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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **48**

01/10/2013 Authored by Mullery
The bill was read for the first time and referred to the Committee on Civil Law

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 2012, section 586.01.

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

1.5 Section 1. Minnesota Statutes 2012, 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.