

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2857

(SENATE AUTHORS: HOUSLEY)

DATE	D-PG	OFFICIAL STATUS
02/03/2022	4890	Introduction and first reading
		Referred to Civil Law and Data Practices Policy
03/16/2022		Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to civil law; increasing filing fees for marriage licenses and dissolution

1.3 petitions; increasing funding for the Minnesota Family Resiliency Partnership;

1.4 amending Minnesota Statutes 2020, sections 357.021, subdivision 2; 517.08,

1.5 subdivisions 1b, 1c; Minnesota Statutes 2021 Supplement, section 357.021,

1.6 subdivision 1a.

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

1.8 Section 1. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is

1.9 amended to read:

1.10 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every

1.11 person, including the state of Minnesota and all bodies politic and corporate, who shall

1.12 transact any business in the district court, shall pay to the court administrator of said court

1.13 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court

1.14 administrator shall transmit the fees monthly to the commissioner of management and budget

1.15 for deposit in the state treasury and credit to the general fund. ~~\$30~~ \$45 of each fee collected

1.16 in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner

1.17 of management and budget in the special revenue fund and is appropriated to the

1.18 commissioner of employment and economic development for the Minnesota Family

1.19 Resiliency Partnership under section 116L.96.

1.20 (b) In a county which has a screener-collector position, fees paid by a county pursuant

1.21 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the

1.22 fees first to reimburse the county for the amount of the salary paid for the screener-collector

1.23 position. The balance of the fees collected shall then be forwarded to the commissioner of

1.24 management and budget for deposit in the state treasury and credited to the general fund.

2.1 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
2.2 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
2.3 the commissioner of management and budget for deposit in the state treasury and credited
2.4 to the general fund. A screener-collector position for purposes of this paragraph is an
2.5 employee whose function is to increase the collection of fines and to review the incomes
2.6 of potential clients of the public defender, in order to verify eligibility for that service.

2.7 (c) No fee is required under this section from the public authority or the party the public
2.8 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 under
2.13 chapters 252A and 525;

2.14 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
2.15 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,
2.25 clause (13), must be transmitted to the county treasurer for deposit in the county general
2.26 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
2.27 used by the county to pay for child support enforcement efforts by county attorneys.

2.28 (e) No fee is required under this section from any federally recognized Indian Tribe or
2.29 its representative in an action for:

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

3.1 (2) civil commitment under chapter 253B;

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

3.4 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

3.5 Sec. 2. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

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

3.8 (1) In every civil action or proceeding in said court, including any case arising under
3.9 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
3.10 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
3.11 action, a fee of \$285, except in marriage dissolution actions the fee is ~~\$315~~ \$330.

3.12 The defendant or other adverse or intervening party, or any one or more of several
3.13 defendants or other adverse or intervening parties appearing separately from the others,
3.14 shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in
3.15 marriage dissolution actions the fee is ~~\$315~~ \$330. This subdivision does not apply to the
3.16 filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application
3.17 for Discharge of Judgment.

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

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

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

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

3.27 (4) Filing a motion or response to a motion in civil, family, excluding child support, and
3.28 guardianship cases, \$75.

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

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

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

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

4.7 (9) Filing and indexing trade name; or recording basic science certificate; or recording
4.8 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
4.9 \$5.

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

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

4.12 (12) For recording notary commission, \$20.

4.13 (13) Filing a motion or response to a motion for modification of child support, a fee of
4.14 \$50.

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

4.17 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
4.18 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
4.19 petition filed in district court to fund the fathers' adoption registry under section 259.52.

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

4.22 Sec. 3. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

4.23 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
4.24 examine upon oath the parties applying for a license relative to the legality of the
4.25 contemplated civil marriage. Both parties must present proof of age to the local registrar.
4.26 If one party is unable to appear in person, the party appearing may complete the absent
4.27 applicant's information. The local registrar shall provide a copy of the civil marriage
4.28 application to the party who is unable to appear, who must verify the accuracy of the
4.29 appearing party's information in a notarized statement. The verification statement must be
4.30 accompanied by a copy of proof of age of the party. The civil marriage license must not be
4.31 released until the verification statement and proof of age has been received by the local
4.32 registrar. If the local registrar is satisfied that there is no legal impediment to it, including

5.1 the restriction contained in section 259.13, the local registrar shall issue the license,
 5.2 containing the full names of the parties before and after the civil marriage, and county and
 5.3 state of residence, with the county seal attached, and make a record of the date of issuance.
 5.4 The license shall be valid for a period of six months. Except as provided in paragraph (b),
 5.5 the local registrar shall collect from the applicant a fee of ~~\$115~~ \$130 for administering the
 5.6 oath, issuing, recording, and filing all papers required, and preparing and transmitting to
 5.7 the state registrar of vital records the reports of civil marriage required by this section. If
 5.8 the license should not be used within the period of six months due to illness or other
 5.9 extenuating circumstances, it may be surrendered to the local registrar for cancellation, and
 5.10 in that case a new license shall issue upon request of the parties of the original license
 5.11 without fee. A local registrar who knowingly issues or signs a civil marriage license in any
 5.12 manner other than as provided in this section shall pay to the parties aggrieved an amount
 5.13 not to exceed \$1,000.

5.14 (b) The civil marriage license fee for parties who have completed at least 12 hours of
 5.15 premarital education is ~~\$40~~ \$70. In order to qualify for the reduced license fee, the parties
 5.16 must submit at the time of applying for the civil marriage license a statement that is signed,
 5.17 dated, and notarized or marked with a church seal from the person who provided the
 5.18 premarital education on their letterhead confirming that it was received. The premarital
 5.19 education must be provided by a licensed or ordained minister or the minister's designee,
 5.20 a person authorized to solemnize civil marriages under section 517.18, or a person authorized
 5.21 to practice marriage and family therapy under section 148B.33. The education must include
 5.22 the use of a premarital inventory and the teaching of communication and conflict management
 5.23 skills.

5.24 (c) The statement from the person who provided the premarital education under paragraph
 5.25 (b) must be in the following form:

5.26 "I, (name of educator), confirm that (names of both
 5.27 parties) received at least 12 hours of premarital education that included the use of a premarital
 5.28 inventory and the teaching of communication and conflict management skills. I am a licensed
 5.29 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
 5.30 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
 5.31 Minnesota Statutes, section 148B.33."

5.32 The names of the parties in the educator's statement must be identical to the legal names
 5.33 of the parties as they appear in the civil marriage license application. Notwithstanding
 5.34 section 138.17, the educator's statement must be retained for seven years, after which time
 5.35 it may be destroyed.

6.1 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
6.2 shall grant the civil marriage license without the requested name change. Alternatively, the
6.3 local registrar may delay the granting of the civil marriage license until the party with the
6.4 conviction:

6.5 (1) certifies under oath that 30 days have passed since service of the notice for a name
6.6 change upon the prosecuting authority and, if applicable, the attorney general and no
6.7 objection has been filed under section 259.13; or

6.8 (2) provides a certified copy of the court order granting it. The parties seeking the civil
6.9 marriage license shall have the right to choose to have the license granted without the name
6.10 change or to delay its granting pending further action on the name change request.

6.11 Sec. 4. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

6.12 Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected
6.13 pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local
6.14 registrar must pay ~~\$90~~ \$105 to the commissioner of management and budget to be deposited
6.15 as follows:

6.16 (1) \$55 in the general fund;

6.17 (2) \$3 in the state government special revenue fund to be appropriated to the
6.18 commissioner of public safety for parenting time centers under section 119A.37;

6.19 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health for
6.20 developing and implementing the MN ENABL program under section 145.9255;

6.21 (4) ~~\$25~~ \$40 in the special revenue fund is appropriated to the commissioner of
6.22 employment and economic development for the Minnesota Family Resiliency Partnership
6.23 under section 116L.96; and

6.24 (5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the
6.25 University of Minnesota for the Minnesota couples on the brink project under section 137.32.

6.26 (b) Of the ~~\$40~~ \$70 fee under subdivision 1b, paragraph (b), \$25 must be retained by the
6.27 county. The local registrar must pay ~~\$15~~ \$45 to the commissioner of management and
6.28 budget to be deposited as follows:

6.29 (1) \$5 as provided in paragraph (a), clauses (2) and (3); and

6.30 (2) ~~\$10~~ \$40 in the special revenue fund is appropriated to the commissioner of
6.31 employment and economic development for the Minnesota Family Resiliency Partnership
6.32 under section 116L.96.