

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 712

(SENATE AUTHORS: UTKE)

DATE	D-PG	OFFICIAL STATUS
02/08/2021	276	Introduction and first reading Referred to Civil Law and Data Practices Policy

1.1

A bill for an act

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relating to civil actions; requiring state agencies to pay disbursements to prevailing

1.3

defendants; amending Minnesota Statutes 2020, section 549.04.

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

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Section 1. Minnesota Statutes 2020, section 549.04, is amended to read:

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549.04 DISBURSEMENTS; TAXATION AND ALLOWANCE.

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Subdivision 1. **Generally.** In every action in a district court, the prevailing party,

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including any public employee who prevails in an action for wrongfully denied or withheld

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employment benefits or rights, shall be allowed reasonable costs and disbursements paid

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or incurred, including fees and mileage paid for service of process by the sheriff or by a

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private person.

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Subd. 2. **Limitation.** Notwithstanding subdivision 1, where the state agency is named

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or intervenes as a party to enforce the agency's rights under section 256B.056, the agency

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shall not be liable for disbursements to any prevailing defendant.

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Subd. 3. **Payment by state agency.** Subject to the limitation in subdivision 2, when a

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party prevails against a state agency, the state agency shall pay the costs, disbursements,

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and fees to the prevailing defendant out of the state agency's budget.