

S.F. No. 44, as introduced - 87th Legislative Session (2011-2012) [11-0616]

2.1 abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that
2.2 the state has neither affixed nor improved;

2.3 (h) a loss involving or arising out of the use or operation of a recreational motor
2.4 vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a trunk
2.5 highway, as defined in section 160.02, except that the state is liable for conduct that would
2.6 entitle a trespasser to damages against a private person;

2.7 (i) a loss incurred by a user arising from the construction, operation, or maintenance
2.8 of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the
2.9 construction, operation, maintenance, or administration of grants-in-aid trails as defined in
2.10 section 85.018, or for a loss arising from the construction, operation, or maintenance of a
2.11 water access site created by the Iron Range Resources and Rehabilitation Board, except
2.12 that the state is liable for conduct that would entitle a trespasser to damages against a
2.13 private person. For the purposes of this clause, a water access site, as defined in section
2.14 86A.04 or created by the Iron Range Resources and Rehabilitation Board, that provides
2.15 access to an idled, water filled mine pit, also includes the entire water filled area of the pit
2.16 and, further, includes losses caused by the caving or slumping of the mine pit walls;

2.17 (j) a loss of benefits or compensation due under a program of public assistance or
2.18 public welfare, except if state compensation for loss is expressly required by federal law
2.19 in order for the state to receive federal grants-in-aid;

2.20 (k) a loss based on the failure of a person to meet the standards needed for a license,
2.21 permit, or other authorization issued by the state or its agents;

2.22 (l) a loss based on the usual care and treatment, or lack of care and treatment, of a
2.23 person at a state hospital or state corrections facility where reasonable use of available
2.24 appropriations has been made to provide care;

2.25 ~~(m) loss, damage, or destruction of property of a patient or inmate of a state~~
2.26 ~~institution;~~

2.27 ~~(n)~~ a loss for which recovery is prohibited by section 169A.48, subdivision 2;

2.28 ~~(o)~~ (n) a loss caused by an aeration, bubbler, water circulation, or similar system
2.29 used to increase dissolved oxygen or maintain open water on the ice of public waters, that
2.30 is operated under a permit issued by the commissioner of natural resources;

2.31 ~~(p)~~ (o) a loss incurred by a visitor to the Minnesota Zoological Garden, except
2.32 that the state is liable for conduct that would entitle a trespasser to damages against a
2.33 private person;

2.34 ~~(q)~~ (p) a loss arising out of a person's use of a logging road on public land that
2.35 is maintained exclusively to provide access to timber on that land by harvesters of the
2.36 timber, and is not signed or otherwise held out to the public as a public highway; and

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3.1 ~~(f)~~ (g) a loss incurred by a user of property owned, leased, or otherwise controlled by
3.2 the Minnesota National Guard or the Department of Military Affairs, except that the state
3.3 is liable for conduct that would entitle a trespasser to damages against a private person.

3.4 The state will not pay punitive damages.

3.5 Sec. 2. Minnesota Statutes 2010, section 3.739, subdivision 2, is amended to read:

3.6 Subd. 2. **Evaluation and payment of claims.** Claims of ~~\$500~~ \$1,000 or less subject
3.7 to this section shall be investigated by the state or local agency responsible for supervising
3.8 the work to determine if the claim is valid and if the loss is covered by the claimant's
3.9 insurance. The investigating agency shall submit all appropriate claims to the Department
3.10 of Corrections. Subject to the limitations contained in subdivision 2a, the department shall
3.11 pay the portion of an approved claim that is not covered by the claimant's insurance.

3.12 This payment shall be made within a reasonable time. On or before the first day of each
3.13 legislative session, the department shall submit to the appropriate committees of the
3.14 senate and the house of representatives a list of the claims paid by it during the preceding
3.15 calendar year and shall be reimbursed by legislative appropriation for the claims paid.

3.16 For the purposes of this paragraph, in the case of a juvenile claimant the term "claimant's
3.17 insurance" includes the insurance of the juvenile's parents if the juvenile is covered by
3.18 the insurance.

3.19 A claim in excess of ~~\$500~~ \$1,000, and a claim that was not paid by the department
3.20 may be presented to, heard, and determined by the appropriate committees of the senate
3.21 and the house of representatives and, if approved, shall be paid pursuant to legislative
3.22 claims procedure.

3.23 No juvenile claimant receiving payment under this section may be identified by
3.24 name either in the list of claimants submitted by the department or in the legislative
3.25 appropriation.

3.26 Sec. 3. Minnesota Statutes 2010, section 3.749, is amended to read:

3.27 **3.749 LEGISLATIVE CLAIMS; FILING FEE.**

3.28 A person filing a claim with the joint senate-house of representatives Subcommittee
3.29 on Claims must pay a filing fee of ~~\$5~~ \$10. The money must be deposited by the clerk of
3.30 the subcommittee in the state treasury and credited to the general fund. A claimant who
3.31 is successful in obtaining an award from the subcommittee shall be reimbursed for the
3.32 fee paid.

3.33 Sec. 4. **EFFECTIVE DATE.**

4.1 Sections 1 to 3 are effective July 1, 2011.