

APPENDIX 4 LEGISLATIVE HISTORY OF 2010 MINN. LAWS CH. 315

2010 Minn. Laws ch. 310 was the enactment a bill that started as 2010 HF 2668.

The written summary of the progress of HF 2668 in the House, with links, is available at <https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF2668&ssn=0&y=2010>

The written summary of the progress of HF 2668 in the Senate, with links, is available at <https://www.revisor.mn.gov/bills/bill.php?b=Senate&f=HF2668&ssn=0&y=2010>

The written summary of the progress of SF 2595, the Senate companion bill to HF 2668, in the Senate, with links, is available at <https://www.revisor.mn.gov/bills/bill.php?f=SF2595&y=2010&ssn=0&b=senate>

The 2010 session law amended 504B.271 as follows: It reduced the 60 days to 28 days, modified the mailing rule slightly, and changed the amount of punitive damages from \$300 or less to the greater of \$1,000 or double damages.

The original bills in both chambers said nothing about abandoned property. The amendments to 504B.271 entered the process late. Lobbyists for the housing industry wanted to reduce the 60-day hold period. After some backroom negotiating¹ an agreement to change the 60 days to 28 days was reached along with a slight change to the method of mailing notification of any sale of the personalty. The bill's chief author, Rep. Joe Mullery, introduced the changes on the House floor on March 26, 2010. They were adopted without dispute by voice vote.

The Senate bill still said nothing about 504B.271 and there were other differences between the House and Senate bills after passage in each chamber. Also, both sides were still negotiating about some details. The upshot was that a compromise bill was finalized in the back rooms. The section 504B.271 part was made better for tenants by changing \$300 or less to the greater of \$1,000 or double damages.

The conference committee "meeting" consisted of the negotiated draft being passed around to the six conferees, who each signed it. As I recall, there was no real meeting. If one looks at the legislature's website one will find no recording or minutes of the conference committee.

On the final floor votes on the conference-committee report, the sponsor's speeches were very brief and did not go into details on 504B.271 or on anything else. In the House

¹ I was one of the backroom negotiators for the tenant-side group of lobbyists.

there was a debate of about five minutes instigated by a Tea-Party representative who made a Tenth-Amendment, state's-rights argument that seemed to be directed against the Protecting-Tenants-at-Foreclosure-Act part of the bill. On Third Reading, the bill passed the House by 100-30; in the Senate the vote was 56-6.

Thus, the only available public 2010 legislative history on 504B.271 is what Rep. Mullery said about his A-2 amendment on March 25, 2010. In its entirety he said,

It [Amendment A-2] reduces the time the landlord has to hold abandoned property and in return it raises the punitive damages for landlords who destroy tenants' property.²

² A recording of Mullery's speech is available at <https://www.lrl.mn.gov/media/file?mtgid=1011538> . His discussion of the A-2 amendment starts at about 49 minutes 11 seconds.