

**Legislative History Summary of 1971 HF 1163 and SF 57
 Tenant Remedies Act Bills (Which Eventually Died)
 Compiled by Paul Birnberg**

	<u>Progress of House File 1163 in House</u>	
Page in House Journal	Date	Event
575	3/1/71	First Reading ¹ ; referred to Judiciary
1596-1602	4/21/71	Report back do pass with delete-all amendment – Endnote 2. Committee Minutes are Endnote 3a, 3b and 3c ² .
1606	4/21/71	Second Reading
1617	4/22/71	Printed copies in member’s files
1752	4/26/71	Progressed
1854	4/28/71	Progressed
1895	4/28/71	First Reading of SF 579, Motion by Hook that HF 1163 and SF 579 be referred to the Chief Clerk for comparison. Motion prevailed. – Endnote 4.
2210-11	5/4/71	HF 1163 & SF 579 compared, HF 1163 indefinitely postponed – Endnote 5
Newspaper Article	5/28/71	Explains why the bill died - Endnote 10

¹Endnote 1 is a copy of original bill. Chief Authors were Flakne, Norton and Berg. Available in Gale Library Box 101.H.19.3B.

²HF 1163 was discussed, amended slightly, and laid over at the April 7, 1971 committee meeting (Endnote 3a). HF 1163 was discussed, amended slightly, and laid over again at the April 12, 1971 (evening) committee meeting (Endnote 3b). It was then discussed, amended, and voted out favorably at the April 16, 1971 committee meeting (Endnote 3c). Available in Gale Library Box 129.C.3.8F.

Progress of Senate File 579 in Senate

Page in Senate Journal	Date	Event
300	2/16/71	First Reading ³ ; referred to Judiciary
1296-98	4/17/71	Report back do pass with amendments – Endnote 6. Committee Minutes are Endnote 7 ⁴ .
1317	4/21/71	Second Reading
1518	4/21/71	Committee of the Whole - Endnote 8 ⁵
1613-14	4/27/71	Third Reading, Passed 65-2 – Endnote 9

³Endnote xxx is a copy of original bill. Chief Authors were Krieger, Coleman and O’Neill. Available Gale Library Microfilm SAM 279 Reel 3

⁴SF 579 was discussed, amended, and voted out favorably at the April 12, 1971 committee meeting (Endnote 7). Available in Gale Library Box 129.C.1.9B.

⁵One amendment, changing “accomplished” to “accompanied” page 2, line 24.

Endnotes, Table of Contents

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H. F. NO. 1163

A bill for an act relating to landlord and tenant; creating remedies for tenants of substandard housing.

15

HOUSE ACTION

Introduced by Neak & Salme #
Worton MAR 3 1971 and Referred to the

★

Committee on **JUDICIARY**

Committee Recommendations **TO PASS AS AMENDED** **APR 21 1971**

Committee Report Adopted **APR 21 1971**

Read **SECOND TIME** **APR 21 1971**

★

Committee of the Whole

Read **THIRD TIME**

Passed by the House

Transmitted to the Senate

Chief Clerk, House of Representatives
State of Minnesota

COMPARISON (HOUSE ACTION)

Date _____
Mr. _____ moved that
S. F. No. _____ and H. F. No. _____
be referred to the Chief Clerk for comparison.

Date _____
Upon motion of _____
S. F. No. _____ was substituted
for H. F. No. _____ and the House
File 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
CONFERENCE COMMITTEE ACTION
 Refer to back of cover for conference
committee action.

SENATE ACTION

Read **FIRST TIME**

Referred to Committee on

Committee Report — Adoption

Committee Report — Adoption

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

1 A bill for an act
2 relating to landlord and tenant;
3 creating remedies for tenants of
4 substandard housing.

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

6 Section 1. [DEFINITIONS.] Subdivision 1. As used in
7 this act, the terms in this section shall have the meanings
8 assigned to them.

9 Subd. 2. "Tenant" means any person who is occupying a
10 dwelling in a building as defined in subdivision 8, under
11 any agreement, lease, or contract, whether oral or written,
12 and for whatever period of time, which requires the payment
13 of moneys as rent for the use of the dwelling unit, and all
14 other regular occupants of such dwelling unit.

15 Subd. 3. "Lessor" means the person, corporation or
16 firm contracting with the tenant for the rental of the
17 dwelling unit or building subject to the provisions of this
18 act.

19 Subd. 4. "Owner" means the owner or owners of the
20 freehold of the premises or lesser estate therein, contract
21 vendee, receiver, executor, trustee, lessee, agent, or any
22 other person, firm or corporation directly or indirectly in
23 control of a dwelling.

24 Subd. 5. "Commercial tenant" means any person paying
25 rent in a building defined in subdivision 8 who is not a
26 tenant, as defined in subdivision 2.

27 Subd. 6. "Person" means a natural person, corporation,
28 partnership or unincorporated association.

29 Subd. 7. "Violation" means the violation of any state,

1 county or city health, housing, building, fire prevention,
2 or housing maintenance code which materially endangers the
3 health or safety of the tenants of the building involved.

4 Subd. 8. "Building" means any building used in whole
5 or in part as a dwelling, including single family homes,
6 multiple family units such as apartments, and structures
7 containing both dwelling units and units used for
8 nondwelling purposes.

9 Subd. 9. "Inspector" means the person charged by the
10 council or other governing body for the political
11 subdivision in which a building is situated, with the
12 responsibility of enforcing provisions of local law, the
13 breach of which could constitute a violation as defined in
14 subdivision 7, or if no such person, the county health
15 officer or the chairman of the board of county
16 commissioners.

17 Sec. 2. [DEMAND FOR INSPECTION.] Where an inspection
18 of a building has been made upon demand by a tenant, the
19 lessor and complaining tenant shall be informed in writing
20 by the inspector of any violations discovered and the period
21 of time in which to correct such violations. Where such an
22 inspection was made, no action shall be brought pursuant to
23 this act, except on expiration of the time thus granted,
24 without satisfactory repairs being accomplished unless the
25 tenant shall allege such time is excessive.

26 Sec. 3. [SPECIAL PROCEEDING.] Subdivision 1. An
27 action may be brought in district court by any tenant of a
28 building in which a violation, as defined in subdivision 7

1 of section 1, is alleged to exist, or by any state, county
2 or local department, or authority, charged with the
3 enforcement of codes relating to health, housing, or
4 building maintenance.

5 Subd. 2. The place of hearing of the action authorized
6 by this section shall be within the county in which the
7 building alleged to contain violations is located.

8 Subd. 3. The action shall be commenced by service of a
9 complaint and summons, which summons may be issued only by a
10 Judge or clerk of the court.

11 Subd. 4. The complaint shall:

12 (1) allege material facts showing that there exists in
13 the building a violation or violations, and

14 (2) state the relief sought, and list the rents due
15 each month from each dwelling unit within the building, if
16 known, and

17 (3) be accompanied by a copy of the official report of
18 inspection by any department of health, housing or
19 buildings, if such a report exists, certified by the
20 custodian of records of such department stating:

21 (a) when and by whom the building concerned was
22 inspected,

23 (b) what violations were recorded, and

24 (c) that notice of the violation has been given to the
25 building owner, or

26 (4) be accompanied by a statement that a request for
27 inspection was made to the appropriate state, county or
28 municipal department and demand made upon the owner to

1 correct the alleged violation.

2 Sec. 4. [SUMMONS.] Subdivision 1. Upon receipt of the
3 complaint, the clerk of court shall prepare a summons. Said
4 summons shall:

5 (1) specify the time and place of the hearing to be
6 held on the complaint, which hearing shall be not less than
7 three or more than ten days after receipt of the complaint
8 by the clerk, and

9 (2) state that if at that time a defense is not
10 interposed and established by the defendant, judgment may be
11 entered for the relief requested and authorized by this act.

12 Subd. 2. The summons and complaint shall be served
13 upon the plaintiff's lessor or his agent at least three and
14 not more than ten days before the time at which the
15 complaint is to be heard. Service shall be by personal
16 service upon the defendant pursuant to the Minnesota rules
17 of civil procedure except that if such service cannot be
18 made with due diligence, service may be made by affixing a
19 copy of the summons and complaint prominently to the
20 building involved, and mailing at the same time a copy of
21 the summons and complaint by certified mail to the last
22 known address of the defendant.

23 Sec. 5. [ANSWER.] At or before the time when the
24 petition is to be heard, the defendant may answer in
25 writing. Defenses not set out in a written answer must be
26 orally pleaded at the hearing prior to the taking of any
27 testimony. No delays in the date of hearing shall be
28 granted to allow time to prepare a written answer or reply

1 except with the consent of all parties.

2 Sec. 6. [DEFENSES.] It shall be a sufficient defense
3 to the complaint that the defendant establish that:

4 (1) the violation or violations alleged in the
5 complaint do not in fact exist or that the violation or
6 violations have been removed or remedied, or

7 (2) such violations have been caused by the willful,
8 malicious, or irresponsible conduct of a complaining tenant
9 or anyone under his direction or control, or

10 (3) that any tenant of the building has unreasonably
11 refused entry to the owner or his agent to a portion of the
12 premises for the purposes of correcting such violation, and
13 such effort to correct was made in good faith.

14 Sec. 7. [HEARING.] When issues of fact are raised,
15 they shall be tried by the court without a jury at the time
16 when issue is joined. The court may grant a postponement of
17 such trial on its own motion or at the request of any party
18 if it should determine that such postponement is necessary
19 to enable any party to procure necessary witnesses, or
20 evidence, but no such postponement shall be for more than
21 six days except by consent of all appearing parties.

22 Sec. 8. [JUDGMENT.] Upon finding the complaint proved,
23 the court may, in its discretion:

24 (1) order the owner to immediately remedy the violation
25 or violations found by the court to exist if the court is
26 satisfied that corrective action will be undertaken
27 promptly, or

28 (2) order the tenant to remedy the violation or

1 violations found by the court to exist and deduct the cost
2 thereof from his rent subject to such terms as the court
3 determines to be just, or

4 (3) (a) appoint an administrator with powers as set out
5 in section 12, and

6 (b) direct that rents due:

7 (1) on and from the day of entry of judgment, in the
8 case of petitioning tenants, and

9 (2) on and from the day of service of the judgment on
10 all other tenants and commercial tenants of the building, if
11 there be any, shall be deposited with the administrator
12 appointed by the court, and

13 (c) direct that the administrator use the rents
14 collected for the purpose of remedying the violations found
15 to exist by the court, paying the debt service, or providing
16 the services necessary to the ordinary operation and
17 maintenance of the building which the owner is obligated to
18 provide but which he fails or refuses to provide, or

19 (4) find the extent to which any uncorrected violations
20 impair the tenants' use and enjoyment of the premises
21 contracted for and order the rent therefor abated
22 accordingly. Should the court choose to enter judgment
23 under this paragraph the parties shall be informed and the
24 court shall find the amount by which the rent shall be
25 abated, and

26 (5) grant such other relief as to the court may seem
27 just and proper.

28 Sec. 9. [SERVICE OF JUDGMENT.] A copy of the judgment

1 shall be personally served on every tenant and commercial
2 tenant of the building whose obligations will be affected by
3 the Judgment. If personal service cannot be had with due
4 diligence, service may be had by posting a notice of the
5 Judgment on the entrance door of the tenant's dwelling or
6 commercial tenant's unit and by mailing a copy of the
7 Judgment to such tenant or commercial tenant by certified
8 mail.

9 Sec. 10. [OWNER'S RIGHT TO COLLECT RENT SUSPENDED.]
10 When an administrator has been appointed pursuant to
11 paragraph (3) of section 8, any right of the owner to rent
12 moneys from the time of Judgment or service of Judgment as
13 set out in section 9 shall be void and unenforceable until
14 the administration is terminated.

15 Sec. 11. [EVICTION PROCEEDINGS BY OWNER LIMITED.] A
16 tenant may not be evicted, nor may his obligations under his
17 rental agreement be increased nor the services decreased, if
18 the eviction or increase of obligations or decrease of
19 services is intended as a penalty for the tenant's complaint
20 of a code violation. The burden of proving otherwise shall
21 be on the owner if said eviction or increase of obligations
22 or decrease of services occurs within 90 days after the
23 filing of the complaint, unless it is found that the
24 complaint was not made in good faith. After 90 days the
25 burden of proof shall be on the tenant.

26 Sec. 12. [ADMINISTRATOR.] Subdivision 1. The
27 administrator may be any person, other than an owner of the
28 building involved, including a tenant of the building or a

1 tenant association that, in the court's opinion, is
2 qualified to administer the funds to be collected. If a
3 state, county, or local agency is authorized by statute,
4 ordinance or regulation to provide persons to act as
5 administrators under this section, the court shall appoint
6 such persons as administrators to the extent they are
7 available.

8 Subd. 2. Such person shall post bond as the court may
9 require before assuming the position of administrator,
10 except that in a building of less than four dwelling units,
11 the court may waive the requirement of bond if it appoints a
12 tenant as administrator. Administrators appointed from
13 governmental agencies shall not be required to give bond.

14 Subd. 3. The court may allow a reasonable amount for
15 the services of administrators, and the expense of the
16 administration from any rent moneys.

17 Subd. 4. The administrator shall be empowered to

18 (1) collect rents from tenants and commercial tenants,
19 evict tenants and commercial tenants for nonpayment of rent
20 or other cause, rent vacant dwelling units on a month to
21 month basis, rent vacant commercial units with the consent
22 of the lessor, and exercise all other powers necessary and
23 appropriate to carry out the purposes of this act;

24 (2) contract for the necessary materials, labor and
25 services to remedy the violation or violations found by the
26 court to exist, and make disbursements for payment therefor
27 from funds available for the purpose;

28 (3) provide any services to the tenants which the owner

1 is obligated to provide but which he refuses or fails to
2 provide, and to make disbursements for payment thereof from
3 funds available for the purpose.

4 Subd. 5. At any time during the administration the
5 administrator, or any party, may petition the court after
6 notice to all parties for an order terminating the
7 administration on the ground that the funds available to the
8 administrator are insufficient to effect the prompt remedy
9 of the violations. Upon finding the petition proved the
10 court shall terminate the administration and proceed to
11 judgment pursuant to the provisions of paragraph (4) of
12 section 8.

13 Sec. 13. [REMOVAL OF ADMINISTRATOR.] Subdivision 1.
14 The administrator may, upon notice to all parties, petition
15 the court to be relieved of his duties, setting forth his
16 reasons therefor. The court may, in its discretion, grant
17 such petition and discharge the administrator upon approval
18 of his accounts.

19 Subd. 2. Any party may, upon notice to the
20 administrator and all other parties, petition the court to
21 remove the administrator. Upon good cause shown, the court
22 shall order the administrator removed and direct him to
23 deliver to the court forthwith an accounting of his
24 administration. The court may make any other order
25 necessary and appropriate under the circumstances.

26 Subd. 3. In the event the administrator is removed,
27 the court shall appoint a new administrator in accordance
28 with the provisions of section 12, giving all parties an

1 opportunity to be heard on the matter of the appointment.

2 Sec. 14. [TERMINATION OF ADMINISTRATION.] Subdivision
3 1. The administration shall be terminated upon the
4 occurrence of one of the following:

5 (1) the securing of certification from the appropriate
6 governmental agency that the violations found by the court
7 to exist at the time of judgment have been remedied; or

8 (2) an order pursuant to subdivision 5 of section 12.

9 Subd. 2. Upon the occurrence of any of the conditions
10 for termination in subdivision 1, the administrator shall:

11 (1) submit to the court an accounting of receipts and
12 disbursements of his administration together with copies of
13 all bills, receipts and other memoranda pertaining to all
14 transactions reflected therein, and, where appropriate, a
15 certification, by an appropriate governmental agency, that
16 the violations found by the court to exist at the time of
17 judgment have been remedied; and

18 (2) comply with any other order the court shall make as
19 a condition of discharge.

20 Subd. 3. Upon approval by the court of the
21 administrator's accounts and compliance by the administrator
22 with any other order the court may make as a condition of
23 discharge, the court shall discharge the administrator from
24 any further responsibilities pursuant to this act.

25 Sec. 15. [WAIVER PROHIBITED.] Any provision, whether
26 oral or written, of any lease or other agreement whereby any
27 provision of this act is waived by a tenant shall be deemed
28 contrary to public policy and shall be void.

Page 14, line 4, strike "Upon recommendation of the" and insert in lieu thereof "The commissioner of public safety may, upon his own motion or upon recommendation of the court,".

Page 14, line 5, strike "court, the commissioner of public safety may".

Page 19, line 3, after "commissioner" and before "suspend" strike "may" and insert in lieu thereof "shall".

Page 22, line 1, after "(OPERATES)" and before "disobeys" strike "willfully".

Page 22, line 17, after "[PENALTIES.]" strike "Willful" and insert in lieu thereof "A".

Page 22, line 19, after "a" and before "misdemeanor" insert "petty".

Page 31, strike all of lines 15 through 28.

Page 32, strike all of line 1.

Page 33, line 23, after "or" and before "between" strike "at night,".

Page 33, line 24, after "a.m." insert "on any other day".

Page 34, strike lines 19 through 28.

Page 35, strike lines 1 through 19.

Renumber the sections in sequence.

Page 36, strike lines 4 through 14.

Further, amend the title in line 12 by striking "sections" and inserting in lieu thereof "a section" and in line 29 by striking "574.35;" and in line 31 by striking "629.53;" line 32, strike "633.33;".

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

The report was adopted.

Mr. Albertson from the Committee on Judiciary to which was referred:

H. F. No. 1163, A bill for an act relating to landlord and tenant; creating remedies for tenants of substandard housing.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [DEFINITIONS.] Subdivision 1. As used in this act, the terms in this section shall have the meanings assigned to them.

Subd. 2. "Tenant" means any person who is occupying a dwelling in a building as defined in subdivision 8, under any

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agreement, lease, or contract, whether oral or written, and for whatever period of time, which requires the payment of moneys as rent for the use of the dwelling unit, and all other regular occupants of such dwelling unit.

Subd. 3. "Lessor" means the person, corporation or firm contracting with the tenant for the rental of the dwelling unit or building subject to the provisions of this act.

Subd. 4. "Owner" means the owner or owners of the freehold of the premises or lesser estate therein, contract vendee, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of a dwelling.

Subd. 5. "Commercial tenant" means any person paying rent in a building defined in subdivision 8 who is not a tenant, as defined in subdivision 2.

Subd. 6. "Person" means a natural person, corporation, partnership or unincorporated association.

Subd. 7. "Violation" means the violation of any state, county or city health, housing, building, fire prevention, or housing maintenance code applicable to the building which materially endangers the health or safety of the tenants of the building involved.

Subd. 8. "Building" means any building used in whole or in part as a dwelling, including single family homes, multiple family units such as apartments, and structures containing both dwelling units and units used for nondwelling purposes.

Subd. 9. "Inspector" means the person charged by the council or other governing body for the political subdivision in which a building is situated, with the responsibility of enforcing provisions of local law, the breach of which could constitute a violation as defined in subdivision 7, or if no such person, the county health officer or the chairman of the board of county commissioners.

Sec. 2. [INSPECTION, NOTICE.] Subdivision 1. Upon demand by a tenant specifying charges, an inspection relative to such specific charges shall be made by the local authority charged with enforcing the code claimed to be violated.

Subd. 2. After such inspection of a building has been made upon demand by a tenant, the lessor and the complaining tenant shall be informed in writing by the inspector of the violations discovered, if any, and a reasonable period of time shall be allowed in which to correct such violations.

Subd. 3. Where such an inspection has been made, no action shall be brought pursuant to this act, except on expiration of the time thus granted without satisfactory repairs being accomplished to remove the violations unless the tenant shall allege such time is excessive.

Sec. 3. [SPECIAL PROCEEDING.] Subdivision 1. An action may be brought in municipal court by any tenant of a

building in which a violation, as defined in subdivision 7 of section 1, is alleged to exist, or by any state, county or local department, or authority, charged with the enforcement of codes relating to health, housing, or building maintenance.

Subd. 2. The venue of the action authorized by this section shall be within the county in which the building alleged to contain violations is located.

Subd. 3. The action shall be commenced by service of a complaint and summons, which summons may be issued only by a judge or clerk of the court.

Subd. 4. The complaint shall be verified and shall:

- (1) allege material facts showing that there then exists in the building a violation or violations which materially endangers the health and safety of the tenants of the building involved, and
- (2) state the relief sought, and
- (3) list the rents due each month from each dwelling unit within the building, if known, and
- (4) be accompanied by a copy of the official report of inspection by any department of health, housing or buildings, certified by the custodian of records of such department stating:
 - (a) when and by whom the building concerned was inspected,
 - (b) what violations were recorded, and
 - (c) that notice of the violations has been given to the building owner, or
- (5) be accompanied by a statement that a request for inspection was made to the appropriate state, county or municipal department and demand made upon the owner to correct the alleged violation and that a reasonable period of time has elapsed since such demand or request was made.

Sec. 4. [SUMMONS.] Subdivision 1. Upon receipt of the complaint, the clerk of court shall prepare a summons. Said summons shall:

- (1) specify the time and place of the hearing to be held on the complaint, which hearing shall be not less than five or more than ten days after receipt of the complaint by the clerk, and
- (2) state that if at that time a defense is not interposed and established by the defendant, judgment may be entered for the relief requested and authorized by this act.

Subd. 2. The summons and complaint shall be served upon the plaintiff's lessor or his agent at least five and not more than ten days before the time at which the complaint is to be heard. Service shall be by personal service upon the defendant pursuant to the Minnesota rules of civil procedure except that if such service cannot be made with due diligence, service may be made by affixing a copy of the summons and complaint prominently to

the building involved, and mailing at the same time a copy of the summons and complaint by certified mail to the last known address of the defendant.

Sec. 5. [ANSWER.] At or before the time when the petition is to be heard, the defendant may answer in writing. No delays in the date of hearing shall be granted to allow time to prepare a written answer or reply except with the consent of all parties.

Sec. 6. [DEFENSES.] It shall be a sufficient defense to the complaint that the defendant establish that:

(1) the violation or violations alleged in the complaint do not in fact exist or that the violation or violations have been removed or remedied, or

(2) such violations have been caused by the willful, malicious, or irresponsible conduct of a complaining tenant or anyone under his direction or control, or

(3) that any tenant of the building has unreasonably refused entry to the owner or his agent to a portion of the premises for the purposes of correcting such violation, and such effort to correct was made in good faith, or

(4) the violation or violations do not materially endanger the health or safety of the occupants of the dwelling.

Sec. 7. [HEARING.] When issues of fact are raised, they shall be tried by the court without a jury at the time when issue is joined. The court may grant postponements of such trial on its own motion or at the request of any party if it should determine that such postponements are necessary to enable any party to procure necessary witnesses, or evidence, but each postponement shall be for no more than ten days except by consent of all appearing parties.

Sec. 8. [JUDGMENT.] Upon finding the complaint proved, the court may, in its discretion:

(1) order the owner to remedy the violation or violations found by the court to exist if the court is satisfied that corrective action will be undertaken promptly, or

(2) order the tenant to remedy the violation or violations found by the court to exist and deduct the cost thereof from his rent subject to such terms as the court determines to be just, or

(3) (a) appoint an administrator with powers as set out in section 12, and

(b) direct that rents due:

(1) on and from the day of entry of judgment, in the case of petitioning tenants, and

(2) on and from the day of service of the judgment on all other tenants and commercial tenants of the building, if there be any, shall be deposited with the administrator appointed by the court, and

(c) direct that the administrator use the rents collected for the purpose of remedying the violations found to exist by the court, paying the debt service, taxes and insurance, and providing the services necessary to the ordinary operation and maintenance of the building which the owner is obligated to provide but which he fails or refuses to provide, or

(4) find the extent to which any uncorrected violations impair the tenants' use and enjoyment of the premises contracted for and order the rent therefor abated accordingly. Should the court choose to enter judgment under this paragraph the parties shall be informed and the court shall find the amount by which the rent shall be abated, and

(5) grant such other relief as to the court may seem just and proper.

Sec. 9. [SERVICE OF JUDGMENT.] A copy of the judgment shall be personally served on every tenant and commercial tenant of the building whose obligations will be affected by the judgment. If personal service cannot be had with due diligence, service may be had by posting a notice of the judgment on the entrance door of the tenant's dwelling or commercial tenant's unit and by mailing a copy of the judgment to such tenant or commercial tenant by certified mail.

Sec. 10. [OWNER'S RIGHT TO COLLECT RENT SUSPENDED.] When an administrator has been appointed pursuant to paragraph (3) of section 8, any right of the owner to rent moneys from the time of judgment or service of judgment as set out in section 9 shall be void and unenforceable until the administration is terminated.

Sec. 11. [EVICTION PROCEEDINGS BY OWNER LIMITED.] A tenant may not be evicted, nor may his obligations under his rental agreement be increased nor the services decreased, if the eviction or increase of obligations or decrease of services is intended as a penalty for the tenant's complaint of a violation. The burden of proving otherwise shall be on the owner if said eviction or increase of obligations or decrease of services occurs within 90 days after the filing of the complaint, unless it is found that the complaint was not made in good faith. After 90 days the burden of proof shall be on the tenant.

Sec. 12. [ADMINISTRATOR.] Subdivision 1. The administrator may be any person, other than an owner of the building or the complaining tenant or any person living in the complaining tenant's dwelling unit. If a state, court, or local agency is authorized by statute, ordinance or regulation to provide persons to act as administrators under this section, the court may appoint such persons as administrators to the extent they are available.

Subd. 2. Such person shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from governmental agencies shall not be required to give bond.

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Subd. 3. The court may allow a reasonable amount for the services of administrators, and the expense of the administration from any rent moneys.

Subd. 4. The administrator shall be empowered to

(1) collect rents from tenants and commercial tenants, evict tenants and commercial tenants for nonpayment of rent or other cause, rent vacant dwelling units on a month to month basis, rent vacant commercial units with the consent of the lessor, and exercise all other powers necessary and appropriate to carry out the purposes of this act;

(2) contract for the reasonable cost of such materials, labor and services as are necessary to remedy the violation or violations found by the court to exist, and make disbursements for payment therefor from funds available for the purpose;

(3) provide any services to the tenants which the owner is obligated to provide but which he refuses or fails to provide, and to make disbursements for payment thereof from funds available for the purpose.

Subd. 5. At any time during the administration the administrator, or any party, may petition the court after notice to all parties for an order terminating the administration on the ground that the funds available to the administrator are insufficient to effect the prompt remedy of the violations. Upon finding the petition proved the court shall terminate the administration and proceed to judgment pursuant to the provisions of paragraph (4) of section 8.

Sec. 13. [REMOVAL OF ADMINISTRATOR.] Subdivision 1. The administrator may, upon notice to all parties, petition the court to be relieved of his duties, setting forth his reasons therefor. The court may, in its discretion, grant such petition and discharge the administrator upon approval of his accounts.

Subd. 2. Any party may, upon notice to the administrator and all other parties, petition the court to remove the administrator. Upon good cause shown, the court shall order the administrator removed and direct him to deliver to the court forthwith an accounting of his administration. The court may make any other order necessary and appropriate under the circumstances.

Subd. 3. In the event the administrator is removed, the court shall appoint a new administrator in accordance with the provisions of section 12, giving all parties an opportunity to be heard on the matter of the appointment.

Sec. 14. [TERMINATION OF ADMINISTRATION.] Subdivision 1. The administration shall be terminated upon the occurrence of one of the following:

(1) the securing of certification from the appropriate governmental agency that the violations found by the court to exist at the time of judgment have been remedied; or

(2) an order pursuant to subdivision 5 of section 12.

Subd. 2. Upon the occurrence of any of the conditions for termination in subdivision 1, the administrator shall:

(1) submit to the court an accounting of receipts and disbursements of his administration together with copies of all bills, receipts and other memoranda pertaining to all transactions reflected therein, and, where appropriate, a certification, by an appropriate governmental agency, that the violations found by the court to exist at the time of judgment have been remedied; and

(2) comply with any other order the court shall make as a condition of discharge.

Subd. 3. Upon approval by the court of the administrator's accounts and compliance by the administrator with any other order the court may make as a condition of discharge, the court shall discharge the administrator from any further responsibilities pursuant to this act.

Sec. 15. [WAIVER PROHIBITED.] Any provision, whether oral or written, of any lease or other agreement whereby any provision of this act is waived by a tenant shall be deemed contrary to public policy and void."

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

The report was adopted.

Mr. Albertson from the Committee on Judiciary to which was referred:

H. F. No. 1770, A bill for an act relating to cruelty to animals; providing procedures for investigation of overwork, mistreatment and cruelty to animals; providing penalties; amending Minnesota Statutes 1969, Chapter 346, by adding sections, and Section 346.21, Subdivision 9.

Reported the same back with the following amendments:

Page 3, strike lines 7 through 27.

Further, amend the title in lines 7 and 8 by striking ", and Section 346.21, Subdivision 9".

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

The report was adopted.

Mr. Albertson from the Committee on Judiciary to which was referred:

H. F. No. 2368, A bill for an act relating to conveyancing and covenants of title; amending Minnesota Statutes 1969, Section 507.16.

HOUSE JUDICIARY COMMITTEE

MINUTES

April 7, 1971
11:00 A.M.

The House Judiciary Committee met on Wednesday, April 7, 1971, at 11:00 A.M. in Room 123, State Capitol. The chairman called the meeting to order, and roll was taken by the clerk. Those present were: Representatives Albertson, Bell, Adams, Anderson, Berg, Chamberlain, Connors, Faricy, Fena, Flakne, Fugina, Hook, Johnson, C.A., Johnson, R., Knutson, Menke, Nelson, Norton, Ojala, Pavlak, R., Pavlak, R.L., Savelkoul, Sieben, Simmons, Sokolowski, Szarke, Ticen, Vento, Weaver, Wolcott and Wright. Representatives Keefe and Lee were absent.

Mr. Faricy moved that the minutes of the previous meeting be dispensed with and approved as recorded by the clerk. Motion carried.

Mr. Menke, chief author of House File 1973, explained the bill and moved that it be recommended to pass and be placed on the Consent Calendar. Motion carried by a voice vote.

Mr. Bell, chief author of House File 1802, explained the bill and introduced Mr. Gerald Nelson of the Minnesota Association of Clerks of District Court, who answered questions. Mr. Savelkoul moved that H.F. 1802 be recommended to pass. Mr. Faricy moved to amend H.F. 1802 on page 1, line 14, by striking "\$25" and inserting in lieu thereof "\$15". Motion to amend carried by a voice vote.

Mr. C.A. Johnson moved that H.F. 1802 as amended be referred to a subcommittee to be appointed by the chair. The motion lost, 10 to 12, division being requested.

Mr. Connors moved to amend H.F. 1802 on page 1, line 19, by striking "\$15" and inserting in lieu thereof "\$10". The motion lost on a voice vote, there being no division requested.

Mr. Savelkoul renewed his motion that H.F. 1802, as amended, be recommended to pass. Motion carried on a voice vote.

Mr. Bennett, chief author of House File 1833, explained the bill. Mr. Ticen moved that H.F. 1833 be recommended to pass and be placed on the Consent Calendar. Motion carried on a voice vote.

Mr. Skaar, chief author of House File 1835, explained the bill. Mr. Szarke moved that H.F. 1835 be recommended to pass. The motion failed on a voice vote. Mr. Nelson moved that H.F. 1835 be laid over. Motion carried on a voice vote.

Mr. Scherer, chief author of House File 2094, explained the bill. Mr. Faricy moved to amend (amendment attached hereto as Exhibit A). Motion carried on a voice vote. Mr. Wright moved that H.F. 2094 as amended be recommended to pass. Division being requested, the motion carried, 15-4.

Mr. Fugina moved to table House File 498. Motion carried on a voice vote.

Mr. Hook, chief author of House File 1163, moved to amend the bill as follows:

Page 2, line 15, after "officer" strike "of"

Page 4, line 1, before the period insert "and that a

reasonable time has elapsed since such request or demand was made"

- Page 5, line 12, strike "purposes" and insert "purpose"
- Page 5, line 21, strike "six" and insert "ten"
- Page 7, line 20, strike "code"
- Page 8, line 5, strike "shall" and insert "may"
- Page 10, line 28, strike "shall be"

Motion to amend carried on a voice vote.

Professor Robert Stein, U of M Law School, answered questions. There being no objection, the bill was laid over.

Mr. Niehaus, chief author of House File 619, explained the bill and offered an amendment. Mr. R.L. Pavlak moved the amendment, as follows:

Page 1, strike lines 18 through 22.

Motion carried on a voice vote

Mr. Wright moved that House File 619, as amended, be recommended to pass and be re-referred to the Committee on Health, Welfare and Corrections. Mr. R.L. Pavlak opposed the referral part of the motion. Mr. Wright withdrew his motion. Mr. Savelkoul moved that House File 619, as amended, be recommended to pass. Division being requested, the motion carried on a voice vote.


Mr. Fugina moved that House File 1602, authored by Mr. Fena, be referred to the Committee on Local Government. Motion carried on a voice vote.

Mr. Bell moved that House File 2184 be referred to the Subcommittee on Lower Court Reform. Motion carried on a voice vote.

Mr. Hook, chief author of House File 1931, explained the bill. Mr. Savelkoul moved that H.F. 1931 be recommended to pass. Mr. Wright moved that H.F. 1931 be referred to the Subcommittee on Probate Procedure. Motion carried on a voice vote.

There being no objection, the meeting adjourned at 12:00 noon.


Howard R. Albertson, Chairman


Peggy Lemmon, Clerk

HOUSE JUDICIARY COMMITTEE

MINUTES

April 12, 1971
7:00 P.M.

The House Judiciary Committee met on Monday, April 12, 1971, at 7:00 P.M. in Room 125, State Capitol. The chairman called the meeting to order, and roll was taken by the clerk. Those present were: Representatives Albertson, Anderson, H., Berg, Chamberlain, Faricy, Fena, Flakne, Fugina, Hook, Johnson, C.A., Keefe, Knutson, Lee, Menke, Nelson, Savelkoul, Sieben, Simmons, Sokolowski, Szarke, Ticen, Weaver and Wright. Those absent were: Representatives Bell, Adams, S., Connors, Johnson, R., Norton, Ojala, Pavlak, R., Pavlak, R.L., Vento and Wolcott.

Mr. Sieben moved that the minutes of the previous meeting be dispensed with and approved as recorded by the clerk. Motion carried.

Mr. Hook, chief author of House File 1163, moved amendments to the bill, attached hereto as Exhibit A, as well as amending page 2, line 27, by striking "district" and inserting in lieu thereof "municipal". Division being called, the motion to amend carried, 12 to 2.

Mr. John Koolstra, president of the Property Owners Association, Inc., 3428 Aldrich Avenue, Minneapolis, spoke against the bill.

Mr. Richard Schlottman, Minnesota Housing Institute, answered questions. Mr. Clayton Rein, president of the Minnesota Housing Institute, also answered questions.

Mr. Ray Wellins, past president of the Property Owners Association, Inc., spoke against the bill, as well as Mr. Earl Benson, member of the association.

There being no objection, House File 1163 was laid over.

Mr. McCauley, chief author of House File 1414, explained the bill. There being no objection, the bill was laid over until the meeting of Friday, April 16.

Mr. Smith, chief author of House File 1667, explained the bill.

Mr. Ticen moved to amend as follows:

Page 1, line 8, after "shall" strike "cause"

Page 1, strike lines 9, 10 and 11 and insert in lieu thereof the following:

"furnish return transportation, upon request to the person so arrested. Such transportation shall be furnished to the municipality or township of his residence after a trial or final hearing on the matter."

Mr. Ticen's motion to amend carried on a voice vote. Mr. Chamberlain moved that House File 1667, as amended by recommended to pass. Motion carried on a voice vote.

Mr. Savelkoul moved to receive the report of the Subcommittee on Probate Procedures with regard to House File 1100. Motion carried. Mr. Anderson, chairman of the subcommittee and chief author of House File 1100, moved to amend the bill as follows:

Page 6, strike lines 7 through 22.

Re-number the sections accordingly.

Page 11, line 7, strike "\$10,000" and insert in lieu thereof "\$20,000"

Further, amend the title in line 14, by striking "525.41;"

Mr. Anderson's motion to amend carried on a voice vote.

Mr. Wright moved to amend House File 1100 as follows:

Strike all of section 6 of the bill and renumber the sections accordingly.

Further, amend the title in line 15 by striking "525.481;"

Mr. Phil Duff, president of the Minnesota Newspaper Association, spoke in favor of the Wright amendment.

Mr. Floyd Nelson, Minneapolis attorney representing the Minnesota Newspaper Association, spoke in favor of the Wright amendment.

Mr. Robert Shaw, Minnesota Newspaper Association, spoke in favor of the Wright amendment.

Division being called, the Wright motion to amend carried, 10 to 6.

Mr. Chamberlain moved to amend House File 1100 as follows:

Page 2, line 27, strike the semicolon, restore the stricken language, and strike "and if there be no"

Page 2, strike all of line 28

Page 3, line 1, strike "issue of deceased brothers and sisters"

Division being called, the Chamberlain motion to amend carried, 9 to 7

Mr. Anderson, H., moved that House File 1100, as amended, be recommended to pass. Motion carried on a voice vote.

Mr. Flakne moved that House File 1931 be laid on the table. Motion carried on a voice vote.

Mr. Ticen moved to amend House File 688 as follows:

Page 1, line 13, strike "\$16,000" and insert in lieu thereof "\$15,500"

Page 2, after line 7, insert a new section to read as follows:

"Sec. 2. Commencing January 1, 1972, and annually thereafter, the salaries of district court reporters in the first and tenth judicial districts, as provided in section 1 hereof, shall be adjusted on the then existing salary to reflect any cost of living changes established by the consumer price index for urban wage earners and clerical workers, published by the U.S. department of labor, bureau of labor statistics, for the Minneapolis-St. Paul metropolitan areas as reported in October of the preceding calendar year."

Page 2, line 8, strike "Sec. 2." and insert in lieu thereof "Sec. 3."

Mr. Ticen's motion to amend carried on a voice vote.

Mr. Ticen then moved to amend House File 760 as follows:

Page 1, line 13, strike "\$16,500" and insert in lieu thereof "\$16,000"

Page 1, line 28, strike "the twin city metropolitan area" and insert in lieu thereof "urban wage earners and clerical workers, published by the U.S. department of labor, bureau of labor statistics, for the Minneapolis-St. Paul metropolitan area"

Page 1, line 28, strike "on" and insert in lieu thereof "in"

Page 1, line 29, strike "1 of each" and insert in lieu thereof "of the preceding"

Mr. Ticen's motion to amend carried on a voice vote.

Mr. Ticen then moved to amend House File 842 as follows: *

Page 1, line 11, strike "1967" and insert in lieu thereof "1971"

Page 1, lines 11 and 12, strike "and on or before the second Monday in June annually thereafter,"

Page 1, line 14, strike "\$14,500" and insert in lieu thereof "\$15,000"

Page 2, after line 14, insert a new subdivision as follows:

"Subd. 2. Commencing January 1, 1972, and annually thereafter, the salaries of said district court reporters, as provided in section 1 hereof, shall be adjusted on the then existing salary to reflect any cost of living changes established by the consumer price index for urban wage earners and clerical workers, published by the U.S. department of labor, bureau of labor statistics, for the Minneapolis-St. Paul metropolitan area as reported in October of the preceding calendar year."

Mr. Ticen's motion to amend carried on a voice vote.

* Page 1, line 9, after "SALARIES.]" insert "Subdivision 1."

Mr. Ticen then moved that House Files 688, 760 and 842, as amended, be recommended to pass. Motion carried on a voice vote.

Mr. Fugina moved that House Files 2366 and 2367 be referred to the Subcommittee on Lower Court Reform. Motion carried.

Mr. Sieben moved that House File 2373 be referred to the Subcommittee on Domestic Relations and Family Law. Motion carried.

Mr. Wright, chief author of House File 691, moved to amend the bill as follows:


Page 1, line 20, strike "90" and insert "180"


Page 1, strike lines 25 and 26.

Further, amend the title in lines 4 and 5 by striking "; providing penalty"

Mr. Wright's motion to amend carried on a voice vote. Mr. Wright then moved that House File 691, as amended, be recommended to pass. Motion carried on a voice vote.

There being no objection, the meeting adjourned at 9:30 P.M.


Howard R. Albertson, Chairman


Peggy Lemmon, Clerk

April 12, 1971

15

Mr. _____ moves to amend H.F. 1163, the typewritten bill, as follows:

On page 2, line 2, after "code" and before "which" insert "applicable to the building".

On page 2, strike lines 17 through 25 and insert in lieu thereof the following:

"Sec. 2. INSPECTION, NOTICE.7 Subdivision 1. Upon demand by a tenant, an inspection shall be made by the local authority charged with enforcing the code claimed to be violated.

Subd. 2. After an inspection of a building has been made upon demand by a tenant, the lessor and the complaining tenant shall be informed in writing by the inspector of any violations discovered and a reasonable period of time shall be allowed in which to correct such violations.

Subd. 3. Where such an inspection has been made, no action shall be brought pursuant to this act, except on expiration of the time thus granted without satisfactory repairs being accomplished to remove the violations unless the tenant shall allege such time is excessive."

On page 3, strike lines 11 through 28 and on page 4 strike line 1 and insert in lieu thereof the following:

"Subd. 4. The complaint shall be verified and shall:

(1) allege material facts showing that there then exists in the building a violation or violations, and

(2) state the relief sought, and

(3) list the rents due each month from each dwelling unit within the building, if known, and

(4) be accompanied by a copy of the official report of inspection by any department of health, housing or buildings, certified by the custodian of records of such department stating

x (a) when and by whom, the building concerned was inspected,
(b) what violations were recorded, and
(c) that notice of the violations has been given to the building owner, or

(5) be accompanied by a statement that a request for inspection was made to the appropriate state, county or municipal department and demand made upon the owner to correct the alleged violation and that an unreasonable period of time has elapsed since such demand or request."

On page 5, line 13, after "faith" and before the period, insert the following: ", or

(4) the violation or violations do not materially endanger the health or safety of the occupants of the dwelling".

On page 5, line 24, after "to" and before "remedy", strike "immediately".

On page 6, line 15, after "service," and before "and", insert "taxes and insurance,".

On page 7, strike lines 26 through 28 and on page 8 strike lines 1 through 13 and insert in lieu thereof the following:

"Sec. 12. ADMINISTRATOR. Subdivision 1. The administrator may be any person, other than an owner of the building or the complaining tenant or any person living in the complaining tenant's dwelling unit. The administrator may be a tenant or a tenant association that, in the court's opinion is qualified

to administer the funds to be collected. If a state, court, or local agency is authorized by statute, ordinance or regulation to provide persons to act as administrators under this section, the court may appoint such persons as administrators to the extent they are available.

Subd. 2. Such person shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from governmental agencies shall not be required to give bond."

On page 8, strike lines 24 through 27, and insert in lieu thereof the following:

"(2) contract for the reasonable cost of such materials, labor and services as are necessary to remedy the violation or violations found by the court to exist, and make disbursements for payment therefor from funds available for the purpose;".

HOUSE JUDICIARY COMMITTEE

MINUTES

April 16, 1971
11:00 A.M.

The House Judiciary Committee met on Friday, April 16, 1971, at 11:00 A.M. in Room 123, State Capitol. The chairman called the meeting to order, and roll was taken by the clerk. Those present were: Representatives Albertson, Bell, Adams, S., Anderson, H., Berg, Chamberlain, Connors, Faricy, Fena, Flakne, Hook, Johnson, C.A., Johnson, R., Keefe, Knutson, Lee, Menke, Nelson, Norton, Ojala, Pavlak, R., Pavlak, R.L., Savelkoul, Sieben, Simmons, Sokolowski, Szarke, Ticen, Vento, Welcott, and Wright. Those absent were: Representatives Fugina and Weaver.

Mr. Fena moved that the minutes of the previous meeting be dispensed with and approved as recorded by the clerk, Motion carried.

Mr. Gustafson, chief author of House File 1770, explained the bill and introduced Mr. Perry Copeland, attorney, who explained the bill further. Mr. Savelkoul moved that HF 1770 be recommended to pass. Mr. Simmons moved to amend HF 1770 on page 3, by striking lines 7 through 19 and renumbering the sections accordingly. Motion carried on a voice vote. Mr. Sokolowski moved to amend HF 1770 on page 3 by striking lines 20 through 27 and amending the title accordingly. Motion carried on a voice vote.

Mr. Faricy moved that House File 1770, as amended, be recommended to pass. Motion carried on a voice vote.

Mr. McCauley, chief author of House File 1414, explained the bill. Mr. Chamberlain moved to amend HF 1414 by striking lines 6 through 8 and renumber section 2 as section 1, and amending the title accordingly. Motion carried on a voice vote. Mr. Chamberlain then moved that House File 1414, as amended, be recommended to pass. Motion carried, voice vote.

Mr. Keefe, chief author of House File 257, moved to amend the bill by striking all of section 2 and renumbering the sections accordingly, as well as amending the title accordingly. Motion carried on a voice vote. Mr. Keefe then moved that House File 257, as amended, be recommended to pass. Motion carried on a voice vote.

Mr. Hook, chief author of House File 1163, introduced Mr. Robert Stein, U of M Law School, who outlined the bill. Mr. C.A. Johnson moved to amend the amended bill by adding a new section to read:

"Sec. 16. This act shall apply to cities of the first class only."

Mr. Jim Solem, Director of the Office of Local and Urban Affairs, State Planning Agency, spoke against the amendment. On a voice vote, the Johnson amendment lost.

Mr. Fena moved to amend HF 1163 as amended, in section 2, subdivision 1, after the word "tenant" insert "specifying charges" and after the word "inspection" insert "relative to such specific charges". In section 2, subdivision 2, after "After" and before "inspection" strike "an" and insert "such"; after "inspector of" and before "violations" strike "any" and insert "the"; after "violations discovered" insert ", if any,". In section 3, subdivision 4, paragraph (1) strike ", and" and insert "which materially endangers the health, and safety of the tenants of

of the building involved, and"

Mr. Fena's motion to amend carried on a voice vote.
Mr. R.L. Pavlak, moved to amend HF 1163 in section 1, subdivision 8 by striking "including single family homes" and inserting before the period "and excluding single family homes". The motion lost on a voice vote.

Mr. Keefe moved to amend HF 1163 by striking the second sentence of Section 12. Mr. Keefe's motion carried on a voice vote.

Mr. Hook moved to amend HF 1163 by striking everything after the enacting clause and inserting the new language as now amended by the committee. Motion carried on a voice vote.
Mr. Hook then moved that House File 1163, as amended, be recommended to pass. Motion carried on a voice vote.

There being no objection, the meeting adjourned at 12:00 noon.


Howard R. Albertson, Chairman


Peggy Lemmon, Clerk

Mr. Albertson
Committee on Judiciary
was referred:

from the
to which

H. F. No. 1163 , A bill for an act relating to landlord and tenant; creating remedies for tenants of substandard housing.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [DEFINITIONS.] Subdivision 1. As used in this act, the terms in this section shall have the meanings assigned to them.

Subd. 2. "Tenant" means any person who is occupying a dwelling in a building as defined in subdivision 8, under any agreement, lease, or contract, whether oral or written, and for whatever period of time, which requires the payment of moneys as rent for the use of the dwelling unit, and all other regular occupants of such dwelling unit.

Subd. 3. "Lessor" means the person, corporation or firm contracting with the tenant for the rental of the dwelling unit or building subject to the provisions of this act.

Subd. 4. "Owner" means the owner or owners of the freehold of the premises or lesser estate therein, contract vendee, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of a dwelling.

Subd. 5. "Commercial tenant" means any person paying rent in a building defined in subdivision 8 who is not a tenant, as defined in subdivision 2.

Subd. 6. "Person" means a natural person, corporation, partnership or unincorporated association.

Subd. 7. "Violation" means the violation of any state, county

or city health, housing, building, fire prevention, or housing maintenance code applicable to the building which materially endangers the health or safety of the tenants of the building involved.

Subd. 8. "Building" means any building used in whole or in part as a dwelling, including single family homes, multiple family units such as apartments, and structures containing both dwelling units and units used for nondwelling purposes.

Subd. 9. "Inspector" means the person charged by the council or other governing body for the political subdivision in which a building is situated, with the responsibility of enforcing provisions of local law, the breach of which could constitute a violation as defined in subdivision 7, or if no such person, the county health officer or the chairman of the board of county commissioners.

Sec. 2. [INSPECTION, NOTICE.] Subdivision 1. Upon demand by a tenant specifying charges, an inspection relative to such specific charges shall be made by the local authority charged with enforcing the code claimed to be violated.

Subd. 2. After such inspection of a building has been made upon demand by a tenant, the lessor and the complaining tenant shall be informed in writing by the inspector of the violations discovered, if any, and a reasonable period of time shall be allowed in which to correct such violations.

Subd. 3. Where such an inspection has been made, no action shall be brought pursuant to this act, except on expiration of the time thus granted without satisfactory repairs being accomplished to remove the violations unless the tenant shall allege such time is excessive.

Sec. 3. [SPECIAL PROCEEDING.] Subdivision 1. An action may be brought in municipal court by any tenant of a building in which a violation, as defined in subdivision 7 of section 1, is alleged to exist, or by any state, county or local department, or authority, charged with the enforcement of codes relating to health, housing, or building maintenance.

Subd. 2. The venue of the action authorized by this section

shall be within the county in which the building alleged to contain violations is located.

Subd. 3. The action shall be commenced by service of a complaint and summons, which summons may be issued only by a judge or clerk of the court.

Subd. 4. The complaint shall be verified and shall:

- (1) allege material facts showing that there then exists in the building a violation or violations which materially endangers the health and safety of the tenants of the building involved, and
- (2) state the relief sought, and
- (3) list the rents due each month from each dwelling unit within the building, if known, and
- (4) be accompanied by a copy of the official report of inspection by any department of health, housing or buildings, certified by the custodian of records of such department stating:
 - (a) when and by whom the building concerned was inspected,
 - (b) what violations were recorded, and
 - (c) that notice of the violations has been given to the building owner, or
- (5) be accompanied by a statement that a request for inspection was made to the appropriate state, county or municipal department and demand made upon the owner to correct the alleged violation and that a reasonable period of time has elapsed since such demand or request was made.

Sec. 4. [SUMMONS.] Subdivision 1. Upon receipt of the complaint, the clerk of court shall prepare a summons. Said summons shall:

- (1) specify the time and place of the hearing to be held on the complaint, which hearing shall be not less than five or more than ten days after receipt of the complaint by the clerk, and
- (2) state that if at that time a defense is not interposed and established by the defendant, judgment may be entered for the relief requested and authorized by this act.

Subd. 2. The summons and complaint shall be served upon the plaintiff's lessor or his agent at least five and not more than ten days before the time at which the complaint is to be heard. Service shall be by personal service upon the defendant pursuant to the Minnesota rules of civil procedure except that if such service cannot be made with due diligence, service may be made by affixing a copy of the summons and complaint prominently to the building involved, and mailing at the same time a copy of the summons and complaint by certified mail to the last known address of the defendant.

Sec. 5. [ANSWER.] At or before the time when the petition is to be heard, the defendant may answer in writing. No delays in the date of hearing shall be granted to allow time to prepare a written answer or reply except with the consent of all parties.

Sec. 6. [DEFENSES.] It shall be a sufficient defense to the complaint that the defendant establish that:

(1) the violation or violations alleged in the complaint do not in fact exist or that the violation or violations have been removed or remedied, or

(2) such violations have been caused by the willful, malicious, or irresponsible conduct of a complaining tenant or anyone under his direction or control, or

(3) that any tenant of the building has unreasonably refused entry to the owner or his agent to a portion of the premises for the purposes of correcting such violation, and such effort to correct was made in good faith, or

(4) the violation or violations do not materially endanger the health or safety of the occupants of the dwelling.

Sec. 7. [HEARING.] When issues of fact are raised, they shall be tried by the court without a jury at the time when issue is joined. The court may grant postponements of such trial on its own motion or at the request of any party if it should determine that such postponements are necessary to enable any party to procure necessary

witnesses, or evidence, but each postponement shall be for no more than ten days except by consent of all appearing parties.

Sec. 8. [JUDGMENT.] Upon finding the complaint proved, the court may, in its discretion:

(1) order the owner to remedy the violation or violations found by the court to exist if the court is satisfied that corrective action will be undertaken promptly, or

(2) order the tenant to remedy the violation or violations found by the court to exist and deduct the cost thereof from his rent subject to such terms as the court determines to be just, or

(3) (a) appoint an administrator with powers as set out in section 12, and

(b) direct that rents due:

(1) on and from the day of entry of judgment, in the case of petitioning tenants, and

(2) on and from the day of service of the judgment on all other tenants and commercial tenants of the building, if there be any, shall be deposited with the administrator appointed by the court, and

(c) direct that the administrator use the rents collected for the purpose of remedying the violations found to exist by the court, paying the debt service, taxes and insurance, and providing the services necessary to the ordinary operation and maintenance of the building which the owner is obligated to provide but which he fails or refuses to provide, or

(4) find the extent to which any uncorrected violations impair the tenants' use and enjoyment of the premises contracted for and order the rent therefor abated accordingly. Should the court choose to enter judgment under this paragraph the parties shall be informed and the court shall find the amount by which the rent shall be abated, and

(5) grant such other relief as to the court may seem just and proper.

Sec. 9. [SERVICE OF JUDGMENT.] A copy of the judgment

shall be personally served on every tenant and commercial tenant of the building whose obligations will be affected by the judgment. If personal service cannot be had with due diligence, service may be had by posting a notice of the judgment on the entrance door of the tenant's dwelling or commercial tenant's unit and by mailing a copy of the judgment to such tenant or commercial tenant by certified mail.

Sec. 10. [OWNER'S RIGHT TO COLLECT RENT SUSPENDED.] When an administrator has been appointed pursuant to paragraph (3) of section 8, any right of the owner to rent moneys from the time of judgment or service of judgment as set out in section 9 shall be void and unenforceable until the administration is terminated.

Sec. 11. [EVICTIOIN PROCEEDINGS BY OWNER LIMITED.] A tenant may not be evicted, nor may his obligations under his rental agreement be increased nor the services decreased, if the eviction or increase of obligations or decrease of services is intended as a penalty for the tenant's complaint of a violation. The burden of proving otherwise shall be on the owner if said eviction or increase of obligations or decrease of services occurs within 90 days after the filing of the complaint, unless it is found that the complaint was not made in good faith. After 90 days the burden of proof shall be on the tenant.

Sec. 12. [ADMINISTRATOR.] Subdivision 1. The administrator may be any person, other than an owner of the building or the complaining tenant or any person living in the complaining tenant's dwelling unit. If a state, court, or local agency is authorized by statute, ordinance or regulation to provide persons to act as administrators under this section, the court may appoint such persons as administrators to the extent they are available.

Subd. 2. Such person shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from governmental agencies shall not be required to give bond.

Subd. 3. The court may allow a reasonable amount for the

services of administrators, and the expense of the administration from any rent moneys.

Subd. 4. The administrator shall be empowered to

(1) collect rents from tenants and commercial tenants, evict tenants and commercial tenants for nonpayment of rent of other cause, rent vacant dwelling units on a month to month basis, rent vacant commercial units with the consent of the lessor, and exercise all other powers necessary and appropriate to carry out the purposes of this act;

(2) contract for the reasonable cost of such materials, labor and services as are necessary to remedy the violation or violations found by the court to exist, and make disbursements for payment therefor from funds available for the purpose;

(3) provide any services to the tenants which the owner is obligated to provide but which he refuses or fails to provide, and to make disbursements for payment thereof from funds available for the purpose.

Subd. 5. At any time during the administration the administrator, or any party, may petition the court after notice to all parties for an order terminating the administration on the ground that the funds available to the administrator are insufficient to effect the prompt remedy of the violations. Upon finding the petition proved the court shall terminate the administration and proceed to judgment pursuant to the provisions of paragraph (4) of section 8.

Sec. 13. [REMOVAL OF ADMINISTRATOR.] Subdivision 1. The administrator may, upon notice to all parties, petition the court to be relieved of his duties, setting forth his reasons therefor. The court may, in its discretion, grant such petition and discharge the administrator upon approval of his accounts.

Subd. 2. Any party may, upon notice to the administrator and all other parties, petition the court to remove the administrator. Upon good cause shown, the court shall order the administrator removed and direct him to deliver to the court forthwith an accounting of his administration. The court may make any other order necessary and

appropriate under the circumstances.

Subd. 3. In the event the administrator is removed, the court shall appoint a new administrator in accordance with the provisions of section 12, giving all parties an opportunity to be heard on the matter of the appointment.

Sec. 14. [TERMINATION OF ADMINISTRATION.] Subdivision 1. The administration shall be terminated upon the occurrence of one of the following:

(1) the securing of certification from the appropriate governmental agency that the violations found by the court to exist at the time of judgment have been remedied; or

(2) an order pursuant to subdivision 5 of section 12.

Subd. 2. Upon the occurrence of any of the conditions for termination in subdivision 1, the administrator shall:

(1) submit to the court an accounting of receipts and disbursements of his administration together with copies of all bills, receipts and other memoranda pertaining to all transactions reflected therein, and, where appropriate, a certification, by an appropriate governmental agency, that the violations found by the court to exist at the time of judgment have been remedied; and

(2) comply with any other order the court shall make as a condition of discharge.

Subd. 3. Upon approval by the court of the administrator's accounts and compliance by the administrator with any other order the court may make as a condition of discharge, the court shall discharge the administrator from any further responsibilities pursuant to this act.

Sec. 15. [WAIVER PROHIBITED.] Any provision, whether oral or written, of any lease or other agreement whereby any provision of this act is waived by a tenant shall be deemed contrary to public policy and void.

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


With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on

And without further recommendation.

pl:92

Form 107

This Committee action taken 11/16, 1971
Howard R. Albertson, Chairman
Howard R. Albertson 

S. F. No. 579, A bill for an act relating to landlord and tenant; creating remedies for tenants of substandard housing.

The bill was read for the first time.

Mr. Hook moved that S. F. No. 579 and H. F. No. 1163, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 711, A bill for an act relating to trusts; court jurisdiction of trustees; amending Minnesota Statutes 1969, Section 501.33.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 804, A bill for an act relating to registration of title to real estate; increasing charges on registration; amending Minnesota Statutes 1969, Section 508.74.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 908, A bill for an act relating to clerk hire in the office of probate court in Winona county; repealing Laws 1967, Chapter 343.

The bill was read for the first time.

Mr. McCauley moved that S. F. No. 908 and H. F. No. 1414, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 946, A bill for an act relating to the hospitalization and commitment act; providing for an extension of review board responsibilities and the right of a patient to treatment; amending Minnesota Statutes 1969, Sections 253A.16, Subdivision 4, and 253A.17, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health, Welfare and Corrections.

S. F. No. 1094, A bill for an act relating to medical files and records; providing for the use of such photostatic copies in evidence and authorizing destruction after three years; amending Minnesota Statutes 1969, Sections 145.31, and 145.32.

The bill was read for the first time.

Mr. Hook moved that S. F. No. 1094 and H. F. No. 1469, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1182, A bill for an act relating to Minnesota manpower services law; amending Minnesota Statutes 1969, Sections 268.04, Subdivisions 10 and 12; 268.06, Subdivision 25, and by adding subdivisions; 268.07, Subdivisions 2 and 3; Sections 268.08, Subdivision 1, and by adding a subdivision; 268.09, Subdivision 1; 268.12, Subdivision 11; and 268.13, Subdivision 1.

The bill was read for the first time.

SUSPENSION OF RULES

Mr. Eken moved that the rules be so far suspended that S. F. No. 1592 be substituted for H. F. No. 1976 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 579 and H. F. No. 1163, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that in S. F. No. 579, page 2, lines 19 through 26 read: "demand by a tenant, an inspection shall be made by the local authority charged with enforcing the code claimed to be violated."

Subd. 2. After an inspection of a building has been made upon demand by a tenant, the lessor and the complaining tenant shall be informed in writing by the inspector of any violations discovered and a reasonable period of time shall be allowed in which to correct such violations."

Whereas, in H. F. No. 1163, page 2, lines 19 through 27 read: "demand by a tenant specifying charges, an inspection relative to such specific charges shall be made by the local authority charged with enforcing the code claimed to be violated."

Subd. 2. After such inspection of a building has been made upon demand by a tenant, the lessor and the complaining tenant shall be informed in writing by the inspector of the violations discovered, if any, and a reasonable period of time shall be allowed in which to correct such violations."

In S. F. No. 579, page 3, line 5 reads: "action may be brought in district court by any tenant of a".

Whereas in H. F. No. 1163, page 3, line 6 reads: "action may be brought in municipal court by any tenant of a".

In S. F. No. 579, page 3, lines 18 and 19 read:

"(1) allege material facts showing that there then exists in the building a violation or violations, and".

Whereas, in H. F. No. 1163, page 3, lines 19 through 22 read:

"(1) allege material facts showing that there then exists in the building a violation or violations which materially endangers the health and safety of the tenants of the building involved, and".

In S. F. No. 579, page 5, lines 2 through 8 read:

"Sec. 5. [ANSWER.] At or before the time when the petition is to be heard, the defendant may answer in writing. Defenses not set out in a written answer must be orally pleaded at the hearing prior to the taking of any testimony. No delays in the date of hearing shall be granted to allow time to prepare a written answer or reply except with the consent of all parties."

In H. F. No. 1163, page 5, lines 5 through 9 read:

87th Day]

"Sec. 5. [Petition is to be heard, the defendant may answer in writing. Defenses not set out in a written answer must be orally pleaded at the hearing prior to the taking of any testimony. No delays in the date of hearing shall be granted to allow time to prepare a written answer or reply except with the consent of all parties."

In S. F. No. 579, page 5, lines 2 through 8 read:

Whereas, in H. F. No. 1163, page 5, lines 5 through 9 read:

In S. F. No. 579, page 5, lines 2 through 8 read:

In H. F. No. 1163, page 5, lines 5 through 9 read:

In S. F. No. 579, page 5, lines 2 through 8 read: "The administrator shall be required to collect the same."

In H. F. No. 1163, page 5, lines 5 through 9 read:

Mr. Hook moved that S. F. No. 579 be substituted for House File No. 1163.

SEC

S. F. Nos. 1163 and 579 be substituted for the second reading.

The following amendments were proposed:

Mr. Speaker:

I hereby announce that the amendments to S. F. No. 579 and H. F. No. 1163 which amend the rules of the House are requested:

H. F. No. 1163, page 5, lines 5 through 9 read: "The administrator shall be required to collect the same."

"Sec. 5. [ANSWER.] At or before the time when the petition is to be heard, the defendant may answer in writing. No delays in the date of hearing shall be granted to allow time to prepare a written answer or reply except with the consent of all parties."

In S. F. No. 579, page 5, line 19 reads: "premises for the purpose of correcting such violation, and "

Whereas, in H. F. No. 1163, page 5, line 20, reads: "premises for the purposes of correcting such violation, and".

In S. F. No. 579, page 5, line 26 reads: "when issue is joined. The court may grant a postponement of".

In H. F. No. 1163, page 5, line 27 reads: "when issue is joined. The court may grant postponements of".

In S. F. No. 579, page 8, lines 12 through 15 read in part: "The administrator may be a tenant or a tenant association that, in the court's opinion is qualified to administer the funds to be collected."

In H. F. No. 1163, in the same Sec. 12. this language does not appear.

SUSPENSION OF RULES

Mr. Hook moved that the rules be so far suspended that S. F. No. 579 be substituted for H. F. No. 1163 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1022, 1853, 1343, 1670, 1592, and 579 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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. 1007, A bill for an act relating to review organizations; limiting liability of persons furnishing information to and serving on review organizations; providing for the confidentiality of records of review organizations; providing penalties for disclosure.

GEORGE G. GOODWIN, Secretary of the Senate

Page 34, line 5, after the word "refused" and before the period, insert the following: "; provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy"

On page 35, line 10, strike "December 31, 1971" and insert in lieu thereof "final passage of this act."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dosland from the Committee on Judiciary, to which was referred

S. F. No. 579: A bill for an act relating to landlord and tenant; creating remedies for tenants of substandard housing.

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

Page 2, line 2, after "code" and before "which" insert "applicable to the building"

Page 2, line 15, after "officer" and before "or" strike "of"

Page 2, strike lines 17 through 25 and insert in lieu thereof the following:

"Sec. 2. [INSPECTION, NOTICE.] Subdivision 1. Upon demand by a tenant, an inspection shall be made by the local authority charged with enforcing the code claimed to be violated.

Subd. 2. After an inspection of a building has been made upon demand by a tenant, the lessor and the complaining tenant shall be informed in writing by the inspector of any violations discovered and a reasonable period of time shall be allowed in which to correct such violations.

Subd. 3. Where such an inspection has been made, no action shall be brought pursuant to this act, except on expiration of the time thus granted without satisfactory repairs being accomplished to remove the violations unless the tenant shall allege such time is excessive."

Page 3, line 5, strike "place of hearing" and insert in lieu thereof "venue"

Page 3, strike lines 11 through 28 and on page 4 strike line 1 and insert in lieu thereof the following:

"Subd. 4. The complaint shall be verified and shall:

- (1) allege material facts showing that there then exists in the building a violation or violations, and
- (2) state the relief sought, and
- (3) list the rents due each month from each dwelling unit within the building, if known, and
- (4) be accompanied by a copy of the official report of inspection

tion by any department by the custodian of r

(a) when and by

(b) what violation

(c) that notice of owner, or

(5) be accompanied by a copy of the report which was made to the department and demonstrate a willful or negligent violation and that since such demand on

Page 4, line 7, strike

Page 4, line 13, strike

Page 5, line 12, after and insert "purpose"

Page 5, line 13, after the following: ", or

(4) the violation of health or safety of the

Page 5, line 18, strike the following: "and amendments are"

Page 5, line 20, strike

Page 5, line 20, after

Page 5, line 21, strike

Page 5, line 24, after immediately"

Page 6, line 15, after and insurance, and"

Page 7, line 20, after

Page 7, strike lines 1 through 13 and insert

"Sec. 12. [ADMINISTRATOR] The administrator may be any person or the complaining tenant's dwelling unit or tenant association that is authorized by statute to act as administrator of such persons as administrator

Subd. 2. Such person shall be expected by the court in any violation or violation of mental agencies shall

tion by any department of health, housing or buildings, certified by the custodian of records of such department stating

- (a) when and by whom, the building concerned, was inspected,
- (b) what violations were recorded, and
- (c) that notice of the violations has been given to the building owner, or

(5) be accompanied by a statement that a request for inspection was made to the appropriate state, county or municipal department and demand made upon the owner to correct the alleged violation and that a reasonable period of time has elapsed since such demand or request was made."

Page 4, line 7, strike "three" and insert "five"

Page 4, line 13, strike "three" and insert "five"

Page 5, line 12, after "the" and before "of" strike "purposes" and insert "purpose"

Page 5, line 13, after "faith" strike the "period" and insert the following: ", or

(4) the violation or violations do not materially endanger the health or safety of the occupants of the dwelling."

Page 5, line 18, strike "postponement is" and insert "postponements are"

Page 5, line 20, strike "no such" and insert "each"

Page 5, line 20, after "for" and before "more" insert "no"

Page 5, line 21, strike "six" and insert "ten"

Page 5, line 24, after "to" and before "remedy" strike "immediately"

Page 6, line 15, after "service," strike "or" and insert "taxes and insurance, and"

Page 7, line 20, after "a" and before "violation" strike "code"

Page 7, strike lines 26 through 28 and on page 8 strike lines 1 through 13 and insert in lieu thereof the following:

"Sec. 12. [ADMINISTRATOR.] Subdivision 1. The administrator may be any person, other than an owner of the building or the complaining tenant or any person living in the complaining tenant's dwelling unit. The administrator may be a tenant or a tenant association that, in the court's opinion is qualified to administer the funds to be collected. If a state, court, or local agency is authorized by statute, ordinance or regulation to provide persons to act as administrators under this section, the court may appoint such persons as administrators to the extent they are available.

Subd. 2. Such person shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from governmental agencies shall not be required to give bond."

Page 8, strike lines 24 through 27, and insert in lieu thereof the following:

"(2) contract for the reasonable cost of such materials, labor and services as are necessary to remedy the violation or violations found by the court to exist, and make disbursements for payment therefor from funds available for the purpose;"

Page 10, line 28, after "and" before "void" strike "shall be"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Bergerud from the Committee on Commerce and Insurance, to which was referred

S. F. No. 1241: A bill for an act relating to insurance; providing for the regulation of insurance holding company systems; providing penalties.

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

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [DEFINITIONS.] Subdivision 1. As used in this act, the terms defined in this section shall have the meanings given them in this section unless the context requires otherwise.

Subd. 2. An "affiliate" of, or person "affiliated" with a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

Subd. 3. "Commissioner" means the commissioner of insurance or, in his absence or disability, one duly designated to act in his place, and shall include the insurance division, as appropriate.

Subd. 4. "Control", including the terms "controlling", "controlled by" and "under common control with" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by filing a disclaimer of affiliation with any authorized insurer as provided for in section 3, subdivision 9, of this act and by showing that control does not exist in fact. The commissioner may determine after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption of control.

COMMITTEE ON JUDICIARY

Met April 12, 1971 - 3:00 P.M. - Room 118

A quorum of the following members were present:

Dosland, Chairman	Jensen, C. A.
Benson	Kalina
Bergerud	Krieger
Blatz	McCarty
Borden	McCutcheon
Brown	Novak
Davies	Nyquist
Gearty	O'Neill
Gustafson	Parish
Holsten	Tennessee
Hughes, K.F.	Thorup

Chairman Dosland called the meeting to order.

S. F. 1110 relating to transportation of crude petroleum oil, declaring public interest therein; granting the power of eminent domain to certain corporations engaged in or proposing to engage in the transportation of crude petroleum. Senator Blatz presented the bill to the committee.

Senator Blatz moved to amend S. F. 1110 as follows:

Page 1, line 16, after "pipeline" and before the comma insert "as a common carrier"

Page 1, line 24, after "pipeline" and before the comma insert "as a common carrier"

MOTION PREVAILED.

Mr. G. L. McCula, President of William Brothers Pipeline of Tulsa, Oklahoma, spoke in behalf of the bill and answered questions raised by Senator Tennessee.

Senator Gearty moved S. F. 1110 be recommended to pass as amended. MOTION PREVAILED.

Senator Nyquist, Chairman of the Family Problems Subcommittee, reported on the hearings held on S. F. 502, 503 and 579. He advised that all proponents and opponents had been heard fully in the subcommittee and felt the bills were ready for consideration by the full committee.

S. F. 502 companion H. F. 1161 relating to landlords and tenants; creating certain covenants by landlords in all leases

with a term of less than one year. Senator O'Neill presented the bill to the committee.

Professor Robert Stein of the University of Minnesota Law School advised he participated in the drafting of the bill.

Senator O'Neill moved H. F. 1161 be recommended to pass.
MOTION PREVAILED.

S. F. 503 companion H. F. 1162 relating to landlord and tenant; actions for the recovery of real estate; amending Minnesota Statutes 1969, Section 566.03. Senator Coleman presented the bill to the committee.

Senator O'Neill moved to amend H. F. 1162 as follows:

Page 2, after line 19, add the following:

"Subd. 4. Nothing contained herein shall limit the right of the lessor to terminate a tenancy for a violation by the tenant of a lawful, material provision of a lease or contract, whether written or oral, or to hold the tenant liable for damage to the premises caused by the tenant or a person acting under his direction or control."

MOTION PREVAILED.

Senator Gearty moved H. F. 1162 be recommended to pass as amended. MOTION PREVAILED.

S. F. 579 relating to landlord and tenant; creating remedies for tenants of substandard housing. Senator Krieger presented the bill to the committee.

Senator Krieger moved to amend S. F. 579 as follows:

Copy of amendments attached hereto and marked Exhibit "A".

MOTION PREVAILED.

Senator Krieger moved S. F. 579 be recommended to pass as amended. MOTION PREVAILED.

S. F. 202 exempting certain persons from civil liability for treatment rendered at the scene of an emergency. Senator Willet presented the bill to the committee.

Mr. Jule Hannaford representing the Minnesota State Medical Association spoke in behalf of the bill and presented the additional bill from the 1965 session which did not pass that session relating to the exempting of persons from civil liability for treatment rendered at the scene of an emergency.

Senator Davies moved to amend S. F. 202 as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. No person, who in good faith and in the exercise of reasonable care renders emergency care at the scene of an emergency, is liable for any civil damages as a result of acts or omissions by such person in rendering the emergency care.

For the purposes of this section, the scene of an emergency shall be those areas not within the confine of a hospital or other institution which has hospital facilities, or an office of a person licensed to practice one or more of the healing arts pursuant to Minnesota Statutes, Chapters 147, 148, 150A, or 153."

Senator Carl Jensen moved to amend Senator Davies' amendment as follows:

After the first paragraph of Section 1 of Senator Davies' amendment insert:

"A physician or nurse or other person trained in the healing arts shall not be held to any higher standard of care than that of an ordinary reasonable and prudent man who has not had such special training."

Senator Davies spoke in opposition to Senator Jensen's amendment.

Senator Jensen withdrew his motion to amend.

Senator Davies renewed his motion to amend S. F. 202 as stated above. MOTION PREVAILED.

Senator Davies moved S. F. 202 be recommended to pass as amended. MOTION PREVAILED.

Meeting adjourned at 5:00 P.M.



CHAIRMAN

Page 2, line 2, after "code" and before "which" insert "applicable to the building"

Page 2, line 15, after "officer" and before "or" strike "of"

Page 2, strike lines 17 through 25 and insert in lieu thereof the following:

"Sec. 2. [INSPECTION, NOTICE.] Subdivision 1. Upon demand by a tenant, an inspection shall be made by the local authority charged with enforcing the code claimed to be violated.

Subd. 2. After an inspection of a building has been made upon demand by a tenant, the lessor and the complaining tenant shall be informed in writing by the inspector of any violations discovered and a reasonable period of time shall be allowed in which to correct such violations.

Subd. 3. Where such an inspection has been made, no action shall be brought pursuant to this act, except on expiration of the time thus granted without satisfactory repairs being accomplished to remove the violations unless the tenant shall allege such time is excessive."

Page 3, line 5, strike "place of hearing" and insert in lieu thereof "venue"

Page 3, strike lines 11 through 28 and on page 4 strike line 1 and insert in lieu thereof the following:

"Subd. 4. The complaint shall be verified and shall:

(1) allege material facts showing that there then exists in the building a violation or violations, and

(2) state the relief sought, and

(3) list the rents due each month from each dwelling unit within the building, if known, and

(4) be accompanied by a copy of the official report of inspection by any department of health, housing or buildings, certified by the custodian of records of such department stating

(a) when and by whom, the building concerned, was inspected,

(b) what violations were recorded, and

(c) that notice of the violations has been given to the building owner, or

(5) be accompanied by a statement that a request for inspection was made to the appropriate state, county or municipal department and demand made upon the owner to correct the alleged violation and that a reasonable period of time has elapsed since such demand or request was made."

Page 4, line 7, strike "three" and insert "five"

Page 4, line 13, strike "three" and insert "five"

Page 5, line 12, after "the" and before "of" strike "purposes" and insert "purpose"

Page 5, line 13, after "faith" strike the "period" and insert the following: ", or

(4) the violation or violations do not materially endanger the health or safety of the occupants of the dwelling."

Page 5, line 18, strike "postponement is" and insert "postponements are"

Page 5, line 20, strike "no such" and insert "each"

Page 5, line 20, after "for" and before "more" insert "no"

Page 5, line 21, strike "six" and insert "ten"

Page 5, line 24, after "to" and before "remedy" strike "immediately"

Page 6, line 15, after "service," strike "or" and insert "taxes and insurance, and"

Page 7, line 20, after "a" and before "violation" strike "code"

Page 7, strike lines 26 through 28 and on page 8 strike lines 1 through 13 and insert in lieu thereof the following:

"Sec. 12. [ADMINISTRATOR.] Subdivision 1. The administrator may be any person, other than an owner of the building or the complaining tenant or any person living in the complaining tenant's dwelling unit. The administrator may be a tenant or a tenant association that, in the court's opinion is qualified to administer

the funds to be collected. If a state, court, or local agency is authorized by statute, ordinance or regulation to provide persons to act as administrators under this section, the court may appoint such persons as administrators to the extent they are available.

Subd. 2. Such person shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from governmental agencies shall not be required to give bond."

Page 8, strike lines 24 through 27, and insert in lieu thereof the following:

"(2) contract for the reasonable cost of such materials, labor and services as are necessary to remedy the violation or violations found by the court to exist, and make disbursements for payment therefor from funds available for the purpose;"

Page 10, line 28, after "and" and before "void" strike "shall be"

1905, 1244, 711, 699, 1925, 804, 1094, 946, 1921, 1838, 1527, 790, 1603, 966, 1620, 1621, 1323, 1820, 1418, 1571, 50, 521, 1163, 594, 554, 1307, and 1763. Also H. F. Nos. 1132, 1840, 1069, 906, 898, 1020, 1068, 1832, 1249, 1709, 1561, 1705, 241, 946 and 1533 which the committee recommends to pass.

S. F. No. 579, which the committee recommends to pass with the following amendment offered by Mr. Krieger.

Amend S. F. No. 579, the printed bill as follows:

On Page 2, line 24, strike "accomplished" and insert the word "accompanied"

S. F. No. 14, which the committee recommends to pass with the following amendment offered by Mr. Coleman.

Amend S. F. No. 14, the printed bill, as follows:

Page 2, line 6, before "workers" delete "or"

Page 2, line 7, after "farm" and before "domestics" insert "or"

Page 2, line 9, before "workers" delete "or"

Page 2, line 9, after "farm" and before "domestics" insert "or"

S. F. No. 1909, which the committee recommends to pass with the following amendment offered by Mr. Tennessen.

Amend S. F. No. 1909, the printed bill, as follows:

Page 1, line 5, strike "unless other penalties are expressly provided"

Strike lines 6, 7, 8

Line 16, strike "unlawful and punishable as provided by this subdivision" and insert in lieu thereof "a misdemeanor"

Strike lines 20, 21.

Page 2, strike lines 1, 2, 3.

S. F. No. 53, which the committee recommends to pass with the following amendment offered by Mr. Gage.

Amend S. F. No. 53, the printed bill, as follows:

Page 2 lines 17 and 18 strike "as

S. F. No.
the follow

Amend

Page 1

Page 1

Page 1

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of the WI

Mr. Ho
11:00 o'c
vailed.

Dosland	Holsten	Laufenburger	Olson, J. L.	Schrom
Doty	Hughes, J. M.	Mammenga	O'Neill	Sinclair
Frederick	Hughes, Keith	McCarty	Overgaard	Tennessee
Gage	Jensen, C. A.	McCutcheon	Palmer	Thorup
Garty	Jensen, V. K.	Metcalf	Parish	Ukkelberg
Glewwe	Josefson	Moe	Perpich, A. J.	Wegener
Gustafson	Jude	Novak	Perpich, G.	Willet
Hansen, Baldy	Kalina	Nyquist	Pillsbury	Wolfe
Hansen, Mel	Kirchner	Ogdahl	Popham	
Hanson, N. W.	Krieger	Olson, A. G.	Purfeerst	
Holmquist	Larson	Olson, H. D.	Renneke	

So the bill passed and its title was agreed to.

S. F. No. 1182: A bill for an act relating to Minnesota manpower services law; amending Minnesota Statutes 1969, Sections 268.04, Subdivisions 10 and 12; 268.06, Subdivision 25, and by adding subdivisions; 268.07, Subdivisions 2 and 3; Sections 268.08, Subdivision 1, and by adding a subdivision; 268.09, Subdivision 1; 268.12, Subdivision 11; and 268.13, Subdivision 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 66 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson, E. J.	Davies	Jensen, C. A.	Novak	Purfeerst
Anderson, J. C.	Dosland	Jensen, V. K.	Nyquist	Renneke
Anderson, J. T.	Doty	Josefson	Ogdahl	Schrom
Arnold	Frederick	Jude	Olson, A. G.	Sinclair
Ashbach	Gage	Kalina	Olson, H. D.	Tennessee
Benson	Garty	Kirchner	Olson, J. L.	Thorup
Bergerud	Glewwe	Krieger	O'Neill	Ukkelberg
Blatz	Gustafson	Larson	Overgaard	Wegener
Borden	Hansen, Mel	Laufenburger	Palmer	Willet
Brown	Hanson, N. W.	Mammenga	Parish	Wolfe
Chenoweth	Holmquist	McCarty	Perpich, A. J.	
Chmielewski	Holsten	McCutcheon	Perpich, G.	
Coleman	Hughes, J. M.	Metcalf	Pillsbury	
Conzemius	Hughes, Keith	Moe	Popham	

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 579: A bill for an act relating to landlord and tenant; creating remedies for tenants of substandard housing.

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 65 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson, E. J.	Ashbach	Borden	Coleman	Doty
Anderson, J. C.	Benson	Brown	Conzemius	Frederick
Anderson, J. T.	Bergerud	Chenoweth	Davies	Gage
Arnold	Blatz	Chmielewski	Dosland	Garty

Glewwe	Jensen, V. K.	McCarty	O'Neill	Renneke
Gustafson	Josefson	McCutcheon	Overgaard	Schrom
Hansen, Mel	Jude	Moe	Palmer	Sinclair
Hanson, N. W.	Kalina	Novak	Parish	Tennessee
Holmquist	Kirchner	Nyquist	Perpich, A. J.	Thorup
Holsten	Krieger	Ogdahl	Perpich, G.	Ukkelberg
Hughes, J. M.	Larson	Olson, A. G.	Pillsbury	Wegener
Hughes, Keith	Laufenburger	Olson, H. D.	Popham	Willet
Jensen, C. A.	Mammenga	Olson, J. L.	Purfeerst	Wolfe

Messrs. Hansen, Baldy and Metcalf voted in the negative.
 So the bill passed and its title was agreed to.

S. F. No. 1395: A bill for an act regulating consumer transactions; placing limitations on agreements and practices; and providing remedies.

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 67 and nays none, as follows:

Those who voted in the affirmative were:

Anderson, E. J. Davies	Hughes, Keith	Moe	Popham
Anderson, J. C. Dosland	Jensen, C. A.	Novak	Purfeerst
Anderson, J. T. Doty	Jensen, V. K.	Nyquist	Renneke
Arnold	Josefson	Ogdahl	Schrom
Ashbach	Jude	Olson, A. G.	Sinclair
Benson	Kalina	Olson, H. D.	Tennessee
Bergerud	Kirchner	Olson, J. L.	Thorup
Blatz	Krieger	O'Neill	Ukkelberg
Borden	Larson	Overgaard	Wegener
Brown	Laufenburger	Palmer	Willet
Chenoweth	Hansen, Mel	Parish	Wolfe
Chmielewski	Hanson, N. W.	Perpich, A. J.	
Coleman	Holmquist	Perpich, G.	
Conzemius	Holsten	Pillsbury	
	Hughes, J. M.		
	Metcalf		

So the bill passed and its title was agreed to.

S. F. No. 1905: A bill for an act relating to taxation; regulating the distribution of revenue received from cigarette taxes; repealing Laws 1969, Chapter 399, Section 37; amending Minnesota Statutes 1969, Section 297.26.

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 67 and nays none, as follows:

Those who voted in the affirmative were:

Anderson, E. J. Borden	Doty	Hanson, N. W.	Jude
Anderson, J. C. Brown	Frederick	Holmquist	Kalina
Anderson, J. T. Chenoweth	Gage	Holsten	Kirchner
Arnold	Garty	Hughes, J. M.	Krieger
Ashbach	Glewwe	Hughes, Keith	Larson
Benson	Gustafson	Jensen, C. A.	Laufenburger
Bergerud	Hansen, Baldy	Jensen, V. K.	Mammenga
Blatz	Hansen, Mel	Josefson	McCarty

McCutcheon	Olson
Metcalf	Olson
Moe	Olson
Novak	O'Neill
Nyquist	Overgaard
Ogdahl	Palmer

So the bill passed

S. F. No. 1244: A bill for the payment of interest on bonds amending Minnesota Statutes 1969, Chapter 10, Section 10.01.

Was read the third time

The question being taken

And the roll being called, as follows:

Those who voted in the affirmative were:

Anderson, E. J. Davies	Frederick
Anderson, J. C. Dosland	Gage
Anderson, J. T. Doty	Garty
Arnold	Glewwe
Ashbach	Gustafson
Benson	Hansen, B.
Bergerud	Hansen, M.
Blatz	Hanson, N.
Borden	Holmquist
Brown	Holsten
Chenoweth	Hughes, J.
Chmielewski	
Coleman	
Conzemius	

So the bill passed and its title was agreed to.

S. F. No. 1909: A bill for an act relating to gasoline substitutes; repealing Laws 1969, Chapter 10, Sections 1 and 2.

Was read the third time

The question being taken

And the roll being called, as follows:

Those who voted in the affirmative were:

Anderson, E. J. Davies	Frederick
Anderson, J. C. Dosland	Gage
Anderson, J. T. Doty	Garty
Arnold	Glewwe
Ashbach	Gustafson
Benson	Hansen, Mel
Bergerud	Hanson, N. W.
Blatz	Holmquist
Borden	Holsten
Brown	Hughes, J. M.
Chenoweth	Hughes, Keith
Chmielewski	
Coleman	
Conzemius	

12A ★

THE MINNEAPOLIS STAR

Fri., May 28, 1971

TENANTS

Rent reprisal ban, fit premises voted

You can't always put too much faith in your friendly local political newsletter.

A Republican Party newsletter had three tenants-rights bills passed and on the governor's desk while Rep. Julian Hook, St. Louis Park Conservative, was struggling in vain to get one of the bills taken up on the House floor during the closing days of the session.

It died.

The bill would have allowed tenants to sue landlords to force the landlords to repair substandard conditions and would provide that rent could be withheld and a decision could be reached in a few days.

The bill reportedly became "trading stock" when House DFL Leader Martin Sabo made the mistake of calling it a good bill when he was within earshot of Conservative leaders.

This meant that Conservative leaders held up action on the bill to try to get Sabo to curtail his objections to bills that he didn't like quite as well.

The newsletter was right about the other two bills. They did go to the governor.

One prohibits landlords from evicting tenants or raising rents in retaliation against the reporting of a code violation.

The other requires the landlord to guarantee that the premises are fit for use and to keep it that way unless the damage is caused by the tenant's carelessness.

Another bill would have provided for 60-days' notice for eviction from a mobile-home park and would have prevented the park owner from overcharging for utilities. It was passed by the House but died in committee in the Senate.