

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

Section 1. Minnesota Statutes 1957, Section 15.19, Subdivision 1, is amended to read:

15.19. **Imprest cash funds.** Subdivision 1. **Emergency disbursements.** Imprest cash funds, not otherwise provided for by law, for the purpose of making minor emergency disbursements and providing change, may be established, from existing appropriations, for the following state departments and agencies, in amounts not exceeding the following limits:

Department or Agency	Limit
Department of Employment & Security	\$ 350.00
Department of Highways, Drivers' License Division	100.00
Secretary of State	1,100.00
Department of Taxation, Income Tax Division	500.00
Department of Public Welfare	300.00
Department of Conservation, Game and Fish Division	5,000.00
Department of Rural Credit	500.00
Minnesota Soldiers' Home Board	1,500.00
Mankato State College	500.00
Winona State College	500.00
Moorhead State College	500.00
Bemidji State College	500.00
St. Cloud State College	500.00
Commissioner of Administration	50.00
<i>Department of Labor and Industry</i>	<i>500.00</i>

Approved April 20, 1961.

CHAPTER 453—S. F. No. 321

[Coded in Part]

An act relating to the claims commission; amending Minnesota Statutes 1957, Sections 3.68, 3.74, 3.75 and 3.81.

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

Section 1. Minnesota Statutes 1957, Section 3.68, is amended to read:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

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~~ *any place within the state.*

Sec. 2. Minnesota Statutes 1957, Section 3.74 is amended to read:

3.74 Jurisdiction. Except for the claims excluded by section 3.75, 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.

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

Sec. 3. Minnesota Statutes 1957, Section 3.75 is amended to read:

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)~~ (1) For loss, damage or destruction of property or for injury or death incurred by any person because of wild animals.

~~(3)~~ (2) Arising out of any contract to which the pro-

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visions of ~~Minnesota Statutes, Section 161.03, Subdivisions 17 to 20, Laws 1959, Chapter 500, Article II, Section 34, or section 4 of this act apply.~~

~~(4)~~ (3) For a disability or death benefit under Minnesota Statutes, Chapter 176.

~~(5)~~ (4) For unemployment compensation under Minnesota Statutes, Chapter 268.

~~(6)~~ (5) For relief or public assistance under Minnesota Statutes, Chapter 256.

~~(7)~~ (6) 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. 4. [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 filed in the state claims commission or 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. The state does not waive immunity with respect to claims of patients or other inmates of state institutions.*

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.

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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.

Sec. 5. Minnesota Statutes 1957, Section 3.81 is amended to read:

3.81 List of awards. 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.~~

Approved April 20, 1961.

CHAPTER 454—S. F. No. 327

[Coded in Part]

An act requiring consent to permit a chemical test for intoxication as a prerequisite to operating a motor vehicle, and providing penalties for a refusal to submit to such test; amending Minnesota Statutes 1957, Section 169.121, Subdivision 2.

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

Section 1. [169.123] Chemical tests for intoxication [Subdivision 1.] *For purposes of this act the term peace officer means a state highway patrol officer or full-time police officer of any municipality having satisfactorily completed a prescribed course of instruction in a school for instruction of persons in law enforcement conducted by the university of Minnesota or a similar course considered equivalent by the commissioner of highways.*

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