

**Senate Judiciary Committee**  
**Tuesday, March 8, 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 8, 2005**

**12:00 Room 112**

**Agenda**

SF 1143 (Ranum) Expanding the applicability of the domestic abuse no contact order.

Maria Dewolf, St. Paul City Attorney (support)

Lona Stevens, MN Coalition for Battered Women (support)

SF 1207 (Foley) providing that certain government appeals do not require payment of defendant attorney fees.

2. Mark Nyvold, Private Attorney (concerns)

3. Mary McMahon, Private Attorney (concerns)

1. Phil Prokopowicz, Assistant Dakota County Attorney (support)

SF1287 (Scheid) A bill for an act relating to real property; regulating causes of action arising out of construction defects in residential housing.

1. Remi Stone, Builders Association (support)

3. Tony Goulet, Goulet Homes (support)

4. Joel Carlson, MN Trial Lawyers (concerns)

2. Jocelyn Knowle, Dorsey & Whitney (support)

5. Nancy Johnson (oppose)

6. Nancy Emerson (oppose)

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