

CHAPTER 566—S.F.No. 584

An act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

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

Section 1. **[554.01] DEFINITIONS.**

Subdivision 1. SCOPE. The definitions in this section apply to this chapter.

Subd. 2. GOVERNMENT. “Government” includes a branch, department, agency, official, employee, agent, or other person with authority to act on behalf of the federal government, this state, or any political subdivision of this state, including municipalities and their boards, commissions, and departments, or other public authority.

Subd. 3. JUDICIAL CLAIM; CLAIM. “Judicial claim” or “claim” includes any civil lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing seeking damages for an alleged injury. “Judicial claim” does not include a claim solely for injunctive relief.

Subd. 4. MOTION. “Motion” includes any motion to dismiss, motion for summary judgment, or any other judicial pleading filed to dispose of a judicial claim.

Subd. 5. MOVING PARTY. “Moving party” means any person on whose behalf the motion described in section 2, subdivision 1, is filed seeking dismissal of an action under this chapter.

Subd. 6. PUBLIC PARTICIPATION. “Public participation” means speech or lawful conduct that is genuinely aimed in whole or in part at procuring favorable government action.

Subd. 7. RESPONDING PARTY. “Responding party” means any person against whom a motion described in section 2, subdivision 1, is filed.

Sec. 2. **[554.02] PROTECTION OF CITIZENS TO PARTICIPATE IN GOVERNMENT.**

Subdivision 1. APPLICABILITY. This section applies to any motion in a judicial proceeding to dispose of a judicial claim on the grounds that the claim materially relates to an act of the moving party that involves public participation.

Subd. 2. PROCEDURE. On the filing of any motion described in subdivision 1:

(1) discovery must be suspended pending the final disposition of the

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motion, including any appeal; provided that the court may, on motion and after a hearing and for good cause shown, order that specified and limited discovery be conducted;

(2) the responding party has the burden of proof, of going forward with the evidence, and of persuasion on the motion;

(3) the court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from liability under section 3; and

(4) any governmental body to which the moving party's acts were directed or the attorney general's office may intervene in, defend, or otherwise support the moving party.

Sec. 3. [554.03] IMMUNITY.

Lawful conduct or speech that is genuinely aimed in whole or in part at procuring favorable government action is immune from liability, unless the conduct or speech constitutes a tort or a violation of a person's constitutional rights.

Sec. 4. [554.04] FEES AND DAMAGES.

Subdivision 1. ATTORNEY FEES AND COSTS. The court shall award a moving party who prevails in a motion under this chapter reasonable attorney fees and costs associated with the bringing of the motion.

Subd. 2. DAMAGES. (a) A moving party may petition the court for damages under this section in conjunction with a motion under this chapter.

(b) If a motion under this chapter is granted and the moving party demonstrates that the respondent brought the cause of action in the underlying lawsuit for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights, or otherwise wrongfully injure the moving party, the court shall award the moving party actual damages. The court may award the moving party punitive damages under section 549.20. A motion to amend the pleadings under section 529.191 is not required under this section, but the claim for punitive damages must meet all other requirements of section 549.191.

Sec. 5. [554.05] RELATIONSHIPS TO OTHER LAW.

Nothing in this chapter limits or precludes any rights the moving party or responding party may have under any other constitutional, statutory, case, or common law, or rule.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 5 are effective the day after final enactment and apply to judicial claims commenced on or after that date.

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Presented to the governor May 3, 1994

Signed by the governor May 5, 1994, 3:20 p.m.

CHAPTER 567—S.F.No. 2710

An act relating to health; modifying provisions relating to lead and asbestos abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3, and by adding subdivisions; and 144.878, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivisions 2 and 4; 144.873, subdivision 1; 144.874, subdivisions 1, 3, 3a, and 11a; 144.8771, subdivision 2; 144.878, subdivisions 2 and 5; 326.71, subdivision 4; and 326.75, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, First Special Session chapter 1, article 9, section 49.

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

Section 1. Minnesota Statutes 1993 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **SPECIAL REQUIREMENTS.** (a) **SPACE FOR COMMUTER VANS.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) **SMOKE DETECTION DEVICES.** The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) **DOORS IN NURSING HOMES AND HOSPITALS.** The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) **CHILD CARE FACILITIES IN CHURCHES; GROUND LEVEL EXIT.** A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) **CHILD CARE FACILITIES IN CHURCHES; VERTICAL ACCESS.**

New language is indicated by underline, deletions by ~~strikeout~~.