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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3604**

February 28, 2008

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

1.1 A bill for an act  
1.2 relating to public safety; reducing or eliminating certain fees enacted during  
1.3 period of recent budget shortfalls to raise revenue, including criminal offense  
1.4 surcharge, DWI license reinstatement fee, various court fees, and public defender  
1.5 co-pay; amending Minnesota Statutes 2006, sections 171.29, subdivision 2;  
1.6 271.06, subdivision 4; 357.021, subdivisions 2, 6, 7; 357.022; 357.08; Minnesota  
1.7 Statutes 2007 Supplement, section 611.17.

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

1.9 Section 1. Minnesota Statutes 2006, section 171.29, subdivision 2, is amended to read:

1.10 Subd. 2. **Reinstatement fees and surcharges allocated and appropriated.** (a)

1.11 An individual whose driver's license has been revoked as provided in subdivision 1,  
1.12 except under section 169A.52, 169A.54, or 609.21, must pay a \$30 fee before the driver's  
1.13 license is reinstated.

1.14 (b) A person whose driver's license has been revoked as provided in subdivision 1  
1.15 under section 169A.52, 169A.54, or 609.21, must pay a \$250 fee plus a ~~\$40~~ \$50 surcharge  
1.16 before the driver's license is reinstated. ~~Beginning July 1, 2002, the surcharge is \$145.~~

1.17 ~~Beginning July 1, 2003, the surcharge is \$430.~~ The \$250 fee is to be credited as follows:

1.18 (1) Twenty percent must be credited to the driver services operating account in the  
1.19 special revenue fund as specified in section 299A.705.

1.20 (2) Sixty-seven percent must be credited to the general fund.

1.21 (3) Eight percent must be credited to a separate account to be known as the Bureau  
1.22 of Criminal Apprehension account. Money in this account may be appropriated to the  
1.23 commissioner of public safety and the appropriated amount must be apportioned 80 percent  
1.24 for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

2.1 (4) Five percent must be credited to a separate account to be known as the vehicle  
2.2 forfeiture account, which is created in the special revenue fund. The money in the account  
2.3 is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

2.4 (c) ~~The revenue from \$50 of each~~ surcharge must be credited to a separate account  
2.5 to be known as the traumatic brain injury and spinal cord injury account. The money in  
2.6 the account is annually appropriated to the commissioner of health to be used as follows:  
2.7 83 percent for contracts with a qualified community-based organization to provide  
2.8 information, resources, and support to assist persons with traumatic brain injury and their  
2.9 families to access services, and 17 percent to maintain the traumatic brain injury and  
2.10 spinal cord injury registry created in section 144.662. For the purposes of this paragraph,  
2.11 a "qualified community-based organization" is a private, not-for-profit organization of  
2.12 consumers of traumatic brain injury services and their family members. The organization  
2.13 must be registered with the United States Internal Revenue Service under section 501(c)(3)  
2.14 as a tax-exempt organization and must have as its purposes:

2.15 (1) the promotion of public, family, survivor, and professional awareness of the  
2.16 incidence and consequences of traumatic brain injury;

2.17 (2) the provision of a network of support for persons with traumatic brain injury,  
2.18 their families, and friends;

2.19 (3) the development and support of programs and services to prevent traumatic  
2.20 brain injury;

2.21 (4) the establishment of education programs for persons with traumatic brain injury;  
2.22 and

2.23 (5) the empowerment of persons with traumatic brain injury through participation  
2.24 in its governance.

2.25 A patient's name, identifying information, or identifiable medical data must not be  
2.26 disclosed to the organization without the informed voluntary written consent of the patient  
2.27 or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

2.28 ~~(d) The remainder of the surcharge must be credited to a separate account to be~~  
2.29 ~~known as the remote electronic alcohol-monitoring program account. The commissioner~~  
2.30 ~~shall transfer the balance of this account to the commissioner of finance on a monthly~~  
2.31 ~~basis for deposit in the general fund.~~

2.32 ~~(e)~~ When these fees are collected by a licensing agent, appointed under section  
2.33 171.061, a handling charge is imposed in the amount specified under section 171.061,  
2.34 subdivision 4. The reinstatement fees and surcharge must be deposited in an approved  
2.35 depository as directed under section 171.061, subdivision 4.

3.1 **EFFECTIVE DATE.** This section is effective July 1, 2008.

3.2 Sec. 2. Minnesota Statutes 2006, section 271.06, subdivision 4, is amended to read:

3.3 Subd. 4. **Appeal fee.** At the time of filing the notice of appeal the appellant shall  
 3.4 pay to the court administrator of the Tax Court an appeal fee equal to the fee provided for  
 3.5 civil actions in the district court under section 357.021, subdivision 2, clause (1); except  
 3.6 that no appeal fee shall be required of the commissioner of revenue, the attorney general,  
 3.7 the state or any of its political subdivisions. In small claims division, the appeal fee shall  
 3.8 be ~~\$150~~ \$25. The provisions of chapter 563, providing for proceedings in forma pauperis,  
 3.9 shall also apply for appeals to the Tax Court.

3.10 **EFFECTIVE DATE.** This section is effective July 1, 2008.

3.11 Sec. 3. Minnesota Statutes 2006, section 357.021, subdivision 2, is amended to read:

3.12 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court  
 3.13 administrator shall be as follows:

3.14 (1) In every civil action or proceeding in said court, including any case arising under  
 3.15 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,  
 3.16 petitioner, or other moving party shall pay, when the first paper is filed for that party in said  
 3.17 action, a fee of ~~\$240~~ \$135, except in marriage dissolution actions the fee is ~~\$270~~ \$165.

3.18 The defendant or other adverse or intervening party, or any one or more of several  
 3.19 defendants or other adverse or intervening parties appearing separately from the others,  
 3.20 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$240~~ \$135,  
 3.21 except in marriage dissolution actions the fee is ~~\$270~~ \$165.

3.22 The party requesting a trial by jury shall pay \$75.

3.23 The fees above stated shall be the full trial fee chargeable to said parties irrespective  
 3.24 of whether trial be to the court alone, to the court and jury, or disposed of without trial,  
 3.25 and shall include the entry of judgment in the action, but does not include copies or  
 3.26 certified copies of any papers so filed or proceedings under chapter 103E, except the  
 3.27 provisions therein as to appeals.

3.28 (2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5  
 3.29 for an uncertified copy.

3.30 (3) Issuing a subpoena, ~~\$12~~ \$3 for each name.

3.31 (4) ~~Filing a motion or response to a motion in civil, family, excluding child support,~~  
 3.32 ~~and guardianship cases, \$55.~~

4.1 ~~(5)~~ Issuing an execution and filing the return thereof; issuing a writ of attachment,  
 4.2 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not  
 4.3 specifically mentioned, ~~\$40~~ \$10.

4.4 ~~(6)~~ (5) Issuing a transcript of judgment, or for filing and docketing a transcript of  
 4.5 judgment from another court, ~~\$30~~ \$7.50.

4.6 ~~(7)~~ (6) Filing and entering a satisfaction of judgment, partial satisfaction, or  
 4.7 assignment of judgment, \$5.

4.8 ~~(8)~~ (7) Certificate as to existence or nonexistence of judgments docketed, \$5 for  
 4.9 each name certified to.

4.10 ~~(9)~~ (8) Filing and indexing trade name; or recording basic science certificate;  
 4.11 or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or  
 4.12 optometrists, \$5.

4.13 ~~(10)~~ (9) For the filing of each partial, final, or annual account in all trusteeships,  
 4.14 ~~\$40~~ \$10.

4.15 ~~(11)~~ (10) For the deposit of a will, ~~\$20~~ \$5.

4.16 ~~(12)~~ (11) For recording notary commission, ~~\$100~~ \$25, of which, notwithstanding  
 4.17 subdivision 1a, paragraph (b), ~~\$80~~ \$20 must be forwarded to the commissioner of finance  
 4.18 to be deposited in the state treasury and credited to the general fund.

4.19 ~~(13)~~ (12) Filing a motion or response to a motion for modification of child support, a  
 4.20 fee of ~~\$55~~ fixed by rule or order of the Supreme Court.

4.21 ~~(14)~~ (13) All other services required by law for which no fee is provided, such fee  
 4.22 as compares favorably with those herein provided, or such as may be fixed by rule or  
 4.23 order of the court.

4.24 ~~(15)~~ (14) In addition to any other filing fees under this chapter, a surcharge in the  
 4.25 amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for  
 4.26 each adoption petition filed in district court to fund the fathers' adoption registry under  
 4.27 section 259.52.

4.28 The fees in clauses (3) and ~~(5)~~ (4) need not be paid by a public authority or the party  
 4.29 the public authority represents.

4.30 **EFFECTIVE DATE.** This section is effective July 1, 2008.

4.31 Sec. 4. Minnesota Statutes 2006, section 357.021, subdivision 6, is amended to read:

4.32 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in  
 4.33 this paragraph, the court shall impose and the court administrator shall collect a ~~\$72~~ \$35  
 4.34 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or  
 4.35 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle

5.1 parking, ~~for which there shall be a \$4 surcharge~~. In the Second Judicial District, the  
5.2 court shall impose, and the court administrator shall collect, an additional \$1 surcharge  
5.3 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty  
5.4 misdemeanor offense, including a violation of a law or ordinance relating to vehicle  
5.5 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The  
5.6 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the  
5.7 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a  
5.8 petty misdemeanor for which no fine is imposed.

5.9 (b) If the court fails to impose a surcharge as required by this subdivision, the court  
5.10 administrator shall show the imposition of the surcharge, collect the surcharge, and  
5.11 correct the record.

5.12 (c) The court may not waive payment of the surcharge required under this  
5.13 subdivision. Upon a showing of indigency or undue hardship upon the convicted person  
5.14 or the convicted person's immediate family, the sentencing court may authorize payment  
5.15 of the surcharge in installments.

5.16 (d) The court administrator or other entity collecting a surcharge shall forward it  
5.17 to the commissioner of finance.

5.18 (e) If the convicted person is sentenced to imprisonment and has not paid the  
5.19 surcharge before the term of imprisonment begins, the chief executive officer of the  
5.20 correctional facility in which the convicted person is incarcerated shall collect the  
5.21 surcharge from any earnings the inmate accrues from work performed in the facility  
5.22 or while on conditional release. The chief executive officer shall forward the amount  
5.23 collected to the commissioner of finance.

5.24 **EFFECTIVE DATE.** This section is effective July 1, 2008.

5.25 Sec. 5. Minnesota Statutes 2006, section 357.021, subdivision 7, is amended to read:

5.26 Subd. 7. **Disbursement of surcharges by commissioner of finance.** (a) Except  
5.27 as provided in paragraphs (b), (c), and (d), the commissioner of finance shall disburse  
5.28 surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

5.29 (1) one percent shall be credited to the game and fish fund to provide peace officer  
5.30 training for employees of the Department of Natural Resources who are licensed under  
5.31 sections 626.84 to 626.863, and who possess peace officer authority for the purpose of  
5.32 enforcing game and fish laws;

5.33 (2) 39 percent shall be credited to the peace officers training account in the special  
5.34 revenue fund; and

5.35 (3) 60 percent shall be credited to the general fund.

6.1 (b) The commissioner of finance shall credit \$3 of each surcharge received under  
6.2 subdivision 6 and section 97A.065, subdivision 2, to the general fund.

6.3 (c) In addition to any amounts credited under paragraph (a), the commissioner of  
6.4 finance shall credit ~~\$44~~ \$7 of each surcharge received under subdivision 6 and section  
6.5 97A.065, subdivision 2, ~~and the \$4 parking surcharge,~~ to the general fund.

6.6 (d) If the Ramsey County Board of Commissioners authorizes imposition of  
6.7 the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court  
6.8 administrator in the Second Judicial District shall transmit the surcharge to the  
6.9 commissioner of finance. The \$1 special surcharge is deposited in a Ramsey County  
6.10 surcharge account in the special revenue fund and amounts in the account are appropriated  
6.11 to the trial courts for the administration of the petty misdemeanor diversion program  
6.12 operated by the Second Judicial District Ramsey County Violations Bureau.

6.13 **EFFECTIVE DATE.** This section is effective July 1, 2008.

6.14 Sec. 6. Minnesota Statutes 2006, section 357.022, is amended to read:

6.15 **357.022 CONCILIATION COURT FEE.**

6.16 The court administrator in every county shall charge and collect a filing fee of  
6.17 ~~\$50~~ \$25 where the amount demanded is less than \$2,000 and \$35 where the amount  
6.18 demanded is \$2,000 or more from every plaintiff and from every defendant when the first  
6.19 paper for that party is filed in any conciliation court action. This section does not apply  
6.20 to conciliation court actions filed by the state. The court administrator shall transmit the  
6.21 fees monthly to the commissioner of finance for deposit in the state treasury and credit  
6.22 to the general fund.

6.23 **EFFECTIVE DATE.** This section is effective July 1, 2008.

6.24 Sec. 7. Minnesota Statutes 2006, section 357.08, is amended to read:

6.25 **357.08 PAID BY APPELLANT IN APPEAL.**

6.26 There shall be paid to the clerk of the appellate courts by the appellant, or moving  
6.27 party or person requiring the service, in all cases of appeal, certiorari, habeas corpus,  
6.28 mandamus, injunction, prohibition, or other original proceeding, when initially filed with  
6.29 the clerk of the appellate courts, the sum of ~~\$500~~ \$250 to the clerk of the appellate courts.  
6.30 An additional filing fee of \$100 shall be required for a petition for accelerated review by  
6.31 the Supreme Court. A filing fee of ~~\$500~~ \$250 shall be paid to the clerk of the appellate  
6.32 courts upon the filing of a petition for review from a decision of the Court of Appeals. A  
6.33 filing fee of ~~\$500~~ \$250 shall be paid to the clerk of the appellate courts upon the filing

7.1 of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of  
7.2 the appellate courts upon the filing by a respondent of a notice of review. The clerk shall  
7.3 transmit the fees to the commissioner of finance for deposit in the state treasury and  
7.4 credit to the general fund.

7.5 The clerk shall not file any paper, issue any writ or certificate, or perform any service  
7.6 enumerated herein, until the payment has been made for it. The clerk shall pay the sum  
7.7 into the state treasury as provided for by section 15A.01.

7.8 The charges provided for shall not apply to disbarment proceedings, nor to an  
7.9 action or proceeding by the state taken solely in the public interest, where the state is the  
7.10 appellant or moving party, nor to copies of the opinions of the court furnished by the clerk  
7.11 to the parties before judgment, or furnished to the district judge whose decision is under  
7.12 review, or to such law library associations in counties having a population exceeding  
7.13 50,000, as the court may direct.

7.14 **EFFECTIVE DATE.** This section is effective July 1, 2008.

7.15 Sec. 8. Minnesota Statutes 2007 Supplement, section 611.17, is amended to read:

7.16 **611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT;**  
7.17 **STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.**

7.18 (a) Each judicial district must screen requests for representation by the district public  
7.19 defender. A defendant is financially unable to obtain counsel if:

7.20 (1) the defendant, or any dependent of the defendant who resides in the same  
7.21 household as the defendant, receives means-tested governmental benefits; or

7.22 (2) the defendant, through any combination of liquid assets and current income,  
7.23 would be unable to pay the reasonable costs charged by private counsel in that judicial  
7.24 district for a defense of the same matter.

7.25 (b) Upon a request for the appointment of counsel, the court shall make appropriate  
7.26 inquiry into the financial circumstances of the applicant, who shall submit a financial  
7.27 statement under oath or affirmation setting forth the applicant's assets and liabilities,  
7.28 including the value of any real property owned by the applicant, whether homestead or  
7.29 otherwise, less the amount of any encumbrances on the real property, the source or sources  
7.30 of income, and any other information required by the court. The applicant shall be under  
7.31 a continuing duty while represented by a public defender to disclose any changes in the  
7.32 applicant's financial circumstances that might be relevant to the applicant's eligibility for a  
7.33 public defender. The state public defender shall furnish appropriate forms for the financial  
7.34 statements. The forms must contain conspicuous notice of the applicant's continuing duty

8.1 to disclose to the court changes in the applicant's financial circumstances. The forms must  
8.2 also contain conspicuous notice of the applicant's obligation to make a co-payment for the  
8.3 services of the district public defender, as specified under paragraph (c). The information  
8.4 contained in the statement shall be confidential and for the exclusive use of the court  
8.5 and the public defender appointed by the court to represent the applicant except for any  
8.6 prosecution under section 609.48. A refusal to execute the financial statement or produce  
8.7 financial records constitutes a waiver of the right to the appointment of a public defender.  
8.8 The court shall not appoint a district public defender to a defendant who is financially able  
8.9 to retain private counsel but refuses to do so.

8.10 An inquiry to determine financial eligibility of a defendant for the appointment of  
8.11 the district public defender shall be made whenever possible prior to the court appearance  
8.12 and by such persons as the court may direct. This inquiry may be combined with the  
8.13 prerelease investigation provided for in Minnesota Rule of Criminal Procedure 6.02,  
8.14 subdivision 3. In no case shall the district public defender be required to perform this  
8.15 inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to  
8.16 conduct a financial inquiry. The inquiry must include the following:

8.17 (1) the liquidity of real estate assets, including the defendant's homestead;  
8.18 (2) any assets that can be readily converted to cash or used to secure a debt;  
8.19 (3) the determination of whether the transfer of an asset is voidable as a fraudulent  
8.20 conveyance; and

8.21 (4) the value of all property transfers occurring on or after the date of the alleged  
8.22 offense. The burden is on the accused to show that he or she is financially unable to afford  
8.23 counsel. Defendants who fail to provide information necessary to determine eligibility  
8.24 shall be deemed ineligible. The court must not appoint the district public defender as  
8.25 advisory counsel.

8.26 ~~(c) Upon disposition of the case, an individual who has received public defender~~  
8.27 ~~services shall pay to the court a \$28 co-payment for representation provided by a public~~  
8.28 ~~defender, unless the co-payment is, or has been, waived by the court.~~

8.29 ~~The co-payment must be credited to the general fund. If a term of probation is~~  
8.30 ~~imposed as a part of an offender's sentence, the co-payment required by this section must~~  
8.31 ~~not be made a condition of probation. The co-payment required by this section is a civil~~  
8.32 ~~obligation and must not be made a condition of a criminal sentence.~~

8.33 **EFFECTIVE DATE.** This section is effective July 1, 2008.