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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3749**

April 6, 2010

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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 courts; eliminating the flat fee for uncertified copies of court
1.3 documents; authorizing the court administrator to charge actual costs for
1.4 uncertified copies; amending Minnesota Statutes 2008, section 357.021,
1.5 subdivision 1a; Minnesota Statutes 2009 Supplement, section 357.021,
1.6 subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2008, section 357.021, subdivision 1a, is amended to
1.9 read:

1.10 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a)
1.11 Every person, including the state of Minnesota and all bodies politic and corporate, who
1.12 shall transact any business in the district court, shall pay to the court administrator of said
1.13 court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the
1.14 court administrator shall transmit the fees monthly to the commissioner of management
1.15 and budget for deposit in the state treasury and credit to the general fund. \$30 of each fee
1.16 collected in a dissolution action under subdivision 2, paragraph (a), clause (1), must be
1.17 deposited by the commissioner of management and budget in the special revenue fund
1.18 and is appropriated to the commissioner of employment and economic development for
1.19 the displaced homemaker program under section 116L.96.

1.20 (b) In a county which has a screener-collector position, fees paid by a county
1.21 pursuant to this subdivision shall be transmitted monthly to the county treasurer, who
1.22 shall apply the fees first to reimburse the county for the amount of the salary paid for the
1.23 screener-collector position. The balance of the fees collected shall then be forwarded to
1.24 the commissioner of management and budget for deposit in the state treasury and credited
1.25 to the general fund. In a county in a judicial district under section 480.181, subdivision

2.1 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall
 2.2 be transmitted monthly to the commissioner of management and budget for deposit in
 2.3 the state treasury and credited to the general fund. A screener-collector position for
 2.4 purposes of this paragraph is an employee whose function is to increase the collection
 2.5 of fines and to review the incomes of potential clients of the public defender, in order to
 2.6 verify eligibility for that service.

2.7 (c) No fee is required under this section from the public authority or the party the
 2.8 public authority represents in an action for:

2.9 (1) child support enforcement or modification, medical assistance enforcement, or
 2.10 establishment of parentage in the district court, or in a proceeding under section 484.702;

2.11 (2) civil commitment under chapter 253B;

2.12 (3) the appointment of a public conservator or public guardian or any other action
 2.13 under chapters 252A and 525;

2.14 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or
 2.15 recovery of overpayments of public assistance;

2.16 (5) court relief under chapters 260, 260A, 260B, and 260C;

2.17 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

2.18 (7) recovery of amounts issued by political subdivisions or public institutions under
 2.19 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
 2.20 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

2.21 (8) restitution under section 611A.04; or

2.22 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
 2.23 subdivision 5.

2.24 (d) \$20 from each fee collected for child support modifications under subdivision
 2.25 2, paragraph (a), clause (13), must be transmitted to the county treasurer for deposit in
 2.26 the county general fund and \$35 from each fee shall be credited to the state general
 2.27 fund. The fees must be used by the county to pay for child support enforcement efforts
 2.28 by county attorneys.

2.29 Sec. 2. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 2, is
 2.30 amended to read:

2.31 Subd. 2. **Fee amounts.** (a) The fees to be charged and collected by the court
 2.32 administrator shall be as follows:

2.33 (1) In every civil action or proceeding in said court, including any case arising
 2.34 under the tax laws of the state that could be transferred or appealed to the Tax Court, the

3.1 plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that
3.2 party in said action, a fee of \$310, except in marriage dissolution actions the fee is \$340.

3.3 The defendant or other adverse or intervening party, or any one or more of several
3.4 defendants or other adverse or intervening parties appearing separately from the others,
3.5 shall pay, when the first paper is filed for that party in said action, a fee of \$310, except in
3.6 marriage dissolution actions the fee is \$340.

3.7 The party requesting a trial by jury shall pay \$100.

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

3.13 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, ~~and \$8~~
3.14 ~~for an uncertified copy.~~

3.15 (3) Issuing a subpoena, \$16 for each name.

3.16 (4) Filing a motion or response to a motion in civil, family, excluding child support,
3.17 and guardianship cases, \$100.

3.18 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
3.19 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not
3.20 specifically mentioned, \$55.

3.21 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of
3.22 judgment from another court, \$40.

3.23 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment
3.24 of judgment, \$5.

3.25 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each
3.26 name certified to.

3.27 (9) Filing and indexing trade name; or recording basic science certificate;
3.28 or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or
3.29 optometrists, \$5.

3.30 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

3.31 (11) For the deposit of a will, \$27.

3.32 (12) For recording notary commission, \$100, of which, notwithstanding subdivision
3.33 1a, paragraph (b), \$80 must be forwarded to the commissioner of management and budget
3.34 to be deposited in the state treasury and credited to the general fund.

3.35 (13) Filing a motion or response to a motion for modification of child support,
3.36 a fee of \$100.

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

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

4.8 The fees in clauses (3) and (5) need not be paid by a public authority or the party
4.9 the public authority represents.

4.10 (b) In each county, the court administrator shall establish and charge a reasonable
4.11 fee for uncertified copies of any instrument from a civil or criminal proceeding. The fee
4.12 for the copying service shall not exceed the actual cost of making and providing the
4.13 copies. Actual costs shall not include charges for ordinary expenses or facility costs
4.14 associated with the administration of the custodian's office, such as employment benefits,
4.15 depreciation, maintenance, electricity, or insurance.

4.16 Sec. 3. **REVISOR'S INSTRUCTION.**

4.17 The revisor of statutes shall make any cross-reference changes to Minnesota Statutes
4.18 made necessary by section 2.