

## CHAPTER 249—S.F.No. 117

*An act relating to the military; adding an exclusion to the tort claims act; amending Minnesota Statutes 1996, section 3.736, subdivision 3.*

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

Section 1. Minnesota Statutes 1996, section 3.736, subdivision 3, is amended to read:

Subd. 3. **EXCLUSIONS.** Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) a loss in connection with the assessment and collection of taxes;

(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) a loss other than injury to or loss of property or personal injury or death;

(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) a loss incurred by a user arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the iron range resources and rehabilitation board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the iron range resources and rehabilitation board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

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

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

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

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

(l) loss, damage, or destruction of property of a patient or inmate of a state institution;

(m) a loss for which recovery is prohibited by section 169.121, subdivision 9;

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

(o) a loss incurred by a visitor to the Minnesota zoological garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person; and

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

(q) a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the department of military affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

The state will not pay punitive damages.

Presented to the governor May 30, 1997

Signed by the governor June 3, 1997, 2:10 p.m.

#### CHAPTER 250—S.F.No. 435

*An act relating to motor vehicles; making technical change to clarify that pickup truck with slip in camper may be registered depending upon its weight; providing registration tax refund for total loss vehicle damaged by flood; eliminating in 2009 the authority for the appointment of corporations as deputy registrars; restricting telephonic access to certain information related to vehicle registration; allowing vehicle dealers 21 days to send purchase receipt to department of public safety if vehicle not sold; providing for display of fleet vehicle license plates; removing sunset date relating to recreational vehicle combination length; allowing waiver of six-month possession requirement for driver's instruction permit in limited cases; providing for driver's license agents; requiring adoption of rules; requiring study and report on deputy registrar costs; amending Minnesota Statutes 1996, sections 168.011, subdivision 25; 168.16; 168.33, subdivision 2; 168.345, subdivision 1; 168A.11, subdivision 2; 169.79; 169.81, subdivision 3c; 171.05, subdivision 2a; 171.06, subdivision 4; 373.33; and 373.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 1996, section 171.06, subdivision 4.*

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

Section 1. Minnesota Statutes 1996, section 168.011, subdivision 25, is amended to read:

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