

Joint House/Senate Subcommittee on Claims

MINUTES

March 29, 2022

In Attendance

Sen. Bruce Anderson, Co-chair

Rep. Mary Murphy, Co-chair

Sen. Gene Dornink

Rep. Luke Frederick

Rep. Duane Quam

Chair Anderson called the meeting of the Joint House/Senate Subcommittee on Claims to order at 7:06 p.m. A quorum was present.

Rep. Murphy motioned to approve the minutes from April 7, 2021.

Motion prevailed.

Jason Kuenle, Assistant Deputy Revisor of Statutes, served as Counsel to the subcommittee.

Jason Kuenle, Counsel to the Subcommittee, provided a summary of claims to dismiss or hold over for procedural reasons:

Recommended to Dismiss

- Gomm, Joseph
- Daigle, Mark

Rep. Quam motioned to dismiss these claims. [Roll Call Vote to dismiss 5 Aye; 1 Absent.]

Motion prevailed.

Jason Kuenle, Counsel, provided a summary on reconsideration of injury claims approved by the subcommittee in 2021 however were not included in the final claims bill that that was enacted. No outside testimony on these claims was considered.

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|-----------------------|----------------------|
| 1. Edwards, Nicholas | 19-PI-Edwards-ML |
| 2. Kulkay, Steven | 19-PI-Kulkay-FRB |
| 3. Schmidt, Michael | 19-PI-Schmidt-RC |
| 4. Vandevender, James | 20-PI-Vandevender-RC |

Rep. Quam motioned to approve payment of these claims. [Roll Call Vote to approve 5 Aye; 1 Absent]

Motion prevailed.

Jason Kuenle presented information on the claims being heard under the **Imprisonment and Exonerated Remedies Act**. Kristyn Anderson, General Counsel for MMB was available for testimony on all claims.

- Bemboom, Bryan Allen was represented by Jordan Kushner, Attorney.

Sen. Dornink motioned to approve payment of \$165,103.00. [Roll Call Vote to approve 5 Aye; 1 Absent.]

Motion prevailed.

- Hill, Benjamin Joseph was represented by Represented by Thomas Hagler, Attorney
Rep. Quam motioned to approve payment of \$432,212.32. [Roll Call Vote to approve 5 Aye; 1 Absent.]

Motion prevailed.

- Livingston, Joseph Z was represented by John Westrick & Samuel Savage, Attorneys
Sen. Dornink motioned to approve payment of \$225,000.00. [Roll Call Vote to approve 5 Aye; 1 Absent.]

Motion prevailed.

Claims being heard against the **Department of Revenue:**

Steven Severson and Derrick Wyatt testified on behalf of Department of Revenue

- Johnsons, Clarence and Pauline, claimant
Sen. Dornink motioned to deny claim. [Roll Call Vote to deny 5 Aye; 1 Absent.]

Motion prevailed.

General claim heard for:

- Beaver Creek Transport
- North American Fertilizer

Testifiers: Randy Tersteeg, claimant
Sen. Andrew Lang, District 17

Rep. Quam motioned to dismiss claim. [Roll Call Vote to dismiss 6 Aye]

Motion prevailed.

Claims being heard against the **Department of Human Services**

Stephen Stecyk, testified on behalf of DHS

- Jackson, Christopher 21-PR-Jackson-MSOP
Rep. Quam motioned to deny claim. [Roll Call Vote to deny 6 Aye]

Motion prevailed.

Medical reimbursement to the **Department of Corrections** for injury claims under \$7,000 presented by Ben Ehlers, Associate General Counsel, DOC.

- Medical Claims = Total of \$2,446.98

Sen. Dornink motioned to approve payment of \$2,446.98 to DOC for the reimbursement of STS medical payments.[Roll Call Vote to approve 6 Aye]

Motion prevailed.

Claims being heard against the **Department of Corrections** were presented by Jason Kuenle, Counsel. Ben Ehlers, Associate General Counsel, DOC testified.

Injury Claims

Jason Kuenle, Lead Counsel to the Subcommittee

Ben Ehlers, Associate General Counsel, DOC and Fiona Ruthven, Associate General Counsel, DOC

Sen. Dornink motioned to approve the staff recommendation to deny Richard Ball, 21-PI-Ball-RC claim. Roll call vote indicated all in favor of the motion.

Motion prevailed.

Sen. Carlson motioned to approve the staff recommendation to deny Jacob Brown, 19-PI-Brown-LL claim. Roll call vote indicated all in favor of the motion.

Motion prevailed.

Rep. Quam motioned to approve the staff recommendation to deny Matthew Edwards, 20-PI-Edwards-TOGO claim. Roll call vote indicated all in favor of the motion.

Motion prevailed.

Sen. Dornink motioned to approve payment of \$520.08 for the Jeron Faulkner, 20-PI-Faulkner-STW claim. Roll call vote indicated all in favor of the motion.

Motion prevailed.

Rep. Murphy motioned to hold over Jarred Lind 19-PI-Lind-SCL claim. Roll call vote indicated 4 no and 2 in favor of the motion.

Motion denied.

Sen. Dornink motioned to approve the staff recommendation to deny Jarred Lind 19-PI-Lind-SCL claim. Roll call vote indicated 5 in favor and 1 opposed of the motion.

Motion prevailed.

Sen. Dornink motioned to approve the staff recommendation to deny Raciell Zaldivar-Proenza, 20-PI-Zaldivar-Proenza-ML claim. Roll call vote indicated all in favor of the motion.

Motion prevailed.

Property Claims

Jason Kuenle, Counsel, summarized DOC property claims.

Ben Ehlers, Associate General Counsel, DOC testified.

Sen Dornink motioned to deny the Vang Chang, 20-PR-Chang-ML claim. Roll call vote indicated all in favor.

Motion prevailed.

Sen Dornink motioned to pay \$126.50 for the Semaji Clemons, 21-PR-Clemons-STW claim. Roll call vote indicated 3 in favor and 3 opposed so claim is denied. Rep. Murphy requested reconsideration of motion to pay \$126.50 but accepted from Sen. Quam an amendment to the

motion to instead pay \$63.25. Roll call vote indicated all in favor.

Motion prevailed.

Sen Dornink motioned to deny the Melvin Griffin, 21-PR-Griffin1-FRB claim. Roll call vote indicated all in favor.

Motion prevailed.

Rep. Quam motioned to re-offer \$88.65 on the Oji Markham, 21-PR-Markham-FRB claim. Roll call: 5 Aye, 1 Nay.

Motion prevailed.

Rep. Murphy motioned to pay \$165.00 on the Michael Payne, 21-PR-Payne2-STW claim. Roll call: 3 Aye, 3 Nay.

Motion denied.

Sen. Carlson motioned to re-offer \$171.30 on the Leonard Smith, 21-PR-Smith-LL claim with 30 days to respond. Rep. Quam offered a friendly amendment for response timing of next Parole officer contact plus one week, and if no feedback withing one week to withdraw offer. Roll call vote indicated all in favor.

Motion prevailed.

Rep. Murphy motioned to pay \$109.11 on the Dallas Torgerson, 21-PR-Torgerson-LL claim. Roll call vote indicated all in favor.

Motion prevailed.

Rep. Quam motioned that the following claims be denied:

- Abdi, Zakaria, 21-PR-Abdi-STW
- Adams, Richard, 21-PR-Adams-STW
- Angotti, Stephen, 21-PR-Angotti-FRB
- Bellanger-Fohrenkam, Robert, 21-PR-Bellanger-Fohrenkam-RW
- Boykin, William, 21-PR-Boykin-RC
- Brown, Karul, 21-PR-Brown-LL
- Butler, Cindarion, 21-PR-Butler-LL
- Casserly, Andrew, 21-PR-Casserly-STW
- Clark, Courtney, 21-PR-Clark-FRB
- Daniel, Steven, 21-PR-Daniel-STW
- Darby, James, 21-PR-Darby-FRB
- Dortch, Tim, 21-PR-Dortch-RC
- Fairbanks, Bruce, 19*PR-Fairbanks-RC
- Farkarlun, Zenas, 21-PR-Farkarlun-STW
- Grasty, Antoine, 21-PR-Grasty-RC
- Griffin, Melvin, 21-PR-Griffin2-FRB
- Hogan, Richard, 21-PR-Hogan-STW
- Johnson, Gary, 21-PR-Johnson-OPH
- Joles, Richard, 21-PR-Joles-LL
- Little, Marquise, 21-PR-Little-STW

Moreno, Modesto, 21-PR-Moreno-FRB
Nowels, Lawrence, 21-PR-Nowels-RC
O'Neal, Cass, 21-PR-Oneal-STW
Palmer, David, 21-PR-Palmer-FRB
Palmer, David, 21-PR-Palmer-STW
Payne, Michael, 21-PR-Payne1-STW
Prude, Courtney, 21-PR-Prude-FRB
Schammel, Jamie, 21-PR-Schammel-ML
Seivers, DeVon, 19-PR-Seivers-FRB
Shelton, Victor, 21-PR-Shelton-STW
Smith, Gregory, 21-PR-Smith-FRB
Tousignant, James, 21-PR-Tousignant- STW
Turner, Malik, 21-PR-Turner-FRB
Walker, Darryl, 21-PR-Walker-STW
Washington, Keith, 21-PR-Washington-STW
Waycaster, Ben, 21-PR-Waycaster-RC
White, Durell, 21-PR-White-LL

Roll call vote indicated all in favor.

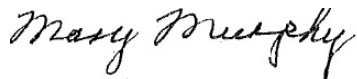
Motion prevailed.

The meeting was adjourned at 10:12 p.m.

Respectfully submitted:

A handwritten signature in dark ink, appearing to read "Bruce Anderson". The signature is fluid and cursive, with the first name "Bruce" being more prominent than the last name "Anderson".

Senator Bruce Anderson
Senate Co-chair

A handwritten signature in dark ink, appearing to read "Mary Murphy". The signature is cursive, with the first name "Mary" being more prominent than the last name "Murphy".

Representative Mary Murphy
House Co-chair