

1.1 A bill for an act

1.2 relating to state tort claims; removing the single occurrence liability cap;
1.3 conforming cross references; amending Minnesota Statutes 2008, sections 3.736,
1.4 subdivision 4, as amended; 3.7393, subdivision 11; 3.7394, subdivision 6.

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

1.6 Section 1. Minnesota Statutes 2008, section 3.736, subdivision 4, as amended by Laws
1.7 2008, chapter 288, section 1, is amended to read:

1.8 Subd. 4. **Limits.** (a) The total liability of the state and its employees acting within
1.9 the scope of their employment on any tort claim shall not exceed:

1.10 ~~(a)~~ (1) \$300,000 when the claim is one for death by wrongful act or omission and
1.11 \$300,000 to any claimant in any other case, for claims arising before August 1, 2007;

1.12 ~~(b)~~ (2) \$400,000 when the claim is one for death by wrongful act or omission and
1.13 \$400,000 to any claimant in any other case, for claims arising on or after August 1, 2007,
1.14 and before July 1, 2009;

1.15 ~~(c)~~ (3) \$500,000 when the claim is one for death by wrongful act or omission and
1.16 \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

1.17 ~~(d)~~ (4) \$750,000 for any number of claims arising out of a single occurrence, for
1.18 claims arising on or after January 1, 1998, and before January 1, 2000;

1.19 ~~(e)~~ (5) \$1,000,000 for any number of claims arising out of a single occurrence, for
1.20 claims arising on or after January 1, 2000, and before January 1, 2008; or

1.21 ~~(f)~~ (6) \$1,200,000 for any number of claims arising out of a single occurrence, for
1.22 claims arising on or after January 1, 2008, and before ~~July 1, 2009~~; or

1.23 ~~(g) \$1,500,000 for any number of claims arising out of a single occurrence, for~~
1.24 ~~claims arising on or after July 1, 2009.~~

S.F. No. 93, as introduced - 86th Legislative Session (2009-2010) [09-1028]

2.1 (b) There is no limit on the total liability of the state and its employees acting within
2.2 the scope of their employment for any number of claims arising out of a single occurrence
2.3 for claims arising on or after July 1, 2009, subject to the availability of appropriations
2.4 for payment of the claims.

2.5 (c) If the amount awarded to or settled upon multiple claimants exceeds the
2.6 applicable limit under ~~clause (d), (e), (f), or (g)~~ paragraph (a) or the available
2.7 appropriations under paragraph (b), any party may apply to the district court to apportion
2.8 to each claimant a proper share of the amount available under the applicable limit ~~under~~
2.9 ~~clause (d), (e), (f), or (g)~~ available appropriations. The share apportioned to each claimant
2.10 shall be in the proportion that the ratio of the award or settlement bears to the aggregate
2.11 awards and settlements for all claims arising out of the occurrence.

2.12 (d) The limitation imposed by this subdivision on individual claimants includes
2.13 damages claimed for loss of services or loss of support arising out of the same tort.

2.14 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.15 Sec. 2. Minnesota Statutes 2008, section 3.7393, subdivision 11, is amended to read:

2.16 Subd. 11. **Offers of settlement; limit on amount.** (a) The amount of an offer of
2.17 settlement or payment required by a settlement agreement must not exceed \$400,000.
2.18 This limitation does not apply to a supplemental payment made under subdivision 12. An
2.19 offer of settlement must be accompanied by a notice to the survivor of the remainder of
2.20 the amount calculated under subdivision 10 that is not included in the offer because of the
2.21 limitation under this paragraph and the amount of the remainder for which a supplemental
2.22 payment may be awarded.

2.23 (b) Notwithstanding section 3.736, subdivision 4, paragraph (a), clause ~~(e)~~ (5), or
2.24 466.04, subdivision 1, paragraph (a), clause (5), the \$1,000,000 limitation on state or
2.25 municipal liability for claims arising out of a single occurrence otherwise applicable to the
2.26 catastrophe does not apply to payments made to survivors under this section. The amount
2.27 that may be paid by the state is limited by the appropriations for this purpose.

2.28 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.29 Sec. 3. Minnesota Statutes 2008, section 3.7394, subdivision 6, is amended to read:

2.30 Subd. 6. **Amounts not considered for purposes of limit on government tort**
2.31 **liability.** Payments made to survivors under section 3.7393 or from the emergency relief
2.32 fund are not to be considered in calculating the \$1,000,000 limit on tort claims in civil
2.33 actions against the state arising out of the catastrophe for purposes of section 3.736,

S.F. No. 93, as introduced - 86th Legislative Session (2009-2010) [09-1028]

3.1 subdivision 4, paragraph (a), clause ~~(e)~~ (5), or a municipality arising out of the catastrophe
3.2 for purposes of section 466.04, subdivision 1, clause (5).

3.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.