

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2814

03/12/2012 Authored by Mullery

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance

1.1 A bill for an act  
1.2 relating to the judiciary; regulating the issuance of writs of mandamus; amending  
1.3 Minnesota Statutes 2010, section 586.01.

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

1.5 Section 1. Minnesota Statutes 2010, section 586.01, is amended to read:

1.6 **586.01 ISSUANCE OF WRIT, JUDICIAL DISCRETION NOT**  
1.7 **CONTROLLED.**

1.8 The writ of mandamus may be issued to any inferior tribunal, corporation, board,  
1.9 or person to compel the performance of an act which the law specially enjoins as a duty  
1.10 resulting from an office, trust, or station. It may require an inferior tribunal to exercise  
1.11 its judgment or proceed to the discharge of any of its functions, but it cannot control  
1.12 judicial discretion. The writ of mandamus may not be issued to the Department of Natural  
1.13 Resources or its commissioner or the Pollution Control Agency or its commissioner.

1.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.