

## CHAPTER 139—S. F. No. 338

[Coded]

*An act relating to the state highway department, authorizing the commissioner of highways to enter into agreements for relocation services in cities of the first class, and appropriating money therefor.*

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

Section 1. [161.201] **Trunk highways; relocation services, cities of first class.** The commissioner of highways may enter into agreements with any public agency of a city of the first class whereby such agency would contract to provide relocation services to fee owners, contract for deed vendees, or lessees within such city whose property has been or is about to be acquired for trunk highway purposes. The compensation agreed upon for such services shall be paid out of the trunk highway fund, and there is appropriated from said fund a sufficient sum of money to carry out the purposes provided for herein. The specific services to be performed by such agency and the compensation to be paid therefor from the trunk highway fund shall be set forth in detail in the agreement.

Approved April 1, 1965.

## CHAPTER 140—S. F. No. 563

*An act relating to compensation for illness, injuries, or death or for loss, damage, or destruction of property incurred or sustained by a member of the military forces while in the service of the state; amending the jurisdiction of the state claims commission and the powers and duties of the adjutant general in connection therewith; amending Minnesota Statutes 1961, Sections 3.74 and 192.38; repealing Minnesota Statutes 1961, Section 192.39, and Laws 1963, Chapter 854.*

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

Section 1. Minnesota Statutes 1961, Section 3.74, is amended to read:

3.74 **Military forces; compensation for illness, injuries; jurisdiction.** Except for the claims excluded by section 3.75, the jurisdiction of the commission shall extend to the following matters:

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

(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~~ *military forces, as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof*, while in the service ~~of the state~~ *“active service” or “on duty” as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof*, when such service or duty is ordered by state authority. Except as provided in Minnesota Statutes 1961, Section 192.38, and acts amendatory thereof, the jurisdiction of the commission to hear such claims includes claims arising before or after the effective date of this act. The commission shall consider the following payments before making a determination on any such claim:

(a) *Any payments made under Minnesota Statutes 1961, Section 192.38, and acts amendatory thereof, and*

(b) *Any payments and awards made to a member of the military forces, as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, his dependent widow, child, or parent under any law of the United States of America arising out of injury or death for which a claim for compensation is made against the state of Minnesota under this clause (6), except payments under the federal social security act or the federal government life insurance program for members of the armed forces.*

*In the determination of claims under this clause (6) arising from the injury or death of a member of the military forces, as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, the commission shall consider the amount which would be allowed and the duration of the payment which would be provided by the workmen's compensation law as now or hereafter in force based on the member's usual earnings in civil life. If*

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*there be no evidence of previous occupation or earnings, the commission shall consider the member's earnings as a member of the military forces.*

Sec. 2. Minnesota Statutes 1961, Section 192.38, is amended to read:

192.38 **Illness, injury, or death of member of military forces; compensation.** *Subdivision 1. Temporary emergency relief.* If any officer or enlisted man of the ~~National Guard~~ *military forces* is wounded; or otherwise disabled, *dies from disease contracted or injuries received, or is killed while doing duty as a member of the military force;* he shall receive from the commonwealth just and reasonable relief in "active service" or "on duty" as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, *when such service or duty is ordered by state authority, he, or in the case of his death his dependent widow, child, or parent, may be provided with such immediate temporary relief as may be necessary in cases of severe hardship, in amount to be determined by the adjutant general and approved by the governor. All such payments under this or the next following section subdivision shall be made from the appropriation appropriations for the maintenance of the National Guard state military forces.*

*Subd. 2. Assistance to claimants.* *To the extent information is available to him, the adjutant general shall provide information to a person seeking a benefit from the state or federal government or instituting a claim before a state or federal claims commission arising from loss, damage, or destruction of property or for injury or death incurred or sustained by a member of the military forces.*

Sec. 3. Minnesota Statutes 1961, Section 192.39, and Laws 1963, Chapter 854, are repealed.

Approved April 1, 1965.

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CHAPTER 141—S. F. No. 737

[Coded]

*An act relating to taxation, providing for the taxation of cigarettes and tobacco products purchased and sold by the state of Minnesota or any of its agencies, instrumentalities, or governmental subdivisions; amending Minnesota Statutes 1961, Sections 297.02, as*

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