

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 712

(SENATE AUTHORS: UTKE)

DATE
02/08/2021

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Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to civil actions; requiring state agencies to pay disbursements to prevailing
1.3 defendants; amending Minnesota Statutes 2020, section 549.04.

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

1.5 Section 1. Minnesota Statutes 2020, section 549.04, is amended to read:

1.6 **549.04 DISBURSEMENTS; TAXATION AND ALLOWANCE.**

1.7 Subdivision 1. **Generally.** In every action in a district court, the prevailing party,
1.8 including any public employee who prevails in an action for wrongfully denied or withheld
1.9 employment benefits or rights, shall be allowed reasonable costs and disbursements paid
1.10 or incurred, including fees and mileage paid for service of process by the sheriff or by a
1.11 private person.

1.12 Subd. 2. **Limitation.** Notwithstanding subdivision 1, where the state agency is named
1.13 or intervenes as a party to enforce the agency's rights under section 256B.056, the agency
1.14 shall not be liable for disbursements to any prevailing defendant.

1.15 Subd. 3. **Payment by state agency.** Subject to the limitation in subdivision 2, when a
1.16 party prevails against a state agency, the state agency shall pay the costs, disbursements,
1.17 and fees to the prevailing defendant out of the state agency's budget.