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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 367

01/28/2021

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to civil actions; requiring state agencies to pay disbursements to prevailing
- 1.3 defendants; amending Minnesota Statutes 2020, section 549.04.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2020, section 549.04, is amended to read:
- 1.6 **549.04 DISBURSEMENTS; TAXATION AND ALLOWANCE.**
- 1.7 Subdivision 1. **Generally.** In every action in a district court, the prevailing party,
- 1.8 including any public employee who prevails in an action for wrongfully denied or withheld
- 1.9 employment benefits or rights, shall be allowed reasonable costs and disbursements paid
- 1.10 or incurred, including fees and mileage paid for service of process by the sheriff or by a
- 1.11 private person.
- 1.12 Subd. 2. **Limitation.** Notwithstanding subdivision 1, where the state agency is named
- 1.13 or intervenes as a party to enforce the agency's rights under section 256B.056, the agency
- 1.14 shall not be liable for disbursements to any prevailing defendant.
- 1.15 Subd. 3. **Payment by state agency.** Subject to the limitation in subdivision 2, when a
- 1.16 party prevails against a state agency, the state agency shall pay the costs, disbursements,
- 1.17 and fees to the prevailing defendant out of the state agency's budget.