

HOUSE RESEARCH

Bill Summary

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Limits state and municipal tort liability damages award to that of a single entity for a claim brought against one or more entities participating in a joint venture or joint enterprise under the joint powers statute, Minnesota Statutes, section 471.59.

Under both the state and the municipal tort liability statutes, the liability of the state or municipality¹ on any claim within the scope of the statute must not exceed \$300,000 for an individual claim and \$1,000,000 for any number of claims arising out of a single occurrence. An award cannot include punitive damages. Minn. Stat. §§ 3.736, 466.04.

In 2005, the 8th Circuit Court of Appeals ruled that a joint powers board under Minnesota law is not an individual entity for the purposes of applying the statutory damages cap. In that case, a school district and city had formed a joint powers board to operate a swimming pool and a boiler repairman was severely injured. The court ruled that the applicable liability caps are the respective caps of the participating city and school district, and that the plaintiff should be able to demand two statutory liability caps, one from each participant. *Reimer v. City of Crookston*, 421 F.3d 673 (8th Cir. 2005).

¹ Defined in statute as "any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, joint powers board or organization created under section 471.59 or other statute, public library, regional public library system, multicounty multitype library system, the following local collaboratives whose plans have been approved by the Children's Cabinet: family services collaboratives established under section 124D.23, children's mental health collaboratives established under sections 245.491 to 245.495, or a collaborative established by the merger of a children's mental health collaborative and a family services collaborative, other political subdivision, community action agency, or a limited partnership in which a community action agency is the sole general partner."