



Joint House/Senate Subcommittee on Claims

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To: Sen. Jim Carlson, Co-Chair
 Joint House/Senate Subcommittee on Claims

From: Michele L. Timmons, Subcommittee Legal Counsel

Date: April 13, 2016

Re: Summary of 2016 Claims Bill

This year, for the first time, final damage awards under the Imprisonment and Exoneration Remedies Act were heard by the subcommittee on claims. Since S.F. 3094 had already been introduced with language to pay these awards and referred to Senate Finance, the claims bill was prepared as a delete everything amendment to S.F. 3094; that amendment is coded A16-1073.

The 2016 claims bill appropriates a total of \$ **1,798,117.54**. Of this total, \$ **1,786,976.89** is for three exoneration awards, and \$ **11,140.65** is for injury and medical claims against the Department of Corrections.

Article 1 of the amendment contains the exoneration awards. Each claimant first had to obtain a court order that they had been exonerated of a felony crime. It should be noted that, under section 590.11, there is no provision for legislative review of this initial court order. Next, each claimant needed to file a claim with the Minnesota Supreme Court. The chief justice then appointed a three-judge panel to determine damages to be awarded. Staff from Minnesota Management and Budget and the Attorney General’s office represented the state. Ultimately, a final award of damages was issued in each case as a Minnesota Supreme Court order, under section 611.365. These final awards were considered by the subcommittee on claims at its meeting on April 12, 2016, under section 611.367.

The subcommittee heard testimony about the exoneration compensation process from Minnesota Management and Budget representatives, as well as representatives from the Minnesota Innocence Project. Each claimant also provided brief testimony about the impact being wrongfully convicted of a crime and serving time in prison has had on their lives. Following the testimony, the subcommittee unanimously voted to include the amounts in the court orders in the annual claims bill to be recommended to the legislature:

Michael Ray Hansen	\$ 916,828.76	Order A15-0382, dated 2/12/16
Koua Fong Lee	\$ 395,148.13	Order A15-0111, dated 10/30/15
Roger Lee Olsen	\$ 475,000	Order A15-1178, dated 3/7/16

Article 2 of the amendment is for the injury and medical claims against the Department of Corrections:

- **Small claims under \$ 500** **\$ 608.79**
- **Laron Brown** **\$ 2,250**
Permanent injury to left middle finger
Working at MCF-Faribault
- **Alexsander Cedarblade** **\$ 2,398.28**
Payment to medical providers for treatment
Injuries performing STS in Isanti County
- **Nathan Eckstein** **\$ 1,083.58**
Payment to medical providers for treatment
Injuries performing STS in Brown County
- **Michael Merrill** **\$ 4,800**
Permanent injuries to neck
Working at MCF-Stillwater

Article 3 of the bill contains claims procedures and limits that were contained in H.F. 2371-1 and S.F. 1857-1. The Senate file passed Senate Judiciary by the first committee deadline, and the House file passed the Government Operations committee by the second deadline, but was referred to Civil Law. The Civil Law committee heard the bill after the deadline, on April 12, 2016, for informational purposes. No concerns were raised at any of these three policy committees. The subcommittee on claims voted to include the language in the 2016 claims bill.

Section 1 of article 3 clarifies that property claims from patients or inmates of state institutions are still excluded from tort liability, but adds an exception for the subcommittee on claims process. Section 2 adds a new provision that describes the long-time practice of the subcommittee to hear property claims that have been denied at the agency level, and clarifies that this is the exclusive remedy. Property claims filed in court that should be before the subcommittee can be more easily dismissed by the courts with this clarification.

Section 3 raises the limit of claims the Department of Corrections can settle from \$ 500 to \$ 7,000, for claims made by conditionally released offenders (i.e. Sentence to Service) or medical providers who treat them. \$ 7,000 was chosen because it is the authority level for settlement of all claims given to all state agencies in section 3.732. In addition, it will allow the DOC to pay more medical providers in a timely manner.

Section 4 raises the filing fee for the subcommittee on claims from \$ 5 to \$ 8. The sections in article 3 are all effective July 1, 2016.

Under Minnesota Statutes 270A.03, Subd. 7, payments made in the annual claims bill are subject to revenue recapture (i.e. for debts to the state and other governmental entities, and for restitution).

