SF803 REVISOR KLL S0803-2 2nd Engrossment

## SENATE STATE OF MINNESOTA NINETIETH SESSION

S.F. No. 803

(CENIATE	AUTHORS:	I IMMEDI
ISENAIL	AUTHUKS:	

DATE	D-PG	OFFICIAL STATUS
02/09/2017	555	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/23/2017	1672a	Comm report: To pass as amended and re-refer to Finance
03/27/2017	1946a	Comm report: To pass as amended
	1963	Second reading
03/28/2017		Special Order: Amended
		Third reading Passed

A bill for an act 1.1 relating to public safety; appropriating money for public safety, courts, corrections, 1.2 Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial 13 Standards, Board of Public Defense, Sentencing Guidelines, Peace Officer 1.4 Standards and Training (POST) Board, Private Detective Board, and Human Rights; 1.5 lowering certain court-related fees; amending Minnesota Statutes 2016, sections 1.6 13.69, subdivision 1; 271.21, subdivision 2; 357.021, subdivision 2; 357.022; 1.7 609.748, subdivision 3a. 1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: 1.9 **ARTICLE 1** 1.10 **APPROPRIATIONS** 1.11 Section 1. APPROPRIATIONS. 1.12 The sums shown in the columns marked "Appropriations" are appropriated to the agencies 1.13 and for the purposes specified in this article. The appropriations are from the general fund, 1.14 or another named fund, and are available for the fiscal years indicated for each purpose. 1.15 The figures "2018" and "2019" used in this article mean that the appropriations listed under 1.16 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. 1.17

1.21		APPROPRI	IATIONS
1.22		Available for	r the Year
1.23		<b>Ending J</b>	une 30
1.24	<u>2017</u>	<u>2018</u>	2019

1.25 Sec. 2. SUPREME COURT

effective the day following final enactment.

1.18

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"The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"

is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are

				S
2.1	Subdivision 1. Total Appropriation	<u>\$</u>	48,855,000 \$	49,269,000
2.2	The amounts that may be spent for each			
2.3	purpose are specified in the following			
2.4	subdivisions.			
2.5	Subd. 2. Supreme Court Operations		35,385,000	35,799,000
2.6	Contingent Account. \$5,000 each year is for			
2.7	a contingent account for expenses necessary			
2.8	for the normal operation of the court for which			
2.9	no other reimbursement is provided.			
2.10	Subd. 3. Civil Legal Services		13,470,000	13,470,000
2.11	<b>Legal Services to Low-Income Clients in</b>			
2.12	Family Law Matters. \$948,000 each year is			
2.13	to improve the access of low-income clients			
2.14	to legal representation in family law matters.			
2.15	This appropriation must be distributed under			
2.16	Minnesota Statutes, section 480.242, to the			
2.17	qualified legal services program described in			
2.18	Minnesota Statutes, section 480.242,			
2.19	subdivision 2, paragraph (a). Any			
2.20	unencumbered balance remaining in the first			
2.21	year does not cancel and is available in the			
2.22	second year.			
2.23	Sec. 3. COURT OF APPEALS	<u>\$</u>	12,082,000 \$	12,163,000
2.24	Sec. 4. <b>DISTRICT COURTS</b>	<u>\$</u>	283,395,000 \$	285,974,000
2.25	New Trial Judges. \$884,000 the first year			
2.26	and \$818,000 the second year are for two new			
2.27	trial court judge units.			
2.28	Mandated Services. \$503,000 the first year			
2.29	and \$504,000 the second year are for			
2.30	mandated court services.			
2.31	Sec. 5. GUARDIAN AD LITEM BOARD	<u>\$</u>	<u>15,547,000</u> <u>\$</u>	15,675,000

S0803-2

2nd Engrossment

SF803

	SF803 RE	VISOR F	KLL	S0803-2	2nd Engrossment
3.1	Sec. 6. TAX COUR	T	<u>\$</u>	<u>1,397,000</u> §	1,401,000
3.2	Sec. 7. UNIFORM	LAWS COMMISS	SION §	<u>93,000</u> <u>\$</u>	93,000
3.3	Sec. 8. BOARD ON	JUDICIAL STA	NDARDS \$	<u>486,000</u> <u>\$</u>	486,000
3.4	Major Disciplinary	Actions. \$125,000	each each		
3.5	year is for special in	vestigative and hea	ring		
3.6	costs for major discip	olinary actions under	rtaken_		
3.7	by the board. This a	ppropriation does n	<u>ot</u>		
3.8	cancel. Any unencur	mbered and unspen	<u>t</u>		
3.9	balances remain ava	ilable for these			
3.10	expenditures until Ju	ine 30, 2021.			
3.11	Sec. 9. <b>BOARD OF</b>	'PUBLIC DEFEN	<u>s</u>	84,083,000 \$	84,853,000
3.12	Sec. 10. SENTENC	ING GUIDELINE	<u>\$</u>	<u>647,000</u> <u>\$</u>	<u>651,000</u>
3.13	Sec. 11. PUBLIC S.	<u>AFETY</u>			
3.14	Subdivision 1. Total	Appropriation	<u>\$</u>	<u>188,106,000</u> §	188,248,000
3.15	Appro	opriations by Fund			
3.16		2018	<u>2019</u>		
3.17	General	94,763,000	94,876,000		
3.18	Special Revenue	13,707,000	13,709,000		
3.19	State Government	102.000	102 000		
3.20	Special Revenue  Environmental	103,000 73,000	103,000 73,000		
3.21 3.22	Environmental Trunk Highway	73,000 2,341,000	73,000 2,356,000		
3.23	911 Fund	77,119,000	77,131,000		
3.24	The amounts that ma				
3.25	purpose are specified		<u>=</u>		
3.26	subdivisions.				
3.27	Subd. 2. Emergency	y Management		3,479,000	3,343,000
3.28	Appro	opriations by Fund			
3.29	General	2,556,000	2,420,000		
3.30	Environmental	73,000	73,000		
3.31 3.32	Special Revenue Fund	850,000	850,000		
			2		

4.2	<u>Teams</u>
4.3	\$850,000 each year is from the fire safety
4.4	account in the special revenue fund. These
4.5	amounts must be used to fund the hazardous
4.6	$\underline{\text{materials and chemical assessment teams. } Of}$
4.7	this amount, \$100,000 the first year is for
4.8	cases for which there is no identified
4.9	responsible party.
4.10	(b) Supplemental Nonprofit Security Grants
4.11	\$150,000 the first year from the general fund
4.12	is for supplemental nonprofit security grants
4.13	under this paragraph.
4.14	Nonprofit organizations whose applications
4.15	for funding through the Federal Emergency
4.16	Management Agency's nonprofit security grant
4.17	program have been approved by the Division
4.18	of Homeland Security and Emergency
4.19	Management are eligible for grants under this
4.20	paragraph. No additional application shall be
4.21	required for grants under this paragraph, and
4.22	an application for a grant from the federal
4.23	program is also an application for funding
4.24	from the state supplemental program.
4.25	Eligible organizations may receive grants of
4.26	up to \$75,000, except that the total received
4.27	by any individual from both the federal
4.28	nonprofit security grant program and the state
4.29	supplemental nonprofit security grant program
4.30	shall not exceed \$75,000. Grants shall be
4.31	awarded in an order consistent with the
4.32	ranking given to applicants for the federal
4.33	nonprofit security grant program. No grants
4.34	under the state supplemental nonprofit security

(a) Hazmat and Chemical Assessment

4.1

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5.1	grant program shall	be awarded until the	<u>e</u>		
5.2	announcement of the	e recipients and the			
5.3	amount of the grants	awarded under the fe	ederal		
5.4	nonprofit security gr	ant program.			
5.5	The commissioner m	nay use up to one pe	ercent		
5.6	of the appropriation	received under this			
5.7	paragraph to pay cos	sts incurred by the			
5.8	department in admin	istering the supplem	<u>iental</u>		
5.9	nonprofit security gr	ant program.			
5.10	Subd. 3. Criminal A	apprehension		53,944,000	54,180,000
5.11	Appro	priations by Fund			
5.12	General	51,596,000	51,817,000		
5.13	State Government	7,000	7,000		
<ul><li>5.14</li><li>5.15</li></ul>	Special Revenue Trunk Highway	7,000 2,341,000	7,000 2,356,000		
5.16	DWI Lab Analysis;				
5.17	Notwithstanding Min				
5.18	161.20, subdivision				
5.19	year and \$2,356,000				
5.20	the trunk highway fur	•			
5.21	related to driving-wh	nile-impaired cases.			
5.22	Subd. 4. Fire Marsh	<u>ıal</u>		6,123,000	6,167,000
5.23	Appro	priations by Fund			
5.24	Special Revenue	6,123,000	6,167,000		
5.25	The special revenue f	und appropriation is	from		
5.26	the fire safety account	nt in the special rev	enue		
5.27	fund and is for activi	ities under Minneso	<u>ta</u>		
5.28	Statutes, section 299	<u>F.012.</u>			
5.29	Inspections. \$300,0	00 each year is for			
5.30	inspection of nursing	homes and boarding	g care		
5.31	facilities.				
5.32	Subd. 5. Firefighter	Training and Edu	<u>cation</u>	- 010 000	<b>7</b> 04 <b>9</b> 000
5.33	<b>Board</b>			5,013,000	5,013,000
5.34	Appro	priations by Fund			
5.35	Special Revenue	5,013,000	5,013,000		

S0803-2

2nd Engrossment

SF803

	SF803	REVISOR	K	<b>LL</b>	S0803-2	2nd Engrossment
6.1	The special reve	nue fund appropri	ation is	s from		
6.2	the fire safety a	ccount in the spec	ial rev	<u>renue</u>		
6.3	fund and is for a	activities under M	linnesc	<u>ota</u>		
6.4	Statutes, section	1 299F.012.				
6.5	(a) Firefighter	Training and Ed	ucatio	<u>n</u>		
6.6	\$1,350,000 each	n year is for incre	ased			
6.7	firefighter traini	ng and education	<u>.</u>			
6.8	(b) Air Rescue					
6.9	\$60,000 each ye	ear is for the Min	nesota	Air		
6.10	Rescue Team.					
6.11	(c) Unappropri	iated Revenue				
6.12	Any additional	unappropriated m	oney			
6.13	collected in fisc	al year 2017 is ap	propri	ated _		
6.14	to the commissi	oner of public sar	fety for	r the		
6.15	purposes of Mir	nnesota Statutes,	section	<u>:</u>		
6.16	299F.012. The o	commissioner ma	y trans	<u>fer</u>		
6.17	appropriations a	and base amounts	betwe	<u>en</u>		
6.18	activities in this	subdivision.				
6.19	Subd. 6. Alcoho	ol and Gambling	Enfor	cement	2,416,000	2,431,000
6.20	<u>A</u>	ppropriations by	Fund			
6.21	General	<u>1,669,</u>	000	1,682,000		
6.22	Special Revenu	<u>747,</u>	000	749,000		
6.23	\$677,000 the fin	est year and \$679,	000 th	<u>e</u>		
6.24	second year are	from the alcohol	enforce	ement		
6.25	account in the s	pecial revenue fu	nd. Of	this		
6.26	appropriation, \$	500,000 each yea	ır shall	be		
6.27	transferred to th	e general fund.				
6.28	\$70,000 each ye	ar is from the law	ful gan	nbling		
6.29	regulation accou	int in the special re	evenue	fund.		
6.30	Subd. 7. Office	of Justice Progr	<u>ams</u>		39,038,000	39,053,000
6.31	A	ppropriations by	Fund			
6.32	General	38,942,	000	38,957,000		
6.33 6.34	State Governme Special Revenu		000	96,000		

S0803-2

2nd Engrossment

SF803

	SF803	REVISOR	KLL	S0803-2	2nd Engrossment			
7.1	OJP Adminis	<b>tration Costs.</b> Up t	o 2.5 percent					
7.2		inds appropriated in						
7.3		ay be used by the co						
7.4	to administer the grant program.							
7.5	Subd. 8. Eme	rgency Communic	cation Networks	77,119,000	77,131,000			
7.6	This appropria	ation is from the sta	ate_					
7.7	government sp	pecial revenue fund	d for 911					
7.8	emergency tel	ecommunications s	services.					
7.9	(a) Public Saf	fety Answering Po	<u>oints</u>					
7.10	\$13,664,000 e	each year is to be di	istributed as					
7.11	provided in M	innesota Statutes,	section					
7.12	403.113, subd	ivision 2.						
7.13	(b) Medical R	Resource Commun	nication Centers					
7.14	\$683,000 each	year is for grants	to the					
7.15	Minnesota En	nergency Medical S	Services					
7.16	Regulatory Bo	oard for the Metro	East and					
7.17	Metro West M	Iedical Resource						
7.18	Communication	on Centers that were	e in operation					
7.19	before January	y 1, 2000.						
7.20	(c) ARMER I	Debt Service						
7.21	\$23,261,000 e	ach year is to the co	ommissioner					
7.22	of managemen	nt and budget to pay	debt service					
7.23	on revenue bo	nds issued under M	<u> Minnesota</u>					
7.24	Statutes, section	on 403.275.						
7.25	Any portion o	f this appropriation	not needed					
7.26	to pay debt ser	vice in a fiscal year	may be used					
7.27	by the commis	ssioner of public sa	afety to pay					
7.28	cash for any o	f the capital impro-	vements for					
7.29	which bond pr	roceeds were appro	priated by					
7.30	Laws 2005, cl	napter 136, article	1, section 9,					
7.31	subdivision 8;	or Laws 2007, cha	apter 54,					
7.32	article 1, secti	on 10, subdivision	8.					
7.33	(d) ARMER S	State Backbone O	perating					
7.34	Costs							
	1 1 1 0 11		7					

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8.1	\$9,650,000 eac	ch year is to the co	mmissio	<u>oner</u>		
8.2	of transportation	on for costs of mai	ntaining	and		
8.3	operating the s	statewide radio sys	tem_			
8.4	backbone.					
8.5	(e) ARMER I	mprovements				
8.6	\$1,000,000 eac	ch year is to the Sta	atewide			
8.7	Emergency Co	ommunications Boa	ard for			
8.8	improvements	to those elements	of the			
8.9	statewide publ	ic safety radio and				
8.10	communicatio	n system that supp	ort muti	<u>ıal</u>		
8.11	aid communic	ations and emerger	ncy med	ical		
8.12	services or pro	ovide interim enhar	cement	of		
8.13	public safety c	communication inte	roperab	oility		
8.14	in those areas	of the state where the	he state	wide		
8.15	public safety ra	adio and communic	ation sy	stem		
8.16	is not yet impl	emented, and gran	ts to loc	<u>al</u>		
8.17	units of govern	nment to further the	e strateg	<u>gic</u>		
8.18	goals set forth	by the Statewide I	Emerger	<u>icy</u>		
8.19	Communication	ons Board strategic	plan.			
8.20		CE OFFICER STA	NDAR	DS AND		
8.21	TRAINING (	POST) BOARD				
8.22	Subdivision 1.	Total Appropriat	<u>tion</u>	<u>\$</u>	4,394,000 \$	4,398,000
8.23	-	Appropriations by	Fund			
8.24		2018		2019		
8.25	General	<u>360,</u>	000	360,000		
8.26	Special Reven	<u>ue</u> <u>4,034,</u>	000	4,038,000		
8.27	The amounts t	hat may be spent for	or each			
8.28	purpose are sp	ecified in the follo	wing			
8.29	subdivisions.					
8.30	Subd. 2. Exces	ss Amounts Trans	<u>ferred</u>			
8.31	The special rev	enue fund appropri	ation is t	<u>from</u>		
8.32	the peace offic	er training accoun	t. Any n	ew		
8.33	receipts credite	ed to that account i	n the fin	<u>est</u>		
8.34	year in excess	of \$4,034,000 mus	st be			

S0803-2

2nd Engrossment

SF803

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9.1	transferred and credited to the general fund.		
9.2	Any new receipts credited to that account in		
9.3	the second year in excess of \$4,038,000 must		
9.4	be transferred and credited to the general fund.		
9.5	Subd. 3. Peace Officer Training Reimbursements		
9.6	(a) \$2,859,000 each year from the peace		
9.7	officer training account in the special revenue		
9.8	fund is for reimbursements to local		
9.9	governments for peace officer training costs.		
9.10	(b) \$360,000 each year from the general fund		
9.11	is for reimbursements to local governments		
9.12	for peace officer training costs.		
9.13	Sec. 13. PRIVATE DETECTIVE BOARD §	<u>190,000</u> \$	190,000
9.14	Sec. 14. HUMAN RIGHTS §	4,197,000 \$	4,212,000
9.15	Sec. 15. CORRECTIONS		
9.16 9.17	Subdivision 1. Total Appropriation \$ 9,200,000 \$	<u>564,557,000</u> <u>\$</u>	555,395,000
9.18	The amounts that may be spent for each		
9.19	purpose are specified in the following		
9.20	subdivisions.		
9.21	Subd. 2. Correctional		
9.22	<u>Institutions</u> 9,200,000	412,449,000	403,088,000
9.23	Offender Health Care. \$9,200,000 in fiscal		
9.24	year 2017 is to fund a deficiency in the base		
9.25	budget for the offender health care contract.		
9.26	\$11,400,000 the first year is for the fiscal year		
9.27	2018 offender health care contract. The base		
9.28	for this item is \$11,400,000 in each of fiscal		
9.29	years 2020 and 2021.		
9.30		124007000	125.026.000
7.50	Subd. 3. Community Services	124,885,000	125,026,000

S0803-2

2nd Engrossment

SF803

#### Critical Technology Needs. \$1,500,000 each

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year is to support critical technology needs.

#### 10.3 ARTICLE 2

#### FISCAL-RELATED STATUTORY CHANGES

- Section 1. Minnesota Statutes 2016, section 13.69, subdivision 1, is amended to read:
- Subdivision 1. **Classifications.** (a) The following government data of the Department of Public Safety are private data:
  - (1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically disabled persons;
  - (2) other data on holders of a disability certificate under section 169.345, except that (i) data that are not medical data may be released to law enforcement agencies, and (ii) data necessary for enforcement of sections 169.345 and 169.346 may be released to parking enforcement employees or parking enforcement agents of statutory or home rule charter cities and towns:
  - (3) Social Security numbers in driver's license and motor vehicle registration records, except that Social Security numbers must be provided to the Department of Revenue for purposes of tax administration, the Department of Labor and Industry for purposes of workers' compensation administration and enforcement, the judicial branch for purposes of debt collection, and the Department of Natural Resources for purposes of license application administration; and
  - (4) data on persons listed as standby or temporary custodians under section 171.07, subdivision 11, except that the data must be released to:
  - (i) law enforcement agencies for the purpose of verifying that an individual is a designated caregiver; or
  - (ii) law enforcement agencies who state that the license holder is unable to communicate at that time and that the information is necessary for notifying the designated caregiver of the need to care for a child of the license holder.
- The department may release the Social Security number only as provided in clause (3) and must not sell or otherwise provide individual Social Security numbers or lists of Social Security numbers for any other purpose.

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- (b) The following government data of the Department of Public Safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.
- Sec. 2. Minnesota Statutes 2016, section 271.21, subdivision 2, is amended to read:
- Subd. 2. **Jurisdiction.** At the election of the taxpayer, the Small Claims Division shall have jurisdiction only in the following matters:
- (a) cases involving valuation, assessment, or taxation of real or personal property, if:
- (i) the issue is a denial of a current year application for the homestead classification for the taxpayer's property;
  - (ii) only one parcel is included in the petition, the entire parcel is classified as homestead class 1a or 1b under section 273.13, and the parcel contains no more than one dwelling unit;
- (iii) the entire property is classified as agricultural homestead class 2a or 1b under section 273.13; or
- (iv) the assessor's estimated market value of the property included in the petition is less than \$300,000; or
- (b) any case not involving valuation, assessment, or taxation of real and personal property in which the amount in controversy does not exceed \$5,000 \$15,000, including penalty and interest.
- 11.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- Sec. 3. Minnesota Statutes 2016, section 357.021, subdivision 2, is amended to read:
- Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:
- 11.23 (1) In every civil action or proceeding in said court, including any case arising under
  the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
  petitioner, or other moving party shall pay, when the first paper is filed for that party in said
  action, a fee of \$310 \$280, except in marriage dissolution actions the fee is \$340 \$310.
- 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 is filed for that party in said action, a fee of \$310 \$280, except in marriage dissolution actions the fee is \$340 \$310. This subdivision does not apply to the

filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

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

12.3

- 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 chapter 103E, except the provisions therein as to appeals.
- 12.9 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8
  12.10 for an uncertified copy.
- 12.11 (3) Issuing a subpoena, \$16 for each name.
- 12.12 (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$100 \$75.
- 12.14 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment, 12.15 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically 12.16 mentioned, \$55.
- 12.17 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.
- 12.19 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.
- 12.21 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.
- 12.23 (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, \$5.
- 12.26 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- 12.27 (11) For the deposit of a will, \$27.
- 12.28 (12) For recording notary commission, \$20.
- 12.29 (13) Filing a motion or response to a motion for modification of child support, a fee of \$100\_\$50.

- (14) 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.
- (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.
- The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents.

#### **EFFECTIVE DATE.** This section is effective July 1, 2017.

Sec. 4. Minnesota Statutes 2016, section 357.022, is amended to read:

#### 357.022 CONCILIATION COURT FEE.

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The court administrator in every county shall charge and collect a filing fee of \$65\_\$50 from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. This section does not apply to conciliation court actions filed by the state. The court administrator shall transmit the fees monthly to the commissioner of management and budget for deposit in the state treasury and credit to the general fund.

### **EFFECTIVE DATE.** This section is effective July 1, 2017.

Sec. 5. Minnesota Statutes 2016, section 609.748, subdivision 3a, is amended to read:

Subd. 3a. **Filing fee; cost of service.** The filing fees for a restraining order under this section are waived for the petitioner <u>and the respondent</u> if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. The court administrator and the sheriff of any county in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff is unavailable or if service is made by publication. The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

### **EFFECTIVE DATE.** This section is effective July 1, 2017.

# APPENDIX Article locations in S0803-2

ARTICLE 1	APPROPRIATIONS	Page.Ln 1.10
ARTICLE 2	FISCAL-RELATED STATUTORY CHANGES	Page Ln 10 3