

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 212

(SENATE AUTHORS: HOWE and Mathews)

DATE
01/12/2023

D-PG

Introduction and first reading
 Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to state government; establishing a right for the legislature to intervene in
 1.3 actions where validity of statute is challenged; proposing coding for new law in
 1.4 Minnesota Statutes, chapter 3.

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

1.6 Section 1. **[3.99] INTERVENTION.**

1.7 Subdivision 1. **Definition.** For purposes of this section, "legislative entity" means the
 1.8 house of representatives, the senate, or the Legislative Coordinating Commission.

1.9 Subd. 2. **Right to intervene.** A legislative entity may intervene at any time as a matter
 1.10 of right in an action in state or federal court in which a party, as part of a claim or affirmative
 1.11 defense, challenges the validity of a Minnesota statute, facially or as applied, or challenges
 1.12 a Minnesota statute as violating or being preempted by federal law.

1.13 Subd. 3. **Counsel.** The legislative entity may engage legal counsel to represent the
 1.14 legislative entity in any action in which the legislative entity intervenes. The legislative
 1.15 entity may hire legal counsel who is not the attorney general or employed by the attorney
 1.16 general. The amount necessary to pay the costs of the legal counsel is appropriated annually
 1.17 from the general fund to the legislative entity employing the legal counsel.

1.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.