

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 905

(SENATE AUTHORS: FISCHBACH)

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OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act
1.2 relating to state agencies; requiring certain criteria to be met before a state agency
1.3 sues a local government; proposing coding for new law in Minnesota Statutes,
1.4 chapter 15.

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

1.6 Section 1. **[15.505] STATE AGENCY; PREREQUISITES TO SUIT AGAINST**
1.7 **LOCAL GOVERNMENT.**

1.8 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

1.9 (b) "Agency" means a state agency, department, board, authority, or commission in the
1.10 executive branch of state government.

1.11 (c) "Local government" means a political subdivision of the state, including a county,
1.12 home rule charter or statutory city, or town.

1.13 Subd. 2. **Prerequisites.** Before an agency may serve a summons and complaint in a
1.14 lawsuit against a local government, the agency must make all reasonable efforts to help the
1.15 local government resolve the issue, and the complaint must itemize those efforts. At a
1.16 minimum, the agency must:

1.17 (1) give the local government written information about the local government's specific
1.18 action or inaction that will result in a lawsuit against the local government, including the
1.19 agency's legal authority to demand the action or to demand that the local government refrain
1.20 from acting;

1.21 (2) give the local government written information on the scope of the agency's authority
1.22 to negotiate;

- 2.1 (3) meet with the local government's representatives, including the local government's
2.2 attorney, to attempt to resolve the matter;
- 2.3 (4) offer to engage in mediation to resolve the matter;
- 2.4 (5) consult with the attorney general, or the attorney general's designee, who must review
2.5 the matter and determine that the suit has merit; and
- 2.6 (6) consult with the governor, or the governor's designee, and seek comments as to
2.7 whether the suit is in the best interests of the people of the state.