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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1911

02/25/2014 Authored by Drazkowski
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 writs; establishing standing requirements for writs of mandamus;
1.3 establishing procedures related to writs of quo warranto; proposing coding for
1.4 new law in Minnesota Statutes, chapter 586; proposing coding for new law as
1.5 Minnesota Statutes, chapter 586A.

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

1.7 Section 1. **[586.025] STANDING.**

1.8 A petition for issuance of a writ may be filed by the attorney general, an elected
1.9 official, or any citizen residing in Minnesota. A showing of individualized harm is not
1.10 necessary for standing to petition for the issuance of a writ under this chapter if the
1.11 petitioner demonstrates that the writ relates to a matter of public concern.

1.12 Sec. 2. **[586A.01] ISSUANCE OF WRIT.**

1.13 The writ of quo warranto may be issued to any inferior tribunal, corporation, board,
1.14 or person to correct the ongoing unauthorized assumption or exercise of power by a
1.15 public official, public body, or corporate officer. The writ may require the public official,
1.16 public body, or corporate officer to show before a court of competent jurisdiction by
1.17 what authority the official, body, or officer exercised the challenged right or privilege of
1.18 office. A writ may not be issued under this section to challenge an act or exercise of
1.19 power that has been completed.

1.20 Sec. 3. **[586A.02] ISSUANCE ON INFORMATION; AVAILABILITY OF**
1.21 **OTHER REMEDIES.**

2.1 A writ authorized by this chapter shall issue on the information of the petitioner, but
2.2 shall not be issued in any case where there is a plain, speedy, and adequate remedy in the
2.3 ordinary course of law.

2.4 Sec. 4. **[586A.03] FILING; JURISDICTION.**

2.5 (a) A petition for issuance of a writ authorized by this chapter shall be filed in the
2.6 first instance in the district court with jurisdiction over the public official, public body, or
2.7 corporate officer to whom the writ is proposed to be issued.

2.8 (b) Nothing in this section shall limit the authority of the Supreme Court to exercise
2.9 original jurisdiction to issue writs as necessary to the execution of the laws and the
2.10 furtherance of justice, as provided in section 480.04.

2.11 Sec. 5. **[586A.04] STANDING.**

2.12 (a) A petition for issuance of a writ may be filed by the attorney general, an elected
2.13 official, or any citizen subject to the challenged assumption or exercise of power. A
2.14 showing of individualized harm is not necessary for standing to petition for the issuance
2.15 of a writ under this chapter if the petitioner demonstrates that the writ relates to a matter
2.16 of public concern.

2.17 (b) Notwithstanding any law to the contrary, an elected official or citizen authorized
2.18 to file a petition for a writ under this chapter shall not be required to seek the consent of
2.19 the attorney general prior to filing the petition.

2.20 Sec. 6. **[586A.05] PROCEEDINGS.**

2.21 Except as otherwise provided in this chapter, proceedings related to a petition for a
2.22 writ, and the issuance of a writ, shall be consistent with the applicable procedural rules
2.23 adopted by the Supreme Court.

2.24 Sec. 7. **[586A.06] FINE FOR UNAUTHORIZED ASSUMPTION OR EXERCISE**
2.25 **OF POWER.**

2.26 When a writ is issued and directed to a public official or public body under this
2.27 chapter and it appears to the court that such official or body, without just excuse, has
2.28 assumed or exercised power in a manner not authorized by law, the court may impose a
2.29 fine, not to exceed \$250, which shall be paid into the state treasury.