

Be it enacted by the Legislature of the State of Minnesota :

Section 1. **Minneapolis, library boards, compensation for privately owned cars.** Members of library boards in counties having more than 350,000 and less than 500,000 inhabitants may receive \$5 per diem for each meeting attended and may be reimbursed for use of privately owned automobiles used in attending meetings and to the business of the library, but such per diems shall not exceed 12 in any calendar year.

Approved April 29, 1957.

CHAPTER 898—H. F. No. 1792

An act providing a deputy attorney general for the department of conservation; amending Minnesota Statutes 1953, Section 84.025, Subdivision 6.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Minnesota Statutes 1953, Section 84.025, Subdivision 6, is amended to read :

Subd. 6. **Deputy attorney general.** The attorney general shall appoint a *deputy attorney general*, in addition to the number now authorized by law, who shall be the attorney for the department of conservation. He shall receive the same salary as other *deputy attorneys general*, to be paid from moneys appropriated therefor to the department of conservation or otherwise as may be provided by law.

Approved April 29, 1957.

CHAPTER 899—H. F. No. 1812

[Coded]

An act relating to claims against the state, creating a commission to hear and adjudicate such claims and repealing Laws 1955, Chapter 878.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. [3.66] **Claims commission.** A commission to hear and adjudicate claims against the state is hereby created. The commission shall consist of six members, three of whom shall be senators appointed by the committee on

committees and three shall be members of the house of representatives appointed by the speaker of the house. The commission shall be appointed upon the passage of this act and any vacancy occurring shall be filled by the appointing power.

Sec. 2. [3.67] **Officers and employees.** The commission shall select a chairman, a vice-chairman and such other officers from its members as it deems necessary and may employ such assistants as it deems necessary to effectually perform its duties.

Sec. 3. [3.68] **Meetings.** The commission shall hold meetings at the state capitol at such times as it may designate and the department of administration shall provide adequate quarters therefor, and it may in its discretion hold meetings at any county seat.

Sec. 4. [3.69] **Clerk and deputy clerk.** The director of research of the legislative research committee shall act as clerk for the commission. He may, with the advice and consent of a majority of the commission members, appoint a deputy clerk who shall aid in the discharge of the duties of the clerk, and who shall have the same duties and powers as the clerk.

The clerk shall have custody of all records and proceedings of the commission, shall attend meetings and hearings of the commission, may administer oaths and affirmations, and shall issue all official summons, orders, statements, and awards. The commission members may also administer oaths and affirmations.

Sec. 5. [3.70] **Expenses.** The commission shall perform its duties during the two year period between the sine die adjournment of the regular sessions of the legislature. Each member of the commission shall receive actual expenses incurred in the performance of his duties. Each requisition for traveling expenses shall be accompanied by a sworn itemized statement which shall be filed with the state auditor and preserved as a public record. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Sec. 6. [3.71] **Member may not hear claim, when.** No member of the commission shall hear or participate in the consideration of a claim in which he has a personal interest.

Sec. 7. [3.72] **Attorney general to represent state.** The attorney general shall represent the interests of the state in all claims coming before the commission.

Sec. 8. [3.73] Claims which may be considered. In accordance with this act, the commission shall consider claims which, but for some statutory restrictions, inhibitions, or limitations, could be maintained in the courts of the state. No liability is imposed upon the state or any of its agencies by a determination of the commission approving a claim and recommending an award unless the legislature has previously made an appropriation for the payment of such claim subject to the determination of the commission, or unless the amount of the commission's award is less than \$2,500 and the legislature has previously made an appropriation for the payment of such claims during the biennium.

Except as provided in section 13, a claim shall be instituted by the filing of a written notice with the clerk. Each claim shall be considered by not less than four members of the commission. After consideration, if the commission finds that the claim is just and proper, it shall so determine and shall file with the clerk a brief statement of its reasons. A brief statement shall be similarly filed with the clerk as to any claim rejected by the commission. If the determination of the commission is not unanimous, the reasons of each dissenting member of the commission shall be stated. As to an approved claim, the commission shall determine the amount that should be paid to the claimant, and shall itemize this amount as an award, with the reasons therefor, in its statement filed with the clerk. In determining the amount of a claim, interest shall not be allowed unless the claim is based upon a contract which specifically provides for the payment of interest.

Sec. 9. [3.74] Jurisdiction. Except for the claims excluded by section 10, the jurisdiction of the commission shall extend to the following matters:

(1) Claims and demands against the state or any of its agencies, which the state in its sovereign capacity should in equity and good conscience discharge and pay.

(2) Claims and demands which may be asserted in the nature of set-off or counterclaim on the part of the state or any of its agencies.

(3) The status of any claim referred to the commission by the head of a state agency for an advisory determination.

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

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

Sec. 10. [3.75] Claims which may not be considered. Unless specifically referred to it by the legislature the jurisdiction of the commission shall not extend to any claim:

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

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

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

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

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

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

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

Sec. 11. [3.76] Rules of procedure for proceedings. The commission shall adopt rules of procedure governing proceedings before it and may amend such rules. The rules shall be designed to assure a simple, expeditious, an inexpensive consideration of claims. The commission shall adopt rules pertaining to persons appearing as representatives of claimants and may amend such rules. The rules shall permit a claimant to appear in his own behalf or present his claim through a qualified representative. A representative shall be a person who is competent to present and protect the interests of the claimant. Under its rules the commission shall not be bound by the usual common law or statutory rules of evidence. It may accept and weigh, in accordance with its evidential value, any information that will assist it in determining the factual basis of the claim.

Sec. 12. [3.77] Consideration of claims, procedure. The procedure for the consideration of claims shall be substantially as follows:

(1) The claimant shall give written notice to the clerk that he desires to maintain a claim. The notice shall sufficient-

ly identify the claimant, state the circumstances giving rise to the claim, and the state agency concerned.

(2) The clerk shall transmit a copy of the notice to the state agency concerned. If the commission finds that a claim is prima facie within its jurisdiction, it shall order the claim to be placed upon its regular docket for hearing.

(3) The commission shall so conduct the hearing as to disclose all material facts and issues of liability. Any member of the commission may examine or cross-examine witnesses. The commission may call witnesses or require evidence not produced by the parties, may stipulate the questions to be argued by the parties, and may continue the hearing to permit a more complete presentation of the claim.

(4) After the close of the hearing the commission shall consider the claim and shall make a determination thereof within 30 days, if possible.

When a claim does not arise under an appropriation for the current fiscal year, the amount claimed does not exceed \$1,000, the state agency concerned concurs in the claim, and the attorney general approves it as a claim which, in view of the purposes of this act, should be paid, the commission shall consider the claim informally upon the record submitted. The state agency concerned shall prepare the record of the claim to the extent required by the rules of the commission, and this record shall be filed with the clerk. If the commission determines that the claim should be entered as an approved claim and an award made, it shall so order and shall file its statements with the clerk. If the commission finds that the claim should not be paid, it shall reject the claim.

Sec. 13. [3.78] Advisory determination of claims. The governor or the head of a state agency may refer a claim against the state or a state agency to the commission for an advisory determination. The procedure shall be substantially as follows:

(1) The record of the claim, including a full statement of the facts, the contention of claimant, and such other materials as the rules of the commission require, shall be filed with the clerk. The record shall submit specific questions for the commission's consideration.

(2) The clerk shall examine the record and determine whether it is adequate or inadequate under the rules. If he determines that the record is inadequate he shall refer it back to the officer submitting it with the request that it be altered so as to be adequate under the rules. If he determines that he

record is adequate he shall place the same on a special docket.

(3) When the claim is reached on the special docket, it shall be considered informally and without hearing. After consideration the commission shall prepare a brief opinion for the information and guidance of the officer submitting the claim. No claimant may appear in connection with the consideration of any such claim.

(4) The opinion shall be filed with the clerk and a copy thereof transmitted to the officer who referred the claim.

An advisory determination does not bar a subsequent consideration of the claim if it is properly submitted by or on behalf of the claimant.

Sec. 14. [3.79] **Claims not within jurisdiction.** The commission shall not take jurisdiction over a claim which would have been barred by existing statutes of limitation operating against said claim if not brought against the state of Minnesota except as to claim specifically referred to the commission by the legislature. No claim that has been rejected by the legislature shall be considered by the commission unless referred to the commission by the legislature. A claim shall be considered to have been rejected by the legislature if a properly authorized committee of either house of the legislature shall have disapproved said claim by motion properly adopted in such committee.

Sec. 15. [3.80] **Witnesses.** In all hearings and proceedings before the commission the evidence of witnesses and the production of documentary evidence may be required by issuance of subpoenas. Such subpoenas may be issued by the commission for the appearance at any designated place of hearing. In case of disobedience to a subpoena or other summons the commission may invoke the aid of any district court in requiring the evidence and testimony of witnesses and the production of documentary evidence. Upon proper showing the district court shall issue an order requiring witnesses to appear before the commission, produce documentary evidence, and give testimony touching the matter in question. A person failing to obey the order may be punished by the district court as for contempt.

Sec. 16. [3.81] **List of awards; legislative claim committee.** Upon the convening of the legislature, the clerk shall certify to the commissioner of administration a list of all awards recommended by the commission to the legislature for appropriation. The commissioner of administration shall include all awards so certified in the budget estimates submitted to the governor-elect immediately after his election.

The house members of the commission shall constitute the claims committee of the house and the senate members shall constitute the claims committee of the senate during a regular or special session of the legislature.

Sec. 17. [3.82] **Records of claims, re-examination.** The complete record of each claim considered by the commission shall be preserved by the clerk and shall be made available to the legislature, or any member thereof, for the re-examination of the claim.

Sec. 18. [3.83] **Official reporter.** The clerk is the official reporter of the commission. He prepares the approved claims, awards, and statements for publication and submission to the legislature in the form of a biennial report.

Claims and awards shall be separately classified as follows:

(1) The approved claims and awards not satisfied but referred to the legislature for final consideration and appropriation.

(2) Claims rejected by the commission, with the reasons therefor.

(3) Advisory determination and opinions made at the request of the governor or the head of a state agency.

The commission may include other information or recommendations pertaining to the performance of its duties. The commission shall transmit its biennial report to the governor and a copy thereof to the presiding officer of each house of the legislature. The biennial reports of the commission shall be published by the clerk as a public document.

Sec. 19. [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.

Sec. 20. **Appropriation.** There is hereby appropriated out of funds in the state treasury not otherwise appropriated the sum of \$20,000 or so much thereof as may be necessary for the commission to carry out the provisions of this act. All payments are to be certified on vouchers to the state auditor by the clerk for payment as provided by law.

Sec. 21. **Repealer.** Laws 1955, Chapter 878, is hereby repealed.

Approved April 29, 1957.

CHAPTER 900—H. F. No. 1842

[Coded]

An act authorizing the adjutant general with the approval of the governor to acquire certain lands for the establishment of an airbase and certain easements and interests in land in connection therewith by gift, purchase, or condemnation; establishing an airbase fund and appropriating money therefor; levying a tax to provide moneys therefor and authorizing the issuance of certificates of indebtedness and the sale thereof.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [195.01] **Adjutant general to acquire land for airbase.** Subdivision 1. The adjutant general may acquire in the name of the state by purchase, gift or condemnation proceedings, all lands or any interest therein which he may deem necessary, including lands already devoted to a public use, for the establishment of an airbase.

Subd. 2. Where necessary and in order to provide unobstructed air space for the landing and taking off of aircraft using the airbase, the adjutant general may also acquire, in the same manner as is provided for the acquisition of land in subdivision 1, easements or other interests in air space over land and water, easements or other interests in airbase hazards outside the boundaries of the airbase, and such other airbase protection privileges as may be necessary to insure safe approaches to the landing areas of said airbase, and the safe and efficient operation thereof. The term "airbase hazard" as used in this act has the same meaning as the term "airport hazard" as defined in Minnesota Statutes 1953, section 360.013, subdivision 22.

Subd. 3. And the adjutant general may acquire in the same manner as is provided for the acquisition of land in subdivision 1, such interests or rights in lands as he may deem necessary as sites for the erection and operation of air navigation aids and facilities outside the boundaries of the airbase, together with means of access thereto.

Subd. 4. The authority conferred upon the adjutant