

<b>MSBA Legislative Positions</b>		<b>Date adopted</b>
1	<b>Access to Justice Committee</b> Resolved that the MSBA opposes any cuts to the Legal Services Corporation (LSC) and supports increased funding for LSC.	Renewed 12/9/22
2	<b>Agriculture &amp; Rural Law Section</b> Resolved that the MSBA supports allowing a deed tax exemption for like-kind exchanges of agricultural land.	12/9/22
3	<b>Bankruptcy Section</b> Resolved that the MSBA supports legislation to change the venue provisions of 11 USC sec. 1408 to require Ch. 11 cases to be filed in the district where principal assets or principal place of business are located.	Renewed 12/10/21
4	<b>Business Law Section</b> Resolved that the MSBA supports updates to the Uniform Commercial Code drafted by the Uniform Law Commission.	12/9/22
5	<b>Commission on Juvenile Sentencing for Heinous Crimes</b> Resolved that the MSBA accepts the final Report of the Commission on Juvenile Sentencing for Heinous Crimes and recommends that the Minnesota Legislature take action consistent with the report.	12/8/17
6	<b>Council</b> Resolved that the MSBA opposes any legislation that would impose a sales tax on legal services.	Renewed 12/14/18
7	<b>Council</b> Resolved, recognizing the importance of safeguarding Minnesotans' civil rights, the Legislature should not withdraw or more narrowly define any currently protected class from the scope of the Minnesota Human Rights Act.	Renewed 12/11/20
8	<b>Court Rules and Administration Committee</b> Resolved that the MSBA urges the Supreme Court of MN, MN Counties and MN Legislature to adopt rules, policies and laws that permit attorneys in good standing access to MN courthouses without the need to submit to security screenings.	4/26/19
9	<b>Criminal Law Section</b> Resolved that the MSBA supports adoption of the Uniform Collateral Consequences of Conviction Act which will have the effect of ensuring that individuals are aware of penalty, disability, or disadvantage, however denominated, imposed on an individual as a result of the individual's conviction of an offense that applies by operation of law.	12/11/20
10	<b>Diversity &amp; Inclusion Council</b> Resolved that the MSBA supports repealing unconstitutional statutes related to fornication, adultery, and sodomy.	12/9/22
11	<b>Diversity &amp; Inclusion Council</b> Resolved that the MSBA supports a prohibition on conversion therapy.	12/9/22
12	<b>Family Law Section</b> Resolved that the MSBA opposes further limitations on judicial discretion to determine the best interests of children in setting levels of parenting time, including joint physical custody presumptions.	12/14/18
13	<b>Family Law Section</b>	12/14/18

	Resolved that the MSBA opposes any legislation that changes the current “best interest of the child” factors as codified in Minn. Stat. §518.17 (2017).	
14	<b>Family Law Section</b> Resolved that the MSBA opposes any legislation that changes the current law in determining parenting time.	12/14/18
15	<b>Family Law Section</b> Resolved that the MSBA supports revision of the Spousal Maintenance statute, Minn. Stat. §518.552 and Minn. Stat. §518.131.	12/14/18
16	<b>Family Law Section</b> Resolved that the MSBA supports the equality of both unmarried parents’ rights in determining custody pursuant to a child’s best interests and opposes any legislation to the contrary.	12/14/18
17	<b>Family Law Section</b> Resolved that the MSBA supports amendment of custody and parenting time statutes to: <ul style="list-style-type: none"> <li>i. Create a statutory public policy statement encouraging substantial parenting time for fit parents.</li> <li>ii. Provide for mandatory compensatory parenting time when a substantial amount of court-ordered parenting time has been intentionally made unavailable to one parent.</li> <li>iii. Give parties access to temporary hearings for parenting time issues as well as accelerated temporary relief when access to a child or financial resources is being unreasonably denied.</li> <li>iv. Emphasize that the current 25% statutory parenting time baseline is a floor not a ceiling.</li> <li>v. Insert “parenting time” in two statutes to correct an oversight in recent family law legislation and replace the outdated term “visitation” in the parenting time statute.</li> <li>vi. Add a child’s mental health and safety to a court’s considerations in parenting time proceedings.</li> <li>vii. Enable courts to award costs and fees against parties whose unreasonable failure to comply with an order or decree forces the other party to seek enforcement or other relief.</li> </ul>	12/11/20
18	<b>Health Law Section</b> Resolved that the MSBA supports revisions to the Minnesota Health Records Act (Minn. Stat. §144.291 et seq.) and related statutory provisions to conform them with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the regulations promulgated thereunder.	12/8/2017
19	<b>Immigration Law Section</b> Resolved that the MSBA supports legislation to extend the statute of limitations for postconviction relief where a non-U.S. citizen is not properly advised of immigration consequences.	12/11/20
20	<b>Judiciary Committee</b> Resolved that the MSBA supports a system of judicial selection that is as free from political influence as possible and that may include, but not be limited to, the following: <ul style="list-style-type: none"> <li>i. initial screening of candidates by a merit selection commission;</li> </ul>	Renewed 12/11/20

	<ul style="list-style-type: none"> <li>ii. appointment by the Governor from a list of candidates recommended by the merit selection commission;</li> <li>iii. evaluation of each judge's performance by a nonpartisan evaluation commission and the result of the judge's evaluation made known; and</li> <li>iv. the retention of each judge decided by the voters.</li> </ul>	
21	<p><b>Labor &amp; Employment Law Section</b></p> <p>Resolved that the MSBA supports revision of the Minnesota Drug and Alcohol Act (DATWA), specifically Minn. Stat. §181.953, to remove and replace references that are outdated and no longer in use.</p>	12/14/18
22	<p><b>Legislative Committee</b></p> <p>Resolved that the MSBA supports adequate funding for the Minnesota judicial branch, legal aid and pro bono programs, and the public defender system.</p>	Renewed 12/9/22
23	<p><b>Legislative Committee</b></p> <p>Resolved that the MSBA supports a civil justice system that preserves Minnesota's right to trial by jury and the right to counsel for each citizen without arbitrary limits on damages or unreasonable restrictions on legal fees.</p>	Renewed 12/9/22
24	<p><b>Legislative Committee</b></p> <p>Whereas Article 6 of the Constitution of the State of Minnesota vests the judicial power of the State in the Supreme Court and lower courts, be it resolved that MSBA supports the authority of the Minnesota Supreme Court to govern Minnesota's judicial branch, the administration of justice by the judicial branch, and the practice of law in Minnesota, and opposes measures that would usurp or undermine that authority.</p>	Renewed 12/10/21
25	<p><b>Probate &amp; Trust Law Section</b></p> <p>Resolved that the MSBA supports amendments to the Directed Trust Statute to clarify the roles and responsibilities of interested parties in a directed trust.</p>	12/13/19
26	<p><b>Real Property Law Section</b></p> <p>Resolved that the MSBA supports technical corrections to Minn. Stat. §462.352 to clarify the 20 acre exception to city/town subdivision regulations.</p>	12/14/18
27	<p><b>Real Property Law Section</b></p> <p>Resolved that the MSBA supports amendments to §272.12 and §559.13 to permit the cancellation of a contract for deed to be recorded notwithstanding delinquent property taxes.</p>	12/13/19
28	<p><b>Real Property Law Section</b> Resolved that the MSBA supports amendments to §559.217 regarding cancellation of a residential purchase agreement to eliminate the cap of \$3,000 on recovery of court filing fees, attorney fees, and costs of services actually expended to the prevailing party.</p>	12/13/19
29	<p><b>Real Property Law Section</b> Resolved that the MSBA supports amending the Minnesota Common Interest Ownership Act to:</p> <ul style="list-style-type: none"> <li>I. Correct internal cross references which have become inaccurate or incomplete by the adoption of companion statutory sections.</li> <li>II. Add internal references necessary to appropriately identify 2017 amendments to the Act and the common interest communities to which they apply.</li> </ul>	12/13/19

	<p>III. Require that when an association delivers a resale disclosure statement to a buyer, the association must also furnish or make available electronically copies of the Maintenance Plan, Maintenance Schedule, and Maintenance Budget.</p>	
30	<p><b>Real Property Section</b> Resolved that the MSBA supports clarifications to Minn. Stat. §117.115 and §117.145 related to eminent domain.</p>	12/9/22
31	<p><b>Real Property Section</b> Resolved that the MSBA supports extending a grantor’s insurance post-death for the benefit of a Transfer on Death Deed grantee beneficiary.</p>	12/9/22
32	<p><b>Real Property Section</b> Resolved that the MSBA supports updates to partition actions under Chapter 558.</p>	12/9/22
33	<p><b>Solo and Small Firm Section</b> Resolved that the MSBA supports funding by the State of Minnesota for student loan repayment assistance for lawyers who commit to private practice serving residents of rural areas.</p>	12/14/18
34	<p><b>Tax Law Section</b> Resolved that the MSBA endorses the addition of Minn. Stat. §270C.407 to establish a state “interest netting” provision and reconcile Minnesota and federal tax statutes.</p>	Renewed 12/10/21
35	<p><b>Tax Law Section</b> Resolved that the MSBA supports amending Minn. Stat. §289A.42 to clarify that taxpayers can claim a refund during the same time period that Department of Revenue can assess a tax.</p>	Renewed 12/11/20
36	<p><b>Tax Law Section</b> Resolve that the MSBA supports amending Minn. Stat. §289A.40 to conform to the federal statute of limitations for filing a refund claim following an assessment.</p>	Renewed 12/11/20
37	<p><b>Tax Law Section</b> Resolved that the MSBA supports amending Minn. Stat. §270C.33 to extend the appeal period for taxpayers to receive commissioner orders.</p>	Renewed 12/11/20
38	<p><b>Tax Law Section</b> Resolved that the MSBA supports clarification of Minnesota’s sales tax nexus provisions in light of the U.S. Supreme Court’s decision in <i>Wayfair v. South Dakota</i>.</p>	12/14/18
39	<p><b>Tax Law Section</b> Resolved that the MSBA supports amendments to §290.191 to provide that when no sales are made in connection with a trade or business in a given year, the apportionment formula for net income and losses does not apply.</p>	12/13/19