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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

JOSEPH KIRCHNER,

Plaintiff,

v.

KEITH ELLISON, in his official
capacity as Attorney General of the
State of Minnesota,

Defendant.

Case No. 26-cv-2594-JMB/DJF

**EXHIBIT E: ATTORNEY
GENERAL MULTI-STATUTE
AUTHORITY ANALYSIS**

TABLE OF CONTENTS

TABLE OF CONTENTS	1
E-1: Minn. Stat. Chapter 8 — Attorney General Authority	2
E-2: Laws of Minnesota 1905, Chapter 227 (H.F. 871)	18
E-3: Mason's Minnesota Statutes 1927 (1940 Supplement)	21
E-4: Laws of Minnesota 1969, Chapter 1129 (S.F. 874)	24
E-5: Laws of Minnesota 1984, Chapter 641 (H.F. 2098)	28
E-6: Minn. Stat. § 325F.68 — Definitions	32
E-7: Minn. Stat. § 325F.69 — Unlawful Practices	33
E-8: Minn. Stat. § 325F.70 — Remedies	36
E-9: Minn. Stat. § 80D.16 — Criminal Penalties	37
E-10: Minn. Stat. Chapter 299C Excerpts (§§ 299C.061, 299C.066)	38



MINNESOTA STATUTES 2025

8.02

CHAPTER 8

ATTORNEY GENERAL

8.01	APPEARANCE.	8.14	ACTIONS CHALLENGING STATE EXPENDITURES; INTERVENTION.
8.02	DEPUTIES, ASSISTANTS.	8.15	ATTORNEY GENERAL COSTS.
8.025	PART-TIME SPECIAL ATTORNEYS, PAYMENT ON HOURLY BASIS.	8.16	ATTORNEY GENERAL; ADMINISTRATIVE SUBPOENAS.
8.03	PROSECUTIONS.	8.20	DELEGATION OF CONTRACT REVIEW.
8.04	PUBLIC LANDS.	8.30	COMPROMISE OF TAX AND FEE CLAIMS.
8.05	FORMS PREPARED; OPINIONS.	8.31	ADDITIONAL DUTIES OF ATTORNEY GENERAL.
8.06	ATTORNEY FOR STATE OFFICERS, BOARDS, OR COMMISSIONS; EMPLOY COUNSEL.	8.315	CONSUMER LITIGATION ACCOUNT.
8.065	PRIVATE ATTORNEY CONTRACTS.	8.32	CONSUMER AFFAIRS.
8.07	OPINIONS; QUESTIONS OF PUBLIC IMPORTANCE; PUBLIC SCHOOLS.	8.33	REPRESENTATION OF CONSUMER AND SMALL BUSINESS INTEREST IN PUBLIC UTILITY MATTERS.
8.08	REPORT.	8.34	BIAS-MOTIVATED CRIME PROSECUTION TRAINING.
8.09	CLAIMS OF STATE AGAINST UNITED STATES; RETAIN COUNSEL.	8.35	PUBLIC EDUCATION CAMPAIGN.
8.10	COMPENSATION OF ATTORNEYS.	8.37	CONSUMER PROTECTION RESTITUTION ACCOUNT.
8.11	BRINGING ACTION TO RECOVER ON BONDS.	8.40	EXPENSES OF ATTORNEY GENERAL-ELECT.
8.12	SOLICITOR GENERAL; DUTIES.		
8.13	CONTEST OF BARRIERS ON DAIRY PRODUCTS.		

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

Money realized by sale, covered into general road and bridge fund legalized.

bonds has heretofore been covered into the general road and bridge fund of said county by the county treasurer thereof, instead of into a special fund for the construction of the roads for which said bonds were voted, said deposit of said sum to the credit of said general road and bridge fund of said county shall be and the same is hereby legalized, and said sum so covered into said general road and bridge fund by said county treasurer shall be incorporated therewith and become a part thereof, and may hereafter be used and disbursed for any purpose for which said general road and bridge fund may be lawfully used and disbursed;

Provided, however, that nothing herein contained shall operate to in any way invalidate any of said bonds so issued and negotiated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17, 1905.

H. F. No. 371.

CHAPTER 227.

Powers of attorney general and assistants.

An act relating to the duties and powers of the attorney general and his assistants.

Be it enacted by the Legislature of the State of Minnesota:

To appear for state.

SECTION 1. 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 the district courts whenever, in his opinion, the interests of the state require it. Upon request of the county attorney he shall appear in the district court in such criminal cases as he shall deem proper. Whenever the governor shall so request in writing he shall prosecute any person charged with an indictable offense; and in all such cases he may attend upon the grand jury and exercise the powers of a county attorney.

Upon request of county attorney and governor.

May appoint assistants, etc., and keep record of official correspondence and register of legal proceedings.

SEC. 2. The attorney general may appoint, and at his pleasure, remove three assistants, a clerk and a stenographer, who shall render such aid as he may require of them in the discharge of his official duty. He shall keep a record of his official correspondence and of all matters placed in his hands by the governor, auditor, secretary of

227] OF MINNESOTA FOR 1905. 297

any of the business of the state upon which any official action is necessary; he shall also keep a register of all legal proceedings instituted by him or in which he appears, and of the several steps taken therein, and he shall keep copies of all official opinions rendered by his office. Each of said assistants shall, when thereunto authorized in writing by the attorney general, have the same authority as the attorney general, to appear before grand juries, or otherwise, in any court in this state.

SEC. 3. He shall cause to be prosecuted all assessors and other officials for such delinquencies in connection with revenue laws as may come to his knowledge; also all bonds of officers and others upon which any liability to the state has accrued. Whenever 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, he shall cause proceedings to be instituted against it.

Prosecute delinquencies of officers, and corporations.

SEC. 4. He 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 his opinion, an action can be sustained, and shall cause an appearance to be entered for the state whenever an application to pre-empt any such land shall come to his notice. In case of any such application he may require the county attorney of the county in which the same is made to enter such appearance, and he may cause witnesses to be subpoenaed, and take such other measures in the premises as the public interests may require.

Claims against persons holding lands adversely to the state.

SEC. 5. He 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, treasurer or secretary of state, or any board or commission created by law. And whenever required by either house of the legislature he shall give his written opinion upon any question of law.

Prepare forms for bonds for state officials etc.

Opinions on questions of law.

SEC. 6. 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, and when requested by the attorney general it shall be the duty of any county attorney of the state to appear within his county and act as attorney for any such board, commission or officer in any court of such county; and

Attorney for state officers, etc.

May employ
special
attorney.

Other attor-
neys not to
be employed,
fee.

Opinion to
county,
city, etc.

Opinion
decisive un-
til reversed
by court.

Report to
governor.

Annual
salary.

thereby, the attorney general may, upon request in writing, employ a special attorney for any such board, commission or officer and fix his compensation, and when such special attorney is so employed his fees 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. The compensation of any attorney employed by the attorney general to assist in criminal prosecutions shall not exceed twenty (\$20.00) dollars per day.

SEC. 7. The attorney general on application shall give his opinion in writing to county, city, village or town attorneys, on questions of public importance; and on application of the state superintendent of public instruction he shall give his opinion in writing upon any question arising under the laws relating to public schools, and on all school matters such opinion shall be decisive until the question involved shall be decided otherwise by a court of competent jurisdiction.

SEC. 8. The attorney general shall report to the governor annually the number, character and result of all actions and proceedings in which he has appeared for the state, the expense incurred by the state in each, and the amount of fines, penalties and other moneys collected; also the opinions of general interest given by him and his assistants since the preceding report, with such recommendations for amendment of the laws as he may deem necessary or proper, and tables shall be appended showing the offenses reported to him by county attorneys.

SEC. 9. The yearly salary of the attorney general shall be four thousand eight hundred (\$4,800) dollars; each of his assistants shall receive an annual salary of three thousand (\$3,000) dollars; the clerk shall receive an annual salary of fifteen hundred (\$1,500) dollars; the stenographer shall receive an annual salary of nine hundred (\$900) dollars; and the money necessary to pay said salaries is hereby appropriated out of any money in the state treasury not otherwise appropriated.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from any after its passage.

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions,
and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and
amendatory, and notes showing repeals, together with annotations from the
various courts, state and federal, and the opinions of the Attorney
General, construing the constitution, statutes, charters
and court rules of Minnesota together with digest
of all common law decisions.



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William H. Mason
Assisted by
The Publisher's Editorial Staff

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1940

Company as the depository of such securities under such depository agreement as may be prescribed and approved by him, and which will not deprive the State Treasurer of the control thereof and the charges of such depository shall be paid by the depositing Bank or Trust Company. If such depositing Bank or Trust Company is a member of the Federal Reserve system, the Federal Reserve Bank in this State may be the depository designated by the State Treasurer. (Act Apr. 17, 1933, c. 287.)

ATTORNEY GENERAL

109. Appearance.

Mandamus will not lie to compel the attorney general to try a civil action brought by the state at the next term of court. 178M442, 227NW891.

Discretion of attorney general in determining what litigation he will prosecute in name of state is plenary and not subject to review. State v. City of Fraser, 191 M427, 254NW776. See Dun, Dig. 8845.

Where in a mandamus proceeding against state auditor on relation of a private party, he has signed and verified his return or answer also signed by private legal counsel employed at his own expense, attorney general does not have absolute right to have such return or answer stricken, and counsel of auditor ousted from participating in proceeding, where real controversy is between different departments of the state and auditor believes that an attempt is being made to compel him to do an unlawful act. State v. District Court, 196M44, 264 NW227. See Dun, Dig. 8845.

Granting of leave to a municipal corporation to file an information in nature of quo warranto, notwithstanding refusal of attorney general to apply for writ or to consent to its filing, lies in sound discretion of court, and that discretion should be exercised favorably, and leave granted where one municipal corporation, on grounds prima facie valid, challenges legal effectiveness of proceedings by another to take over and include within its limits territory belonging to former, issue so raised being one of public rather than mere private interest. State v. City of Chisholm, 196M285, 264NW798. See Dun, Dig. 8845.

Supreme court has power to grant quo warranto over objection of attorney general. State v. City of Chisholm, 196M285, 266NW689. See Dun, Dig. 8864.

District court has discretionary power to grant leave to file an information in nature of quo warranto at distance of a private relator having no interest in matter distinct from that of general public, notwithstanding refusal of Attorney General to institute or consent to proceedings, but case should be exceptional, and one in which it clearly appears that public interests require it and fact that there is a substantial defect in title to office is not controlling. State v. Fredrickson, 202M79, 277NW407. See Dun, Dig. 8070.

An attorney general has authority to institute in a district court a civil suit in name of state, whenever in his opinion interest of state so requires. By coming in and joining with county attorney in supplemental brief, and by filing in court below an appearance adopting acts of county attorney the actions must be considered as if originally instituted on relation of attorney general. State v. O'Neil, 286NW316. See Dun, Dig. 8845.

110. Attorney General—deputies—assistants.—The attorney general may appoint, and at his pleasure remove, two deputy attorneys general and six assistant attorneys general who shall render such aid as he may require of them in the discharge of his official duty. He shall keep a record of his official correspondence and of all matters placed in his hands by the governor, auditor, secretary of state or treasurer, or any officer or board in charge of any of the business of the state upon which any official action is necessary; he shall also keep a record of all legal proceedings instituted by him or in which he appears, and of the several steps taken therein. All official opinions shall be in writing and copies thereof made and filed in his office. The deputy attorneys general and each of said assistants shall, to the extent authorized in writing by the attorney general, have authority to appear before grand juries or in any court of this state, as the attorney general himself might do.

The attorney general shall have power to employ such assistance, whether lay, legal, or expert, as he may deem necessary for the protection of the interests of the state through the proper conduct of its legal business. ('05, c. 227, §2; '11, c. 56, §1, G. S. '13, §101; '17, c. 61, §1; Apr. 18, 1931, c. 211, §1.) Laws 1931, c. 211, §2, repeals Laws 1919, c. 272, au-

Assistant attorney general member of rural credit bureau holds an office created by statute and thereby designated as "without term," and serves at pleasure of attorney general. State v. Poirier, 189M200, 248NW 747.

Soldiers' preference acts are not controlling in respect of appointment to position of inheritance tax examiner by attorney general. State v. Peterson, 194M60, 259NW 696. See Dun, Dig. 7986.

112. Public lands.

In unlawful detainer action to recover land acquired by state for taxes, county attorney may appear as sole counsel, but there can be no eviction for two years after forfeiture for taxes for 1926 or 1927. Op. Atty. Gen. (535), Sept. 12, 1937.

113. Advice—Opinions.

Ordinarily the attorney general declines to give an opinion on a matter involved in a case pending in court. Op. Atty. Gen., April 27, 1931.

Attorney general cannot determine matters in litigation. Op. Atty. Gen., Aug. 28, 1933.

It is not the function of the attorney general to determine a question of fact, but all his office may do is to advise as to applicability of the law to the fact submitted. Op. Atty. Gen. (632e-24), June 27, 1934; (10a-2), July 6, 1934.

Attorney general is permitted to render official opinions on county matters only upon request of the County Attorney. Op. Atty. Gen. (107b-1), July 6, 1934.

Attorney general will not give an opinion as to whether particular institutions are exempt from taxation until such a time as the question arises, either upon an application to the tax commission for an abatement of the taxes, or on account of assertion of a defense in tax proceedings. Op. Atty. Gen. (414d-10), July 19, 1934.

Attorney general has no authority to advise in reference to power of court. Op. Atty. Gen. (341k-9), May 16, 1935.

Attorney general will not approve form of contract proposed by commission of administration and finance which on its face, or by reason of ascertained facts allude defeats purpose which it proposes to accomplish. Op. Atty. Gen. (980a-9), Oct. 25, 1935.

Whether election of teacher and principal is valid held a question of fact upon which attorney general cannot pass. Op. Atty. Gen. (166h-4), Aug. 21, 1936.

Communications requesting opinion should be addressed to attorney general rather than to assistant. Op. Atty. Gen. (172c-6), Nov. 6, 1936.

Cannot render opinion on question pending in court. Op. Atty. Gen. (184h), Dec. 21, 1936.

Attorney general can only render opinions on school matters to department of education, and not to county attorney. Op. Atty. Gen. (161b-13), Oct. 1, 1937.

Section contemplates that formal opinions on legal questions shall be given legislature only after adoption of a resolution by it submitting question to attorney general. Op. Atty. Gen. (414a-13), Feb. 3, 1939.

114. State officers and boards—Special counsel.

Where in a mandamus proceeding against state auditor on relation of a private party, he has signed and verified his return or answer also signed by private legal counsel employed at his own expense, attorney general does not have absolute right to have such return or answer stricken, and counsel of auditor ousted from participating in proceeding, where real controversy is between different departments of the state and auditor believes that an attempt is being made to compel him to do an unlawful act. State v. District Court, 196M44, 264NW227. See Dun, Dig. 8845.

Soldiers' home board may not employ or pay for an attorney except as provided in this section. Op. Atty. Gen. (394f), Dec. 29, 1937.

115. Opinion to county, city, village or town attorney, etc.

Aside from its effect as practical construction where a statute is involved and whatever protection it may afford a school officer acting pursuant thereto, opinion of attorney general on school district matters does not have effect of law. Lindquist v. A., 196M233, 265NW54. See Dun, Dig. 8845.

Constitutionality of statute or charter is matter for court, and attorney general is reluctant to express opinion, unless unconstitutionality is apparent. Op. Atty. Gen., June 23, 1932.

This section limits attorney general to giving opinions in writing to county, city, village and town attorneys on questions of public importance. Op. Atty. Gen., Feb. 17, 1933.

Section does not permit attorney general to render official opinions to private individuals or corporations, even though inquiry relates to matter of public concern. Op. Atty. Gen., June 1, 1933.

Attorney general will not render opinions on questions pending before a court. Op. Atty. Gen., Oct. 30, 1933.

Attorney general will not run counter to decision of district court in a particular judicial district. Op. Atty. Gen., Nov. 27, 1933.

CH. 4—EXECUTIVE DEPARTMENT

§121-1

validity of election between two claimants. Op. Atty. Gen., Dec. 11, 1933.

After election has been held and votes canvassed and result declared, it is not in province of attorney general to determine rights of claimants to office. Op. Atty. Gen., Dec. 22, 1933.

Attorney general will not decide question of validity of an election already held. Op. Atty. Gen., Jan. 16, 1934.

Designation of depositary by school district in accordance with opinion of attorney general was lawful as respected liability of treasurer notwithstanding later opinion of attorney general that such a designation would not be legal. Op. Atty. Gen. (159a-21), Apr. 3, 1934.

Attorney general will not determine whether certain acts of a candidate or nominee for an office constitute a violation of Corrupt Practices Act, where there is a dispute between two claimants. Op. Atty. Gen. (627f-2), Oct. 5, 1934.

Where an election has already been held and there may be a contest, attorney general will not determine whether person elected violated Corrupt Practices Act. Op. Atty. Gen. (627f-2), Nov. 28, 1934.

Attorney general will decline to render any opinion relating to a matter which is pending before a court for determination. Op. Atty. Gen. (59a-12), Jan. 15, 1935.

It is the policy of the attorney general not to render opinions on questions that are being determined by a court. Op. Atty. Gen. (218f), Feb. 5, 1935.

Matter of authority of sheriff to forcibly remove a poor person from a house to county poor house is a county matter and attorney general will not pass thereon on application of city attorney. Op. Atty. Gen. (3390-3), Feb. 8, 1935.

Attorney general may not render an opinion concerning private civil liability. Op. Atty. Gen. (218g-13), Feb. 7, 1935.

Attorney general cannot pass on questions of fact in giving an opinion. Op. Atty. Gen. (125a-11), Feb. 25, 1935.

Attorney general has no authority to advise in reference to power of court. Op. Atty. Gen. (341k-9), May 16, 1935.

Attorney general will not express opinion on matter pending before court. Op. Atty. Gen. (217c), July 17, 1935.

Attorney general is not authorized to render opinions directly to school district, but only to state commissioner of education. Op. Atty. Gen. (817a), Aug. 21, 1935.

Attorney general will not render opinion relative to powers and duties of the judiciary. Op. Atty. Gen. (307c), Jan. 23, 1936.

Attorney general will not advise with respect to legal authority of county board, made upon request of county attorney. Op. Atty. Gen. (124), May 9, 1936.

Whether under facts stated there can be criminal prosecution for contributing to delinquency of minor is a question for county attorney and not attorney general to determine. Op. Atty. Gen. (605b-9), May 16, 1936.

Attorney general cannot pass on questions of fact. Op. Atty. Gen. (494b-5), May 18, 1936.

Attorney general does not render opinions contrary to decisions of district court in a particular judicial district. Op. Atty. Gen. (434a-4), Aug. 20, 1936.

Attorney general cannot pass upon questions of fact in determining what constitutes lottery. Op. Atty. Gen. (510c-6), Sept. 25, 1936.

Communications requesting opinion should be addressed to attorney general rather than to assistant. Op. Atty. Gen. (172c-5), Nov. 6, 1936.

Official opinions are limited to those offices designated and municipal officials, and an opinion to the federal surplus commodities corporation is not official. Op. Atty. Gen. (215c-9), Mar. 2, 1937.

What constitutes a club entitled to a beer license is a question of fact which must be decided by local governing body, and not by attorney general. Op. Atty. Gen. (217f-2), Apr. 7, 1937.

Duty of making determination as to whether criminal prosecution should be commenced rests upon county attorney and if conscientiously and fairly made is not subject to review either by attorney general or any other office. Op. Atty. Gen. (605b-33), Apr. 17, 1937.

Office of attorney general must abide by decision of district court holding statute unconstitutional, in absence of an appeal and a different conclusion on part of supreme court. Op. Atty. Gen. (82f), June 1, 1937.

Determination of legal settlement for assistance purposes is a matter of fact to be determined by county agency in first instance, and not by the attorney general. Op. Atty. Gen. (521t-2), June 3, 1937.

Attorney general will not render an opinion upon any matter which is pending in court for determination. Op. Atty. Gen. (408f), July 31, 1936.

Attorney general can only render opinions on school matters to department of education and not to county attorney. Op. Atty. Gen. (161b-13), Oct. 1, 1937.

Attorney general can render official opinions only to county attorney concerning county matters. Op. Atty. Gen. (125a-36), Oct. 13, 1937.

It is not function of office of attorney general to determine facts or to render opinions in connection with

Attorney general cannot render opinions on school matters to anyone except department of education. Op. Atty. Gen. (161b-11), May 20, 1938.

Attorney general does not tell the county attorney when he should or should not institute a prosecution, but it is duty of county attorney to prosecute such offenses as he believes reasonably certain of conviction. Op. Atty. Gen. (494a-2), July 29, 1938.

Attorney general is authorized to give his opinion on township or county matters only upon request of township or county attorneys. Op. Atty. Gen., (802c), July 29, 1938.

Requests for opinions and advice for school officers should be made to Commissioner of Education. Op. Atty. Gen. (165), Jan. 18, 1939.

Inquiries pertaining to town affairs should be submitted by town attorney, and if there is no town attorney, by town clerk after adoption of an appropriate resolution of town board. Op. Atty. Gen. (331a), March 22, 1939.

Attorney general is permitted to render official opinions on school matters only at request of commissioner of education. Op. Atty. Gen. (162B), June 20, 1939.

It is outside scope of duties of attorney general to advise judiciary as to pending cases. Op. Atty. Gen. (306B), June 27, 1939.

116-3. Attorney General to bring action to recover on bonds.—That the Attorney General of the State of Minnesota be and he is authorized, with the approval of the Governor of this state, to commence any action or proceedings in the name of the State of Minnesota 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 of Minnesota, 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 banks as liquidator. (Act Apr. 21, 1933, c. 399.)

GENERAL PROVISIONS

117-2. Same Appropriations available.

Act appropriating money for expenses of state government. Laws 1931, c. 306.

Laws 1933, c. 109, transfers to department of conservation, division of lands and minerals unexpended funds in items 3, 4 and 5.

118. Estimates and budgets.

Op. Atty. Gen., July 24, 1931.

121. Fees of departments to be paid into treasury.

A custom of the sheriff's office of serving papers without collecting the fees in advance and then, without more, merely holding the originals for payment of the fees comes so far from having any legal justification that, however much acquiesced in by other public officials, it cannot create an estoppel against the county. *St. Louis County v. M., 198M127, 269NW105, See Dun, Dig. 8753.*

Sheriff of St. Louis county is by virtue of his office a trustee in respect to fees earned by him, whether collected or not, and he is held to a strict accountability and highest practical degree of care as to collection of such fees, burden being upon him to prove exercise of such care as to fees earned but not collected. *Id.*

Inspection and license fees received by oil inspection division cannot be used by that division. Op. Atty. Gen., Oct. 9, 1933.

License fee provided for by Laws 1935, ch. 216, 35, must be paid into state treasury. Op. Atty. Gen. (1981), Oct. 4, 1935.

121-1. Dedicated receipts—Payment into treasury.—All so-called "dedicated receipts" of the state of Minnesota, consisting of fees for licenses, tags, permits, inspections, examinations, interest, tuition, support of patients or wards, and all other fees or moneys paid to the state for any purpose or from any sources whatsoever, which are now paid into and/or credited to any of the following funds, namely: Minnesota Poultry Improvement Board, Douglas Lodge Receipts, State Parks, Tuberculosis division receipts, Division of Examination and Classification, Anoka State Hospital, Hastings State Hospital, Willmar State Hospital, Fergus Falls State Hospital, Rochester State Hospital, St. Peter State Hospital, School for Feeble Minded, Colony for Epileptics, School for the Blind, School for the Deaf, State Public School, State Training School, Home School for Girls, Sanatorium for Consumptives, Hospital for Crippled Children, the state institutions under the

2312

SESSION LAWS

[Chap.

(2) Each county auditor shall certify, not later than May 1 of each year commencing in 1968, to the state ~~treasurer~~ auditor the amount of reduction resulting from subdivisions 6 and 7 in his county, *and not later than May 1 of each year commencing in 1970, the amount of reduction resulting from section 1.*

(3) The state ~~treasurer~~ auditor shall pay out of the property tax relief fund to each county treasurer one half of the amount certified under clause (2) not later than June 15 and the remaining half not later than November 15 of each year ~~commencing in 1968~~ *in which certification is made pursuant to that clause.*

(4) The county treasurer shall distribute the funds received by him under clause (3) as if they had been collected as a part of the property tax reduced by subdivisions 6 and 7 *and section 1.*

Sec. 3. *This act applies to taxes payable in 1970 and subsequent years.*

Approved June 9, 1969.

CHAPTER 1129—S. F. No. 874

[Coded in Part]

An act relating to the organization and operation of state government; amending Minnesota Statutes 1967, Chapter 45, by adding sections; and Sections 16.01; 17.01; 45.03; 46.07, Subdivision 1; 48.15; 53.03, Subdivision 5; 60A.03, Subdivision 7; 80.23; 84.028, Subdivisions 1 and 3; 121.16; 161.03, Subdivision 1; 161.47, Subdivisions 1, 2, 3, 6, and 12, and by adding a subdivision; 161.48; 168.33, Subdivision 2, and by adding a subdivision; 175.001; 179.02; 179.03; 179.04; 179.05; 179.06; 179.07; 179.08; 179.083; 179.09; 179.135; 179.16, Subdivisions 2 and 3; 179.22; 179.23, Subdivisions 1, 2, 3, 5, and 6; 179.38; 179.52, Subdivisions 4 and 5; 179.521; 179.57, Subdivisions 2 and 4; 196.02, Subdivision 1; 241.01, Subdivision 1; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 1; 298.22, Subdivision 1; 340.08, Subdivisions 1 and 2; 360.014, Subdivision 2; 362.09, Subdivision 1; and 363.04, Subdivision 1; and repealing Minnesota Statutes 1967, Sections 84.025, Subdivisions 1, 2, 3, 4, and 5; 175.001, Subdivision 3; and 175.06.

Be it enacted by the Legislature of the State of Minnesota:

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1128]

OF MINNESOTA FOR 1969

2313

ARTICLE I

Section 1. [299A.01] Government reorganization; department of public safety; creation and organization. *Subdivision 1. In order that the functions and services of the state of Minnesota relating to the safety and convenience of its citizens might be coordinated and directed in an accessible, identifiable manner; and to promote and insure the existing public safety operations of that government, the department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor, by and with the advice and consent of the senate for four year term. The governor may remove the commissioner only for cause, after a public hearing. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the term. The commissioner may appoint a deputy who shall serve at the pleasure of the commissioner in the unclassified service. The salary of such deputy is fixed by the commissioner except when otherwise expressly provided for by law. The deputy may perform and exercise every power, duty, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner.*

Subd. 2. The duties of the deputy shall include, in addition to such other functions and responsibilities as may be delegated or assigned by the commissioner or imposed by law, the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Subd. 3. Subject to the provisions of this act and to other applicable laws the commissioner shall organize the department and employ such other officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to

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2342

SESSION LAWS

[Chap.

performance of such other duties as may be prescribed by the commission. He shall be the official custodian of the records and seal of the commission. He shall be directly responsible to the chairman of the commission in the performance of his duties, and shall serve as his administrative assistant insofar as the duties and responsibilities of the chairman so require.

Subd. 3. Subject to the provisions of this act and to other applicable laws, the commission shall employ such officers, employees, and agents as it may deem necessary to discharge the functions of the commission within the funds provided therefor from time to time; define the duties of such officers, employees, and agents; and delegate to them such powers, duties, and responsibilities as may be determined by the commission. Except as otherwise provided for herein, the personnel listed in this subdivision are in the classified service of the state civil service.

Sec. 3. [45.15] Establishment of consumer services section. *A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor, by and with the advice and consent of the senate, for a four year term which shall coincide with the term of the governor and until a successor is duly appointed and qualifies. A vacancy in the office of director shall be filled for the unexpired term.*

Sec. 4. [45.16] Consumer services section, responsibilities and duties. *Subdivision 1. The section of consumer services shall have the responsibilities and duties prescribed by this section and such other authority as may be conferred by the commissioner of commerce.*

Subd. 2. (a) Act as the representative of the governor in all matters affecting consumer affairs;

(b) Enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in Minnesota Statutes, Sections 325.78 and 325.79, and the attorney general shall act for the division in pursuing the remedies set forth in Minnesota Statutes, Section 325.80;

(c) Make recommendations to the chairman of the commerce commission for transmission to the governor and the legislature for such statutory needs as may exist in adequately protecting the consumer;

(d) Receive registration statements and annual reports of persons soliciting charitable funds in accordance with the require-

Changes or additions indicated by italics, deletions by ~~strikeout~~.

1129 Art. 4] OF MINNESOTA FOR 1969

2343

ments of Minnesota Statutes, Sections 309.50 to 309.61, in lieu of the duties of the secretary of state in connection therewith. The duties of the secretary of state under such sections are hereby abolished and the activity assigned to the department of commerce, division of licensing and consumer services as provided herein;

(e) Develop rules and regulations to carry out the duties imposed by this section and any other duties imposed by law.

Subd. 3. Develop administrative procedures, systems of record keeping and other devices so as to improve the functioning of all licensing and professional boards now or hereafter created by law. The director of the division is the liaison officer between the governing bodies of each licensing and professional board and the office of governor.

Subd. 4. The director of consumer services with the approval of the chairman of the commerce commission may assign any of his duties and responsibilities to sections which he may create within his division.

Subd. 5. Sections 3 and 4 are effective upon the appointment of a director.

Sec. 5. Minnesota Statutes 1967, Chapter 45, is amended by adding a section to read:

[45.032] Hearings. *Subdivision 1. The commission or any of its members may delegate its or his authority to conduct a hearing, but not review proceedings to a hearing examiner. For purposes of this section, "appointive authority" means the commission or member thereof by whom such a delegation is made. The examiner shall have the same power as the appointive authority to compel the attendance of witnesses, to examine them under oath, to require the production of books, papers, and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state. The commission shall prescribe by rule and regulation, in conformity to the provisions of Minnesota Statutes 1967, Sections 15.0411 to 15.0423, inclusive, the procedures for the conduct of all hearings and review proceedings.*

Subd. 2. If a hearing examiner conducts a hearing he shall make findings of fact and submit them to the appointive authority. The transcript of testimony and exhibits shall constitute the exclusive record upon which such findings are made. The findings shall be available for public inspection. After receipt of the hearing examiner's findings, the appointive authority shall decide the case. In deciding the case, the appointive authority shall have all of the powers which it

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Except as provided in section 14.29, subdivision 3, no agency may adopt an emergency or temporary rule pursuant to any temporary rulemaking authority granted in a statute enacted prior to March 1, 1984, later than 180 days after the effective date of this section.

Sec. 31. TERMS CONSTRUED.

All grants of temporary rulemaking authority made prior to or during the 1984 legislative session shall be construed to be grants of emergency rulemaking authority.

Sec. 32. INSTRUCTION TO THE REVISOR.

The revisor of statutes shall change the term "temporary rule," "temporary rulemaking," or similar terms to "emergency rule," "emergency rulemaking," or similar terms wherever those terms appear in Minnesota Statutes 1984.

The revisor of statutes shall change the term "hearing examiner" or similar terms to "administrative law judge" or similar terms and the term "chief hearing examiner" or similar terms to "chief administrative law judge" or similar terms wherever those terms appear in Minnesota Statutes 1984 with reference to personnel of the office of administrative hearings.

Sec. 33. REPEALER.

Minnesota Statutes 1982, section 14.13; and Minnesota Statutes 1983 Supplement, sections 14.07, subdivision 5; 14.17; and 14.21, are repealed.

Sec. 34. EFFECTIVE DATE, APPLICATION.

Sections 1 to 25, 28, and 30 to 33 are effective the day following final enactment and shall apply to all rulemaking proceedings for which the notice under section 14.14, subdivision 1a, 14.22, or 14.30 is thereafter published. Sections 26 and 27 are effective the day following final enactment.

Approved May 2, 1984

CHAPTER 641 — H.F.No. 2098

An act relating to public welfare; requiring financial statements by providers of continuing care facilities; allowing residents to form associations; revising procedures for determining operating cost payment rates for nursing homes; providing for a study; limiting control of waived services; regulating continuing care facilities; appropriating money; amending Minnesota Statutes 1982, sections 62D.12, subdivision 1; 62D.17, subdivision 4;

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1796

LAWS of MINNESOTA for 1984

Ch. 641

144.072; 256B.25; 256D.06, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 45.16, subdivision 2; 62D.03, subdivision 4; 144A.31, subdivision 4; 256B.421, subdivisions 2, 5, and 8; 256B.431, subdivisions 1, 2, 4, 5, and by adding a subdivision; 256.48, subdivision 1; and 256B.50; proposing new law coded in Minnesota Statutes, chapters 62D; 80D; 144; and 256B.

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

Section 1. Minnesota Statutes 1983 Supplement, section 45.16, subdivision 2, is amended to read:

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

(a) 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;

(b) enforce the provisions of law set forth in sections 2 to 4;

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

Sec. 2. Minnesota Statutes 1983 Supplement, section 62D.03, subdivision 4, if amended by H.F. No. 1561 at the 1984 regular session, is amended to read:

Subd. 4. Each application for a certificate of authority shall be verified by an officer or authorized representative of the applicant, and shall be in a form prescribed by the commissioner of health. Each application shall include the following:

(a) a copy of the basic organizational document, if any, of the applicant and of each major participating entity; such as the articles of incorporation, or other applicable documents, and all amendments thereto;

(b) a copy of the bylaws, rules and regulations, or similar document, if any, and all amendments thereto which regulate the conduct of the affairs of the applicant and of each major participating entity;

(c) a list of the names, addresses, and official positions of the following:

(1) all members of the board of directors, or governing body of the local government unit, and the principal officers and ~~controlling~~ shareholders of the applicant organization; and

(2) all members of the board of directors, or governing body of the local government unit, and the principal officers of the major participating entity and ~~controlling shareholders of each shareholder beneficially owning more than ten percent of any voting stock of the~~ major participating entity;

The commissioner may by rule identify persons included in the ~~terms~~ term "principal officers" and "~~controlling shareholders~~";

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(q) a copy of any agreement between the health maintenance organization and an insurer or nonprofit health service corporation regarding reinsurance, stop-loss coverage or any other type of coverage for potential costs of health services, as authorized in section 62D.04, subdivision 1, clause (f), and section 62D.13; and

(r) other information as the commissioner of health may reasonably require to be provided.

Sec. 3. [62D.102] MINIMUM BENEFITS.

In addition to minimum requirements established in other sections, all group health maintenance contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage for at least ten hours of treatment over a 12-month period with a copayment not to exceed the greater of \$10 or 20 percent of the applicable usual and customary charge for mental or nervous disorder consultation, diagnosis and treatment services delivered while the enrollee is not a bed patient in a hospital.

Sec. 4. [62D.103] SECOND OPINION RELATED TO CHEMICAL DEPENDENCY AND MENTAL HEALTH.

A health maintenance organization shall promptly evaluate the treatment needs of any enrollee who is seeking treatment for a problem related to chemical dependency or mental health conditions. In the event that the health maintenance organization or a participating provider determines that no type of structured treatment is necessary, the enrollee shall be immediately entitled to a second opinion paid for by the health maintenance organization, by a health care professional qualified in diagnosis and treatment of the problem and not affiliated with the health maintenance organization. The health maintenance organization or participating provider shall consider the second opinion but is not obligated to accept the conclusion of the second opinion. The health maintenance organization or participating provider shall document its consideration of the second opinion.

Sec. 5. Minnesota Statutes 1982, section 62D.12, subdivision 1, if amended by H.F. No. 1561 at the 1984 regular session, is amended to read:

Subdivision 1. No health maintenance organization or representative thereof may cause or knowingly permit the use of advertising or solicitation which is untrue or misleading, or any form of evidence of coverage which is deceptive. ~~Any written advertising is misleading if it fails to disclose that there are limitations on the services of some health care professionals. This general disclosure is not required on billboards.~~ Each health maintenance organization shall be subject to sections 72A.17 to 72A.321, relating to the regulation of trade practices, except (a) to the extent that the nature of a health maintenance organization renders such sections clearly inappropriate and (b) that enforcement shall be by the commissioner of health and not by the commissioner of insurance.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

1800

LAWS of MINNESOTA for 1984

Ch. 641

Every health maintenance organization shall be subject to sections 325F.69 and 8.31.

Sec. 6. Minnesota Statutes 1982, section 62D.17, subdivision 4, is amended to read:

Subd. 4. (a) The commissioner of health may issue an order directing a health maintenance organization or a representative of a health maintenance organization to cease and desist from engaging in any act or practice in violation of the provisions of sections 62D.01 to 62D.29.

(b) Within 20 days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of sections 62D.01 to 62D.29 have occurred. Such hearings shall be subject to judicial review as provided by chapter 14.

If the acts or practices involve violation of the reporting requirements of section 62D.08, or if the commissioner of commerce has ordered the rehabilitation, liquidation, or conservation of the health maintenance organization in accordance with section 62D.18, the health maintenance organization may request an expedited hearing on the matter. The hearing shall be held within 15 days of the request. Within ten days thereafter, a hearing examiner shall issue a recommendation on the matter. The commissioner shall make a final determination on the matter within ten days of receipt of the hearing examiner's recommendation.

When a request for a stay accompanies the hearing request, the matter shall be referred to the office of administrative hearings within three working days of receipt of the request. Within ten days thereafter, a hearing examiner shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five days of receipt of the hearing examiner's recommendation.

To the extent the acts or practices alleged do not involve violations of section 62D.08, if a timely request for a hearing is made, the cease and desist order shall be stayed for a period of 90 days from the date the hearing is requested or until a final determination is made on the order, whichever is earlier. During this stay, the respondent may show cause why the order should not become effective upon the expiration of the stay. Arguments on this issue shall be made through briefs filed with the hearing examiner no later than ten days prior to the expiration of the stay.

Sec. 7. [80D.19] ANNUAL FINANCIAL STATEMENT REQUIRED.

A provider shall prepare and distribute an annual financial statement to the residents of a facility. The statement shall be prepared in accordance with generally accepted accounting principles and shall be distributed within four months of the end of the provider's fiscal year. The statement must reflect all of

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

325F.68 DEFINITIONS.

Subdivision 1. **Scope.** The following words and terms where used in sections 325F.68 to 325F.70 shall have the meanings ascribed to them in this section.

Subd. 2. **Merchandise.** "Merchandise" means any objects, wares, goods, commodities, intangibles, real estate, loans, or services.

Subd. 3. **Person.** "Person" means any natural person or a legal representative, partnership, corporation (domestic and foreign), company, trust, business entity, or association, and any agent, employee, salesperson, partner, officer, director, member, stockholder, associate, trustee, or cestui que trust thereof.

Subd. 4. **Sale.** "Sale" means any sale, offer for sale, or attempt to sell any merchandise for any consideration.

Subd. 5. **Going out of business sale.** "Going out of business sale" means any sale advertised or held out to the public as a sale in anticipation of the imminent termination of a business, including any sale advertised or held out to the public as a "going out of business sale," a "close out sale," a "loss of lease sale," a "must vacate sale," a "bankruptcy sale," or in any similar terms.

History: 1963 c 842 s 1; 1985 c 148 s 2; 1986 c 444; 1997 c 157 s 60

325F.69 UNLAWFUL PRACTICES.

Subdivision 1. Fraud, misrepresentation, deceptive or unfair practices. The act, use, or employment by any person of any fraud, unfair or unconscionable practice, false pretense, false promise, misrepresentation, misleading statement or deceptive practice, with the intent that others rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, is enjoined as provided in section 325F.70.

Subd. 2. Referral and chain referral selling prohibited. (1) With respect to any sale or lease the seller or lessor may not give or offer a rebate or discount or otherwise pay or offer to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of the buyer's or lessee's giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or lease to another person, if the earning of the rebate, discount or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease.

(2)(a) With respect to any sale or lease, it shall be illegal for any seller or lessor to operate or attempt to operate any plans or operations for the disposal or distribution of property or franchise or both whereby a participant gives or agrees to give a valuable consideration for the chance to receive something of value for inducing one or more additional persons to give a valuable consideration in order to participate in the plan or operation, or for the chance to receive something of value when a person induced by the participant induces a new participant to give such valuable consideration including such plans known as chain referrals, pyramid sales, or multilevel sales distributorships.

(b) The phrase "something of value" as used in paragraph (a) above, does not mean or include payment based upon sales made to persons who are not purchasing in order to participate in the prohibited plan or operation.

(3) If a buyer or lessee is induced by a violation of this subdivision to enter into a sale or lease, the agreement is unenforceable and the buyer or lessee has the option to rescind the agreement with the seller or lessor and, upon tendering the property received, or what remains of it, obtain full or in the case of remains, a proportional restitution of all sums paid, or retain the goods delivered and the benefit of any services performed without any further obligation to pay for them.

(4) With respect to a sale or lease in violation of this section an assignee of the rights of the seller or lessor is subject to all claims and defenses of the buyer or lessee against the seller or lessor arising out of the sale or lease notwithstanding an agreement to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. Rights of the buyer or lessee under this section can only be asserted as a matter of defense to or setoff against a claim by the assignee.

(5) In a sale or lease in violation of this section, the seller or lessor may not take a negotiable instrument other than a check as evidence of the obligation of the buyer or lessee. A holder is not in good faith if the holder takes a negotiable instrument with notice that it is issued in violation of this section.

(6) Any person who violates any provision of this subdivision shall be guilty of a gross misdemeanor.

Subd. 3. Advertising media excluded. Sections 325F.68 to 325F.70 shall apply to actions of the owner, publisher, agent or employee of newspapers, magazines, other printed matter or radio or television stations or other advertising media used for the publication or dissemination of an advertisement, only if the owner, publisher, agent, or employee has either knowledge of the false, misleading or deceptive character of the advertisement or a financial interest in the sale or distribution of the advertised merchandise.

Subd. 4. **Solicitation of money for merchandise not ordered or services not performed.** The act, use, or employment by any person of any solicitation for payment of money by another by any statement or invoice, or any writing that could reasonably be interpreted as a statement or invoice, for merchandise not yet ordered or for services not yet performed and not yet ordered, whether or not any person has in fact been misled, deceived, or damaged thereby, is enjoined as provided in section 325F.70.

Subd. 5. **Prohibited going out of business sales.** It is illegal for any person to represent falsely that a sale is a "going out of business sale." Any representation that a sale is a "going out of business sale" is presumed to be false and illegal under this subdivision, if at that location or within a relevant market area:

- (1) the sale has been represented to be a "going out of business sale" for a period of more than 120 days;
- (2) the business has increased its inventory for the sale by ordering or purchasing an unusual amount of merchandise during the sale or during the 90 days before the sale began;
- (3) the business, or any of its officers or directors, has advertised any other sale as a "going out of business sale" during the 120 days before this sale began; or
- (4) the sale has continued after a date on which the business has represented, expressly or by reasonable implication, that the business would terminate.

Any presumption arising under clauses (1) to (4) may be rebutted if the business shows, by clear and convincing evidence, that the sale was in fact conducted in anticipation of the imminent termination of the business. This subdivision does not apply to a sale in any statutory or home rule charter city that by ordinance requires the licensing of persons conducting a "going out of business sale," nor to public officers acting in the course of their official duties.

Subd. 6. **Deceptive use of financial institution name.** No person shall include the name, trade name, logo, or tagline of a financial institution as defined in section 49.01, subdivision 2, in a written solicitation for financial services directed to a customer who has obtained a loan from the financial institution without written permission from the financial institution, unless the solicitation clearly and conspicuously states that the person is not sponsored by or affiliated with the financial institution, which shall be identified by name. This statement shall be made in close proximity to, and in the same or larger font size as, the first and most prominent use or uses of the name, trade name, logo, or tagline in the solicitation, including on an envelope or through an envelope window containing the solicitation. For purposes of this section, the term "financial institution" includes a financial institution's affiliates and subsidiaries. This subdivision shall not prohibit the use of a financial institution name, trade name, logo, or tagline of a financial institution if the use of that name is part of a fair and accurate comparison of like products or services.

Subd. 7. **Advertisement and sales; misrepresentation of conversion therapy.** (a) For purposes of this subdivision, "conversion therapy" means services or products that are intended to change an individual's sexual orientation or gender identity, including efforts to change behaviors and gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.

(b) No person or entity shall, while conducting any trade or commerce, use or employ any fraud, false pretense, false promise, false guarantee, misrepresentation, false or misleading statements, or deceptive practice by advertising or otherwise offering conversion therapy services that could reasonably be interpreted or inferred as representing homosexuality as a mental disease, disorder, or illness, or guaranteeing to change an individual's sexual orientation or gender identity.

Subd. 8. **Unfair or unconscionable acts or practices; standard of proof.** For purposes of this section, an unfair method of competition or an unfair or unconscionable act or practice is any method of competition,

act, or practice that: (1) offends public policy as established by the statutes, rules, or common law of Minnesota; (2) is unethical, oppressive, or unscrupulous; or (3) is substantially injurious to consumers.

History: 1963 c 842 s 2; 1969 c 739 s 1; 1969 c 1100 s 1; 1971 c 391 s 1; 1973 c 454 s 1; 1975 c 364 s 3; 1985 c 148 s 3; 1986 c 444; 2004 c 228 art 1 s 56.57; 2005 c 118 s 17; 2023 c 28 s 3; 2023 c 57 art 4 s 16.17

325F.70 REMEDIES.

Subdivision 1. **Injunction.** The attorney general or any county attorney may institute a civil action in the name of the state in the district court for an injunction prohibiting any violation of sections 325F.68 to 325F.70. The court, upon proper proof that defendant has engaged in a practice made enjoined by section 325F.69, may enjoin the future commission of such practice. It shall be no defense to such an action that the state may have adequate remedies at law.

Subd. 2. **Service of process.** Service of process shall be as in any other civil suit, except that where a defendant in such action is a natural person or firm residing outside the state, or is a foreign corporation, service of process may also be made by personal service outside the state, or in the manner provided by section 5.25, or in such manner as the court may direct. Process is valid if it satisfies the requirements of due process of law, whether or not defendant is doing business in Minnesota regularly or habitually.

Subd. 3. **Private enforcement.** (a) In addition to the remedies otherwise provided by law, a consumer injured by a violation of sections 325F.68 to 325F.70, in connection with a sale of merchandise for personal, family, household, or agricultural purposes, may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other equitable relief as determined by the court. An action brought under this section benefits the public.

(b) For the purposes of this subdivision:

- (1) "consumer" means a natural person or family farmer;
- (2) "family farmer" means a person or persons operating a family farm; and
- (3) "family farm" has the meaning given in section 116B.02, subdivision 6.

History: 1963 c 842 s 3; 1967 c 302 s 2; 1995 c 128 art 1 s 16; 2023 c 52 art 19 s 15

80D.16 CRIMINAL PENALTIES.

Any person who willfully and knowingly violates any provision of sections 80D.03 to 80D.16 shall upon conviction be fined not more than \$20,000 or imprisoned not more than 364 days, or both.

Nothing in sections 80D.03 to 80D.16 limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

History: 1980 c 516 s 18; 1981 c 135 s 12; 1984 c 628 art 3 s 11; 2023 c 52 art 6 s 16

(11) the names of the federal agencies the MNFC received data from or shared data with;

(12) the names of the agencies that submitted SARs;

(13) a summary description of the MNFC's activities with the Joint Terrorism Task Force;

(14) the number of investigations aided by the MNFC's use of SARs and RFIs;

(15) the number of tips received through the Department of Public Safety's anonymous threat reporting system, including the See It, Say It, Send It application, and the number of those tips that the MNFC processed; and

(16) the number of active shooter incident reports received from school districts pursuant to section 121A.06, subdivision 2a, paragraph (b); a summary of the reports; and the number of reports that were converted into Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of Investigation, or that were referred to local law enforcement agencies.

(b) The report shall be provided to the chairs and ranking minority members of the committees of the house of representatives and senate with jurisdiction over data practices and public safety issues, and shall be posted on the MNFC website by February 15 each year beginning on February 15, 2024.

History: 2023 c 52 art 5 s 28; 2025 c 35 art 5 s 9

299C.06 DIVISION POWERS AND DUTIES; COOPERATION.

It shall be the duty of all sheriffs, chiefs of police, prison wardens, superintendents of hospitals for persons with mental illnesses, reformatories, and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the commissioner of public safety, the commissioner of transportation, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered; arrests made; complaints, informations, and indictments filed, and the disposition made of same; pleas, convictions, acquittals, probations granted or denied; conditional release information; receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions; paroles granted and revoked; commutation of sentences and pardons granted and rescinded; and all other data useful in determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it. Unless otherwise required or permitted by the superintendent of the Bureau of Criminal Apprehension, an agency or person furnishing information under this section must utilize a nationally recognized system or standard approved by the Federal Bureau of Investigation for reporting statistics and information. The division shall have the power to inspect and prescribe the form and substance of the records kept by those officials from which the information is so furnished.

History: (9950-7) 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41; 1976 c 5 s 11; 1976 c 166 s 7; 1998 c 367 art 7 s 4; 1Sp2003 c 2 art 4 s 6; 2005 c 10 art 2 s 4; 2013 c 62 s 22

299C.061 FINANCIAL CRIMES AND FRAUD SECTION.

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

(b) "Fraud involving state funded or administered programs or services" includes any violation of section 609.445, 609.465, 609.466, 609.52, 609.5523, 609.611, 609.651, 609.7475, or 609.821 involving a state agency or state-funded or administered program or service.

- (c) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).
- (d) "Section" means the Financial Crimes and Fraud Section of the Bureau of Criminal Apprehension.
- (e) "State agency" has the meaning given in section 13.02, subdivision 17.
- (f) "Superintendent" means the superintendent of the Bureau of Criminal Apprehension.

Subd. 2. **Financial Crimes and Fraud Section.** The superintendent shall operate the Financial Crimes and Fraud Section within the Bureau of Criminal Apprehension to conduct investigations into insurance fraud, financial crimes, wage theft, and fraud involving state-funded or administered programs or services. The Section shall be partially or fully comprised of licensed peace officers. Members of this Section have the full authorities specified in chapter 299C and are not limited to the duties enumerated in this statutory section.

Subd. 3. **Duties.** The Financial Crimes and Fraud Section shall:

- (1) review notices and reports of insurance fraud and related crimes submitted by authorized insurers, their employees, and agents or producers pursuant to sections 60A.951 to 60A.956;
- (2) initiate inquiries and conduct investigations when the Section has reason to believe that any of the following offenses have been or are being committed:
 - (i) fraud involving state-funded or administered programs or services in subdivision 1, paragraph (b);
 - (ii) insurance fraud and related crimes, as defined in sections 60A.951, subdivision 4, and 609.611, and support of those activities;
 - (iii) wage theft and related crimes; and
 - (iv) any other financial crimes; and
- (3) operate the automobile theft prevention program under section 65B.84.

Subd. 4. **Mandatory referral; duty to investigate.** (a) Except as provided in paragraphs (b) and (d), a state agency shall refer all suspected fraudulent activity under the provisions in subdivision 1, paragraph (b), equaling \$100,000 or more to the Section for evaluation and investigation or appropriate referral. Upon receipt of the referral, the Section shall review and, where appropriate, conduct criminal investigations into the allegations. The Section has sole discretion as to which allegations are investigated further, referred back to the reporting agency for appropriate regulatory investigation, or referred to another law enforcement agency with appropriate jurisdiction.

(b) When acting in a civil or criminal law enforcement capacity and permitted by applicable law or order, the attorney general may, in the attorney general's discretion, refer suspected fraudulent activity under the provisions in subdivision 1, paragraph (b), to the Section for evaluation and investigation or appropriate referral in accordance with paragraph (a).

(c) Notwithstanding paragraph (b), this section has no effect on the authority of the attorney general to investigate and enforce violations or suspected violations of Minnesota civil or criminal law.

(d) Referral to the Section under this subdivision is not required when a state agency is required to refer the fraudulent activity to the state Medicaid Fraud Control Unit in accordance with Code of Federal Regulations, title 42, section 455.21(A)(1)(a), and section 256B.04, subdivision 10.

Subd. 5. **Discretionary referral.** A state agency may refer suspected fraud involving state-funded or administered programs or services equaling less than \$100,000 to the Section for investigation. Upon referral, the Section shall:

- (1) accept the referral and, where appropriate, conduct criminal investigations into the allegations and make appropriate referrals for criminal prosecution; or
- (2) redirect the referral to another appropriate law enforcement agency or civil investigative authority, offering assistance where appropriate.

Subd. 6. **Data sharing authorized.** Notwithstanding chapter 13 or any other statute related to the classification of government data to the contrary, state agencies making a referral under subdivision 4 or 5 shall provide data related to the suspected fraudulent activity to the Section, including data classified as not public. The Section may share active criminal investigative data concerning insurance fraud with the Department of Commerce.

Subd. 7. **State agency reporting.** By January 15 of each year, each state agency must report all suspected fraud incurred by the agency that involves state-funded or administered programs or services equaling \$10,000 or more to the Section to be summarized in the report under subdivision 8. This subdivision does not apply to information obtained by the attorney general when acting in a civil or criminal law enforcement capacity.

Subd. 8. **Annual report.** (a) By February 1 of each year, the superintendent shall report to the commissioner, the governor, and the chairs and ranking minority members of the legislative committees with jurisdiction over public safety policy and finance, and commerce consumer protection policy and finance, the following information pertaining to the Section since the previous report:

- (1) the number of investigations initiated;
- (2) the number of allegations investigated;
- (3) the outcomes or current status of each investigation;
- (4) the charging decisions made by the prosecuting authority of incidents investigated by the Section;
- (5) the number of plea agreements reached in incidents investigated by the Section;
- (6) the number of reports received under subdivision 7;
- (7) the number of state agency referrals to the state Medicaid Fraud Control Unit reported to the superintendent under paragraph (b); and
- (8) any other information relevant to the Section's responsibilities.

(b) No later than January 15 of each odd-numbered year, each state agency that is required to make referrals to the state Medicaid Fraud Control Unit in accordance with Code of Federal Regulations, title 42, section 455.21(A)(1)(a), and section 256B.04, subdivision 10, shall report the following information to the superintendent for the two previous calendar years:

- (1) the number of cases referred to the state Medicaid Fraud Control Unit;
- (2) the number of referrals accepted by the state Medicaid Fraud Control Unit; and
- (3) the number of referrals declined by the state Medicaid Fraud Control Unit.

Subd. 9. **Insurance fraud prevention account.** The insurance fraud prevention account is created in the state treasury. Money received from assessments under subdivision 10 and transferred from the automobile theft prevention account in sections 65B.84, subdivision 1, and 297I.11, subdivision 2, is deposited in the account. Money in this fund is appropriated to the commissioner of public safety for the purposes specified in this section and sections 60A.951 to 60A.956.

Subd. 10. **Assessment.** Each insurer authorized to sell insurance in the state of Minnesota, including surplus lines carriers, and having Minnesota earned premium the previous calendar year shall remit an assessment to the commissioner of public safety for deposit in the insurance fraud prevention account on or before June 1 of each year. The amount of the assessment shall be based on the insurer's total assets and on the insurer's total written Minnesota premium, for the preceding fiscal year, as reported pursuant to section 60A.13. The commissioner of public safety shall consult with the commissioner of commerce for purposes of calculating the assessment amount. Beginning with the payment due on or before June 1, 2024, the assessment amount is:

Total Assets	Assessment
Less than \$100,000,000	\$ 400
\$100,000,000 to \$1,000,000,000	\$ 1,500
Over \$1,000,000,000	\$ 4,000
Minnesota Written Premium	Assessment
Less than \$10,000,000	\$ 400
\$10,000,000 to \$100,000,000	\$ 1,500
Over \$100,000,000	\$ 4,000

For purposes of this subdivision, the following entities are not considered to be insurers authorized to sell insurance in the state of Minnesota: risk retention groups; or township mutuals organized under chapter 67A.

Subd. 11. **Investigations; health-related boards.** (a) The Bureau of Criminal Apprehension may consult with the appropriate health-related board when a licensee, licensed under chapter 144E, 147, 148, 148B, 148E, or 150A, is suspected of insurance fraud.

(b) The bureau shall, for any conviction involving or related to insurance, send copies of all public data in its possession to the appropriate health-related licensing board.

Subd. 12. **Administrative penalty for insurance fraud.** (a) The commissioner may:

(1) impose an administrative penalty against any person in an amount as set forth in paragraph (b) for each intentional act of insurance fraud or substantiated acts of attempted insurance fraud, as defined in section 60A.951, subdivision 4, committed by that person;

(2) order restitution to any person suffering loss as a result of the insurance fraud; and

(3) order restitution to a company for the reasonable documented cost of any investigation in connection with the insurance fraud.

(b) The administrative penalty for each violation described in paragraph (a) may be no more than:

- (1) \$20,000 if the funds or the value of the property or services wrongfully obtained exceeds \$5,000;
 - (2) \$10,000 if the funds or value of the property or services wrongfully obtained exceeds \$1,000, but not more than \$5,000;
 - (3) \$3,000 if the funds or value of the property or services wrongfully obtained is more than \$500, but not more than \$1,000; and
 - (4) \$1,000 if the funds or value of the property or services wrongfully obtained is \$500 or less.
- (c) If an administrative penalty is not paid after all rights of appeal have been waived or exhausted, the commissioner may bring a civil action in a court of competent jurisdiction to collect the administrative penalty, including expenses and litigation costs, reasonable attorney fees, and interest.
- (d) This section does not affect a person's right to seek recovery, including expenses and litigation costs, reasonable attorney fees, and interest, against any person that commits insurance fraud.
- (e) For purposes of this subdivision, "insurance fraud" has the meaning given in section 60A.951, subdivision 4.
- (f) Hearings under this subdivision must be conducted in accordance with chapter 14 and any other applicable law.
- (g) All revenues from penalties, expenses, costs, fees, and interest collected under paragraphs (a) to (c) shall be deposited into the insurance fraud prevention account under subdivision 9.

Subd. 13. **Funding allocation.** One hundred percent of the funding allocated to the Bureau of Criminal Apprehension for the assessment in subdivision 10 may only be used for the investigation of insurance fraud and related crimes, as defined in sections 60A.951, subdivision 4, and 609.611, and support of those activities.

History: 2002 c 331 s 1; 2004 c 269 art 1 s 8,9; 2005 c 77 s 1; 2009 c 178 art 1 s 2; 2013 c 85 art 6 s 1; 2013 c 135 art 3 s 2; 1Sp2015 c 1 art 3 s 2; 2017 c 94 art 8 s 1; 2017 c 98 s 2; 2024 c 121 art 4 s 1; 2025 c 20 s 12; 2025 c 35 art 3 s 5-8,19,24

BOMB DISPOSAL

299C.063 BOMB DISPOSAL EXPENSE REIMBURSEMENT.

Subdivision 1. **Definitions.** The terms used in this section have the meanings given them in this subdivision:

- (a) "Bomb disposal unit" means a commissioner-approved unit consisting of persons who are trained and equipped to dispose of or neutralize bombs or other similar hazardous explosives and who are employed by a municipality.
- (b) "Commissioner" means the commissioner of public safety.
- (c) "Explosives sweep" means a detailed scanning service used in corporate office buildings, shipping hangars, event stadiums, transportation hubs, large outdoor events, and other critical facilities using ground-penetrating radar, magnetometers, metal detectors, and specially trained K-9 units to detect improvised explosive devices and explosive remnants of war, such as unexploded ordnance and abandoned ordnance.

Subd. 4. **Data classification.** An application to the commissioner for money is a confidential record. Information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators is a confidential record. A report at the conclusion of an investigation is a public record, except that information in a report pertaining to the identity or location of an assisted witness is private data.

History: 1979 c 333 s 96; 1985 c 126 s 1; 1991 c 279 s 20; 1993 c 326 art 12 s 6; 1994 c 636 art 4 s 17; 1995 c 226 art 4 s 8,9; art 7 s 2; 1997 c 239 art 2 s 1; 1998 c 367 art 2 s 32

299C.066 CRIME INFORMATION REWARD FUND.

Subdivision 1. **Fund created; advisory group.** A crime information reward fund is created as an account in the state treasury. Money appropriated to the account is available to pay rewards as directed by the commissioner of public safety, in consultation with the attorney general, under this section.

The attorney general shall appoint an advisory group, in consultation with the commissioner, of five members to assist in implementation of this section.

Subd. 2. **Reward.** The commissioner is authorized to pay a reward to any person who, in response to a reward offer, provides information leading to the arrest and conviction of a criminal offender. The commissioner shall establish criteria for determining the amount of the reward and the duration of the reward offer. In no event shall a reward exceed \$10,000 or a reward offer remain open longer than ten days. The commissioner shall select the criminal investigations for which rewards are offered based on recommendations made by the advisory group members or by the law enforcement agency or agencies conducting the criminal investigation.

History: 1994 c 636 art 4 s 18

DISPOSAL OF STOLEN PROPERTY

299C.07 RESTORATION OR DISPOSAL OF STOLEN PROPERTY.

The Bureau of Criminal Apprehension shall make every effort for a period of 90 days after the seizure or recovery of abandoned or stolen property to return the property to the lawful owner or to the sheriff of the county from which it was stolen.

Any such property held by the bureau for more than 90 days, in case the owner cannot be found or if it cannot be determined from what county the property was stolen, shall be sold at public auction by the superintendent of the bureau, or the superintendent's agent, after two weeks' published notice thereof in a legal newspaper in Ramsey County, stating the time and place of the sale and a list of the property to be sold.

The proceeds of the sale shall be applied in payment of the necessary expenses of the sale and all necessary costs, storage, or charges incurred in relation to the property. The balance of the proceeds shall be paid into the general fund.

History: 1941 c 389; 1969 c 399 s 1; 1979 c 333 s 97; 1986 c 444