

against the realty in which the ore is deposited equal to the percentage that the tons mined or produced during such year bears to the total tonnage in the mine;

(6) In the case of taconite, semi-taconite and iron sulphide operations, the tax payable under Minnesota Statutes, Sections 298.24 and 298.35, on the concentrates produced in said year and any taxes paid under Laws 1955, Chapters 391, 429, 514, 576 or 540, or any other law imposing on such taconite operations a specific tax for school or other governmental purposes;

(7) The amount or amounts of all the foregoing subtractions shall be ascertained and determined by the commissioner of ~~taxation-revenue~~ . Deductions for interest on plant investment shall not exceed the greater of (a) four percent of book value, or (b) the amount actually paid but not exceeding six percent of book value. No subtraction shall be allowed for shrinkage of iron ore, except that which can be measured in a manner determined by the commissioner of revenue. In no case shall the shrinkage subtraction exceed one fourth of one percent of the value of the ore.

Sec. 28. **EFFECTIVE DATE.** Except as provided herein, the provisions of this act shall be effective on July 1, 1974.

Approved April 10, 1974.

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**CHAPTER 557—H.F.No.3712**  
**[Coded in Part]**

*An act relating to claims against the state; appropriating moneys for the payment thereof; amending Minnesota Statutes 1971, Section 3.732, Subdivisions 2, 4 and 5.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. CLAIMS AGAINST THE STATE; APPROPRIATION.**  
Subdivision 1. There is appropriated from any moneys in the state treasury, not otherwise appropriated, the sums of money set forth in this section to the persons named therein in full and final payment of claims against the state.

- Subd. 2. Town of Hay Creek, Minnesota, for damage done to the town's bridge caused by the department of natural resources hauling heavy loads of crushed rock across the bridge \$2,000.00
- Subd. 3. Arland Bebensee, Rural Route 2, Ivanhoe, Minnesota, for loss of two cows following testing for Bang's

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|           | disease by a state veterinarian                                                                                                                                                                                                                                               | 920.00    |
| Subd. 4.  | Village of Lino Lakes, Minnesota, for costs incurred by the village police department in pursuing escapees of Minnesota reception and diagnostic center in Lino Lakes during the years of 1971 and 1972                                                                       | 769.25    |
| Subd. 5.  | Peter J. Perusse, 6608 59th Avenue North, Crystal, Minnesota, for the theft and conversion of a motorcycle by a runaway from the state training school at Red Wing                                                                                                            | 1,100.00  |
| Subd. 6.  | Washington county, Minnesota, for expenses incurred in the prosecution of persons accused of offenses arising in connection with disturbances at the state prison                                                                                                             | 11,878.58 |
| Subd. 7.  | Enrico Merrill Tyson, 3619 Portland Avenue South, Minneapolis, Minnesota, for destruction of false teeth during a shakedown at the state prison                                                                                                                               | 250.00    |
| Subd. 8.  | Gary L. Van Meveren, c/o Robert P. Larson, Attorney at Law, 15742 Wayzata Boulevard, Wayzata, Minnesota, for personal injuries he incurred when he severely cut the fingers of his left hand while operating a circular saw at the Lino Lakes reception and diagnostic center | 4,328.56  |
| Subd. 9.  | Mrs. Elmer Goodrich, Rural Route 2, Mapleton, Minnesota, for medical expenses incurred when she slipped on an icy sidewalk at Mankato state college while on her way to a class                                                                                               | 240.00    |
| Subd. 10. | Arnold Wayne Neukom, 2712 Fremont Avenue South, Minneapolis, Minnesota, for the destruction of personal property by fire at the Minnesota state prison                                                                                                                        | 400.00    |
| Subd. 11. | Ricky L. Ross, 200 South Elm, Sauk Centre, Minnesota, for damage to his automobile when it was stolen by a runaway from the Minnesota home school at Sauk Centre                                                                                                              | 274.31    |
| Subd. 12. | Annette Whiting, 622 East School, Owatonna, Minnesota, for services on the adult corrections commission in excess of the 15 working days a month for which a member is compensable                                                                                            | 455.00    |
| Subd. 13. | Richard Odden, 1425 25th Avenue North, Minneapolis, Minnesota, for permanent                                                                                                                                                                                                  |           |

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- injury to his right hand caused by a stone crushing his hand while he was performing an assigned duty as an inmate of the St. Cloud state reformatory 746.55
- Subd. 14. City of Shakopee, Minnesota, for road improvements made by the city benefiting state owned property of the correctional institution for women 2,161.45
- Subd. 15. Gary Meyers, 1327 West 19th Street, Hastings, Minnesota, for loss of educational benefits resulting from injuries he received from an inmate of the Minnesota state prison 948.00
- Subd. 16. Tom Dahir, 251 Aurora Avenue, Saint Paul, Minnesota, for the destruction of personal property while he was an inmate of Stillwater state prison 250.00
- Subd. 17. Harold Schmotter, 17089 Ravenna Trail, Hastings, Minnesota, for the value of an automobile destroyed by a foster child who was a ward of the state 256.00
- Subd. 18. Ella J. Crosby, 1434 East Center Street, Rochester, Minnesota, for medical expenses resulting from an injury she sustained from a mental patient who had escaped from Rochester state hospital 569.24
- Subd. 19. Lyle Aarsvold, Garrison, Minnesota, for expenses incurred when his automobile and items of personal property were stolen by escapees from Brainerd state hospital 500.00
- Subd. 20. John Bousema, Route 1, Worthington, Minnesota, for damage to his soybean crop caused by drift of herbicide spray from the department of natural resources wetlands adjoining his field 3,605.00
- Subd. 21. Carl Haubrich, Box 31, Wilmont, Minnesota, for damage to his soybean crop caused by drift of herbicide spray from the department of natural resources wetlands adjoining his field 520.00
- Subd. 22. Donald Lambert, Route 1, Monticello, Minnesota, for destruction of his personal books when a waterpipe next to his office at North Hennepin community college burst, flooding the entire office complex 366.10
- Subd. 23. Gerald L. Kleene, as claimant for petitioners of Chippewa county ditch #58, Rural Route 2, Clara City, Minnesota, for expenses petitioners incurred as a result of action taken

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|           | by the department of natural resources in connection with county ditch #58 of Chippewa county                                                                                                                                                                                    | 5,025.00  |
| Subd. 24. | City of Fairmont, Minnesota, for special improvements benefiting land owned by the community college board at Fairmont, Minnesota; provided that if this land should revert back to the city of Fairmont, the city shall reimburse the state in the amount of this appropriation | 14,638.88 |
| Subd. 25. | Edwin E. Telthoester, Green Isle, Minnesota, for improper confinement in county jails and the state prison due to a court order wrongfully issued                                                                                                                                | 1,000.00  |

Sec. 2. Subdivision 1. There is appropriated from any moneys in the state treasury, not otherwise appropriated, the sums of money set forth in this section to the persons named therein, patients of Hastings state hospital, in full and final payment of claims against the state for the loss of property resulting from a fire set by a patient.

|          |                      |         |
|----------|----------------------|---------|
| Subd. 2. | Elizabeth Boldt      | \$10.00 |
|          | JoAnne Cihak         | 27.50   |
|          | Jeri Fredricks       | 51.46   |
|          | John Hansen          | 53.00   |
|          | Gordon Heuer         | 62.74   |
|          | Carol Kittelsen      | 28.50   |
|          | Darlene Launderville | 169.81  |
|          | Timothy McGinnity    | 29.50   |
|          | Gregory Ness         | 49.03   |
|          | Marilyn Samstad      | 556.85  |
|          | Joan Snyder          | 60.00   |

Sec. 3. Subdivision 1. There is appropriated from any moneys in the state treasury credited to the trunk highway fund, or funds accredited thereto from highway patrol fines or other sources, the sums of money set forth in this section to the persons named therein in full and final payment of claims against the state.

|          |                                                                                                                                                                                                                    |            |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Subd. 2. | Gerald E. Host, Clarissa, Minnesota, for loss of personal property and damage to real estate due to improper grading and drainage construction on trunk highway 71                                                 | \$2,300.00 |
| Subd. 3. | Doris Shaw, c/o Francis Schroeder, Attorney at Law, Box 888, Detroit Lakes, Minnesota, for property and personal damages arising from the negligent maintenance by the highway department of its property used for |            |

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|          | salt storage adjoining the property of claimant                                                                                                                                                                                                                                                                                               | 9,335.68 |
| Subd. 4. | Edward J. Mettner, 83 Korby Road, Esko, Minnesota, for costs he incurred to correct the damage caused his water supply and equipment when the highway department started construction of interstate 35                                                                                                                                        | 1,435.39 |
| Subd. 5. | Herman A. Wedel, Post Office Box 305, Fairmont, Minnesota, for crop loss sustained when his land was taken by the highway department after he had planted a crop upon reliance of advice given by a highway department employee that the highway department would not commence work on the highway project before his crop could be harvested | 1,000.00 |
| Subd. 6. | Harry N. Steckelberg, Route 3, Box 89, Wells, Minnesota, for loss of 8-1/2 acres of corn which resulted from employees of the highway department using the top soil of his corn acreage for purposes of construction on highway 22 after he had been told that the highway construction would not interfere with the harvesting of a crop     | 2,600.00 |
| Subd. 7. | Orville Hoeg, Rural Route 2, Alden, Minnesota, for crop damage he sustained because of broken tiles alongside highway I-90 which impaired drainage on his farm fields                                                                                                                                                                         | 420.00   |
| Subd. 8. | Earl Colstrup, Box 278, Route 2, Albert Lea, Minnesota, for soybean crop damage resulting from water runoff from a blocked culvert under interstate 90                                                                                                                                                                                        | 521.00   |

Sec. 4. Subdivision 1. There is appropriated from any moneys in the wildlife acquisition fund not otherwise appropriated the sums of money set forth in this section to the named counties in full payment of the following claims against the state.

|          |                                                                                                            |          |
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| Subd. 2. | Douglas county, Minnesota, for drainage assessments against state lands for repairs to state ditches       | \$205.70 |
| Subd. 3. | Faribault county, Minnesota, for drainage assessments against state lands for repairs to state ditches     | 9.09     |
| Subd. 4. | Lac Qui Parle county, Minnesota, for drainage assessments against state lands for repairs to state ditches | 356.06   |
| Subd. 5. | Lyon county, Minnesota, for                                                                                |          |

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|          | drainage assessments against state lands for repairs to state ditches                                   | 126.69 |
| Subd. 6. | Martin county, Minnesota, for drainage assessments against state lands for repairs to state ditches     | 2.00   |
| Subd. 7. | Murray county, Minnesota, for drainage assessments against state lands for repairs to state ditches     | 386.84 |
| Subd. 8. | Pennington county, Minnesota, for drainage assessments against state lands for repairs to state ditches | 119.12 |
| Subd. 9. | Redwood county, Minnesota, for drainage assessments against state lands for repairs to state ditches    | 39.76  |

Sec. 5. Subdivision 1. There is appropriated from any moneys in the state treasury not otherwise appropriated, the sums of money set forth in this section to the persons named therein in full payment of claims against the state for adjusted compensation arising from World War I, World War II and Korean conflict service.

Subd. 2. WORLD WAR I SERVICES.

Einar Carlsen, Post Office Box 1112,  
Florence, Oregon \$ 30.00

Nikaner Leonard Larson, 4224 Lyndale Avenue South  
Minneapolis, Minnesota 52.50

Subd. 3. WORLD WAR II SERVICES.

Donald E. Brown, 5241 Oaklawn Avenue South,  
Edina, Minnesota 255.00

Jerry J. Dvorak, 708 St. Croix Street North,  
Hudson, Wisconsin 400.00

Robert Emmett Fitzgerald, 1318 3rd Street,  
White Bear Lake, Minnesota 270.00

Clara D. (Kassela) Harp, 817 West River Road,  
Champlin, Minnesota 20.00

Melvin Lawrence Olson, Box 233,  
Bingham Lake, Minnesota 110.00

Subd. 4. WORLD WAR II - BENEFICIARIES.

Herbert E. Gullickson (beneficiary of Perry  
Ellsworth Gullickson); Ellendale, Minnesota 57.14

Grant E. Gullickson (beneficiary of Perry  
Ellsworth Gullickson); Rural Route 4,  
Austin, Minnesota 57.14

George W. Gullickson (beneficiary of Perry  
Ellsworth Gullickson); Rural Route 2,  
Austin, Minnesota 57.14

Alice O. (Gullickson) Underland (beneficiary of  
Perry Ellsworth Gullickson); Ellendale,  
Minnesota 57.14

Grace T. (Gullickson) Miller (beneficiary of  
Perry Ellsworth Gullickson); 1412 8th Avenue  
Northwest, Austin, Minnesota 57.14

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| Rosella A. (Gullickson) Collier (beneficiary of Perry Ellsworth Gullickson); #5 Sterlington Road, Monroe, Louisiana | 57.14  |
| Violet M. (Gullickson) Smith (beneficiary of Perry Ellsworth Gullickson); 275 Adams Street Long Beach, California   | 57.14  |
| Subd. 5. KOREAN CONFLICT.                                                                                           |        |
| Donald Edward Broten, 5104 1st Avenue Road, Hibbing, Minnesota                                                      | 37.50  |
| Robert Howard Christensen, 2214 Russell Avenue North, Minneapolis, Minnesota                                        | 22.50  |
| George Thomas Cordt, Route 2, South Haven, Minnesota                                                                | 97.50  |
| Francis Joseph Fisch, 1210 A South 89th, West Allis, Wisconsin                                                      | 45.00  |
| Daniel Edward Flaherty, 44 South Prior Avenue, Saint Paul, Minnesota                                                | 75.00  |
| Allen Eugene Forrey, 6573 West Colter, Glendale, Arizona                                                            | 400.00 |
| Friedrich L. Goering, 1612 East Minnehaha, Saint Paul, Minnesota                                                    | 90.00  |
| Richard Brian Holt, 253 County Road #42, Apple Valley, Minnesota                                                    | 330.00 |
| Robert James Jensen, 3242 Blackhawk Circle, Aurora, Colorado                                                        | 200.00 |
| Harold Ray Kahn, Route 2, Box 147, Bovey, Minnesota                                                                 | 45.00  |
| Fred Melloy Kraft, Route 2, Box 184, Lake Park, Minnesota                                                           | 200.00 |
| Charles Herman Lorentzen, 4748 Oakland Avenue South, Minneapolis, Minnesota                                         | 105.00 |
| George Madich, 820 South 6th Street, Virginia, Minnesota                                                            | 142.50 |
| Robert Luverne Nelson, Post Office Box 382, Baudette, Minnesota                                                     | 200.00 |
| William Paper, 1904 Chicago Avenue South, Minneapolis, Minnesota                                                    | 172.50 |
| James Peter Paulson, Rural Route 1, Box 99J, Sandstone, Minnesota                                                   | 187.50 |
| Eugene Lawrence Pharmer, 178 Edmund Avenue, Saint Paul, Minnesota                                                   | 22.50  |
| Robert Lee Schwarz, 3263 Canisbay Road, Memphis, Tennessee                                                          | 82.50  |
| Marcellus John Shay, 1366 Dixon Drive, Saint Paul Park, Minnesota                                                   | 200.00 |
| Ole Alvin Sorenson, Apartment 1, Post Office Box 275 EDJ Town Apartments, Canton, Minnesota                         | 400.00 |
| Oliver Thomas, 3114 Portland Avenue South, Minneapolis, Minnesota                                                   | 97.50  |
| Ralph D. Tiggeman, 204-A Signer Boulevard APO San Francisco, California                                             | 60.00  |

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Robert Leland Tomkins, 4806 6th Street Northeast,  
Columbia Heights, Minnesota 200.00

Sec. 6. Subdivision 1. There is appropriated from any moneys in the state treasury, not otherwise appropriated, the sum of money set forth in this section to the person named therein in full and final payment of a claim against the state. Claimant has until July 1, 1974 to indicate her acceptance or rejection of this amount. If claimant rejects the sum appropriated, the state of Minnesota hereby waives immunity and consents to commencement of a suit in the case set forth in this section in the appropriate courts of this state. Any suit shall be commenced before July 1, 1975. The state and the applicable departments may be named as defendants in any suit commenced under this section and shall be served by the service of a summons and complaint upon the attorney general and appropriate department officials. Such sums as are necessary to pay any resulting judgment are hereby appropriated from the fund designated. In no case shall the judgment exceed the monetary ceiling set forth in this section. This waiver of immunity is not an admission of liability on the part of the state or its departments. In any such action, the state or its departments or agencies may interpose any legal or equitable defense except the defense of sovereign immunity.

Subd. 2. Mrs. Beverly Boell, Jackson, Minnesota,  
for injuries caused by an inmate of St.  
Peter state hospital. Any judgment  
rendered against the state in this matter  
shall not exceed \$35,000.00. Any such  
judgment shall be satisfied from moneys  
in the state treasury not otherwise  
appropriated. \$1,177.73

Sec. 7. Subdivision 1. The state of Minnesota hereby consents to commencement of a suit in the case set forth in this section. Any suit shall be commenced within six months after the passage of this act. The state and the university of Minnesota hospitals may be named as defendants in any suit commenced under this section and shall be served by the service of a summons and complaint upon the attorney general, the university of Minnesota attorney and the chief administrative officer of the university hospitals. Such sums as are necessary to pay any resulting judgment are hereby appropriated from the fund designated; provided further that such sums as are necessary to defend this suit are hereby appropriated to the university of Minnesota. In no case shall the judgment exceed the monetary ceiling set forth in this section. This waiver of immunity does not extend to the doctors, nurses, technicians, and other employees of the university hospitals and is not an admission of liability on the part of the university hospitals. In any such action the state and the university hospitals may interpose any legal or equitable defense except the defense of sovereign immunity.

Subd. 2. Albert R. Olson, 4529 29th Avenue South,

Minneapolis, Minnesota, for alleged injuries and medical and dental expenses incurred as a result of the negligence of medical personnel at the university of Minnesota hospitals during operations on July 2, 1969, July 2, 1970 and the taking of x-rays on July 1, 1970. Any judgment rendered against the state in this matter shall not exceed \$50,000.00. Any such judgment shall be satisfied from any moneys in the state treasury not otherwise appropriated.

Sec. 8. Minnesota Statutes 1971, Section 3.732, Subdivision 2, is amended to read:

Subd. 2. The head of each department or agency of the state, or his designee, acting on behalf of the state, ~~may~~ shall attempt to determine, adjust and settle, at any time, any claim for money damages of ~~\$250-\$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 ~~of or~~ omission gave rise to the claim, by reason of the same subject matter.

Sec. 9. Minnesota Statutes 1971, Section 3.732, Subdivision 4, is amended to read:

Subd. 4. Claims settled under this section shall be paid by the affected state department or agency only from within the limits of its appropriation for the purposes specified in this section. Each department or agency shall report all settlements made under the terms of this section to the state ~~claims commission-legislature~~ annually.

Sec. 10. Minnesota Statutes 1971, Section 3.732, Subdivision 5, is amended to read:

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 presenting a claim to the state claims commission or the legislature.

Sec. 11. [241.271] REIMBURSEMENT OF COUNTIES AND MUNICIPALITIES; BUDGET REQUEST. The department of corrections shall include in its budget requests such amounts as may be claimed by any county or municipality necessary to reimburse said county or municipality for expenses of a county attorney or sheriff or municipal police department resulting from activities involving inmates of state

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correctional institutions located in its county or municipality.

Sec. 12. [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.

Sec. 13. [3.753] **CLAIMS; DAMAGE BY WILD ANIMALS.** It is the determination of the legislature that the state of Minnesota, a sovereign body, is not liable for the acts of its wild animals and therefore no claims involving damage by wild animals will be paid.

Sec. 14. [3.754] **BUDGET REQUESTS; PROPERTY IMPROVEMENT CLAIMS.** All state departments and agencies including the state college board and the community college board 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.

Sec. 15. Unless otherwise specified, payment pursuant to this act shall constitute full and final release of any and all claims against the state of Minnesota.

Sec. 16. This act takes effect upon final enactment.

Approved April 11, 1974.

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**CHAPTER 558—S.F.No.734**  
[Coded in Part]

*An act relating to water and related land resources; imposing certain duties in relation thereto on the commissioner of natural resources, counties, and municipalities; providing for the development of state, regional, and local water and related land resources plans; providing standards for permits for appropriation and use of public waters, and for changing the course, current, or cross-section of public waters; changing the controlling statute for planning and development in Mower county; amending Minnesota Statutes 1971, Sections 105.44, by adding a subdivision; and 105.49; Minnesota Statutes, 1973 Supplement, Sections 105.41, Subdivision 1, and by adding subdivisions; and 105.42, by adding a subdivision; repealing Minnesota Statutes 1971, Sections 113.01 to 113.06; and Laws 1959, Chapter 101, as amended.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. [105.403] WATER AND LAND RESOURCES PLANS; REGULATION.** The commissioner of natural resources, in cooperation

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