

CHAPTER 97—H.F.No. 1178

An act relating to landlords and tenants; regulating the taking of prelease deposits; providing for a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Section 1. [504.38] PRELEASE DEPOSIT.

Subdivision 1. DEFINITION. For the purpose of this section, "prelease deposit" means payment given to a landlord from a prospective tenant of a residential dwelling unit before the prospective tenant and the landlord have entered into a rental agreement. "Prelease deposit" does not include the payment of a reasonable applicant screening fee used to conduct a background check on the prospective tenant.

Subd. 2. LIMITATIONS. (a) A prelease deposit may be accepted only if the landlord and prospective tenant enter into a conspicuous written agreement that includes:

(1) the circumstances under which it will be returned; and

(2) that the landlord is required to return the prelease deposit within seven days of the occurrence of a circumstance described in clause (1).

(b) "Return" means postmarked within seven days except that upon the prospective tenant's request, a landlord may destroy the payment or hold it for retrieval by the tenant instead of returning it by mail.

Subd. 3. APPLICATION ON ENTRY INTO RENTAL AGREEMENT. If a prospective tenant and landlord do enter into a rental agreement, the prelease deposit must be applied to that tenant's security deposit or rent.

Subd. 4. REMEDIES. In addition to any other remedies, a landlord who violates this section is liable to the payor of the prelease deposit for the amount of the deposit paid, plus one-half of that amount as a penalty. A landlord who enters into a rental agreement with a tenant is not liable under this section unless the landlord failed to comply with subdivision 3.

Presented to the governor April 22, 1999

Signed by the governor April 26, 1999, 1:10 p.m.

CHAPTER 98—H.F.No. 142

An act relating to crime; expanding the definition of "subsequent controlled substance conviction" to include convictions subsequent to a stay of adjudication for a controlled substance crime; amending Minnesota Statutes 1998, section 152.01, subdivision 16a.

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

Section 1. Minnesota Statutes 1998, section 152.01, subdivision 16a, is amended to read:

Subd. 16a. SUBSEQUENT CONTROLLED SUBSTANCE CONVICTION. Notwithstanding section 152.18, subdivision 1, a "subsequent controlled substance con-

New language is indicated by underline, deletions by ~~strikeout~~.

violation" means that before commission of the offense for which the person is convicted under this chapter, the person received a disposition for a felony-level offense under section 152.18, subdivision 1, was convicted in Minnesota of a felony violation of this chapter or a felony-level attempt or conspiracy to violate this chapter, or was convicted elsewhere for conduct that would have been a felony under this chapter if committed in Minnesota. An earlier disposition for a felony-level offense under section 152.18, subdivision 1, or an earlier conviction is not relevant if ten years have elapsed since: (1) the person was restored to civil rights; or (2) the sentence has expired, whichever occurs first discharge from sentence or stay of adjudication.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective August 1, 1999, and applies to dispositions entered under Minnesota Statutes, section 152.18, subdivision 1, and crimes committed on or after that date.

Presented to the governor April 22, 1999

Signed by the governor April 26, 1999, 4:15 p.m.

CHAPTER 99—H.F.No. 1003

An act relating to legislature; prescribing the powers and duties of the legislative audit commission and the legislative auditor; making various technical changes; amending Minnesota Statutes 1998, sections 3.97; 3.971; 3.974; 3.975; 6.74; 10.48; 13.46, subdivision 8; 16A.27, subdivision 2; 37.06; 37.07; 85A.02, subdivision 5c; 89.05; 161.08; 192.551; 352.03, subdivision 6; 353.03, subdivision 3a; 353A.05, subdivision 1; 354.06, subdivision 2a; 360.015, subdivision 19; 574.20; and 609.456; Laws 1990, chapter 535, section 5; repealing Minnesota Statutes 1998, sections 3.973; 116.072, subdivision 12; 469.207, subdivision 1; and 574.02.

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

Section 1. Minnesota Statutes 1998, section 3.97, is amended to read:

3.97 AUDIT POLICY; CREATION OF COMMISSION; TRANSFER OF FUNCTIONS OF PUBLIC EXAMINER; DUTIES OF LEGISLATIVE AUDITOR; ACCESS TO DATA.

Subdivision 1. Continuous legislative review of the effect of ~~grant-in-aid programs, the spending of public funds and their financing at all levels of government is required in the public interest to enable the enactment of appropriate legislation.~~

Subd. 2. The legislative audit commission is created. ~~The commission~~ consists of:

- (1) the majority leader of the senate and the president of the senate or their designees;
- (2) ~~the chair of the senate committee on taxes or a designee who is a member of the committee;~~
- (3) the chair of the senate committee on governmental operations and reform or a designee who is a member of the committee;

New language is indicated by underline, deletions by ~~strikeout~~.