

amount of the default. Payments shall be made in ten equal annual installments, with the first payment made one year from the date of the default. No interest shall be paid on these payments. An amount sufficient to make the repayments is appropriated from the northeast Minnesota economic protection trust fund. The money appropriated from the northeast Minnesota economic protection trust fund shall be spent only in or for the benefit of tax relief areas as defined in Minnesota Statutes, section 273.134.

Sec. 15. **EFFECTIVE DATE.**

Sections 1, 10, 12, and 13 are effective for distributions in 1987 and subsequent years, except that the changes in paragraph 3 of section 298.28, subdivision 1, are effective for distributors in 1988 and subsequent years. Sections 2, 3, and 4 are effective for taxes levied in 1986, payable in 1987, and thereafter. Sections 5 and 6 are effective for gross earnings derived after December 31, 1986. Sections 7 and 8 are effective for purchases and use made after May 1, 1986, provided that the first refunds for construction materials and supplies due as a result of the exemption under section 8 may not be paid by the commissioner before July 15, 1987. Except as otherwise provided, section 9 is effective for ores mined or produced after December 31, 1986.

Approved March 24, 1986

CHAPTER 442—H.F.No. 1772

An act relating to courts; increasing fees to be collected; clarifying existing fee statutes; increasing the penalty assessment imposed on persons convicted of crimes; clarifying the purposes for which it may be used; providing for the standard of care of trustees; authorizing certain investments of trust property; providing for powers of trustees; amending Minnesota Statutes 1984, sections 176.451, subdivision 3; 487.31, subdivisions 1 and 4; 487.33, subdivisions 1 and 2; 501.125, subdivision 1, and by adding a subdivision; 501.66, subdivision 28, and by adding a subdivision; 514.70; 525.031; and 525.033; Minnesota Statutes 1985 Supplement, sections 357.021, subdivision 2; 501.125, subdivision 6; and 609.101.

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

Section 1. Minnesota Statutes 1984, section 176.451, subdivision 3, is amended to read:

Subd. 3. ~~CLERK'S COURT ADMINISTRATOR'S FEES.~~ CLERK'S COURT ADMINISTRATOR'S FEES. The ~~clerk court administrator~~ shall charge ~~only 25 cents~~ \$5 for the entire service he performs under this section.

Sec. 2. Minnesota Statutes 1985 Supplement, section 357.021, subdivision 2, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **FEE AMOUNTS.** The fees to be charged and collected by the clerk of district court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper on his part is filed in said action, a fee of ~~\$20~~ \$30, except that in an action for marriage dissolution, the fee is \$55.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper on his or their part is filed in said action, a fee of ~~\$15~~ \$30.

The party requesting a trial by jury shall pay ~~\$15~~ \$30.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under sections 106A.005 to 106A.811, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5, plus 25 cents per page after the first page and \$3.50, plus 25 cents per page after the first page for an uncertified copy.

(3) Issuing a subpoena ~~\$1~~ \$3 for each name.

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

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

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

(7) Certificate as to existence or nonexistence of judgments docketed, \$1 for each name certified to and ~~\$1~~ \$3 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

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

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

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1984, section 487.31, subdivision 1, is amended to read:

Subdivision 1. The fees payable to the ~~clerk~~ court administrator for the following services in civil actions are:

In all civil actions within the jurisdiction of the county court, the fees payable to the ~~clerk in county court~~ administrator shall be the same as in district court. The county court shall determine by rule the fees payable in cases heard in the conciliation division of the county court.

The fees payable to the clerk for the following services in petty misdemeanors or criminal actions are governed by the following provisions:

In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town within the county court district; all fines, penalties and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution except where a different disposition is provided by law, in which case payment shall be made to the public official entitled thereto. The following fees for services in petty misdemeanor or criminal actions shall be taxed to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be ~~paid to~~ retained by the clerk of the court administrator for disposing of the matter but in no case shall the fee that is taxed exceed the fine that is imposed. The ~~clerk court administrator~~ shall deduct the fees from any fine collected and transmit the balance in accordance with the law, and the deduction of the total of such fees each month from the total of all such fines collected is hereby expressly made an appropriation of funds for payment of such fees:

(1) In all cases where the defendant is ~~brought into court and~~ pleads guilty at or prior to first appearance and is sentenced, sentence is imposed or the matter is otherwise disposed of without a trial \$5

(2) ~~In arraignments~~ Where the defendant ~~waives a preliminary examination~~ pleads guilty after first appearance or prior to trial \$10

(3) In all other cases where the defendant ~~stands trial or has a preliminary examination~~ is found guilty by the court or jury or pleads guilty during trial \$15

(4) The court shall have the authority to waive the collection of fees in any particular case.

The fees set forth in this subdivision shall not apply to parking violations for which complaints and warrants have not been issued.

Sec. 4. Minnesota Statutes 1984, section 487.31, subdivision 4, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. The clerk court administrator shall charge and collect fees in proceedings brought under section 487.14, clause (a) and pay them to the county in the manner ~~and at the times prescribed by the county board but not less often than once each month~~ prescribed by law.

Sec. 5. Minnesota Statutes 1984, section 487.33, subdivision 1, is amended to read:

Subdivision 1. **DISPOSITION.** Except as otherwise provided by sections 487.01 to 487.39 or 574.34, the ~~clerk of county court~~ administrator shall pay to the county treasurer all fines, penalties and fees collected by him, all sums forfeited to the court and all other moneys received by him no later than the tenth day of the month following the month of collection.

Sec. 6. Minnesota Statutes 1984, section 487.33, subdivision 2, is amended to read:

Subd. 2. At the beginning of the first day of any month, the amount owing to the county in the hands of the clerk shall not exceed \$5,000. In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a home rule charter or statutory city or town within the county court district, all fines, penalties, and forfeitures collected must be paid over to the treasurer of the governmental subdivision which submitted the case for prosecution except where a different disposition is provided by law. If a different disposition is provided by law, payment must be made to the public official entitled to it.

Sec. 7. Minnesota Statutes 1984, section 501.125, subdivision 1, is amended to read:

Subdivision 1. **GENERAL PROPERTIES AND INVESTMENTS.** (a) In acquiring, investing, reinvesting, exchanging and managing property, a trustee is authorized to acquire every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not by way of limitation, bonds, debentures and other individual or corporate obligations, mutual funds, and corporate stocks; ~~which an ordinarily prudent person of discretion and intelligence, who is a trustee of the property of others, would acquire as such trustee.~~ A trustee, in determining the prudence of a particular investment, shall consider the role that the proposed investment or investment course of action plays within the overall portfolio of assets. In applying the total asset management approach, a trustee shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds. If the trustee has special skills or expertise or if the trustee holds itself out as having special skills or expertise, the trustee is under a duty to use those skills or expertise.

(b) Except as may be provided to the contrary in the instrument, the following are among the factors that should be considered by a trustee in applying the total asset management approach:

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- (1) the probable income as well as the probable safety of the capital;
- (2) marketability of investments;
- (3) length of the term of investments;
- (4) duration of the trust;
- (5) liquidity needs;
- (6) requirements of the beneficiary or beneficiaries;
- (7) other assets of the beneficiary or beneficiaries, including earning capacity; and
- (8) effect of investments in increasing or diminishing liability for taxes.

Sec. 8. Minnesota Statutes 1984, section 501.125, is amended by adding a subdivision to read:

Subd. 1a. INVESTMENT IN CERTAIN GROWTH ENTERPRISES. Subject to the standards of subdivision 1, a trustee is authorized to invest in new, unproven, untried, or other enterprises with a potential for significant growth whether producing a current return, either by investing directly or by investing as a limited partner or otherwise in one or more commingled funds which in turn invest primarily in those enterprises. The aggregate amount of investments held by a trustee under the authority of this subdivision valued at cost may not exceed ten percent of the net fair market value of the trust corpus, including investments made under the authority of this section valued at fair market value, immediately after the investment is made. Any investment that would have been authorized by this subdivision if it had been in effect at the time the investment was made is authorized by this subdivision.

Sec. 9. Minnesota Statutes 1985 Supplement, section 501.125, subdivision 6, is amended to read:

Subd. 6. INVESTMENT COMPANIES. (a) In the absence of an express prohibition in the trust instrument, whenever the instrument directs, requires, authorizes, or permits investment in obligations of the United States or obligations, the payment of the principal of and interest on which is unconditionally guaranteed by the United States, the trustee may invest in and hold those obligations either directly or in the form of securities of, or other interests in, an acquire and retain securities of any open-end or closed-end management type investment company (4) or investment trust registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, and (2) whose investments are limited to these obligations and repurchase agreements fully collateralized by these obligations, if the repurchase agreements are entered into only with those primary reporting dealers that report to the Federal Reserve Bank of New York and with the 100 largest United States commercial banks.

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(b) Nothing in this subdivision shall be construed to alter the degree of care and judgment required of trustees by subdivision 1.

Sec. 10. Minnesota Statutes 1984, section 501.66, is amended by adding a subdivision to read:

Subd. 6a. The trustee may invest and reinvest trust assets in new, unproven, untried, or other enterprises with a potential for significant growth whether producing a current return, either by investing directly or by investing as a limited partner or otherwise in one or more commingled funds which in turn invest primarily in those enterprises; provided that the aggregate amount of investments held by a trustee under the authority of this subdivision valued at cost may not exceed ten percent of the net fair market value of the trust corpus, including investments made under the authority of this section valued at fair market value, immediately after the investment is made.

Sec. 11. Minnesota Statutes 1984, section 501.66, subdivision 28, is amended to read:

Subd. 28. The trustee may employ attorneys, accountants, investment advisors, agents or other persons, even if they are associated with the trustee, to advise or assist the trustee in the performance of his duties; to act without independent investigation upon their recommendations; and instead of acting personally, to employ one or more agents to perform any act of administration, whether or not discretionary; except that:

(1) the trustee may not delegate all of the trustee's duties; and

(2) the employment does not relieve the trustee of liability for the discretionary acts of a person, which if done by the trustee, would result in liability to the trustee, or of the duty to select and retain a person with reasonable care.

Sec. 12. Minnesota Statutes 1984, section 514.70, is amended to read:

514.70 CLERK COURT ADMINISTRATOR TO PROVIDE RECORD.

The clerk of court administrator shall endorse thereon the date and hour of filing and, at the expense of the county, shall provide a hospital lien book with proper index in which he shall enter the date and hour of such filing, the names and addresses of such hospital, the operators thereof and of such patient, the amount claimed and the names and addresses of those claimed to be liable for damages. ~~He~~ The court administrator shall be paid ~~\$1~~ \$5 as ~~his~~ a fee for such filing and \$5 as a fee for filing each lien satisfaction.

Sec. 13. Minnesota Statutes 1984, section 525.031, is amended to read:

525.031 FEEES FOR COPIES.

~~The probate court shall furnish a return on appeal or a certified, exemplified, or authenticated copy of any paper on file or of record upon payment~~

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

therefor at the rate of \$1 per page, 50 cents per half page, and 50 cents for each certificate; and the court may furnish any other copies of any paper on file or of record upon payment therefor at the rate of 50 cents per page The fees for copies of all documents shall be the same as the fee established for such copies on civil proceedings under section 357.021, subdivision 2.

Sec. 14. Minnesota Statutes 1984, section 525.033, is amended to read:

525.033 FEES FOR FILING PETITIONS.

The probate court shall collect a fee of ~~\$15~~ as established by section 357.021, subdivision 2, clause (1), for filing a petition to commence a proceeding under sections 524.3-401 or 524.3-502. There shall be no additional fee in such proceedings for certified copies except the final decree, for which an additional fee of \$5 shall be charged.

Sec. 15. Minnesota Statutes 1985 Supplement, section 609.101, is amended to read:

609.101 SURCHARGE ON FINES, ASSESSMENTS.

When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a petty misdemeanor such as a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than ~~\$20~~ \$25 nor more than ~~\$40~~ \$50. If the sentence for the felony, gross misdemeanor, or misdemeanor includes payment of a fine of any amount, including a fine of less than \$100, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, waive payment or authorize payment of the assessment or surcharge in installments; however, if the court waives payment or authorizes payment in installments, it shall state in writing on the record the reasons for its action.

The court shall collect and forward to the commissioner of finance the total amount of the assessment or surcharge and the commissioner shall credit all money so forwarded to the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through services and programs established under sections 611A.21 to 611A.36, under chapters 256D and 299B 611A.51 to 611A.67 and 611A.70 to 611A.75. If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the commissioner of finance.

Sec. 16. **SCOPE OF APPLICATION.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) Nothing in sections 7 to 11 invalidates:

(1) any instrument or property relationship that is executed and irrevocable as of the effective date of this act; or

(2) any action commenced prior to the effective date of this act, provided that the instrument, property relationship, or action otherwise complies with the provisions of Minnesota Statutes, chapter 501, in effect when the action was commenced.

(b) Sections 7 to 11 apply to all instruments, property relationships, and proceedings existing on or after the effective date of this act.

Approved March 25, 1986

CHAPTER 443—H.F.No. 1782

An act relating to natural resources; enacting the lake improvement district act; providing for the creation, powers, and termination of lake improvement districts; amending Minnesota Statutes 1984, sections 378.41; 378.42; 378.43; 378.44; 378.46; 378.47; 378.51; 378.52; 378.54 378.55; 378.56; 378.57; and 459.20; proposing coding for new law in Minnesota Statutes, chapter 378.

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

Section 1. [378.401] CITATION.

Sections 2, 7, and 378.41 to 378.57 may be cited as the lake improvement district act.

Sec. 2. [378.405] DEFINITIONS.

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 2, 7, and 378.41 to 378.57.

Subd. 2. BOARD. "Board" means county board.

Subd. 3. COMMISSIONER. "Commissioner" means the commissioner of natural resources.

Subd. 4. DISTRICT. "District" means a lake improvement district.

Subd. 5. JOINT COUNTY AUTHORITY. "Joint county authority" means a joint county authority formed by county boards under section 378.44.

Subd. 6. PROPERTY OWNER. "Property owner" means the owner of real property within the district or the buyer under contract for deed of property in the district.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.