

MSBA Capitol Connection

March 5, 2010



MSBA Legislative Activity

Judicial Selection Reform Bill Advances

It was a busy and productive week for the MSBA at the Capitol. The biggest news happened Thursday morning when the House State and Local Government Operations Reform, Technology, and Elections Committee passed [HF224](#), the MSBA's high priority judicial selection reform bill, by a 14-4 margin. The bill was presented by its chief author, lawyer-legislator Rep. Steve Simon (DFL-St. Louis Park). Among those testifying in support of the bill were Minnesota Supreme Court Chief Justice Eric Magnuson and his predecessor, Kathleen Blatz. The bill now moves to the House Civil Justice Committee.

Probate Bill and RUAA Advance

On Monday evening the House Civil Justice Committee passed [HF2825](#), a three-part proposal from the Probate & Trust section dealing with trust accounting, emergency conservators, and intestate succession. The bill is carried by lawyer-legislator Rep. Melissa Hortman (DFL-Brooklyn Park). The Civil Justice Committee also passed the MSBA-endorsed Revised Uniform Arbitration Act ([HF1692](#)).

Proposals Advance From Business Law and Real Property Sections

On Thursday, [HF3025](#), a technical bill from the Business Law Section carried by lawyer-legislator Rep. Dave Olin (DFL-Thief River Falls), passed the House Commerce and Labor Committee. Shortly thereafter, the companion bill, [SF2705](#), carried by lawyer-legislator Sen. Ron Latz (DFL-St. Louis Park), was passed in the midst of a five-hour Senate Judiciary Committee meeting that also saw passage of [SF2985](#) (modifications to the Minnesota Common Interest Ownership Act), a proposal from the Real Property Section also carried by Sen. Latz. Attorneys Jennifer Bishop and Bill Klein testified for SF2705, and attorney Tom Bray spent considerable time explaining the nuances of SF2985. During the same hearing, the Judiciary Committee passed an amended

version of [SF2885](#), a bill dealing with expert testimony from assessors. The Tax Law Section played a key role in amending the bill.

Justice System Funding

On Tuesday the Senate Judiciary Budget Division unveiled the [budget recommendations](#) of the Chair, lawyer-legislator Sen. Leo Foley (DFL-Coon Rapids), and took public testimony. In the House, the Public Safety Finance Committee heard testimony on the impact to the justice system of the governor's supplemental budget. 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 Notable Legislation

Play Equipment, Protective Orders, and Debt Buyers

This week the House Civil Justice Committee passed [HF1746](#) (customers protected from injuries resulting from use of inflatable play equipment used for commercial purposes); [HF3139](#) (allowing a government authority to access the records of a customer of a Minnesota financial institution if the disclosure is in response to a judicial or administrative subpoena); [HF1396](#) (courts authorized to include pets and companion animals in protective orders); and [HF2996](#) (notice and other actions required before a civil action or arbitration proceeding may be commenced to collect a purchased debt, and default judgments regulated).

Drunk Driving Bills

On Tuesday the House Public Safety Policy and Oversight Committee took up several DWI bills. The committee passed [HF2978](#) (first-degree driving while impaired crime amended to include prior felony convictions from other states) and [HF2881](#) (qualified persons with medical training or supervision authorized to take blood samples from DWI offenders). [HF2979](#) (alcohol concentration lowered from 0.20 to 0.16 for an aggravating factor under DWI law) was voted down. [HF3106](#) (requiring the use of ignition interlocks for all DWI offenders and eliminating the pretrial imposition of all civil sanctions for impaired driving violations) was laid over. The companion to HF3106, [SF2741](#), passed the Senate Transportation Committee on Thursday.

The House Public Safety Policy and Oversight Committee also passed several other bills this week including [HF3081](#) (criminal sexual conduct in the first degree penalty increased); [HF3174](#) (predatory offender registration law amended to address registrants living in homeless shelters and to clarify that the registration requirement for offenders who move out of state are suspended not terminated); [HF3276](#) (criminal abuse of a vulnerable adult crime made a registrable offense under the predatory offender registration law); [HF3191](#) (sexual contact in secure treatment facilities included as criminal sexual conduct in the fourth degree); and [HF3103](#) (amending definitions in the child pornography statutes).

Marriage, Domestic Abuse, and Uniform Laws

On Tuesday evening the Senate Judiciary Committee heard, for discussion purposes only, [SF1732](#) (marriages contracted in another state or territory recognition requirement); [SF120](#) (Marriage and Family Protection Act); and [SF1210](#) (gender-neutral marriage laws). On Thursday the Committee took up a bevy of domestic abuse bills, including [SF2715](#) (providing an exception to the statutory cap for maximum bail in certain nonfelony domestic abuse cases, and recodifying and amending the domestic abuse no contact order law); [SF2636](#) (electronic monitoring for domestic abuse offenders pilot project); [SF2437](#) (expansion of domestic abuse ex parte court orders for protection); and [SF2997](#) (domestic abuse and sexual attack programs data practices requirements exemption). The committee also passed two Uniform Acts: the Uniform Foreign Country Money Judgments Act ([SF612](#)) and the Uniform Unsworn Foreign Declarations Act ([SF2984](#)).

Other Notable Bills

- The House Transportation and Transit Policy and Oversight Division passed [HF2888](#) (criminal penalty for careless driving resulting in death).
- House Commerce and Labor Committee passed [HF3052](#) (regulating nonrecourse civil litigation funding transactions).
- The Senate Judiciary Committee was set to hear numerous bills today, including [SF333](#) (providing that a pretrial filing of a written transcript of a law enforcement vehicle recording is not a prerequisite for admission of the evidence in a criminal trial or DWI license revocation hearing); [SF2817](#) (expanding the list of persons who are authorized to take blood samples from DWI offenders); [SF2471](#) (implied consent and ignition interlock provisions modifications); [SF2979](#) (providing that prior DWI driver's license revocations may no longer be used to enhance criminal penalties for future DWI offenses or trigger or accelerate DWI vehicle forfeitures); [SF2170](#) (requiring homestead-lender mediation before mortgage foreclosure); and [SF2602](#) (easement discharge provisions modifications).