

**Sec. 6. EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment.

Presented to the governor May 13, 1999

Signed by the governor May 17, 1999, 4:32 p.m.

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**CHAPTER 169—S.F.No. 2052**

*An act relating to claims against the state; providing for payment of various claims; clarifying certain language concerning claims; authorizing determination of a lake control elevation; appropriating money; amending Minnesota Statutes 1998, sections 3.738, subdivision 2; and 3.739, subdivision 2a.*

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

**Section 1. BUREAU OF CRIMINAL APPREHENSION.**

\$5,000 is appropriated from the general fund to the director of the bureau of criminal apprehension for payment to Ronald E. Wortman in full and final payment of his claim against the state for wages lost because of an erroneous or misleading background check. This appropriation is available until June 30, 2000.

**Sec. 2. DEPARTMENT OF CORRECTIONS.**

**Subdivision 1. COMMUNITY SERVICE AND SENTENCING TO SERVICE WORK.** The amounts in this subdivision are appropriated from the general fund to the commissioner of corrections for payment under Minnesota Statutes, section 3.739, to service providers as indicated in this subdivision in full and final payment of claims against the state for medical services provided to individuals who were injured while performing community service or sentencing to service work for correctional purposes. These appropriations are available until June 30, 2000.

(a) For claims under \$500 each and other claims already paid by the department.....\$6,679.25.

(b) For medical services provided to Michael Dean Ahrendt, who suffered injuries while performing sentencing to service work in Todd county.....\$5,616.64.

(c) For medical services provided to Hermelinda Cuevas, who suffered injuries while performing sentencing to service work in Polk county.....\$2,315.08.

(d) For medical services provided to Jennifer Henry, who suffered injuries while performing sentencing to service work in Hennepin county.....\$693.87.

**Subd. 2. INMATE INJURIES.** The amounts in this subdivision are appropriated from the general fund to the commissioner of corrections for payment under Minnesota Statutes, section 3.738, to the listed claimants in full and final payment of claims against the state for injuries suffered while performing assigned duties in state correctional facilities. These appropriations are available until June 30, 2000.

New language is indicated by underline, deletions by ~~strikeout~~.

(a) For reimbursement of the department for expenses of inmate injury evaluations already paid.....\$5,877.

(b) To Ronald Mark Alstrup, for injuries to his left hand suffered at Minnesota correctional facility-Red Wing.....\$8,925.

(c) To John C. Bellcourt, for injuries to his groin suffered at Minnesota correctional facility-Faribault.....\$15,000.

(d) To Dale Robert Steinbuch, for injuries to his left forearm suffered at Minnesota correctional facility-Oak Park Heights.....\$10,950.

(e) To Richard A. Thompson, for injuries to his back suffered at Minnesota correctional facility-Moose Lake.....\$8,250.

(f) For medical services provided to Richard A. Thompson, described in paragraph (e).....\$602.39.

Subd. 3. INMATE PROPERTY LOSS. \$7,917.75 is appropriated from the general fund to the commissioner of corrections for payment to Shawn Cribbs, an inmate at Minnesota correctional facility-Lino Lakes, in full and final payment of his claim against the state for money lost while it was being held for him in an inmate account. This appropriation is available until June 30, 2000.

Subd. 4. MCF-MOOSE LAKE CONVERSION. (a) \$34,000 is appropriated from the general fund to the commissioner of corrections for full and final payment of claims against the state for losses incurred by the claimants named in paragraphs (b) and (c) in the conversion of the state hospital at Moose Lake into a corrections facility. The appropriation is available until June 30, 2000.

(b) \$18,000 of the amount in paragraph (a) is for full and final payment of the claim of Michael and Mary Jo Kosloski of Moose Lake, Minnesota.

(c) \$16,000 of the amount in paragraph (a) is for full and final payment of the claim of Alan and Sandra Schmeling of Moose Lake, Minnesota.

### **Sec. 3. DEPARTMENT OF HEALTH.**

\$9,743.29 is appropriated from the general fund to the commissioner of health for payment to Richard and Janice Miller of LeRoy, Minnesota, in full and final payment of their claim against the state for expenses of unnecessary well drilling ordered by the department of health. This appropriation is available until June 30, 2000.

### **Sec. 4. DEPARTMENT OF HUMAN SERVICES.**

The amounts in this section are appropriated from the general fund to the commissioner of human services for payment under Minnesota Statutes, section 256J.68, to service providers as indicated in this section in full and final payment of claims against the state for medical services provided to individuals who were injured while performing work in the community. These appropriations are available until June 30, 2000.

(a) For claims under \$1,000 that have already been paid by the department.....\$580.02.

(b) For medical services provided to a claimant, who was injured while working in Crookston, Minnesota.....\$3,002.75.

**New language is indicated by underline, deletions by strikeout.**

(c) For medical services provided to a claimant, who was injured while working in Eagan, Minnesota.....\$1,759.69.

#### Sec. 5. MINNESOTA SUPREME COURT.

Subdivision 1. LEGISLATIVE FINDING. In the 1998 trial in the case of State v. Philip Morris Inc., No. C1-94-8565 (Minnesota District Court, Second Judicial District), however, three of the jurors suffered extreme financial hardship because of the unique nature of the trial.

The claims of the three jurors in this trial were presented to the legislature by the Chief Judge of the Second Judicial District with his endorsement and that of the State Court Administrator.

By all accounts, these three jurors remained focused on the evidence presented and the issues in the case despite financial crises at home that included foreclosure, bankruptcy, cancellation of credit, and other severe problems.

The legislature finds that in this unique situation the individuals listed in subdivision 2 should be reimbursed for the severe financial losses they suffered because of their jury service.

Subd. 2. APPROPRIATION. The amounts in this subdivision are appropriated from the general fund to the Minnesota supreme court for payment to the persons named in this subdivision in full and final payment of their claims against the state for financial losses they suffered as jurors in the trial described in subdivision 1. These appropriations are available until June 30, 2000.

(a) James R. Livingston.....\$7,879.94.

(b) David S. Olson..... \$17,000.

(c) Daniel J. Showalter.....\$4,496.42.

Sec. 6. Minnesota Statutes 1998, section 3.738, subdivision 2, is amended to read:

Subd. 2. EVALUATION OF CLAIMS. Claims that are approved under this section shall be paid pursuant to legislative appropriation following evaluation of each claim by the appropriate committees of the senate and house of representatives. Compensation will not be paid for pain and suffering.

Sec. 7. Minnesota Statutes 1998, section 3.739, subdivision 2a, is amended to read:

Subd. 2a. LIMITATIONS. Compensation paid under this section is limited to reimbursement for medical expenses and compensation for permanent total or disability, permanent partial disability, or death. Reimbursement for medical expenses under this section is limited to the amount which would be payable for the same expenses under the medical assistance program authorized under chapter 256B. No compensation shall be paid under this section for pain and suffering. Payments made under this section shall be reduced by any proceeds received by the claimant or the medical care provider from any insurance policy covering the loss. For the purposes of this section, "insurance policy" does not include the medical assistance program authorized under chapter 256B or the general assistance medical care program authorized under chapter 256D.

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Sec. 8. **WILLIS LAKE IN WASECA COUNTY.**

Notwithstanding Minnesota Rules, part 6115.0221, item A, subitem (2), unit (b), the division of waters of the department of natural resources may determine a different control elevation for Willis lake in Waseca county.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 8 are effective the day following final enactment.

Presented to the governor May 13, 1999

Signed by the governor May 17, 1999, 4:35 p.m.

**CHAPTER 170—S.F.No. 84**

*An act relating to government; providing for protection of public officials and employees; prohibiting the filing of fraudulent liens; providing civil remedies; proposing coding for new law in Minnesota Statutes, chapter 514.*

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

Section 1. **[514.99] NONCONSENSUAL COMMON LAW LIENS.**

Subdivision 1. DEFINITIONS. (a) "Public official or employee" means:

(1) an elected or appointed official or an employee of a state, a department, agency or public instrumentality of a state, or a political subdivision of a state; or

(2) an employee of the federal government or a federal agency as defined for purposes of the Federal Tort Claims Act, United States Code, title 28, section 2671.

(b) "Lien" means an encumbrance on property as security for the payment of debt. "Lien" does not include a nonconsensual common law lien.

(c) "Nonconsensual common law lien" means a purported lien that:

(1) is not provided for by a specific state or federal statute;

(2) is not consented to by the owner of the property affected; and

(3) is not a court-imposed equitable or constructive lien. For purposes of this clause, "court" means a federal district court, Minnesota district court, or the Minnesota tax court.

**Subd. 2. NO DUTY TO ACCEPT NONCONSENSUAL COMMON LAW LIENS; NOTICE OF INVALID LIEN.** (a) No person has a duty to accept for filing or recording a claim of nonconsensual common law lien unless:

(1) the claim is accompanied by a specific order from a court of competent jurisdiction authorizing the filing of the lien;

(2) the lien statement is accompanied by an affidavit of personal service or service by certified mail of notice of the proposed lien on the subject of the lien; and

New language is indicated by underline, deletions by ~~strikeout~~.