

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3241

03/20/2014 Authored by Murphy, M.; Simon and Johnson, B.,
The bill was read for the first time and referred to the Committee on Ways and Means

04/04/2014 Adoption of Report: Amended and Placed on the General Register
Read Second Time

05/01/2014 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to claims against the state; providing for settlement of certain claims;
1.3 authorizing certain payments by the Department of Transportation; appropriating
1.4 money.

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

1.6 Section 1. **DEPARTMENT OF CORRECTIONS.**

1.7 The amounts in this section are appropriated from the general fund to the
1.8 commissioner of corrections in fiscal year 2015 for full and final payment under Minnesota
1.9 Statutes, sections 3.738 and 3.739, of claims against the state for losses suffered while
1.10 incarcerated in a state correctional facility or for injuries suffered by and medical services
1.11 provided to persons injured while performing community service or sentence-to-service
1.12 work for correctional purposes or while incarcerated in a state correctional facility. This
1.13 appropriation is available until June 30, 2015:

1.14 (1) for sentence-to-service and community work service claims under \$500 and
1.15 other claims already paid by the department, \$2,359.82;

1.16 (2) for payment to Garry Green for permanent injuries to his right hand sustained
1.17 while performing sentence to service work in Hennepin County, \$7,400;

1.18 (3) for payment to David Huff for permanent injuries to his back sustained while
1.19 performing sentence to service work in Waseca County and for medical costs incurred by
1.20 Mr. Huff, \$19,686.22, and to medical providers for treatment of Mr. Huff, \$9,065.24;

1.21 (4) for payment to medical providers for treatment of Michael Livingston, who was
1.22 injured while performing sentence to service work in Meeker County, \$5,608.02;

2.1 (5) for payment to Donald Marrow for permanent injuries to his right hand sustained
2.2 while performing sentence to service work in Hennepin County, \$3,300, and to medical
2.3 providers for treatment of Mr. Marrow, \$5,509.28;

2.4 (6) for payment to Jamie Patton for permanent injuries sustained to his right hand
2.5 while performing assigned duties at Minnesota Correctional Facility-Faribault, \$11,135;

2.6 (7) for payment to Rebecca Ratzlaff for medical costs incurred as a result of a foot
2.7 injury sustained while performing sentence to service work in Hennepin County, \$513.97,
2.8 and to medical providers for treatment of Ms. Ratzlaff, \$15,125.33;

2.9 (8) for payment to medical providers for treatment of Damon Russell, who was
2.10 injured while performing sentence to service work in Olmstead County, \$1,840.35;

2.11 (9) for payment to medical providers for treatment of Brian Trautman, who was
2.12 injured while performing sentence to service work in Winona County, \$1,789.11.

2.13 **Sec. 2. DEPARTMENT OF TRANSPORTATION.**

2.14 (a) The Department of Transportation is authorized to pay Cory Zeien \$4,284.92
2.15 from the \$10,961.02 retained by the department from contract number 440939 with M.
2.16 G. Carlson Construction Co., Inc., for construction of the Northern Pacific Railway
2.17 Depot Roof Rehabilitation in Staples, Minnesota. This payment is conditioned upon the
2.18 execution of a release by Cory Zeien, releasing the state of Minnesota from all claims for
2.19 payment for work performed under contract number 440939. The release shall be in a
2.20 form to be determined by the department, and must include an acknowledgment that Cory
2.21 Zeien is responsible for the payment of any taxes or other obligations resulting from
2.22 the \$4,284.92 payment.

2.23 (b) The Department of Transportation is authorized to notify the seven additional
2.24 individuals who were identified in the department's audit of contract number 440939
2.25 as having been underpaid. Upon execution of a release as required in paragraph (a),
2.26 the department is authorized to make a payment to each individual, from the remaining
2.27 \$6,676.10 of contract retainage, prorated according to the amount each individual was
2.28 underpaid. In the event the Department of Transportation is unable to locate an individual
2.29 identified in the audit, the Department of Transportation shall file an abandoned property
2.30 report with the Department of Commerce under Minnesota Statutes, section 345.41,
2.31 together with the payment of the appropriate prorated amount under Minnesota Statutes,
2.32 section 345.43.

2.33 (c) Because contractor M.G. Carlson Construction Co., Inc. cannot be found within
2.34 the state, the Department of Transportation may make final settlement of contract number
2.35 440939 without the certification required by Minnesota Statutes, section 270C.66.

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.