

MSBA Capitol Connection

May 21, 2010

Session Wrap Up

The Legislature completed its work for the year on Monday morning, bringing to a close what was a very successful 2010 session for the MSBA. Twelve proposals from various sections were condensed into eight bills, seven of which were intended for passage this year, and six of which were signed into law. In addition, the MSBA was active in the background on numerous issues, and the expertise and advice of our members was instrumental in shaping several bills. The MSBA also successfully fought to reduce harmful cuts to the justice system, and made significant progress in advancing a judicial selection reform bill. Here are the highlights of our 2010 legislative agenda:

- [The Revised Uniform Arbitration Act](#), a proposal that was shaped with extensive input from the ADR Section, was signed into law. This legislation was carried by lawyer-legislators Sen. Mary Olson (DFL-Bemidji) and Rep. Terry Morrow (DFL-St. Peter).
- The Business Law Section brought forward [a three-part bill](#) that included substantive and technical amendments to the Minnesota Business Corporation Act, parallel changes to the Minnesota Nonprofit Incorporation Act, and a technical fix related to non-business LLCs. This bill was successfully carried through the legislative process by lawyer-legislators Sen. Ron Latz (DFL-St. Louis Park) and Rep. Dave Olin (DFL-Thief River Falls).
- [HF890](#), a proposal from the Family Law Section that would provide some legal parameters for alternative reproductive technology procedures, passed the House but did not get a floor vote in the Senate. The bill was carried by Sen. Linda Higgins (DFL-Minneapolis) and lawyer-legislator Rep. Steve Simon (DFL-St. Louis Park).
- The Probate & Trust Section had [a four-part bill](#) that clarifies a trust accounting issue, provides for appointment of a temporary or emergency conservator, modifies provisions dealing with parent-child relationships for intestate succession purposes, and clarifies some estate tax issues. After a winding road through three standing committees and a conference committee, the bill was passed by both chambers and signed by the governor. The bill was carried by lawyer-legislators Sen. Don Betzold (DFL-Fridley) and Rep. Melissa Hortman (DFL-Brooklyn Park).
- The Real Property Section had three bills this year. [The first](#) allows supplemental declarations to be recorded against common interest community certificates of title; [the second](#) clarifies the mortgage registry tax in light of a recent Minnesota Supreme Court decision; and [the third](#) updates the Minnesota Common Interest Ownership Act. The three bills, all of which were signed into law, were carried by a trio of lawyer-legislators: Sen. Ron Latz (DFL-St. Louis Park), Sen. Linda Scheid (DFL-Brooklyn Park), and Rep. Gail Kulick Jackson (DFL-Milaca).
- The MSBA, as part of the [Coalition for Impartial Justice](#), made significant progress in advancing [a bill](#) that would move the state to a retention election system for judges. The bill attracted bipartisan support and advanced through several committees, but ultimately did not get a floor vote in the House or Senate.

Gov. Pawlenty Signs and Vetoes Final Batch Of Bills

A late flurry of bills landed on Gov. Pawlenty's desk, many of which are of interest to attorneys.

Vetoed Bills

- [SF271 \(veto letter\)](#): State employees additional whistleblower protection.
- [SF341 \(veto letter\)](#): Wrongful death actions by domestic partners authorization; right to control deceased persons remains expansion to domestic partners.
- [SF3145 \(veto letter\)](#): Controlled substance mixture definition modification; controlled substance possession offenses modifications.

Signed Bills

- [SF2510 \(with line-item vetoes\)](#): Omnibus employment and economic development policy bill; labor and industry licensing and fees and manufactured home building code modifications; Minnesota science and technology authority act; cadmium use regulation; Minnesota S.A.F.E. Mortgage Licensing Act of 2009; Minnesota Appraisal Management Company Licensing and Regulation Act.
- [SF2695](#): Pregnant women mandatory drug reporting requirements modifications.
- [SF3147](#): Chiropractors license denial or revocation for felony-level criminal sexual conduct offense conviction; council of health boards report requirement.
- [SF2540](#): Omnibus transportation policy bill.
- [SF2933](#): Nursing facility level of care criteria; services to persons with disabilities provisions modifications; technical changes; home care services providers requirements; home care bill of rights; personal care assistants enrollment option; elderly waiver conversion; modifying personal care assistant services.
- [SF2885](#): Property tax assessors duties clarifications.
- [HF3263](#): Traffic regulation provisions modified relating to highway work zone speeds, driving in the right-hand lane, and seat belt requirements for persons operating a type III vehicle as a school bus.
- [HF2612](#): Civil commitment venue clarified.
- [SF3081](#): Community-based energy development (C-BED) program modifications.
- [SF2918](#): Omnibus pensions bill.
- [SF3275 \(with line-item vetoes\)](#): Omnibus environment, energy and natural resources policy and finance bill; outdoor heritage appropriations.
- [HF2624 \(with line-item vetoes\)](#): Environmental and natural resources funding provided, approval required for acquisition of certain lands to be conveyed to the state, and money appropriated.
- [SF2879](#): Minnesota Comprehensive Health Association provisions modified.
- [SF863](#): Omnibus government data classifications provisions.
- [HF3106](#): Implied consent, driving while impaired, and ignition interlock provisions modified.
- [SF2430](#): Mortgage foreclosure redemption period provisions modifications; reverse mortgage regulations; private right of action; vacant buildings security hearing request and notice of sale requirements; political subdivisions redemption costs recovery.
- [SF3126](#): Public utility environmental projects public utilities commission (PUC) advance determination of prudence authority.
- [SF3361](#): Private real property transfer fees prohibition; child support provisions effective date change.
- [SF2773](#): Salvia divinorum sale or possession regulation and crimes definition.