.

Subd. 9. Indemnification. The state of Minnesota shall defend, save harmless, and indemnify any employee of the state against expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the state in connection with any tort claim or demand, or expenses, attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by the employee of the state in connection with any claim or demand arising from the issuance and sale of any securities by the state, whether groundless or otherwise, arising out of an alleged act or omission occurring heretofore or hereafter during his period of employment if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if the employee was acting within the scope of his employment. Except for elected employees, an employee of the state shall be conclusively presumed to have been acting within the scope of his employment if the employee's appointing authority issues a certificate to that effect. This determination may be overruled by the attorney general. The determination of whether an employee of the state was acting within the scope of his employment shall be a question of fact to be determined by the trier of fact based upon the circumstances of each case (i) in the absence of a certification, (ii) if a certification is overruled by the attorney general, (iii) if an unfavorable certification is made, or (iv) with respect to an elected official. The absence of the certification or an unfavorable certification shall not be evidence relevant to such a determination. It is the express intent of this provision to defend, save harmless, and indemnify any employee of the state against the full amount of any final judgment rendered by a court of competent jurisdiction arising from a claim or demand described herein, regardless of whether the limitations on liability specified in subdivision 4 or 4a hereof are, for any reason, found to be inapplicable. This subdivision does not apply in case of malfeasance in office or willful or wanton actions or neglect of duty.

Subd. 10. **Judgment as bar.** The judgment in an action under this section is a complete bar to any action by the claimant, by reason of the same subject matter, against the state employee whose act or omission gave rise to the claim.

Subd. 11. **Statute of limitation.** The statute of limitations for all tort claims brought against the state shall be as set forth in chapter 541 and other applicable laws.

History: 1976 c 331 s 33; 1978 c 669 s 2,3; 1978 c 793 s 32

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.

History: 1977 c 450 s 4

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 facility 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.

History: 1977 c 450 s 6; 1979 c 260 s 1

3.739 INJURY OR DEATH OF CONDITIONALLY RELEASED INMATE.

Subdivision 1. **Legislative authority.** Claims and demands arising out of the circumstances described in this subdivision shall be presented to, heard, and determined by the legislature:

(1) An injury to or death of an inmate who has been conditionally released from a state correctional facility and ordered to perform uncompensated work for a state agency, a political subdivision or public corporation of this state, or a nonprofit educational, medical, or social service agency, as a condition of his release, while performing the work;

(2) An injury to or death of a person who has been placed on probation by a court and who is performing work in restitution pursuant to court order; or

(3) An injury to or death of a person, including a juvenile who has been diverted from the court system and who is performing work in restitution pursuant to a written agreement signed by himself, and if a juvenile, by his parent or guardian.

Subd. 2. **Evaluation of claims.** Claims arising out of 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 against the state, its political subdivisions, or any employees thereof.

History: 1979 c 260 s 2

3.74 [Expired]

3.741 [Expired]

3.742 [Expired]

3.743 [Expired]

3.744 [Expired]

3.745 [Expired]

3.746 [Expired]

3.747 [Expired]

3.748 [Expired]

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

3.751 CONTRACT CLAIMS.

Subdivision 1. When a controversy arises out of any contract for work, services, or the delivery of goods entered into by any state agency through established procedure, in respect to which controversy a person to the contract would be entitled to redress against the state, in a court of appropriate jurisdiction, if the state were suable, and when no claim against the state has been made in a bill pending in the legislature for the same redress against it, the state hereby waives immunity from suit in connection with such controversy and confers jurisdiction on the district court to hear and determine any such controversy in the manner provided for the trial of causes in the district court. Only a party to the contract may bring action against the state.

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

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

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

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

History: 1961 c 453 s 4; 1975 c 271 s 6; 1976 c 331 s 34

3.752 [Repealed, 1976 c 331 s 42]

3.753 [Repealed, 1976 c 331 s 42]

3.754 BUDGET REQUESTS; PROPERTY IMPROVEMENT CLAIMS.

All state departments and agencies including the state university board and the state board for community colleges shall include in their budget requests the amounts necessary to reimburse counties and municipalities for claims involving assessments for improvements benefiting state owned property located in their communities.

History: 1973 c 349 s 2; 1974 c 557 s 14; 1975 c 321 s 2

3.755 DAMAGE BY ESCAPING INMATES.

The department of corrections and the department of public welfare are directed to pay all claims involving property damage, not covered by insurance, resulting from actions of escaping inmates or runaway patients occurring while perfecting their escape, provided that the departments have verified the reasonableness of the amounts claimed. Upon the approval of the commissioner of public welfare or the commissioner of corrections as to the institutions under their respective control, the superintendent or chief executive officer of any such institution may pay out of the current expense appropriation of the institution to any employee thereof the amount of any property damage sustained by the employee, not in excess of \$250, by reason or as a result of action of any patient or inmate of the institution.

History: 1974 c 557 s 12; 1976 c 163 s 1; 1979 c 102 s 13

3.76 [Repealed, 1976 c 331 s 42]

3.77 [Repealed, 1976 c 331 s 42]

3.78 [Repealed, 1976 c 331 s 42]

3.79 [Repealed, 1976 c 331 s 42]

3.80 [Repealed, 1976 c 331 s 42]

3.81 [Repealed, 1976 c 331 s 42]

3.82 [Repealed, 1976 c 331 s 42]

3.83 [Repealed, 1976 c 331 s 42]

3.84 MISDEMEANOR.

A person who knowingly and wilfully presents, or attempts to present, a false or fraudulent claim; or a state officer who knowingly and wilfully participates, or assists, in the preparation or presentation of a false or fraudulent claim is guilty of a misdemeanor. If a person convicted of such offense is a state officer, he also forfeits his office.

History: 1957 c 899 s 19

PUBLIC RETIREMENT COMMISSION

3.85 LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT.

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

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

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

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

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

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

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

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

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

Subd. 3. **Membership.** The commission consists of five members of the senate to be appointed by the committee on committees and five members of the house of representatives to be appointed by the speaker. The first members of this commission shall be selected to serve for a term expiring on January 15 of the next succeeding regular session of the legislature and until their successors are appointed. Subsequent members of the commission shall be appointed at the commencement of each regular session of the legislature for a two year term beginning January 16 of the year of such regular session. Vacancies on the commission occurring while the legislature is in session shall be filled in the same manner as original appointments to the commission. If the legislature is not in session, vacancies in the membership of the commission shall be filled by the last senate committee on committees or other appointing authority designated by the senate rules in case of a senate vacancy, and by the last speaker of the house, or if he be not available, by the last chairman of the house rules committee in case of a house vacancy.

Subd. 4. **Office, meetings, officers.** The commission shall maintain an office in the capitol group of buildings in space which the commissioner of administration shall provide. The commission shall hold meetings at such times and places as it may designate. It shall select a chairman, a vice chairman and such other officers from its membership as it may deem necessary.

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

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

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

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

Subd. 9. **Expenses and reports.** Expenses of the commission shall be approved by the chairman or such other member as the rules of the commission may provide and the expenses shall then be paid in the same manner as other state expenses are paid. A general summary or statement of expenses incurred by the commission and paid shall be made to the legislature by November 15 of each even numbered year.

Subd. 10. **Effective date.** This section is effective May 1, 1967.

History: 1967 c 549 s 1-6; 1969 c 399 s 1; 1971 c 818 s 1,2; 1974 c 406 s 53; 1975 c 271 s 6

LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS

3.855 LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.

Subdivision 1. **Establishment.** There is created the legislative commission on employee relations. The commission shall consist of six members of the senate and six members of the house of representatives. The senate members shall include the leader of the majority caucus of the senate, the leader of the minority caucus of the senate, the chairman of the governmental operations committee, the chairman of the finance committee, the chairman of the committee on taxes and tax laws, and an additional member designated by the leader of the minority caucus. The house members shall include the speaker, the leader of the minority caucus of the house, the chairman of the governmental operations committee, the chairman of the appropriations committee, the chairman of the taxes committee, and an additional member designated by the leader of the minority caucus. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. Any member of the commission may resign by providing notice to the chairman. In the event of a resignation by a member of the: (1) senate, a replacement shall be selected from among the members of the senate by the committee on rules; (2) house, a replacement shall be selected from among the members of the house pursuant to house rules. The commission shall elect its own officers who shall serve for terms of two years. The chairmanship of the commission shall alternate between a member of the senate and a member of the house.

Subd. 2. **State employee negotiations.** The commissioner of employee relations shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employment labor relations act. During the course of the negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties. The commissioner shall submit to the chairman of the commission any negotiated agreements or arbitration awards. Approved negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees whichever occurs later. Arbitration awards shall be submitted within five days of their receipt by the commissioner. If the commission disapproves of any agreement or award, the commission shall specify in writing to the parties those portions with which it

disagrees and the reasons therefor. If the commission approves of an agreement or award, it shall cause the matter to be submitted to the legislature to be accepted or rejected pursuant to section 179.74, subdivision 5. Failure of the commission to disapprove of an agreement or award within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the entire legislature.

After adjournment of the legislature in an odd numbered year, the commission may give interim approval to a negotiated agreement or arbitration award. It shall submit the negotiated agreement or arbitration award to the entire legislature for ratification as provided in section 179.74, subdivision 5.

Subd. 3. **Other duties.** In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) Review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations pursuant to section 43.113 covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by section 43.064 or other law;

(b) Continually monitor the state's civil service system as provided for in chapter 43, rules of the commissioner of employee relations and the collective bargaining process as provided for in sections 179.61 to 179.76, as applied to state employees;

(c) Research and analyze the need for improvements in those statutory sections;

(d) Adopt rules not inconsistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(e) Perform such other related functions as are delegated to it by the legislature.

History: 1979 c 332 art 1 s 2; 1980 c 617 s 1

TAX STUDY COMMISSION

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. 4a. **Chairman and subcommittees.** During the period while the chairman of the House tax committee is chairman of the tax study commission, the chairman of the Senate committee on taxes and tax laws shall be the chairman of the subcommittee on personnel of the tax study commission.

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.

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.

History: 1977 c 423 art 8 s 1; 1979 c 303 art 10 s 18

- 3.87 [Repealed, 1974 c 470 s 43]
- 3.88 [Repealed, 1974 c 470 s 43]
- 3.89 [Repealed, 1974 c 470 s 43]
- 3.90 [Repealed, 1974 c 470 s 43]
- 3.91 [Repealed, 1974 c 470 s 43]
- 3.92 [Repealed, 1974 c 470 s 43]

STANDING COMMITTEES OF THE LEGISLATURE

3.921 STANDING COMMITTEES AS INTERIM STUDY COMMITTEES.

Subdivision 1. Each standing committee or subcommittee existing in the senate and house of representatives is continued during the intervals between sessions of the legislature to make studies and investigations within the general jurisdiction of each such committee, as directed by the committee on rules and administration of the senate and the committee on rules and legislative administration of the house of representatives, or as otherwise prescribed by resolution duly adopted or by law.

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

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

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

History: 1963 c 887 s 1; 1973 c 492 s 14; 1973 c 720 s 69

INDIAN AFFAIRS BOARD

3.922 INDIAN AFFAIRS INTERTRIBAL BOARD.

Subdivision 1. **Creation, membership.** There is created a state Indian affairs intertribal board to consist of the following ex-officio members: The governor or a member of his official staff designated by him, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, the commissioner of economic development, the commissioner of corrections, the executive director of the Minnesota housing finance agency, the commissioner of iron range resources and rehabilitation, and the commissioner of health each of whom may designate a member of his staff to serve in his place, three members of the state house of representatives appointed by the speaker of the house of representatives, and three members of the state senate appointed by the committee on committees of the senate. Voting members of the board shall be: the duly elected tribal chairmen of the Fond du Lac reservation business committee; the Grand Portage reservation business committee; the Mille Lacs reservation business committee; the White Earth reservation business committee; the Bois Forte (Nett Lake) reservation business committee; the Leech Lake reservation business committee; the Red Lake tribal council; the Upper Sioux board of trustees; the Lower Sioux tribal council; the Shakopee-Mdewankanton general council; the Prairie Island tribal council; and two members to be selected pursuant to subdivision 2. The chairmen of the above Indian committees, trusts, or councils may designate in writing a member who shall have been elected at large to an office in the committee, trust, or council, to serve in his place. Board members appointed to represent the state house of representatives, the state senate or tribal governments shall no longer serve on the board at such time as they are no longer members of the bodies which they represent, and upon such circumstances, their offices shall be vacant. A member who is a designee of a tribal chairman shall cease to be a member at the end of the term of the tribal chairman who designated him. Ex-officio members or their designees on the board shall not be voting members of the board.

Subd. 2. **Additional members.** Two members of the board shall be elected at large by Indian residents of Minnesota who (1) are legal members and eligible voters of a federally recognized tribe in accordance with the criteria of said tribe and (2) are not members of any federally recognized tribe with a reservation in Minnesota. The election of at large members shall be in a manner prescribed by the secretary of state with the first such election for at large members to take place at a reasonable time, but no later than April 14, 1977. The manner of

election, certification, and contest shall, insofar as reasonably possible, be consistent with procedures employed in general elections in the state so as to insure a fair election and ready access to the election process by eligible voters. The voting procedure shall include voting by absentee ballot. A person shall be eligible to serve as an at large member of the board if at the time of the election he is a qualified voter within the requirements of the Minnesota Constitution, Article VII and a member of a federally recognized tribe that does not have a reservation in Minnesota. The at large election described herein shall be certified and regulated by the secretary of state. The term for at large members elected in 1977 shall expire on April 20, 1981. At large elections shall be held no later than April 14, 1981, and no later than every fourth April 14 thereafter, and the term of office for at large members shall be four years commencing on the April 20 following each at large election and ending at 12:01 a.m., April 20 four years thereafter.

Subd. 3. **Compensation; expenses.** Compensation of nonlegislator members shall be as provided for other administrative boards in chapter 15. Expenses of the board shall be approved by two of any three members of the board designated by the board and shall then be paid in the same manner as other state expenses are paid. The commissioner of finance shall be informed in writing by the executive secretary of the names of the persons authorized to approve expenses.

Subd. 4. **Meetings.** Meetings may be called by the chairman or at the written request of five members of the board. A majority of the voting members of the board constitutes a quorum.

Subd. 5. **Officers, personnel.** The board shall annually elect a chairman and such other officers as it may deem necessary. The chairman shall have the authority to appoint subcommittees necessary to fulfill the duties of the board. It shall also employ, and prescribe the duties of such clerks, employees, and agents as it deems necessary. The chairman shall be an ex-officio member of the state board of human rights. The appropriations and other funds of this board are subject to the provisions of chapter 16. The board shall maintain its primary office in Bemidji and shall also maintain personnel and office space in St. Paul.

Subd. 6. **Duties.** The primary duties of the board 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 board;

(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 board, 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; and

(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.

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

Subd. 8. Advisory council. There is created an advisory council on urban Indians to advise the board on the unique problems and concerns of Minnesota Indians who are residing in urban areas of the state. The council shall be appointed by the board and shall consist of five Indians residing in the vicinity of Minneapolis, St. Paul and Duluth. At least one member of the council shall be a resident of each of the aforementioned cities. The council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 9. Annual report. The board shall make an annual report to the governor and the legislature on its activities, its findings, and its recommendations prior to November 15 in each year.

History: 1963 c 888 s 2 subd 2-4,6-8; 1965 c 888 s 7 subd 1,3; 1967 c 299 s 9; Ex1967 c 55 s 1,2; 1969 c 540 s 3; 1969 c 975 s 17; 1969 c 1005 s 1,2; 1969 c 1129 art 3 s 1; 1974 c 539 s 1; 1975 c 54 s 1; 1975 c 271 s 6; 1976 c 314 s 1; 1980 c 374 s 1

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

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

NOTE: Laws 1976, Chapter 134, Section 2, also amended section 3.922, subdivision 2, to read as follows:

"Subd. 2. [TERMS, COMPENSATION, REMOVAL, VACANCIES.] To ensure a continuity of work, the initial appointments shall be: One of the three members selected from the Indian tribes shall be for a term of one year, one thereof for a term of two years, and one thereof for a term of three years, and two of the members selected from the cities shall be for a term of one year, one for a term of two years, and one for a term of three years, and until their successors are appointed and qualified. Appointments for succeeding terms shall all be for four years, and until their successors are appointed and qualified. The compensation of members in respect to commission members other than legislator and ex-officio members shall be as provided in section 1."

Laws 1976, Chapter 134, Section 79, also repealed section 3.922, subdivision 3.

3.9225 COUNCIL ON BLACK MINNESOTANS.

Subdivision 1. Creation. There is created a state council on Black Minnesotans to consist of seven members appointed by the governor. The members of the council shall be broadly representative of the Black community of the state and shall include at least three males and at least three females. Membership terms, compensation, removal of members and filling of vacancies for non-legislative members shall be as provided in section 15.059. In addition, two members of the house of representatives appointed by the speaker and two members of the senate appointed by the subcommittee on committees of the

committee on rules and administration shall serve as ex-officio, non-voting members of the council. The council shall annually elect from its membership a chairperson and other officers it deems necessary.

Subd. 2. **Definitions.** For the purpose of this section, the term "Black" means a person who considers himself or herself as having origin in any of the black racial groups of Africa.

Subd. 3. **Duties.** The council shall:

(a) Advise the governor and the legislature on the nature of the issues confronting Black people in this state;

(b) Advise the governor and the legislature on statutes or rules necessary to insure Black people access to benefits and services provided to people in this state;

(c) Recommend to the governor and the legislature any revisions in the state's affirmative action program and any other steps that are necessary to eliminate underutilization of Blacks in the state's work force;

(d) Recommend to the governor and the legislature legislation designed to improve the economic and social condition of Black people in this state;

(e) Serve as a conduit to state government for organizations of Black people in the state;

(f) Serve as a referral agency to assist Black people in securing access to state agencies and programs;

(g) Serve as a liaison with the federal government, local government units and private organizations on matters relating to the Black people of this state;

(h) Perform or contract for the performance of studies designed to suggest solutions to problems of Black people in the areas of education, employment, human rights, health, housing, social welfare and other related areas;

(i) Implement programs designed to solve problems of Black people when so authorized by other statute, rule or order; and

(j) Publicize the accomplishments of Black people and the contributions made by them to this state.

Subd. 4. **Review of grant applications.** All applications by a state department or agency for the receipt of federal funds which will have their primary effect on Black Minnesotans shall be submitted to the council for review and recommendation at least 30 days prior to submission to a federal agency.

Subd. 5. **Powers.** The council shall have power to contract in its own name, provided that no money shall be accepted or received as a loan nor shall any indebtedness be incurred except as otherwise provided by law. Contracts shall be approved by a majority of the members of the council and executed by the chairperson and the executive director. The council may apply for, receive, and expend in its own name grants and gifts of money consistent with the power and duties specified in subdivisions 1 to 7.

The council shall appoint an executive director who shall be experienced in administrative activities and familiar with the problems and needs of Black people. The council may delegate to the executive director any powers and duties under subdivisions 1 to 7 which do not require council approval. The executive director shall serve in the unclassified service and may be removed at any time by the council. The executive director shall recommend to the council the appropriate staffing necessary to carry out its duties. The commissioner of administration shall provide the council with necessary additional staff and administrative services, and the council shall reimburse the commissioner for the cost of these services.

Subd. 6. **State agency assistance.** Other state agencies shall supply the council upon request with advisory staff services on matters relating to the jurisdiction of the council and the council shall cooperate and coordinate its activities with other state agencies to the highest possible degree.

Subd. 7. **Report.** The council shall prepare and distribute a report to the governor and legislature by November 15 of each even numbered year. The report shall summarize the activities of the council since its prior report, list receipts and expenditures, identify the major problems and issues confronting Black people, and list the specific objectives which the council seeks to attain during the next biennium.

History: 1980 c 614 s 187

NOTE: This section expires June 30, 1983. See Laws 1980, Chapter 614, Section 192.

3.923 [Repealed, 1973 c 377 s 1]

COUNCIL ON QUALITY EDUCATION

3.924 ESTABLISHMENT.

Subdivision 1. **Membership, terms.** There is hereby created a council on quality education consisting of 19 persons. The members of such council shall be appointed as follows:

- (1) One member shall be appointed by the Minnesota education association;
- (2) One member shall be appointed by the Minnesota federation of teachers;
- (3) One member shall be appointed by the Minnesota school board association;
- (4) One member shall be appointed by the Minnesota state advisory council for vocational education;
- (5) One member shall be appointed by the Minnesota state advisory council for special education;
- (6) One member shall be appointed by the state university board;
- (7) One member shall be appointed by the state board for community colleges;
- (8) One member shall be appointed by the regents of the University of Minnesota;
- (9) One member shall be appointed by the private college council;
- (10) One member from each congressional district and two members at large, shall be appointed by the governor with the advice and consent of the senate, none of whom shall be officers, employees or board members of state educational institutions, departments, agencies or boards.

Subd. 2. **Terms, compensation, removal, vacancies.** The membership terms, compensation, removal of members and filling of vacancies shall be as provided for in section 15.0575.

History: Ex1971 c 31 art 15 s 1; 1973 c 349 s 2; 1975 c 321 s 2; 1975 c 432 s 5; 1976 c 134 s 3; 1979 c 334 art 7 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.
- (11) Comprehensive interdisciplinary programs in health education and comprehensive programs designed to coordinate and integrate the delivery of pupil support services.

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 research 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.

History: *Ex1971 c 31 art 15 s 2; 1974 c 406 s 55; 1977 c 404 s 1; 1979 c 334 art 7 s 2*

3.926 PROPOSALS.

Subdivision 1. **Requirements.** The board of any local school district or any group of such boards may develop a proposal for a grant or loan in support of a research and development program of the kind described in section 3.925. Every such proposal shall include:

- (1) a statement of the objectives of the program, and the procedures for achieving the objectives;
- (2) a description of the evaluation procedures for measuring the effectiveness of the program;
- (3) provision for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement and accounting for funds paid to the applicant;
- (4) provision for administration of the program by the local school district, or in cooperation with other school districts, educational institutions, or local agencies under the supervision of the local school district; and
- (5) a description of the involvement of local school staff, students, and members of the community in planning and implementing the program.

Subd. 2. **Procedure.** Every program proposal shall be submitted to the council created by section 3.924, not less than three months before the planned commencement of the program. The council shall recommend approval or disapproval, or shall modify and then recommend such modification with respect to every proposal submitted to it. The council shall also recommend the amount and type of grant to be made in support of the proposed program in the light of the then currently available moneys in the venture fund, which information shall be provided to the council by the state board of education. The council shall also recommend what rules and regulations, if any, shall be suspended or modified in order to implement the proposal. Only such proposals as are recommended for approval shall be transmitted by the council to the state board, and all such proposals shall be approved and funded from the venture fund by the state board as recommended by the council unless the state board, within 30 days of receipt of a proposal from the council, shall make other disposition of the proposal by formal board action. One half of each grant recommended by the council and funded by the state board may be deemed an interest free loan to be repaid over a five year period.

History: *Ex1971 c 31 art 15 s 3; 1974 c 553 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.

History: *Ex1971 c 31 art 15 s 4; 1976 c 134 s 4; 1977 c 404 s 2*

3.9271 [Repealed, 1979 c 334 art 7 s 7]

3.9272 [Repealed, 1979 c 334 art 7 s 7]

3.9273 [Repealed, 1979 c 334 art 7 s 7]

3.9274 [Repealed, 1979 c 334 art 7 s 7]

3.9275 [Repealed, 1979 c 334 art 7 s 7]

EARLY CHILDHOOD AND FAMILY EDUCATION ACT

3.9276 CITATION.

Sections 3.9276 to 3.9279 may be cited as "The Early Childhood and Family Education Act".

History: *1979 c 334 art 7 s 3*

3.9277 PURPOSE.

The purposes of sections 3.9276 to 3.9279 are: (a) to strengthen families, (b) to help parents to provide for their children's learning and development, and (c) to help young children to develop their physical, mental and social potentials.

History: *1979 c 334 art 7 s 4*

3.9278 DEFINITIONS.

Subdivision 1. As used in Laws 1979, Chapter 334, Article 7, the terms defined in this section have the meanings given them.

Subd. 2. "Early childhood" means the period of life before kindergarten and before age six.

Subd. 3. "Early childhood and family education programs" may include, but are not limited to, the following:

(a) Educational programs for parents on the physical, mental and emotional development of children and on the development of parenthood skills;

(b) Programs for the parents or guardians of children which are designed to strengthen the family unit and to assist the parents or guardians in providing sound early childhood learning and development;

(c) Libraries of books, toys and other educational materials which may be borrowed for home use;

(d) Activities designed to detect children's physical, mental, emotional or behavioral problems that are causing or might cause learning problems. Should the need for special help be found, the family shall be referred to an appropriate person or agency, but this program shall not pay treatment costs;

(e) Education for parenthood programs in secondary schools to increase the adolescent's awareness of the social, educational and health needs of children and of the role of parents in fostering a child's development;

(f) In-center activities;

(g) Home activity kits; and

(h) Community and resource information and referrals.

History: *1979 c 334 art 7 s 5*

3.9279 EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.

Subdivision 1. **Authorization.** The school board of any district, however organized, which receives early childhood and family education moneys from the council on quality education shall provide those services in one elementary school attendance area, or an area within the district, if the council deems the

area to be appropriate. The council on quality education shall prescribe the form and manner of application for the programs and shall select the grant recipients. These programs shall be as equally distributed as possible among districts in cities of the first class, in suburbs, and outside the seven county metropolitan area.

Subd. 2. Program accounts. A district providing early childhood and family education programs shall establish and maintain a separate account for the receipt and disbursement of all funds related to the programs.

Subd. 3. Participants' fees. A district may charge reasonable fees for early childhood and family education services; however a district shall waive the charge or fee if any participant is unable to pay it.

Subd. 4. Additional funding. A school district providing early childhood and family education programs may receive funds for the programs from other governmental agencies and from private sources, including any state or federal funds available for community education or parent education.

Subd. 5. Federal grants. Any district which has submitted a proposal to the council on quality education for an early childhood and family education program and has been denied funding for the program is encouraged to apply to the department of education for a grant for the program pursuant to the Elementary and Secondary Education Act of 1965, Title 4C, as amended.

Subd. 6. Program coordination. A district providing early childhood and family education services is strongly encouraged to coordinate this programming with related services provided in the district by other governmental agencies and may develop cooperative programs with nonprofit agencies. State government agencies shall cooperate with a school district in these coordination efforts. A district which provides early childhood and family education programs but does not coordinate its efforts with those of other governmental agencies shall submit an explanatory report to the commissioner of education within one year after the implementation of its programs and each year thereafter in which such coordination is not established.

Subd. 7. Advisory councils. The school board of a district providing early childhood and family education programs shall appoint an advisory council. Council members shall be selected from the school attendance area in which the programs are provided. A majority of the members shall be parents participating in the local program. The local advisory council shall assist the education board in the development, coordination, supervision and review of early childhood and family education services in the area and shall suggest priorities for child learning and development services in the community. The council shall report to the school board and the district community education advisory council, if that council has been established in the district.

Subd. 8. Advisory task force on early childhood and family education. 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, 1981.

Subd. 9. Personnel. A school board may employ and discharge personnel necessary for its early childhood and family education programs. All professional early childhood and family education personnel shall have the qualifications required by the council on quality education and the employing school district.

Subd. 10. **Voluntary participation.** Participation by parents and children in early childhood and family education programs shall be voluntary and shall not preclude participation in other state or local programs. No school district shall discriminate in providing early childhood and family education programs on the basis of race, religion, sex or ethnic background, and no programs shall be used in whole or in part for religious worship or instruction.

Subd. 11. **State board of education.** The state board of education shall:

(a) Annually review district early childhood and family education programs;

(b) Apply for funds which are, or may become, available under federal programs pertaining to early childhood and family education, including funds for administration, demonstration projects, training, technical assistance, planning, and evaluation;

(c) Encourage cooperation in the delivery of services by districts operating early childhood and family education programs;

(d) Inform the public about early childhood development services;

(e) Provide professional and technical assistance to school districts providing early childhood and family education programs.

Subd. 12. **Negotiated grants.** For the 1979-1980 and 1980-1981 school years the council on quality education may fund up to 36 early childhood and family education programs according to the negotiated grants procedure in sections 3.924 to 3.927.

Subd. 13. **Special categorical program grant.** For the programs funded pursuant to subdivision 12, there is hereby created a special categorical program grant for those programs serving economically disadvantaged persons. The council on quality education shall apportion the grant money among the eligible programs in proportion to the estimated number of low income participants in each program compared to the estimated number of low income participants in all the eligible programs. For purposes of this apportionment, the estimated number of low income participants in a program shall equal the total number of participants in the program times the percentage of elementary pupils in the area served by the program who are eligible for free type "A" lunches pursuant to section 9 of the National School Lunch Act of 1946 as amended (42 U.S.C. 1758).

History: 1979 c 334 art 7 s 6; 1980 c 609 art 4 s 1,22

CONTINUITY OF THE LEGISLATURE

3.93 DEFINITIONS.

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

History: 1961 c 572 s 1

3.94 PLACE OF SESSION.

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

History: 1961 c 572 s 2

3.95 SPECIAL SESSION IN EVENT OF ATTACK.

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

History: 1961 c 572 s 3

3.96 QUORUM AND VOTE REQUIREMENTS.

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

History: 1961 c 572 s 4

3.965 LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES.

Subdivision 1. Composition; meetings. A legislative commission for review of administrative rules, consisting of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives shall be appointed. The commission shall meet at the call of its chairman or upon a call signed by two of its members or signed by five members of the legislature. The legislative commission chairmanship shall alternate between the two houses of the legislature every two years.

Subd. 2. Review of rules by commission. The commission shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them. The jurisdiction of the commission shall include all rules as defined in section 15.0411, subdivision 3 and all rules promulgated by the department of military affairs. It may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention and may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of subdivision 4 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is defeated, or fails of enactment in that year's session, the rule shall stand and the commission may not suspend it again. If the bill becomes law, the rule is repealed and shall not be enacted again unless a law specifically authorizes the adoption of that rule. The commission shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

Subd. 3. Public hearings by state agencies. By a vote of a majority of its members, the commission may request any agency issuing rules to hold a public hearing in respect to recommendations made pursuant to subdivision 2 including recommendations made by the commission to promote adequate and proper rules by that agency and recommendations contained in the commission's biennial report. The agency shall give notice as provided in section 15.0412, subdivision 4 of a hearing thereon, to be conducted in accordance with section 15.0412. The hearing shall be held not more than 60 days after receipt of the request.

Subd. 4. Review by standing committees. Before the commission suspends any rule, it shall request the speaker of the house and the president of the

senate to refer the question of suspension of the given rule or rules to the appropriate committee or committees of the respective houses for the committees' recommendations. No suspension shall take effect until the committees' recommendations are received, or 60 days after referral of the question of suspension to the speaker of the house and the president of the senate. However, the recommendations shall be advisory only.

History: 1974 c 355 s 69; 1975 c 271 s 6; 1980 c 615 s 1; 1980 c 618 s 26

LEGISLATIVE AUDIT COMMISSION

3.97 AUDIT POLICY; CREATION OF COMMISSION; TRANSFER OF FUNCTIONS OF PUBLIC EXAMINER; ACCESS TO DATA.

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

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

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

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

Subd. 4. Until the expiration of his term the incumbent public examiner upon the effective date of this section shall continue in the legislative branch but as the legislative auditor. Thereafter, the commission shall appoint a legislative auditor. The legislative auditor is the executive secretary of the commission. After the expiration of the term of the incumbent public examiner the legislative auditor shall serve at the pleasure of the commission until May 1, 1977. Thereafter, the legislative auditor shall be appointed by the commission for a six year term. He shall serve in the unclassified service. He shall not at any time while in office hold any other public office. The legislative auditor appointed on May 2,

1977, shall not be removed from his office before the expiration of his term of service except for cause after public hearing.

Subd. 5. The legislative auditor shall establish a financial audits division and a program evaluation division to fulfill the duties prescribed in this section. Each division shall be supervised by a deputy auditor, appointed by the legislative auditor, with the approval of the commission, for a term coterminous with the legislative auditor's term. The deputy auditors may be removed before the expiration of their terms only for cause. The legislative auditor and deputy auditors may each appoint a confidential secretary to serve at his pleasure. The commission shall fix the salaries of the deputy auditors and confidential secretaries. The deputy auditors may perform and exercise the powers, duties and responsibilities imposed by law on the legislative auditor when authorized so to do by the legislative auditor. The deputy auditors and the confidential secretaries shall serve in the unclassified civil service, but all other employees of the legislative auditor shall be in the classified civil service.

Subd. 6. All the powers, duties and responsibilities of the department of public examiner relating to the state of Minnesota, its departments and agencies as described in Minnesota Statutes 1971, Section 215.03, and any other law concerning powers, duties and responsibilities of the public examiner not otherwise dealt with by Laws 1973, Chapter 492 are hereby transferred to the legislative auditor. Nothing in this subdivision shall be deemed to supersede the powers conferred upon the commissioner of finance under section 16A.055.

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

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

Subd. 9. The legislative auditor is subject to the government data practices act, sections 15.1611 to 15.1698. If data provided by the legislative auditor to the commission is disseminated by the commission or members or agents of the commission in violation of section 15.163, subdivision 4, the commission is subject to liability under section 15.166, subdivisions 1 and 3.

Subd. 10. Members of the legislative audit commission have access to data that is collected or used by the legislative auditor and classified as not public or as private or confidential only as authorized by resolution of the legislative audit commission. The legislative audit commission shall not authorize its members to have access to private or confidential data on individuals collected or used in connection with the collection of any tax.

Subd. 11. "Audit" as used in this subdivision means a financial audit, a program evaluation, or an investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been published or the audit is no longer being actively pursued. Data that support the conclusions of the report and that the legislative auditor reasonably believes will result in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or until the litigation is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if (a) the data supplied by the individual were needed for an audit and (b) the data would not have been provided to the legis-

lative auditor without an assurance to the individual that his identity would remain private. The definitions of terms provided in section 15.162 apply for purposes of this subdivision.

History: 1973 c 492 s 12; 1973 c 720 s 76 subd 2; 1975 c 204 s 90; 1980 c 484 s 1-3

LEGISLATIVE AUDITOR

3.971 POWERS AND DUTIES OF LEGISLATIVE AUDITOR.

Subdivision 1. To perform financial audits the legislative auditor shall post-audit and make a complete examination and verification of all accounts, records, inventories, vouchers, receipts, funds, securities, and other assets of all state departments, boards, commissions, and other state agencies at least once a year, if funds and personnel permit, and oftener if deemed necessary or as directed by the legislature or the legislative audit commission. Audits may include detailed checking of every transaction or test checking as the legislative auditor deems best. The books of the state treasurer and commissioner of finance may be examined monthly. The legislative auditor shall see that all provisions of law respecting the appropriate and economic use of public funds are complied with by all departments and agencies of the state government.

A copy of all post-audits, reports and results of examinations made by the legislative auditor shall be deposited with the legislative reference library.

Subd. 2. To perform program evaluation, the legislative auditor shall determine the degree to which the activities and programs entered into or funded by the state are accomplishing their goals and objectives, including an evaluation of goals and objectives, measurement of program results and effectiveness, alternative means of achieving the same results, and efficiency in the allocation of resources.

History: 1925 c 426 art 3 s 10; 1939 c 431 art 4 s 2,9; 1949 c 33 s 1; 1973 c 492 s 27; 1975 c 204 s 91 (53-13,3286-9,3286-16)

3.972 DUTIES AS TO STATE AGENCIES AND SEMI-STATE AGENCIES.

The legislative auditor shall make a constant audit of all financial affairs of all departments and agencies of the state, and of the financial records and transactions of public boards, associations, and societies supported, wholly or in part, by state funds. Once in each year, if funds and personnel permit, without previous notice, he shall visit each of such state departments and agencies, associations or societies and, so far as practicable, inspect such agencies, thoroughly examine the books and accounts thereof, verifying the funds, securities and other assets, check the items of receipts and disbursements with the voucher records thereof, ascertain the character of the official bonds for the officers thereof and the financial ability of the bondsmen, inspect the sources of revenue thereof, the use and disposition of state appropriations and property, investigate the methods of purchase and sale, the character of contracts on public account, ascertain proper custody and depository for the funds and securities thereof, verify the inventory of public property and other assets held in trust, and ascertain that all financial transactions and operations involving the public funds and property of the state comply with the spirit and purpose of the law, are sound by modern standards of financial management and are for the best protection of the public interest.

History: 1913 c 555 s 3; 1949 c 33 s 2; 1973 c 492 s 28 (3276)

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.

History: 1925 c 150 s 1; 1953 c 14 s 1; 1961 c 586 s 1; 1973 c 492 s 12 subd 6; 1977 c 347 s 1 (96)

3.974 TO FILE WRITTEN REPORTS.

The legislative auditor shall file a written report covering his audits with the department, agency, society, or association concerned, and the legislative audit commission for its consideration and action.

Such audit reports shall set forth:

- (1) Whether all funds have been expended for the purposes authorized in the appropriations therefor;
- (2) Whether all receipts have been accounted for and paid into the state treasury as required by law;
- (3) All illegal and unbusinesslike practices, if any;
- (4) Assessment of the financial control practices used in the agency, measurement of performance and recommendations for improved effectiveness; and
- (5) Such other data, information, and recommendations as the legislative auditor may deem advisable and necessary.

History: 1939 c 431 art 4 s 3; 1973 c 492 s 29 (3286-10)

3.975 DUTIES WHEN VIOLATIONS ARE DISCOVERED.

If any such legislative auditor's examinations shall disclose malfeasance, misfeasance, or nonfeasance in office on the part of any officer or employee, a copy of such report shall be signed and verified, and it shall be the duty of the legislative auditor to file such report with the legislative audit commission and the attorney general. It shall be the duty of the attorney general to institute and prosecute such civil proceedings against such delinquent officer or employee, or upon his official bond, or both, as may be appropriate to secure to the state the recovery of any funds or other assets misappropriated, and he shall cause such criminal proceedings to be instituted by the proper authorities as the evidence may warrant.

History: 1939 c 431 art 4 s 4; 1973 c 492 s 30 (3286-11)

3.976 [Renumbered 6.74]

3.977 [Renumbered 6.75]

3.978 LEGISLATIVE AUDITOR; SUBPOENA POWERS; PENALTIES.

In all matters relating to his official duties, the legislative auditor shall have the powers possessed by courts of law to issue and have subpoenas served. All public officials and their respective deputies and employees, and all corporations, firms, and individuals having business involving the receipt, disbursement, or custody of public funds shall at all times afford reasonable facilities for examinations by the legislative auditor, make returns and reports to the legislative auditor as he may require, attend and answer under oath his lawful inquiries, produce and exhibit all books, accounts, documents, and property as he may desire to inspect, and in all things aid him in the performance of his duties. If a person refuses or neglects to obey any lawful direction of the legislative auditor, his deputy or his assistants, or withholds any information, book, record, paper or other document called for by the legislative auditor for the purpose of examination, after having been lawfully required by order or subpoena, upon application by the auditor, a judge of the district court in the county where the order or subpoena was made returnable shall compel obedience or punish disobedience as for contempt, as in the case of a similar order or subpoena issued by the court. If a person swears falsely concerning any matter stated under oath he is guilty of a gross misdemeanor.

History: 1974 c 118 s 1

3.98 FISCAL NOTES.

Subdivision 1. The head or chief administrative officer of each department or agency of the state government shall prepare a fiscal note at the request of the chairman of the standing committee to which a bill has been referred, or the chairman of the house appropriations committee, or the chairman of the senate committee on finance.

Subd. 2. The fiscal note, where possible, shall: (1) cite the effect in dollar amounts; (2) cite the statutory provisions affected; (3) estimate the increase or decrease in revenues or expenditures; (4) include the costs which may be absorbed without additional funds; and (5) specify the long range implication if any. The fiscal note may comment on technical or mechanical defects in the bill but shall express no opinions concerning the merits of the proposal.

Subd. 3. A copy of the fiscal note shall be delivered to the chairman of the committee of appropriations of the house of representatives, the chairman of the committee of finance of the senate, the chairman of the standing committee to which the bill has been referred, to the chief author of the bill and to the commissioner of finance.

Subd. 4. The commissioner of finance shall prescribe a uniform procedure to govern the departments and agencies of the state in complying with the requirements of this section.

History: 1974 c 355 s 34; 1978 c 793 s 33,34