

or any other law to the contrary no junior college shall be established after the final enactment of this section until the requirements of such chapter are met and the establishment thereof is also approved by the state junior college board.

**Sec. 30. Severability.** The provisions of this act are severable. If any provision or part of a provision is held to be invalid, it shall in no way affect the other provisions or any parts thereof in this act.

Approved May 23, 1963.

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CHAPTER 838—H. F. No. 1955

[Coded in Part]

*An act relating to the supreme court; appropriating moneys thereto for counsel fees and expenses of certain convicted persons and for certain other expenses of the supreme court.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Supreme court; appropriation.** The sum of \$1,000 is appropriated to the supreme court from the general revenue fund in the state treasury for the biennium beginning July 1, 1963, as a contingent fund for expenses connected with the court, to be expended on the authorization of the chief justice.

**Sec. 2. [611.071] Appeals from felony convictions, counsel fees and expenses.** Subdivision 1. The sum of \$34,000 is appropriated to the supreme court from the general revenue fund in the state treasury for the biennium beginning July 1, 1963, for the purposes set forth in this section.

**Subd. 2.** The supreme court may order the appointment of counsel, provide for the payment of counsel fees, and direct the payment of expenses in conformity with the provisions of this section.

**Subd. 3.** Application may be made to the supreme court for the appointment of counsel, the allowance of counsel fees, and the payment of expenses in the following cases:

(a) A person who has been convicted of a felony in the district court, who is without counsel, whose time for appeal from the judgment of conviction has not expired, and who is unable, by reason of poverty, to pay counsel and the expenses of an appeal.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

(b) A person who has been convicted of a felony, who is without counsel, whose time for appeal from the judgment of conviction has expired, and who is unable by reason of poverty to pay counsel and the expenses of a post-conviction proceeding.

Subd. 4. A person described in subdivision 3 may file a petition in the supreme court setting forth: (1) The facts relating to the jurisdictional requirements as set forth in subdivision 3; (2) A statement of the facts of the case in which he has been convicted; (3) The grounds upon which he seeks an appeal or writ of error or the grounds upon which he seeks to pursue post-conviction proceedings, as the case may be; (4) A prayer requesting that the supreme court appoint counsel, order the payment of counsel fees and the actual necessary expenses.

Subd. 5. (a) If the supreme court finds that in the case of a person described in subdivision 3 (a) the review is sought in good faith and upon reasonable grounds, it may appoint counsel for such person and direct the payment of such expenses as the supreme court may authorize. The payment of attorneys' fees and expenses shall be in the same manner and by the county as provided for in Minnesota Statutes 1961, Section 611.07, Subdivision 2.

(b) If the supreme court finds that in the case of a person described in subdivision 3 (b) that the post-conviction proceeding is sought in good faith and that there are reasonable grounds for the proceeding, the supreme court may appoint counsel to represent the petitioner in the post-conviction proceeding and order the payment of counsel fees for services and the actual necessary expenses of the post-conviction proceeding from the appropriation to the supreme court for that purpose.

Subd. 6. The supreme court may adopt such rules as are necessary and convenient to the impartial and speedy disposition of the petitions filed pursuant to this section.

Approved May 23, 1963.

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## CHAPTER 839—H. F. No. 1959

[Not Coded]

*An act relating to public buildings and public lands of the state of Minnesota; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; the acquisition by gift, purchase, or condemnation of certain*

**Changes or additions indicated by italics, deletions by strikeout.**