

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3508

(SENATE AUTHORS: LATZ and Clark)

DATE	D-PG	OFFICIAL STATUS
05/12/2025		Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to civil actions; providing that state entity records are not subject to

1.3discovery in certain attorney general civil enforcement actions; clarifying the

1.4Official Records Act; amending Minnesota Statutes 2024, section 15.17, by adding

1.5a subdivision; proposing coding for new law in Minnesota Statutes, chapter 8.

1.6BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7Section 1. **[8.015] CIVIL LAW ENFORCEMENT ACTIONS; OTHER STATE**

1.8**AGENCIES.**

1.9Subdivision 1. **Civil law enforcement actions; public interest.** When the attorney

1.10general institutes a civil law enforcement action on behalf of the people of the state of

1.11Minnesota pursuant to any authority granted by common law, the Minnesota Constitution,

1.12or any provision of law, the attorney general acts in the public interest of the state of

1.13Minnesota and not as the legal representative or attorney of any department, agency, board,

1.14commission, or other instrumentality of state government, including the executive, legislative,

1.15or judicial branches.

1.16Subd. 2. **Other entity records.** When the attorney general institutes a civil law

1.17enforcement action on behalf of the people of the state of Minnesota, the following applies:

1.18(1) unless specifically named as provided in subdivision 4, other departments, agencies,

1.19boards, commissions, or other instrumentalities of state government are not parties to the

1.20law enforcement action brought by the attorney general on behalf of the people of the state

1.21of Minnesota;

(2) the records, documents, data, knowledge, and information of other state departments, agencies, boards, commissions, or other instrumentalities are not subject to party discovery served on the attorney general; and

(3) the records, documents, data, knowledge, and information of such departments, agencies, boards, commissions, or other instrumentalities of state government are not in the possession, custody, or control of the attorney general for purposes of the civil law enforcement action brought by the attorney general on behalf of the people of the state of Minnesota.

Subd. 3. **Representation of state agencies.** Records, documents, data, knowledge, and information maintained by a division of the attorney general's office because of an attorney-client relationship with a department, agency, board, commission, or other instrumentality of state government shall not be accessible to the divisions of the attorney general's office that prosecute civil law enforcement actions on behalf of the people of the state of Minnesota. Nothing in this subdivision limits a department, agency, board, commission, or other instrumentality of state government from sharing records, documents, data, knowledge, and information with the attorney general's office in accordance with applicable law or lawful requests.

Subd. 4. **Exception; named parties.** No public officer, department, agency, board, commission, or other instrumentality of state government shall be considered a party, or subjected to party discovery, in any civil law enforcement action described in subdivision 1 unless the public officer, department, agency, board, commission, or other instrumentality of state government is expressly named as a party in the litigation.

Sec. 2. Minnesota Statutes 2024, section 15.17, is amended by adding a subdivision to read:

Subd. 5. **Each agency is the sole custodian of its records.** Each department, agency, board, commission, or other entity in the legislative, executive, and judicial branches of state government is the sole custodian of its own records, documents, data, knowledge, and information and the only entity in possession, custody, or control of its own records, documents, data, knowledge, and information.