

Joint House-Senate Subcommittee on Claims

As amended April 14, 2015

With proposed amendments for April 12, 2016

Introduction

The Claims Subcommittee considers claims extending relief to individuals who have no recourse by administrative or judicial remedies under existing law. The subcommittee is guided by settled principles of equity and justice when called upon to decide whether relief should be granted persons seeking redress of grievances, and relief shall be granted only when consistent with these principles. The task of the subcommittee is to determine whether the equities involved in a case place a moral obligation on the part of the State of Minnesota so that an individual merits relief.

The subcommittee shall meet regularly at a time fixed by the subcommittee for the transaction of business. Additional meetings will be called by the chair when necessary. All hearings of the subcommittee are open to the public. A quorum of the subcommittee consists of a majority of the members appointed by each house. A decision to approve a claim requires a majority of the members from the Senate and a majority of the members from the House voting in support of the claim.

Rules of Procedure

1. The subcommittee shall not consider any claim over which another tribunal or court has jurisdiction, except that the subcommittee shall consider a final award of damages under Minnesota Statutes sections 611.362 to 611.368, the "Imprisonment and Exoneration Remedies Act". For procedures applicable to final awards of damages, see paragraph 14.
2. The subcommittee shall not pay any portion of a claim covered by insurance nor shall it consider any subrogation claim.
3. The subcommittee shall not consider pain and suffering in personal injury claims but may consider medical expenses, loss of income, and permanent injury among other factors in determining the amount of the award.
4. The subcommittee shall not consider claims:

- a. arising out of any contract to which Minnesota Statutes, section 3.751 or 161.34 applies;
 - b. for a disability or death benefit under Minnesota Statutes, chapter 176;
 - c. for unemployment compensation under Minnesota Statutes, chapter 268;
 - d. for relief or public assistance under Minnesota Statutes, chapter 256, or other law;
 - e. with respect to which a proceeding may be maintained by or on behalf of the claimant against the state in courts of the state;
 - f. for alleged loss of or damage to property of an inmate in a correctional facility if:
 - (i) the claim is for \$10 or less; or
 - (ii) the inmate did not notify a department of corrections official in writing of the loss or damage within 24 hours of the time the inmate's property was returned to the inmate or the time the inmate returned to the place where the property was located; and
 - g. involving damage caused by wild animals
5. The subcommittee shall not consider any claim for retirement benefits, compensation, pension, or gratuity by a public employee or by the employee's dependents, when the retirement benefits, compensation, pension or gratuity to which the person claims to be entitled is specifically covered by statutes, which apply in a uniform manner to all similarly situation individuals.
6. The subcommittee shall not be bound by common law or legal rules of evidence, and may accept and weigh, in accordance with its evidentiary value, any information that will assist in determining the factual basis for the claim.
7. The subcommittee clerk shall furnish all potential claimants with claim forms and rules of procedure. Claimant must complete all questions on the claim form stating fully, concisely, and in detail the following:
- a. claimant's version of the facts of the claim, including date and location; and
 - b. an itemized list describing the claimed injuries or damages, their claimed amount, indicating how the amount was determined, and attaching copies of all bills and receipts. Claimant shall also include with the returned claim form, copies of any other documentary evidence or exhibits necessary to prove the validity of the claim. If the claim is for a personal injury that includes a disability, the claim form must be

accompanied by a medical evaluation of the disability according to the workers' compensation schedule. To support a claim, the subcommittee requires presentation of the above mentioned documents, if available, before a determination can be made on a claim.

- c. a claim submitted to the subcommittee clerk must be accompanied by a fee of \$5, which will be refunded if the claim is successful.
8. Most of the information submitted to the subcommittee as part of the claim is public information, including the claim form itself and the supporting details. The following information submitted as part of the claim is private: medical records including records discussing a claimant's physical, psychological, emotional, or mental condition; tax returns; information regarding a claimant's income; bankruptcy records; and staff documents prepared for legislators to use in their legislative duties.
 9. A claim submitted after November 1 may not be considered or paid by the subcommittee during the following year's legislative session, but may instead be held over for consideration and payment in the year after that session.
 10. Upon receipt of the claim form, the subcommittee clerk shall transmit a copy to the state agency named in the claim. Within 20 days after receipt of the claim form by the state agency, it shall file a corresponding statement with the subcommittee clerk and mail a copy to the claimant. The state agency shall indicate in its statement whether or not it concurs in the claim, or any part of it. In accordance with Minnesota Statutes, section 3.732, the state agency shall attempt to determine, adjust, and settle any claim of \$7,000 or less, directly with the claimant, without the necessity of a hearing before the subcommittee. However, contested claims under \$7,000 and all claims over \$7,000 must be decided by the subcommittee. If the written materials relating to the claim and answer show that there is no genuine issue as to any material fact, the subcommittee may decide the claim without a hearing. Otherwise, a hearing will be held.
 11. Hearings of the claims subcommittee are held in an informal manner. Presentation of evidence at these hearings shall be limited to 15 minutes for each side. This rule may be modified by order of the chair at the chair's discretion. The claimant shall present the facts of the claim to the subcommittee. (An attorney may represent a claimant but it is not necessary, nor encouraged, to do so). After the claimant has presented the facts of the claim, the representative of the state agency involved will present the agency's response to the claim. Either the claimant or the state agency may present witnesses in

support of its position. Either party may request that the subcommittee subpoena necessary witnesses or evidence.

12. After considering all testimony and evidence on each claim, the subcommittee shall make a recommendation to the Senate Finance and House Ways and Means committees. Those claims recommended for payment will be placed in the omnibus claims bill, which must pass both houses of the legislature, and be signed by the governor. After the governor's signature, it takes approximately two months for final processing and payment of claims.

13. A claim that has been previously heard and denied by the subcommittee shall not be reconsidered unless the claimant presents newly discovered evidence that by due diligence could not have been discovered in time for the earlier hearing, or unless there are other similar unusual circumstances.

14. The following rules of procedure apply to final awards of damages under Minnesota Statutes sections 611.362 to 611.368:

- a. The final award of damages must be submitted to the subcommittee by the Commissioner of Management and Budget under section 611.367, and include a court order from the compensation panel required by section 611.365, and a court order determining eligibility for compensation based on exoneration under section 590.11.
- b. Neither the claimant nor the claimant's counsel is required to file documentation with the subcommittee.
- c. No filing fee is required for a final award of damages.
- d. Neither the claimant nor claimant's counsel is required to testify at the meeting of the subcommittee on claims, but testimony is permitted.
- e. At the discretion of the chair, testimony may be limited:
 - i by content, to a description of the process followed under sections 590.11 and 611.362 to 611.368, which resulted in the court order of a final award of damages under section 611.365, and
 - ii by time, with a limited period allocated for each party to speak.
- f. Consistent with section 611.367, the subcommittee may recommend inclusion of the final award of damages in the annual claims appropriation bill for consideration by the legislature.