

**Legislative History Summary of 1975 Minn. Laws ch. 410<sup>1</sup>  
Compiled by Paul Birnberg April 2022**

Progress of HF 1146 in House

Page in House Journal	Date	Event
713	3/24/75	First Reading <sup>2</sup> ; referred to Judiciary
1633-1634	4/21/75	Report back with amendments – Endnote 2; Endnote 3 is the minutes of the 4/16/75 Judiciary committee
1652	4/21/75	Second Reading
1748	4/23/75	Placed in members files
1818	4/23/75	Special orders
1972	4/28/75	Special orders continued
2020-2021	4/29/75	Special orders continued
2104-2105	5/1/75	Floor amendments, one passed and one failed; Third Reading, passed 88-37 - Endnote 4
2126	5/2/75	Printed copies
3429-3430	5/19/75	Motion to concur in Senate amendments, Third Reading, repassed 91-40 – Endnote 5
3513	6/5/75	Signed by the Governor

Progress of HF 1146 in Senate

Page in Senate Journal	Date	Event
1553	5/5/75	Received from the House
1554	5/5/75	Referred to Judiciary
1849	5/9/75	Withdrawn from Judiciary and re-referred to Rules
2270	5/14/75	Amended to make HF 1146 equivalent to SF 1390
2272	5/14/75	Second Reading
2629-2630	5/19/75	Amended re personalty and housing authorities and adopted 5/14 amendment, Third Reading, passed 42-0 - Endnote 6

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<sup>1</sup>Endnote 0.

<sup>2</sup>Endnote 1 is the original bill filed at the Gale Library. The handwriting is not mine and is very likely that of the administrator/secretary for the House Judiciary committee. The handwritten notes correspond to the amendments reported out of the committee and documented on pages 1633-1634 of the House Journal. Thus the original bill looked like the typewritten words only.

Progress of SF 1390 in Senate

Page in Senate Journal	Date	Event
718	4/10/75	First Reading <sup>3</sup> ; referred to Judiciary
1994-1996	5/9/75	Withdrawn from Judiciary and re-referred to Rules; with amendments similar to the House amendments but without reference to Minn. Stat. § 566.18, subd. 7 - Endnote 7
2182	5/13/75	Bills receive the action of the previous referring committees
2184	5/13/75	Second Reading
2270	5/14/75	Amendments, HF 1146 equivalent to SF 1390, substitute HF 1146 for SF 1390, indefinitely postpone SF 1390 - Endnote 8

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<sup>3</sup>Copy of bill not shown; same as original HF 1146; available at Gale Library on microfilm, SAM 281, Reel 7

Sec. 6. This act is effective upon approval by the city council of the city of Duluth, and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 4, 1975.

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CHAPTER 409—H.F.No.1140

[Coded]

*An act relating to health; providing for a program of treatment for adults having cystic fibrosis; appropriating money; amending Minnesota Statutes 1974, Chapter 144, by adding a section.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

**[144.146] HEALTH; CYSTIC FIBROSIS; TREATMENT.** [Subdivision 1.] **PROGRAM.** The board of health shall develop and conduct a program including medical care and hospital treatment for persons aged 21 or over who are suffering from cystic fibrosis.

Sec. 2. **[144.146] [Subd. 2.] APPROPRIATION.** There is appropriated annually from the general fund in the state treasury the sum of \$40,000 or as much of that amount as is necessary for the year to the department of health for the development of the program of treatment for cystic fibrosis.

Approved June 4, 1975.

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CHAPTER 410—H.F.No.1146

[Coded in Part]

*An act relating to landlords and tenants; providing additional remedies for landlords and tenants; security deposits; withholding rent for last payment period; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; 504.20, by adding a subdivision; Chapter 504, by adding sections; Chapter 566, by adding a section.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Chapter 504, is amended by adding a section to read:

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Endnote 0

**[504.24] LANDLORD AND TENANT; ADDITIONAL REMEDIES; PROPERTY ABANDONMENT.** Subdivision 1. If a tenant abandons rented premises the landlord may take possession of the tenant's personal property remaining on the premises, and shall store and care for the property. The landlord has a claim against the tenant for reasonable costs and expenses incurred in removing the tenant's property and in storing and caring for the property. The landlord may sell or otherwise dispose of the property 60 days after the landlord receives actual notice of the abandonment or 60 days after it reasonably appears to the landlord that the tenant has abandoned the premises whichever occurs last and may apply a reasonable amount of the proceeds of the sale to the removal, care, and storage costs and expenses or to any claims authorized pursuant to section 504.20, subdivision 3, clauses (a) and (b). Any remaining proceeds of the sale shall be paid to the tenant upon written demand. Prior to the sale the landlord shall make reasonable efforts to notify the tenant of the sale at least 14 days prior to the sale, by personal service in writing or sending written notification of the sale by certified mail, return receipt requested, to the tenant's last known address or usual place of abode, if known by the landlord, and by posting notice of the sale in a conspicuous place on the premises for at least two weeks.

Subd. 2. If a landlord, his agent or person acting under the landlord's direction or control, in possession of a tenant's personal property, fails to allow the tenant to retake possession of the property within 24 hours after written demand by the tenant or his duly authorized representative or within 48 hours, exclusive of weekends and holidays, after written demand by the tenant or his duly authorized representative when the landlord, his agent or person acting under the landlord's direction or control has removed and stored the personal property in accordance with subdivision 1 in a location other than the premises, the tenant shall recover from the landlord punitive damages not to exceed \$300 in addition to actual damages and reasonable attorney's fees. In determining the amount of punitive damages the court shall consider (a) the nature and value of the property; (b) the effect the deprivation of the property has had on the tenant; (c) if the landlord, his agent or person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (d) if the landlord, his agent or person under the landlord's direction or control acted in bad faith in failing to allow the tenant to retake possession of the property. The provisions of this subdivision shall not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1, or to landlords who are housing authorities, created or authorized to be created by sections 462.415 to 462.711, and their agents and employees, in possession of a tenant's personal property, except that housing authorities must allow the tenant to retake possession of the property in accordance with this subdivision.

Subd. 3. If the landlord, his agent or person acting under the landlord's direction or control has unlawfully taken possession of a

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tenant's personal property the landlord shall be responsible for paying the cost and expenses relating to the removal, storage or care of the property.

Sec. 2. Minnesota Statutes 1974, Chapter 504, is amended by adding a section to read:

**[504.25] UNLAWFUL OUSTER OR EXCLUSION; PENALTY.** A landlord, agent of the landlord or person acting under the landlord's direction or control who unlawfully and intentionally removes or excludes a tenant from lands or tenements or intentionally interrupts or causes the interruption of electrical, heat, gas or water services to the tenant with intent to unlawfully remove or exclude the tenant from lands or tenements is guilty of a misdemeanor. In any trial under this subdivision, it shall be presumed that the landlord, agent or other person acting under the landlord's direction or control interrupted or caused the interruption of the service with intent to unlawfully remove or exclude the tenant from lands or tenements, if it is established by evidence that the landlord, his agent or a person acting under the landlord's direction or control intentionally interrupted or caused the interruption of the service to the tenant. The burden is upon the landlord to rebut the presumption.

Sec. 3. Minnesota Statutes 1974, Chapter 504, is amended by adding a section to read:

**[504.26] UNLAWFUL TERMINATION OF UTILITIES.** Except as otherwise provided in this subdivision, if a landlord, his agent or a person acting under the landlord's direction or control, interrupts or causes the interruption of electricity, heat, gas, or water services to the tenant, the tenant may recover from the landlord treble damages and reasonable attorney's fees. It is a defense to any action brought under this subdivision that the interruption was the result of the deliberate or negligent act or omission of a tenant or anyone acting under his direction or control. The tenant may recover only actual damages under this subdivision if:

(a) the tenant has not given the landlord, his agent or person acting under the landlord's direction or control, notice of the interruption; or

(b) the landlord, his agent or person acting under the landlord's direction or control, after receiving notice of the interruption from the tenant and within a reasonable period of time after the interruption, taking into account the nature of the service interrupted and the effect of the interrupted service on the health, welfare and safety of the tenants, has reinstated or made a good faith effort to reinstate the service or has taken other remedial action; or

(c) the interruption was for the purpose of repairing or correcting faulty or defective equipment or protecting the health and safety of the

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occupants of the premises involved and the service was reinstated or a good faith effort was made to reinstate the service or other remedial action was taken by the landlord, his agent, or person acting under the landlord's direction or control within a reasonable period of time, taking into account the nature of the defect, the nature of the service interrupted and the effect of the interrupted service on the health, welfare and safety of the tenants.

Sec. 4. Minnesota Statutes 1974, Chapter 504, is amended by adding a section to read:

**[504.27] REMEDIES ARE ADDITIONAL.** The remedies provided in sections 1, 2 and 3 are in addition to and shall not limit other rights or remedies available to landlords and tenants. Any provision, whether oral or written, of any lease or other agreement, whereby any provision of sections 1 to 4 is waived by a tenant is contrary to public policy and void. The provisions of sections 1 to 4 shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7.

Sec. 5. Minnesota Statutes 1974, Chapter 566, is amended by adding a section to read:

**[566.175] UNLAWFUL REMOVAL OR EXCLUSION; RECOVERY OF POSSESSION.** Subdivision 1. Any tenant who is unlawfully removed or excluded from lands or tenements which are demised or let to him may recover possession of the premises in the following manner:

(a) The tenant shall present a verified petition to the county or municipal court of the county in which the premises are located, which petition shall:

(1) describe the premises of which possession is claimed and the owner, as defined in section 566.18, subdivision 3, of the premises;

(2) specifically state the facts and grounds that demonstrate that the removal or exclusion was unlawful including a statement that no judgment and writ of restitution have been issued under section 566.09 in favor of the owner and against petitioner as to the premises and executed in accordance with section 566.17; and

(3) ask for possession thereof.

(b) If it clearly appears from the specific grounds and facts stated in the verified petition or by separate affidavit of petitioner or his counsel or agent that the removal or exclusion was unlawful, the court shall immediately order that petitioner have possession of the premises.

(c) The petitioner shall furnish monetary or other security if any

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as the court deems appropriate under the circumstances for payment of all costs and damages the defendant may sustain if the order is subsequently found to have been obtained wrongfully. In determining the appropriateness of any security the court shall consider petitioner's ability to afford monetary security.

(d) The court shall direct the order to the sheriff or any constable of the county in which the premises is located and the sheriff or constable shall execute the order immediately by making a demand upon the defendant, if he can be found, or his agent or other person in charge of the premises, for possession of the premises. If the defendant fails to comply with the demand, the officer shall take with him whatever assistance may be necessary and immediately place the petitioner in possession of the premises. If the defendant or his agent or other person in control of the premises cannot be found and if there is no person in charge of the premises detained so that no demand can be made, the officer shall immediately enter into possession of the premises and place the petitioner in possession of the premises. The officer shall also serve the order and verified petition or affidavit without delay upon the defendant or upon his agent, in the same manner as a summons is required to be served in a civil action in district court.

Subd. 2. The defendant by written motion and notice served by mail or personally upon petitioner or his attorney at least two days prior to the hearing date on the motion may obtain dissolution or modification of the order for possession, issued pursuant to subdivision 1, clause (b), unless the petitioner proves the facts and grounds upon which the writ is issued. A defendant bringing a motion pursuant to this subdivision may recover possession of the premises only in accordance with sections 566.03 to 566.17 or otherwise provided by law. Upon the dissolution of the order, the court shall tax costs to petitioner, subject to the provisions of section 563.01, and may allow damages and reasonable attorney's fees for the wrongful granting of the order for possession. If the order is affirmed the court shall tax costs against defendant and may allow petitioner reasonable attorney's fees.

Subd. 3. An order issued under subdivision 1, clause (b), or affirmed, modified or dissolved under subdivision 2 is a final order for purposes of appeal and either party aggrieved by the order may appeal within ten days after the entry of the order. If the party appealing remains in possession of the premises, his bond shall be conditioned to pay all costs of the appeal, to abide by the order the court may make and to pay all rent and other damages justly accruing to the party excluded from possession during the pendency of the appeal.

Subd. 4. Any provisions, whether oral or written, of any lease or other agreement whereby any provision of this section is waived by a tenant is contrary to public policy and void.

Subd. 5. The purpose of this section is to provide an additional and summary remedy for tenants unlawfully removed or excluded

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from rental property and except as where expressly provided in this section, sections 566.03 to 566.17 shall not apply to proceedings under this section.

Subd. 6. The provisions of this section shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7.

Sec. 6. Minnesota Statutes 1974, Section 487.17, is amended to read:

**487.17 FORCIBLE ENTRY AND UNLAWFUL DETAINER.** Whether or not title to real estate is involved, the county court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 2 of this act, involving land located wholly or partly within the county court district and of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within the county court district.

Sec. 7. Minnesota Statutes 1974, Section 488A.01, Subdivision 5, is amended to read:

**Subd. 5. FORCIBLE ENTRY AND UNLAWFUL DETAINER OR UNLAWFUL REMOVAL OR EXCLUSION.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 2 of this act, involving land located wholly or in part within Hennepin county and, notwithstanding any provision of subdivision 7 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Hennepin county.

Sec. 8. Minnesota Statutes 1974, Section 488A.18, Subdivision 6, is amended to read:

**Subd. 6. FORCIBLE ENTRY AND UNLAWFUL DETAINER OR UNLAWFUL REMOVAL OR EXCLUSION.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 2 of this act, involving land located wholly or in part within Ramsey county and, notwithstanding any provision of subdivision 8 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Ramsey county.

Sec. 9. Minnesota Statutes 1974, Section 504.20, is amended by adding a subdivision to read:

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement,

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except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, on the grounds that such deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that such deposit should serve as payment for the rent. Violation of this subdivision after written demand and notice of this subdivision shall subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages.

Approved June 4, 1975.

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**CHAPTER 411—H.F.No.1160**

[Not Coded]

*An act relating to the American revolution bicentennial; creating a commission; authorizing governmental units to furnish services, property and money in connection with bicentennial projects; validating prior expenditures.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. BICENTENNIAL PROJECTS; APPROPRIATIONS; TAX LEVIES.** Subdivision 1. A governmental unit which has been duly approved as a bicentennial community by the state bicentennial commission and the federal bicentennial administration may furnish services and property and may expend money in connection with any project which accomplishes a public purpose and is certified by the state bicentennial commission as furthering an overall program for commemorating the two-hundredth anniversary of the founding of the United States of America. The term "governmental unit" as used in this section means a county, city, or town.

Subd. 2. A governmental unit may furnish services and property and contribute money to any bicentennial group or community in this state which is duly approved as such by the state bicentennial commission and the federal bicentennial administration. The services, property and money furnished shall be used solely for a project satisfying the requirements of subdivision 1.

Subd. 3. Any appropriation and expenditure of funds made by a governmental unit prior to the effective date of this act for a bicentennial project is hereby validated.

Subd. 4. This section is effective on the day following its final enactment and shall expire on July 1, 1977.

**Sec. 2. MINNESOTA AMERICAN REVOLUTION BICENTEN-**  
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1 A bill for an act  
 2 relating to landlords and tenants; providing  
 3 additional remedies for landlords and tenants;  
 4 providing penalties; amending Minnesota Statutes  
 5 1974, Sections 487.17; 488A.01, Subdivision 5;  
 6 488A.18, Subdivision 6; Chapter 504, by adding  
 7 sections; Chapter 566, by adding a section,

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9 Section 1. Minnesota Statutes 1974, Chapter 504, is  
 10 amended by adding a section to read:

11 [504.24] [PROPERTY ABANDONMENT.] Subdivision 1. If a  
 12 tenant abandons rented premises the landlord may take  
 13 possession of the tenant's personal property remaining on  
 14 the premises, and shall store and care for the property.  
 15 The landlord may bring an action against the tenant for  
 16 reasonable costs and expenses incurred in removing the  
 17 tenant's property and in storing and caring for the  
 18 property. The landlord may sell <sup>or otherwise</sup> the property 60 days after  
 19 the landlord receives actual notice of the abandonment or 60  
 20 days after it reasonably appears <sup>to the landlord</sup> that the tenant has  
 21 abandoned the premises <sup>wherever occurs last</sup> and may apply a reasonable amount of  
 22 the proceeds of the sale to the removal, care, and storage  
 23 costs and expenses or to any claims authorized pursuant to  
 24 section 504.20, subdivision 3, clauses (a) and (b), Prior <sup>Insert A</sup>

Endnote 1

1 to the sale the landlord shall make reasonable efforts to  
 2 notify the tenant of the sale <sup>at least 14 days</sup> including sending written  
 3 notification of the sale by certified mail, return receipt  
 4 requested, to the tenant's last known address or usual place  
 5 of abode, if known by the landlord, and by posting notice of  
 6 the sale in a conspicuous place on the premises for at least  
 7 two weeks.

8 Subd. 2. If a landlord, his agent or person acting  
 9 under the landlord's direction or control, in possession of  
 10 a tenant's personal property, fails to return or allow the  
 11 tenant to retake possession of the property within 24 hours  
 12 after written demand by the tenant or his duly authorized  
 13 representative or within 48 hours, exclusive of weekends and  
 14 holidays, after written demand by the tenant or his duly  
 15 authorized representative when the landlord, his agent or  
 16 person acting under the landlord's direction or control has  
 17 removed and stored the personal property in accordance with  
 18 subdivision 1 in a location other than the premises, the  
 19 tenant <sup>shall</sup> may recover from the landlord punitive damages of <sup>not to exceed</sup>  
 20 \$300 in addition to actual damages and reasonable attorney's  
 21 fees.

22 Sec. 2. Minnesota Statutes 1974, Chapter 504, is  
 23 amended by adding a section to read:

24 [504.25] [UNLAWFUL OUSTER OR EXCLUSION.] A landlord,  
 25 agent of the landlord or person acting under the landlord's  
 26 direction or control who unlawfully and intentionally  
 27 removes or excludes a tenant from lands or tenements or  
 28 intentionally interrupts or causes the interruption of  
 29 electrical, heat, gas or water services to the tenant with  
 30 intent to unlawfully remove or exclude the tenant from lands  
 31 or tenements is guilty of a misdemeanor. In any trial under  
 32 this subdivision, it shall be presumed that the landlord,

1 agent or other person interrupted or caused the interruption  
2 of the service with intent to unlawfully remove or exclude  
3 the tenant from lands or tenements, if it is established by  
4 evidence that the landlord, his agent or a person acting  
5 under the landlord's direction or control intentionally  
6 interrupted or caused the interruption of the service to the  
7 tenant. The burden is upon the landlord to rebut the  
8 presumption.

9       Sec. 3. Minnesota Statutes 1974, Chapter 504, is  
10 amended by adding a section to read:

11       [504.26] [UNLAWFUL TERMINATION OF UTILITIES.] Except as  
12 otherwise provided in this subdivision, if a landlord, his  
13 agent or a person acting under the landlord's direction or  
14 control, interrupts or causes the interruption of  
15 electricity, heat, gas, or water services to the tenant, the  
16 tenant may recover from the landlord treble damages and  
17 reasonable attorney's fees. It is a defense to any action  
18 brought under this subdivision that the interruption was the  
19 result of the deliberate or negligent act or omission of the  
20 tenant or anyone acting under his direction or control. The  
21 tenant may recover only actual damages under this  
22 subdivision if:

23       (a) the tenant has not given the landlord, his agent or  
24 person acting under the landlord's direction or control,  
25 notice of the interruption; or

26       (b) the landlord, his agent or person acting under the  
27 landlord's direction or control, after receiving notice of  
28 the interruption from the tenant and within a reasonable  
29 period of time after the interruption, taking into account  
30 the nature of the service interrupted and the effect of the  
31 interrupted service on the health, welfare and safety of the  
32 tenants, has reinstated or made a good faith effort to

1 reinstate the service or has taken other remedial action; or  
2 (c) the interruption was for the purpose of repairing  
3 or correcting faulty or defective equipment or protecting  
4 the health and safety of the occupants of the premises  
5 involved and the service was reinstated or a good faith  
6 effort was made to reinstate the service or other remedial  
7 action was taken by the landlord, his agent, or person  
8 acting under the landlord's direction or control within a  
9 reasonable period of time, taking into account the nature of  
10 the defect, the nature of the service interrupted and the  
11 effect of the interrupted service on the health, welfare and  
12 safety of the tenants.

13 Sec. 4, Minnesota Statutes 1974, Chapter 504, is  
14 amended by adding a section to read:

15 [504.27] [REMEDIES ARE ADDITIONAL.] The remedies  
16 provided in sections 1, 2 and 3 are in addition to and shall  
17 not limit other remedies available to landlords and tenants.

18 Sec. 5, Minnesota Statutes 1974, Chapter 566, is  
19 amended by adding a section to read:

20 [566.175] [UNLAWFUL REMOVAL OR EXCLUSION; RECOVERY OF  
21 POSSESSION.] Subdivision 1. Any tenant who is unlawfully  
22 removed or excluded from lands or tenements which are  
23 demised or let to him may recover possession of the premises  
24 in the following manner:

25 (a) The tenant shall present a verified petition to the  
26 county or municipal court of the county in which the  
27 premises are located, which petition shall:

28 (1) describe the premises of which possession is  
29 claimed and the owner, as defined in section 566.18,  
30 subdivision 3, of the premises;

31 (2) specifically state the facts and grounds that  
32 demonstrate that the removal or exclusion was unlawful

1 including a statement that no judgment and writ of  
2 restitution have been issued under section 566,09 in favor  
3 of the owner and against petitioner as to the premises and  
4 executed in accordance with section 566,17; and

5 (3) ask for possession thereof.

6 (b) If it clearly appears from the specific grounds and  
7 facts stated in the verified petition or by separate  
8 affidavit of petitioner or his counsel or agent that the  
9 removal or exclusion was unlawful, the court shall  
10 immediately order that petitioner have possession of the  
11 premises.

12 (c) The petitioner shall furnish monetary or other  
13 security if any as the court deems appropriate under the  
14 circumstances for payment of all costs and damages the  
15 defendant may sustain if the order is subsequently found to  
16 have been obtained wrongfully. In determining the  
17 appropriateness of any security the court <sup>shall</sup> may consider  
18 petitioner's ability to afford monetary security.

19 (d) The court shall direct the order to the sheriff or  
20 any constable of the county in which the premises is located  
21 and the sheriff or constable shall execute the order  
22 immediately by making a demand upon the defendant, if he can  
23 be found, or his agent or other person in charge of the  
24 premises, for possession of the premises. If the defendant  
25 fails to comply with the demand, the officer shall take with  
26 him whatever assistance may be necessary and immediately  
27 place the petitioner in possession of the premises. If the  
28 defendant or his agent or other person in control of the  
29 premises cannot be found and if there is no person in charge  
30 of the premises detained so that no demand can be made, the  
31 officer shall immediately enter into possession of the  
32 premises, ~~breaking in if necessary,~~ and place the petitioner

1 in possession of the premises. The officer shall also serve  
2 the order and verified petition or affidavit without delay  
3 upon the defendant or upon his agent, in the same manner as  
4 a summons is required to be served in a civil action in  
5 district court.

6 Subd. 2. The defendant by written motion and notice  
7 served upon petitioner or his attorney at least two days  
8 prior to the hearing date on the motion and in the manner as  
9 a summons is required to be served under section 566.06 may  
10 obtain dissolution or modification of the order for  
11 possession, issued pursuant to subdivision 1, clause (b),  
12 unless the petitioner proves the facts and grounds upon  
13 which the writ is issued. A defendant bringing a motion  
14 pursuant to this subdivision may recover possession of the  
15 premises only in accordance with sections 566.03 to 566.17.  
16 Upon the dissolution of the order, the court shall tax costs  
17 to petitioner, subject to the provisions of section 563.01,  
18 and may allow damages and reasonable attorney's fees for the  
19 wrongful granting of the order for possession. If the order  
20 is affirmed the court shall tax costs against defendant and  
21 may allow petitioner reasonable attorney's fees.

22 Subd. 3. An order issued under subdivision 1, clause  
23 (b), or affirmed, modified or dissolved under subdivision 2  
24 is a final order for purposes of appeal and either party  
25 aggrieved by the order may appeal within ten days after the  
26 entry of the order. If the party appealing remains in  
27 possession of the premises, his bond shall be conditioned to  
28 pay all costs of the appeal, to abide by the order the court  
29 may make and to pay all rent and other damages justly  
30 accruing to the party excluded from possession during the  
31 pendency of the appeal.

32 Subd. 4. Any provisions, whether oral or written, of

1 any lease or other agreement whereby any provision of this  
2 section is waived by a tenant is contrary to public policy  
3 and void,

4 Subd. 5. The purpose of this section is to provide an  
5 additional and summary remedy for tenants unlawfully removed  
6 or excluded from rental property and except as where  
7 expressly provided in this section, sections 566.03 to  
8 566.17 shall not apply to proceedings under this section.

9 Sec. 6. Minnesota Statutes 1974, Section 487.17, is  
10 amended to read:

11 487.17 [FORCIBLE ENTRY AND UNLAWFUL DETAINER.] Whether  
12 or not title to real estate is involved, the county court  
13 has jurisdiction of actions of forcible entry and unlawful  
14 detainer or actions for unlawful removal or exclusion  
15 pursuant to section 2 of this act, involving land located  
16 wholly or partly within the county court district and of  
17 actions seeking relief for code violations pursuant to  
18 sections 566.18 to 566.33 involving premises located wholly  
19 or partly within the county court district.

20 Sec. 7. Minnesota Statutes 1974, Section 488A.01,  
21 Subdivision 5, is amended to read:

22 Subd. 5. [FORCIBLE ENTRY AND UNLAWFUL DETAINER.]  
23 Whether or not the title to real estate is involved, the  
24 court has jurisdiction of actions of forcible entry and  
25 unlawful detainer or actions for unlawful removal or  
26 exclusion pursuant to section 2 of this act, involving land  
27 located wholly or in part within Hennepin county and,  
28 notwithstanding any provision of subdivision 7 to the  
29 contrary, of actions seeking relief for code violations  
30 pursuant to sections 566.18 to 566.33 involving premises  
31 located wholly or partly within Hennepin county.

32 Sec. 8. Minnesota Statutes 1974, Section 488A.18,



1 Subdivision 6, is amended to read:

2 Subd. 6. [FORCIBLE ENTRY AND UNLAWFUL DETAINER.]

3 Whether or not the title to real estate is involved, the  
4 court has jurisdiction of actions of forcible entry and  
5 unlawful detainer or actions for unlawful removal or  
6 exclusion pursuant to section 2 of this act, involving land  
7 located wholly or in part within Ramsey county and,  
8 notwithstanding any provision of subdivision 8 to the  
9 contrary, of actions seeking relief for code violations  
10 pursuant to sections 566.18 to 566.33 involving premises  
11 located wholly or partly within Ramsey county.

Senate  
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No.

ORIGINAL

H. F. NO. 1146

*Jud.*

A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; Chapter 504, by adding sections; Chapter 566, by adding a section.

B. D. No. B2488

HOUSE ACTION

Introduced by *Bingler* *Lehto*  
*Anderson* *Johnson* *I*

Read FIRST TIME MAR 24 1975 and Referred to the  
Committee on JUDICIARY

Committee Recommendation and Adoption of Report TO PASS AS AMENDED APR 2 1 1975

Read SECOND TIME APR 2 1 1975  
Committee of the Whole

COMPARISON ACTION

Date \_\_\_\_\_ moved that  
F. No. \_\_\_\_\_ and F. No. \_\_\_\_\_  
be referred for comparison.  
Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
F. No. \_\_\_\_\_ was substituted  
for F. No. \_\_\_\_\_ which  
was indefinitely postponed.

CONCURRENCE (HOUSE ACTION)

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
the House concurred in Senate amendments to  
H. F. No. \_\_\_\_\_ and repassed  
the bill as amended.  
Chief Clerk, House of Representatives

SENATE ACTION

Senate Companion  
is S. F. No. \_\_\_\_\_

Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_

Committee Recommendation and Adoption of Report

Read SECOND TIME \_\_\_\_\_  
Committee of the Whole

Read THIRD TIME \_\_\_\_\_  
Passed by the Senate  
Returned to the House

APPROVED AS TO FORM  
Revisor of Statutes

By *[Signature]*

Secretary of the Senate  
State of Minnesota

OTHER ACTION

Refer to back of cover for other  
action.

CONFERENCE COMMITTEE ACTION  
Refer to back of cover for conference  
committee action.

Chief Clerk, House of Representatives  
State of Minnesota

Read THIRD TIME \_\_\_\_\_  
Passed by the House  
Transmitted to the Senate

The report was adopted.

Parish from the Committee on Judiciary to which was referred:

H. F. No. 1146, A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5, 488A.18, Subdivision 6; Chapter 504, by adding sections; Chapter 566, by adding a section.

Reported the same back with the following amendments:

Page 1, line 18, after "sell" insert "*or otherwise dispose of*".

Page 1, line 20, after "appears" insert "*to the landlord*".

Page 1, line 21, after "premises" insert "*whichever occurs last*".

Page 1, line 24, after the period insert "*Any remaining proceeds of the sale shall be paid to the tenant upon written demand.*".

Page 2, line 2, after "sale" delete "*including*" and insert "*at least 14 days prior to the sale by personal service in writing or*".

Page 2, line 10, delete "*return or*".

Page 2, line 19, delete "*may*" and insert "*shall*".

Page 2, line 19, delete "*of*" and insert "*not to exceed*".

Page 2, line 21, after the period insert "*In determining the amount of punitive damages the court shall consider (a) the nature and value of the property; (b) the effect the deprivation of the property has had on the tenant; (c) if the landlord, his agent or person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (d) if the landlord, his agent or person under the landlord's direction or control acted in bad faith in failing to allow the tenant to re-take possession of the property. The provisions of this subdivision shall not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1.*"

Subd. 3. *If the landlord, his agent or person acting under the landlord's direction or control has unlawfully taken possession of a tenant's personal property the landlord shall be responsible for paying the cost and expenses relating to the removal, storage or care of the property.*"

Page 3, line 1, after "person" insert "acting under the landlord's direction or control".

Page 4, line 17 after "other" insert "rights or".

Page 4, after line 17, insert "Any provisions whether oral or written, of any lease or other agreement, whereby any provision of sections 1 to 4 is waived by a tenant is contrary to public policy and void. The provisions of sections 1 to 4 shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7.".

Page 5, line 17, delete "may" and insert "shall".

Page 5, line 32, delete ", breaking in if necessary,".

Page 6, line 7, after "served" insert "by certified mail, return receipt requested,".

Page 6, line 8, delete "and in the manner as".

Page 6, line 9, delete "a summons is required to be served under section 566.06".

Page 6, line 15, after "566.17" insert "or where otherwise provided by law".

Page 7, after line 8, insert the following:

"Subd. 6. The provisions of this section shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7.".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 661, A bill for an act relating to labor; occupational safety and health; defining terms; requiring minimum posting time of citations; enforcement; notice to employee representative; providing a minimum penalty in a specified instance; amending Minnesota Statutes 1974, Sections 182.651, Subdivision 12; 182.66, Subdivision 2; 182.661, Subdivisions 1 and 3; and 182.666, by adding a subdivision.

STATE OF MINNESOTA  
HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY MEETING MINUTES

Representative Richard J. Parish, Chairman of the Judiciary Committee called the twelfth meeting to order at 12 noon, Wednesday, April 16, 1975 in Room 83 of the State Office Building.

Members present were Representatives:

Parish	Knoll
Dieterich	Ketola
Adams, S.	Kvam
Arlandson	Lindstrom
Carlson, L.	Luther
Carlson, R.	Meier
Clawson	Savelkoul
Evans	Sieloff
Faricy	Setzepfandt
George	Suss
Jude	

Excused was Representative Vanasek.

Quorum present.

Rep. Luther moved the minutes of the last meeting be approved. The motion prevailed.

The Chairman read a memo from Irvin Anderson regarding Joint Rule 20 stating all House Files passed by the committee after April 19, must be rereferred to the Committee on Rules. It is suggested the committee continue to work on House files where action will be completed on the Senate companion file prior to May 7.

The Chairman called on Rep. Langseth, author of H. F. 955, to explain the bill.

Rep. Faricy moved the subcommittee report. The motion prevailed.

H. F. 955: A bill for an act relating to mobile homes; providing certain procedures for repossession of mobile homes; amending Minnesota Statutes 1974, Section 336.9-104.

Rep. Luther moved an amendment to H. F. 955:

AMENDMENT:

Page 3, line 13, after "debtor." insert "The action shall proceed in the same manner as other actions for repossessing personal property, and the notices required by section 4 shall not be considered as satisfying any of the notice requirements under those procedures."

Page 3, line 24, after "costs" insert ", not to exceed the sum of \$15.00,"  
The motion prevailed.

Rep. Faricy moved that H. F. 955, as amended, be recommended to pass. The motion prevailed.

The Chairman called on Rep. Berglin, author of H. F. 1145, to present the bill.

Endnote 3

Rep. Lindstrom moved the subcommittee report. The motion prevailed.

H. F. 1145: A bill for an act relating to landlords and tenants; retaliatory evictions; amending Minnesota Statutes 1974, Section 566.03.

Bruce Bennike, Legal Assistance of Ramsey County answered questions of the committee.

Rep. Clawson moved that H. F. 1145, as amended, be recommended to pass. The motion prevailed.

The Chairman called on Rep. Berglin, author of H. F. 1146, to explain the bill.

Rep. Lindstrom moved adoption of the subcommittee report. The motion prevailed.

H. F. 1146: A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5, 488A.18, Subdivision 6, Chapter 504, by adding sections; Chapter 566, by adding a section.

Rep. Lindstrom moved an amendment to H. F. 1146. See attached (1) The motion prevailed.

Rep. Lindstrom moved an amendment to H. F. 1146:

AMENDMENT:

Page 5, line 32, delete "breaking in if necessary"

The motion prevailed.

Rep. Sieloff moved an amendment to H. F. 1146. See attached (2) adding a Subdivision at the end. The motion prevailed.

Rep. Lindstrom moved an amendment to H. F. 1146. See attached (2) amending the subcommittee report. The motion prevailed.

Rep. Lindstrom moved that H. F. 1146, as amended, be recommended to pass. The motion prevailed.

The Chairman called on Rep. Sieloff, author of H. F. 540, to explain the bill.

Rep. Parish moved the subcommittee report be adopted. The motion prevailed.

H. F. 540: A bill for an act relating to courts; providing for transfer of filing fee when venue is changed in civil actions; amending Minnesota Statutes 1974, Section 542.10.

Rep. Luther moved to amend H. F. 540 as follows:

AMENDMENT: Page 2, line 14, delete "the"

The motion prevailed.

Rep. Clawson moved that H. F. 540, as amended, be recommended to pass and be placed on the CONSENT CALENDAR. The motion prevailed.

The Chairman called on Rep. Lindstrom, author of H. F. 607, to explain the bill.

Rep. Dieterich moved the subcommittee report be adopted. The motion prevailed.

H. F. 607: A bill for an act relating to commerce, duties of the attorney general; providing a penalty for violation of an assurance of discontinuance; amending Minnesota Statutes 1974, Section 325.907, Subdivision 2b.

William Kuretsky, Assistant Attorney General, answered questions of the committee.

Rep. Lindstrom moved that H. F. 607 be recommended to pass. The motion prevailed.

The Chairman called on Rep. Lindstrom, author of H. F. 1014, to explain the bill.

Rep. Dieterich moved the subcommittee report be adopted. The motion prevailed.

Rep. Lindstrom moved the following amendments to H. F. 1014:

AMENDMENT:

Strike everything after the enacting clause and substitute the unofficial engrossment of S. F. 942.

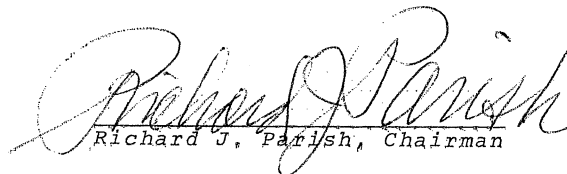
Further amend the title as follows:

Page 1, line 11, strike "state privacy board" and insert "privacy study commission"

Page 1, line 12, after "penalties," insert "appropriating money;"

Rep. Lindstrom moved that H. F. 1014, as amended, be rereferred to Appropriations. The motion prevailed.

The meeting adjourned at 1:05 p.m.

  
Richard J. Parish, Chairman

  
Estelle Hill, Clerk

Mr. \_\_\_\_\_ moves to amend H.F. 1146, the amended bill, as follows:

Page 1, line 18, after "sell" insert "or otherwise dispose of"

Page 1, line 24, after the period insert "Any remaining proceeds of the sale shall be paid to the tenant upon written demand."

Page 2, line 2, after "sale" insert "at least 14 days prior to the sale"

Page 2, line 2, strike "including" and insert "by"

Page 2, line 21, after the period insert "In determining the amount of punitive damages the court shall consider (a) the nature and value of the property; (b) the effect the deprivation of the property has had on the tenant; (c) if the landlord, his agent or person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (d) if the landlord, his agent or person under the landlord's direction or control acted in bad faith in failing to allow the tenant to retake possession of the property. The provisions of this subdivision shall not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1."

Subd. 3. If the landlord, his agent or person acting under the landlord's direction or control has unlawfully taken possession of a tenant's personal property the landlord shall be responsible for paying the cost and expenses relating to the removal, storage or care of the property."



Mr. \_\_\_\_\_ moves to amend H.F. 1146, the amended bill, as follows:

Strike the amendment on the subcommittee report which reads, Page 2, line 2, delete "of" and insert "at least 7 days prior to"

Mr. \_\_\_\_\_ moves to amend H.F. 1146, the amended bill as follows:

Page 4, after line 17, insert "Any provisions whether oral or written, of any lease or other agreement, whereby any provision of sections (1) to (4) is waived by a tenant is contrary to public policy and void. The provisions of sections (1) to (5) shall apply only to tenants as that term is defined in section 566.18, subdivision 2 and buildings as that term is defined in section 566.18, subdivision 7."

Page 7, after line 8, insert the following:

"Subd. 6. The provisions of this section shall apply only to tenants as that term is defined in section 566.18, subdivision 2 and buildings as that term is defined in section 566.18, subdivision 7."

Page 2, line 9, after "or" add "*a material*".

Page 2, line 16, after "or" add "*a material*".

Page 2, line 23, after "or" add "*a material*".

The motion did not prevail and the amendment was not adopted.

H. F. No. 1145, A bill for an act relating to landlords and tenants; retaliatory evictions; amending Minnesota Statutes 1974, Section 566.03.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 90, and nays 35, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kelly, R.	Norton	Simoneau
Adams, L.	Dahl	Kempe, A.	Novak	Skoglund
Adams, S.	Dieterich	Kempe, R.	Osthoff	Smith
Anderson, G.	Doty	Ketola	Parish	Smogard
Anderson, I.	Enebo	Knickerbocker	Patton	Spanish
Arlandson	Ewald	Knoll	Pehler	Stanton
Beauchamp	Faricy	Kostohryz	Petraleso	Suss
Berg	Fugina	Kroening	Philbrook	Swanson
Berglin	George	Lindstrom	Prahl	Tomlinson
Biersdorf	Hanson	Luther	Reding	Ulland
Birnstihl	Heinitz	Mangan	St. Onge	Vanasek
Brinkman	Hokanson	McCarron	Samuelson	Vento
Byrne	Jacobs	Meier	Schreiber	Voss
Carlson, L.	Jaros	Menning	Schumacher	Wenstrom
Carlson, R.	Johnson, D.	Moe	Setzepfandt	Wenzel
Casserly	Jude	Munger	Sherwood	Wieser
Clark	Kahn	Neisen	Sieben, H.	Williamson
Clawson	Kalis	Nelson	Sieben, M.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Erickson	Jensen	Lemke	Peterson
Begich	Esau	Johnson, C.	Mann	Savelkoul
Braun	Evans	Jopp	McCauley	Schulz
Dean	Fjoslien	Kaley	McCollar	Searle
DeGroat	Forsythe	Kvam	Metzen	Sieloff
Eckstein	Graba	Laidig	Nelsen	Wigley
Eken	Haugerud	Langseth	Niehaus	Zubay

The bill was passed and its title agreed to.

H. F. No. 1146 was reported to the House.

Berglin moved to amend H. F. No. 1146 as follows:

Page 7, line 3, strike "*by certified mail, return receipt requested*" and insert in lieu thereof "*personally or by mail*".

Endnote 4

The motion prevailed and the amendment was adopted.

Swanson moved to amend H. F. No. 1146 as follows:

Page 2, line 7, strike "*return receipt requested*,".

Page 2, line 22, strike "*shall*" and insert "*may*".

Page 3, line 19, strike "*In any trial under*".

Page 3, strike all of lines 20 through 29.

The motion did not prevail and the amendment was not adopted.

H. F. No. 1146, A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; Chapter 504, by adding sections; Chapter 566, by adding a section.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 88, and nays 37, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kempe, A.	Norton	Skoglund
Adams, L.	Doty	Kempe, R.	Novak	Smogard
Anderson, I.	Enebo	Ketola	Parish	Spanish
Arlandson	Ewald	Knickerbocker	Patton	Stanton
Beauchamp	Faricy	Knoll	Pehler	Suss
Berg	Fugina	Kostohryz	Petrafeso	Swanson
Berglin	George	Kroening	Philbrook	Tomlinson
Birnstihl	Hanson	Laidig	Prahl	Ulland
Brinkman	Haugerud	Lindstrom	Reding	Vanasek
Byrne	Hokanson	Luther	St. Onge	Vento
Carlson, A.	Jacobs	Mangan	Samuelson	Voss
Carlson, L.	Jaros	McCarron	Savelkoul	Wenstrom
Carlson, R.	Johnson, C.	McEachern	Setzepfandt	Wenzel
Casserly	Johnson, D.	Meier	Sherwood	White
Clark	Jude	Moe	Sieben, H.	Williamson
Clawson	Kahn	Munger	Sieben, M.	Speaker Sabo
Corbid	Kelly, R.	Neisen	Sieloff	
Dahl	Kelly, W.	Nelson	Simoneau	

Those who voted in the negative were:

Adams, S.	Braun	Esau	Heinitz	Langseth
Albrecht	DeGroat	Evans	Jensen	Lemke
Anderson, G.	Eckstein	Fjoslien	Jopp	Mann
Begich	Eken	Forsythe	Kaley	McCaughey
Biersdorf	Erickson	Graba	Kvam	McCollar

Menning  
Metzen  
Nelsen

Niehaus  
Peterson  
Schulz

Schumacher  
Searle  
Smith

Wieser  
Wigley

Zubay

The bill was passed, as amended, and its title agreed to.

H. F. No. 1057 was reported to the House.

Graba moved to amend H. F. No. 1057 as follows:

Page 1, line 19, after the period insert "After a public hearing as provided in this subdivision the closing of a schoolhouse may be submitted for approval to the voters of the district in an election called by the board for that purpose."

The motion prevailed the amendment was adopted.

Menning moved to amend H. F. No. 1057, as amended, as follows:

Page 1, after line 19, add new language to read as follows:

"Sec. 2. In Independent School District No. 518 an election to approve the closing of any schoolhouse which has not been closed prior to April 1, 1975 shall be called upon petition of 50 or more voters of the district or fifteen percent of the number of voters at the last district-wide election, whichever is greater. The clerk of the district shall give at least 20 days' posted notice and two weeks published notice of election, if there be a newspaper published in such district. The notice shall specify the time and place of election, and the question to be submitted to the voters at the election. The question on the ballot shall be whether a specified schoolhouse shall be kept open. The procedure for the election shall be the same as for a regular election. If the question is passed, the board shall not close the schoolhouse. The board may by resolution and with the approval of the state board of education determine that an increase in the levy authorized for all general and special school purposes in section 275.125, subdivision 2a, clauses (1) or (2), is necessary to keep the schoolhouse open and in that event the question on the ballot shall be whether a specific millage based upon the most recent assessed valuation may be added to that authorized by section 275.125, subdivision 2a, clauses (1) or (2) in order to keep a specified schoolhouse open. If the question is passed, the board shall not close the schoolhouse and the amount provided by the millage applied to each year's assessed valuation shall be authorized for certification until revoked by the voters pursuant to section 275.125, subdivision 2a, clause (3). The approval of 50 percent plus one of those voting on the question is required to pass a question pursuant to this section of this act. An election on the same question shall not be called more than once in any year pursuant to this section of this act. This section of this act shall

The question being taken on the repassage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

- |              |             |               |             |              |
|--------------|-------------|---------------|-------------|--------------|
| Adams, L.    | Eckstein    | Kaley         | Munger      | Sieben, H.   |
| Adams, S.    | Eken        | Kalis         | Neisen      | Sieben, M.   |
| Albrecht     | Enebo       | Kelly, R.     | Nelsen      | Sieloff      |
| Anderson, G. | Erickson    | Kelly, W.     | Nelson      | Simoneau     |
| Anderson, I. | Esau        | Kempe, A.     | Niehau      | Skoglund     |
| Arlandson    | Evans       | Kempe, R.     | Norton      | Smith        |
| Beauchamp    | Ewald       | Ketola        | Novak       | Smogard      |
| Begich       | Faricy      | Knickerbocker | Osthoff     | Spanish      |
| Berg         | Fjoslien    | Knoll         | Parish      | Stanton      |
| Berglin      | Forsythe    | Kostohryz     | Patton      | Suss         |
| Biersdorf    | Friedrich   | Kroening      | Pehler      | Swanson      |
| Birnstihl    | Fudro       | Kvam          | Peterson    | Tomlinson    |
| Braun        | Fugina      | Laidig        | Petrafero   | Ulland       |
| Brinkman     | George      | Langseth      | Philbrook   | Vanasek      |
| Byrne        | Graba       | Lemke         | Pleasant    | Vento        |
| Carlson, A.  | Hanson      | Lindstrom     | Prahl       | Voss         |
| Carlson, L.  | Haugerud    | Luther        | Reding      | Wenstrom     |
| Carlson, R.  | Heinitz     | Mangan        | St. Onge    | Wenzel       |
| Casserly     | Hokanson    | Mann          | Samuelson   | White        |
| Clark        | Jacobs      | McCarron      | Sarna       | Wieser       |
| Clawson      | Jaros       | McCauley      | Savelkoul   | Wigley       |
| Corbid       | Jensen      | McCollar      | Schreiber   | Williamson   |
| Dahl         | Johnson, C. | McEachern     | Schulz      | Zubay        |
| Dean         | Johnson, D. | Meier         | Schumacher  | Speaker Sabo |
| DeGroat      | Jopp        | Menning       | Searle      |              |
| Dieterich    | Jude        | Metzen        | Setzepfandt |              |
| Doty         | Kahn        | Moe           | Sherwood    |              |

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1146, A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; Chapter 504, by adding sections; Chapter 566, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Berglin moved that the House concur in the Senate amendments to H. F. No. 1146 and that the bill be repassed as amended by the Senate. The motion prevailed.

Endnote 5

H. F. No. 1146, A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; security deposits; withholding rent for last payment period; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; 504.20, by adding a subdivision; Chapter 504, by adding sections; Chapter 566, by adding a section.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 91, and nays 40, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kempe, A.	Norton	Simoneau
Adams, L.	Dieterich	Kempe, R.	Novak	Skoglund
Adams, S.	Doty	Ketola	Parish	Smith
Anderson, I.	Enebo	Knickerbocker	Patton	Stanton
Arlandson	Faricy	Knoll	Pehler	Suss
Beauchamp	Fudro	Kostohryz	Petraleso	Swanson
Berg	Fugina	Kroening	Philbrook	Tomlinson
Berglin	George	Laidig	Prahl	Ulland
Birnstihl	Hanson	Langseth	Reding	Vanasek
Brinkman	Haugerud	Lemke	St. Onge	Vento
Byrne	Hokanson	Lindstrom	Samuelson	Voss
Carlson, A.	Jacobs	Luther	Sarna	Wenstrom
Carlson, L.	Jaros	Mangan	Schreiber	White
Carlson, R.	Jensen	McCarron	Schulz	Williamson
Casserly	Johnson, C.	McEachern	Schumacher	Speaker Sabo
Clark	Johnson, D.	Meier	Sherwood	
Clawson	Jude	Moe	Sieben, H.	
Corbid	Kahn	Munger	Sieben, M.	
Dahl	Kelly, W.	Nelson	Sieloff	

Those who voted in the negative were:

Albrecht	Erickson	Heinitz	Menning	Savelkoul
Anderson, G.	Esau	Jopp	Metzen	Searle
Begich	Evans	Kaley	Neisen	Setzpfandt
Biersdorf	Ewald	Kalis	Nelsen	Smogard
Braun	Fjoslien	Kelly, R.	Niehaus	Wenzel
DeGroat	Forsythe	Kvam	Osthoff	Wieser
Eckstein	Friedrich	McCauley	Peterson	Wigley
Eken	Graba	McCollar	Pleasant	Zubay

The bill was repassed, as amended by the Senate, and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1743

A bill for an act relating to the organization and operation of the state government; appropriating moneys therefor, permitting transfers in certain cases and limiting the use thereof, including appropriations for the departments of public welfare, corrections, health, corrections ombudsman, various health re-

SPECIAL ORDER

S. F. No. 1647: A bill for an act relating to natural resources; transferring forest pest control jurisdiction from the commissioner of agriculture to commissioner of natural resources; expanding volunteer programs; eliminating certain restrictions on acquisition of public access; changing license fees for commercial fishing on Lake Superior; prohibiting decoys and erection of blinds on public lands; prescribing penalties for certain violations; amending Minnesota Statutes 1974, Sections 18.341, Subdivision 3; 18.391, Subdivision 1; 85.041, Subdivision 1; 97.48, Subdivision 15; 97.55, Subdivisions 1, 2, 3 and 4; 98.46, Subdivision 12; 98.47, Subdivision 9; 100.29, Subdivision 18; and 102.28, Subdivisions 2, 3 and 4; repealing Laws 1963, Chapter 70, Section 1.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 48 and nays 1, as follows:

Those who voted in the affirmative were:

Arnold	Conzemius	Jensen	Nelson	Schrom
Bang	Davies	Keefe, S.	Olhoft	Sillers
Berg	Doty	Kirchner	Olson, A. G.	Spear
Bernhagen	Fitzsimons	Kleinbaum	Olson, J. L.	Stassen
Blatz	Frederick	Knutson	Patton	Stokowski
Borden	Gearty	Kowalczyk	Perpich, A. J.	Stumpf
Brataas	Hansen, Baldy	Lewis	Pillsbury	Wegener
Brown	Hansen, Mel	McCutcheon	Purfeerst	Willet
Chenoweth	Hughes	Merriam	Renneke	
Chmielewski	Humphrey	Milton	Schmitz	

Mr. Olson, H. D. voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1146: A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; security deposits; withholding rent for last payment period; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; 504.20, by adding a subdivision; Chapter 504, by adding sections; Chapter 566, by adding a section.

Mr. Doty moved to amend H. F. No. 1146, as amended pursuant to Rule 49, adopted by the Senate May 14, 1975, as follows:

Page 3, line 3, before the period, insert "*, or to landlords who are housing authorities, created or authorized to be created by sections 462.415 to 462.711, and their agents and employees, in possession of a tenant's personal property, except that housing authorities must allow the tenant to retake possession of the property in accordance with this subdivision.*"

Section 9, added by the amendment, pursuant to Rule 49, after "agreement" insert "*, except an oral or written month to month resi-*

Endnote 6

*dential rental agreement concerning which neither the tenant nor landlord has served a notice to quit,"*

The motion prevailed. So the amendment was adopted.

Mr. Doty moved to amend H. F. No. 1146, as amended pursuant to Rule 49, adopted by the Senate May 14, 1975, as follows:

Strike the amendments to pages 5 and 8, adopted by the Senate May 14, 1975, pursuant to Rule 49

The motion prevailed. So the amendment was adopted.

H. F. No. 1146 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Gearty	Knutson	Patton	Spear
Bang	Hansen, Mel	Larson	Perpich, A. J.	Stokowski
Bernhagen	Hanson, R.	Lewis	Perpich, G.	Stumpf
Blatz	Hughes	Merriam	Purfeerst	Tennessee
Borden	Humphrey	Milton	Schaaf	Ueland
Brataas	Keefe, J.	Moe	Schmitz	Willet
Chenoweth	Keefe, S.	Nelson	Schrom	
Davies	Kirchner	Olhoff	Solon	
Doty	Kleinbaum	Olson, A. G.	Sillers	

So the bill, as amended, passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 654: A bill for an act relating to crimes; specifying the acts constituting sexual offenses; admissibility of evidence in sex offense prosecutions; providing penalties; amending Minnesota Statutes 1974, Section 609.185; and Chapter 609, by adding sections; repealing Minnesota Statutes 1974, Sections 609.29; 609.291; 609.292; 609.293; 609.295; 609.296; 609.34; and 609.36.

Mr. Davies moved to amend H. F. No. 654, as amended pursuant to Rule 49, adopted by the Senate May 14, 1975, as follows:

Page 2, after line 27, insert a new subdivision to read:

*"Subd. 8. "Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish or pregnancy."*

Renumber the subdivisions in sequence

Page 4, line 26, after "causes" strike "bodily harm" and insert "personal injury"



ther defining the term "chiropractic"; amending Minnesota Statutes 1974, Section 148.01, by adding a subdivision; and 148.08, Subdivision 2.

Referred to the Committee on Rules and Administration.

H. F. No. 581: A bill for an act relating to retirement; providing a combined service annuity for public employees who have allowable service credit in more than one Minnesota retirement fund; amending Minnesota Statutes 1974, Chapter 356, by adding a section.

Referred to the Committee on Rules and Administration.

H. F. No. 749: A bill for an act relating to controlled substances; providing medical and educational intervention, evaluation, and treatment of persons in possession of small amounts of marijuana; providing penalties for possession of small amounts of marijuana; and prohibiting municipalities from enacting ordinances imposing greater civil or criminal penalties than provided by state law for the possession, sale or distribution of small amounts of marijuana; amending Minnesota Statutes 1974, Section 152.15, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Rules and Administration.

H. F. No. 951: A bill for an act relating to education; state colleges; authorizing the state college board to enter into reciprocity agreements with foreign institutions; amending Minnesota Statutes 1974, Section 136.111, Subdivisions 1 and 2.

Referred to the Committee on Rules and Administration.

H. F. No. 929: A bill for an act relating to banks, savings banks and credit unions; authorizing consumer banking facilities; providing penalties.

Referred to the Committee on Rules and Administration.

H. F. No. 1304: A bill for an act relating to banks and savings banks; providing for installment and open end loans; amending Minnesota Statutes 1974, Chapter 48, by adding a section; Sections 48.153; 48.154; 48.155; and repealing Minnesota Statutes 1974, Sections 50.161; 50.162; 50.163; 50.164 and 50.165.

Referred to the Committee on Rules and Administration.

#### REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S. F. Nos. 1390, 1220, 1177, 1647, 1171, 1642, 1041, 685 and 1700. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred S. F. No. 1390: A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; Chapter 504, by adding sections; Chapter 566, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "may bring an action" and insert "has a claim"

Page 1, line 18, after "sell" insert "or otherwise dispose of"

Page 1, line 20, after "appears" insert "to the landlord"

Page 1, line 21, after "premises" insert "whichever occurs last"

Page 1, line 24, after the period insert "Any remaining proceeds of the sale shall be paid to the tenant upon written demand."

Page 2, line 2, after "sale" insert "at least 14 days prior to the sale,"

Page 2, line 2, strike "including" and insert "by personal service in writing or"

Page 2, line 10, strike "return or"

Page 2, line 19, strike "may" and insert "shall"

Page 2, line 19, strike "of" and insert "not to exceed"

Page 2, line 21, after the period insert "In determining the amount of punitive damages the Court shall consider (a) the nature and value of the property; (b) the effect the deprivation of the property has had on the tenant; (c) if the landlord, his agent or person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (d) if the landlord, his agent or person under the landlord's direction or control acted in bad faith in failing to allow the tenant to retake possession of the property. The provisions of this subdivision shall not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1.

Subd. 3. If the landlord, his agent or person acting under the landlord's direction or control has unlawfully taken possession of a tenant's personal property the landlord shall be responsible for paying the cost and expenses relating to the removal, storage or care of the property."

Page 3, line 1, after "person" insert "acting under the landlord's direction or control"

Page 3, line 19, strike the second "the" and insert "a"

Page 4, line 17, after "other" insert "rights or"

Page 4, after line 17, insert "Any provision, whether oral or"

written, of any lease or other agreement, whereby any provision of sections 1 to 4 is waived by a tenant is contrary to public policy and void."

Page 5, line 17, strike "may" and insert "shall"

Page 5, line 32, after "premises" strike ", breaking in if necessary,"

Page 6, line 7, after "served" insert "by mail or personally"

Page 6, line 8, strike "and in the manner as"

Page 6, line 9, strike "a summons is required to be served under section 566.06"

Page 6, line 15, after "566.17" insert "or where otherwise provided by law"

Page 8, after line 11 insert:

"Sec. 9. Minnesota Statutes 1974, Section 504.20, is amended by adding a subdivision to read:

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement on the grounds that such deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of a residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that such deposit should serve as payment for the rent. Violation of this subdivision after written demand and notice of this subdivision shall subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages."

Amend the title as follows:

Page 1, line 3, after "tenants;" insert "security deposits; withholding rent for last payment period;"

Page 1, line 6, after "Subdivision 6;" insert "504.20, by adding a subdivision;"

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1220: A bill for an act relating to highways; directing the department of highways to utilize a certain corridor in Washington county for the construction of interstate highway marked No. 194.

Reports the same back with the recommendation that the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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second reading and substituted for S. F. No. 1171 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1146 be amended as follows:

Page 1, line 15, delete "may bring an action" and insert "has a claim"

Page 2, line 5, after "sale" insert a comma

Page 4, line 8, delete the second "the" and insert "a"

Page 5, line 10, after "void." delete the remainder of the line

Page 5, delete lines 11 to 13

Page 7, line 3, delete "personally or"

Page 7, line 3, after "mail" delete the comma and insert "or personally"

Page 8, delete lines 5 to 8

Page 9, after line 11, insert

"Sec. 9. Minnesota Statutes 1974, Section 504.20, is amended by adding a subdivision to read:

*Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement on the grounds that such deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that such deposit should serve as payment for the rent. Violation of this subdivision after written demand and notice of this subdivision shall subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages."*

Further, amend the title as follows:

Page 1, line 4, before "providing" insert "security deposits; withholding rent for last payment period;"

Page 1, line 6, after "6;" insert "504.20, by adding a subdivision;"

And when so amended, H. F. No. 1146 will be identical to S. F. No. 1390 and further recommends that H. F. No. 1146 be given its second reading and substituted for S. F. No. 1390 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1441 be amended as follows:

Page 4, after line 1, insert

"Sec. 6. Minnesota Statutes 1974, Section 474.02, Subdivision 1, is amended to read:

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