

Subject Judiciary Omnibus Bill
Authors Becker-Finn
Analyst Ben Johnson (ben.johnson@house.mn)
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Overview

The Judiciary omnibus bill provides supplemental funding for the courts, civil legal services, Guardian ad Litem Board, Board of Public Defense, and Human Rights Department. The bill establishes the Board of Appellate Counsel for Parents, makes changes to the portion of fees used for the Minnesota Family Resiliency Partnership, amends the percentage of fines and other fees that municipalities in Ramsey County receive, eliminates fees for uncertified copies of court documents, and establishes an additional exception to the limitations period for postconviction relief petitions.

Article 1: Appropriations

This article provides supplemental funding for the courts, civil legal services, Guardian ad Litem Board, Board of Public Defense, and Human Rights Department.

Section Description – Article 1: Appropriations

- 1 Appropriations.**
Summarizes direct appropriations by fund.
- 2 Supreme court.**
 - Subd. 1. Total appropriation.** Appropriates a total of \$63,760,000 in FY23 to the supreme court.
 - Subd. 2. Supreme court operations.** Appropriates \$4,054,000 in FY23 for supreme court operations.
 - (a) Compensation.** Specifies that compensation for staff is increased by at least six percent. Compensation for justices must be increased from the remainder.
 - (b) Maintain core operations.** Specifies that \$2,304,000 in FY23 is for maintaining core operations.

Section Description – Article 1: Appropriations

(c) Cyber security. Specifies that \$1,750,000 in FY23 is for cyber security.

Subd. 3. Civil legal services. Appropriates \$59,706,000 in FY23 for civil legal services.

(a) Salary equity. Specifies that \$4,304,000 in FY23 is for salary equity.

(b) COVID response. Specifies that \$7,463,000 in FY23 is for COVID response. Sets a general fund base of \$7,051,000 in FY24 and FY25.

(c) Increased legal services. Specifies that \$47,939,000 in FY23 is for increased legal services. Sets a general fund base of \$58,806,000 in FY24 and FY25.

3 Court of appeals.

Appropriates \$621,000 in FY23 for the court of appeals.

Compensation. Specifies that compensation for staff is increased by at least six percent. Compensation for judges must be increased from the remainder.

4 District courts.

Appropriates \$16,799,000 in FY23 for the district courts.

(a) Compensation. Specifies that compensation for staff is increased by at least six percent. Compensation for judges must be increased from the remainder.

(b) Psychological services. Specifies that \$1,996,000 is for mandated psychological services.

(c) Base adjustment. Provides that the general fund base is increased by \$200,000 in FY24 to maintain funding for interpreter pay.

5 Guardian ad Litem Board.

Appropriates \$909,000 in FY23 to the Guardian ad Litem Board.

6 Board of Public Defense.

Appropriates \$1,740,000 in FY22 and \$52,453,000 in FY23 to the Board of Public Defense.

(a) Electronic file storage and remote hearing access. Specifies that \$627,000 in FY23 is for electronic file storage and remote hearing access. This is a onetime appropriation.

Section Description – Article 1: Appropriations

(b) Salary equity. Specifies that \$1,113,000 in FY22 and \$2,266,000 in FY23 are for salary equity.

(c) Increased services. Specifies that \$50,000,000 in FY23 is for increased public defender services.

(d) Postconviction relief petitions. Specifies that \$187,000 in FY23 is for contract attorneys to represent people who file postconviction relief petitions. The appropriation is onetime.

7 Human rights.

Appropriates \$2,543,000 in FY23 to the Department of Human Rights.

(a) Improve caseload processing. Specifies that \$492,000 in FY23 is to improve caseload processing. Sets a general fund base of \$461,000 in FY24 and FY25.

(b) Bias and discrimination data gathering and reporting. Specifies that \$388,000 in FY23 is to improve bias and discrimination data gathering and reporting. Sets a general fund base of \$243,000 in FY24 and FY25.

(c) Bias response community equity outreach. Specifies that \$1,185,000 in FY23 is for bias response community equity outreach. Sets a general fund base of \$1,001,000 in FY24 and FY25.

(d) Equity and inclusion strategic compliance. Specifies that \$228,000 in FY23 is for equity and inclusion strategic compliance.

(e) Equity and inclusion strategic compliance data consultant. Specifies that \$250,000 in FY23 is for an equity and inclusion strategic compliance data consultant. This is a onetime appropriation, but funds are available until June 20, 2024.

8 Board of Appellate Counsel for Parents.

Appropriates \$699,000 in FY23 to establish and operate the Board of Appellate Counsel for Parents and appellate counsel program. Sets an ongoing base of \$1,835,000 beginning in FY24.

Article 2: Civil Policy with Fiscal Impact

This article establishes the Board of Appellate Counsel for Parents, makes changes to the portion of fees used for the Minnesota Family Resiliency Partnership, amends the percentage of fines and other fees that municipalities in Ramsey County receive, eliminates fees for uncertified copies of court documents, and establishes an additional exception to the limitations period for postconviction relief petitions.

Section Description – Article 2: Civil Policy with Fiscal Impact

1 State Board of Appellate Counsel for Parents.

Subd. 1. Structure; membership. Establishes the State Board of Appellate Counsel for Parents in the judicial branch. Provides that the board is not under the control of the judiciary. Establishes that the board consists of seven members including three public members appointed by the governor and four members appointed by the supreme court, at least one of whom has experience representing parents in juvenile court and at least one of whom is a public member. Prohibits appointment of certain members including judges, guardians ad litem, attorneys currently providing representation for parents, or current city or county attorneys. Requires that the members reflect geographic and other diversity and have familiarity with the relevant laws.

Subd. 2. Head appellate counsel for parents; assistant and contracted attorneys. Requires the board to appoint a head appellate counsel for parents to be in charge of appellate services. Provides that the head appellate counsel for parents serves a four-year term and may only be removed for cause. Requires the head appellate counsel for parents to be a licensed attorney and prohibits that person from the general practice of law. Directs the board to establish compensation for the person. Permits the head appellate counsel for parents to employ assistants or hire independent contractors to provide counsel for parents. Requires assistant or contracted attorneys to be licensed to practice law and, if practicing in Tribal court, licensed to practice in Tribal court. Permits the general practice of law if the assistants or contracted attorneys are not hired or contracted to provide full-time services.

Subd. 3. Program administrator. Directs the board to hire a program administrator to keep the board advised of the board's finances and other relevant information. Provides that the program administrator is not required to be licensed to practice law.

Subd. 4. Duties and responsibilities. Establishes the duties of the board and requires the board to create and administer a statewide, independent appellate counsel program to represent indigent parents on appeal in juvenile protection matters. Specific duties include approving a budget, establishing program

Section Description – Article 2: Civil Policy with Fiscal Impact

standards, and establishing employee or contractor standards. Permits the board to propose statutory changes to the legislature.

Subd. 5. Limitation. Prohibits the board from interfering with the manner in which individual attorneys represent clients.

Subd. 6. Budget; county opt-in. Provides that the board and its employees or contractors must be funded by the state. Permits counties to opt-in to the program instead of providing counsel from the county's budget.

Subd. 7. Collection of costs; appropriation. Provides that, if the costs of providing counsel are assessed and collected or otherwise reimbursed from any source, that money is deposited in the general fund.

2 Transmittal of fees to commissioner of management and budget.

Increases the portion of the filing fee in a dissolution action that is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96 from \$30 to \$45. This section is effective July 1, 2023.

3 Fee amounts.

Eliminates the fee the judicial branch was required to charge for providing uncertified copies of a document from a civil or criminal proceeding. The elimination would apply to uncertified documents provided through an online portal.

4 Disposition of fines, fees, and other money; accounts; Ramsey County District Court.

Amends the distribution of fines, penalties, and forfeiture collected by the court administrator by providing that, as of July 1, 2023, every municipality or subdivision of government within Ramsey County shall receive two-thirds of money with the balance going to the general fund. Currently, municipalities in Hennepin County receive 80 percent of the money collected, St. Paul receives two-thirds of the money, and municipalities in all other counties receive two-thirds of the money.

5 Disposition of license fee.

Reduces the portion of the marriage license fee that is deposited in the general fund from \$55 to \$40 and increases the amount appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96 from \$25 to \$40. This section is effective July 1, 2023.

Section Description – Article 2: Civil Policy with Fiscal Impact

6 Time limit.

Establishes an exception to the two-year limitations period on filing a petition for postconviction relief for a person in immigration removal proceedings when the proceedings are the result of a conviction that was obtained by relying on incorrect advice or absent advice from counsel on immigration consequences.



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