

CHAPTER 3

LEGISLATURE

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3.195 REPORTS TO THE LEGISLATURE.

Subdivision 1. **Distribution of reports.** 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.

Subd. 2. **Identification of documents.** Whenever a report or publication as defined in section 3.302, subdivision 3, is submitted by a department or agency to the legislative reference library, the department or agency shall supply to the legislative reference library the information necessary to identify the document as required in section 3.302, subdivision 3a.

Subd. 3. **Checklist of state documents.** 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: 1983 c 255 s 1

3.302 LEGISLATIVE REFERENCE LIBRARY.

[For text of subs 1 to 3, see M.S.1982]

Subd. 3a. **Identification of documents.** For all documents deposited under subdivision 3, the legislative reference library shall require that the issuing agency supply proper bibliographic identification. The identification shall appear on the title page of each volume and shall include complete title, statement of authorship, name of publisher, and the date and place of publication. Whenever possible the document shall be consecutively paged. Whenever applicable the issuing agency shall include a statement indicating the section number of statute or the chapter number and year of the law with which the report complies.

[For text of subd 4, see M.S.1982]

History: 1983 c 255 s 2

3.3026 INFORMATION SYSTEMS DIRECTORY.

Subdivision 1. **Policy.** The state must make maximum use of its information files and data processing systems. A statewide directory of information systems

will direct users to existing information systems maintained by state agencies, minimize duplication of information systems already developed, and encourage the sharing of information systems within the state. A directory will assist users in contacting agencies about information files and about experience with hardware and software configurations. It will reduce overall costs, promote communication among agencies, and permit more efficient use of personnel resources for information systems development.

Subd. 2. Definitions. The terms used in this section have the meanings given them in this subdivision.

(a) "Directory" means an indexed listing of descriptive data about information systems. The descriptions will include agency name, information system name, contact person, software used, hardware used, and other information which in the discretion of the legislative reference library will assist users.

(b) "Information system" or "information systems" means an organized collection of data, either manually organized or automated, used by an agency in performing its duties or assisting in the making of administrative and budgetary decisions. An information system includes the data organized and any hardware or software used to process it.

Every state agency shall file a description of its existing information systems with the legislative reference library by January 31, 1984. These descriptions shall be in accordance with specifications and on forms provided by the library. Each agency shall file an updated description, noting additions, deletions, and changes by November 30 and by May 31 each year.

(c) "State agency" or "state agencies" means any office, department, agency, commission, council, bureau, research center, or society of state government, and other agencies supported by state funds.

Subd. 3. Legislative reference library; development of plan. The legislative reference library shall prepare a plan for the directory by January 1, 1984. The plan shall include a definition of the types of systems that will be included in the directory, an enumeration of the types of information required for each system reported, and a description of the method selected for production and dissemination of the directory.

Subd. 4. Legislative reference library director; duties. The legislative reference library director shall employ and fix the salary of the technical, clerical, and other assistants necessary to produce the directory. The director may enter into contracts for equipment and services necessary in the production and dissemination of the directory.

Subd. 5. Publication. The legislative reference library shall prepare a directory by January 1, 1985. The directory shall be prepared in a format which the legislative reference library, in its discretion, believes is most efficient and beneficial to the user.

Subd. 6. Updating. The legislative reference library shall continually update the directory and shall reissue it at intervals it finds, in its discretion, are reasonable and cost efficient.

Subd. 7. Agency cooperation. Every state agency shall appoint one person within the agency as a data processing liaison, responsible for working with the legislative reference library. The appointment shall be made and the name forwarded to the legislative reference library by July 1, 1983. The department of administration shall provide access to its library listing of systems and programs produced under section 16.90 and shall produce this information in hardcopy form

or on magnetic tape media, as requested by the legislative reference library director.

History: 1983 c 301 s 57

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 without first having received the recommendation of the legislative coordinating commission. The commission shall establish the compensation of all employees of any statutory commission, except classified employees of the legislative audit commission, the majority of whose members are members of the legislature.

History: 1983 c 299 s 1

3.472 [Repealed, 1983 c 301 s 235]

3.732 SETTLEMENT OF CLAIMS.

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

(1) "State" includes each of the departments, boards, agencies, commissions and officers in the executive branch of the state of Minnesota and includes but is not limited to the Minnesota Educational Computing Consortium, 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 Minnesota national guard, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation, but does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or United States Code, title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983.

(3) "Scope of 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.

[For text of subs 2 to 5, see M.S.1982]

Subd. 6. The head of each department or agency, or his designee, acting on behalf of the state, may enter into structured settlements, through the negotiation, creation, and utilization of annuities or similar financial plans for claimants, to resolve claims arising from the alleged negligence of the state, its agencies, or employees. The requirements set forth in sections 16.07, 16.08, and 16.098 shall

not apply to the state's selection of and contracts with structured settlement consultants or purveyors of structured settlement plans.

History: 1983 c 193 s 1; 1983 c 258 s 9; 1983 c 301 s 58

3.736 TORT CLAIMS.

[For text of subs 1 to 3, see M.S.1982]

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) \$200,000 when the claim is one for death by wrongful act or omission and \$200,000 to any claimant in any other case.

(b) \$600,000 for any number of claims arising out of a single occurrence. If the amount awarded to or settled upon multiple claimants exceeds \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the \$600,000. 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.

[For text of subs 4a to 11, see M.S.1982]

History: 1983 c 331 s 1

NOTE: The amendments to subdivision 4 by Laws 1983, chapter 331, section 1 are effective August 1, 1984. See Laws 1983, chapter 331, section 12.

3.737 LIVESTOCK OWNERS; COMPENSATION FOR DESTROYED OR CRIPPLED ANIMALS.

[For text of subs 1 to 3, see M.S.1982]

Subd. 4. **Commissioner's determination; appeals.** If the commissioner finds that the livestock owner has shown that the loss of his livestock was caused more probably than not by an animal classified as an endangered species, the commissioner shall pay compensation as provided in this section and in the rules of the department.

If the commissioner denies any compensation claimed by a livestock owner under this section, the commissioner shall issue a written decision based upon the available evidence which shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be transmitted to the livestock owner by first class mail.

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

History: 1983 c 247 s 2

3.751 CONTRACT CLAIMS.

[For text of subs 1 to 3, see M.S.1982]

Subd. 4. **Appeal.** An appeal from any final order or judgment in the action may be taken as in other civil cases.

[For text of subd 5, see M.S.1982]

History: 1983 c 247 s 3

3.855 LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.

[For text of subs 1 and 2, see M.S.1982]

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 43A.18, subdivision 2 covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(b) review and approve, reject or modify a plan for total compensation and terms and conditions of employment for employees of those positions identified as being managerial pursuant to section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(c) review and approve, reject or modify recommendations for salaries submitted by the governor pursuant to section 43A.18, subdivision 5, covering agency head positions listed in section 15A.081;

(d) continually monitor the state's civil service system as provided for in chapter 43A, 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;

(e) research and analyze the need for improvements in those statutory sections;

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

(g) perform such other related functions as are delegated to it by the legislature.

History: 1983 c 299 s 2

3.86 [Repealed, 1983 c 301 s 235]

3.865 LEGISLATIVE COMMISSION ON PUBLIC EDUCATION.

Subdivision 1. **Establishment.** There is established a legislative commission on public education. The commission shall study issues relating to elementary and secondary education, including at least the following:

(a) education policy development and planning and recommendations for change to make education more effective;

(b) current and alternative financing formulas for education and recommendations for changes in the use of public money to fund education;

(c) current school district organization and administration and recommendations for more efficient use of available resources;

(d) current technology and alternative education delivery systems for Minnesota; and

(e) teacher preparation, certification, salaries, employment policies, and retention.

Subd. 2. Membership and terms. The commission shall consist of 12 members. Six members shall be from the senate, including members of the minority caucus, and shall be appointed by the subcommittee on committees of the committee on rules and administration. Six members shall be from the house of representatives, including members of the minority caucus, and shall be appointed by the speaker. The chairs of the senate education committee, senate education aids subcommittee, house education committee, and house education finance division shall be members of the commission. The members shall be appointed for two-year terms beginning on January 1 of each odd-numbered year. Vacancies on the commission shall be filled in the same manner as the original appointments.

Subd. 3. Terms and officers. The commission shall elect a chair and a vice-chair from among its members. The chair shall alternate biennially between a member of the senate and a member of the house. The vice-chair shall be a house member when the chair is a senate member, and senate member when the chair is a house member.

Subd. 4. Governor's representative. The governor shall appoint a person to serve as liaison between the governor and the commission.

Subd. 5. Advisory committee. The commission may appoint advisory committees to assist it as needed. The advisory committees shall meet at the discretion of the commission.

Subd. 6. Assistance of other agencies. The commission may request information from any state officer or agency to assist the commission in performing its duties. The officer or agency is authorized and directed to promptly furnish any data requested.

Subd. 7. Staff. The commission may employ professional, technical, consulting, and clerical services. The commission may use legislative staff to provide legal counsel, research, secretarial, and clerical assistance.

Subd. 8. Expenses and reimbursement. The members of the commission and its assistants shall be reimbursed for all expenses actually incurred in the performance of their duties. Expenses of the commission shall be approved by the chair and the expenses shall be paid in the same manner as other state expenses are paid.

Subd. 9. Report. By January 15 of each year, the commission shall report to the education committees of the legislature on its findings and recommendations, including information related to the funding of education.

History: 1983 c 314 art 7 s 1

3.922 INDIAN AFFAIRS COUNCIL.

Subdivision 1. Creation, membership. There is created a state Indian affairs council 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 energy, planning and develop-

ment, 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 council 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. Council members appointed to represent the state house of representatives, the state senate or tribal governments shall no longer serve on the council 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 council shall not be voting members of the council.

Subd. 2. Additional members. Two members of the council 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 council 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 in section 15.059. Expenses of the council shall be approved by two of any three members of the council designated by the council 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 council. A majority of the voting members of the council constitutes a quorum.

Subd. 5. **Officers, personnel.** The council 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 council. It shall also employ, and prescribe the duties of such employees and agents as it deems necessary. The compensation of the executive director of the board shall be as provided by section 434.18. All employees are in the unclassified service. The chairman shall be an ex-officio member of the state board of human rights. The appropriations and other funds of this council are subject to the provisions of chapter 16. The council 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 council shall be to:

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 8. **Advisory council.** An advisory council on urban Indians is created 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 terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 9. **Annual report.** The council 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: 1983 c 260 s 1; 1983 c 299 s 3; 1983 c 301 s 59

3.9222 LEGISLATIVE COMMISSION ON THE ECONOMIC STATUS OF WOMEN.

Subdivision 1. A legislative commission is created to study and report on the economic status of women in Minnesota.

Subd. 2. The commission shall consist of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the committee on committees. Members shall serve until the expiration of their legislative terms.

Subd. 3. The commission shall study all matters relating to the economic status of women in Minnesota, including economic security of homemakers and women in the labor force, opportunities for education and vocational training, employment opportunities, the contributions of women to the economy, their access to benefits and services provided to citizens of this state, and laws and business practices constituting barriers to the full participation by women in the economy. In addition, the commission shall study the adequacy of programs and services relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family.

Subd. 4. The commission shall report its findings and recommendations to the governor and the legislature not later than December 15 of each even-numbered year and shall supplement its findings and recommendations not later than December 15 of each odd-numbered year. The report shall recommend legislation and administrative action designed to enable women to achieve full participation in the economy. The report shall also recommend methods to encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and public and private providers of services related to children, youth and families.

Subd. 5. The commission may hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this section. It shall select a chairman and other officers from its membership as it deems necessary.

Subd. 6. The legislature coordinating commission shall supply the commission with necessary staff, office space and administrative services.

Subd. 7. When any person, corporation, the United States government, or any other entity offers funds to the commission by way of gift, grant or loan, for the purpose of assisting the commission to carry out its powers and duties, the commission may accept the offer by majority vote and upon acceptance the chairman shall receive the funds subject to the terms of the offer, but no money

shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

History: 1983 c 301 s 60

3.9223 COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE.

Subdivision 1. Membership. There is created a state council on affairs of Spanish-speaking people to consist of seven members appointed by the governor. The members of the council shall be broadly representative of the Spanish-speaking community of the state. Membership, terms, compensation, removal of members and filling of vacancies shall be as provided in Minnesota Statutes, section 15.0575. The council shall annually elect from its membership a chairperson and other officers it deems necessary. The council shall expire on the date provided by section 15.059, subdivision 5.

[For text of subs 2 to 7, see M.S.1982]

History: 1983 c 260 s 2; 1983 c 305 s 2

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

[For text of subs 1 to 3, see M.S.1982]

Subd. 4. The legislative auditor is the executive secretary of the commission. 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 shall not be removed from his office before the expiration of his term of service except for cause after public hearing.

[For text of subs 5 to 11, see M.S.1982]

History: 1983 c 317 s 1

3.972 AGENCIES; AUDITS; DEFINITIONS.

Subdivision 1. Public accountant. For the purposes of this section, "public accountant" means a certified public accountant, certified public accounting firm, or a licensed public accountant licensed by the board of accountancy pursuant to sections 326.17 to 326.23.

Subd. 2. Audits of state 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.

Subd. 3. Audit contracts. Notwithstanding any other law to the contrary, a state department, board, commission, or other state agency shall not negotiate a contract with a public accountant for an audit, except a contract negotiated by the state auditor for an audit of a local government, unless the contract has been reviewed by the legislative auditor. The legislative auditor shall not participate in the selection of the public accountant, but shall review and submit written comments on the proposed contract within seven days of its receipt. Upon completion of the audit, the legislative auditor shall be given a copy of the final report.

History: 1983 c 317 s 2