

CHAPTER 8

ATTORNEY GENERAL

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8.01 APPEARANCE.

The attorney general shall appear for the state in all causes in the supreme and federal courts wherein the state is directly interested; also in all civil causes of like nature in all other courts of the state whenever, in the attorney general's opinion, the interests of the state require it. Upon request of the county attorney, the attorney general shall appear in court in such criminal cases as the attorney general deems proper. Upon request of a county attorney, the attorney general may assume the duties of the county attorney in sexual psychopathic personality and sexually dangerous person commitment proceedings under chapter 253D. Whenever the governor shall so request, in writing, the attorney general shall prosecute any person charged with an indictable offense, and in all such cases may attend upon the grand jury and exercise the powers of a county attorney.

History: (109) 1905 c 227 s 1; 1973 c 90 s 1; 1986 c 444; 1992 c 571 art 3 s 1; 1Sp1994 c 1 art 2 s 1; 2013 c 49 s 22

8.02 DEPUTIES, ASSISTANTS.

Subdivision 1. **Appointment of deputies and assistants.** The attorney general may appoint, and at pleasure remove, six deputy attorneys general and 35 assistant attorneys general. The appointees shall render such aid as is required of them in the discharge of the official duties of the attorney general. To the extent authorized in writing by the attorney general, they shall have authority to appear before grand juries or in any court of this state, as the attorney general personally might do.

The attorney general shall have power to employ such assistance, whether lay, legal, or expert, as the attorney general deems necessary for the protection of the interests of the state through the proper conduct of its legal business.

Subd. 2. **Record keeping.** The attorney general shall:

(1) keep a record of official correspondence and of all matters presented by the governor, auditor, commissioner of management and budget, secretary of state, or any officer or board in charge of the business of the state upon which any official action is necessary;

(2) keep a record of all legal proceedings that the attorney general's office institutes or appears in and the several steps taken therein; and

(3) make official opinions in writing and file the opinions in the attorney general's office.

History: (110) 1905 c 227 s 2; 1911 c 56 s 1; 1917 c 61 s 1; 1919 c 272 s 1; 1931 c 211 s 1; 1973 c 492 s 14; 1973 c 720 s 68; 1975 c 156 s 1; 1977 c 172 s 1; 1986 c 444; 1987 c 335 s 1; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109

8.023 [Repealed, 1977 c 172 s 3]

8.024 [Repealed, 1977 c 172 s 3]

8.025 PART-TIME SPECIAL ATTORNEYS, PAYMENT ON HOURLY BASIS.

No part-time special attorney assigned to any professional or occupational licensing board of state government, after having received \$10,000 for performing official duties in any fiscal year, regardless of the fund from which the payment is made, shall be paid an hourly amount exceeding the equivalent amount paid full-time special assistant attorneys general, plus reasonable office expenses, as approved by the attorney general.

History: 1973 c 720 s 72; 1986 c 444

8.026 [Repealed, 1977 c 172 s 3]

8.03 PROSECUTIONS.

The attorney general shall cause to be prosecuted all assessors and other officials for such delinquencies in connection with revenue laws as may become known; also all bonds of officers and others upon which any liability to the state has accrued. When any corporation shall have offended against the laws of the state, or misused, surrendered, abandoned, or forfeited its corporate authority, or any of its franchises or privileges, the attorney general shall cause proceedings to be instituted against it.

History: (111) 1905 c 227 s 3; 1986 c 444

8.04 PUBLIC LANDS.

The attorney general shall begin and prosecute actions against all persons claiming to own any portion of the school or other public lands adversely to the state, whenever, in the attorney general's opinion, an action can be sustained, and shall cause an appearance to be entered for the state on learning of any application to preempt any such land. In case of any such application the attorney general may require the county attorney of the county in which the same is made to enter such appearance, and may cause witnesses to be subpoenaed, and take such other measures in the premises as the public interests may require.

History: (112) 1905 c 227 s 4; 1986 c 444

8.05 FORMS PREPARED; OPINIONS.

The attorney general shall prepare forms for bonds and other contracts and instruments for the use of state officials, boards, and commissions and give legal advice in all matters relating to their official duties,

whenever required by the governor, auditor, or secretary of state, or any board or commission created by law. When required by either house of the legislature the attorney general shall give a written opinion upon any question of law. The attorney general similarly shall give a written opinion upon any question of law submitted by a permanent or interim committee or commission of the legislature or of either house of the legislature, including but not limited to an interim committee of the legislature created by law for a county containing a city of the first class.

History: (113) 1905 c 227 s 5; 1967 c 43 s 1; 1986 c 444; 2003 c 112 art 2 s 50

8.06 ATTORNEY FOR STATE OFFICERS, BOARDS, OR COMMISSIONS; EMPLOY COUNSEL.

The attorney general shall act as the attorney for all state officers and all boards or commissions created by law in all matters pertaining to their official duties. When requested by the attorney general, it shall be the duty of any county attorney of the state to appear within the county and act as attorney for any such board, commission, or officer in any court of such county. The attorney general may, upon request in writing, employ, and fix the compensation of, a special attorney for any such board, commission, or officer when, in the attorney general's judgment, the public welfare will be promoted thereby. Such special attorney's fees or salary shall be paid from the appropriation made for such board, commission, or officer. Except as herein provided, no board, commission, or officer shall hereafter employ any attorney at the expense of the state.

Whenever the attorney general, the governor, and the chief justice of the supreme court shall certify, in writing, filed in the Office of the Secretary of State, that it is necessary, in the proper conduct of the legal business of the state, either civil or criminal, that the state employ additional counsel, the attorney general shall thereupon be authorized to employ such counsel and, with the governor and the chief justice, fix the additional counsel's compensation. The governor, if in the governor's opinion the public interest requires such action, may employ counsel to act in any action or proceeding if the attorney general is in any way interested adversely to the state. Except as herein stated, no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and the attorney general's assistants.

History: (114) 1905 c 227 s 6; 1911 c 56 s 2; 1955 c 861 s 1; 1986 c 444; 1991 c 345 art 1 s 42; 1994 c 636 art 10 s 1; 1Sp2003 c 1 art 2 s 17

8.065 PRIVATE ATTORNEY CONTRACTS.

The attorney general may not enter into a contract for legal services in which the fees and expenses paid by the state exceed, or can reasonably be expected to exceed, \$1,000,000 unless the attorney general first submits the proposed contract to the Legislative Advisory Commission, and waits at least 20 days to receive a possible recommendation from the commission.

History: 2005 c 156 art 2 s 5

8.07 OPINIONS: QUESTIONS OF PUBLIC IMPORTANCE; PUBLIC SCHOOLS.

The attorney general on application shall give an opinion, in writing, to county, city, town, public pension fund attorneys, or the attorneys for the board of a school district or unorganized territory on questions of public importance; and on application of the commissioner of education shall give an opinion, in writing, upon any question arising under the laws relating to public schools. On all school matters such opinion shall be decisive until the question involved shall be decided otherwise by a court of competent jurisdiction.

History: (115) 1905 c 227 s 7; 1971 c 67 s 1; 1973 c 123 art 5 s 7; 1986 c 444; 1987 c 372 art 10 s 1; 1Sp1995 c 3 art 16 s 13; 2003 c 130 s 12

8.08 REPORT.

The attorney general shall report to the governor biennially on or before October 1 of each even-numbered year the number, character, and result of all actions and proceedings in which the attorney general has appeared for the state, the expense incurred by the state in each, and the amount of fines, penalties, and other money collected; also the opinions of general interest given by the attorney general's office since the preceding report, with such recommendations for amendment of the laws as the attorney general may deem necessary or proper, and tables shall be appended showing the offenses reported to the attorney general by county attorneys.

History: (116) 1905 c 227 s 8; 1955 c 847 s 2; 1986 c 444

8.09 CLAIMS OF STATE AGAINST UNITED STATES; RETAIN COUNSEL.

The attorney general is hereby empowered, authorized, and directed to retain attorneys to take exclusive charge of prosecuting, collecting, and recovering from the United States any such claim which may be developed, and to prosecute, at their own expense, any claim before such tribunal of the government as may be deemed best for the interests of the state, detailed reports to be made, from time to time and whenever requested by the attorney general, of the progress of prosecution of any claim; provided, that no composition of any claim shall be concluded without the written approval of the attorney general.

History: (116-1) 1927 c 315 s 1

8.10 COMPENSATION OF ATTORNEYS.

The compensation of these attorneys for this service shall be 25 percent of the sums and amounts collected and received by the state, such compensation to be contingent upon collection and payment thereof to the state, with no further liability on the part of the state, and the amount of such compensation is hereby appropriated, payable upon the certificate of the attorney general filed with the commissioner of management and budget.

History: (116-2) 1927 c 315 s 2; 1973 c 492 s 14; 2009 c 101 art 2 s 109

8.11 BRINGING ACTION TO RECOVER ON BONDS.

The attorney general is hereby authorized, with the approval of the governor, to commence any action or proceeding, in the name of the state, to recover upon any bonds or obligations of any other state of the United States which may now or hereafter be held or owned by the state, or any of its boards or departments, and upon any bonds held in any sinking fund or guaranty funds deposited or pledged with the state by trust companies, banks, fidelity or insurance companies, or held by the commissioner of commerce as liquidator.

History: (116-3) 1933 c 399 s 1; 1983 c 289 s 114 subd 1; 1984 c 655 art 1 s 92

8.12 SOLICITOR GENERAL; DUTIES.

There shall be in the Office of the Attorney General a solicitor general who shall be appointed by the attorney general from within the limitations of the authorized staff, and who shall perform such duties in the place and stead of the attorney general as may lawfully be assigned.

History: 1955 c 320 s 1; 1961 c 561 s 3; 1986 c 444

8.13 CONTEST OF BARRIERS ON DAIRY PRODUCTS.

The attorney general is authorized to take such action as the attorney general deems necessary in order to contest or oppose existing statutes, ordinances, rules, orders or other trade barriers which may restrict the sale in other states of milk or other dairy products produced in Minnesota; to study and investigate problems concerning the free movement of milk and other dairy products in interstate commerce and to present the results thereof to such legislative and executive agencies of the federal government and the several states, such studies, investigations and presentations to executive and legislative agencies to be made either individually or jointly with others.

History: 1955 c 840 s 1; 1985 c 248 s 70; 1986 c 444

8.14 ACTIONS CHALLENGING STATE EXPENDITURES; INTERVENTION.

In any action in which the state of Minnesota or any of its officers is a party and the amount of state expenditures for a particular purpose is challenged on the ground that the expenditure is insufficient to enable the state or any of its agencies to comply with the alleged requirements of the Constitution of the United States or of federal law, the attorney general shall petition on behalf of and provide representation for (1) an individual taxpayer, who as an authorized representative of a particular class of recipients or beneficiaries of significant state appropriations, has requested the representation or (2) any other state agency that wishes to intervene in the action. The attorney general shall oppose any attempt to require the state to expend money for any purpose in excess of the amounts appropriated for that purpose by law.

History: 1975 c 434 s 28

8.15 ATTORNEY GENERAL COSTS.

Subdivision 1. **Fee schedules.** The attorney general in consultation with the commissioner of management and budget shall develop a fee schedule to be used by the attorney general in developing the agreements authorized in subdivision 3. The attorney general must submit a billing rate for the next biennium to the commissioner of management and budget by August 1 of each even-numbered year.

The attorney general may not assess a county any fee for legal services rendered in connection with a commitment proceeding under chapter 253D for which the attorney general assumes responsibility under section 8.01.

Subd. 2. **Biennial budget request.** (a) The attorney general in consultation with the commissioner of management and budget shall designate which agencies will have their legal service requests included in the budget request of the attorney general.

(b) All other agencies, in consultation with the attorney general and the commissioner of management and budget, shall include a request for legal services in their biennial budget requests.

(c) The budget request of the attorney general must include a consolidated listing that shows on one page all the appropriations that will be used to support the Office of the Attorney General and the Finance Division from which they will be requested.

Subd. 3. **Agreements.** (a) To facilitate the delivery of legal services, the attorney general may:

(1) enter into agreements with executive branch agencies, political subdivisions, or quasi-state agencies to provide legal services for the benefit of the citizens of Minnesota; and

(2) in addition to funds otherwise appropriated by the legislature, accept and spend funds received under any agreement authorized in clause (1) for the purpose set forth in clause (1), subject to a report of receipts to the chairs of the senate Finance Committee and the house of representatives Ways and Means Committee by October 15 each year.

(b) When entering into an agreement for legal services, the attorney general must notify the committees responsible for funding the Office of the Attorney General. When the attorney general enters into an agreement with a state agency, the attorney general must also notify the committees responsible for funding that agency.

Funds received under this subdivision must be deposited in an account in the special revenue fund and are appropriated to the attorney general for the purposes set forth in this subdivision.

Subd. 4. **Reports.** The attorney general shall prepare an annual expenditure report describing actual expenditures for each agency or political subdivision receiving legal services. The report shall describe:

- (1) estimated and actual expenditures, including expenditures authorized through agreements;
- (2) the type of services provided; and
- (3) major current and future legal issues.

The report shall be submitted to the chairs of the senate Finance Committee and the house of representatives Ways and Means Committee by October 15 each year.

Subd. 5. **Reimbursements.** State agencies receiving legal services from the attorney general for nongeneral funded activities shall reimburse the full cost of those services to the general fund based on periodic billings prepared by the attorney general. Payment must be made to the attorney general for deposit to the general fund as a nondedicated receipt. The attorney general, in consultation with the commissioner of management and budget, shall develop reimbursement policies and procedures related to legal services.

History: *1Sp1985 c 13 s 75; 1987 c 404 s 69; 1988 c 686 art 1 s 39; 1989 c 335 art 1 s 56; 1991 c 345 art 1 s 43; 1992 c 571 art 3 s 2; 1993 c 192 s 36; 1994 c 636 art 10 s 2; 1Sp1994 c 1 art 2 s 2; 1996 c 390 s 9; 1999 c 250 art 1 s 38-40; 2009 c 101 art 2 s 109; 1Sp2010 c 1 art 14 s 2; 2013 c 49 s 22*

8.16 ATTORNEY GENERAL; ADMINISTRATIVE SUBPOENAS.

Subdivision 1. **Authority.** The attorney general, or any deputy, assistant, or special assistant attorney general whom the attorney general authorizes in writing, has the authority in any county of the state to subpoena and require the production of any records of telephone companies, cellular phone companies, paging companies, subscribers of private computer networks including Internet service providers or computer bulletin board systems, electric companies, gas companies, water utilities, chemical suppliers, hotels and motels, pawn shops, airlines, buses, taxis, and other entities engaged in the business of transporting people, and freight companies, self-service storage facilities, warehousing companies, package delivery companies, and other entities engaged in the businesses of transport, storage, or delivery, and records of the existence of safe deposit box account numbers and customer savings and checking account numbers maintained by financial institutions and safe deposit companies. Subpoenas may only be issued for records that are relevant to an ongoing legitimate law enforcement investigation.

Subd. 1a. **Subpoenas.** The attorney general may in any county of the state subpoena and require the production of any records relating to the location of a debtor or the assets of a debtor, as that term is defined in section 16D.02, subdivision 4. Subpoenas may be issued only for records that are relevant to an investigation

related to debt collection and exclude the power to subpoena personal appearance of witnesses unless the attorney general is so authorized by other statute or court rule.

Subd. 2. **Enforcement.** The subpoena shall be enforceable through the district court.

Subd. 3. **Expenses.** The person directed to produce the records must be paid reasonable expenses incurred in producing the records.

Subd. 4. **Disclosure prohibited.** The subpoena must state that the person to whom the subpoena is directed may not disclose the fact that the subpoena was issued or the fact that the requested records have been produced except:

- (1) insofar as the disclosure is necessary to find and disclose the records; or
- (2) pursuant to court order.

Subd. 5. **Penalty.** The willful failure to produce the documents required by the subpoena is a misdemeanor.

Subd. 6. **Ex parte order.** Upon the ex parte request of the attorney issuing the subpoena, the district court may issue an order directing the production of the records. It is not necessary for either the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court, or both.

History: 1989 c 336 art 2 s 1; 1993 c 326 art 7 s 1; 1995 c 254 art 5 s 1; 2001 c 197 s 1

8.20 DELEGATION OF CONTRACT REVIEW.

The attorney general may delegate the power to approve contracts as to form and execution to any state official if it is determined that the delegation will produce a significant, demonstrable improvement in the efficiency or operation of state government. The attorney general may condition the delegation as the attorney general determines to be necessary to protect the interests of the state.

History: 1987 c 335 s 2

8.30 COMPROMISE OF TAX AND FEE CLAIMS.

Notwithstanding any other provisions of law to the contrary, the attorney general shall have authority to compromise taxes, fees, surcharges, assessments, penalties, and interest in all cases, whether reduced to judgment or not, where the debt is being reduced by an amount exceeding \$50,000 and, in the attorney general's opinion, it shall be in the best interests of the state to do so. Such a compromise must be in a form prescribed by the attorney general and shall be in writing signed by the attorney general, the taxpayer or taxpayer's representative, and the commissioner of revenue. Compromises of such debts in cases where the debt is being reduced by an amount of \$50,000 or less are governed by section 16D.15.

History: 1969 c 230 s 1; 1973 c 582 s 3; 1986 c 444; 1997 c 84 art 6 s 1; 2000 c 490 art 13 s 1; 2003 c 127 art 14 s 1

8.31 ADDITIONAL DUTIES OF ATTORNEY GENERAL.

Subdivision 1. **Investigate offenses against provisions of certain designated sections; assist in enforcement.** The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the Nonprofit Corporation Act (sections 317A.001 to 317A.909), the Act Against Unfair

Discrimination and Competition (sections 325D.01 to 325D.07), the Unlawful Trade Practices Act (sections 325D.09 to 325D.16), the Antitrust Act (sections 325D.49 to 325D.66), section 325F.67 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 325E.39), the Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided.

Subd. 2. **Attorney general to assist in discovery and punishment of illegal practices.** When the attorney general has information providing a reasonable ground to believe that any person has violated, or is about to violate, any of the laws of this state referred to in subdivision 1, the attorney general shall have power to investigate those violations, or suspected violations, and to take such steps as are necessary to cause the arrest and prosecution of all persons violating any of the statutes specifically mentioned in subdivision 1 or any other laws respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade. In connection with investigation under this section the attorney general upon specifying the nature of the violation or suspected violation may obtain discovery from any person regarding any matter, fact or circumstance, not privileged, which is relevant to the subject matter involved in the pending investigation, in accordance with the provisions of this subdivision. The discovery may be obtained without commencement of a civil action and without leave of court, except as expressly required by the provisions of subdivision 2a. The applicable protective provisions of rules 26.02, 26.03, and 30.04 of the Rules of Civil Procedure for the district courts shall apply to any discovery procedures instituted pursuant to this section. The attorney general or any person to whom discovery is directed may apply to and obtain leave of the district court in order to reduce or extend the time requirements of this subdivision, and upon a showing of good cause the district court shall order such a reduction or extension. In order to obtain discovery, the attorney general may:

(a) Serve written interrogatories on any person. Within 20 days after service of interrogatories, separate written answers and objections to each interrogatory shall be mailed to the attorney general.

(b) Upon reasonable written notice of no less than 15 days, require any person to produce for inspection and copying any documents, papers, books, accounts, letters, photographs, objects, or tangible things which are in the possession, custody, or control of that person.

(c) Upon reasonable written notice of no less than 15 days, take the testimony of any person by deposition as to any fact or opinion relevant to the subject matter involved in the pending investigation.

For the purposes of this subdivision the term "person" has the meaning specified in section 325F.68.

Subd. 2a. **Failure to comply.** If any person fails or refuses to answer interrogatories, to produce materials, or to be examined under oath, as required by the provisions of subdivision 2, the attorney general may apply to a district court, upon notice, and the court, on a showing by the attorney general of cause therefor, may issue such order as may be required to compel compliance with the discovery procedures authorized by this section.

Subd. 2b. **Assurance of discontinuance.** The attorney general may accept an assurance of discontinuance of any act or practice the attorney general deems to be in violation of the laws referred to in subdivision 1 from any person the attorney general alleges is engaging in, or has engaged in, the act or practice. The assurance may include a stipulation for the performance, provision or payment by the alleged violator of any remedies allowable under this section. Any assurance shall be in writing and shall be filed with and subject to the approval of the district court of the county in which the alleged violator resides or has a principal place of business or in Ramsey County. An assurance shall not be considered an admission of a

violation for any purpose. Failure to comply with the assurance of discontinuance shall be punishable as contempt.

For the purposes of this subdivision the term "person" has the meaning specified in section 325F.68.

Subd. 2c. **Undistributed money to consumer protection restitution account.** If a court of competent jurisdiction finds that a sum recovered under this section for the benefit of injured persons cannot reasonably be distributed to the victims, because the victims cannot readily be located or identified, or because the cost of distributing the money would outweigh the benefit to the victims, then the court or attorney general must deposit the money in the consumer protection restitution account under section 8.37. Consumer enforcement public compensation that the attorney general attempts to distribute to an eligible consumer, but that is not redeemed by the consumer within 120 days, may be redeposited in the account. For purposes of this subdivision, "consumer enforcement public compensation" and "eligible consumer" have the meanings given in section 8.37, subdivision 2.

Subd. 3. **Injunctive relief.** In addition to the penalties provided by law for violation of the laws referred to in subdivision 1, specifically and generally, whether or not injunctive relief is otherwise provided by law, the courts of this state are vested with jurisdiction to prevent and restrain violations of those laws, to require the payment of civil penalties, to require payment into the general fund, and to appoint administrators as provided in subdivision 3c. On becoming satisfied that any of those laws has been or is being violated, or is about to be violated, the attorney general shall be entitled, on behalf of the state; (a) to sue for and have injunctive relief in any court of competent jurisdiction against any such violation or threatened violation without abridging the penalties provided by law; and (b) to sue for and recover for the state, from any person who is found to have violated any of the laws referred to in subdivision 1, a civil penalty, in an amount to be determined by the court, not in excess of \$25,000. All sums recovered by the attorney general under this section shall be deposited in the general fund.

Subd. 3a. **Private remedies.** In addition to the remedies otherwise provided by law, any person injured by a violation of any of the laws referred to in subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court. The court may, as appropriate, enter a consent judgment or decree without the finding of illegality. In any action brought by the attorney general pursuant to this section, the court may award any of the remedies allowable under this subdivision.

Subd. 3b. **Orders and judgments prima facie evidence.** Any permanent injunction, judgment or order of the court made pursuant to subdivision 3 shall be prima facie evidence in an action brought under subdivision 3a that the defendant used or employed an act or practice in violation of the laws referred to in subdivision 1, provided that this subdivision shall not apply to consent judgments or decrees where the court makes no finding of illegality, including assurances of discontinuance pursuant to subdivision 2b.

Subd. 3c. **Administrators.** The courts of this state are vested with jurisdiction to appoint an administrator in actions brought by the attorney general under this section, for purposes of (1) monitoring, maintaining, or winding up the affairs of a business, or (2) collecting, administering, and distributing judgments obtained by the attorney general for the benefit of persons. Upon the order of a court having jurisdiction over the matter, reasonable fees and expenses may be paid to the administrator out of any sums recovered under this section or administered by the administrator.

Subd. 4. [Repealed, 1983 c 290 s 173; 1983 c 301 s 235]

History: 1947 c 587 s 8; 1957 c 821 s 10; 1965 c 51 s 70; 1967 c 302 s 1; 1969 c 6 s 41; 1973 c 35 s 50; 1973 c 155 s 1-5; 1974 c 524 s 2-8; 1980 c 509 s 125; 1985 c 248 s 2; 1986 c 444; 1987 c 366 s 1-4;

1987 c 384 art 2 s 2; 1989 c 304 s 129; 1989 c 335 art 4 s 5,6; 1992 c 377 s 1; 1992 c 504 s 1; 1996 c 305 art 1 s 139; 1Sp2025 c 13 art 8 s 8

8.315 CONSUMER LITIGATION ACCOUNT.

Subdivision 1. **Establishment.** The consumer litigation account is established in the special revenue fund in the state treasury.

Subd. 2. **Disbursements from account.** The attorney general may authorize disbursements from the consumer litigation account for the following purposes related to multistate consumer litigation:

(1) payment of the costs of litigation, investigation, administration, or settlement of any matter related to the duties and authorities provided by this chapter, federal law, or common law as it pertains to consumer litigation;

(2) cost-share payments subject to agreements entered into with other states, governmental entities, law enforcement agencies, or federal agencies in furtherance of litigation, investigation, administration, or settlement of any matter that pertains to consumer litigation;

(3) retention of expert witnesses, professional or technical services, consultants, specialists, mediators, or necessary services related to litigation, investigation, administration, or settlement of any matter that pertains to consumer litigation; and

(4) document review, issue coding, electronic data hosting, or discovery-related costs, including reasonable costs for services incurred by a state agency if related to litigation or an investigation pertaining to consumer litigation in which the state is a party and the attorney general determines it is beneficial to the state to authorize such payments.

Subd. 3. **Reporting.** The attorney general shall report annually by October 15 to the chairs and ranking minority members of the committees in the senate and the house of representatives with jurisdiction over state government finance on activities funded through money disbursed from the consumer litigation account during the prior fiscal year. The report must include an accounting of the starting balance and ending balance of the consumer litigation account for the relevant reporting period and a summary description of all disbursements from the account, along with the purpose of any disbursements.

History: *2023 c 62 art 2 s 28*

8.32 CONSUMER AFFAIRS.

Subdivision 1. **Generally.** The attorney general has the responsibilities and duties prescribed by this section.

Subd. 2. **Duties.** The attorney general shall:

(1) enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in sections 325F.68 and 325F.69;

(2) enforce the provisions of law set forth in sections 80D.19 and 80D.20 and Laws 1984, chapter 641, section 9; and

(3) make recommendations to the governor and the legislature for statutory needs that exist in adequately protecting the consumer.

History: 1969 c 1129 art 4 s 4; 1973 c 513 s 1; 1978 c 746 s 1; 1983 c 216 art 1 s 13; 1983 c 289 s 23,24,114 subd 2; 1984 c 641 s 1; 1Sp1986 c 3 art 1 s 1

8.33 REPRESENTATION OF CONSUMER AND SMALL BUSINESS INTEREST IN PUBLIC UTILITY MATTERS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given them:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the Public Utilities Commission or an agency of the federal government. No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) "Residential and small business utility consumer" or "consumer" means a person or small business that uses utility services at the person's residence or business location in this state and who is billed by or pays a public utility for these services. Small business has the meaning given it in section 645.445.

(3) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Subd. 2. **Duties.** The attorney general is responsible for representing and furthering the interests of residential and small business utility consumers through participation in matters before the Public Utilities Commission involving utility rates and adequacy of utility services to residential or small business utility consumers. The attorney general shall expend a reasonable portion of effort among all three kinds of utility services and shall identify and promote the needs of each class of residential and small business consumers with respect to each of the utility services. When participating in telecommunication matters that affect deployment of the infrastructure, the attorney general may apply the goals of:

- (1) achieving economically efficient investment in:
 - (i) higher speed telecommunication services; and
 - (ii) greater capacity for voice, video, and data transmission; and
- (2) just and reasonable rates.

Subd. 3. **Right of intervention.** Subject to the limitations of subdivision 2, the attorney general may intervene as of right or participate as an interested party in matters pending before the Public Utilities Commission which affect the distribution by a public utility of utility services to residential or small business utility consumers. The right of the attorney general to participate or intervene does not affect the obligation of the Public Utilities Commission to protect the public interest.

Subd. 4. **Notice; procedures.** The Public Utilities Commission shall give reasonable notice to the attorney general of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential or small business utility consumers. Rules of the commission governing procedures before the commission apply to the attorney general and the attorney general's employees or representatives. The attorney general has the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Subd. 5. **Appeals.** The attorney general has an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the courts of this state for the review or enforcement of any Public Utilities Commission action which affects a public utility's rates or adequacy of service to residential or small business utility consumers.

Subd. 6. **Intervention in federal proceedings.** The attorney general shall represent and further the interests of residential and small business utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The attorney general may maintain, intervene in, or otherwise participate in civil actions relating to the federal proceedings.

Subd. 7. **Additional powers.** The power granted by this section is in addition to powers otherwise provided by law to the attorney general.

History: 1978 c 746 s 2; 1980 c 579 s 2; 1980 c 614 s 123; 1983 c 247 s 24; 1983 c 289 s 25-31, 114 subd 2; 1986 c 444; 1987 c 241 s 1; 1997 c 223 s 1

8.34 BIAS-MOTIVATED CRIME PROSECUTION TRAINING.

Subdivision 1. **Definition.** For the purposes of this section, "prosecuting attorney" means a political subdivision's elected or appointed county and city attorney and any of that attorney's assistants who have criminal prosecution responsibility for bias-motivated crimes.

Subd. 2. [Repealed, 1994 c 636 art 4 s 41]

Subd. 3. **Records of attendance.** The head of every agency that employs prosecuting attorneys shall maintain records of the number of prosecuting attorneys who have attended the bias-motivated crimes prosecution course and the number of those who have not. The agency head shall report annually to the attorney general on these attendance and nonattendance figures.

History: 1990 c 459 s 1

8.35 PUBLIC EDUCATION CAMPAIGN.

The attorney general, in consultation with the commissioner of children, youth, and families, may establish a public service campaign designed to educate the public about the necessity of the payment of child support to the well-being of the state's children and taxpayers. The commissioner shall enter into a contract with the attorney general pursuant to Laws 1994, chapter 630, article 11, section 24, subdivision 2, for implementation of the campaign. The campaign may include public service announcements for broadcast through television, radio, and billboard media.

History: 1994 c 630 art 11 s 1; 2024 c 80 art 8 s 70

8.36 [Repealed, 1995 c 226 art 3 s 64]

8.37 CONSUMER PROTECTION RESTITUTION ACCOUNT.

Subdivision 1. **Creation of account.** The consumer protection restitution account is established in the special revenue fund. Money in the account is appropriated annually to the attorney general for the purposes provided under subdivision 4.

Subd. 2. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Account" means the consumer protection restitution account established under this section.

(c) "Account administrator" means a person appointed by the attorney general as an account administrator under this section.

(d) "Consumer enforcement action" means litigation in any forum, or settlement of a matter that could have resulted in litigation, by the attorney general in whole or in part under (1) the authority of the attorney general provided in section 8.31, or (2) other authority granted to the attorney general by law to obtain the remedies provided in section 8.31.

(e) "Consumer enforcement public compensation" means money awarded or recovered in a consumer enforcement action to vindicate public interests by providing restitution or other compensation to persons directly impacted by unlawful acts and practices that are the subject of the consumer enforcement action.

(f) "Court-appointed administrator" means an administrator appointed by a court under section 8.31, subdivision 3c.

(g) "Eligible consumer" means a person who was directly impacted by unlawful acts and practices that are the subject of a consumer enforcement action and, as a result, is eligible to receive consumer enforcement public compensation under a final order.

(h) "Final order" means a judgment, assurance of discontinuance, consent order, settlement, stipulation, or other order or settlement that is no longer appealable and for which no appeals are pending. A final order does not include any judgment, assurance of discontinuance, consent order, settlement, stipulation, or other order or settlement entered into before January 1, 2024.

(i) "Identified amount of unpaid consumer enforcement public compensation" means a specific amount of consumer enforcement public compensation that the attorney general, court-appointed administrator, or fund administrator has determined a specific eligible consumer is entitled to receive following a final order in a consumer enforcement action and that has not been distributed to the specific eligible consumer.

Subd. 3. Money deposited in the account. 50 percent of all money recovered by the attorney general in a consumer enforcement action that is payable to the state and not designated as consumer enforcement public compensation or for another specific purpose up to the first \$5,000,000 each fiscal year must be deposited into the account. The remaining 50 percent of money recovered by the attorney general in a consumer enforcement action that is payable to the state and not designated as consumer enforcement public compensation or for another specific purpose must be deposited into the general fund. For purposes of this subdivision, the amount of money recovered in a consumer enforcement action that must be deposited into the fund is determined at the time when the money otherwise would have been deposited into the general fund.

Subd. 4. Permissible use of account. Money in the account must be used only to distribute consumer enforcement action public compensation to eligible consumers under subdivision 5 and for costs to administer the account. The costs to administer the account may include the cost to retain for any permissible purpose an account administrator or court-appointed administrator but must not exceed three percent of the total amount of money available. The attorney general may pay an account administrator from the account if the account contains excess money.

Subd. 5. Distributions to eligible consumers. (a) Money in the account may be distributed to any eligible consumer with an identified amount of unpaid consumer enforcement public compensation. If the amount of money in the account is insufficient to pay all distributions to eligible consumers with an identified amount of unpaid consumer enforcement public compensation, the money must be distributed first to

consumers eligible for unpaid consumer enforcement public compensation based on a consumer enforcement action with a final order of the oldest date.

(b) If the attorney general projects that there will be insufficient funding to pay all eligible consumers from the funds available on an ongoing basis, the attorney general may recommend to the legislature that the legislature prescribe a formula for prorating or capping payments to eligible consumers so that more eligible consumers will receive payment from the fund.

Subd. 6. Impractical payments and unreasonable effort as to unpaid compensation. (a) The attorney general may deem a distribution to an eligible consumer with an identified amount of unpaid consumer enforcement public compensation impractical if:

(1) the distribution to the eligible consumer is too small to justify the cost to locate the eligible consumer or make the payment;

(2) the eligible consumer does not redeem a payment within a reasonable time; or

(3) other circumstances make distributing the unpaid consumer enforcement compensation to the eligible consumer unreasonable.

(b) The attorney general may deem an attempt to determine an identified amount of unpaid consumer enforcement public compensation for some or all eligible consumers relating to a consumer enforcement action is unreasonable when the judgment, assurance of discontinuance, consent order, settlement, stipulation, or other order or settlement does not identify specific amounts of consumer enforcement public compensation for specific consumers if:

(1) the number of likely eligible consumers and the amount of likely unpaid consumer enforcement public compensation is too small to justify the cost to determine an identified amount of unpaid consumer enforcement public compensation;

(2) the information needed to identify an amount of unpaid consumer enforcement public compensation is unavailable or too costly to obtain; or

(3) other circumstances make an attempt to determine an identified amount of unpaid consumer enforcement public compensation unreasonable.

Subd. 7. Concluded distributions. The attorney general must stop providing distributions of unpaid consumer enforcement public compensation relating to a consumer enforcement action when the attorney general determines:

(1) all eligible consumers with an identified amount of unpaid consumer enforcement public compensation for the consumer enforcement action have received a distribution through the account or the distribution has been deemed impractical under subdivision 6, paragraph (a); and

(2) no additional eligible consumers with unpaid consumer enforcement public compensation for the consumer enforcement action exist or the attorney general has deemed identifying unpaid compensation under subdivision 6, paragraph (b), unreasonable.

Subd. 8. Annual report. (a) The attorney general must publish on the attorney general's website an annual report identifying the following information for the annual period:

(1) the consumer enforcement actions resulting in payment of money to the account and the amount of money paid to the account for each consumer enforcement action;

(2) the consumer enforcement actions for which distributions were made to eligible consumers, the amount of money distributed for each consumer enforcement action, and the amount of money distributed to each eligible consumer;

(3) the consumer enforcement actions for which there are eligible consumers awaiting distribution from the account and the amount of money for which those eligible consumers are awaiting distribution for each consumer enforcement action;

(4) the consumer enforcement actions for which the attorney general has concluded account distribution;

(5) the consumer enforcement actions in which the attorney general determined that some or all eligible compensation was impractical to distribute or unreasonable to determine under subdivision 6; and

(6) the cost incurred to administer the account.

(b) The attorney general must provide the report to the chairs and ranking minority members of the legislative committees with jurisdiction over state government, commerce, and judiciary.

Subd. 9. **Account administrator.** (a) The attorney general may appoint an administrator for any of the following purposes:

(1) determining identified amounts of unpaid consumer enforcement public compensation for eligible consumers;

(2) collecting money that can be deposited, in whole or in part, to the account;

(3) distributing money to eligible consumers; or

(4) any other costs to administer the account.

(b) The attorney general may appoint more than one account administrator.

Subd. 10. **No private right of action.** A person does not have a private right of action with respect to a payment from the account or administration of the account.

Subd. 11. **Collection efforts unaffected.** The distribution of money from the account to eligible consumers does not affect the attorney general's authority to collect, satisfy, or enforce final orders against persons ordered to pay consumer enforcement public compensation to eligible consumers in the final order. To the extent the attorney general collects consumer enforcement public compensation pursuant to a final order after money has been distributed from the account to eligible consumers that are the subject of that final order, the collected consumer enforcement public compensation must be deposited in the account in an amount equal to the prior account distribution.

History: *1Sp2025 c 13 art 8 s 9*

8.40 EXPENSES OF ATTORNEY GENERAL-ELECT.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined have the meanings given them.

(b) "Attorney general-elect" means the person who is not currently attorney general and is the apparent successful candidate for the Office of Attorney General following a general election.

(c) "Commissioner" means the commissioner of the Department of Management and Budget.

Subd. 2. **Transition expenses.** In the fiscal year of an election for attorney general and subject to availability of funds, the commissioner shall transfer up to \$35,000 from the general contingent account in the general fund to the Department of Management and Budget. This transfer is subject to the review and advice of the Legislative Advisory Commission pursuant to section 3.30. In consultation with the attorney general-elect, the commissioner shall use the transferred funds to pay expenses of the attorney general-elect associated with preparing for the assumption of official duties as attorney general. The commissioner may use the transferred funds for expenses necessary and prudent for establishment of a transition office prior to the election and for dissolution of the office if the incumbent attorney general is reelected or after the inauguration of a new attorney general. Expenses of the attorney general-elect may include suitable office space and equipment, communications and technology support, consulting services, compensation and travel costs, and other reasonable expenses. Compensation rates for temporary employees hired to support the attorney general-elect and rates paid for consulting services for the attorney general-elect shall be determined by the attorney general-elect.

Subd. 3. **Unused funds.** No new obligations shall be incurred for expenses of the attorney general-elect after the date of the inauguration. By March 31 of the year of the inauguration, the commissioner shall return to the general contingent account any funds transferred under this section that the commissioner determines are not needed to pay expenses of the attorney general-elect.

History: 2025 c 39 art 7 s 3