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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3920

03/03/2022 Authored by Becker-Finn
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
04/19/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to judiciary; establishing a State Board of Appellate Counsel for Parents;
1.3 modifying certain fees; eliminating fee for uncertified copies of instruments from
1.4 civil or criminal proceedings; modifying time limit for postconviction relief for
1.5 petitioners with immigration consequences; appropriating money for the courts,
1.6 State Guardian Ad Litem Board, Board of Public Defense, human rights, and State
1.7 Board of Appellate Counsel for Parents; amending Minnesota Statutes 2020,
1.8 sections 357.021, subdivision 2; 484.85; 517.08, subdivision 1c; 590.01, subdivision
1.9 4; Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a; proposing
1.10 coding for new law in Minnesota Statutes, chapter 260C.

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

1.12 ARTICLE 1
1.13 APPROPRIATIONS

1.14 Section 1. APPROPRIATIONS.

1.15 The sums shown in the columns marked "Appropriations" are added to or, if shown in
1.16 parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter
1.17 11, article 1, to the agencies and for the purposes specified in this article. The appropriations
1.18 are from the general fund, or another named fund, and are available for the fiscal years
1.19 indicated for each purpose. The figures "2022" and "2023" used in this article mean that
1.20 the addition to or subtraction from the appropriation listed under them is available for the
1.21 fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal
1.22 year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions
1.23 to appropriations for the fiscal year ending June 30, 2022, are effective the day following
1.24 final enactment.

1.25 APPROPRIATIONS
1.26 Available for the Year

		<u>Ending June 30</u>	
		<u>2022</u>	<u>2023</u>
2.1			
2.2			
2.3	<b>Sec. 2. <u>SUPREME COURT</u></b>		
2.4	<b><u>Subdivision 1. Total Appropriation</u></b>	<b>\$ -0-</b>	<b>\$ <u>63,760,000</u></b>
2.5	<b><u>Subd. 2. Supreme Court Operations</u></b>	<b>-0-</b>	<b><u>4,054,000</u></b>
2.6	<b><u>(a) Compensation</u></b>		
2.7	<u>Compensation for staff is increased by a</u>		
2.8	<u>minimum of six percent. Justices'</u>		
2.9	<u>compensation is increased by up to six percent</u>		
2.10	<u>from any remainder.</u>		
2.11	<b><u>(b) Maintain Core Operations</u></b>		
2.12	<u>\$2,304,000 in fiscal year 2023 is for</u>		
2.13	<u>maintaining core operations.</u>		
2.14	<b><u>(c) Cybersecurity</u></b>		
2.15	<u>\$1,750,000 in fiscal year 2023 is for</u>		
2.16	<u>cybersecurity.</u>		
2.17	<b><u>Subd. 3. Civil Legal Services</u></b>	<b>-0-</b>	<b><u>59,706,000</u></b>
2.18	<b><u>(a) Salary Equity</u></b>		
2.19	<u>\$4,304,000 in fiscal year 2023 is for salary</u>		
2.20	<u>equity.</u>		
2.21	<b><u>(b) COVID-19 Response</u></b>		
2.22	<u>\$7,463,000 in fiscal year 2023 is for</u>		
2.23	<u>COVID-19 response. The general fund base</u>		
2.24	<u>for this appropriation is \$7,051,000 in fiscal</u>		
2.25	<u>year 2024 and \$7,051,000 in fiscal year 2025.</u>		
2.26	<b><u>(c) Increased Legal Services</u></b>		
2.27	<u>\$47,939,000 in fiscal year 2023 is for</u>		
2.28	<u>increased legal services. The ongoing base for</u>		
2.29	<u>this appropriation is \$58,806,000 beginning</u>		
2.30	<u>in fiscal year 2024.</u>		
2.31	<b>Sec. 3. <u>COURT OF APPEALS</u></b>	<b>\$ -0-</b>	<b>\$ <u>621,000</u></b>



4.1 **(d) Postconviction Relief Petitions**

4.2 \$187,000 in fiscal year 2023 is for contract  
 4.3 attorneys to represent individuals who file  
 4.4 postconviction relief petitions. This is a  
 4.5 onetime appropriation.

4.6 Sec. 7. **HUMAN RIGHTS** \$ -0- \$ 2,543,000

4.7 **(a) Improve Caseload Processing**

4.8 \$492,000 in fiscal year 2023 is to improve  
 4.9 caseload processing. The general fund base  
 4.10 for this appropriation is \$461,000 in fiscal year  
 4.11 2024 and \$461,000 in fiscal year 2025.

4.12 **(b) Bias and Discrimination Data Gathering**  
 4.13 **and Reporting**

4.14 \$388,000 in fiscal year 2023 is to improve bias  
 4.15 and discrimination data gathering and  
 4.16 reporting. The general fund base for this  
 4.17 appropriation is \$243,000 in fiscal year 2024  
 4.18 and \$243,000 in fiscal year 2025.

4.19 **(c) Bias Response Community Equity**  
 4.20 **Outreach**

4.21 \$1,185,000 in fiscal year 2023 is for bias  
 4.22 response community equity outreach. The  
 4.23 general fund base for this appropriation is  
 4.24 \$1,001,000 in fiscal year 2024 and \$1,001,000  
 4.25 in fiscal year 2025.

4.26 **(d) Equity and Inclusion Strategic**  
 4.27 **Compliance**

4.28 \$228,000 in fiscal year 2023 is for equity and  
 4.29 inclusion strategic compliance.

4.30 **(e) Equity and Inclusion Strategic**  
 4.31 **Compliance Data Consultant**

5.1 \$250,000 in fiscal year 2023 is for an equity  
 5.2 and inclusion strategic compliance data  
 5.3 consultant. These funds are available until  
 5.4 June 30, 2024. This is a onetime appropriation.

5.5 **Sec. 8. BOARD OF APPELLATE COUNSEL**  
 5.6 **FOR PARENTS** \$ -0- \$ 699,000

5.7 **Establishment**

5.8 \$699,000 in fiscal year 2023 is to establish  
 5.9 and operate the Board of Appellate Counsel  
 5.10 for Parents and appellate counsel program.  
 5.11 The ongoing base for this program is  
 5.12 \$1,835,000 beginning in fiscal year 2024.

5.13 **ARTICLE 2**

5.14 **CIVIL POLICY WITH FISCAL IMPACT**

5.15 Section 1. **[260C.419] STATE BOARD OF APPELLATE COUNSEL FOR PARENTS.**

5.16 Subdivision 1. **Structure; membership.** (a) The State Board of Appellate Counsel for  
 5.17 Parents is established in the judicial branch. The board is not subject to the administrative  
 5.18 control of the judiciary. The board shall consist of seven members, including:

5.19 (1) three public members appointed by the governor;

5.20 (2) one member appointed by the state Indian Affairs Council; and

5.21 (3) three members appointed by the supreme court, at least one of whom must have  
 5.22 experience representing parents in juvenile court and who include two attorneys admitted  
 5.23 to practice law in the state and one public member.

5.24 (b) The appointing authorities may not appoint any of the following to be a member of  
 5.25 the State Board of Appellate Counsel for Parents:

5.26 (1) a person who is a judge;

5.27 (2) a person serving as a guardian ad litem or counsel for a guardian ad litem;

5.28 (3) a person who serves as counsel for children in juvenile court;

5.29 (4) a person under contract with or employed by the Department of Human Services or  
 5.30 a county department of human or social services; or

5.31 (5) a current city or county attorney or assistant city or county attorney.

6.1 (c) All members shall demonstrate an interest in maintaining a high quality, independent  
6.2 appellate defense system for parents in juvenile protection proceedings who are unable to  
6.3 obtain adequate representation. At least three members of the board shall be from judicial  
6.4 districts other than the First, Second, Fourth, and Tenth Judicial Districts. To the extent  
6.5 practicable, the membership of the board must include persons with disabilities, reflect the  
6.6 ethnic diversity of the state, take into consideration race and gender, and include persons  
6.7 from throughout the state. The members shall be well acquainted with representing parents  
6.8 in appellate proceedings related to child protection matters as well as the laws that affect a  
6.9 parent appellate attorney's work, including chapter 260C, the Minnesota Rules of Juvenile  
6.10 Protection Procedure, the Minnesota Rules of Civil Appellate Procedure, the Indian Child  
6.11 Welfare Act, and the Minnesota Indian Family Preservation Act. The terms, compensation,  
6.12 and removal of members shall be as provided in section 15.0575. The members shall elect  
6.13 the chair from among the membership for a term of two years.

6.14 Subd. 2. **Head appellate counsel for parents; assistant and contracted attorneys.** (a)  
6.15 Beginning January 1, 2024, and for every four years after that date, the State Board of  
6.16 Appellate Counsel for Parents shall appoint a head appellate counsel in charge of appellate  
6.17 services, who shall provide for sufficient appellate counsel for parents and other personnel  
6.18 necessary to discharge the functions of the office. The head appellate counsel shall serve a  
6.19 four-year term and may be removed only for cause upon the order of the State Board of  
6.20 Appellate Counsel for Parents. The head appellate counsel shall be a full-time qualified  
6.21 attorney, licensed to practice law in this state, and serve in the unclassified service of the  
6.22 state. Vacancies of the office shall be filled by the appointing authority for the unexpired  
6.23 term. The head appellate counsel shall devote full time to the performance of duties and  
6.24 shall not engage in the general practice of law. The compensation of the head appellate  
6.25 counsel shall be set by the State Board of Appellate Counsel for Parents and shall be  
6.26 commensurate with county attorneys in the state.

6.27 (b) Consistent with the decisions of the State Board of Appellate Counsel for Parents,  
6.28 the head appellate counsel shall employ assistants or hire independent contractors to serve  
6.29 as appellate counsel for parents. Each assistant appellate counsel and independent contractor  
6.30 serves at the pleasure of the head appellate counsel. The compensation of assistant appellate  
6.31 counsel and independent contractors shall be set by the State Board of Appellate Counsel  
6.32 for Parents and shall be commensurate with assistant county attorneys in the state.

6.33 (c) A person serving as appellate counsel shall be a qualified attorney licensed to practice  
6.34 law in this state. A person serving as appellate counsel practicing in Tribal court shall be a  
6.35 licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate

7.1 counsel and contracted appellate counsel may engage in the general practice of law where  
7.2 not employed or contracted to provide services on a full-time basis.

7.3 Subd. 3. **Program administrator.** The State Board of Appellate Counsel for Parents  
7.4 shall appoint a program administrator who must be chosen solely on the basis of training,  
7.5 experience, and other qualifications and who serves at the pleasure of the board. The program  
7.6 administrator need not be licensed to practice law. The program administrator shall attend  
7.7 all meetings of the board, but may not vote, and shall:

7.8 (1) enforce all resolutions, standards, rules, regulations, policies, and orders of the board;

7.9 (2) present to the board and the head appellate counsel plans, studies, and reports prepared  
7.10 for the board's and the head appellate counsel's purposes and recommend to the board and  
7.11 the head appellate counsel for adoption measures necessary to enforce or carry out the  
7.12 powers and duties of the board and the head appellate counsel or to efficiently administer  
7.13 the affairs of the board and the head appellate counsel;

7.14 (3) keep the board fully advised as to the board's financial condition and prepare and  
7.15 submit to the board the annual appellate counsel for parents program and the State Board  
7.16 of Appellate Counsel for Parents budget and other financial information as requested by  
7.17 the board;

7.18 (4) recommend to the board the adoption of rules and regulations necessary for the  
7.19 efficient operation of the board and the state appellate counsel for parents program;

7.20 (5) work cooperatively and collaboratively with sovereign Tribal Nations in the state;

7.21 (6) work cooperatively and collaboratively with counties to implement the appellate  
7.22 counsel program; and

7.23 (7) perform other duties prescribed by the board.

7.24 Subd. 4. **Duties and responsibilities.** (a) The State Board of Appellate Counsel for  
7.25 Parents shall create and administer a statewide, independent appellate counsel program to  
7.26 represent indigent parents who are eligible for the appointment of counsel under section  
7.27 260C.163, subdivision 3, on appeal in juvenile protection matters.

7.28 (b) The board shall approve and recommend to the legislature a budget for the board  
7.29 and the appellate counsel for parents program.

7.30 (c) The board shall establish procedures for distribution of funding under this section to  
7.31 the appellate program.

8.1 (d) The head appellate counsel with the approval of the board shall establish appellate  
8.2 program standards, administrative policies, procedures, and rules consistent with statute,  
8.3 rules of court, and laws that affect appellate counsel's work. The standards must include but  
8.4 are not limited to:

8.5 (1) standards needed to maintain and operate an appellate counsel for parents program,  
8.6 including requirements regarding the qualifications, training, and size of the legal and  
8.7 supporting staff for an appellate counsel program;

8.8 (2) standards for appellate counsel caseloads;

8.9 (3) standards and procedures for the eligibility of appointment, assessment, and collection  
8.10 of the costs for legal representation provided by appellate counsel;

8.11 (4) standards for contracts between contracted appellate counsel and the state appellate  
8.12 counsel program for the legal representation of indigent persons;

8.13 (5) standards prescribing minimum qualifications of counsel appointed under the board's  
8.14 authority or by the courts; and

8.15 (6) standards ensuring the independent, competent, and efficient representation of clients  
8.16 whose cases present conflicts of interest.

8.17 (e) The board may:

8.18 (1) propose statutory changes to the legislature and rule changes to the supreme court  
8.19 that are in the best interests of the operation of the appellate counsel for parents program;  
8.20 and

8.21 (2) require the reporting of statistical data, budget information, and other cost factors  
8.22 by the appellate counsel for parents program.

8.23 Subd. 5. **Limitation.** In no event shall the board or its members interfere with the  
8.24 discretion, judgment, or zealous advocacy of counsel in their handling of individual cases  
8.25 as a part of the judicial branch of government.

8.26 Subd. 6. **Budget; county opt-in.** The establishment of the office and its employees and  
8.27 support staff and the board shall be funded by the state. Counties must utilize this office to  
8.28 provide appellate representation to indigent parents in their county who are seeking an  
8.29 appeal.

8.30 Subd. 7. **Collection of costs; appropriation.** If any of the costs provided by appellate  
8.31 counsel are assessed and collected or otherwise reimbursed from any source, payments shall  
8.32 be deposited in the general fund.



9.1 Sec. 2. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is amended  
9.2 to read:

9.3 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every  
9.4 person, including the state of Minnesota and all bodies politic and corporate, who shall  
9.5 transact any business in the district court, shall pay to the court administrator of said court  
9.6 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court  
9.7 administrator shall transmit the fees monthly to the commissioner of management and budget  
9.8 for deposit in the state treasury and credit to the general fund. ~~\$30~~ \$45 of each fee collected  
9.9 in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner  
9.10 of management and budget in the special revenue fund and is appropriated to the  
9.11 commissioner of employment and economic development for the Minnesota Family  
9.12 Resiliency Partnership under section 116L.96.

9.13 (b) In a county which has a screener-collector position, fees paid by a county pursuant  
9.14 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the  
9.15 fees first to reimburse the county for the amount of the salary paid for the screener-collector  
9.16 position. The balance of the fees collected shall then be forwarded to the commissioner of  
9.17 management and budget for deposit in the state treasury and credited to the general fund.  
9.18 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which  
9.19 has a screener-collector position, the fees paid by a county shall be transmitted monthly to  
9.20 the commissioner of management and budget for deposit in the state treasury and credited  
9.21 to the general fund. A screener-collector position for purposes of this paragraph is an  
9.22 employee whose function is to increase the collection of fines and to review the incomes  
9.23 of potential clients of the public defender, in order to verify eligibility for that service.

9.24 (c) No fee is required under this section from the public authority or the party the public  
9.25 authority represents in an action for:

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

9.28 (2) civil commitment under chapter 253B;

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

9.31 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery  
9.32 of overpayments of public assistance;

9.33 (5) court relief under chapters 260, 260A, 260B, and 260C;

- 10.1 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;
- 10.2 (7) recovery of amounts issued by political subdivisions or public institutions under  
10.3 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,  
10.4 260B.331, and 260C.331, or other sections referring to other forms of public assistance;
- 10.5 (8) restitution under section 611A.04; or
- 10.6 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,  
10.7 subdivision 5.
- 10.8 (d) \$20 from each fee collected for child support modifications under subdivision 2,  
10.9 clause (13), must be transmitted to the county treasurer for deposit in the county general  
10.10 fund and \$35 from each fee shall be credited to the state general fund. The fees must be  
10.11 used by the county to pay for child support enforcement efforts by county attorneys.
- 10.12 (e) No fee is required under this section from any federally recognized Indian Tribe or  
10.13 its representative in an action for:
- 10.14 (1) child support enforcement or modification, medical assistance enforcement, or  
10.15 establishment of parentage in the district court or in a proceeding under section 484.702;
- 10.16 (2) civil commitment under chapter 253B;
- 10.17 (3) the appointment of a public conservator or public guardian or any other action under  
10.18 chapters 252A and 525; or
- 10.19 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

10.20 **EFFECTIVE DATE.** This section is effective July 1, 2023.

10.21 Sec. 3. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

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

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

10.28 The defendant or other adverse or intervening party, or any one or more of several  
10.29 defendants or other adverse or intervening parties appearing separately from the others,  
10.30 shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in  
10.31 marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing

11.1 of an Application for Discharge of Judgment. Section 548.181 applies to an Application  
11.2 for Discharge of Judgment.

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

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

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

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

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

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

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

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

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

11.23 (9) Filing and indexing trade name; or recording basic science certificate; or recording  
11.24 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,  
11.25 \$5.

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

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

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

11.29 (13) Filing a motion or response to a motion for modification of child support, a fee of  
11.30 \$50.

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

12.3 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of  
 12.4 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption  
 12.5 petition filed in district court to fund the fathers' adoption registry under section 259.52.

12.6 The fees in clauses (3) and (5) need not be paid by a public authority or the party the  
 12.7 public authority represents. No fee may be charged for an uncertified copy of an instrument  
 12.8 from a civil or criminal proceeding.

12.9 Sec. 4. Minnesota Statutes 2020, section 484.85, is amended to read:

12.10 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**  
 12.11 **RAMSEY COUNTY DISTRICT COURT.**

12.12 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a  
 12.13 municipality or subdivision of government within Ramsey County for violation of a statute;  
 12.14 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and  
 12.15 forfeitures collected by the court administrator shall be deposited in the state treasury and  
 12.16 distributed according to this paragraph. Except where a different disposition is provided by  
 12.17 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the  
 12.18 court shall pay over all fines, penalties, and forfeitures collected by the court administrator  
 12.19 during the previous month as follows:

12.20 ~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer~~  
 12.21 ~~of the city of St. Paul~~ municipality or subdivision of government within Ramsey County  
 12.22 ~~and one-third credited to the state general fund; and.~~

12.23 ~~(2) for offenses committed within any other municipality or subdivision of government~~  
 12.24 ~~within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of~~  
 12.25 ~~government and one-half credited to the state general fund.~~

12.26 All other fines, penalties, and forfeitures collected by the district court shall be distributed  
 12.27 by the courts as provided by law.

12.28 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)  
 12.29 when:

12.30 (1) a city contracts with the county attorney for prosecutorial services under section  
 12.31 484.87, subdivision 3; or

13.1 (2) the attorney general provides assistance to the city attorney under section 484.87,  
13.2 subdivision 5.

13.3 **EFFECTIVE DATE.** This section is effective July 1, 2023.

13.4 Sec. 5. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

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

13.9 (1) ~~\$55~~ \$40 in the general fund;

13.10 (2) \$3 in the state government special revenue fund to be appropriated to the  
13.11 commissioner of public safety for parenting time centers under section 119A.37;

13.12 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health for  
13.13 developing and implementing the MN ENABL program under section 145.9255;

13.14 (4) ~~\$25~~ \$40 in the special revenue fund is appropriated to the commissioner of  
13.15 employment and economic development for the Minnesota Family Resiliency Partnership  
13.16 under section 116L.96; and

13.17 (5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the  
13.18 University of Minnesota for the Minnesota couples on the brink project under section 137.32.

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

13.22 (1) \$5 as provided in paragraph (a), clauses (2) and (3); and

13.23 (2) \$10 in the special revenue fund is appropriated to the commissioner of employment  
13.24 and economic development for the Minnesota Family Resiliency Partnership under section  
13.25 116L.96.

13.26 **EFFECTIVE DATE.** This section is effective July 1, 2023.

13.27 Sec. 6. Minnesota Statutes 2020, section 590.01, subdivision 4, is amended to read:

13.28 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than  
13.29 two years after the later of:

13.30 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

14.1 (2) an appellate court's disposition of petitioner's direct appeal.

14.2 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief  
14.3 if:

14.4 (1) the petitioner establishes that a physical disability or mental disease precluded a  
14.5 timely assertion of the claim;

14.6 (2) the petitioner alleges the existence of newly discovered evidence, including scientific  
14.7 evidence, that could not have been ascertained by the exercise of due diligence by the  
14.8 petitioner or petitioner's attorney within the two-year time period for filing a postconviction  
14.9 petition, and the evidence is not cumulative to evidence presented at trial, is not for  
14.10 impeachment purposes, and establishes by a clear and convincing standard that the petitioner  
14.11 is innocent of the offense or offenses for which the petitioner was convicted;

14.12 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory  
14.13 law by either the United States Supreme Court or a Minnesota appellate court and the  
14.14 petitioner establishes that this interpretation is retroactively applicable to the petitioner's  
14.15 case;

14.16 (4) the petition is brought pursuant to subdivision 3; ~~or~~

14.17 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous  
14.18 and is in the interests of justice; or

14.19 (6) the petitioner is either placed into immigration removal proceedings, or detained for  
14.20 the purpose of removal from the United States, or received notice to report for removal, as  
14.21 a result of a conviction that was obtained by relying on incorrect advice or absent advice  
14.22 from counsel on immigration consequences.

14.23 (c) Any petition invoking an exception provided in paragraph (b) must be filed within  
14.24 two years of the date the claim arises.