

MSBA Capitol Connection

February 26, 2010



MSBA Legislative Activity

Alternative Reproductive Technology Bill Advances

On Tuesday the Senate Judiciary Committee passed [SF436](#), a proposal from the Family Law Section that modifies Minnesota's Uniform Parentage Act to bring the law in line with widely-used medical reproductive techniques and give additional legal parental presumption to non-genetically related intended parents. Attorney Steven Snyder testified in support of the bill, which is carried by Sen. Linda Higgins. The bill now moves to the Senate floor.

Tax Section Proposes One Bill, Opposes Another

[SF2871](#), a proposal from the Tax Law Section, was introduced this week. The bill would create a new "interest netting" statute that would eliminate an inequitable tax burden that arises when the state and a taxpayer, as part of resolving an audit, agree to move income from one year to another. The Tax Law Section was also active in opposing provisions in the Department of Revenue's policy bill ([HF2972](#)) that would allow licensed assessors who are not licensed as real property appraisers to provide expert testimony and submit appraisals in tax court. The issue was debated in the Senate Tax Committee on Wednesday, with attorneys Bob Stuart and Larry Martin representing the Tax Section. The debate on the controversial provisions will be moved to the Senate

Judiciary Committee. The House Tax Committee took a similar approach, sending the language to the House Civil Justice Committee.

Justice System Funding

The Senate Judiciary Budget Division heard testimony on Gov. Pawlenty's budget recommendations this week. Testifiers from all parts of the justice system outlined the impact of the governor's proposed cuts. In addition, MSBA President Leo Brisbois [released a statement](#) on the importance of an efficient, affordable, accessible, and effective justice system. To learn more about the MSBA's efforts to support adequate funding for the justice system, visit 1000Supporters.org and take a moment to [sign up as a supporter](#).

Other Committee Activity

The **House Commerce and Labor Committee** passed [HF2613](#), which creates a process for mediation of foreclosures of homesteads. Commerce and Labor also passed [HF1746](#), a bill that would regulate for-profit businesses that provide access to inflatable play equipment used for commercial purposes. The bill was referred to the **Civil Justice Committee**. The companion bill ([SF1590](#)) passed the **Business, Industry, and Jobs Committee** in the Senate and was sent to the **Judiciary Committee**.

On Monday the **House Civil Justice Committee** held an informational hearing on a trio of marriage bills: [HF999](#) (providing for civil union relationships); [HF1740](#) (recognizing certain marriages performed in other states); and [HF893](#) (providing for gender-neutral marriage laws). On Wednesday morning the committee held informal hearings on four bills related to landlord-tenant relationships: [HF2985](#) (prohibiting late fees except in specified circumstances, requiring receipts for certain rent payments, permitting tenants to make emergency repairs, and modifying other rental agreement laws); [HF2816](#) (modifying utilities and eviction provisions and permitting lease termination for medical reasons); [HF2668](#) (modifying expungement procedures in eviction cases, adding residential covenants, modifying procedures for handling applicant screening fees, and providing rights to tenants of foreclosed properties); and [HF2829](#) (modifying expungement of eviction records provisions and allowing unit access to personal representatives of deceased tenants).

On Wednesday the Senate **Health, Housing, and Family Security Committee** passed [SF2242](#) (addressing the rights of tenants when the real estate they are renting becomes subject to a mortgage foreclosure or contract for deed cancellation, and providing a two-year moratorium on mortgage foreclosures on residential property, whether rented or owner-occupied). The bill was referred to the **Commerce and Consumer Protection Committee**.

The **Senate Judiciary Committee** passed [SF2383](#), a bill to develop and implement a Minnesota Couples on the Brink Project to develop, evaluate, and disseminate best practices for promoting successful reconciliation. The Committee also heard testimony

on [SF1281](#), which provides that, if a marriage dissolution petition is disputed and there is a minor child in the home, the court may only grant a dissolution following a two-year waiting period except under certain conditions. In addition, the committee voted down [SF2362](#), a bill that would have expanded the grounds for terminating spousal maintenance to include cohabitation by the party receiving maintenance with a nonrelated person of the opposite sex.

On Tuesday the **House Public Safety Policy and Oversight Committee** heard testimony on the Office of the Legislative Auditor's [Report on the Public Defense System](#). On Thursday the committee passed [HF3018](#) (clarifying, modifying, and recodifying prostitution law provisions); [HF2864](#) (authorizing a domestic abuse offenders electronic monitoring pilot project); and [HF2608](#) (extending the protection area to a reasonable area around a residence or dwelling in ex parte orders for protection).

Big Week Ahead

On Monday the **House Civil Justice Committee** will hear two bills supported by the MSBA. First, a three-part proposal from the Probate and Trust Section ([HF2825](#)) that: (1) clarifies that certain short- and long-term capital gains distributions will be treated as distributions of principal for trust accounting purposes; (2) provides a procedure for appointing a temporary or emergency conservator; and (3) amends the Uniform Probate Code provisions defining the parent-child relationship for intestate succession purposes. The bill is carried by lawyer-legislator Rep. Melissa Hortman. Also on Monday, the Civil Justice Committee will hear [HF1692](#), which adopts the Revised Uniform Arbitration Act with certain revisions incorporated.

On Thursday morning the **House State and Local Government Operations Reform, Technology, and Elections Committee** will hear [HF224](#), carried by lawyer-legislator Rep. Steve Simon. This legislation, which is a high priority for the MSBA, would enable Minnesotans to vote on a proposed constitutional amendment that would create a nonpartisan judicial evaluation commission and enable voters to determine judges' futures through retention elections. [Click here](#) for more information on this important legislation. Phone calls to [committee members](#) urging their support of the bill are encouraged.



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