

## CHAPTER 209—S.F.No. 848

*An act relating to civil actions; creating a state court action for relief for damages caused by a federal court action that affects public participation by the plaintiff; proposing coding for new law in Minnesota Statutes, chapter 554.*

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

## Section 1. [554.045] ACTION IN DISTRICT COURT.

A person may bring an action under this section in state district court against a respondent who has brought a claim in federal court that materially relates to public participation by the person. If the person demonstrates that the respondent's action in federal court was brought for the purpose of harassment, to inhibit the person's public participation, to interfere with the person's exercise of protected constitutional rights, or otherwise wrongfully injure the person, the court shall award the person actual damages and reasonable attorney fees and costs. The court may award the person punitive damages under section 549.20.

Presented to the governor May 20, 1997

Signed by the governor May 22, 1997, 12:11 p.m.

## CHAPTER 210—S.F.No. 1114

*An act relating to claims against governmental units; increasing tort liability limits; amending Minnesota Statutes 1996, sections 3.736, subdivision 4; and 466.04, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 6.*

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

Section 1. Minnesota Statutes 1996, section 3.736, subdivision 4, is amended to read:

Subd. 4. **LIMITS.** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) ~~\$200,000~~ \$300,000 when the claim is one for death by wrongful act or omission and ~~\$200,000~~ \$300,000 to any claimant in any other case;

(b) ~~\$600,000~~ \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000; or

(c) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000.

If the amount awarded to or settled upon multiple claimants exceeds ~~\$600,000~~ the applicable limit under clause (b) or (c), any party may apply to the district court to apportion to each claimant a proper share of the ~~\$600,000~~ amount available under the applicable limit under clause (b) or (c). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

New language is indicated by underline, deletions by strikeout.

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

**Sec. 2. [6.77] LOCAL GOVERNMENT EXPENDITURES FOR LEGAL COSTS.**

(a) On or before January 1, 1998, and each year thereafter, the state auditor shall collect from all counties, cities of the first, second, and third class, and school districts with enrollment exceeding 100 students, information as to expenditure of public funds for legal services incurred to defend the entity from lawsuits and amounts paid in voluntary settlements or judgments in any lawsuit. The data must include costs incurred for any fees paid as retainers for outside counsel. Fees paid for attorneys who perform work on criminal or prosecutorial matters must be reported.

(b) The state auditor shall make and file, annually, in the state auditor's office a summary report of the information collected. Copies of the report may be made and distributed to interested persons and governmental units.

Sec. 3. Minnesota Statutes 1996, section 466.04, subdivision 1, is amended to read:

Subdivision 1. **LIMITS; PUNITIVE DAMAGES.** (a) Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed:

(1) \$200,000 \$300,000 when the claim is one for death by wrongful act or omission and \$200,000 \$300,000 to any claimant in any other case;

(2) \$600,000 \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000; or

(3) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000; or

(4) twice the limits provided in clauses (1) and (2) to (3) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 115B.01 to 115B.15 or under any other law.

(b) No award for damages on any such claim shall include punitive damages.

Sec. 4. Minnesota Statutes 1996, section 466.04, subdivision 3, is amended to read:

Subd. 3. **DISPOSITION OF MULTIPLE CLAIMS.** Where the amount awarded to or settled upon multiple claimants exceeds \$600,000 the applicable limit under subdivision 1, paragraph (a), clauses (2) to (4), any party may apply to any district court to apportion to each claimant a proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to each bears to the aggregate awards and settlements for all claims arising out of the occurrence.

**Sec. 5. EFFECTIVE DATE.**

Sections 1, 3, and 4 are effective January 1, 1998, for claims arising from acts or omissions taking place on or after that date.

Presented to the governor May 20, 1997

Became law without the governor's signature May 22, 1997

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