

HF3041 - 0 - Fees for Dowloading District Court Documents

Chief Author: **Kristin Robbins**
 Committee: **Judiciary Finance and Civil Law**
 Date Completed: **2/18/2022 4:53:33 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium	
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024
General Fund	-	-	233	233	233
Total	-	-	233	233	233
Biennial Total			233		466

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Alyssa Holterman Rosas **Date:** 2/18/2022 4:53:33 PM
Phone: 651-284-6439 **Email:** alyssa.holterman.rosas@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
General Fund	-	-	233	233	233	233
Total	-	-	233	233	233	233
Biennial Total			233		466	
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-		-	
2 - Revenues, Transfers In*						
General Fund	-	-	(233)	(233)	(233)	(233)
Total	-	-	(233)	(233)	(233)	(233)
Biennial Total			(233)		(466)	

Bill Description

This bill amends section 357.021, subd. 2(2) to prohibit charging a fee to view or download an uncertified copy of any document available on an online platform for public access to district court records.

Assumptions

The effective date is July 1, 2022.

At present, pursuant to Minnesota Statutes, section 357.021, subd. 2(2), a person must pay a fee of \$8 to receive an uncertified copy of a court document. It is assumed that an \$8 per document fee will not be charged if the document is viewed or downloaded on an online platform for public access to district court records. Fees charged under section 357.021, subd. 2 are credited to the state general fund.

The Judicial Branch is in the process of developing an online access application to enable the public to view and download certain public district court records, Minnesota Court Records Online (MCRO). At present, effort is being made to design, develop, and test the Payment Processor, the “shopping cart” feature, to implement the ability to charge to download any document over one page long, pursuant to section 357.021, subd. 2. Until the Payment Processor is installed, documents may be viewed and downloaded with no fee. Persons can also visit a courthouse to view and obtain a copy of documents. The Payment Processor was scheduled to be launched in fall 2022.

It is assumed that if a person requests an uncertified copy of a district court document from a court administrator’s office, the person will continue to pay the uncertified document fee in section 357.021, subd. 2(2), unless an exception applies such as section 357.021, subd. 1b(c) or 563.01 (in forma pauperis).

It is assumed that, pursuant to MN Rules of Public Access and federal law, some court records will continue to be only accessible at courthouses.

Expenditure and/or Revenue Formula

On average for FY18-FY20, uncertified copy fee revenue was \$628,205 (\$603,878 in FY18; \$694,038 in FY19; and \$586,698 in FY20). In FY21 uncertified copy fee revenue was \$459,543. In FY22 the uncertified copy fee revenue for the

first half of the year was \$165,438. The estimated uncertified copy fee revenue for FY22 is \$330,876 (\$165,438 x 2). The source of the significant decrease in revenue is unknown. It is reasonable to assume that the decrease in revenue is due, in part, to the availability of court documents through the MCRO application (4.11 million documents downloaded to date).

It is not possible to estimate the impact to the General Fund if access to online documents is free and access to documents at the courthouse is \$8 for an uncertified copy. It is reasonable to estimate that the impact may be at least \$232,995 (Average revenue for FY18 FY20 - \$628,205 minus average of actual and anticipated revenue for FY21 and FY22 - \$395,210).

Long-Term Fiscal Considerations

The loss in revenue is permanent.

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Janet Marshall

Phone: 651-297-7579

Date: 2/18/2022 2:12:28 PM

Email: Janet.marshall@courts.state.mn.us