

Subject Attorney General
Authors Luger-Nikolai and others
Analyst Colbey Sullivan
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Overview

This bill modifies the state's Official Records Act, which requires state and local government entities to create and preserve records necessary for a full and accurate knowledge of each entity's official activities.

H.F. 3656 would provide that when the Office of the Attorney General (OAG) brings a civil law enforcement action on behalf of the state, the OAG acts in the public interest and not as the legal representative of any particular state government agency or entity. The records of state agencies and entities that are not a named party in the litigation are not in the possession of the OAG or subject to party discovery served on the attorney general.

Relatedly, the bill would also provide that agencies and entities are the sole custodian of their records and any records, knowledge, and other information maintained by an OAG division due to an attorney-client relationship with a state agency or entity are not accessible to the OAG divisions that prosecute civil law enforcement actions.

Summary

Section	Description
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| 1 | <p>Attorney general civil law enforcement actions.</p> <p>Provides that when the OAG initiates a civil law enforcement action on behalf of the state, the OAG acts in the public interest of the state and not as the legal representative of any department, agency, or other entity in the executive, legislative, or judicial branch. Provides further that when the OAG initiates a civil law enforcement action on behalf of the state, other departments, agencies, and entities are not parties to the action; the records of other departments, agencies, and entities are not subject to discovery or in the OAG's possession or custody.</p> |
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Section	Description
2	<p>Each agency is the sole custodian of its records.</p> <p>Provides that each department, agency, or other entity in the executive, legislative, or judicial branch is the only authorized custodian of its records and the only entity in possession or custody of its records.</p>
3	<p>Attorney general representation of state agencies.</p> <p>Provides that records maintained by a division of the OAG because of an attorney-client relationship with a state department, agency, or entity are not accessible by OAG divisions that prosecute civil law enforcement actions on behalf of the state.</p>
4	<p>Parties to attorney general law enforcement actions.</p> <p>Provides that a state department, agency, or entity must not be considered a party, or subject to party discovery, in any civil law enforcement action unless the department, agency, or entity is a named party in the litigation.</p>



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