

HOUSE RESEARCH

Bill Summary

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Article 1: Appropriations

Article 1 appropriates funds to the Supreme Court, Court of Appeals, trial courts, Guardian Ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Sentencing Guidelines Commission.

1 Summary of appropriations. Summarizes appropriations from the general fund totaling \$385,885,000 in FY14 and \$398,930,000 in FY15.

2 Judiciary appropriations. Defines fiscal years 2014 and 2015 for purposes of this bill.

3 Supreme Court.

Subd. 1. Total appropriation. Appropriates a total of \$43,109,000 in FY14 and \$43,997,000 in FY15 to the Supreme Court.

Subd. 2. Supreme Court Operations. Appropriates \$31,593,000 in FY14 and \$32,481,000 in FY15 for Supreme Court operations. Provides a \$5,000 contingency account.

Subd. 3. Civil Legal Services. Appropriates \$11,516,000 in FY14 and FY15 to civil legal services to provide legal representation to low-income clients. \$877,000 each year is to improve access in family law matters.

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- 4 Court of Appeals.** Appropriates \$10,547,000 in FY14 and \$10,931,000 in FY15 for the Court of Appeals. Increases the general fund base by \$69,000 in FY16 and \$89,000 in FY17.
- 5 Trial courts.** Appropriates \$246,327,000 in FY14 and \$255,455,000 in FY15 for trial courts. Provides that \$925,000 each year is to develop, expand, and maintain specialty courts.
- 6 Guardian Ad Litem (GAL) Board.** Appropriates \$12,414,000 in FY14 and \$12,756,000 in FY15 to the GAL Board.
- 7 Tax Court.** Appropriates \$993,000 in FY14 and \$1,000,000 in FY15 to the Tax Court.
- 8 Uniform Laws Commission (ULC).** Appropriates \$147,000 in FY14 and \$84,000 in FY15 to the ULC. Provides that \$64,000 in the first year is to pay back dues to the National Conference.
- 9 Board on Judicial Standards.** Appropriates \$759,000 in FY14 and \$461,000 in FY15 to the Board on Judicial Standards. Provides that \$300,000 in FY13 is for deficiencies, and \$125,000 in FY14 and FY15 is for special investigative and hearing costs.
- 10 Board of Public Defense.** Appropriates \$70,698,000 in FY14 and \$73,649,000 in FY15 for the Board of Public Defense. Directs the board to pay outstanding transcript bills.
- 11 Sentencing Guidelines.** Appropriates \$891,000 in FY14 and \$596,000 in FY15 to the Sentencing Guidelines Commission. Provides that \$300,000 in FY14 is for transfer to the Office of Enterprise Technology for an electronic sentencing worksheet system.

Article 2: Courts

Article 2 imposes a fee on court filings and provides for distribution of the funds to the judiciary and its justice partners for technology purposes. It also increases the criminal and traffic surcharge, increases and creates a graduated filing fee for conciliation court claims, and imposes a criminal bond reinstatement fee. Finally, it authorizes reimbursement of housing and mileage expenses for Court of Appeals judges whose permanent residence is more than 50 miles from their St. Paul chambers.

- 1 Court technology fund.** Imposes a court technology fee of \$2 on court filings made under section 357.021, subdivision 2, clauses (1) to (13). (Examples of these filings include the initial civil filing fees, motion fees, issuance of a subpoena, docketing fees, and others.)

The court technology fee is deposited in a special revenue fund to be appropriated to the Supreme Court for distribution to the state courts and their justice partners for technology purposes. Authorizes the Supreme Court to establish a board consisting of members from the judicial branch, prosecutors, public defenders, and civil legal services to distribute the funds. Provides that applications may be accepted from judicial districts, county and city attorneys' offices, the Board of Public Defense, civil legal services organizations, corrections

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agencies, and part-time public defender offices. Directs the Supreme Court to submit, every two years, a report to the legislature that provides an accounting and explanation of the distribution of funds. (H.F. 1398)

- 2 - 3 Surcharges on criminal and traffic offenders.** Increases the criminal/traffic surcharge from \$75 to \$90 on petty misdemeanor offenses (other than parking violations) and misdemeanor, gross misdemeanor, and felony convictions.
- 4 Conciliation court fee.** Replaces the \$65 conciliation court filing fee with a graduated fee schedule based on the amount in controversy. Increases the fee to \$110 for claims involving less than \$5,000; \$125 for claims involving between \$5,001 and \$10,000; and \$150 for claims involving between \$10,001 and \$15,000.

Background: Currently, the conciliation court has jurisdiction to hear civil claims if the amount of money or property does not exceed: (1) \$10,000; (2) \$4,000 for consumer credit transactions; or (3) \$15,000 for civil forfeiture actions. On August 1, 2014, the conciliation court's jurisdiction will increase to a maximum of \$15,000 for all claims, except consumer credit transactions which will remain at \$4,000. (H.F. 1399)

- 5 Compensation; travel expenses; Court of Appeals judges.** Authorizes reimbursement of housing and mileage expenses for Court of Appeals judges whose permanent place of residence is more than 50 miles from chambers in St. Paul. Directs the Judicial Council to set the amount of housing expenses that may be reimbursed in an amount not less than \$1,000 per month. Also provides that mileage will be reimbursed at the current I.R.S. rate (for 2013, 56.5 cents/business mile). Delays effective date to July 1, 2014.

Background: There are 19 judges on the Court of Appeals. Eight seats are designated by congressional district and the remaining seats are at-large. A judge elected or appointed to a congressional district seat remains eligible for that seat without regard to a subsequent change of residence. Per statute, judges are paid expenses for travel to and from their place of residence for two years. (H.F. 330)

- 6 Court to forgive bond forfeiture penalty.** Imposes a fee for reinstatement of a forfeited criminal bail bond. Currently, if a court orders reinstatement of a forfeited bond, it must impose a minimum penalty of not less than ten percent of the forfeited bail. The bill would maintain the minimum penalty (as provided in court rule) and add a reinstatement fee – the amount of which would be prescribed by court rule based on a percentage of the bond fee, but in no instance less than \$100. The new reinstatement fee would be credited to the general fund. (H.F. 744)

Article 3: Guardians and Conservators

Overview

Article 3 increases the frequency of background checks from every five years to two years and expands the reporting requirements for guardians and conservators

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relating to their civil, criminal, and financial histories. It requires disclosure of the following incidents: being removed from serving as a guardian or conservator; negative action related to a professional license; civil actions against them include fraud, misrepresentation, harassment restraining orders, and orders for protection; bankruptcy; civil judgments; and criminal activity. It also allows increased access to licensing information on proposed and current guardians and conservators to the courts.

- 1** **Fee for background study.** Provides that the fee for guardian-conservator background checks is \$22 for individuals who have not lived outside of Minnesota for the past ten years, otherwise the fee is \$37. Allows the commissioner to recover fees charged by other states' licensing agencies.
- 2** **Frequency of background study.** Increases the frequency for a background study on a guardian or conservator from once every five years to once every two years.
Background study requirements. The following background study requirements are added and expanded:
 - *Residency requirement.* Requiring criminal history from the National Criminal Records Repository for proposed guardians or conservators who have not resided in Minnesota for the previous ten years instead of five years.
 - *State licensing.* State licensing agency data must be included in the background check when there is negative reporting information including denial of a professional license directly related to the responsibilities of a professional fiduciary or a license that was conditioned, suspended, revoked, or cancelled.
 - *Timing.* The court can appoint a guardian or conservator prior to the completion of the background study however; it must be completed no later than 30 days after the appointment.
- 3** **Procedure for state licensing data request.** Provides a procedure for allowing the court to obtain licensing agency data (including certain out of state data) through the commissioner of human services and standards for the content of that data.
- 4** **Petition requirements for a guardian.** Expands the information required in a guardianship petition. The proposed additions to the petition include:
 - Professional licenses the petitioning guardian has previously held or applied for, any disciplinary action related to those professional licenses
 - Civil liability on actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion
 - Any previous bankruptcy filing by petitioner
 - Civil monetary judgments against petitioner
 - Order for Protection or Harassment Restraining Orders filed against the petitioner

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- Criminal Convictions against the petitioner

5 Reporting; guardian. Modifies the requirements for the annual reporting and creates a new reporting requirement for the guardian or conservator. The new requirement is that the guardian or conservator must report to the court information on whether or not the guardian or any employee has been removed for cause as a guardian or conservator and all of the actions listed in the preceding section (section 5) within 30 days of their occurrence, and must provide a copy to the ward and interested persons.

This section also adds a provision that the ward or interested party may respond to the written submission regarding any of the disciplinary or legal actions reported regarding the guardian and that if the guardian fails to comply with this section, the court can remove them or declines to appoint them.

6 Petition requirements for a conservator. Adds information that must be included in the petition including whether the petitioning conservator is a professional guardian, and all the information required in section 5 above.

7 Reporting; conservator. Similar to the changes for the guardians listed in section 6 above, the conservator must now report within 30 days the occurrence of any of the following: removal for cause from serving as a guardian or conservator and all of the occurrences listed in section 5 above. Similar to the proposed guardian language, the new a copy must be sent to the ward and interested persons and the protected person or interested person may submit a response to the report. The court may decline to appoint or remove a conservator for failing to comply with the reporting requirements in this section.