



Lawyers Legislative Ledger

February 2007



An update on the Minnesota State Bar Association's 2007 Legislative Agenda and other legislative activity of interest to Minnesota's legal community.

2008 – 2009 Biennial Budget: Court Funding

The first few weeks of session have largely been filled with committee overviews and issue updates. Now, with the release of the Governor's budget, legislators have begun the substantive work of the session, including assembling the 2008-09 biennial budget.

For the courts, the Governor has proposed a six percent (6%) increase in court funding; specifically, four percent (4%) in fiscal year 2008 and eight percent (8%) in 2009. The Governor's recommendation was only half of what the courts requested. In keeping with past practice, the Governor did not make specific recommendations on how the monies should be allocated. The Governor did recommend \$200,000 in FY 2007 as a deficiency request for the Board of Public Defense to deal with increased transcript costs.

The state courts had requested \$70 million in new money over the next biennium to fund a dozen more judges, nine trial judges and three additional judges for the state's court of appeals. The money would also be used for a cost of living increase for state court system employees; to provide more interpreters and guardians ad litem; and to increase court security by placing a metal detector and trooper at the judicial center in St. Paul. The court is also asking the Legislature for money to fund an additional 12 drug courts. Legal aid had requested a \$4 million increase in funding.

Both the House and Senate have begun hearings on court funding. On February 6, the Senate Judiciary Budget Division heard budget presentations from the Board of Public Defense, Civil Legal Services and the Tax Court. The Division is scheduled to begin consideration of the court's and Civil Legal Services' budgets on February 13.

In the House, the court's budget will be presented in the Public Safety Finance Division on February 13. Then, on February 16, the Division will hear a presentation on Civil Legal Services budget request.

Representative Michael Paymar (DFL-St. Paul), chair of the House Public Safety Finance Division, has introduced H.F. 829 which appropriates money for the courts and public defenders, public safety, corrections, and other criminal justice agencies. Senator Linda Higgins (DFL-Minneapolis), chair of the Senate Public Safety Budget Division, has introduced the Senate companion, S.F. 650.

HOUSE & SENATE COMMITTEE HEARINGS

In addition to the budget, the House & Senate have also begun work on policy bills. On February 1, the House Public Safety and Civil Justice committee took up H.F. 117, a bill introduced by lawyer-legislator Representative Paul Thissen (DFL-Minneapolis) which will grant Minnesota courts personal jurisdiction over any foreign corporations or nonresidents in defamation or privacy cases.

The bill was heard in committee and laid over for possible inclusion in an omnibus bill. Senator Dan Larson (DFL-Bloomington) is the author of the Senate companion, S.F. 181.

In the Senate, on February 8, the Senate Judiciary committee heard S.F. 300, authored by Senator Linda Higgins (DFL-Minneapolis), which calls for changes in the public defense system; including representation in appellate cases and the elimination of defendant co-payments. The bill was amended, passed and re-referred to the Finance committee.

Also, on February 8, the Senate Judiciary Budget Division passed S.F. 301, authored by lawyer-legislator Senator Dick Cohen (DFL-St. Paul), which appropriates money to the state Board of Public Defense to pay for transcripts, and re-referred the bill to the full Finance committee.

BILL INTRODUCTIONS

Only one month into the 2007 session, the House and Senate have already introduced 920 and 785 bills; respectively. The most notable introductions for the MSBA was lawyer-legislator Senator Tom Neville's (R-Northfield) introduction of S.F. 324 which would replace judicial elections with a system whereby the Governor appoints and the state Senate confirms and reappoints judges who serve ten (10) year terms.

Other bills of interest include:

Construction Law:

- H.F. 16. Written Safety and Health Plans for Construction Projects. H.F. 16 was introduced by lawyer-legislator Representative Joe Mullery (DFL-Minneapolis), chair of the House Public Safety and Civil Justice committee. House File 16 will require written safety and health plans for each construction projects and prohibit public contracts from being awarded to an entity which has committed three or more willful violations of occupational, safety and health laws over a three year period. See also, H.F. 729 by lawyer-legislator Representative Tom Emmer (R-Delano).
- H.F. 77. Construction Contracts Best Value Criteria. Also introduced by lawyer-legislator Representative Joe Mullery (DFL-Minneapolis), H.F. 77 establishes best value as a criteria for construction contracts. See also, H.F. 571 by Representative Debra Hilstrom (DFL-Brooklyn Center).

Courts:

- H.F. 829. Court Funding. H.F. 829 was introduced by Representative Michael Paymar (DFL-St. Paul), chair of the House Public Safety Finance Division, which appropriates money for the courts and public defenders, public safety, corrections, and other criminal justice agencies. Senator Linda Higgins (DFL-Minneapolis), chair of the Senate Public Safety Budget Division, has introduced the Senate companion, S.F. 650.

Criminal Law:

- S.F. 279. Criminal Justice Data Sealing. Lawyer-legislator Senator Mee Moua (DFL-St. Paul), chair of the Senate Judiciary committee introduced S.F. 279 which provides for the sealing of certain criminal justice data and the use of sealed records.
- S.F. 294. Criminal Records Expungement. S.F. 294 was introduced by lawyer-legislator Senator Julianne Ortman (R-Chanhassen). S.F. 294 calls for the recodification and restructuring of the law on expungement of criminal records. See also, S.F. 685 introduced by lawyer-legislator Senator Don Betzold (DFL-Fridley).
- S.F. 300/H.F. 455. Public Defense System. S.F. 300 was introduced by Senator Linda Higgins (DFL-Minneapolis) and calls for changes in the public defense system including representation in appellate cases and eliminating defendant co-payments. The House companion, H.F. 455, was introduced by Representative Mary Murphy (DFL-Hermantown).

- S.F. 301/H.F. 545. Public Defense Board Transcript Payments. S.F. 301 was introduced by lawyer-legislator Senator Richard Cohen (DFL-St. Paul), chair of the Senate Finance committee, and appropriates \$200,000 for fiscal year 2007 to pay the costs of trial transcripts in appeal cases. The House companion, H.F. 545, was introduced by Representative Michael Paymar (DFL-St. Paul).

Civil Litigation Law:

- H.F. 117/S.F. 181. Personal Jurisdiction Over Foreign Corporations and Nonresident Individuals. H.F. 117 was introduced by lawyer-legislator Representative Paul Thissen (DFL-Minneapolis) to grant Minnesota courts personal jurisdiction over foreign corporations or nonresidents in defamation cases. Senator Dan Larson (DFL-Bloomington) introduced the Senate companion, S.F. 181.
- H.F. 483/S.F. 540. Minnesota False Claims Act. H.F. 483 was introduced by Representative Nora Slawik (DFL-Maplewood) would establish the Minnesota False Claims Act which would impose civil penalties on a person knowingly presenting or making a false or fraudulent claim for money or property to the state. The Senate companion, S.F. 540 was introduced by Senator Gary Kubly (DFL-Granite Falls).
- H.F. 514. Attorney Fee Awards. Lawyer-legislator Representative Paul Thissen (DFL-Minneapolis) also introduced H.F. 514 which would modify the terms under which attorney fees are awarded. H.F. 514 would require a reasonable relationship between attorney fees sought and the amount of damages awarded to a prevailing party and limit fees after an offer of judgment and mediation under Rule 68 of the Rules of Civil Procedure.
- H.F. 739. Arbitration Awards. Lawyer-legislator Representative Paul Thissen (DFL-Minneapolis) has also introduced H.F. 739, which provides that arbitration awards include the reasons for the arbitrator's decision and the evidence upon which the arbitrators relied in reaching their decision.
- H.F. 561. Joint & Several Liability. H.F. 561, also introduced by lawyer-legislator Representative Paul Thissen (DFL-Minneapolis), imposes joint and several liability on a person who makes an illegal sale of an alcoholic beverage.

Family Law:

- H.F. 259. Grandparent Visitation Rights. H.F. 259, introduced by lawyer-legislator Representative Joe Mullery (DFL-Minneapolis), expands grandparent visitation rights.
- S.F. 27. Child Protection and Placement. S.F. 27, introduced by lawyer-legislator Senator Chuck Wiger (DFL-North St. Paul), clarifies that the court must take into consideration the totality of a child's circumstance and past history in determining whether the child is in need of protection services.

Real Property Law:

- H.F. 38. Conveyance of Homestead by Spouses. H.F. 38, introduced by lawyer-legislator Representative John Lesch (DFL-St. Paul), would prevent a married property owner from acquiring a purchase money mortgage without a spouse's signature.
- H.F. 439. Residential Lake Property Disclosures. H.F. 439, introduced by Representative Mindy Greiling (DFL-Roseville), would require sellers of residential lake property to disclose all known existing land surveys.
- H.F. 556/S.F. 218. Airport Safety Zone Disclosures. H.F. 556, introduced by Representative Michael Beard (R-Shakopee), would clarify the disclosure requirements for transfers of real property located in certain airport safety zones. The disclosure would be based on the best of the seller's knowledge. Senator Ann Rest (DFL-New Hope) introduced the Senate companion, S.F. 218.
- S.F. 183. Airport Zoning Provisions. Senator Dan Larson (DFL-Bloomington) introduced S.F. 183 to expand the scope of airport zoning provisions to include control of uses incompatible with present and future airport uses.

For more information on these and other bills of interest, follow the link below, and enter the appropriate username and password below for your section. Please note, you must scroll back to the top of the page to click to the next page of bills.

<http://www.house.leg.state.mn.us/leg/billslogin.asp>

<u>Section</u>	<u>Username</u>	<u>Password</u>
Admin	MSBA-ADM	MSBAADM
Business	MSBA-BUS	MSBABUS
Civil Litigation	MSBA-CV	MSBACV
Construction	MSBA-CON	MSBACON
Courts	MSBA-CT	MSBACT
Criminal	MSBA-CR	MSBACR
Elder	MSBA-ELDER	MSBAELDER
Family	MSBA-FM	MSBAFM
General	MSBA-GEN	MSBAGEN
Human Rights	MSBA-HR	MSBAHR
Judicial	MSBA-JUD	MSBAJUD
Probate	MSBA-PROB	MSBAPROB
Real Property	MSBA-RP	MSBARP
Tax	MSBA-TAX	MSBATAX

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