

Senate Judiciary Committee
Tuesday, March 22, 2005
12:00 p.m. - Room 112 Capitol

In Attendance

Senator Betzold
Senator Chaudhary
Senator Hann
Senator Limmer
Senator Marty
Senator Neuville
Senator Ortman
Senator Rest
Senator Skoglund

Senator Betzold called the meeting to order at 12:10 p.m.
A quorum was present.

Remarks by the chair regarding recess for the memorial

Senator Foley presented SF 778: DWI vehicle forfeiture, driver's license revocation and chemical use assessment procedures modification

Witness

- Tammi Frederickson, Coon Rapids City Attorney and member of the DWI Task Force (support)

Senator Marty **MOVED** SF 778 be recommended to pass- **ADOPTED**

Senator Scheid presented SF 1287: Regulating causes of action arising out of construction defects in residential housing.

Witnesses:

- Pam Perri Weaver, Executive Vice President, Builders Association of Minnesota (support)

Amendments are handed out to committee members (A10- A19 no A17)

Testimony on Section 1 of the bill

- Scott Andresen, attorney (oppose)
- Jocelyn Knowles, Builder's Association of Minnesota (support)
- Nancey Emerson, Townhome owner (oppose)
- David Hammargren, attorney (oppose)
- Jack Rossbach, home inspector (oppose)
- Julie Doherty, attorney (oppose)
- Jan Donahue, home owner (oppose)

Senator Skoglund **MOVED** A9 amendment-

Senator Skoglund **MOVED** oral amendment to the A9-
Page 1, line 30: After "includes" insert "but is not limited to"

ADOPTED

Testimony on Section 2 of the bill

- Scott Andresen, attorney (oppose)
- Jan Donahue, home owner (oppose)
- Julie Doherty, attorney (oppose)
- Joel Carlson, Minnesota Trial Lawyers Association (oppose)

The bill is laid over

Senator Ranum presented SF 1143: Domestic Abuse No Contact Order
Handout #1, #2

Senator Skoglund **MOVED** A2 amendment as an author's amendment- **ADOPTED**
Handout # 3, #4

Witness

- Jeanne Schlay, Ramsey County Attorney (support)

Senator Marty **MOVED** oral amendment to the A2 amendment-
Page 1, line 5: Delete "VIOLATION OF A"
ADOPTED

Senator Marty **MOVED** SF 1143 as amended be recommended to pass and be re-referred to the
committee on Crime Prevention- **ADOPTED**

The committee is in recess at 1:56 p.m.

Senator Betzold reconvened the committee at 6:43p.m.

Senator Moua presented SF 1603: Railroad worker injuries
Senator Hann **MOVED** A2 amendment- **ADOPTED**
Senator Hann **MOVED** SF 1603 as amended be recommended to pass and be re-referred to the
committee on Jobs, Energy and Community Development- **ADOPTED**

The committee briefly recessed 6:49p.m.

The committee reconvened at 6:51p.m.

The A24 amendment to SF 1287 was handed out

Senator Ortman **MOVED** A24 with the following oral amendment:

Page 1, line 25: Change the second "of" to "or"

Page 6, line 5: Change "Sec. 7" to "Sec. 6"

ADOPTED

Witnesses

- Scott Andresen (oppose)
- Jocelyn Knowle, Builder's Association of Minnesota (support)

Senator Neuville **MOVED** A21 as modified to fit into the A24 amendment:
Page 1, line 3: Change "Page 5" to "Page 4" and change "line 5" to "line 16"
Page 1, line 4: Delete "(d)" and insert "Subd. 11"

ADOPTED

Senator Limmer **MOVED** oral amendment to A24
Page 2, line 10: After "mail" insert "or provide actual notice"
Page 2, line 11: Delete "written"

ADOPTED

Senator Ortman **MOVED** oral amendment to A24:
Page 4, line 19: After "not" insert "substantially"

ADOPTED

Senator Chaudhary **MOVED** oral amendment to A24:
Page 6, line 7: After "from" insert "dwellings substantially completed or home
improvements substantially completed"
Page 6, line 7: Delete "contracts entered into"

Division- 5-4 motion is **ADOPTED**

Senator Neuville **MOVED** oral amendment to A24:

Page 2, line 11: After "defect" and before the period, insert "and include the results of any tests already completed on the dwelling"

Page 2, line 27: Before the ",", insert "after providing the notice required by subdivision 1"

ADOPTED

Senator Marty **MOVED** oral amendment to A24:

Page 4, line 27: After "limitations" insert "or statute of repose"

ADOPTED

Senator Ortman **MOVED** to reconsider the Limmer oral amendment on Page 2, lines 10-11-
NOT ADOPTED

Witnesses

- Nancy Johnson, home owner (oppose)
- David Hammargren, attorney (oppose)

The bill is laid over at the request of the author

Senator Rest presented SF 1010: Prohibiting prejudgement garnishment in certain circumstances

Senator Rest **MOVED** A2 amendment as an author's amendment- **ADOPTED**

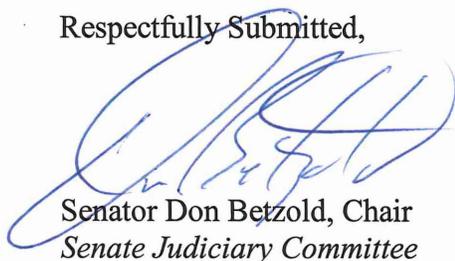
Witnesses:

- Christian Walker, Consumer enforcement division of the Attorney General's office (support)
- Galen Robinson, Legal Aid Society of Minneapolis (support)
- Kathy Eveslage, Southern Minnesota Regional Legal Services (support)
- Lisa Haster, Co-chair, Hennepin County Bar Association Debtor Creditor Committee (oppose)
- Joe Witt, Minnesota Banker's Association- President (has concerns)
- Erik Vakula, Legal assistant (has concerns)

Senator Rest **MOVED** SF 1010 as amended be recommended to pass and be re-referred to the committee on Finance- **ADOPTED**

The committee adjourned at 9:37p.m.

Respectfully Submitted,


Senator Don Betzold, Chair
Senate Judiciary Committee


Rebecca Olson, Legislative Assistant
Senate Judiciary Committee

Senate Judiciary Committee

March 22, 2005

12:00 Room 112

Agenda

① SF 778 (Foley) DWI vehicle forfeiture, drivers license revocation and chemical use assessment procedures modifications.
Tammi Frederickson, Coon Rapids City Attorney and MN DWI Task Force

③ SF 1143 (Ranum) Expanding the applicability of the domestic abuse no contact order.
Susan Gaertner, Ramsey County Attorney

⑤ SF 1010 (Rest) Creditors prejudgment garnishment provision.
Christian Walker, Minnesota Attorney General's Office
Galen Robinson, Legal Aid Society of Minneapolis
Kathy Eveslage, Southern Minnesota Regional Legal Services
Lisa Haster, Cochair Hennepin County Bar Ass. Debtor Creditor Committee
Joe Witt of the Mn Bankers Association
Erik L. Vakula

~~NOT HEARD~~ SF 567 (Ourada) requiring the filing of a summons and complaint before the issuance of a garnishment summons.

② SF 1287 (Scheid) A bill for an act relating to real property; regulating causes of action arising out of construction defects in residential housing.
Pam P. Weaver, Builders Association
Doug Haugen MAJ, FA
Jan Donahue Homeowner
Fred Jacobberger, Attorney
Scott Andresen, Attorney
Paul Ellringer, Industrial hygienist

④ SF 1603 (Moua) Railroad companies injured workers treatment obstruction prohibition
Philip Qualy, United Trans. Union

Senate Committee Meeting Log

Committee Name: JUDICIARY

Date: March 22, 2005 Day: Tuesday

Start Time: 12:10 pm

(A) 1:46:14

(B) 2:55:49

Agenda

Bill # (or Topic)	SF 778
Author	Foley
Short Descriptor	DWI vehicle forfeiture procedures modifications
Action(s)	Pass
Bill # (or Topic)	SF 1287
Author	Scheid
Short Descriptor	Regulating causes of action arising out of construction defects in residential housing.
Action(s)	Amended and laid over
Bill # (or Topic)	SF 1143
Author	Ranum
Short Descriptor	Domestic Abuse no contact orders
Action(s)	Amended, pass & re-refer to Crime Prevention
Bill # (or Topic)	SF 1603
Author	Moua
Short Descriptor	Railroad worker injuries
Action(s)	Amended, pass & re-refer to Jobs

Recess →

SF 1010

Rest

Prohibiting prejudgment garnishments in certain circumstances

Amended, pass & re-refer to Finance