

LEGISLATIVE HISTORY OF 1995 MINN. LAWS CH. 226, ART. 4, S. 21¹
[Minn. Stat. § 504.183 \(1995 Supplement\)](#)
Compiled by Paul Birnberg in October 2021

Progress of SF 98 in Senate

Page in Senate Journal	Date	Event
67	1/18/95	First Reading ² ; referred to Crime Prevention
763	3/20/95	Report back with delete-all amendment, Endnote S2. Endnotes S3 and S4 are the minutes of the Crime Prevention committee hearings on the bill. Subsequently re-referred to Jobs, Energy & Community Development committee
1134	2/23/95	Jobs, Energy & Community Development committee reports back with amendments, Endnote S5. Endnote S6 is the minutes of the Jobs, Energy & Community Development committee hearings on the bill. One amendment stripped the Tenant's Right to Privacy language from the bill leaving only the Kari-Koskinen-Act part.
1796	4/11/95	Third Reading, passed 60-4

Progress of HF 72 in House

Page in House Journal	Date	Event
46	1/17/95	First Reading ³ ; referred to Housing
110	2/2/95	Report back with delete-all amendment, Endnote H2. Endnotes H3 and H4 are the minutes of the Housing committee hearings on the bill; subsequently re-referred to Judiciary
320	2/23/95	Judiciary committee reports back with delete-all amendment, Endnote H5. Endnotes H6 and H7 are the minutes of the Judiciary committee hearings on the bill

¹Pages 1-3 of this history summarize the written record. Audio recordings of the legislature's floor sessions and committee hearings are available online. Pages 4-5 identify the relevant recordings, the relevant parts of the recordings, and the webpage to retrieve the recordings.

²Endnote S1 is a copy of the bill as introduced.

³Endnote H1 is a copy of the bill as introduced.

Progress of SF1653 in Senate

Page in Senate Journal	Date	Event
1780	4/10/95	First Reading ⁴ ; referred to Crime Prevention
2393 et seq	4/19/95	Report back with delete-all amendment. The amendment has no language related to the Kari Koskinen Act or the Tenants Right to Privacy. Referred to Finance committee
2681	4/24/95	Report back from Finance with amendments, none of which are related to the Kari Koskinen Act or Tenants Right to Privacy.
2695	4/24/95	Second Reading
2726	4/25/95	Floor amendments, none of which are related to the Kari Koskinen Act or Tenants Right to Privacy.
2734-2735	4/25/95	Third Reading, passes 61-6, Senator Moe moves to lay on the table, motion passes
<u>3194-3196</u>	5/3/95	HF 1700 is taken up, both First and Second Readings, amended with a delete-all amendment, to wit replacing it with the language of SF 1653, Third Reading, passes 54-7.

Progress of HF1700 in Senate

Page in Senate Journal	Date	Event
3177-3178	5/3/95	First Reading, motion to lay on the table
3194-3196	5/3/95	see above, entry with page numbers underlined
3328-3329	5/8/95	House does not concur. Conferees appointed – Senators Beckman, Spear, Kelly, Laidig and Neville. The Senate Journal notes that the House appointed Representatives Murphy, Skoglund, Pugh, Bishop, and D. Swenson as its conferees
4213	5/19/95	Conference reports back. Endnote S7 is the first page of this huge report/bill plus the pages with the Kari-Koskinen-Act and the Tenants-Right-to-Privacy language.
4312	5/19/95	Third Reading of conference report, passes 53-10.
5247	5/26/95	Enrolled

⁴The original bill is on microfilm at the Gale Library at SAM 290 but I've not had a chance to make a copy.

Progress of HF1700 in House

Page in House Journal	Date	Event
1152	3/29/95	First Reading ⁵ ; referred to Judiciary Finance
2362	4/24/95	Report back with delete-all amendment; Endnote H9 is a copy of the first page of this huge amendment/bill plus the pages with the Kari-Koskinen-Act and the Tenants-Right-to-Privacy language.
3014	4/26/95	Amendments, none related to The Kari-Koskinen-Act or the Tenants-Right-to-Privacy language
3015	4/26/95	Second Reading
3529-3541	5/2/95	Several amendments, most not related to the Kari-Koskinen-Act or the Tenants-Right-to-Privacy language, are considered. Some pass, some fail. On page 3539, amendments to the the Tenants-Right-to-Privacy language are adopted, Endnote H10.
3552	5/2/95	Third Reading, passes 133-0
3760		Senate reports that it passed bill with amendments (see above, i.e. Senate version of is language of SF 1653)
5187	5/19/95	Conference report, Endnote H11 is a copy of the first page of this huge report/bill plus the pages with the Tenants-Right-to-Privacy language passed
5278	5/19/95	Conference report passed
6135	5/26/95	Enrolled

⁵As introduced, HF1700 was one page long. Apparently it was a dummy bill intended to be replaced by a huge delete-all amendment at the next stage. Endnote H8 is a copy.

Audio Recordings of Hearings and Floor Sessions

Recordings of committee hearings and floor debates are available via <https://www.house.leg.state.mn.us/audio/default.asp> or perhaps more directly at <https://www.lrl.mn.gov/media/> (webpage for recordings made between 1991 and 2003).

Below are citations to relevant recordings along with the times on the recordings with the relevant discussions (some recordings are much longer than the time spent on Tenants Right to Privacy and having the time notations will save the reader/listener considerable time).

I took handwritten notes but transcribed only small parts of these recordings. Transcripts of Doug Clark's testimony on 1/23/95 and a colloquy about sections 566.18 to 566.33 on 1/30/95, both in the House committee on Housing, were prepared. Neither are provided here but are available upon request.

House Housing Committee Meetings 1/23/95 and 1/30/95.

When the cassette tapes for the 1/23/95 meeting were transferred to the digital media, the first and second tapes were flipped. To listen to the meeting from start to finish begin with tape 2 and listen to tape 1 second.

The entirety of both meetings was devoted to HF 72.

House Judiciary Committee Meeting 2/6/95.

Discussion of HF 72 starts at 56:44

House Judiciary Committee Meeting 2/22/95.

Discussion of HF 72 starts at 1:15:34

Senate Crime Prevention Committee Meetings 3/13/95 and 3/16/95.

The entire 3/13/95 meeting was devoted to SF 98. At the end, Chairman Spear says that the discussion will continue and a vote taken at "Thursday's meeting." 3/13/95 was a Monday and 3/16/95 a Thursday. Unfortunately, the two files for 3/16/95 are only 10 seconds and 4 minutes 9 seconds long, respectively, and the latter's discussion is not on the housing bill. Apparently, as is true of a few of the digital copies of the audio tapes, the audio on the original cassette tape was lost somewhere along the way.

The minutes of the 3/16/95 meeting, Endnote S4, indicate that nothing about "substantially" or the like came up. The discussion of SF 98 on 3/16/95 concerned other issues and mostly related to the Kari Koskinen Act.

Senate Jobs, Energy and Community Development Committee Meeting 3/30/95

The discussion of SF 98 starts at 53:42 on file 1 of 2 & goes to the end of that file and then continues on file 2 of 2 from the beginning through 12:46 (ending with a voice vote to send the bill, as amended, to the floor).

House Floor 5/2/95

Discussion of HF 1700 is on Tape 2 of the House floor 5/2/95 recording. It starts very near the start of the recording with a vote at 2:22:36. The discussion of the Kari-Koskinen-Act and the Tenants-Right-to-Privacy language and the Tuma-et-al amendment to the Tenants-Right-to-Privacy language is between 12:08 and 14:38. (The entire discussion, most occurring after the Tuma amendment, is long because of contentious parts of the bill unrelated to tenants, landlords or housing managers.)

Conference Committee, 5/10/95

Discussion of the the Kari-Koskinen-Act and the Tenants-Right-to-Privacy language is on audio file 3 of 5 starting at 1:13:08 through the end of the file and on audio file 4 of 5 between the beginning and 7:54 (when the language passes by a voice vote).

House Floor 5/19/95

Discussion of HF 1700 is on Tape 2 of the House floor 5/19/95 recording. It starts at about 40:50 and the vote starts at about 53:20. The discussion of the Kari-Koskinen-Act and the Tenants-Right-to-Privacy language, lasting only 19 seconds between 45:19 and 45:38, saying the Senate accepted the House language on caretaker screening.

Evans Bill

Senators Merriam, Reichgott Junge, Marty, Novak and Neuville introduced--
S. F. No. 98 Referred to the Committee on Crime Prevention

1 A bill for an act

2 relating to public safety; requiring landlords of

3 residential rental buildings to conduct a criminal

4 conviction background check of individuals employed as

5 building managers or caretakers; requiring criminal

6 background checks for individuals employed as managers

7 or caretaking employees in manufactured park homes;

8 requiring 24-hour oral or written notice before entry

9 of certain buildings used as dwellings, including

10 apartments and manufactured homes; prescribing

11 penalties; proposing coding for new law in Minnesota

12 Statutes, chapters 327; and 504.

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

14 Section 1. [327.235] [MANUFACTURED HOME PARK MANAGERS AND

15 EMPLOYEES; CRIMINAL BACKGROUND CHECK.]

16 Subdivision 1. [DEFINITION.] As used in this section,

17 "park manager or other employee" means an individual:

18 (1) who is employed by a primary licensee to perform

19 day-to-day management or caretaking tasks in a manufactured home

20 park; and

21 (2) who has the authority or means within the course of the

22 individual's employment, to enter a manufactured park home.

23 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] A person,

24 firm, or corporation holding a primary license to maintain,

25 conduct, or operate a manufactured home park that employs or

26 seeks to employ a park manager or other employee shall

27 investigate the individual's criminal conviction data classified

28 as public under section 13.87.

29 Subd. 3. [VIOLENT CRIME.] If a background check required

Endnote S1

1 by this section reveals that a person seeking employment as a
2 manager or other employee in a manufactured home park has been
3 convicted of a violent crime as defined in section 609.152,
4 subdivision 1, paragraph (d), the person or entity if it employs
5 that person, as a manager or employee, may not allow that person
6 to have access to manufactured homes unless accompanied by a
7 designated person. A violation of this subdivision is a
8 misdemeanor.

9 Sec. 2. [504.183] [TENANT'S RIGHT TO PRIVACY.]

10 Subdivision 1. [DEFINITIONS.] For purposes of this
11 section, the following terms have the meanings given them.

12 (a) "Building" has the meaning given in section 566.18,
13 subdivision 7.

14 (b) "Owner" has the meaning given in section 566.18,
15 subdivision 3.

16 (c) "Tenant" has the meaning given in section 566.18,
17 subdivision 2.

18 Subd. 2. [REASONABLE PURPOSE.] An owner, owner's agent, or
19 other person acting under the owner's direction and control may
20 not enter the premises rented by a tenant without a reasonable
21 purpose.

22 Subd. 3. [NOTICE REQUIRED.] (a) Whenever an owner's agent
23 or person acting under the owner's direction and control intends
24 to enter the premises rented by a tenant, except as provided
25 under paragraph (b), the person intending to enter shall notify
26 the tenant orally or in writing at least 24 hours prior to
27 entry. The tenant does not have to be present when notice is
28 given.

29 (b) The 24-hour notice requirement specified in paragraph
30 (a) does not apply when entry is for:

31 (1) emergencies for maintenance or law enforcement
32 purposes;

33 (2) showing a building to prospective tenants after the
34 current tenant has given notice to move to the owner or owner's
35 agent; or

36 (3) maintenance work requested by the tenant.

1 (c) When entry is required in cases listed in paragraph
2 (b), if the owner, owner's agent, or other person acting under
3 the owner's direction and control has been unable to notify the
4 tenant, after making a good faith and reasonable effort, it
5 shall be sufficient for the person making the entry to disclose
6 that entry was made by placing a written disclosure in a
7 conspicuous place in the premises.

8 Subd. 4. [PENALTY.] (a) Entering the premises without
9 giving the tenant at least 24 hours' notice, except as provided
10 in subdivision 3, paragraph (b), shall constitute trespass, as
11 defined in section 609.605.

12 Sec. 3. [504.37] [APARTMENT MANAGERS; CRIMINAL BACKGROUND
13 CHECK REQUIRED.]

14 Subdivision 1. [DEFINITIONS.] As used in this section, the
15 following terms have the meanings given in this subdivision.

16 (a) "Manager" or "other caretaking employee" means an
17 individual:

18 (1) who is employed by an owner to perform day-to-day
19 management or caretaking tasks in a residential rental building
20 or on residential rental premises; and

21 (2) who has the authority or the means, within the course
22 of the individual's employment, to enter tenants' or owners'
23 dwelling unit located in the building.

24 (b) "Owner" has the meaning given in section 566.18,
25 subdivision 3.

26 (c) "Tenant" has the meaning given in section 566.18,
27 subdivision 2.

28 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] An owner
29 that employs or seeks to employ a manager or other caretaking
30 employee shall investigate the individual's criminal conviction
31 record by inspecting criminal conviction data classified as
32 public under section 13.87.

33 Subd. 3. [VIOLENT CRIMINALS.] If a background check
34 required by this section reveals that a person seeking
35 employment as a manager or other caretaking employee has been
36 convicted of a violent crime, as defined in section 609.152,

1 subdivision 1, paragraph (d), the owner, manager, or employer
2 responsible for a residential building or facility may not allow
3 the caretaker or employee to have access to occupied residential
4 units or rooms unless the caretaker or employee is accompanied
5 by a designated person. A violation of this subdivision is a
6 misdemeanor.

7 Sec. 4. [EFFECTIVE DATE.]

8 Sections 1 and 3 are effective August 1, 1995, and apply to
9 crimes committed on or after that date. Section 2 is effective
10 for oral and written leases entered into or renewed on or after
11 August 1, 1995.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 98: A bill for an act relating to public safety; requiring landlords of residential rental buildings to conduct a criminal conviction background check of individuals employed as building managers or caretakers; requiring criminal background checks for individuals employed as managers or caretaking employees in manufactured park homes; requiring 24-hour oral or written notice before entry of certain buildings used as dwellings, including apartments and manufactured homes; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 327; and 504.

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

Delete everything after the enacting clause and insert:

"Section 1. [299C.66] [CITATION.]

Sections 299C.66 to 299C.71 may be cited as the "Kari Koskinen manager background check act."

Sec. 2. [299C.67] [DEFINITIONS.]

Subdivision 1. [TERMS.] The definitions in this section apply to sections 299C.66 to 299C.71.

Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime" means:

(a)(1) a felony violation of section 609.185 (first degree murder); 609.19 (second degree murder); 609.20 (first degree manslaughter); 609.221 (first degree assault); 609.222 (second degree assault); 609.223 (third degree assault); 609.25 (kidnapping); 609.342 (first degree criminal sexual conduct); 609.343 (second degree criminal sexual conduct); 609.344 (third degree criminal sexual conduct); 609.345 (fourth degree criminal sexual conduct); 609.561 (first degree arson); or 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (1) in this state; or

(b)(1) a felony violation of section 609.195 (third degree murder); 609.205 (second degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.2231 (fourth degree assault); 609.224 (fifth degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.255 (false imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a nonfelony violation of section 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (1) in this state.

Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal justice information system.

Subd. 4. [MANAGER.] "Manager" means an individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. "Manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.

Subd. 5. [OWNER.] "Owner" has the meaning given in section 566.18, subdivision 3. However, "owner" does not include a person who owns, operates, or is in control of a health care facility or a home health agency licensed by the commissioner of health or human services under chapter 144, 144A, or 245A.

Subd. 6. [SUPERINTENDENT.] "Superintendent" means the superintendent of the bureau of criminal apprehension.

Subd. 7. [TENANT.] "Tenant" has the meaning given in section 566.18, subdivision 2.

Sec. 3. [299C.68] [BACKGROUND CHECKS ON MANAGERS.]

Subdivision 1. [WHEN REQUIRED.] Before hiring a manager, an owner shall request the superintendent to conduct a background check under this section. An owner may employ a manager after requesting a background check under this section before receipt of the background check report, provided that the owner complies with section 299C.69. An owner may request a background check for a currently employed manager under this section. By August 1, 1996, an owner shall request the superintendent to conduct a background check under this section for managers hired before August 1, 1995, who are currently employed.

Subd. 2. [PROCEDURES.] The superintendent shall develop procedures to enable an owner to request a background check to determine whether a manager is the subject of a reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. If the manager has resided in Minnesota for less than five years or upon request of the owner, the superintendent shall also conduct a search of the national criminal records repository, including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost of a background check through a fee charged to the owner.

Subd. 3. [FORM.] The superintendent shall develop a standardized form to be used for requesting a background check, which must include:

- (1) a notification to the manager that the owner will request the superintendent to perform a background check under this section;
- (2) a notification to the manager of the manager's rights under subdivision 4; and
- (3) a signed consent by the manager to conduct the background check.

If the manager has resided in Minnesota for less than five years, or if the owner is requesting a search of the national criminal records repository, the form must be accompanied by the fingerprints of the manager on whom the background check is to be performed.

Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify the manager of the manager's rights under paragraph (b).

(b) A manager who is the subject of a background check request has the following rights:

- (1) the right to be informed that the owner will request a background check on the manager to determine whether the manager has been convicted of a crime specified in section 299C.67, subdivision 2;
- (2) the right to be informed by the owner of the superintendent's response to the background check and to obtain from the owner a copy of the background check report;
- (3) the right to obtain from the superintendent any record that forms the basis for the report;
- (4) the right to challenge the accuracy and completeness of information contained in the report or record under section 13.04, subdivision 4; and
- (5) the right to be informed by the owner if the manager's application to be employed by the owner or to continue as an employee has been denied because of the result of the background check.

Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall respond to a background check request within a reasonable time not to exceed ten working days after receiving the signed form under subdivision 3. If a search is being done of the national criminal records repository and that portion of the background check is not completed, the superintendent shall notify the owner that the background check is not complete and shall provide that portion of the background check to

the owner as soon as it is available. The superintendent's response must indicate whether the manager has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of conviction, and date of discharge of the sentence.

Subd. 6. [EQUIVALENT BACKGROUND CHECK.] (a) An owner may satisfy the requirements of this section by obtaining a background check from a private business or a local law enforcement agency rather than the superintendent if the scope of the background check provided by the private business or local law enforcement agency is at least as broad as that of a background check performed by the superintendent and the response to the background check request occurs within a reasonable time not to exceed ten working days after receiving the signed form described in subdivision 3. Local law enforcement agencies may access the criminal justice data network to perform the background check.

(b) A private business or local law enforcement agency providing a background check under this section must use a notification form similar to the form described in subdivision 3, except that the notification form must indicate that the background check will be performed by the private business or local law enforcement agency using records of the superintendent and other data sources.

Sec. 4. [299C.69] [OWNER DUTIES IF MANAGER CONVICTED OF BACKGROUND CHECK CRIME.]

(a) If the superintendent's response indicates that the manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner may not hire the manager or, if the manager was hired pending completion of the background check, shall terminate the manager's employment. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment.

(b) If the superintendent's response indicates that the manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner may not hire the manager unless more than ten years have elapsed since the date of discharge of the sentence. If the manager was hired pending completion of the background check, the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence.

(c) If an owner knows that a manager hired before August 1, 1995, was convicted of a background check crime for an offense committed before August 1, 1995, the owner may continue to employ the manager. However, the owner shall notify all tenants and prospective tenants whose dwelling units would be accessible to the manager of the crime for which the manager has been convicted and of the right of a current tenant to terminate the tenancy under this paragraph, if the manager was convicted of a background check crime defined in:

(1) section 299C.67, subdivision 2, paragraph (a); or

(2) section 299C.67, subdivision 2, paragraph (b), unless more than ten years have elapsed since the sentence was discharged.

Notwithstanding a lease provision to the contrary, a current tenant who receives a notice under this paragraph may terminate the tenancy within 60 days of receipt of the notice by giving the owner at least 14 days' advance notice of the termination date.

(d) The owner shall notify the manager of any action taken under this subdivision.

Sec. 5. [299C.70] [PENALTY.]

An owner who knowingly fails to comply with the requirements of section 299C.68 or 299C.69 is guilty of a misdemeanor.

Sec. 6. [299C.71] [BUREAU OF CRIMINAL APPREHENSION IMMUNITY.]

The bureau of criminal apprehension is immune from any civil or criminal liability that might otherwise arise under section 299C.68, based on the accuracy or completeness of records it receives from the Federal Bureau of Investigation, if the bureau acts in good faith.

Sec. 7. [504.183] [TENANT'S RIGHT TO PRIVACY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Building" has the meaning given in section 566.18, subdivision 7.

(b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.

(c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. [ENTRY BY LANDLORD.] A landlord may not enter the premises rented by a tenant except:

(1) if specifically requested by the tenant;

(2) for a reasonable business purpose and after giving the tenant reasonable notice under the circumstances of the intent to enter; or

(3) as provided in subdivision 4.

A tenant may not waive and the landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision 2, a reasonable business purpose includes:

(1) showing the unit to prospective tenants after the current tenant has given notice to move to the owner or owner's agent;

(2) performing maintenance work; and

(3) allowing inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes.

Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] (a) Notwithstanding subdivision 2, a landlord may enter the premises rented by a tenant without prior notice to the tenant if the landlord reasonably believes that:

(1) immediate entry is necessary to prevent injury to persons or property because of emergencies relating to maintenance or building security;

(2) immediate entry is requested by a peace officer; or

(3) immediate entry is necessary to determine a tenant's safety when requested to do so by a member of the tenant's family or a friend of the tenant or if the tenant has requested the landlord to monitor the tenant's safety.

(b) If the landlord enters the premises under this subdivision when the tenant is not present, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 5. [PENALTY.] If a landlord violates this section, the tenant is entitled to rescission of the lease, recovery of any damage deposit less any proven damages to the rental property, and a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section."

Delete the title and insert:

"A bill for an act relating to public safety; requiring owners of residential rental buildings to request criminal background checks of managers; prohibiting owners from hiring or continuing to employ certain individuals as managers and requiring notices; requiring the superintendent of the bureau of criminal apprehension to assist in the performance of the background checks; limiting owner entry of residential dwellings; imposing penalties; proposing coding for new law in Minnesota Statutes, chapters 299C; and 504."

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 11: A bill for an act relating to the environment; exempting newer motor vehicles from annual air pollution emissions inspections; amending Minnesota Statutes 1994, section 116.61, subdivision 2.

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

Page 1, line 22, delete everything after "vehicle"

Page 1, line 23, delete "time of registration" and insert "the model year of which is no more than four years earlier than the year in which it is being registered"

Page 1, after line 23, insert:

"Sec. 2. [REPORT ON NEED FOR VEHICLE EMISSION INSPECTION PROGRAM.]

(a) The commissioner of the pollution control agency, in consultation with the United States Environmental Protection Agency, shall take all reasonable steps to enable the state, by July 1, 1998, to comply with the federal Clean Air Act without having to continue the motor vehicle emission inspection program.

(b) By December 15, 1997, the commissioner shall submit to the chairs of the environment and natural resources committees of the legislature a report that includes:

(1) a description of the commissioner's efforts under paragraph (a) and the results of those efforts;

(2) an analysis of the state's attainment status under the federal Clean Air Act as it relates to the need for a motor vehicle emission inspection program; and

(3) recommendations regarding continuation of the motor vehicle emission inspection program after July 1, 1998."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a report;"

And when so amended the bill do pass and be re-referred to the Committee on Transportation and Public Transit. Amendments adopted. Report adopted.

Ms. Flynn from the Committee on Judiciary, to which was referred

S.F. No. 217: A bill for an act relating to family law; providing for enforcement of child support obligations; authorizing programs; imposing penalties; appropriating money; amending Minnesota Statutes 1994, sections 168A.05, subdivisions 2, 3, 7, and by adding subdivisions; 168A.16; 214.101, subdivisions 1 and 4; 256.01, by adding a subdivision; 518.24; 518.551, subdivision 12, and by adding a subdivision; and 518.611, subdivision 8; proposing coding for new law in Minnesota Statutes, chapters 171; 256; and 518; repealing Minnesota Statutes 1994, sections 214.101, subdivisions 2 and 3; 518.551, subdivision 5a; and 518.561.

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

SENATE CRIME PREVENTION COMMITTEE
Monday, March 13, 1995
2:00 p.m., Room 15, State Capitol

The following committee members were present:

Spear, Chair	Ranum--Excused
Anderson, Vice-Chair	
Beckman	
Belanger	
Cohen	
Kelly	
Knutson	
Laidig	
Limmer	
Marty	
Merriam	
Neuville	

The committee considered SF 98: Criminal background checks for apartment and mobile home park managers and caretakers (Merriam)

Senator Spear noted that a quorum was present at 2:15 p.m.

Senator Merriam moved the SCS0098A-1 amendment.

MOTION CARRIED.

Luanne Koskinen spoke in support of SF 98.

Senator Merriam explained SF 98 and responded to committee questions.

Karen McDonald, Director, Criminal Justice Information Systems, Bureau of Criminal Apprehension, responded to committee questions.

Senator Merriam move to amende SF 98, as amended, as follows:

Page 2, line 23, before the comma insert "or upon request of the owner"

MOTION CARRIED.

Senator Anderson moved to amend SF 98, as amended, as follows:

Page 1, line 34, after "hired" insert "or is applying to be hired"

MOTION CARRIED.

Senator Marty moved to amend SF 98, as amended, as follows:

Page 2, line 15, after the period insert "An owner may request a background check for a currently employed manager under this section."

MOTION CARRIED.

Senator Spear announced that due to lack of time, SF 650 would not be heard today, but would be rescheduled for March 20, 1995.

Jack Horner, Minnesota Multi Housing Association, addressed the committee and expressed concerns about Section 7 (see Attachment 1).

Committee discussion followed.

Endnote S3

Senator Spear announced that SF 98 would be laid over until Thursday, March 16, 1995.

The meeting was taped. The meeting adjourned at 4:00 p.m.

Allan Spear
Allan Spear, Chair

Vicki Block
Vicki Block, Secretary

SENATE CRIME PREVENTION COMMITTEE

Monday, March 13, 1995

2:00 - 4:00 p.m.

Room 15, Capitol

A G E N D A

S.F. 98: Criminal background checks for apartment and mobile home park managers and caretakers (Merriam) - *Amended, laid over*

Luanne Koskinen

Jack Horner, Minnesota Multi Housing Association

Diana Wilhelmson, Certified Crime Prevention Specialist

Ron Dody, Apartment Owner and Manager

Rosemary Frazel, Legal Services Advocacy Project

Lynn Shellenberger, Minnesota Tenants Network

no testimony

S.F. 650: Child abuse investigation interviews and telephone helpline; bail hearing and pretrial release procedures (Reichgott Junge)

Clark Hussey

Dottie Bellinger, Corner House

Leslie Wardell, Police Officer, Stillwater

Don Telton, Washington County Child Protection

Not heard due to lack of time

Senate Counsel & Research

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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

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CHRISTOPHER B. STANG
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PATRICK J. MCCORMACK
DANIEL L. MUELLER
JACK PAULSON
CHRIS L. TURNER
AMY M. VENNEWITZ
MAJA WEIDMANN

TO: Members of the Crime Prevention Committee

FROM: Kenneth P. Backhus, Senate Counsel (296-4396) - KPB -

DATE: March 13, 1995

RE: Summary of S.F. No. 98 (Merriam), Author's
Delete-Everything Amendment

Section 1 provides that sections 1 to 6 of the bill may be referred to as the "Kari Koskinen manager background check act."

Section 2 provides definitions for key terms used in sections 1 to 6 of the bill. Notably, subdivision 2 provides the list of background check crimes. Subdivision 4 defines "manager," subdivision 5 defines "owner," and subdivision 6 defines "tenant."

Section 3, subdivision 1 requires an owner to request that the superintendent of the Bureau of Criminal Apprehension perform a background check on a person before the owner hires that person as a manager. An owner may employ a manager after requesting a background check and before receipt of the background check as long as the owner complies with section 4 of the bill.

Subdivision 2 details the procedures that the superintendent shall follow with regard to background checks. Notably, if the manager has resided in Minnesota for less than five years, the superintendent is required to conduct a search of the national criminal records repository and is authorized to exchange fingerprints with the Federal Bureau of Investigation (FBI). The superintendent is also required to recover the cost of the background check from the owner.

Subdivision 3 requires the superintendent to develop a standardized form to be used for requesting a background check and specifies what the form must contain.

Subdivision 4 details the manager's rights and requires the owner to notify the manager of those rights. Specifically, the manager has the right to be informed that the owner will request the background check and of the superintendent's response to the background check, to obtain from the owner a copy of the background check report, to obtain from the superintendent any record that forms the basis for the report, to challenge the accuracy and completeness of the information contained in

the report and to be informed by the owner if the manager's application has been denied based on the background check.

Subdivision 5 requires the superintendent to respond to a request for a background check within a reasonable time (no more than ten working days). If the search is being done of the national criminal records repository and that portion of the background check is not complete, then the superintendent shall notify the owner that the background check is not complete and provide that portion of the background check as soon as possible. The superintendent's response must indicate whether the manager has ever been convicted of a background check crime, and if so, give certain information about the crime.

Section 4 forbids an owner from hiring a manager if the superintendent's response indicates that the manager has been convicted of a background check crime. If the manager is hired pending completion of the background check and the check shows a conviction, the owner shall terminate the manager's employment. An owner who knows that a manager who was hired before August 1, 1995, was convicted of a background check crime for an offense committed before August 1, 1995, may continue to employ the manager only if the owner notifies all tenants and prospective tenants of the crime for which the manager has been convicted and of the right of a tenant to terminate the tenancy. The section further provides that a current tenant receiving such a notice may terminate the tenancy within 60 days of the receipt of the notice by giving at least 14 days' advance notice.

Section 5 provides that an owner who knowingly fails to comply with the requirements of the act is guilty of a misdemeanor.

Section 6 provides that if the Bureau of Criminal Apprehension, if acting in good faith, is immune from any criminal or civil liability that might arise based on the accuracy or completeness of the records it receives from the FBI.

Section 7 contains the tenants' right to privacy.

Section 7, subdivision 1 defines terms used in section 7.

Subdivision 2 restricts a landlord's right to enter premises rented by a tenant unless certain circumstances exist and provides that a tenant may not waive and a landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section.

Subdivision 3 describes what a reasonable business purpose includes for the purposes of subdivision 2.

Subdivision 4 describes the circumstances in which a landlord may enter the premises rented to a tenant without prior notice. If the landlord enters the premises under this subdivision when a tenant is not present, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subdivision 5 provides that if a landlord violates this section, the tenant is entitled to a rescission of the lease, recovery of any damage deposit, and a \$100 penalty for each violation.

KPB:cg

TENANT'S RIGHT TO PRIVACY

A landlord cannot enter the rental unit without the tenant's consent except in emergency situations. If a landlord wishes to make repairs and needs to get into a tenant's rental unit, he or she must first get the tenant's permission, otherwise the landlord is trespassing and can be arrested or sued in court. However, the landlord may write a provision into the lease giving the landlord the right to enter a tenant's unit under reasonable

conditions, such as to make repairs, to check potential physical problems, or to show the unit to prospective new renters or purchasers. But, unless the landlord puts these provisions into the lease, the landlord's right to enter is limited to emergency situations. (It should be noted that, in practice, there is an implied right to enter if the landlord has to make required or requested repairs to the unit. The tenant should not unreasonably refuse permission to a landlord to enter in such cases. It is a good idea for the tenant and landlord to agree ahead of time when repairs may be made.)

from: Landlords and Tenants: Rights and Responsibilities, pub. by the Office of the Minnesota Attorney General, (1992), page 11

Senators Merriam, Reichgott Junge, Marty, Novak and Neuville introduced--
S. F. No. 98 Referred to the Committee on Crime Prevention

1 A bill for an act

2 relating to public safety; requiring landlords of
3 residential rental buildings to conduct a criminal
4 conviction background check of individuals employed as
5 building managers or caretakers; requiring criminal
6 background checks for individuals employed as managers
7 or caretaking employees in manufactured park homes;
8 requiring 24-hour oral or written notice before entry
9 of certain buildings used as dwellings, including
10 apartments and manufactured homes; prescribing
11 penalties; proposing coding for new law in Minnesota
12 Statutes, chapters 327; and 504.

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

14 Section 1. [327.235] [MANUFACTURED HOME PARK MANAGERS AND
15 EMPLOYEES; CRIMINAL BACKGROUND CHECK.]

16 Subdivision 1. [DEFINITION.] As used in this section,
17 "park manager or other employee" means an individual:

18 (1) who is employed by a primary licensee to perform
19 day-to-day management or caretaking tasks in a manufactured home
20 park; and

21 (2) who has the authority or means within the course of the
22 individual's employment, to enter a manufactured park home.

23 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] A person,
24 firm, or corporation holding a primary license to maintain,
25 conduct, or operate a manufactured home park that employs or
26 seeks to employ a park manager or other employee shall
27 investigate the individual's criminal conviction data classified
28 as public under section 13.87.

29 Subd. 3. [VIOLENT CRIME.] If a background check required

1 by this section reveals that a person seeking employment as a
2 manager or other employee in a manufactured home park has been
3 convicted of a violent crime as defined in section 609.152,
4 subdivision 1, paragraph (d), the person or entity if it employs
5 that person, as a manager or employee, may not allow that person
6 to have access to manufactured homes unless accompanied by a
7 designated person. A violation of this subdivision is a
8 misdemeanor.

9 Sec. 2. [504.183] [TENANT'S RIGHT TO PRIVACY.]

10 Subdivision 1. [DEFINITIONS.] For purposes of this
11 section, the following terms have the meanings given them.

12 (a) "Building" has the meaning given in section 566.18,
13 subdivision 7.

14 (b) "Owner" has the meaning given in section 566.18,
15 subdivision 3.

16 (c) "Tenant" has the meaning given in section 566.18,
17 subdivision 2.

18 Subd. 2. [REASONABLE PURPOSE.] An owner, owner's agent, or
19 other person acting under the owner's direction and control may
20 not enter the premises rented by a tenant without a reasonable
21 purpose.

22 Subd. 3. [NOTICE REQUIRED.] (a) Whenever an owner's agent
23 or person acting under the owner's direction and control intends
24 to enter the premises rented by a tenant, except as provided
25 under paragraph (b), the person intending to enter shall notify
26 the tenant orally or in writing at least 24 hours prior to
27 entry. The tenant does not have to be present when notice is
28 given.

29 (b) The 24-hour notice requirement specified in paragraph
30 (a) does not apply when entry is for:

31 (1) emergencies for maintenance or law enforcement
32 purposes;

33 (2) showing a building to prospective tenants after the
34 current tenant has given notice to move to the owner or owner's
35 agent; or

36 (3) maintenance work requested by the tenant.

1 (c) When entry is required in cases listed in paragraph
2 (b), if the owner, owner's agent, or other person acting under
3 the owner's direction and control has been unable to notify the
4 tenant, after making a good faith and reasonable effort, it
5 shall be sufficient for the person making the entry to disclose
6 that entry was made by placing a written disclosure in a
7 conspicuous place in the premises.

8 Subd. 4. [PENALTY.] (a) Entering the premises without
9 giving the tenant at least 24 hours' notice, except as provided
10 in subdivision 3, paragraph (b), shall constitute trespass, as
11 defined in section 609.605.

12 Sec. 3. [504.37] [APARTMENT MANAGERS; CRIMINAL BACKGROUND
13 CHECK REQUIRED.]

14 Subdivision 1. [DEFINITIONS.] As used in this section, the
15 following terms have the meanings given in this subdivision.

16 (a) "Manager" or "other caretaking employee" means an
17 individual:

18 (1) who is employed by an owner to perform day-to-day
19 management or caretaking tasks in a residential rental building
20 or on residential rental premises; and

21 (2) who has the authority or the means, within the course
22 of the individual's employment, to enter tenants' or owners'
23 dwelling unit located in the building.

24 (b) "Owner" has the meaning given in section 566.18,
25 subdivision 3.

26 (c) "Tenant" has the meaning given in section 566.18,
27 subdivision 2.

28 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] An owner
29 that employs or seeks to employ a manager or other caretaking
30 employee shall investigate the individual's criminal conviction
31 record by inspecting criminal conviction data classified as
32 public under section 13.87.

33 Subd. 3. [VIOLENT CRIMINALS.] If a background check
34 required by this section reveals that a person seeking
35 employment as a manager or other caretaking employee has been
36 convicted of a violent crime, as defined in section 609.152,

1 subdivision 1, paragraph (d), the owner, manager, or employer
2 responsible for a residential building or facility may not allow
3 the caretaker or employee to have access to occupied residential
4 units or rooms unless the caretaker or employee is accompanied
5 by a designated person. A violation of this subdivision is a
6 misdemeanor.

7 Sec. 4. [EFFECTIVE DATE.]

8 Sections 1 and 3 are effective August 1, 1995, and apply to
9 crimes committed on or after that date. Section 2 is effective
10 for oral and written leases entered into or renewed on or after
11 August 1, 1995.

3-13-95

Adopted

03/13/95

[COUNSEL] KPB

SCS0098A-1

1 M. *Merriam*... moves to amend S.F. No. 98 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [299C.66] [CITATION.]

4 Sections 299C.66 to 299C.71 may be cited as the "Kari

5 Koskinen manager background check act."

6 Sec. 2. [299C.67] [DEFINITIONS.]

7 Subdivision 1. [TERMS.] The definitions in this section

8 apply to sections 299C.66 to 299C.71.

9 Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime"

10 means:

11 (1) a felony violation of section 609.185 (first-degree

12 murder); 609.19 (second-degree murder); 609.195 (third-degree

13 murder); 609.20 (first-degree manslaughter); 609.205

14 (second-degree manslaughter); 609.21 (criminal vehicular

15 homicide and injury); 609.221 (first-degree assault); 609.222

16 (second-degree assault); 609.223 (third-degree assault);

17 609.2231 (fourth-degree assault); 609.224 (fifth-degree

18 assault); 609.24 (simple robbery); 609.245 (aggravated robbery);

19 609.25 (kidnapping); 609.255 (false imprisonment); 609.342

20 (first-degree criminal sexual conduct); 609.343 (second-degree

21 criminal sexual conduct); 609.344 (third-degree criminal sexual

22 conduct); 609.345 (fourth-degree criminal sexual conduct);

23 609.52 (theft); 609.561 (first-degree arson); 609.582,

24 subdivision 1 or 2 (burglary); or 609.713 (terroristic threats);

25 (2) a violation of section 609.749 (harassment and

26 stalking);

27 (3) an attempt to commit a crime in clause (1) or (2); or

28 (4) a conviction for a crime in another jurisdiction that

29 would be a violation under clause (1) or (2) or an attempt under

30 clause (1) or (2) in this state.

31 Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal

32 justice information system.

33 Subd. 4. [MANAGER.] "Manager" means an individual who is

34 hired ^{or is applying to be hired} by an owner and who has or would have the means, within

35 the scope of the individual's duties, to enter tenants' dwelling

36 units. "Manager" does not include a person who is hired on a

1 casual basis and not in the ongoing course of the business of
2 the owner.

3 Subd. 5. [OWNER.] "Owner" has the meaning given in section
4 566.18, subdivision 3.

5 Subd. 6. [SUPERINTENDENT.] "Superintendent" means the
6 superintendent of the bureau of criminal apprehension.

7 Subd. 7. [TENANT.] "Tenant" has the meaning given in
8 section 566.18, subdivision 2.

9 Sec. 3. [299C.68] [BACKGROUND CHECKS ON MANAGERS.]

10 Subdivision 1. [WHEN REQUIRED.] Before hiring a manager,
11 an owner shall request the superintendent to conduct a
12 background check under this section. An owner may employ a
13 manager after requesting a background check under this section
14 before receipt of the background check report, provided that the
15 owner complies with section 299C.69. *An owner may request a background*
Check for a currently employed

16 Subd. 2. [PROCEDURES.] The superintendent shall develop
17 procedures to enable an owner to request a background check to
18 determine whether a manager is the subject of reported
19 conviction for a background check crime. The superintendent
20 shall perform the background check by retrieving and reviewing
21 data on background check crimes maintained in the CJIS
22 computers. If the manager has resided in Minnesota for less
23 than five years, *or upon request of the owner*
the superintendent shall also conduct a search
24 of the national criminal records repository, including the
25 criminal justice data communications network. The
26 superintendent is authorized to exchange fingerprints with the
27 Federal Bureau of Investigation for purposes of the criminal
28 history check. The superintendent shall recover the cost of a
29 background check through a fee charged to the owner.

30 Subd. 3. [FORM.] The superintendent shall develop a
31 standardized form to be used for requesting a background check,
32 which must include:

33 (1) a notification to the manager that the owner will
34 request the superintendent to perform a background check under
35 this section;

36 (2) a notification to the manager of the manager's rights

1 under subdivision 4; and

2 (3) a signed consent by the manager to conduct the
3 background check.

4 If the manager has resided in Minnesota for less than five
5 years, the form must be accompanied by the fingerprints of the
6 manager on whom the background check is to be performed.

7 Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify
8 the manager of the manager's rights under paragraph (b).

9 (b) A manager who is the subject of a background check
10 request has the following rights:

11 (1) the right to be informed that the owner will request a
12 background check on the manager to determine whether the manager
13 has been convicted of a crime specified in section 299C.67,
14 subdivision 2;

15 (2) the right to be informed by the owner of the
16 superintendent's response to the background check and to obtain
17 from the owner a copy of the background check report;

18 (3) the right to obtain from the superintendent any record
19 that forms the basis for the report;

20 (4) the right to challenge the accuracy and completeness of
21 information contained in the report or record under section
22 13.04, subdivision 4; and

23 (5) the right to be informed by the owner if the manager's
24 application to be employed by the owner or to continue as an
25 employee has been denied because of the result of the background
26 check.

27 Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall
28 respond to a background check request within a reasonable time
29 not to exceed ten working days after receiving the signed form
30 under subdivision 3. If a search is being done of the national
31 criminal records repository and that portion of the background
32 check is not completed, the superintendent shall notify the
33 owner that the background check is not complete and shall
34 provide that portion of the background check to the owner as
35 soon as it is available. The superintendent's response must
36 indicate whether the manager has ever been convicted of a

1 background check crime and, if so, a description of the crime,
2 date and jurisdiction of conviction, and date of discharge of
3 the sentence.

4 Sec. 4. [299C.69] [OWNER DUTIES IF MANAGER CONVICTED OF
5 BACKGROUND CHECK CRIME.]

6 (a) If the superintendent's response indicates that the
7 manager has been convicted of a background check crime, the
8 owner may not hire the manager or, if the manager was hired
9 pending completion of the background check, shall terminate the
10 manager's employment. Except as provided in paragraph (b), if
11 an owner otherwise knows that a manager has been convicted of a
12 background check crime, the owner shall terminate the manager's
13 employment.

14 (b) If an owner knows that a manager hired before August
15 1, 1995, was convicted of a background check crime for an
16 offense committed before August 1, 1995, the owner may continue
17 to employ the manager, if the owner notifies all tenants and
18 prospective tenants whose dwelling units would be accessible to
19 the manager of the crime for which the manager has been
20 convicted and of the right of a current tenant to terminate the
21 tenancy under this paragraph. Notwithstanding a lease provision
22 to the contrary, a current tenant who receives a notice under
23 this paragraph may terminate the tenancy within 60 days of
24 receipt of the notice by giving the owner at least 14 days
25 advance notice of the termination date.

26 (c) The owner shall notify the manager of any action taken
27 under this subdivision.

28 Sec. 5. [299C.70] [PENALTY.]

29 An owner who knowingly fails to comply with the
30 requirements of section 299C.68 or 299C.69 is guilty of a
31 misdemeanor.

32 Sec. 6. [299C.71] [BUREAU OF CRIMINAL APPREHENSION
33 IMMUNITY.]

34 The bureau of criminal apprehension is immune from any
35 civil or criminal liability that might otherwise arise under
36 section 299C.68, based on the accuracy or completeness of

1 records it receives from the Federal Bureau of Investigation, if
2 the bureau acts in good faith.

3 Sec. 7. [504.183] [TENANT'S RIGHT TO PRIVACY.]

4 Subdivision 1. [DEFINITIONS.] For purposes of this
5 section, the following terms have the meanings given them.

6 (a) "Building" has the meaning given in section 566.18,
7 subdivision 7.

8 (b) "Landlord" means the owner as defined in section
9 566.18, subdivision 3, the owner's agent, or other person acting
10 under the owner's direction and control.

11 (c) "Tenant" has the meaning given in section 566.18,
12 subdivision 2.

13 Subd. 2. [ENTRY BY LANDLORD.] A landlord may not enter the
14 premises rented by a tenant except:

15 (1) if specifically requested by the tenant;

16 (2) for a reasonable business purpose and after giving the
17 tenant reasonable notice under the circumstances of the intent
18 to enter; or

19 (3) as provided in subdivision 4.

20 A tenant may not waive and the landlord may not require the
21 tenant to waive the tenant's right to prior notice of entry
22 under this section as a condition of entering into or
23 maintaining the lease.

24 Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision
25 2, a reasonable business purpose includes:

26 (1) showing the unit to prospective tenants after the
27 current tenant has given notice to move to the owner or owner's
28 agent;

29 (2) performing maintenance work; and

30 (3) allowing inspections by state, county, or city
31 officials charged in the enforcement of health, housing,
32 building, fire prevention, or housing maintenance codes.

33 Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] (a)
34 Notwithstanding subdivision 2, a landlord may enter the premises
35 rented by a tenant without prior notice to the tenant if the
36 landlord reasonably believes that:

1 (1) immediate entry is necessary to prevent injury to
2 persons or property because of emergencies relating to
3 maintenance or building security;
4 (2) immediate entry is requested by a peace officer; or
5 (3) immediate entry is necessary to determine a tenant's
6 safety when requested to do so by a member of the tenant's
7 family or a friend of the tenant or if the tenant has requested
8 the landlord to monitor the tenant's safety.

9 (b) If the landlord enters the premises under this
10 subdivision when the tenant is not present, the landlord shall
11 disclose the entry by placing a written disclosure of the entry
12 in a conspicuous place in the premises.

13 Subd. 5. [PENALTY.] If a landlord violates this section,
14 the tenant is entitled to rescission of the lease, recovery of
15 any damage deposit less any proven damages to the rental
16 property, and a \$100 civil penalty for each violation. A tenant
17 shall follow the procedures in sections 566.18 to 566.33 to
18 enforce the provisions of this section."

19 Delete the title and insert:

20 "A bill for an act
21 relating to public safety; requiring owners of
22 residential rental buildings to request criminal
23 background checks of managers; prohibiting owners from
24 hiring or continuing to employ certain individuals as
25 managers and requiring notices; requiring the
26 superintendent of the bureau of criminal apprehension
27 to assist in the performance of the background checks;
28 limiting owner entry of residential dwellings;
29 imposing penalties; proposing coding for new law in
30 Minnesota Statutes, chapters 299C and 504."

SENATE CRIME PREVENTION COMMITTEE
Thursday, March 16, 1995
2:00 p.m., Room 15, State Capitol

The following committee members were present:

Spear, Chair
Anderson, Vice-Chair
Beckman
Belanger
Kelly
Laidig
Limmer
Marty
Merriam
Neuville

Cohen--Excused
Knutson--Excused
Ranum--Excused

The committee considered SF 98: (cont.) Criminal background checks for apartment and mobile home park managers and caretakers (Merriam)

Senator Merriam distributed and explained the SCS0098A-7 amendment.

Jack Horner, Minnesota Multi Housing Association, responded to committee questions.

Nicole Otto, Minnesota Association of Homes for the Aging, responded to committee questions.

Senator Spear noted a quorum was present at 2:25 p.m.

Richard Neumeister responded to committee questions.

Senator Merriam moved the SCS0098A-7 amendment.

Richard Neumeister stated his concerns with the SCS0098A-7 amendment.

On the Merriam motion to amend, MOTION CARRIED.

Senator Merriam moved the SCS0098A-6 amendment (see Attachment 1).

Luanne Koskinen addressed the committee and spoke in support of the SCS0098A-6 amendment.

Committee discussion followed.

Senator Neuville distributed the SCS0098A-9 amendment.

Committee discussion followed.

Richard Neumeister spoke in opposition to the SCS0098A-6 and SCS0098A-9 amendments.

Jack Horner expressed his concerns with the A-6 and A-9 amendments.

Senator Merriam renewed his motion to adopt the SCS0098A-6 amendment.

MOTION CARRIED.

Senator Merriam moved the SCS0098A-8 amendment.

Kenneth Backhus, Senate Counsel, explained the amendment.

Committee discussion followed.

Endnote S4

On the Merriam motion to adopt the SCS0098A-8 amendment, the MOTION CARRIED.

Senator Merriam moved the SCS0098A-4 amendment.

Lori Wething, Care Providers of Minnesota, explained the amendment and spoke in support of the amendment.

On the Merriam motion, the MOTION CARRIED.

Richard Neumeister addressed the committee.

Committee discussion followed.

Senator Marty moved to amend SF 98 (SCS0098A-1), as follows:

Page 2, line 29, after the period insert "The owner may not directly or indirectly require the manager to pay for the cost of the background check."

Committee discussion followed.

Jack Horner spoke in opposition to the Marty amendment.

Senator Marty renewed his motion to amendment.

MOTION FAILED.

Committee discussion followed.

Senator Merriam moved that SF 98, as amended, be recommended to pass and be re-referred to the Committee on Jobs, Energy and Community Development.

MOTION CARRIED.

The committee considered SF 799: Manslaughter in the first degree reasonable person standard (Ranum)

Senator Anderson explained SF 799, in lieu of Senator Ranum's absence.

Bev Benson, Assistant Hennepin County Attorney, explained SF 799.

Senator Anderson moved the SCS0799A-1 amendment.

MOTION CARRIED.

Paul Scoggin, Hennepin County Attorney's Office, responded to committee questions.

Senator Anderson moved that SF 799, as amended, be recommended to pass.

MOTION CARRIED.

Due to lack of time, SF 880 and SF 883 were not heard.

The meeting was taped. The meeting adjourned at 4:10 p.m.

Allan Spear
Allan Spear, Chair

Vicki Block
Vicki Block, Secretary

SENATE CRIME PREVENTION COMMITTEE

Thursday, March 16, 1995

2:00 - 4:00 p.m.

Room 15, Capitol

A G E N D A

- S.F. 98: Criminal background checks for apartment and mobile home park managers and caretakers (Merriam) *Amended, pass as amended & re-referred to Jobs, Energy & Community Development*
Richard Neumeister
- S.F. 799: Manslaughter in the first degree reasonable person standard (Ranum) *- Amended, pass as Amended*
Paul Scoggin, Hennepin County Attorney's Office
- S.F. 880: Sexual assault criminal statute of limitations (Ranum) *(Not heard due to lack of time)*
Paul Scoggin, Hennepin County Attorney's Office
- S.F. 883: Tolling of statutes of limitation pending DNA analysis (Ranum) *(Not heard due to lack of time)*
Paul Scoggin, Hennepin County Attorney's Office

1 Mr. Spear from the Committee on Crime Prevention, to which
2 was referred

3 S.F. No. 98: A bill for an act relating to public safety;
4 requiring landlords of residential rental buildings to conduct a
5 criminal conviction background check of individuals employed as
6 building managers or caretakers; requiring criminal background
7 checks for individuals employed as managers or caretaking
8 employees in manufactured park homes; requiring 24-hour oral or
9 written notice before entry of certain buildings used as
10 dwellings, including apartments and manufactured homes;
11 prescribing penalties; proposing coding for new law in Minnesota
12 Statutes, chapters 327; and 504.

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

15 Delete everything after the enacting clause and insert:

16 "Section 1. [299C.66] [CITATION.]

17 Sections 299C.66 to 299C.71 may be cited as the "Kari
18 Koskinen manager background check act."

19 Sec. 2. [299C.67] [DEFINITIONS.]

20 Subdivision 1. [TERMS.] The definitions in this section
21 apply to sections 299C.66 to 299C.71.

22 Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime"
23 means:

24 (a)(1) a felony violation of section 609.185 (first degree
25 murder); 609.19 (second degree murder); 609.20 (first degree
26 manslaughter); 609.221 (first degree assault); 609.222 (second
27 degree assault); 609.223 (third degree assault); 609.25
28 (kidnapping); 609.342 (first degree criminal sexual conduct);
29 609.343 (second degree criminal sexual conduct); 609.344 (third
30 degree criminal sexual conduct); 609.345 (fourth degree criminal
31 sexual conduct); 609.561 (first degree arson); or 609.749
32 (harassment and stalking);

33 (2) an attempt to commit a crime in clause (1); or

34 (3) a conviction for a crime in another jurisdiction that
35 would be a violation under clause (1) or an attempt under clause
36 (1) in this state; or

37 (b)(1) a felony violation of section 609.195 (third degree
38 murder); 609.205 (second degree manslaughter); 609.21 (criminal
39 vehicular homicide and injury); 609.2231 (fourth degree
40 assault); 609.224 (fifth degree assault); 609.24 (simple
41 robbery); 609.245 (aggravated robbery); 609.255 (false

1 imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2
2 (burglary); 609.713 (terroristic threats); or a nonfelony
3 violation of section 609.749 (harassment and stalking);
4 (2) an attempt to commit a crime in clause (1); or
5 (3) a conviction for a crime in another jurisdiction that
6 would be a violation under clause (1) or an attempt under clause
7 (1) in this state.

8 Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal
9 justice information system.

10 Subd. 4. [MANAGER.] "Manager" means an individual who is
11 hired or is applying to be hired by an owner and who has or
12 would have the means, within the scope of the individual's
13 duties, to enter tenants' dwelling units. "Manager" does not
14 include a person who is hired on a casual basis and not in the
15 ongoing course of the business of the owner.

16 Subd. 5. [OWNER.] "Owner" has the meaning given in section
17 566.18, subdivision 3. However, "owner" does not include a
18 person who owns, operates, or is in control of a health care
19 facility or a home health agency licensed by the commissioner of
20 health or human services under chapter 144, 144A, or 245A.

21 Subd. 6. [SUPERINTENDENT.] "Superintendent" means the
22 superintendent of the bureau of criminal apprehension.

23 Subd. 7. [TENANT.] "Tenant" has the meaning given in
24 section 566.18, subdivision 2.

25 Sec. 3. [299C.68] [BACKGROUND CHECKS ON MANAGERS.]

26 Subdivision 1. [WHEN REQUIRED.] Before hiring a manager,
27 an owner shall request the superintendent to conduct a
28 background check under this section. An owner may employ a
29 manager after requesting a background check under this section
30 before receipt of the background check report, provided that the
31 owner complies with section 299C.69. An owner may request a
32 background check for a currently employed manager under this
33 section. By August 1, 1996, an owner shall request the
34 superintendent to conduct a background check under this section
35 for managers hired before August 1, 1995, who are currently
36 employed.

1 Subd. 2. [PROCEDURES.] The superintendent shall develop
2 procedures to enable an owner to request a background check to
3 determine whether a manager is the subject of a reported
4 conviction for a background check crime. The superintendent
5 shall perform the background check by retrieving and reviewing
6 data on background check crimes maintained in the CJIS
7 computers. If the manager has resided in Minnesota for less
8 than five years or upon request of the owner, the superintendent
9 shall also conduct a search of the national criminal records
10 repository, including the criminal justice data communications
11 network. The superintendent is authorized to exchange
12 fingerprints with the Federal Bureau of Investigation for
13 purposes of the criminal history check. The superintendent
14 shall recover the cost of a background check through a fee
15 charged to the owner.

16 Subd. 3. [FORM.] The superintendent shall develop a
17 standardized form to be used for requesting a background check,
18 which must include:

19 (1) a notification to the manager that the owner will
20 request the superintendent to perform a background check under
21 this section;

22 (2) a notification to the manager of the manager's rights
23 under subdivision 4; and

24 (3) a signed consent by the manager to conduct the
25 background check.

26 If the manager has resided in Minnesota for less than five
27 years, or if the owner is requesting a search of the national
28 criminal records repository, the form must be accompanied by the
29 fingerprints of the manager on whom the background check is to
30 be performed.

31 Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify
32 the manager of the manager's rights under paragraph (b).

33 (b) A manager who is the subject of a background check
34 request has the following rights:

35 (1) the right to be informed that the owner will request a
36 background check on the manager to determine whether the manager

1 has been convicted of a crime specified in section 299C.67,
2 subdivision 2;

3 (2) the right to be informed by the owner of the
4 superintendent's response to the background check and to obtain
5 from the owner a copy of the background check report;

6 (3) the right to obtain from the superintendent any record
7 that forms the basis for the report;

8 (4) the right to challenge the accuracy and completeness of
9 information contained in the report or record under section
10 13.04, subdivision 4; and

11 (5) the right to be informed by the owner if the manager's
12 application to be employed by the owner or to continue as an
13 employee has been denied because of the result of the background
14 check.

15 Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall
16 respond to a background check request within a reasonable time
17 not to exceed ten working days after receiving the signed form
18 under subdivision 3. If a search is being done of the national
19 criminal records repository and that portion of the background
20 check is not completed, the superintendent shall notify the
21 owner that the background check is not complete and shall
22 provide that portion of the background check to the owner as
23 soon as it is available. The superintendent's response must
24 indicate whether the manager has ever been convicted of a
25 background check crime and, if so, a description of the crime,
26 date and jurisdiction of conviction, and date of discharge of
27 the sentence.

28 Subd. 6. [EQUIVALENT BACKGROUND CHECK.] (a) An owner may
29 satisfy the requirements of this section by obtaining a
30 background check from a private business or a local law
31 enforcement agency rather than the superintendent if the scope
32 of the background check provided by the private business or
33 local law enforcement agency is at least as broad as that of a
34 background check performed by the superintendent and the
35 response to the background check request occurs within a
36 reasonable time not to exceed ten working days after receiving

1 the signed form described in subdivision 3. Local law
2 enforcement agencies may access the criminal justice data
3 network to perform the background check.

4 (b) A private business or local law enforcement agency
5 providing a background check under this section must use a
6 notification form similar to the form described in subdivision
7 3, except that the notification form must indicate that the
8 background check will be performed by the private business or
9 local law enforcement agency using records of the superintendent
10 and other data sources.

11 Sec. 4. [299C.69] [OWNER DUTIES IF MANAGER CONVICTED OF
12 BACKGROUND CHECK CRIME.]

13 (a) If the superintendent's response indicates that the
14 manager has been convicted of a background check crime defined
15 in section 299C.67, subdivision 2, paragraph (a), the owner may
16 not hire the manager or, if the manager was hired pending
17 completion of the background check, shall terminate the
18 manager's employment. Except as provided in paragraph (c), if
19 an owner otherwise knows that a manager has been convicted of a
20 background check crime defined in section 299C.67, subdivision
21 2, paragraph (a), the owner shall terminate the manager's
22 employment.

23 (b) If the superintendent's response indicates that the
24 manager has been convicted of a background check crime defined
25 in section 299C.67, subdivision 2, paragraph (b), the owner may
26 not hire the manager unless more than ten years have elapsed
27 since the date of discharge of the sentence. If the manager was
28 hired pending completion of the background check, the owner
29 shall terminate the manager's employment unless more than ten
30 years have elapsed since the date of discharge of the sentence.
31 Except as provided in paragraph (c), if an owner otherwise knows
32 that a manager has been convicted of a background check crime
33 defined in section 299C.67, subdivision 2, paragraph (b), the
34 owner shall terminate the manager's employment unless more than
35 ten years have elapsed since the date of discharge of the
36 sentence.

1 (c) If an owner knows that a manager hired before August 1,
2 1995, was convicted of a background check crime for an offense
3 committed before August 1, 1995, the owner may continue to
4 employ the manager. However, the owner shall notify all tenants
5 and prospective tenants whose dwelling units would be accessible
6 to the manager of the crime for which the manager has been
7 convicted and of the right of a current tenant to terminate the
8 tenancy under this paragraph, if the manager was convicted of a
9 background check crime defined in:

10 (1) section 299C.67, subdivision 2, paragraph (a); or

11 (2) section 299C.67, subdivision 2, paragraph (b), unless
12 more than ten years have elapsed since the sentence was
13 discharged.

14 Notwithstanding a lease provision to the contrary, a
15 current tenant who receives a notice under this paragraph may
16 terminate the tenancy within 60 days of receipt of the notice by
17 giving the owner at least 14 days' advance notice of the
18 termination date.

19 (d) The owner shall notify the manager of any action taken
20 under this subdivision.

21 Sec. 5. [299C.70] [PENALTY.]

22 An owner who knowingly fails to comply with the
23 requirements of section 299C.68 or 299C.69 is guilty of a
24 misdemeanor.

25 Sec. 6. [299C.71] [BUREAU OF CRIMINAL APPREHENSION
26 IMMUNITY.]

27 The bureau of criminal apprehension is immune from any
28 civil or criminal liability that might otherwise arise under
29 section 299C.68, based on the accuracy or completeness of
30 records it receives from the Federal Bureau of Investigation, if
31 the bureau acts in good faith.

32 Sec. 7. [504.183] [TENANT'S RIGHT TO PRIVACY.]

33 Subdivision 1. [DEFINITIONS.] For purposes of this
34 section, the following terms have the meanings given them.

35 (a) "Building" has the meaning given in section 566.18,
36 subdivision 7.

1 (b) "Landlord" means the owner as defined in section
2 566.18, subdivision 3, the owner's agent, or other person acting
3 under the owner's direction and control.

4 (c) "Tenant" has the meaning given in section 566.18,
5 subdivision 2.

6 Subd. 2. [ENTRY BY LANDLORD.] A landlord may not enter the
7 premises rented by a tenant except:

8 (1) if specifically requested by the tenant;

9 (2) for a reasonable business purpose and after giving the
10 tenant reasonable notice under the circumstances of the intent
11 to enter; or

12 (3) as provided in subdivision 4.

13 A tenant may not waive and the landlord may not require the
14 tenant to waive the tenant's right to prior notice of entry
15 under this section as a condition of entering into or
16 maintaining the lease.

17 Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision
18 2, a reasonable business purpose includes:

19 (1) showing the unit to prospective tenants after the
20 current tenant has given notice to move to the owner or owner's
21 agent;

22 (2) performing maintenance work; and

23 (3) allowing inspections by state, county, or city
24 officials charged in the enforcement of health, housing,
25 building, fire prevention, or housing maintenance codes.

26 Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] (a)
27 Notwithstanding subdivision 2, a landlord may enter the premises
28 rented by a tenant without prior notice to the tenant if the
29 landlord reasonably believes that:

30 (1) immediate entry is necessary to prevent injury to
31 persons or property because of emergencies relating to
32 maintenance or building security;

33 (2) immediate entry is requested by a peace officer; or

4 (3) immediate entry is necessary to determine a tenant's
35 safety when requested to do so by a member of the tenant's
36 family or a friend of the tenant or if the tenant has requested

1 the landlord to monitor the tenant's safety.

2 (b) If the landlord enters the premises under this
3 subdivision when the tenant is not present, the landlord shall
4 disclose the entry by placing a written disclosure of the entry
5 in a conspicuous place in the premises.

6 Subd. 5. [PENALTY.] If a landlord violates this section,
7 the tenant is entitled to rescission of the lease, recovery of
8 any damage deposit less any proven damages to the rental
9 property, and a \$100 civil penalty for each violation. A tenant
10 shall follow the procedures in sections 566.18 to 566.33 to
11 enforce the provisions of this section."

12 Delete the title and insert:

13 "A bill for an act relating to public safety; requiring
14 owners of residential rental buildings to request criminal
15 background checks of managers; prohibiting owners from hiring or
16 continuing to employ certain individuals as managers and
17 requiring notices; requiring the superintendent of the bureau of
18 criminal apprehension to assist in the performance of the
19 background checks; limiting owner entry of residential
20 dwellings; imposing penalties; proposing coding for new law in
21 Minnesota Statutes, chapters 299C; and 504."

22 And when so amended the bill do pass and be re-referred to
23 the Committee on Jobs, Energy and Community Development.
24 Amendments adopted. Report adopted.

25 ..*Allan Spear*.....
26 (Committee Chair)
27

28 March 16, 1995.....
29 (Date of Committee recommendation)

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TO: Members of the Crime Prevention Committee

FROM: Kenneth P. Backhus, Senate Counsel (296-4396) - KPB -

DATE: March 13, 1995

RE: Summary of S.F. No. 98 (Merriam), Author's
Delete-Everything Amendment

Section 1 provides that sections 1 to 6 of the bill may be referred to as the "Kari Koskinen manager background check act."

Section 2 provides definitions for key terms used in sections 1 to 6 of the bill. Notably, subdivision 2 provides the list of background check crimes. Subdivision 4 defines "manager," subdivision 5 defines "owner," and subdivision 6 defines "tenant."

Section 3, subdivision 1 requires an owner to request that the superintendent of the Bureau of Criminal Apprehension perform a background check on a person before the owner hires that person as a manager. An owner may employ a manager after requesting a background check and before receipt of the background check as long as the owner complies with section 4 of the bill.

Subdivision 2 details the procedures that the superintendent shall follow with regard to background checks. Notably, if the manager has resided in Minnesota for less than five years, the superintendent is required to conduct a search of the national criminal records repository and is authorized to exchange fingerprints with the Federal Bureau of Investigation (FBI). The superintendent is also required to recover the cost of the background check from the owner.

Subdivision 3 requires the superintendent to develop a standardized form to be used for requesting a background check and specifies what the form must contain.

Subdivision 4 details the manager's rights and requires the owner to notify the manager of those rights. Specifically, the manager has the right to be informed that the owner will request the background check and of the superintendent's response to the background check, to obtain from the owner a copy of the background check report, to obtain from the superintendent any record that forms the basis for the report, to challenge the accuracy and completeness of the information contained in

the report and to be informed by the owner if the manager's application has been denied based on the background check.

Subdivision 5 requires the superintendent to respond to a request for a background check within a reasonable time (no more than ten working days). If the search is being done of the national criminal records repository and that portion of the background check is not complete, then the superintendent shall notify the owner that the background check is not complete and provide that portion of the background check as soon as possible. The superintendent's response must indicate whether the manager has ever been convicted of a background check crime, and if so, give certain information about the crime.

Section 4 forbids an owner from hiring a manager if the superintendent's response indicates that the manager has been convicted of a background check crime. If the manager is hired pending completion of the background check and the check shows a conviction, the owner shall terminate the manager's employment. An owner who knows that a manager who was hired before August 1, 1995, was convicted of a background check crime for an offense committed before August 1, 1995, may continue to employ the manager only if the owner notifies all tenants and prospective tenants of the crime for which the manager has been convicted and of the right of a tenant to terminate the tenancy. The section further provides that a current tenant receiving such a notice may terminate the tenancy within 60 days of the receipt of the notice by giving at least 14 days' advance notice.

Section 5 provides that an owner who knowingly fails to comply with the requirements of the act is guilty of a misdemeanor.

Section 6 provides that if the Bureau of Criminal Apprehension, if acting in good faith, is immune from any criminal or civil liability that might arise based on the accuracy or completeness of the records it receives from the FBI.

Section 7 contains the tenants' right to privacy.

Section 7, subdivision 1 defines terms used in section 7.

Subdivision 2 restricts a landlord's right to enter premises rented by a tenant unless certain circumstances exist and provides that a tenant may not waive and a landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section.

Subdivision 3 describes what a reasonable business purpose includes for the purposes of subdivision 2.

Subdivision 4 describes the circumstances in which a landlord may enter the premises rented to a tenant without prior notice. If the landlord enters the premises under this subdivision when a tenant is not present, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subdivision 5 provides that if a landlord violates this section, the tenant is entitled to a rescission of the lease, recovery of any damage deposit, and a \$100 penalty for each violation.

KPB:cg

1 M. *Merriam*... moves to amend S.F. No. 98 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [299C.66] [CITATION.]

4 Sections 299C.66 to 299C.71 may be cited as the "Kari

5 Koskinen manager background check act."

6 Sec. 2. [299C.67] [DEFINITIONS.]

7 Subdivision 1. [TERMS.] The definitions in this section

8 apply to sections 299C.66 to 299C.71.

9 Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime"

10 means:

11 (1) a felony violation of section 609.185 (first-degree

12 murder); 609.19 (second-degree murder); 609.195 (third-degree

13 murder); 609.20 (first-degree manslaughter); 609.205

14 (second-degree manslaughter); 609.21 (criminal vehicular

15 homicide and injury); 609.221 (first-degree assault); 609.222

16 (second-degree assault); 609.223 (third-degree assault);

17 609.2231 (fourth-degree assault); 609.224 (fifth-degree

18 assault); 609.24 (simple robbery); 609.245 (aggravated robbery);

19 609.25 (kidnapping); 609.255 (false imprisonment); 609.342

20 (first-degree criminal sexual conduct); 609.343 (second-degree

21 criminal sexual conduct); 609.344 (third-degree criminal sexual

22 conduct); 609.345 (fourth-degree criminal sexual conduct);

23 609.52 (theft); 609.561 (first-degree arson); 609.582,

24 subdivision 1 or 2 (burglary); or 609.713 (terroristic threats);

25 (2) a violation of section 609.749 (harassment and

26 stalking);

27 (3) an attempt to commit a crime in clause (1) or (2); or

28 (4) a conviction for a crime in another jurisdiction that

29 would be a violation under clause (1) or (2) or an attempt under

30 clause (1) or (2) in this state.

31 Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal

32 justice information system.

33 Subd. 4. [MANAGER.] "Manager" means an individual who is

34 hired ^{or is applying to be hired} by an owner and who has or would have the means, within

35 the scope of the individual's duties, to enter tenants' dwelling

36 units. "Manager" does not include a person who is hired on a

1 casual basis and not in the ongoing course of the business of
2 the owner.

3 Subd. 5. [OWNER.] "Owner" has the meaning given in section
4 566.18, subdivision 3.

5 Subd. 6. [SUPERINTENDENT.] "Superintendent" means the
6 superintendent of the bureau of criminal apprehension.

7 Subd. 7. [TENANT.] "Tenant" has the meaning given in
8 section 566.18, subdivision 2.

9 Sec. 3. [299C.68] [BACKGROUND CHECKS ON MANAGERS.]

10 Subdivision 1. [WHEN REQUIRED.] Before hiring a manager,
11 an owner shall request the superintendent to conduct a
12 background check under this section. An owner may employ a
13 manager after requesting a background check under this section
14 before receipt of the background check report, provided that the

15 owner complies with section 299C.69. *An owner may request a background check for a currently employed manager under this section.*

16 Subd. 2. [PROCEDURES.] The superintendent shall develop
17 procedures to enable an owner to request a background check to
18 determine whether a manager is the subject of reported
19 conviction for a background check crime. The superintendent
20 shall perform the background check by retrieving and reviewing
21 data on background check crimes maintained in the CJIS
22 computers. If the manager has resided in Minnesota for less

23 than five years, *or upon request of the owner* the superintendent shall also conduct a search
24 of the national criminal records repository, including the
25 criminal justice data communications network. The
26 superintendent is authorized to exchange fingerprints with the
27 Federal Bureau of Investigation for purposes of the criminal
28 history check. The superintendent shall recover the cost of a
29 background check through a fee charged to the owner.

30 Subd. 3. [FORM.] The superintendent shall develop a
31 standardized form to be used for requesting a background check,
32 which must include:

33 (1) a notification to the manager that the owner will
34 request the superintendent to perform a background check under
35 this section;

36 (2) a notification to the manager of the manager's rights

1 under subdivision 4; and

2 (3) a signed consent by the manager to conduct the
3 background check.

4 If the manager has resided in Minnesota for less than five
5 years, the form must be accompanied by the fingerprints of the
6 manager on whom the background check is to be performed.

7 Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify
8 the manager of the manager's rights under paragraph (b).

9 (b) A manager who is the subject of a background check
10 request has the following rights:

11 (1) the right to be informed that the owner will request a
12 background check on the manager to determine whether the manager
13 has been convicted of a crime specified in section 299C.67,
14 subdivision 2;

15 (2) the right to be informed by the owner of the
16 superintendent's response to the background check and to obtain
17 from the owner a copy of the background check report;

18 (3) the right to obtain from the superintendent any record
19 that forms the basis for the report;

20 (4) the right to challenge the accuracy and completeness of
21 information contained in the report or record under section
22 13.04, subdivision 4; and

23 (5) the right to be informed by the owner if the manager's
24 application to be employed by the owner or to continue as an
25 employee has been denied because of the result of the background
26 check.

27 Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall
28 respond to a background check request within a reasonable time
29 not to exceed ten working days after receiving the signed form
30 under subdivision 3. If a search is being done of the national
31 criminal records repository and that portion of the background
32 check is not completed, the superintendent shall notify the
33 owner that the background check is not complete and shall
34 provide that portion of the background check to the owner as
35 soon as it is available. The superintendent's response must
36 indicate whether the manager has ever been convicted of a

1 background check crime and, if so, a description of the crime,
2 date and jurisdiction of conviction, and date of discharge of
3 the sentence.

4 Sec. 4. [299C.69] [OWNER DUTIES IF MANAGER CONVICTED OF
5 BACKGROUND CHECK CRIME.]

6 (a) If the superintendent's response indicates that the
7 manager has been convicted of a background check crime, the
8 owner may not hire the manager or, if the manager was hired
9 pending completion of the background check, shall terminate the
10 manager's employment. Except as provided in paragraph (b), if
11 an owner otherwise knows that a manager has been convicted of a
12 background check crime, the owner shall terminate the manager's
13 employment.

14 (b) If an owner knows that a manager hired before August
15 1, 1995, was convicted of a background check crime for an
16 offense committed before August 1, 1995, the owner may continue
17 to employ the manager, if the owner notifies all tenants and
18 prospective tenants whose dwelling units would be accessible to
19 the manager of the crime for which the manager has been
20 convicted and of the right of a current tenant to terminate the
21 tenancy under this paragraph. Notwithstanding a lease provision
22 to the contrary, a current tenant who receives a notice under
23 this paragraph may terminate the tenancy within 60 days of
24 receipt of the notice by giving the owner at least 14 days
25 advance notice of the termination date.

26 (c) The owner shall notify the manager of any action taken
27 under this subdivision.

28 Sec. 5. [299C.70] [PENALTY.]

29 An owner who knowingly fails to comply with the
30 requirements of section 299C.68 or 299C.69 is guilty of a
31 misdemeanor.

32 Sec. 6. [299C.71] [BUREAU OF CRIMINAL APPREHENSION
33 IMMUNITY.]

34 The bureau of criminal apprehension is immune from any
35 civil or criminal liability that might otherwise arise under
36 section 299C.68, based on the accuracy or completeness of

1 records it receives from the Federal Bureau of Investigation, if
2 the bureau acts in good faith.

3 Sec. 7. [504.183] [TENANT'S RIGHT TO PRIVACY.]

4 Subdivision 1. [DEFINITIONS.] For purposes of this
5 section, the following terms have the meanings given them.

6 (a) "Building" has the meaning given in section 566.18,
7 subdivision 7.

8 (b) "Landlord" means the owner as defined in section
9 566.18, subdivision 3, the owner's agent, or other person acting
10 under the owner's direction and control.

11 (c) "Tenant" has the meaning given in section 566.18,
12 subdivision 2.

13 Subd. 2. [ENTRY BY LANDLORD.] A landlord may not enter the
14 premises rented by a tenant except:

15 (1) if specifically requested by the tenant;

16 (2) for a reasonable business purpose and after giving the
17 tenant reasonable notice under the circumstances of the intent
18 to enter; or

19 (3) as provided in subdivision 4.

20 A tenant may not waive and the landlord may not require the
21 tenant to waive the tenant's right to prior notice of entry
22 under this section as a condition of entering into or
23 maintaining the lease.

24 Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision
25 2, a reasonable business purpose includes:

26 (1) showing the unit to prospective tenants after the
27 current tenant has given notice to move to the owner or owner's
28 agent;

29 (2) performing maintenance work; and

30 (3) allowing inspections by state, county, or city
31 officials charged in the enforcement of health, housing,
32 building, fire prevention, or housing maintenance codes.

33 Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] (a)
34 Notwithstanding subdivision 2, a landlord may enter the premises
35 rented by a tenant without prior notice to the tenant if the
36 landlord reasonably believes that:

1 (1) immediate entry is necessary to prevent injury to
2 persons or property because of emergencies relating to
3 maintenance or building security;
4 (2) immediate entry is requested by a peace officer; or
5 (3) immediate entry is necessary to determine a tenant's
6 safety when requested to do so by a member of the tenant's
7 family or a friend of the tenant or if the tenant has requested
8 the landlord to monitor the tenant's safety.

9 (b) If the landlord enters the premises under this
10 subdivision when the tenant is not present, the landlord shall
11 disclose the entry by placing a written disclosure of the entry
12 in a conspicuous place in the premises.

13 Subd. 5. [PENALTY.] If a landlord violates this section,
14 the tenant is entitled to rescission of the lease, recovery of
15 any damage deposit less any proven damages to the rental
16 property, and a \$100 civil penalty for each violation. A tenant
17 shall follow the procedures in sections 566.18 to 566.33 to
18 enforce the provisions of this section."

19 Delete the title and insert:

20 "A bill for an act
21 relating to public safety; requiring owners of
22 residential rental buildings to request criminal
23 background checks of managers; prohibiting owners from
24 hiring or continuing to employ certain individuals as
25 managers and requiring notices; requiring the
26 superintendent of the bureau of criminal apprehension
27 to assist in the performance of the background checks;
28 limiting owner entry of residential dwellings;
29 imposing penalties; proposing coding for new law in
30 Minnesota Statutes, chapters 299C and 504."

Senators Merriam, Reichgott Junge, Marty, Novak and Neuville introduced--
S. F. No. 98 Referred to the Committee on Crime Prevention

1 A bill for an act

2 relating to public safety; requiring landlords of
3 residential rental buildings to conduct a criminal
4 conviction background check of individuals employed as
5 building managers or caretakers; requiring criminal
6 background checks for individuals employed as managers
7 or caretaking employees in manufactured park homes;
8 requiring 24-hour oral or written notice before entry
9 of certain buildings used as dwellings, including
10 apartments and manufactured homes; prescribing
11 penalties; proposing coding for new law in Minnesota
12 Statutes, chapters 327; and 504.

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

14 Section 1. [327.235] [MANUFACTURED HOME/PARK MANAGERS AND
15 EMPLOYEES; CRIMINAL BACKGROUND CHECK.]

16 Subdivision 1. [DEFINITION.] As used in this section,
17 "park manager or other employee" means an individual:

18 (1) who is employed by a primary licensee to perform
19 day-to-day management or caretaking tasks in a manufactured home
20 park; and

21 (2) who has the authority or means within the course of the
22 individual's employment, to enter a manufactured park home.

23 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] A person,
24 firm, or corporation holding a primary license to maintain,
25 conduct, or operate a manufactured home park that employs or
26 seeks to employ a park manager or other employee shall
27 investigate the individual's criminal conviction data classified
28 as public under section 13.87.

29 Subd. 3. [VIOLENT CRIME.] If a background check required

1 by this section reveals that a person seeking employment as a
2 manager or other employee in a manufactured home park has been
3 convicted of a violent crime as defined in section 609.152,
4 subdivision 1, paragraph (d), the person or entity if it employs
5 that person, as a manager or employee, may not allow that person
6 to have access to manufactured homes unless accompanied by a
7 designated person. A violation of this subdivision is a
8 misdemeanor.

9 Sec. 2. [504.183] [TENANT'S RIGHT TO PRIVACY.]

10 Subdivision 1. [DEFINITIONS.] For purposes of this
11 section, the following terms have the meanings given them.

12 (a) "Building" has the meaning given in section 566.18,
13 subdivision 7.

14 (b) "Owner" has the meaning given in section 566.18,
15 subdivision 3.

16 (c) "Tenant" has the meaning given in section 566.18,
17 subdivision 2.

18 Subd. 2. [REASONABLE PURPOSE.] An owner, owner's agent, or
19 other person acting under the owner's direction and control may
20 not enter the premises rented by a tenant without a reasonable
21 purpose.

22 Subd. 3. [NOTICE REQUIRED.] (a) Whenever an owner's agent
23 or person acting under the owner's direction and control intends
24 to enter the premises rented by a tenant, except as provided
25 under paragraph (b), the person intending to enter shall notify
26 the tenant orally or in writing at least 24 hours prior to
27 entry. The tenant does not have to be present when notice is
28 given.

29 (b) The 24-hour notice requirement specified in paragraph
30 (a) does not apply when entry is for:

31 (1) emergencies for maintenance or law enforcement
32 purposes;

33 (2) showing a building to prospective tenants after the
34 current tenant has given notice to move to the owner or owner's
35 agent; or

36 (3) maintenance work requested by the tenant.

1 (c) When entry is required in cases listed in paragraph
2 (b), if the owner, owner's agent, or other person acting under
3 the owner's direction and control has been unable to notify the
4 tenant, after making a good faith and reasonable effort, it
5 shall be sufficient for the person making the entry to disclose
6 that entry was made by placing a written disclosure in a
7 conspicuous place in the premises.

8 Subd. 4. [PENALTY.] (a) Entering the premises without
9 giving the tenant at least 24 hours' notice, except as provided
10 in subdivision 3, paragraph (b), shall constitute trespass, as
11 defined in section 609.605.

12 Sec. 3. [504.37] [APARTMENT MANAGERS; CRIMINAL BACKGROUND
13 CHECK REQUIRED.]

14 Subdivision 1. [DEFINITIONS.] As used in this section, the
15 following terms have the meanings given in this subdivision.

16 (a) "Manager" or "other caretaking employee" means an
17 individual:

18 (1) who is employed by an owner to perform day-to-day
19 management or caretaking tasks in a residential rental building
20 or on residential rental premises; and

21 (2) who has the authority or the means, within the course
22 of the individual's employment, to enter tenants' or owners'
23 dwelling unit located in the building.

24 (b) "Owner" has the meaning given in section 566.18,
25 subdivision 3.

26 (c) "Tenant" has the meaning given in section 566.18,
27 subdivision 2.

28 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] An owner
29 that employs or seeks to employ a manager or other caretaking
30 employee shall investigate the individual's criminal conviction
31 record by inspecting criminal conviction data classified as
32 public under section 13.87.

33 Subd. 3. [VIOLENT CRIMINALS.] If a background check
34 required by this section reveals that a person seeking
35 employment as a manager or other caretaking employee has been
36 convicted of a violent crime, as defined in section 609.152,

1 subdivision 1, paragraph (d), the owner, manager, or employer
2 responsible for a residential building or facility may not allow
3 the caretaker or employee to have access to occupied residential
4 units or rooms unless the caretaker or employee is accompanied
5 by a designated person. A violation of this subdivision is a
6 misdemeanor.

7 Sec. 4. [EFFECTIVE DATE.]

8 Sections 1 and 3 are effective August 1, 1995, and apply to
9 crimes committed on or after that date. Section 2 is effective
10 for oral and written leases entered into or renewed on or after
11 August 1, 1995.

3-16-95

Adopted

03/16/95

[COUNSEL] KPB

SCS0098A-4

1 M. Merriam..... moves to amend the delete-everything
2 amendment (SCS0098A-1) to S.F. No. 98 as follows:

3 Page 2, line 4, after the period, insert "However, "owner"
4 does not include a person who owns, operates, or is in control
5 of a health care facility or a home health agency licensed by
6 the commissioner of health or human services under chapter 144,
7 144A, or 245A."

5-16-95

Adopted

03/16/95

[COUNSEL] KPB SCS0098A-6

1 M. Merriman moves to amend the delete-everything
 2 amendment (SCS0098A-1) to S.F. No. 98 as follows:
 3 Page 1, delete lines 11 to 30 and insert:
 4 "(a)(1) a felony violation of section 609.185 (first-degree
 5 murder); 609.19 (second-degree murder); 609.20 (first-degree
 6 manslaughter); 609.221 (first-degree assault); 609.222
 7 (second-degree assault); 609.223 (third-degree assault); 609.25
 8 (kidnapping); 609.342 (first-degree criminal sexual conduct);
 9 609.343 (second-degree criminal sexual conduct); 609.344
 10 (third-degree criminal sexual conduct); 609.345 (fourth-degree
 11 criminal sexual conduct); 609.561 (first-degree arson); or
 12 609.749 (harassment and stalking);
 13 (2) an attempt to commit a crime in clause (1); or
 14 (3) a conviction for a crime in another jurisdiction that
 15 would be a violation under clause (1) or an attempt under clause
 16 (1) in this state; or
 17 (b)(1) a felony violation of section 609.195 (third-degree
 18 murder); 609.205 (second-degree manslaughter); 609.21 (criminal
 19 vehicular homicide and injury); 609.2231 (fourth-degree
 20 assault); 609.224 (fifth-degree assault); 609.24 (simple
 21 robbery); 609.245 (aggravated robbery); 609.255 (false
 22 imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2
 23 (burglary); 609.713 (terroristic threats); or a nonfelony
 24 violation of section 609.749 (harassment and stalking);
 25 (2) an attempt to commit a crime in clause (1); or
 26 (3) a conviction for a crime in another jurisdiction that
 27 would be a violation under clause (1) or an attempt under clause
 28 (1) in this state."
 29 Page 2, line 15, after "section." insert "By August 1,
 30 1996, an owner shall request the superintendent to conduct a
 31 background check under this section for managers hired before
 32 August 1, 1995, who are currently employed."
 33 Page 4, delete lines 6 to 27 and insert:
 34 "(a) If the superintendent's response indicates that the
 35 manager has been convicted of a background check crime defined
 36 in section 299C.67, subdivision 2, paragraph (a), the owner may

1 not hire the manager or, if the manager was hired pending
2 completion of the background check, shall terminate the
3 manager's employment. Except as provided in paragraph (c), if
4 an owner otherwise knows that a manager has been convicted of a
5 background check crime defined in section 299C.67, subdivision
6 2, paragraph (a), the owner shall terminate the manager's
7 employment.

8 (b) If the superintendent's response indicates that the
9 manager has been convicted of a background check crime defined
10 in section 299C.67, subdivision 2, paragraph (b), the owner may
11 not hire the manager unless more than ten years have elapsed
12 since the date of discharge of the sentence. If the manager was
13 hired pending completion of the background check, the owner
14 shall terminate the manager's employment unless more than ten
15 years have elapsed since the date of discharge of the sentence.
16 Except as provided in paragraph (c), if an owner otherwise knows
17 that a manager has been convicted of a background check crime
18 defined in section 299C.67, subdivision 2, paragraph (b), the
19 owner shall terminate the manager's employment unless more than
20 ten years have elapsed since the date of discharge of the
21 sentence.

22 (c) If an owner knows that a manager hired before August 1,
23 1995, was convicted of a background check crime for an offense
24 committed before August 1, 1995, the owner may continue to
25 employ the manager. However, the owner shall notify all tenants
26 and prospective tenants whose dwelling units would be accessible
27 to the manager of the crime for which the manager has been
28 convicted and of the right of a current tenant to terminate the
29 tenancy under this paragraph, if the manager was convicted of a
30 background check crime defined in:

31 (1) section 299C.67, subdivision 2, paragraph (a); or
32 (2) section 299C.67, subdivision 2, paragraph (b), unless
33 more than ten years have elapsed since the sentence was
34 discharged.

35 Notwithstanding a lease provision to the contrary, a
36 current tenant who receives a notice under this paragraph may

03/16/95

[COUNSEL] KPB

SCS0098A-6

- 1 terminate the tenancy within 60 days of receipt of the notice by
- 2 giving the owner at least 14 days advance notice of the
- 3 termination date.
- 4 (c) The owner shall notify the manager of any action taken
- 5 under this subdivision."

3-16-95

Adopted

03/16/95

[COUNSEL] KPB

SCS0098A-7

1 M. Merriam... moves to amend the delete-everything
2 amendment (SCS0098A-1) to S.F. No. 98 as follows:

3 Page 4, after line 3, insert:

4 "Subd. 6. [EQUIVALENT BACKGROUND CHECK.] (a) An owner may
5 satisfy the requirements of this section by obtaining a
6 background check from a private business or a local law
7 enforcement agency rather than the superintendent if the scope
8 of the background check provided by the private business or
9 local law enforcement agency is at least as broad as that of a
10 background check performed by the superintendent and the
11 response to the background check request occurs within a
12 reasonable time not to exceed ten working days after receiving
13 the signed form described in subdivision 3. Local law
14 enforcement agencies may access the criminal justice data
15 network to perform the background check.

16 (b) A private business or local law enforcement agency
17 providing a background check under this section must use a
18 notification form similar to the form described in subdivision
19 3, except that the notification form must indicate that the
20 background check will be performed by the private business or
21 local law enforcement agency using records of the superintendent
22 and other data sources."

3-16-95

Adopted

03/16/95

[COUNSEL]

KPB

SCS0098A-8

1 M. *Merriam*..... moves to amend the delete-everything
2 amendment (SCS0098A-1) to S.F. No. 98 as follows:

3 Page 2, line 18, after "of" insert "a"

4 Page 3, line 5, after the comma, insert "or if the owner is
5 requesting a search of the national criminal records repository,"

1 M..... moves to amend the delete-everything
2 amendment (SCS0098A-1) to S.F. No. 98 as follows:

3 Page 1, delete section 1

4 Page 4, delete lines 6 to 13

5 Page 4, line 14, delete "(b) If" and insert "(a) If" and
6 delete "hired before August"

7 Page 4, line 15, delete "1, 1995," and delete "for an"

8 Page 4, line 16, delete "offense committed before August 1,
9 1995" and after "may" insert "hire or"

10 Page 4, line 20, after "convicted" insert ", the date of
11 the conviction," and delete "terminate the"

12 Page 4, line 21, delete "tenancy" and insert "void the
13 lease" and after the period, insert "Notice to the tenant must
14 be in writing and delivered to each tenant and prospective
15 tenant. Written leases entered into on or after August 1, 1995,
16 must contain a provision allowing tenants to void the lease if
17 the tenant is notified that a manager has been convicted of a
18 background check crime."

19 Page 4, line 26, delete "(c)" and insert "(b)"

20 Page 5, after line 2, insert:

21 "Sec. 6. [299C.72] [OWNER'S LIABILITY.]

22 Sections 299C.66 to 299C.71 do not relieve an owner of any
23 common law liability to a tenant who chooses to remain in the
24 premises after notification."

25 Renummer the sections in sequence and correct the internal
26 references

27 Amend the title accordingly

Page 6, line 5, delete "Section 3 is effective for taxable years beginning after"

Page 6, line 6, delete "December 31, 1995." and delete "9" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete from "requiring" through page 1, line 5, to "programs;"

Page 1, line 7, delete "requiring" and insert "authorizing"

Page 1, line 11, delete "appropriating money;"

Page 1, lines 12 and 13, delete "171.07, subdivisions 1 and 3a;"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was re-referred

S.F. No. 98: A bill for an act relating to public safety; requiring owners of residential rental buildings to request criminal background checks of managers; prohibiting owners from hiring or continuing to employ certain individuals as managers and requiring notices; requiring the superintendent of the bureau of criminal apprehension to assist in the performance of the background checks; limiting owner entry of residential dwellings; imposing penalties; proposing coding for new law in Minnesota Statutes, chapters 299C; and 504.

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

Page 6, after line 30, insert:

"(e) If an owner is required to terminate a manager's employment under paragraph (a) or (b), or terminates a manager's employment in lieu of notifying tenants under paragraph (c), the owner is not liable under any law, contract, or agreement, including liability for unemployment compensation claims, for terminating the manager's employment in accordance with this section. Notwithstanding a lease or agreement governing termination of the tenancy, if the manager whose employment is terminated is also a tenant, the owner may terminate the tenancy immediately upon giving notice to the manager. An unlawful detainer action to enforce the termination of the tenancy must be treated as a priority writ under sections 566.05, 566.07, 566.09, subdivision 1, 566.16, subdivision 2, and 566.17, subdivision 1a."

Pages 7 and 8, delete section 7

Amend the title as follows:

Page 1, delete line 9

Page 1, line 11, delete "chapters" and insert "chapter" and delete "; and 504"

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

Ms. Flynn from the Committee on Judiciary, to which was re-referred

S.F. No. 1134: A bill for an act relating to financial institutions; regulating notices; electronic financial terminals, mergers with subsidiaries, the powers and duties of the commissioner of commerce, reporting and records requirements, lending powers, data classification, the powers and duties of institutions, detached facilities, interstate banking, and pawnbrokers; making technical changes; regulating mortgage prepayments; allowing written waivers of the right to prepay without penalty under certain circumstances; clarifying definition of franchise; permitting a delinquency and collection charge; amending Minnesota Statutes 1994, sections 46.04, subdivision 1, and by adding a subdivision; 46.041, subdivisions 1 and 4; 46.046, subdivision 1; 46.048, subdivision 1, and by adding subdivisions; 47.10, subdivision 3; 47.11; 47.20,

JOBS ENERGY & COMMUNITY DEVELOPMENT

Thursday, March 30, 1995

10:00 - 12:00

Room 107 - State Capitol

MEMBERS PRESENT

Senator S. Novak
Senator J. Johnson
Senator E. Anderson
Senator K. Chandler
Senator F. Chmielewski
Senator S. Dille
Senator D. Frederickson
Senator D. Johnson
Senator R. Kelly
Senator C. Kroening
Senator A. Lesewski
Senator W. Limmer
Senator J. Metzen
Senator L. Runbeck

MEMBERS EXCUSED

Endnote S6

Senator Novak called the meeting to order at 10:30 a.m.

Senator Anderson, chief author of S.F. 1231 which would regulate utility disconnections during cold weather, summarized her bill for the committee.

(Handout # 1 - Summary of S.F. 1231 - Bill Riemerman)
(Handout # 2 - NSP Bill Paying Assistance and Resource Directory)
(Handout # 3 - Testimony of Red Arndt)
(Handout # 4 - Total Charge - Offs)
(Handout # 5 - Remarks by Ron Grosse - WI Public Service Corporation)

MOTION:

Senator Anderson moved to put the 1231A-2 amendment before the committee.

Motion passed.

MOTION:

A motion was made to amend the A-2 amendment as follows:

Page 2

Page 2 line 13 strike "250" insert "185"
Page 2 line 2 delete "f" making the word "of"

Motion passed.

Testifying in support:

Ronald K. Grosse - Wisconsin Public Service Corporation

Testifying in opposition:

Lennis Arndt - Utilities Coordinator - Luverne
Sue Ganser - NSP

MOTION:

Senator DJohnson moved to amend the A-2 as follows:

Include co-ops and municipal.

Does not pass.

MOTION:

A motion was made that S.F. 1231 as amended be recommended to pass.

A division was called.

7 nays
5 yeas

Motion does not pass.

Senator Merriam, chief author of S.F. 98 relating to public safety requiring owners of residential rental buildings to request criminal background checks of managers explained his bill to the committee.

(Handout # 6 - Summary of S.F. 98 - Bill Riemerman)
(Handout # 7 - Maryland Park managers, tenants determined to curb apartment complex crime)
(Handout # 8 - Raising the Rent)
(Handout # 9 - HOME line)
(Handout # 10- Letter to Sen. Merriam from Attorney General Hubert Humphrey)

Testifying in support:

LuAnn Koskinen - citizen

Page 3

Testifying in opposition:

Diane Wilhelmson - Dayton's Bluff crime prevention specialist

Testifying from a neutral position:

Kirby Beck - Police officer - Coon Rapids
Ron Dody - Apartment manager - Bloomington

Testifying in opposition:

Jess Sanders - property manager - Coon Rapids
Dorothy Nelson - on-site manager
Sheila Elton - on-site manager
Prudence Meredith - Small apartment manager

Testifying in support:

Doug Clark - St. Cloud area legal services
Beth Kodluboy - HOME line - Suburban Hennepin County
Rich Neumeister - citizen
Jack Horner - MN Multi-Housing Association - exclude Section 7

MOTION:

Senator JJohnson moved to put the A-14 amendment before the committee.

Motion passed.

MOTION:

Senator Limmer moved to amend the A-14 amendment as follows:

Page 1 line 6 after "agreement" insert ", including liability for unemployment compensation claims"

Motion passed.

MOTION:

Senator Frederickson moved to delete Section 7.

Motion passed.

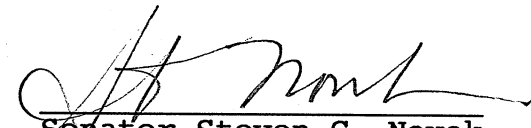
Page 4

MOTION:

Senator Frederickson moved that S.F. 98 as amended be recommended to pass to the floor.

Motion passed.

The meeting adjourned at 12:00 noon. The proceedings were taped and the materials distributed are attached to these minutes.


Senator Steven G. Novak
Chairman


Jeri Wenzel
Secretary



SENATE COMMITTEE MEETING

The Committee on Jobs, Energy & Community Development

MEETING NOTICE

Thursday, March 30, 1995

10:00 - 12:00

Room 107 State Capitol

AGENDA

REVISED

REVISED

REVISED

1. S.F. 98 MERRIAM - Background check of landlords of residential rental buildings

Testifying:

LuAnn Koskinen

Diana Wilhelmson - Daytons Bluff Community

Kirby Beck - Police Officer - Coon Rapids

Ron Dody - Apartment manager - Bloomington

Doug Clark - St. Cloud Area Legal Services

Beth Kodluboy - Homeline - Suburban Hennepin County

Rich Neumeister

Jack Horner - Minnesota Multi-Housing Association

2. S.F. 1231 ANDERSON - Cold weather rule

Testifying:

Pam Marshall - Energy CENTS

Ron Grosse - Wisconsin Public Service Corporation

Marcia King - Citizen

Pam Tinter - Suburban Alliance

Dolores Simdorn - Ottertail

Lennis Arndt - Utilities Coordinator - Luverne

Sue Ganser - NSP

3. S.F. 1061 ANDERSON Landlord tenant

Testifying:

Jack Horner - Minnesota Multi-Housing Association

4. S.F. 870 HANSON - Elevator safety department bill

Senator Steven G. Novak
Chairman

Jeri Wenzel
Secretary

1 A bill for an act

2 relating to public safety; requiring owners of
3 residential rental buildings to request criminal
4 background checks of managers; prohibiting owners from
5 hiring or continuing to employ certain individuals as
6 managers and requiring notices; requiring the
7 superintendent of the bureau of criminal apprehension
8 to assist in the performance of the background checks;
9 limiting owner entry of residential dwellings;
10 imposing penalties; proposing coding for new law in
11 Minnesota Statutes, chapters 299C; and 504.

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

13 Section 1. [299C.66] [CITATION.]

14 Sections 299C.66 to 299C.71 may be cited as the "Kari
15 Koskinen manager background check act."

16 Sec. 2. [299C.67] [DEFINITIONS.]

17 Subdivision 1. [TERMS.] The definitions in this section
18 apply to sections 299C.66 to 299C.71.

19 Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime"
20 means:

21 (a)(1) a felony violation of section 609.185 (first degree
22 murder); 609.19 (second degree murder); 609.20 (first degree
23 manslaughter); 609.221 (first degree assault); 609.222 (second
24 degree assault); 609.223 (third degree assault); 609.25
25 (kidnapping); 609.342 (first degree criminal sexual conduct);
26 609.343 (second degree criminal sexual conduct); 609.344 (third
27 degree criminal sexual conduct); 609.345 (fourth degree criminal
28 sexual conduct); 609.561 (first degree arson); or 609.749

1 (harassment and stalking);

2 (2) an attempt to commit a crime in clause (1); or

3 (3) a conviction for a crime in another jurisdiction that
4 would be a violation under clause (1) or an attempt under clause
5 (1) in this state; or

6 (b)(1) a felony violation of section 609.195 (third degree
7 murder); 609.205 (second degree manslaughter); 609.21 (criminal
8 vehicular homicide and injury); 609.2231 (fourth degree
9 assault); 609.224 (fifth degree assault); 609.24 (simple
10 robbery); 609.245 (aggravated robbery); 609.255 (false
11 imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2
12 (burglary); 609.713 (terroristic threats); or a nonfelony
13 violation of section 609.749 (harassment and stalking);

14 (2) an attempt to commit a crime in clause (1); or

15 (3) a conviction for a crime in another jurisdiction that
16 would be a violation under clause (1) or an attempt under clause
17 (1) in this state.

18 Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal
19 justice information system.

20 Subd. 4. [MANAGER.] "Manager" means an individual who is
21 hired or is applying to be hired by an owner and who has or
22 would have the means, within the scope of the individual's
23 duties, to enter tenants' dwelling units. "Manager" does not
24 include a person who is hired on a casual basis and not in the
25 ongoing course of the business of the owner.

26 Subd. 5. [OWNER.] "Owner" has the meaning given in section
27 566.18, subdivision 3. However, "owner" does not include a
28 person who owns, operates, or is in control of a health care
29 facility or a home health agency licensed by the commissioner of
30 health or human services under chapter 144, 144A, or 245A.

31 Subd. 6. [SUPERINTENDENT.] "Superintendent" means the
32 superintendent of the bureau of criminal apprehension.

33 Subd. 7. [TENANT.] "Tenant" has the meaning given in
34 section 566.18, subdivision 2.

35 Sec. 3. [299C.68] [BACKGROUND CHECKS ON MANAGERS.]

36 Subdivision 1. [WHEN REQUIRED.] Before hiring a manager,

1 an owner shall request the superintendent to conduct a
2 background check under this section. An owner may employ a
3 manager after requesting a background check under this section
4 before receipt of the background check report, provided that the
5 owner complies with section 299C.69. An owner may request a
6 background check for a currently employed manager under this
7 section. By August 1, 1996, an owner shall request the
8 superintendent to conduct a background check under this section
9 for managers hired before August 1, 1995, who are currently
10 employed.

11 Subd. 2. [PROCEDURES.] The superintendent shall develop
12 procedures to enable an owner to request a background check to
13 determine whether a manager is the subject of a reported
14 conviction for a background check crime. The superintendent
15 shall perform the background check by retrieving and reviewing
16 data on background check crimes maintained in the CJIS
17 computers. If the manager has resided in Minnesota for less
18 than five years or upon request of the owner, the superintendent
19 shall also conduct a search of the national criminal records
20 repository, including the criminal justice data communications
21 network. The superintendent is authorized to exchange
22 fingerprints with the Federal Bureau of Investigation for
23 purposes of the criminal history check. The superintendent
24 shall recover the cost of a background check through a fee
25 charged to the owner.

26 Subd. 3. [FORM.] The superintendent shall develop a
27 standardized form to be used for requesting a background check,
28 which must include:

29 (1) a notification to the manager that the owner will
30 request the superintendent to perform a background check under
31 this section;

32 (2) a notification to the manager of the manager's rights
33 under subdivision 4; and

34 (3) a signed consent by the manager to conduct the
35 background check.

36 If the manager has resided in Minnesota for less than five

1 years, or if the owner is requesting a search of the national
2 criminal records repository, the form must be accompanied by the
3 fingerprints of the manager on whom the background check is to
4 be performed.

5 Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify
6 the manager of the manager's rights under paragraph (b).

7 (b) A manager who is the subject of a background check
8 request has the following rights:

9 (1) the right to be informed that the owner will request a
10 background check on the manager to determine whether the manager
11 has been convicted of a crime specified in section 299C.67,
12 subdivision 2;

13 (2) the right to be informed by the owner of the
14 superintendent's response to the background check and to obtain
15 from the owner a copy of the background check report;

16 (3) the right to obtain from the superintendent any record
17 that forms the basis for the report;

18 (4) the right to challenge the accuracy and completeness of
19 information contained in the report or record under section
20 13.04, subdivision 4; and

21 (5) the right to be informed by the owner if the manager's
22 application to be employed by the owner or to continue as an
23 employee has been denied because of the result of the background
24 check.

25 Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall
26 respond to a background check request within a reasonable time
27 not to exceed ten working days after receiving the signed form
28 under subdivision 3. If a search is being done of the national
29 criminal records repository and that portion of the background
30 check is not completed, the superintendent shall notify the
31 owner that the background check is not complete and shall
32 provide that portion of the background check to the owner as
33 soon as it is available. The superintendent's response must
34 indicate whether the manager has ever been convicted of a
35 background check crime and, if so, a description of the crime,
36 date and jurisdiction of conviction, and date of discharge of

1 the sentence.

2 Subd. 6. [EQUIVALENT BACKGROUND CHECK.] (a) An owner may
3 satisfy the requirements of this section by obtaining a
4 background check from a private business or a local law
5 enforcement agency rather than the superintendent if the scope
6 of the background check provided by the private business or
7 local law enforcement agency is at least as broad as that of a
8 background check performed by the superintendent and the
9 response to the background check request occurs within a
10 reasonable time not to exceed ten working days after receiving
11 the signed form described in subdivision 3. Local law
12 enforcement agencies may access the criminal justice data
13 network to perform the background check.

14 (b) A private business or local law enforcement agency
15 providing a background check under this section must use a
16 notification form similar to the form described in subdivision
17 3, except that the notification form must indicate that the
18 background check will be performed by the private business or
19 local law enforcement agency using records of the superintendent
20 and other data sources.

21 Sec. 4. [299C.69] [OWNER DUTIES IF MANAGER CONVICTED OF
22 BACKGROUND CHECK CRIME.]

23 (a) If the superintendent's response indicates that the
24 manager has been convicted of a background check crime defined
25 in section 299C.67, subdivision 2, paragraph (a), the owner may
26 not hire the manager or, if the manager was hired pending
27 completion of the background check, shall terminate the
28 manager's employment. Except as provided in paragraph (c), if
29 an owner otherwise knows that a manager has been convicted of a
30 background check crime defined in section 299C.67, subdivision
31 2, paragraph (a), the owner shall terminate the manager's
32 employment.

33 (b) If the superintendent's response indicates that the
34 manager has been convicted of a background check crime defined
35 in section 299C.67, subdivision 2, paragraph (b), the owner may
36 not hire the manager unless more than ten years have elapsed

1 since the date of discharge of the sentence. If the manager was
2 hired pending completion of the background check, the owner
3 shall terminate the manager's employment unless more than ten
4 years have elapsed since the date of discharge of the sentence.
5 Except as provided in paragraph (c), if an owner otherwise knows
6 that a manager has been convicted of a background check crime
7 defined in section 299C.67, subdivision 2, paragraph (b), the
8 owner shall terminate the manager's employment unless more than
9 ten years have elapsed since the date of discharge of the
10 sentence.

11 (c) If an owner knows that a manager hired before August 1,
12 1995, was convicted of a background check crime for an offense
13 committed before August 1, 1995, the owner may continue to
14 employ the manager. However, the owner shall notify all tenants
15 and prospective tenants whose dwelling units would be accessible
16 to the manager of the crime for which the manager has been
17 convicted and of the right of a current tenant to terminate the
18 tenancy under this paragraph, if the manager was convicted of a
19 background check crime defined in:

20 (1) section 299C.67, subdivision 2, paragraph (a); or

21 (2) section 299C.67, subdivision 2, paragraph (b), unless
22 more than ten years have elapsed since the sentence was
23 discharged.

24 Notwithstanding a lease provision to the contrary, a
25 current tenant who receives a notice under this paragraph may
26 terminate the tenancy within 60 days of receipt of the notice by
27 giving the owner at least 14 days' advance notice of the
28 termination date.

29 (d) The owner shall notify the manager of any action taken
30 under this subdivision.

31 Sec. 5. [299C.70] [PENALTY.]

32 An owner who knowingly fails to comply with the
33 requirements of section 299C.68 or 299C.69 is guilty of a
34 misdemeanor.

35 Sec. 6. [299C.71] [BUREAU OF CRIMINAL APPREHENSION
36 IMMUNITY.]

1 The bureau of criminal apprehension is immune from any
2 civil or criminal liability that might otherwise arise under
3 section 299C.68, based on the accuracy or completeness of
4 records it receives from the Federal Bureau of Investigation, if
5 the bureau acts in good faith.

6 Sec. 7. [504.183] [TENANT'S RIGHT TO PRIVACY.]

7 Subdivision 1. [DEFINITIONS.] For purposes of this
8 section, the following terms have the meanings given them.

9 (a) "Building" has the meaning given in section 566.18,
10 subdivision 7.

11 (b) "Landlord" means the owner as defined in section
12 566.18, subdivision 3, the owner's agent, or other person acting
13 under the owner's direction and control.

14 (c) "Tenant" has the meaning given in section 566.18,
15 subdivision 2.

16 Subd. 2. [ENTRY BY LANDLORD.] A landlord may not enter the
17 premises rented by a tenant except:

18 (1) if specifically requested by the tenant;

19 (2) for a reasonable business purpose and after giving the
20 tenant reasonable notice under the circumstances of the intent
21 to enter; or

22 (3) as provided in subdivision 4.

23 A tenant may not waive and the landlord may not require the
24 tenant to waive the tenant's right to prior notice of entry
25 under this section as a condition of entering into or
26 maintaining the lease.

27 Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision
28 2, a reasonable business purpose includes:

29 (1) showing the unit to prospective tenants after the
30 current tenant has given notice to move to the owner or owner's
31 agent;

32 (2) performing maintenance work; and

33 (3) allowing inspections by state, county, or city
34 officials charged in the enforcement of health, housing,
35 building, fire prevention, or housing maintenance codes.

36 Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] (a)

1 Notwithstanding subdivision 2, a landlord may enter the premises
2 rented by a tenant without prior notice to the tenant if the
3 landlord reasonably believes that:

4 (1) immediate entry is necessary to prevent injury to
5 persons or property because of emergencies relating to
6 maintenance or building security;

7 (2) immediate entry is requested by a peace officer; or

8 (3) immediate entry is necessary to determine a tenant's
9 safety when requested to do so by a member of the tenant's
10 family or a friend of the tenant or if the tenant has requested
11 the landlord to monitor the tenant's safety.

12 (b) If the landlord enters the premises under this
13 subdivision when the tenant is not present, the landlord shall
14 disclose the entry by placing a written disclosure of the entry
15 in a conspicuous place in the premises.

16 Subd. 5. [PENALTY.] If a landlord violates this section,
17 the tenant is entitled to rescission of the lease, recovery of
18 any damage deposit less any proven damages to the rental
19 property, and a \$100 civil penalty for each violation. A tenant
20 shall follow the procedures in sections 566.18 to 566.33 to
21 enforce the provisions of this section.

1 M..... moves to amend S.F. No. 98 as follows:

2 Page 6, after line 30, insert:

3 "(e) If an owner is required to terminate a manager's
4 employment under paragraph (a) or (b), or terminates a manager's
5 employment in lieu of notifying tenants under paragraph (c), the
6 owner is not liable under any law, contract, or agreement for
7 terminating the manager's employment in accordance with this
8 section. Notwithstanding a lease or agreement governing
9 termination of the tenancy, if the manager whose employment is
10 terminated is also a tenant, the owner may terminate the tenancy
11 immediately upon giving notice to the manager. An unlawful
12 detainer action to enforce the termination of the tenancy must
13 be treated as a priority writ under sections 566.05, 566.07,
14 566.09, subdivision 1, 566.16, subdivision 2, and 566.17,
15 subdivision 1a."

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TO: Members, Senate Committee on Jobs, Energy
and Community Development

FROM: Bill Riemerman, Senate Research (296-4955)

DATE: March 29, 1995

RE: Summary of S.F. 98 - Criminal Background Checks (Merriam)

This bill mandates operators of manufactured home parks or apartments to conduct criminal background checks of managers or caretaking employees. It also outlines some privacy protection for tenants regarding entrance to their units by managers or caretaking employees.

Section 1 deals with managers and caretakers of manufactured home parks. Employers of such personnel must investigate for criminal history of prospective caretaking employees. This involves public data maintained by the Bureau of Criminal Apprehension, which provides identification of convicted offenders and the nature of the crime for which they were convicted within the previous 15 years.

Persons convicted of a violent crime may not be given access to a manufactured home unless accompanied by a person designated by the employer. Violation of this section is a misdemeanor.

Section 2 provides that an owner or the owner's agent may not enter the premises rented by a tenant without reasonable purpose. Agents of the owners must give the tenants 24 hours notice prior to entering the premises except for:

- Emergency maintenance or law enforcement purposes.
- Showing the property to a prospective tenant, after the occupant has given notice to move.

- Maintenance work requested by the tenant. The entry must be disclosed to the occupant with a written disclosure posted in a conspicuous place on the premises.

Section 3 provides for mandatory criminal investigations by apartment owners of their manager and caretaking employees. The provisions for the criminal background check and the restrictions on employees convicted of violent crimes are identical to those in Section 1.

Section 4 contains the effective dates. The record check and restrictions on those convicted of violent crimes are effective August 1, 1995, and apply to crimes committed after that date. The tenant premises' privacy protection provisions are effective for verbal leases entered into or renewed on or after August 1, 1995.

ST PPP 3/21/95

Maryland Park managers, tenants determined to curb apartment complex crime

■ Man, 17, stabbed after altercation over loud music

ANN BAKER STAFF WRITER

Maryland Park Apartments had experienced a pretty rough year of noisy parties, loud arguments, apparent drug dealing and occasional fights before David Pugh, 17, was stabbed to death Thursday after asking another tenant to turn down his stereo.

The suspect, Lorenzo Johnson, 34, has been charged with second-degree murder.

But since January, things had been looking up at Maryland Park. The number of police calls had dropped to half: 23 calls to one building, 30 calls to the other building.

Tenants pinned their hopes on new managers, whom the Stuart-Shelard companies assigned in January to oversee the 172-unit, low-rent complex in the northeast corner of St. Paul.

"They were really making an effort to get things cleaned up," said Sandy Winkel, a 10-year resident who heads crime watch in the complex.

On Friday, the managers hired off-duty police officers to patrol the complex daily. And they've started interviewing all the tenants, said a manager who didn't want her name in the paper. "There's too many people living here who aren't supposed to be."

One of those unofficial tenants was Pugh, who was never listed on a lease; he was staying there with a classmate.

Problems rose to an all-time high last summer. Since September, more than a dozen elderly women have moved out. Most of them had lived at Maryland Park for 20 years or more.

"I liked it there," said an 87-year-old woman who had watched drug transactions from her window and wrote down license plate numbers for police until she

moved to Highland Park four months ago. She didn't want her name in the paper.

"It was the noise at night, the music, the arguments. I was scared and I felt kind of dirty living there. . . . Years ago, every balcony had flowers and every patio was clean."

Such problems are growing everywhere, said Connie Ophelt, president of the East Metro Managers Association. "I think it's a citywide thing — violence, lack of

**Problems rose to an
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concern, people not taking responsibility for their actions, not caring about people."

But, Ophelt, Winkel and others don't believe it has to be like that.

They say one solution is for the managers to know all their tenants, check criminal histories on all applicants before they move in, and follow up by being friendly and welcoming while keeping track of who comes and goes.

"A lot of people don't realize that it's very, very important that management know who's in their building," said Winkel.

"Also, people have to be responsible. There is a shortage of affordable housing, and to live here is a privilege. It should require responsibility.

"I've cried," Winkel said of Pugh's fatal stabbing. "This has been real difficult. We've got to change things before someone else gets hurt. If we can work together with management and the police, we can have good, safe housing and that man's death won't be for nothing."

HANDOUT # 7

From: LANDLORDS AND
TENANTS: RIGHTS AND
RESPONSIBILITIES, by
OFFICE OF ATTORNEY GENERAL

Raising the Rent

Under a periodic tenancy, a landlord cannot raise the rent unless he or she gives proper written notice. Under a month-to-month tenancy, the notice is one rental period plus one day. (See page 22 for an explanation of "proper notice.") During a definite term lease, rent cannot be raised unless the lease allows for an increase.

12. TENANT'S RIGHT TO PRIVACY

A landlord cannot enter the rental unit without the tenant's consent except in emergency situations. If a landlord wishes to make repairs and needs to get into a tenant's rental unit, the landlord must first get the tenant's permission, otherwise the landlord is trespassing and can be arrested or sued in court. (32) However, the landlord may write a provision into the lease giving the landlord the right to enter a tenant's unit under reasonable conditions, such as to make repairs, to check potential physical problems, or to show the unit to prospective new renters or purchasers. But, unless the landlord puts these provisions into the lease, the landlord's right to enter is limited to emergency situations. (It should be noted that, in practice, there is an implied right to enter if the landlord has to make required or requested repairs to the unit. The tenant should not unreasonably refuse permission to a landlord to enter in such cases. It is a good idea for the tenant and landlord to agree ahead of time when repairs may be made.)

13. REPAIR PROBLEMS

Minnesota law requires that the landlord keep the unit in reasonable repair. This requirement cannot be waived. In other words, the lease agreement cannot say that the landlord has no duty to repair and maintain the rental unit. (33) However, the landlord and the tenant can agree that the tenant will do certain specific repairs or maintenance, but only if:

HOME line

Total Privacy Intrusion Calls 199

The following information includes:

Date of Call to **HOME Line**

City

Notes taken by phone advocate volunteer

Summary of Privacy Intrusion calls received by HOME Line. (January 15, 1995)

- 1/14/94 Blaine LL walked in without a good reason or notice. Wanted to know his rights.
- 1/14/92 Bloomington LL wants to have open house to bring potential buyers into home. Wants renters out during all day open house.
- 1/28/92 Bloomington Privacy/intrusion
- 1/21/93 Bloomington Caretakers entered without permission and damaged window screen.
- 1/16/93 Bloomington Gave a 60 day notice. Landlord has been coming in and painting and splattering paint on their furniture. Can they come in before the end of the lease?
- 1/13/93 Bloomington Somebody is walking into his apartment and taking tags off of his door.
- 1/11/93 Bloomington Moving in 2 mo. LL shows apt as LL wishes, mostly when T's are not home which is strange because one of the T's members is usually home. I asked LL to give prior notice. LL refuses. What can I do? LL says 5 min. T was in the shower once.
- 1/27/93 Bloomington daughter house-sitting. Mgmt. came in and took cats. LL walks in whenever he wants.
- 0/8/93 Bloomington moving out Nov. 1. LL is just coming in at will to show apt. she has been sick & does not want him just walking in. 5 minute notice. LL says she is liable if she can't rent for Nov.
- 1/30/93 Bloomington LL entering with out notice-tenant wants to change locks-can he?
- 1/2/94 Bloomington LL comes into apt.
- 1/14/94 Bloomington Came home from work ran into caretaker who said management had shown her apt. that day. I not happy...don't they have to give notice?
- 1/28/94 Bloomington Jan repairman have been coming in to repair ventilation for over 1 month. They don't give notice properly.
- 1/3/94 Bloomington Landlord likes young single women. Tenant not interested. Landlord keeps coming in unannounced. Landlord follows tenant around. Police are aware. Told landlord if he comes in while she's in the shower she has a gun. Now landlord won't accept rent and won't let tenant have any men over. Says he'll evict her if she has men over.
- 1/4/94 Bloomington caretaker comes in anytime. She is in a wheel chair. Caretaker called police and told them that she is incapable of taking care of herself.
- 1/13/94 Bloomington Apt manager going thru during day, no notice of entry.

4/1-5/94 Bloomington (For friend-Fidelity Law, insura...
but doesn't want to take action herself.

5/24/94 Bloomington 4/29 gave 60 day notice. LL brings prospective T's over by leaving a message on the answering machine.

3/10/92 Bloomington privacy/intrusion - Mgmt. entering without proper notice

4/9/92 Bloomington other - LL wants to take pictures

7/23/92 Bloomington privacy/intrusion - mgmt enters without permission, loss of possessions, has police report

7/28/92 Bloomington privacy/intrusion - questioned LL, retaliation, violation of privacy

8/19/92 Bloomington privacy/intrusion - mgmt entered without permission

4/9/92 Bloomington privacy/intrusion - LL working on repairs without notice

12/6/94 Bloomington LL entered this morning without notice or permission. Lease says "caretaker/manager may not enter unless repairs requested or emergency"

12/13/94 Bloomington LL entering apt without notice

9/21/92 Brooklyn Ctr privacy/intrusion - condo is up for sale-LL showing without permission-gave T notice on 9/13 to vacate on 9/15

2/6/92 Brooklyn Ctr privacy/intrusion & racial?

7/23/92 Brooklyn Ctr privacy/intrusion

2/22/93 Brooklyn Ctr Landlord comes into apartment anytime and threatened to cut chain off the door to enter.

2/1/94 Brooklyn Ctr T vacating. LL harassing, verbally abusing T. T's storage locker broken into but not forced entry. Man at storage locker said he had master key & has right to enter locker & apt because he works for office. LL entering without notice or permission many times. T in shower once.

5/17/94 Brooklyn Ctr mgmt entering without notice any time day or night. 1. LL entered apartment as tenant was getting out of bathtub. When tenant confronted landlord saying she wasn't dressed, LL told tenant to put a robe on. 2. T was sleeping on couch and awoke seeing the maintenance man standing over her.

5/21/94 Brooklyn Ctr 1. LL walked through apt & left note on T's desk that rent was past due-may evict. T angry & wants to change lock.

1/15/94 Brooklyn Park Someone is coming in!

0/17/94 Brooklyn Park LL entry rights?

2/9/94 Brooklyn Park Someone from the front office is breaking with a key and stealing things. Police report shows that they (office) are responsible for the missing items. He has had the locks changed when it happened before and only had 3 keys made

1/6/95 Brooklyn Park Mgr. entered apt with key while she was there. The mgr. called the police and her social worker.

1/22/93 Champlin Given notice to move. landlord tells her afternoon today he is bringing prospective tenants at 5:00pm. She has to leave at 4:30. haan't had time to clean-up. Can she say no?

1/26/93 Champlin Given notice to move. Landlord tells her this afternoon today he is bringing prospective tenants at 5:00 pm. She has to leave at 4:30 and haan't had time to clean-up. Can she say no?

1/29/94 Champlin Mgr. wants to come in anytime to inspect. Mgr. was in the other day and made repairs that he said were an emergency.

0/22/92 Columbia Tenant has reason to believe her caretaker is coming into her apartment when she's not there. Her kids have seen her lights on when they know she's not home. Tenant found stuff out of place.

0/21/93 Coon Rapids Landlord told him that they were selling the house. this is fine. Yesterday landlord entered the house without knocking without notice. Fortunately he was at home at the time. Isn't this illegal?

1/12/92 Crystal privacy/intrusion - wants to sell house. showing at inconvenient times

1/9/92 Crystal privacy/intrusion. prob. with LL

1/21/92 Crystal Landlord comes in anytime.

1/15/93 Crystal Hasn't been zoned as a duplex. Has paid \$1,700 but landlord says they owe \$1300 in past rent for 1991. They want to move. Landlord has been coming in and out without notice. City of Crystal states unit was illegal.

1/30/93 Crystal Management is coming into her apartment without giving notice. Recently a picture was broken of hers.

2/27/93 Crystal Landlord has entered girl friend's apt twice without notice.

1/18/94 Crystal Landlord showing apt. Doesn't LL have to give some kind of prior notice?

- 11/5/92 Brooklyn Ctr. privacy/intrusion -LL comes into unit
- 11/10/95 Brooklyn Ctr. What are my rights when LL enters at any time?
- 11/15/92 Brooklyn Park privacy/intrusion -LL showing Apt at odd hours
- 11/16/92 Brooklyn Park Caretaker's child has master key and keeps coming into her apt. can she do anything? 13 year old boy is best friend with her son. She confronted him and he handed her the key to all apts. in the bldg.
- 7/15/92 Brooklyn Park privacy/intrusion HRA came in to inspect and gave LL until 7/15 to repair numerous problems. LL wants to come in now without notice. Lease states that LL can enter at reasonable times without notice to show, inspect, etc.
- 9/9/92 Brooklyn Park (rents room)-privacy/intrusion LL entering and turning heat on/off
- 10/6/92 Brooklyn Park privacy/intrusion T came home this weekend and noticed that someone had been in her apt. She was told by another T that the new mgmt was going in the apts. She searched apt and nothing was gone
- 11/18/92 Brooklyn Park privacy/intrusion LL said plumber would come Mon. Never showed up. Came on tuesday w/o notice
- 12/23/92 Brooklyn Park Management entering without notice
- 1/7/93 Brooklyn Park HRA inspector came with out prior notice. Very inconvenient to T. children were sleeping. T said inapector had an attitude.
- 2/15/93 Brooklyn Park Owner comes into apt.
- 2/28/93 Brooklyn Park LL enters T's apartment without warning against T's wishes.
- 3/3/93 Brooklyn Park Requested copy of Trespass/unlawful entry which had been read to her over the phone by someone at Homeline.
- 12/93 Brooklyn Park Manager came over and just came into house.
- 11/5/93 Brooklyn Park LL entering apt. at his leisure--even when T is home early in a.m.
- 1/6/94 Brooklyn Park Before end of lease, new owner wants to start moving some things in and wants keys to the house. Do I have to comply?

1/23/94 Crystal LL is harassing her telling lies about her. LL comes in whenever he wants to. Her electricity is paying for laundry room washer and dryer.

10/17/94 Crystal LL access?

1/22/94 Duluth info on LL entry

1/12/93 Eagan Landlord entering premises without permission. Something needed fixing, but they went in without permission and this was the second time in five months.

1/16/92 Eden Prairie privacy/intrusion LL entering apt without notice

1/1/93 Eden Prairie 1/26/93- Had confrontation with landlord concerning landlords practice of entering apartment without notice and leaving notes.

1/6/93 Eden Prairie Doesn't want LL showing during vacation. lease reads reasonable time access.

1/15/92 Edina privacy/intrusion owner showing home unannounced.

2/9/92 Edina Can they show apt. if they are vacating.

1/7/93 Edina Landlord entering house without permission. Tenant specifically asked Landlord not to come show house. Landlord agreed but Landlord came in to show house anyway. frightened Tenant's son when Landlord entered.

1/22/94 Edina Mgr did inspection in Feb. Went to do repairs in March and repairman pushed his way into her house.

1/12/94 Edina Came home from work with friends & maintenance was in her apt. what's the law about that?

1/23/92 Edina privacy/intrusion LL showing without notice & threatening retaliation if complaining.

1/6/92 Edina privacy/intrusion - showing without notice

1/12/92 Edina privacy/intrusion - showing apt. unannounced

2/5/94 Edina Has a problem with maintenance man coming into her apt. He has ate her granola bars the last time he was there.

- 2/8/93 Excelsior Mentally disabled on section 8, landlord comes in when he's not there.
- 2/25/93 Excelsior Called because maintenance person entered his apartment without warning (to check smoke detectors). Asked what his rights are concerning that.
- 3/3/93 Excelsior April someone came into apartment with a key. LL replaced the locks. May someone comes in and moves their things around, she called the police. She talked to the property manager and prop. manager, was rude and said it was their problem.
- 2/2/94 Excelsior No lease LL comes in whenever he wants.
- 4/12/94 Excelsior LL walked in on her when she was hardly dressed, he had given no notice. Can't she do anything to stop him?
- 4/6/92 Excelsior privacy/intrusion threat of unlawful entry
- 4/26/93 Golden Valley Bought a house and the landlord has started coming in and painting. They are making a mess and moving her things around. Can they do this? They made me use a 60 day notification to move out at the end of the month. Can I have them stop coming in?
- 12/21/94 Hamel Can LL enter apt. at any time?
- 4/30/92 Hopkins privacy/intrusion LL entering house without permission/knocking
- 1/14/92 Hopkins privacy/intrusion LL entering apt. things missing Low income hag.
- 3/11/93 Hopkins Leaving early because of apt. size, expecting baby in Sept. Lease expires in August. Landlord entering premises without permission - no lock on door.
- 3/3/94 Hopkins Wanted to know if new LL could give only 24 hour notice before showing the apt. to another possible T.
- 12/5/94 Hopkins realtors came into her house without notice and looked her out. She has told them before not to enter without permission. Can I ask that?
- 1/16/94 Hopkins Received a notice from LL that they were selling the place. Yesterday they left a notice that they were showing the place today. Isn't there a law for 24 hours notice.
- 2/20/92 Maple Grove privacy/intrusion violated by caretaker, trespassing
- 1/29/92 Maple Plain other - problems with LL, wants to change locks, concerned about references

7/29/93 New Hope Caretaker has been coming into the place and sleeping in her beds and smoking in the house. She spoke to owner and Caretaker was fired. Police told her to change the locks.

2/11/94 New Hope wife worked 3rd shift. 2 pm heard door open-found maintenance man snooping around in living room-spoke to manager who said he can enter anytime.

5/11/94 New Hope landlord enters apartment at odd hours.

3/24/94 New Hope LL gave key to her apartment to a neighbor child

6/24/94 New Hope Mgmt and owner come in without notice.

10/10/94 New Hope T gave notice to vacate and today LL called her job to tell her they were showing her apt. She wants some kind of notice longer than the one they gave before they enter. Can she ask them to wait till she gets home?

4/28/92 New Hope LL enters unannounced and harasses tenant.

10/27/94 other duplex LL visits w/o calling

3/10/93 other Someone (probably landlord) entered his apartment and left flashlight. Caller was very upset and wanted to know what they could do about this.

3/4/93 other Gave proper 30 day notice last week of tenancy. Landlord came in and started painting.

10/11/93 other She has written LL about 24 hours notice. LL says he doesn't have to abide by her letter. He only gives 5-10 minutes notice before showing her place. threatens to charge her if place doesn't rent. Once she had to rush out of shower and put on clothes and towel over her head to accommodate them.

10/28/93 other she gave notice to leave after nov. she wont be home part of nov & they want to show her apt. then she wants to know if she can stop them?

3/8/94 other Can LL come in at any time?

6/29/94 other wants info on whether can demand LL not to show apartment when she is out of town.

(2/5/92 Plymouth other doesn't want to give mgr key after changing locks. Apt was broken into without forced entry. afraid mgmt is responsible. doesn't want them coming in unless T is home

1/27/92 Plymouth privacy/intrusion - can LL enter for cleaning inspection?

1/28/92 Plymouth privacy/intrusion - LL enters without notice.

/4/93 Plymouth Lived 4 years in apt. Landlord wants to show apartment when she's sleeping or when she's not there. Can she tell them no?

/9/93 Plymouth notice to vacate, illegal trespass.

/10/94 Plymouth LL "gave" notice of entry between 2am and 7am - entry to be made from 8am.

/7/94 Plymouth Gave 60 day notice to vacate, can mgmt come in at any time to show the place?

/16/94 Plymouth LL came in w/o notice. Can they do this?

/17/94 Plymouth LL entering apt. whenever he wants.

/6/94 Plymouth LL wanted to show apt without any notice.

/20/94 Plymouth access to apartment-given 24 hour notice.

1/23/94 Plymouth Can LL enter with out notice

2/6/94 Plymouth LL entry for inspection. No notice.

0/11/93 Ramsey Landlord shut off some of the utilities because when he tried to force entry, it didn't work. Landlord has things in the basement so that he can come in at any time. gave notice to landlord to give 24 hours notice before entering. a

/24/92 Richfield privacy/intrusion LL entering without permission

/2/92 Richfield privacy/intrusion Used to be caretaker - LL entering apt when T not there.

/19/92 Richfield Privacy/intrusion LL enters without notice.

/18/93 Richfield Landlord keeps coming into the apartment when she's not there.

/24/93 Richfield painter came in with no notice--I was not home--\$250. Gold bracelet missing and door left open. I contacted mgmnt. Mgmnt. not responding

jewelry box. Neighbors have seen him enter apartments. She was at hospital when her money was stolen.

3/11/94 Richfield LL allowed entry to 3rd party. Loss of tenant property. police notified.

4/18/94 Richfield LL keeps coming in and showing the place without permission.

7/28/94 Richfield Moving - LL access to property?

11/29/94 Richfield Steve (manager) came into apt without notice. Repairs not done at all.

12/7/94 Richfield caretaker enters without notice.

2/12/93 Robbinsdale Landlord entered into apartment w/o permission while tenant was sleeping

3/19/93 Robbinsdale Landlord may be coming into the house when they are not there.

10/4/93 Robbinsdale LL keeps coming in apt. w/o notice.

12/29/93 Robbinsdale LL keeps coming into the apartment. She doesn't want to upset LL by sending a letter because he could give her a notice to vacate.

8/8/94 Rochester what can we do about LL entering w/o notice? Real problem.

4/13/94 Rockford LL walks in anytime.

5/20/94 Shakopee male workers keep coming over without notice. She has given them written notice to notify her first.

8/9/94 shorview can LL enter anytime?

4/93 Spring Lake before she was awake the maintenance man came to her door and her children let him in. He told her kids (ages 11 and 7) that they had had several complaints about running water and they were doing routine check. She later found out they didn't check any other units.

11/8/93 Spring Lake Landlord walks into apartment without notice.

6/28/94 Spring Park what can a tenant do about a LL who enters without prior notice?

1/16/94 St. Louis Park can LL just call and say they're coming in 20 minutes to show the apt?

12/7/92 St. Louis Park privacy/intrusion - possible illegal entry called police

12/1/92 St. Louis Park privacy/intrusion - privacy mgr coming into her apt

12/92 St. Louis Park privacy/intrusion - privacy and notice

1/9/92 St. Louis Park privacy/intrusion Caretaker came into apt unannounced-he said it was to make a maint check

12/1/92 St. Louis Park privacy/intrusion - LL doesn't give notice before showing apt.

12.1/92 St. Louis Park privacy/intrusion - LL continues to "come home" T has called police no help

1/6/92 St. Louis Park privacy/intrusion - robbery by management

9/30/92 St. Louis Park LL trespassing/unlawful entry LL has been repeatedly entering without giving notice.

1/5/92 St. Louis Park Showing apt-Wife has emotional problems-tenant (spouse) does not want landlord to show apt.

1/25/93 St. Louis Park He came home one evening and found window contractor in his apartment without any notice. That Thursday at 6:00 pm contractor returned and since Tenant was sick he refused to let him in. Landlord threatened to evict him if they hear anymore complaints from him. Stated he broke the terms of his lease by denying access. Doesn't he have the right to privacy?

1/14/93 St. Louis Park Manager comes into the apartment without notice and lets herself in and goes through their things.

1/13/93 St. Louis Park T lives in Community Involvement Program (CIP) home for mentally disabled adults. CIP staff comes in unannounced and randomly. T feels that they should give 24 hour notice before entering premise. Wants to know how to get them to respect privacy.

12/1/93 St. Louis Park Watching the place for a friend for two weeks yesterday someone came into the place and moved some of his items. There was a message on the answering machine. They were painting.

2/3/93 St. Louis Park landlord says he's going to inspect her unit every month. Retaliated after tenant told him he must give her 24 hours notice before entering.

2/13/93 St. Louis Park When can LL enter your apt?

they harassed her until she told them. Can they do this?

1/4/94 St. Louis Park Someone is entering and damaging her furniture. Now T is leaving town. Have to give the caretaker a key?

1/26/94 St. Louis Park gave notice to vacate 3/1. Landlord wants to show apartment. Is that okay? Has no lease-is this customary?

1/26/94 St. Louis Park landlord is selling the house and the realtor and agents come very often

2/16/94 St. Louis Park Maintenance entered without wife there. now moving. no reason to come in. Was formerly a caretaker.

2/28/94 St. Louis Park Vacating 4/30. Gave notice today. Received message on machine that apartment has been shown twice today. no notice to T.

3/14/94 St. Louis Park LL wants to enter on a whim to show apt. T not well, had surgery. wants prior notice.

7/13/94 St. Louis Park LL's rights to come over without notice.

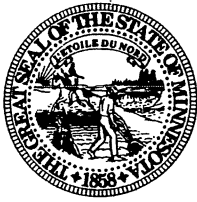
8/16/94 St. Louis Park If lease says LL can enter at a reasonable time. can they?

12/22/94 St. Louis Park Someone has been coming into her place and stealing. Not a forced entry. Has called the police.

12/14/92 St. Paul Landlord keeps entering property. can they do that?

6/20/94 Wayzata Got notice 5/31 that mgmt is terminating lease effective 7/30. Claims it's because she complained about caretaker peeking into windows.

9/29/92 Wayzata privacy/intrusion LL entering without notice.



MAR 21 1995

SF 98

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

102 STATE CAPITOL
ST. PAUL, MN 55155-1002
TELEPHONE: (612) 296-6196

March 20, 1995

HANDOUT # 10

Senator Gene Merriam
122 Capitol
St. Paul, MN 55155

Re: S.F. 98 and Tenants' Privacy

Dear ^{Gene} ~~Senator Merriam~~:

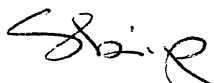
I want you to know of my support for your efforts to clarify and strengthen the privacy rights of tenants.

Few of the rights that we enjoy in this society are more fundamental than the right of privacy. In fact, in one national survey a few years ago, the public agreed by a four-to-one margin that if we were to rewrite the Declaration of Independence today, we would probably add "privacy" to the list of "life, liberty and the pursuit of happiness," as our most fundamental rights. Surely the right to privacy in one's home is central to this idea.

By spelling out and strengthening a tenant's right to be free from unwanted, unexpected and inappropriate entry by a landlord, S.F. 98 will help give meaning to the right of privacy for renters. Today, renters must rely on common law precedents interpreting the nature of a lease agreement and trespassing laws. While common law does hold some protections, it is no substitute for the safeguards your bill would create. The common law is vague and often unpredictable: the only way to know with certainty what the common law will and won't permit in any given case is to take a case through the courts--hardly a desirable recourse for either tenants or landlords. Your bill, in contrast, explicitly recognizes the right to privacy and spells out in advance the types of business purposes that justify a landlord's entry. By defining the parties' rights and responsibilities in advance, it will help avoid disputes and abuses in the first instance. In addition, your bill clarifies the tenant's remedies if there is an improper entry.

For these reasons, I believe that, in the long run, your bill will actually benefit landlords as well as tenants, and will improve significantly on the current state of the law.

Best regards,


HUBERT H. HUMPHREY III
Attorney General

cc: Rosemary Frazel
Legal Services Advocacy Project

Facsimile: (612) 297-4193 • TDD: (612) 297-7206 • Toll Free Line: (800) 657-3787 (TDD or voice)

Senate File No. 224 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1995

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 557: A bill for an act relating to employment; authorizing the legislative commission on employee relations to modify compensation for certain managerial positions in the higher education board; ratifying certain labor agreements; amending Minnesota Statutes 1994, sections 3.855, subdivision 3; 179A.04, subdivision 3; and 179A.16, subdivisions 6, 7, and 8.

There has been appointed as such committee on the part of the House:

Solberg, Rest and Mares.

Senate File No. 557 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1995

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1444: A bill for an act relating to state lands; providing for the sale of certain tax-forfeited lands in St. Louis county; authorizing Crow Wing county to allow the sale of certain nonconforming lots within the Mississippi headwaters corridor; requiring the commissioner of natural resources to convey certain land to the city of Akeley; authorizing the sale of certain trust fund lands.

There has been appointed as such committee on the part of the House:

Rukavina, Kinkel and Haas.

Senate File No. 1444 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1995

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1700, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1700 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1995

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1700

A bill for an act relating to the organization and operation of state government; appropriating money for the judicial branch, public safety, public defense, corrections, and for other criminal justice agencies and purposes; making changes to various criminal laws and penalties; modifying

SKIP TO PAGE 4276
ART 4, Sections 13 et seq.

Endnote S7

of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money", of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each even-numbered year a report of investigations receiving grants under subdivision 1.

Sec. 9. Minnesota Statutes 1994, section 299C.065, subdivision 3a, is amended to read:

Subd. 3a. [ACCOUNTING REPORT.] The head of a law enforcement agency that receives a grant under subdivision 1a shall file a report with the commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each even-numbered year a summary report of witness assistance services provided under this section.

Sec. 10. Minnesota Statutes 1994, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. [LAW ENFORCEMENT DUTY.] (a) It is hereby made the duty of the sheriffs of the respective counties and of the police officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, to take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, and such other identification data as may be requested or required by the superintendent of the bureau; of all persons arrested for a felony, gross misdemeanor, of all juveniles committing felonies as distinguished from those committed by adult offenders, of all persons reasonably believed by the arresting officer to be fugitives from justice, of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes, and within 24 hours thereafter to forward such fingerprint records and other identification data on such forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

(b) Effective August 1, 1997, the identification reporting requirements shall also apply to persons committing misdemeanor offenses, including violent and enhanceable crimes, and juveniles committing gross misdemeanors.

Sec. 11. Minnesota Statutes 1994, section 299C.10, is amended by adding a subdivision to read:

Subd. 4. [FEE FOR BACKGROUND CHECK; ACCOUNT; APPROPRIATION.] The superintendent shall collect a fee in an amount to cover the expense for each background check provided for a purpose not directly related to the criminal justice system or required by section 624.7131, 624.7132, or 624.714. The proceeds of the fee must be deposited in a special account. Until July 1, 1997, money in the account is appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota.

Sec. 12. Minnesota Statutes 1994, section 299C.62, subdivision 4, is amended to read:

Subd. 4. [RESPONSE OF BUREAU.] The superintendent shall respond to a background check request within a reasonable time after receiving the signed, written document described in subdivision 2. ~~The superintendent's response shall be limited to a statement that the background check crime information contained in the document is or is not complete and accurate.~~ The superintendent shall provide the children's service provider with a copy of the applicant's criminal record or a statement that the applicant is not the subject of a criminal history record at the bureau. It is the responsibility of the service provider to determine if the applicant qualifies as an employee or volunteer under this section.

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Sec. 13. [CITATION.]

Minnesota Statutes, sections 299C.67 to 299C.71 may be cited as the "Kari Koskinen manager background check act."

Sec. 14. [299C.67] [DEFINITIONS.]

Subdivision 1. [TERMS.] The definitions in this section apply to sections 299C.67 to 299C.71.

Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime" means:

(a)(1) a felony violation of section 609.185 (first degree murder); 609.19 (second degree murder); 609.20 (first degree manslaughter); 609.221 (first degree assault); 609.222 (second degree assault); 609.223 (third degree assault); 609.25 (kidnapping); 609.342 (first degree criminal sexual conduct); 609.343 (second degree criminal sexual conduct); 609.344 (third degree criminal sexual conduct); 609.345 (fourth degree criminal sexual conduct); 609.561 (first degree arson); or 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (1) in this state; or

(b)(1) a felony violation of section 609.195 (third degree murder); 609.205 (second degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.2231 (fourth degree assault); 609.224 (fifth degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.255 (false imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a nonfelony violation of section 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (1) in this state.

Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal justice information system.

Subd. 4. [MANAGER.] "Manager" means an individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. "Manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.

Subd. 5. [OWNER.] "Owner" has the meaning given in section 566.18, subdivision 3. However, "owner" does not include a person who owns, operates, or is in control of a health care facility or a home health agency licensed by the commissioner of health or human services under chapter 144, 144A, or 245A.

Subd. 6. [SUPERINTENDENT.] "Superintendent" means the superintendent of the bureau of criminal apprehension.

Subd. 7. [TENANT.] "Tenant" has the meaning given in section 566.18, subdivision 2.

Sec. 15. [299C.68] [BACKGROUND CHECKS ON MANAGERS.]

Subdivision 1. [WHEN REQUIRED.] Before hiring a manager, an owner shall request the superintendent to conduct a background check under this section. An owner may employ a manager after requesting a background check under this section before receipt of the background check report, provided that the owner complies with section 299C.69. An owner may request a background check for a currently employed manager under this section. By July 1, 1996, an owner shall request the superintendent to conduct a background check under this section for managers hired before July 1, 1995, who are currently employed.

Subd. 2. [PROCEDURES.] The superintendent shall develop procedures to enable an owner to request a background check to determine whether a manager is the subject of a reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. If the manager has resided in Minnesota for less than five years or upon request of the owner, the superintendent shall also conduct a search of the national criminal records repository, including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost of a background check through a fee charged to the owner.

Subd. 3. [FORM.] The superintendent shall develop a standardized form to be used for requesting a background check, which must include:

- (1) a notification to the manager that the owner will request the superintendent to perform a background check under this section;
- (2) a notification to the manager of the manager's rights under subdivision 4; and
- (3) a signed consent by the manager to conduct the background check.

If the manager has resided in Minnesota for less than five years, or if the owner is requesting a search of the national criminal records repository, the form must be accompanied by the fingerprints of the manager on whom the background check is to be performed.

Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify the manager of the manager's rights under paragraph (b).

(b) A manager who is the subject of a background check request has the following rights:

- (1) the right to be informed that the owner will request a background check on the manager to determine whether the manager has been convicted of a crime specified in section 299C.67, subdivision 2;
- (2) the right to be informed by the owner of the superintendent's response to the background check and to obtain from the owner a copy of the background check report;
- (3) the right to obtain from the superintendent any record that forms the basis for the report;
- (4) the right to challenge the accuracy and completeness of information contained in the report or record under section 13.04, subdivision 4; and
- (5) the right to be informed by the owner if the manager's application to be employed by the owner or to continue as an employee has been denied because of the result of the background check.

Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall respond to a background check request within a reasonable time not to exceed ten working days after receiving the signed form under subdivision 3. If a search is being done of the national criminal records repository and that portion of the background check is not completed, the superintendent shall notify the owner that the background check is not complete and shall provide that portion of the background check to the owner as soon as it is available. The superintendent's response must indicate whether the manager has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of conviction, and date of discharge of the sentence.

Subd. 6. [EQUIVALENT BACKGROUND CHECK.] (a) An owner may satisfy the requirements of this section by obtaining a background check from a private business or a local law enforcement agency rather than the superintendent if the scope of the background check provided by the private business or local law enforcement agency is at least as broad as that of a background check performed by the superintendent and the response to the background check request occurs within a reasonable time not to exceed ten working days after receiving the signed form described in subdivision 3. Local law enforcement agencies may access the criminal justice data network to perform the background check.

(b) A private business or local law enforcement agency providing a background check under this section must use a notification form similar to the form described in subdivision 3, except that the notification form must indicate that the background check will be performed by the private business or local law enforcement agency using records of the superintendent and other data sources.

Sec. 16. [299C.69] [OWNER DUTIES IF MANAGER CONVICTED OF BACKGROUND CHECK CRIME.]

(a) If the superintendent's response indicates that the manager has been convicted of a

background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner may not hire the manager or, if the manager was hired pending completion of the background check, shall terminate the manager's employment. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment.

(b) If the superintendent's response indicates that the manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner may not hire the manager unless more than ten years have elapsed since the date of discharge of the sentence. If the manager was hired pending completion of the background check, the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence.

(c) If an owner knows that a manager hired before July 1, 1995, was convicted of a background check crime for an offense committed before July 1, 1995, the owner may continue to employ the manager. However, the owner shall notify all tenants and prospective tenants whose dwelling units would be accessible to the manager of the crime for which the manager has been convicted and of the right of a current tenant to terminate the tenancy under this paragraph, if the manager was convicted of a background check crime defined in:

- (1) section 299C.67, subdivision 2, paragraph (a); or
- (2) section 299C.67, subdivision 2, paragraph (b), unless more than ten years have elapsed since the sentence was discharged.

Notwithstanding a lease provision to the contrary, a current tenant who receives a notice under this paragraph may terminate the tenancy within 60 days of receipt of the notice by giving the owner at least 14 days' advance notice of the termination date.

(d) The owner shall notify the manager of any action taken under this subdivision.

(e) If an owner is required to terminate a manager's employment under paragraph (a) or (b), or terminates a manager's employment in lieu of notifying tenants under paragraph (c), the owner is not liable under any law, contract, or agreement, including liability for unemployment compensation claims, for terminating the manager's employment in accordance with this section. Notwithstanding a lease or agreement governing termination of the tenancy, if the manager whose employment is terminated is also a tenant, the owner may terminate the tenancy immediately upon giving notice to the manager. An unlawful detainer action to enforce the termination of the tenancy must be treated as a priority writ under sections 566.05, 566.07, 566.09, subdivision 1, 566.16, subdivision 2, and 566.17, subdivision 1a.

Sec. 17. [299C.70] [PENALTY.]

An owner who knowingly fails to comply with the requirements of section 299C.68 or 299C.69 is guilty of a petty misdemeanor.

Sec. 18. [299C.71] [BUREAU OF CRIMINAL APPREHENSION IMMUNITY.]

The bureau of criminal apprehension is immune from any civil or criminal liability that might otherwise arise under section 299C.68, based on the accuracy or completeness of records it receives from the Federal Bureau of Investigation, if the bureau acts in good faith.

Sec. 19. Minnesota Statutes 1994, section 388.24, subdivision 4, is amended to read:

Subd. 4. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Effective August 1, 1997, every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

↑

- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Sec. 20. Minnesota Statutes 1994, section 401.065, subdivision 3a, is amended to read:

Subd. 3a. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] (a) Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

(b) Effective August 1, 1997, the reporting requirements of this subdivision shall apply to misdemeanor offenses.

Sec. 21. [504.183] [TENANT'S RIGHT TO PRIVACY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

- (a) "Building" has the meaning given in section 566.18, subdivision 7.
- (b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.
- (c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. [ENTRY BY LANDLORD.] Except as provided in subdivision 4, a landlord may enter the premises rented by a tenant only for a reasonable business purpose and after making a good faith effort to give the tenant reasonable notice under the circumstances of the intent to enter. A tenant may not waive and the landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision 2, a reasonable business purpose includes, but is not limited to:

- (1) showing the unit to prospective tenants during the notice period before the lease terminates or after the current tenant has given notice to move to the owner or owner's agent;
- (2) showing the unit to a prospective buyer or to an insurance representative;
- (3) performing maintenance work;

(4) allowing inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes;

(5) the tenant is causing a disturbance within the unit;

(6) the landlord has a reasonable belief that the tenant is violating the lease within the tenant's unit;

(7) the landlord has a reasonable belief that the unit is being occupied by an individual without a legal right to occupy it; or

(8) the tenant has vacated the unit.

Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] Notwithstanding subdivision 2, a landlord may enter the premises rented by a tenant to inspect or take appropriate action without prior notice to the tenant if the landlord reasonably suspects that:

(1) immediate entry is necessary to prevent injury to persons or property because of conditions relating to maintenance, building security, or law enforcement;

(2) immediate entry is necessary to determine a tenant's safety; or

(3) immediate entry is necessary in order to comply with local ordinances regarding unlawful activity occurring within the tenant's premises.

Subd. 5. [ENTRY WITHOUT TENANT'S PRESENCE.] If the landlord enters when the tenant is not present and prior notice has not been given, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 6. [PENALTY.] If a landlord substantially violates subdivision 2, the tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504.20, and up to a \$100 civil penalty for each violation. If a landlord violates subdivision 5, the tenant is entitled to up to a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section.

Subd. 7. [EXEMPTION.] This section does not apply to tenants and landlords of manufactured home parks as defined in section 327C.01.

Sec. 22. [609.5051] [CRIMINAL ALERT NETWORK; DISSEMINATION OF FALSE OR MISLEADING INFORMATION PROHIBITED.]

Whoever uses the criminal alert network under section 299A.61 to disseminate information regarding the commission of a crime knowing that it is false or misleading, is guilty of a misdemeanor.

Sec. 23. Minnesota Statutes 1994, section 624.22, is amended to read:

~~624.22 [PUBLIC DISPLAYS OF FIREWORKS BY MUNICIPALITIES EXCEPTED DISPLAYS; PERMIT; OPERATOR CERTIFICATION.]~~

Subdivision 1. [GENERAL REQUIREMENTS; PERMIT; INVESTIGATION; FEE.] (a) Sections 624.20 to 624.25 shall not prohibit the supervised public displays display of fireworks by cities, fair associations, amusement parks, and other organizations. a statutory or home rule charter city, fair association, amusement park, or other organization, except when such that:

(1) a fireworks display may be conducted only when supervised by an operator certified by the state fire marshal; and

(2) a fireworks display is must either be given by a municipality or fair association within its own limits, no display shall be given unless or by any other organization, whether public or private, only after a permit therefor for the display has first been secured.

(b) Every application for such a permit shall be made in writing to the municipal clerk at least

HF 72 as introduced

1 A bill for an act

2 relating to public safety; requiring landlords of

3 residential rental buildings to conduct a criminal

4 conviction background check of individuals employed as

5 building managers or caretakers; requiring criminal

6 background checks for individuals employed as managers

7 or caretaking employees in manufactured park homes;

8 requiring 24-hour oral or written notice before entry

9 of certain buildings used as dwellings, including

10 apartments and manufactured homes; prescribing

11 penalties; proposing coding for new law in Minnesota

12 Statutes, chapters 327; and 504.

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

14 Section 1. [327.235] [MANUFACTURED HOME PARK MANAGERS AND

15 EMPLOYEES; CRIMINAL BACKGROUND CHECK.]

16 Subdivision 1. [DEFINITION.] As used in this section,

17 "park manager or other employee" means an individual:

18 (1) who is employed by a primary licensee to perform

19 day-to-day management or caretaking tasks in a manufactured home

20 park; and

21 (2) who has the authority or means within the course of the

22 individual's employment, to enter a manufactured park home.

23 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] A person,

24 firm, or corporation holding a primary license to maintain,

25 conduct, or operate a manufactured home park that employs or

26 seeks to employ a park manager or other employee shall

27 investigate the individual's criminal conviction data classified

28 as public under section 13.87.

29 Subd. 3. [VIOLENT CRIME.] If a background check required

Endnote H1

1 by this section reveals that a person seeking employment as a
2 manager or other employee in a manufactured home park has been
3 convicted of a violent crime as defined in section 609.152,
4 subdivision 1, paragraph (d), the person or entity if it employs
5 that person, as a manager or employee, may not allow that person
6 to have access to manufactured homes unless accompanied by a
7 designated person. A violation of this subdivision is a
8 misdemeanor.

9 Sec. 2. [504.183] [TENANT'S RIGHT TO PRIVACY.]

10 Subdivision 1. [DEFINITIONS.] For purposes of this
11 section, the following terms have the meanings given them.

12 (a) "Building" has the meaning given in section 566.18,
13 subdivision 7.

14 (b) "Owner" has the meaning given in section 566.18,
15 subdivision 3.

16 (c) "Tenant" has the meaning given in section 566.18,
17 subdivision 2.

18 Subd. 2. [REASONABLE PURPOSE.] An owner, owner's agent, or
19 other person acting under the owner's direction and control may
20 not enter the premises rented by a tenant without a reasonable
21 purpose.

22 Subd. 3. [NOTICE REQUIRED.] (a) Whenever an owner's agent
23 or person acting under the owner's direction and control intends
24 to enter the premises rented by a tenant, except as provided
25 under paragraph (b), the person intending to enter shall notify
26 the tenant orally or in writing at least 24 hours prior to
27 entry. The tenant does not have to be present when notice is
28 given.

29 (b) The 24-hour notice requirement specified in paragraph
30 (a) does not apply when entry is for:

31 (1) emergencies for maintenance or law enforcement
32 purposes;

33 (2) showing a building to prospective tenants after the
34 current tenant has given notice to move to the owner or owner's
35 agent; or

36 (3) maintenance work requested by the tenant.

1 (c) When entry is required in cases listed in paragraph
2 (b), if the owner, owner's agent, or other person acting under
3 the owner's direction and control has been unable to notify the
4 tenant, after making a good faith and reasonable effort, it
5 shall be sufficient for the person making the entry to disclose
6 that entry was made by placing a written disclosure in a
7 conspicuous place in the premises.

8 Subd. 4. [PENALTY.] (a) Entering the premises without
9 giving the tenant at least 24 hours' notice, except as provided
10 in subdivision 3, paragraph (b), shall constitute trespass, as
11 defined in section 609.605.

12 Sec. 3. [504.37] [APARTMENT MANAGERS; CRIMINAL BACKGROUND
13 CHECK REQUIRED.]

14 Subdivision 1. [DEFINITIONS.] As used in this section, the
15 following terms have the meanings given in this subdivision.

16 (a) "Manager" or "other caretaking employee" means an
17 individual:

18 (1) who is employed by an owner to perform day-to-day
19 management or caretaking tasks in a residential rental building
20 or on residential rental premises; and

21 (2) who has the authority or the means, within the course
22 of the individual's employment, to enter tenants' or owners'
23 dwelling unit located in the building.

24 (b) "Owner" has the meaning given in section 566.18,
25 subdivision 3.

26 (c) "Tenant" has the meaning given in section 566.18,
27 subdivision 2.

28 Subd. 2. [CRIMINAL BACKGROUND CHECK REQUIRED.] An owner
29 that employs or seeks to employ a manager or other caretaking
30 employee shall investigate the individual's criminal conviction
31 record by inspecting criminal conviction data classified as
32 public under section 13.87.

33 Subd. 3. [VIOLENT CRIMINALS.] If a background check
34 required by this section reveals that a person seeking
35 employment as a manager or other caretaking employee has been
36 convicted of a violent crime, as defined in section 609.152,

1 subdivision 1, paragraph (d), the owner, manager, or employer
2 responsible for a residential building or facility may not allow
3 the caretaker or employee to have access to occupied residential
4 units or rooms unless the caretaker or employee is accompanied
5 by a designated person. A violation of this subdivision is a
6 misdemeanor.

7 Sec. 4. [EFFECTIVE DATE.]

8 Sections 1 and 3 are effective August 1, 1995, and apply to
9 crimes committed on or after that date. Section 2 is effective
10 for oral and written leases entered into or renewed on or after
11 August 1, 1995.

Clark from the Committee on Housing to which was referred:

H. F. No. 72, A bill for an act relating to public safety; requiring landlords of residential rental buildings to conduct a criminal conviction background check of individuals employed as building managers or caretakers; requiring criminal background checks for individuals employed as managers or caretaking employees in manufactured park homes; requiring 24-hour oral or written notice before entry of certain buildings used as dwellings, including apartments and manufactured homes; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 327; and 504.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [299C.66] [CITATION.]

Sections 299C.66 to 299C.69 may be cited as the "Kari Koskinen manager background check act."

Sec. 2. [299C.67] [DEFINITIONS.]

Subdivision 1. [TERMS.] The definitions in this section apply to sections 299C.66 to 299C.69.

Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime" includes murder, manslaughter, criminal sexual conduct in any degree, aiding suicide, aiding attempted suicide, assault, terroristic threats, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, theft, theft of a firearm, arson, riot, burglary, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun or short-barreled shotgun; and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609. Background check crime also includes felony violations of chapter 152.

Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal justice information system.

Subd. 4. [MANAGER.] "Manager" means an individual:

(1) who is employed by or applies for employment with an owner to perform day-to-day management, caretaking, or maintenance tasks in a residential rental building or on residential rental premises; and

(2) who has or would have the authority or the legitimate means, within the scope of the individual's employment, to enter tenants' dwelling units located in the building.

Subd. 5. [OWNER.] "Owner" has the meaning given in section 566.18, subdivision 3.

Subd. 6. [SUPERINTENDENT.] "Superintendent" means the superintendent of the bureau of criminal apprehension.

Subd. 7. [TENANT.] "Tenant" has the meaning given in section 566.18, subdivision 2.

Sec. 3. [299C.68] [BACKGROUND CHECKS.]

Subdivision 1. [BACKGROUND CHECK; WHEN REQUIRED.] (a) Before hiring a manager, an owner who hires or seeks to hire a manager shall, either personally or through an authorized representative, request the superintendent to conduct a background check under this section. An owner may employ a manager after requesting a background check under this section before receipt of the background check report.

(b) Every two years from a manager's date of hire, an owner who employs the manager shall, either personally or through an authorized representative, request the superintendent to conduct a background check under this section.

Subd. 2. [PROCEDURES.] The superintendent shall develop procedures to enable an owner or an owner's authorized representative to request a background check to determine whether a manager is the subject of any reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. If the manager has

resided in Minnesota for less than five years, the superintendent shall also conduct a search of the national criminal records repository including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of a criminal history check. The superintendent shall recover the cost of a background check through a fee charged to the owner.

Subd. 3. [BACKGROUND CHECKS; REQUIREMENTS.] The superintendent may not perform a background check under this section unless the owner or the owner's authorized representative submits a written document, signed by the manager on whom the background check is to be performed. If the manager has resided in Minnesota for less than five years, the written document submitted under this section must be accompanied by the fingerprints of the manager on whom the background check is to be performed unless the owner has previously submitted the manager's fingerprints under this section. The superintendent shall develop a standardized form to be used for this purpose which includes the following:

(1) a question asking whether the manager has ever been convicted of a background check crime and if so, requiring a description of the crime and the particulars of the conviction;

(2) a notification to the manager that the owner will request the superintendent to perform a background check under this section; and

(3) a notification to the manager of the manager's rights under subdivision 4.

Background checks performed under this section may only be requested by and provided to authorized representatives of an owner who have a need to know the information and may be used only for the purposes of sections 299C.66 to 299C.69.

Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify the manager of the manager's rights under paragraph (b).

(b) A manager who is the subject of a background check request has the following rights:

(1) the right to be informed that an owner will request a background check on the manager:

(i) for purposes of the manager's application to be employed by an owner or for purposes of continuing as an employee; and

(ii) to determine whether the manager has been convicted of any crime specified in section 299C.67, subdivision 2;

(2) the right to be informed by the owner of the superintendent's response to the background check and to obtain from the owner a copy of the background check report;

(3) the right to obtain from the superintendent any record that forms the basis for the report;

(4) the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to section 13.04, subdivision 4; and

(5) the right to be informed by the owner if the manager's application to be employed by the owner or to continue as an employee has been denied because of the superintendent's response.

Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall respond to a background check request within a reasonable time not to exceed ten working days after receiving the signed, written document described in subdivision 3. The superintendent's response shall be limited to a statement that the background check crime information contained in the document is or is not complete and accurate. The superintendent shall develop a standardized response form.

Subd. 6. [PENALTY.] Any owner who knowingly fails to request a background check required under subdivision 1 is guilty of a misdemeanor.

Sec. 4. [299C.69] [BUREAU OF CRIMINAL APPREHENSION IMMUNITY.]

The bureau of criminal apprehension is immune from any civil or criminal liability that might otherwise arise under sections 299C.66 to 299C.69, based on the accuracy or completeness of any of its records or of the records it receives from the Federal Bureau of Investigation, if the bureau acts in good faith.

Sec. 5. [504.183] [TENANT'S RIGHT TO PRIVACY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

- (a) "Building" has the meaning given in section 566.18, subdivision 7.
- (b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.
- (c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. [ENTRY BY LANDLORD.] A landlord may enter the premises rented by a tenant only with a reasonable business purpose, as provided in subdivision 3, and after giving the tenant reasonable notice. This subdivision does not apply if the tenant consents to entry by the landlord. A tenant may not waive, and the landlord may not require the tenant to waive, the tenant's right to notice or consent under this section as a condition of entering into or maintaining the lease.

Subd. 3. [REASONABLE PURPOSE.] A reasonable business purpose includes, but is not limited to:

- (1) emergencies relating to maintenance, tenant safety, building security, or law enforcement;
- (2) showing the unit to prospective tenants after the current tenant has given notice to move to the owner or owner's agent;
- (3) maintenance work;
- (4) inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes; or
- (5) determining a tenant's safety when reasonably requested to do so by a member of the tenant's family or a friend of the tenant.

Subd. 4. [ENTRY WITHOUT TENANT'S PRESENCE.] If the landlord enters when the tenant is not present, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 5. [PENALTY.] If a landlord violates this section, the tenant is entitled to rescission of the lease, recovery of any damage deposit less any proven damages to the rental property, and a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section.

Sec. 6. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 4 are effective August 1, 1995, and apply to owners who hire or seek to hire managers on or after that date.

Section 5 is effective for oral and written leases entered into or renewed on or after August 1, 1995."

Delete the title and insert:

"A bill for an act relating to public safety; requiring owners of residential rental buildings to request the superintendent of the bureau of criminal apprehension to conduct criminal background checks of individuals employed as managers; imposing certain duties relating to doing criminal background checks on the superintendent of the bureau of criminal apprehension; authorizing entry of residential dwellings only upon reasonable business purpose and notice; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 299C and 504."

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

The report was adopted.

GREEN SHOWS DELETIONS BY JUDICIARY COMM VIA H72A23

MINUTES

HOUSE OF REPRESENTATIVES
SEVENTY-NINTH SESSION

STATE OF MINNESOTA
THIRD MEETING

COMMITTEE ON HOUSING

The meeting was called to order by Rep. Karen Clark, Chair, at 12:34 p.m. on Monday January 23, 1995, in Room 500 South of the State Office Building. Members present were:

- | | |
|-------------------------|---------------------|
| Rep. Karen Clark, Chair | Rep. Dan McElroy |
| Rep. Marvin Dauner | Rep. Mark Olson |
| Rep. Andy Dawkins | Rep. Alice Seagren |
| Rep. Lee Greenfield | Rep. Wes Skoglund |
| Rep. Elaine Harder | Rep. Barbara Sykora |
| Rep. Arlon Lindner | Rep. Steve Trimble |
| Rep. Carlos Mariani | Rep. John Tuma |
| | Rep. Linda Wejcman |

Members excused:

Rep. Tony Kinkel

Members absent:

Minutes:

1. Rep. Dauner moved to adopt the minutes from the last meeting. Motion adopted.
2. Overview of landlord/tenant issues.
 - a. Lynn Schellenberger, Minnesota Tenants Network. Ms. Schellenberger informed the committee that the two pressing issues of concern among tenants who attended a statewide meeting were the right to privacy and tenant screening. Other issues such as lack of affordable housing, living wages and repairs are also important.
 - b. Sherry Coates, Homeline. Ms. Coates highlighted the privacy issue for tenants. She would like to see a 24 hour notification period before landlords, building or property managers could entry a premise.
 - c. Jack Horner, Minnesota Multi Housing Association. Mr. Horner stated that it wasn't good public policy to punish rental property owners with a higher property tax rate. He said that 19% of rent paid went to property taxes so as a result buildings can't be maintained. Rents haven't gone up in 8 years, no new private construction since the late 1980's has occurred due to lack of a tax shelter since 1986 are reasons given for lack of investment in multi housing units.
 - d. Rosemary Frazell, Legal Services Advisory Project. Ms. Frazell reiterated the concerns of tenants for a 24 hour waiting period before entry into apartments and tenant screening.
3. Rep. Dawkins moved that HF 72 be recommended to pass and re-referred to Judiciary.
4. Rep. Weaver and Rep. Greiling gave overview of HF 72, a bill for the act relating to crime; requiring criminal background checks on property managers.
5. LuAnn Koskinen. Ms. Koskinen told of her daughter's murder and her belief that it could have been prevented if a criminal background check had been done on the property manager.

Endnote H3

[Tapes flipped.
#1 starts at 48:14
on archival

Ms. Koskinen said that her daughter had expressed concerns about the property manager but was afraid to mention it because her lease was due to be renewed.

6. Rep. Dawkins moved to amend HF 72 with the H72A1 delete everything amendment. Motion was adopted.

7. Rep. Dawkins moved to amend HF 72 as amended by the H72A1 delete everything amendment as follows: page 1, line 11 delete, aiding suicide, aiding attempted suicide.

8. Rep. Olson, M. requested a roll call vote.

9. Rep. Dawkins moved to lay over his amendment. Motion adopted.

10. Rep. Weaver and Greiling continued their overview of HF 72 section by section.

11. Doug Clark, supervising attorney for St. Cloud Legal Services. Mr. Clark expressed the concerns about tenant privacy rights and the need for 24 hour notification before entry.

12. Meeting adjourned at 2:14 p.m.

Karen Clark
Karen Clark, Chair

Kevin Morgel
Kevin Morgel, CIA

*adopted
✓ 2/23/95
Kpm*

Rp. Koskinen

1 moves to amend H. F. 72, as follows:

2 Delete everything after the enacting clause and insert:

3 Section 1. [299C.66] [CITATION.]

4 Sections 299C.66 to 299C.69 may be cited as the "Kari
5 Koskinen manager background check act."

6 Sec. 2. [299C.67] [DEFINITIONS.]

7 Subdivision 1. [TERMS.] The definitions in this section
8 apply to sections 299C.66 to 299C.69.

9 Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime"
10 includes murder, manslaughter, criminal sexual conduct in any
11 degree, aiding suicide, aiding attempted suicide, assault,
12 terroristic threats, use of drugs to injure or to facilitate
13 crime, simple robbery, aggravated robbery, kidnapping, false
14 imprisonment, theft, theft of a firearm, arson, riot, burglary,
15 reckless use of a gun or dangerous weapon, intentionally
16 pointing a gun at or towards a human being, setting a spring
17 gun, and unlawfully owning, possessing, or operating a machine
18 gun or short-barreled shotgun, and an attempt to commit any of
19 these offenses, as each of those offenses is defined in chapter
20 609. "Background check crime" also includes felony violations
21 of chapter 152.

22 Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal
23 justice information system.

24 Subd. 4. [MANAGER.] "Manager" means an individual:

1 (1) who is employed by or applies for employment with an
2 owner to perform day-to-day management, caretaking, or
3 maintenance tasks in a residential rental building or on
4 residential rental premises; and

5 (2) who has or would have the authority or the legitimate
6 means, within the scope of the individual's employment, to enter
7 tenants' dwelling units located in the building.

8 Subd. 5. [OWNER.] "Owner" has the meaning given in section
9 566.18, subdivision 3.

10 Subd. 6. [SUPERINTENDENT.] "Superintendent" means the
11 superintendent of the bureau of criminal apprehension.

12 Subd. 7. [TENANT.] "Tenant" has the meaning given in
13 section 566.18, subdivision 2.

14 Sec. 3. [299C.68] [BACKGROUND CHECKS.]

15 Subdivision 1. [BACKGROUND CHECK; WHEN REQUIRED.] (a)
16 Before hiring a manager, an owner who hires or seeks to hire a
17 manager shall, either personally or through an authorized
18 representative, request the superintendent to conduct a
19 background check under this section. An owner may employ a
20 manager after requesting a background check under this section
21 before receipt of the background check report.

22 (b) Every two years from a manager's date of hire, an owner
23 who employs the manager shall, either personally or through an
24 authorized representative, request the superintendent to conduct
25 a background check under this section.

26 Subd. 2. [PROCEDURES.] The superintendent shall develop
27 procedures to enable an owner or an owner's authorized
28 representative to request a background check to determine
29 whether a manager is the subject of any reported conviction for
30 a background check crime. The superintendent shall perform the
31 background check by retrieving and reviewing data on background
32 check crimes maintained in the CJIS computers. If the manager
33 has resided in Minnesota for less than five years, the
34 superintendent shall also conduct a search of the national
35 criminal records repository including the criminal justice data
36 communications network. The superintendent is authorized to

1 exchange fingerprints with the Federal Bureau of investigation
2 for purposes of a criminal history check. The superintendent
3 shall recover the cost of a background check through a fee
4 charged to the owner.

5 Subd. 3. [BACKGROUND CHECKS; REQUIREMENTS.] The
6 superintendent may not perform a background check under this
7 section unless the owner or the owner's authorized
8 representative submits a written document, signed by the manager
9 on whom the background check is to be performed. If the manager
10 has resided in Minnesota for less than five years, the written
11 document submitted under this section must be accompanied by the
12 fingerprints of the manager on whom the background check is to
13 be performed unless the owner has previously submitted the
14 manager's fingerprints under this section. The superintendent
15 shall develop a standardized form to be used for this purpose
16 which includes the following:

17 (1) a question asking whether the manager has ever been
18 convicted of a background check crime and if so, requiring a
19 description of the crime and the particulars of the conviction;

20 (2) a notification to the manager that the owner will
21 request the superintendent to perform a background check under
22 this section; and

23 (3) a notification to the manager of the manager's rights
24 under subdivision 4.

25 Background checks performed under this section may only be
26 requested by and provided to authorized representatives of an
27 owner who have a need to know the information and may be used
28 only for the purposes of sections 299C.66 to 299C.69.

29 Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify
30 the manager of the manager's rights under paragraph (b).

31 (b) A manager who is the subject of a background check
32 request has the following rights:

33 (1) the right to be informed that an owner will request a
34 background check on the manager:

35 (i) for purposes of the manager's application to be
36 employed by an owner or for purposes of continuing as an

1 employee; and

2 (ii) to determine whether the manager has been convicted of
3 any crime specified in section 299C.67, subdivision 2;

4 (2) the right to be informed by the owner of the
5 superintendent's response to the background check and to obtain
6 from the owner a copy of the background check report;

7 (3) the right to obtain from the superintendent any record
8 that forms the basis for the report;

9 (4) the right to challenge the accuracy and completeness of
10 any information contained in the report or record pursuant to
11 section 13.04, subdivision 4; and

12 (5) the right to be informed by the owner if the manager's
13 application to be employed by the owner or to continue as an
14 employee has been denied because of the superintendent's
15 response.

16 Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall
17 respond to a background check request within a reasonable time
18 not to exceed ten working days after receiving the signed,
19 written document described in subdivision 3. The
20 superintendent's response shall be limited to a statement that
21 the background check crime information contained in the document
22 is or is not complete and accurate. The superintendent shall
23 develop a standardized response form.

24 Subd. 6. [PENALTY.] Any owner who knowingly fails to
25 request a background check required under subdivision 1 is
26 guilty of a misdemeanor.

27 Sec. 4. [299C.69] [BCA IMMUNITY.]

28 The bureau of criminal apprehension is immune from any
29 civil or criminal liability that might otherwise arise under
30 sections 299C.66 to 299C.69, based on the accuracy or
31 completeness of any of its records or of the records it receives
32 from the Federal Bureau of Investigation, if the bureau acts in
33 good faith.

34 Sec. 5. [EFFECTIVE DATE; APPLICATION.]

35 Sections 1 to 4 are effective August 1, 1995, and apply to
36 owners who hire or seek to hire managers on or after that date.

01/23/95 9:52 a.m.

[RESDEPT] KC/JH H72A1

1

Amend the title accordingly

MINUTES

HOUSE OF REPRESENTATIVES
SEVENTY-NINTH SESSION

STATE OF MINNESOTA
FOURTH MEETING

COMMITTEE ON HOUSING

The meeting was called to order by Rep. Karen Clark, Chair, at 12:37 on Monday January 30, 1995, in Room 500 South of the State Office Building. Members present were:

Rep. Karen Clark, Chair	Rep. Dan McElroy
Rep. Marvin Dauner	Rep. Mark Olson
Rep. Andy Dawkins	Rep. Alice Seagren
Rep. Lee Greenfield	Rep. Barbara Sykora
Rep. Elaine Harder	Rep. Steve Trimble
Rep. Tony Kinkel	Rep. John Tuma
Rep. Arlon Lindner	Rep. Linda Wejcman
Rep. Carlos Mariani	

Members excused:

Rep. Wes Skoglund

Members absent:

Minutes:

1. Rep. Wejcman moved that the minutes from the last meeting be approved. Motion was adopted.

2. Testimony for HF 72.

a. Richard Neumister, citizen lobbyist. Mr. Neumister raised the prospect that the cost of a criminal background check may be passed on to job applicants. He also wondered if it was appropriate to grant immunity to the BCA for information it provides.

b. Jack Horner, Minnesota Multi Housing Association. Mr. Horner expressed some concerns which included that the statute would be enforced statewide, it would be too costly for owners and it wasn't needed because crimes committed by property owners are infrequent.

c. Lorie Danzeisen, Griffin Companies. Ms. Danzeisen stated that this legislation would have a negative impact on small units (6-12 plexes).

3. Rep. Wejcman moved to amend HF 72 as amended with the H72A4 amendment. Rep. Wejcman moved to amend the H72A4 amendment with two oral amendments:

page 1, line 18, after . insert the following:

A tenant may not waive and

page 2, line 5, delete:

requested by the tenant

Motions were incorporated into the H72A4 amendment.

Testifying on the amendment were:

a. Galen Robinson, Legal Aid of Minneapolis. Mr. Robinson spoke in favor of the amendment.

Endnote H4

b. Dianne Wilhelmson, SPARL. Ms. Wilhelmson spoke against the amendment

c. Luanne Koskinen, spoke in favor of the bill.

d. Jack Horner, Minnesota Multi Housing Association. Mr. Horner spoke against the amendment.

e. Rosemary Frazel, Legal Services Advocacy Project. Ms. Frazel spoke in favor of the amendment.

The motion to adopt the H72a4 amendment as amended was adopted.

4. Rep. Wejcman moved that HF 72 as amended be adopted and re-referred to Judiciary. Motion prevailed.

5. Meeting adjourned at 2:19 p.m.

Karen Clark
Karen Clark, Chair

Kevin Morgel
Kevin Morgel, CLA

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1995 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1995	Date Filed 1995
44	29	3	2:58 p.m. February 22	February 22
		4	2:59 p.m. February 22	February 22

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Long from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 57, A bill for an act relating to local government; providing that maintenance of abandoned or neglected cemeteries by nonprofit organizations does not create an employment relationship or liability for local governments; amending Minnesota Statutes 1994, sections 306.243, subdivision 3; and 306.246.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 72, A bill for an act relating to public safety; requiring owners of residential rental buildings to request the superintendent of the bureau of criminal apprehension to conduct criminal background checks of individuals employed as managers; imposing certain duties relating to doing criminal background checks on the superintendent of the bureau of criminal apprehension; authorizing entry of residential dwellings only upon reasonable business purpose and notice; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 299C and 504.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [299C.66] [CITATION.]

Sections 299C.66 to 299C.69 may be cited as the "Kari Koskinen manager background check act."

Sec. 2. [299C.67] [DEFINITIONS.]

Subdivision 1. [TERMS.] The definitions in this section apply to sections 299C.66 to 299C.69.

Subd. 2. [BACKGROUND CHECK CRIME.] "Background check crime" means a felony or nontraffic gross misdemeanor on which data is available to the superintendent.

Subd. 3. [CJIS.] "CJIS" means the Minnesota criminal justice information system.

Subd. 4. [MANAGER.] "Manager" means an individual:

(1) who is employed by or applies for employment with an owner to perform day-to-day management, caretaking, or maintenance tasks in a residential rental building or on residential rental premises; and

(2) who has a master key for residential rental premises or otherwise would be able to enter tenants' dwelling units without the consent of a tenant or the assistance of the owner or an authorized representative of the owner.

Subd. 5. [OWNER.] "Owner" has the meaning given in section 566.18, subdivision 3.

Subd. 6. [SUPERINTENDENT.] "Superintendent" means the superintendent of the bureau of criminal apprehension.

Subd. 7. [TENANT.] "Tenant" has the meaning given in section 566.18, subdivision 2.

Sec. 3. [299C.68] [BACKGROUND CHECKS.]

Subdivision 1. [BACKGROUND CHECK; WHEN REQUIRED.] Before hiring a manager, an owner who hires or seeks to hire a manager shall, either personally or through an authorized representative, request the superintendent to conduct a background check under this section. An owner may employ a manager after requesting a background check under this section before receipt of the background check report.

Subd. 2. [PROCEDURES.] The superintendent shall develop procedures to enable an owner or an owner's authorized representative to request a background check to determine whether a manager is the subject of any reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. If the manager has resided in Minnesota for less than five years, the superintendent shall also conduct a search of the national criminal records repository including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of a criminal history check. The superintendent shall recover the cost of a background check through a fee charged to the owner.

Subd. 3. [BACKGROUND CHECKS; REQUIREMENTS.] The superintendent may not perform a background check under this section unless the owner or the owner's authorized representative submits a written document, signed by the manager on whom the background check is to be performed. If the manager has resided in Minnesota for less than five years, the written document submitted under this section must be accompanied by the fingerprints of the manager on whom the background check is to be performed unless the owner has previously submitted the manager's fingerprints under this section. The superintendent shall develop a standardized form to be used for this purpose which includes the following:

(1) a question asking whether the manager has ever been convicted of a background check crime and if so, requiring a description of the crime and the particulars of the conviction;

(2) a notification to the manager that the owner will request the superintendent to perform a background check under this section; and

(3) a notification to the manager of the manager's rights under subdivision 4.

Background checks performed under this section may only be requested by and provided to the owner or authorized representatives of an owner who have a need to know the information and may be used only for the purposes of sections 299C.66 to 299C.69.

Subd. 4. [MANAGER'S RIGHTS.] (a) The owner shall notify the manager of the manager's rights under paragraph (b).

(b) A manager who is the subject of a background check request has the following rights:

(1) the right to be informed that an owner will request a background check on the manager:

(i) for purposes of the manager's application to be employed by an owner or for purposes of continuing as an employee; and

(ii) to determine whether the manager has been convicted of a felony or nontraffic gross misdemeanor on which data is available to the superintendent;

(2) the right to be informed by the owner of the superintendent's response to the background check and to obtain from the owner a copy of the background check report;

(3) the right to obtain from the superintendent any record that forms the basis for the report;

(4) the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to section 13.04, subdivision 4; and

(5) the right to be informed by the owner if the manager's application to be employed by the owner or to continue as an employee has been denied because of the superintendent's response.

Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall respond to a background check request within a reasonable time not to exceed ten working days after receiving the signed, written document described in subdivision 3. The superintendent shall provide the owner with a copy of the manager's criminal record or a statement that the manager is not the subject of a criminal history record at the bureau.

Subd. 6. [EQUIVALENT BACKGROUND CHECK.] (a) An owner may satisfy the requirements of this section by obtaining a background check from a private business or a local law enforcement agency rather than the superintendent if the scope of the background check provided by the private business or local law enforcement agency is at least as broad as that of a background check performed by the superintendent. Local law enforcement agencies may access the criminal justice data network to perform the background check.

(b) A private business or local law enforcement agency providing a background check under this section must comply with subdivision 3, except that the notification form must indicate that the background check will be performed by the private business or local law enforcement agency using records of the superintendent and other data sources.

(c) In addition to the notification provided to the manager under paragraph (b), the owner also must notify the manager that the manager has the following rights:

(1) the right to be informed that the owner will request a background check on the manager:

(i) for purposes of the manager's application to be employed by an owner or for purposes of continuing as an employee; and

(ii) to determine whether the manager has been convicted of any felony or nontraffic gross misdemeanor crime on which data is available to the superintendent or through other data sources;

(2) the right to be informed by the owner of the content of the background check and to obtain from the owner a copy of the background check report;

(3) the right to obtain from the superintendent or any law enforcement agency or other state agency, statewide system, or political subdivision, any record provided by that entity that forms the basis for the report prepared by the private business or local law enforcement agency, and the right to challenge the accuracy and completeness of any such record under section 13.04, subdivision 4; and

(4) the right to be informed by the owner if the manager's application for employment or request to continue as an employee has been denied because of the content of the background check report.

Subd. 7. [PETTY MISDEMEANOR.] An owner who knowingly fails to request a background check under subdivision 1 is guilty of a petty misdemeanor.

Sec. 4. [299C.69] [BUREAU OF CRIMINAL APPREHENSION IMMUNITY.]

The bureau of criminal apprehension is immune from any civil or criminal liability that might otherwise arise under sections 299C.66 to 299C.69, based on the accuracy or completeness of any records it receives from the Federal Bureau of Investigation or any other state or local agency or branch of government, if the bureau acts in good faith.

Sec. 5. [504.183] [TENANT'S RIGHT TO PRIVACY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Building" has the meaning given in section 566.18, subdivision 7.

(b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.

(c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. [ENTRY BY LANDLORD.] Except as provided in subdivision 4, a landlord may enter the premises rented by a tenant only for a reasonable business purpose and after giving the tenant reasonable notice under the circumstances of the intent to enter. A tenant may not waive and the landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision 2, a reasonable business purpose includes, but is not limited to:

(1) showing the unit to prospective tenants during the month before the lease terminates or after the current tenant has given notice to move to the owner or owner's agent;

(2) showing the unit to a prospective buyer or to an insurance representative;

(3) performing maintenance work; and

(4) allowing inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes.

Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] Notwithstanding subdivision 2, a landlord may enter the premises rented by a tenant to inspect or take appropriate action without prior notice to the tenant if the landlord reasonably suspects that:

(1) immediate entry is necessary to prevent injury to persons or property because of conditions relating to maintenance, building security, or law enforcement;

(2) immediate entry is necessary to determine a tenant's safety; or

(3) immediate entry is necessary in order to comply with local ordinances regarding unlawful activity occurring within the tenant's premises.

Subd. 5. [ENTRY WITHOUT TENANT'S PRESENCE.] If the landlord enters when the tenant is not present and prior notice has not been given, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 6. [PENALTY.] If a landlord substantially violates subdivision 2, the tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504.20, and up to a \$100 civil penalty for each violation. If a landlord violates subdivision 5, the tenant is entitled to up to a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section.

Subd. 7. [EXEMPTION.] This section does not apply to tenants and landlords of manufactured home parks as defined in section 327C.01.

PINK SHOWS ADDITIONS BY JUDICIARY COMM VIA H72A23

Sec. 6. [EFFECTIVE DATE; APPLICATION.]

Sections 1 to 4 are effective August 1, 1995, and apply to owners who hire or seek to hire managers on or after that date.

Section 5 is effective for oral and written leases entered into or renewed on or after August 1, 1995."

Amend the title as follows:

Page 1, line 3, delete "the"

Page 1, delete line 4

Page 1, line 5, delete "to conduct"

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

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 125, A bill for an act relating to corrections; prohibiting correctional inmates from applying for name changes more than once a year; proposing coding for new law in Minnesota Statutes, chapter 259.

Reported the same back with the following amendments:

Page 1, line 9, delete "each period of"

Page 1, line 11, delete "the commissioner of corrections may"

Page 1, delete lines 12 to 14, and insert "an inmate may request a name change under section 259.10 only once, and may proceed in forma pauperis only when the failure to allow the name change would infringe on a constitutional right of an inmate."

Amend the title as follows:

Page 1, line 4, delete "a year" and insert "during an inmate's confinement"

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 136, A bill for an act relating to landlord tenant; forcible entry and unlawful detainer; providing a partial refund of the filing fee in matters resolved after one court appearance; amending Minnesota Statutes 1994, section 566.09, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 10, delete "REFUNDED" and delete "If all matters in an"

Page 1, delete lines 11 to 13

MINUTES

HOUSE OF REPRESENTATIVES
SEVENTY-NINTH SESSION

STATE OF MINNESOTA
EIGHTH MEETING

JUDICIARY COMMITTEE

The meeting was called to order by Rep. Wes Skoglund, Chair, at 10:12 a.m. on Monday, February 6, 1995, in the Basement Hearing Room of the State Office Building. Members present were:

- SKOGLUND, Chair
- BISHOP
- BROWN
- DAWKINS
- ENTENZA
- LIMMER
- LUTHER
- LYNCH
- MACKLIN
- MCGUIRE
- MURPHY
- PELOWSKI
- PUGH
- RHODES
- SEAGREN
- SMITH
- SOLBERG
- SWENSON
- VAN ENGEN

Members excused: Orenstein

A quorum was present.

Rep. Luther moved to approve the minutes from the meeting of February 1, 1995. MOTION CARRIED

Rep. Jaros presented H.F. 32 - relating to marriage; authorizing retired court administrators to solemnize marriages; amending Minnesota Statutes 1994, section 517.04.

Rep. Brown moved that H.F. 32 be recommended to pass and be placed on the Consent Calendar. MOTION CARRIED

Rep. Farrell presented H.F. 107 - relating to public safety; providing a statewide policy on school lockers; proposing coding for new law in chapter 127.

Rep. Skoglund moved to amend H.F. 107 as follows:
Page 1, line 4, before "chapter" insert "Minnesota Statutes," MOTION CARRIED

Testifying on H.F. 107:

- Bob Meeks, MN School Boards Association, in support
- Richard Neumeister, in opposition

Rep. Pugh moved that H.F. 107, as amended, be recommended to pass. NO ACTION WAS TAKEN

Reps. Greiling and Weaver presented H.F. 72 - relating to public safety; requiring owners of residential rental buildings to request the superintendent of the bureau of criminal apprehension to conduct criminal background checks of individuals employed as managers; imposing certain duties relating to doing criminal background checks on the

(Continued)

Endnote H6

Judiciary Committee - Minutes
February 6, 1995
Page Two

superintendent of the bureau of criminal apprehension;
authorizing entry of residential dwellings only upon
reasonable business purpose and notice; prescribing
penalties; proposing coding for new law in Minnesota
Statutes, chapters 299C and 504.

Rep. Skoglund moved to amend H.F. 72 as follows:

Page 3, line 32, after "to" insert "the owner or"

MOTION CARRIED

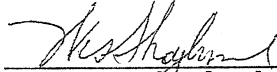
Testifying in support of H.F. 72:

- LuAnn Koskinen, Mother of Kari Koskinen, a murder victim,
spoke in support of the bill

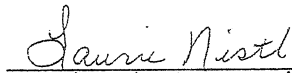
Testifying in opposition of H.F. 72:

- Jeanine Atchison, Housing Inspector, City of Brooklyn
Center, expressing concerns with the bill
- Mike Osmonson, Supervisor of Housing Inspections, City of
Minneapolis, concerns
- Jim Soderberg, Owner of a property management company,
St. Louis Park
- Jack Horner, Minnesota Multi-Housing Association

The meeting was adjourned at 12:01 p.m.



Rep. Wes Skoglund, Chair



Laurie Nistl, Committee
Legislative Assistant

MINUTES

HOUSE OF REPRESENTATIVES
SEVENTY-NINTH SESSION

STATE OF MINNESOTA
THIRTEENTH MEETING

JUDICIARY COMMITTEE

The meeting was called to order by Rep. Wes Skoglund, Chair, at 10:07 a.m. on Wednesday, February 22, 1995, in the Basement Hearing Room of the State Office Building. Members present were:

SKOGLUND, Chair
BISHOP
BROWN
DAWKINS
ENTENZA
LUTHER
LYNCH
MACKLIN
MCGUIRE
MURPHY
ORENSTEIN
PELOWSKI
PUGH
RHODES
SEAGREN
SMITH
SOLBERG
SWENSON
VAN ENGEN

A quorum was present.

Rep. Rhodes moved to approve the minutes from the meeting of February 20, 1995. MOTION CARRIED

Rep. Karen Clark presented H.F. 136 - Relating to landlord tenant; forcible entry and unlawful detainer; providing a partial refund of the filing fee in matters resolved after one court appearance; amending Minnesota Statutes 1994, section 566.09, by adding a subdivision.

Rep. Skoglund moved to amend H.F. 136, see attached amendment H136A3.

Rep. Macklin moved to amend amendment H136A3, as follows:

Page 1, line 5, delete "At the first appearance in" and insert "Upon the filing of"
MOTION CARRIED

On the Skoglund amendment H136A3, as amended. MOTION CARRIED

Testifying and responding to questions on the amendment, H136A3:

- Joe Gockowski, Court Administrator, Ramsey County, Civil Division

Rep. Dawkins moved to amend the amendment H136A3 as follows:

Page 1, line 8, delete "in one" and insert "at the first"
Page 1, line 9, delete "at the next court appearance"
Page 1, line 11, after the period, insert:
"If the remaining one-half of the filing fee is not paid, the case shall be dismissed upon the court's own motion."
MOTION CARRIED

Rep. Skoglund moved that H.F. 136, as amended be recommended to pass and be re-referred to the Committee on Judiciary Finance.
MOTION CARRIED

Endnote H7

Judiciary Committee - Minutes
February 22, 1995
Page Two

Rep. Dave Bishop presented H.F. 125 - relating to government data practices; medical examiner data; allowing sharing of such data with a state or federal agency charged with investigating a death; amending Minnesota Statutes 1994, section 13.83, subdivision 5.

Rep. Bishop moved to amend H.F. 125, see attached amendment H125A2.

Rep. Skoglund moved to amend the Bishop amendment H125A2 as follows:

Page 1, line 6 and 7, delete "at public expense" and insert "may proceed in forma pauperis"

MOTION CARRIED

On the Bishop amendment H125A2, as amended. MOTION CARRIED

Rep. Bishop moved that H.F. 125, as amended, be recommended to pass. MOTION CARRIED

Reps. Mindy Greiling and Charlie Weaver presented H.F. 72 - relating to public safety; requiring owners of residential rental buildings to request the superintendent of the bureau of criminal apprehension to conduct criminal background checks of individuals employed as managers; imposing certain duties relating to doing criminal background checks on the superintendent of the bureau of criminal apprehension; authorizing entry of residential dwellings only upon reasonable business purpose and notice; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 299C and 504.

Testifying on H.F. 72:

- Jack Horner, representing the Minnesota Multi-Housing Association
- Beth Kodluboy, tenant organizer of Home Line Tenant Advocacy, Hennepin County
- Richard Neumeister, citizen lobbyist

Rep. Skoglund moved to amend H.F. 72, see attached amendment H72A21. MOTION CARRIED

Rep. Bishop moved to amend H.F. 72, see attached amendment H72A15. MOTION CARRIED

Rep. Pugh moved to amend H.F. 72, see attached amendment H72A16. MOTION CARRIED

Rep. Seagren moved to amend H.F. 72 (the Unofficial Engrossment #H72A18--previous adoptions), see attached amendment [REDACTED] MOTION CARRIED

← H72A23

Rep. Bishop moved to amend H.F. 72, see attached amendment H72A17.

- Karen McDonald, Bureau of Criminal Apprehension, responded to questions on the Bishop amendment #H72A17.

Rep. Bishop withdrew his amendment H72A17.

Rep. Pugh moved to amend H.F. 72, see attached amendment H72A8. MOTION CARRIED

1 A bill for an act

2 relating to corrections; appropriating money to fund

3 productive day initiative programs in local

4 correctional facilities in Hennepin, Ramsey, and St.

5 Louis counties.

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

7 Section 1. [APPROPRIATION; PRODUCTIVE DAY INITIATIVE

8 PROGRAMS.]

9 Subdivision 1. [APPROPRIATION.] The sums indicated in this

10 section are appropriated from the general fund to the counties

11 named in subdivisions 2 to 4 for the fiscal year ending June 30,

12 1997.

13 Subd. 2. [HENNEPIN COUNTY.] \$900,000 is appropriated from

14 the general fund to Hennepin county to develop and implement the

15 productive day initiative program established in Minnesota

16 Statutes, section 241.275.

17 Subd. 3. [RAMSEY COUNTY.] \$900,000 is appropriated from

18 the general fund to Ramsey county to develop and implement the

19 productive day initiative program established in Minnesota

20 Statutes, section 241.275.

21 Subd. 4. [ST. LOUIS COUNTY.] \$900,000 is appropriated from

22 the general fund to St. Louis county to develop and implement

23 the productive day initiative program established in Minnesota

24 Statutes, section 241.275.

Endnote H8

Senate Companion No.

ORIGINAL H.F. NO. 1700

A bill for an act relating to corrections; appropriating money to fund productive day initiative programs in local correctional facilities in Hennepin, Ramsey, and St. Louis counties.

Bill Draft No. 95-2993

Printed Page No.

HOUSE ACTION

Introduced by Thompson Svensen D. 1984-2000
Skoglund 1983-1989 Farrell 1989-1999 Brecker 1989-1999

* Read FIRST TIME **MAR 29 1995** and Referred to the Committee on **JUDICIARY FINANCE**

Committee Recommendation and Adoption of Report
TO PASS AS AMENDED ^{conf} re-referred to the Committee on **WAYS AND MEANS**.
APR 24 1995

* Read SECOND TIME
Committee of the Whole

* Read THIRD TIME
Passed by the House
Transmitted to the Senate

Chief Clerk, House of Representatives
State of Minnesota

COMPARISON ACTION

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

CONCURRENCE (HOUSE ACTION)

Date _____
Upon motion of _____
the House concurred in Senate amendments to
H.F. No. _____ and repassed
the bill as amended.

Chief Clerk, House of Representatives

SENATE ACTION

Senate Companion is S.F. No. _____

* Read FIRST TIME _____ and Referred to the Committee on _____

Committee Recommendation and Adoption of Report

* Read SECOND TIME
Committee of the Whole

* Read THIRD TIME
Passed by the Senate
Returned to the House

Secretary of the Senate
State of Minnesota

APPROVED AS TO FORM
Revisor of Statutes
By RRP

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

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES



Murphy from the Committee on Judiciary Finance to which was referred:

H. F. No. 1700, A bill for an act relating to corrections; appropriating money to fund productive day initiative programs in local correctional facilities in Hennepin, Ramsey, and St. Louis counties.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. [CRIMINAL JUSTICE APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1996" and "1997," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1996, or June 30, 1997, respectively.

SUMMARY BY FUND

	1996	1997	TOTAL
General	430,146,000	445,361,000	875,507,000
Environmental	40,000	40,000	80,000
Special Revenue	4,924,000	4,953,000	9,877,000
Trunk Highway	1,488,000	1,490,000	2,987,000
TOTAL	436,598,000	451,844,000	888,442,000

APPROPRIATIONS
Available for the Year
Ending June 30

1996 1997

Sec. 2. SUPREME COURT

Subdivision 1. Total Appropriation 19,248,000 19,395,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Supreme Court Operations

3,975,000 3,987,000

Subd. 3. Civil Legal Services

5,007,000 5,207,000

Endnote H9

SKIP TO PAGE 2418
ART 4, section 23

Sec. 21. Minnesota Statutes 1994, section 388.24, subdivision 4, is amended to read:

Subd. 4. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Effective August 1, 1997, every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Sec. 22. Minnesota Statutes 1994, section 401.065, subdivision 3a, is amended to read:

Subd. 3a. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] (a) Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

(b) Effective August 1, 1997, the reporting requirements of this subdivision shall apply to misdemeanor offenses.

Sec. 23. [504.183] [TENANT'S RIGHT TO PRIVACY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Building" has the meaning given in section 566.18, subdivision 7.

(b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.

(c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. [ENTRY BY LANDLORD.] Except as provided in subdivision 4, a landlord may enter the premises rented by a tenant only for a reasonable business purpose and after giving the tenant reasonable notice under the circumstances of the intent to enter. A tenant may not waive and the landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision 2, a reasonable business purpose includes, but is not limited to:

- (1) showing the unit to prospective tenants during the month before the lease terminates or after the current tenant has given notice to move to the owner or owner's agent;
- (2) showing the unit to a prospective buyer or to an insurance representative;
- (3) performing maintenance work; and
- (4) allowing inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes.

Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] Notwithstanding subdivision 2, a landlord may enter the premises rented by a tenant to inspect or take appropriate action without prior notice to the tenant if the landlord reasonably suspects that:

- (1) immediate entry is necessary to prevent injury to persons or property because of conditions relating to maintenance, building security, or law enforcement;
- (2) immediate entry is necessary to determine a tenant's safety; or
- (3) immediate entry is necessary in order to comply with local ordinances regarding unlawful activity occurring within the tenant's premises.

Subd. 5. [ENTRY WITHOUT TENANT'S PRESENCE.] If the landlord enters when the tenant is not present and prior notice has not been given, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 6. [PENALTY.] If a landlord substantially violates subdivision 2, the tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504.20, and up to a \$100 civil penalty for each violation. If a landlord violates subdivision 5, the tenant is entitled to up to a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section.

Subd. 7. [EXEMPTION.] This section does not apply to tenants and landlords of manufactured home parks as defined in section 327C.01.

Sec. 24. Minnesota Statutes 1994, section 609.115, is amended by adding a subdivision to read:

Subd. 10. [SEX OFFENDER RISK ASSESSMENT.] (a) If a person is convicted of an offense for which registration under section 243.166 is required, and the offender's presumptive sentence under the sentencing guidelines is a stayed sentence, the probation officer shall assess the risk presented by the offender to the community where the offender will reside while on probation and shall determine the risk level to which the offender shall be assigned under paragraph (b). In assessing the risk presented by the offender, the officer shall take into account the public risk monitoring guidelines established by the department of corrections and aggravating factors such as those listed in paragraph (d).

(b) An offender whose history includes fewer than three aggravating factors presents a low risk to the community and shall be assigned by the officer to risk level I. An offender whose history includes at least three aggravating factors presents an intermediate risk to the community and shall be assigned by the officer to risk level II. An offender whose history includes at least five aggravating factors or includes both of the aggravating factors described in paragraph (d), clauses (3) and (9), presents a high risk to the community and shall be assigned by the officer to risk level III.

(c) The officer shall include the risk assessment, including the risk level to which the offender has been assigned, in the presentence investigation report. If the offender is assigned to the intermediate or high risk level, the probation officer shall include in the report a description of the notification actions likely to be taken by the local law enforcement agency under section 609.1353.

51ST DAY]

TUESDAY, MAY 2, 1995

3539

up to 30 days including weekends and holidays. Upon the expiration of the extension, the child may not be transferred to another eight-day temporary holdover facility. The commissioner shall develop criteria for granting extensions under this section. These criteria must ensure that the child be transferred to a long-term juvenile detention facility as soon as such a transfer is possible. Nothing in this section changes the requirements in section 260.172 regarding the necessity of detention hearings to determine whether continued detention of the child is proper."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Pugh and Leppik moved to amend H. F. No. 1700, the second engrossment, as amended, as follows:

Page 141, line 30, before the comma, insert "in a particular case"

Page 146, line 6, before the comma, insert "in a particular case"

The motion prevailed and the amendment was adopted.

Tuma; Greiling; Entenza; Olson, M.; McElroy and Perlit moved to amend H. F. No. 1700, the second engrossment, as amended, as follows:

Page 110, line 29, delete "giving" and insert "making a good faith effort to give"

Page 111, line 2, delete "month" and insert "notice period"

Page 111, line 6, delete "and"

Page 111, line 9, delete the period and insert a semicolon

Page 111, after line 9, insert:

"(5) the tenant is causing a disturbance within the unit;

(6) the landlord has a reasonable belief that the tenant is violating the lease within the tenant's unit;

(7) the landlord has a reasonable belief that the unit is being occupied by an individual without a legal right to occupy it; or

(8) the tenant has vacated the unit."

The motion prevailed and the amendment was adopted.

Hasskamp, Sykora, Bertram, Van Engen, Schumacher, Otremba and Davids moved to amend H. F. No. 1700, the second engrossment, as amended, as follows:


Page 156, lines 33 and 34, delete the new language

A roll call was requested and properly seconded.

CATH DAY

FRIDAY, MAY 19, 1995

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CONFERENCE COMMITTEE REPORT ON H. F. NO. 1700 

A bill for an act relating to the organization and operation of state government; appropriating money for the judicial branch; public safety, public defense, corrections, and for other criminal justice agencies and purposes; making changes to various criminal laws and penalties; modifying juvenile justice provisions; amending Minnesota Statutes 1994, sections 2.722, subdivision 1; 3.732, subdivision 1; 16A.285; 43A.18, by adding a subdivision; 120.101, subdivision 1; 120.14; 120.17, subdivisions 5a, 6, and 7; 120.181; 120.73, by adding a subdivision; 124.18, by adding a subdivision; 124.32, subdivision 6; 125.05, by adding a subdivision; 125.09, subdivision 1; 127.20; 127.27, subdivision 10; 145A.05, subdivision 7a; 152.18, subdivision 1; 171.04, subdivision 1; 171.29, subdivision 2; 176.192; 179A.03, subdivision 7; 242.31, subdivision 1; 243.166; 243.23, subdivision 3; 243.51, subdivisions 1 and 3; 243.88, by adding a subdivision; 260.015, subdivision 21; 260.115, subdivision 1; 260.125; 260.126, subdivision 5; 260.131, subdivision 4, and by adding a subdivision; 260.132, subdivisions 1, 4, and by adding a subdivision; 260.155, subdivisions 2 and 4; 260.161, subdivision 3; 260.181, subdivision 4; 260.185, subdivision 6, and by adding subdivisions; 260.191, subdivision 1; 260.193, subdivision 4; 260.195, subdivision 3, and by adding a subdivision; 260.215, subdivision 1; 260.291, subdivision 1; 271.06, subdivision 4; 299A.33, subdivision 3; 299A.35, subdivision 1; 299A.51, subdivision 2; 299C.065, subdivisions 1a, 3, and 3a; 299C.10, subdivision 1, and by adding a subdivision; 299C.62, subdivision 4; 357.021, subdivision 2; 364.09; 388.24, subdivision 4; 401.065, subdivision 3a; 401.10; 466.03, by adding a subdivision; 480.30; 484.01; 494.03; 518.165, by adding subdivisions; 518B.01, subdivisions 2, 4, 8, 14, and by adding a subdivision; 609.055, subdivision 2; 609.101, subdivisions 1, 2, and 3; 609.115, by adding a subdivision; 609.135, by adding a subdivision; 609.1352, subdivisions 1, 3, and 5; 609.152, subdivision 1; 609.19; 609.3451, subdivision 1; 609.485, subdivisions 2 and 4; 609.605, subdivision 4; 609.746, subdivision 1; 609.748, subdivision 3a; 609.749, subdivision 5; 611.27, subdivision 4; 611A.01; 611A.04, subdivision 1; 611A.19, subdivision 1; 611A.31, subdivision 2; 611A.53, subdivision 2; 611A.71, subdivision 7; 611A.73, subdivision 3; 611A.74; 617.23; 624.22; 624.712, subdivision 5; 626.841; 626.843, subdivision 1; 626.861, subdivisions 1 and 4; 628.26; 629.341, subdivision 1; 629.715, subdivision 1; 629.72, subdivisions 1, 2, and 6; 641.14; and 641.15, subdivision 2; Laws 1993, chapter 255, sections 1, subdivisions 1 and 4; and 2; and Laws 1994, chapter 643, section 79, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapters 8; 16B; 120; 127; 243; 244; 257; 260; 299A; 299C; 299F; 401; 504; 563; 609; 611A; 626; and 629; proposing coding for new law in Minnesota Statutes, chapter 260A; repealing Minnesota Statutes 1994, sections 121.166; 126.25; and 611A.61, subdivision 3; Laws 1994, chapter 576, section 1.

May 18, 1995

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 1700, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1700 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

APPROPRIATIONS

Section 1. [CRIMINAL JUSTICE APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1996" and "1997," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1996, or June 30, 1997, respectively.

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ART 4, SECTION 21

Sec. 19. Minnesota Statutes 1994, section 388.24, subdivision 4, is amended to read:

Subd. 4. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Effective August 1, 1997, every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Sec. 20. Minnesota Statutes 1994, section 401.065, subdivision 3a, is amended to read:

Subd. 3a. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] (a) Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

(b) Effective August 1, 1997, the reporting requirements of this subdivision shall apply to misdemeanor offenses.

Sec. 21. [504.183] [TENANT'S RIGHT TO PRIVACY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Building" has the meaning given in section 566.18, subdivision 7.

(b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.

(c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. [ENTRY BY LANDLORD.] Except as provided in subdivision 4, a landlord may enter the premises rented by a tenant only for a reasonable business purpose and after making a good faith effort to give the tenant reasonable notice under the circumstances of the intent to enter. A tenant may not waive and the landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

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Subd. 3. [REASONABLE PURPOSE.] For purposes of subdivision 2, a reasonable business purpose includes, but is not limited to:

- (1) showing the unit to prospective tenants during the notice period before the lease terminates or after the current tenant has given notice to move to the owner or owner's agent;
- (2) showing the unit to a prospective buyer or to an insurance representative;
- (3) performing maintenance work;
- (4) allowing inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes;
- (5) the tenant is causing a disturbance within the unit;
- (6) the landlord has a reasonable belief that the tenant is violating the lease within the tenant's unit;
- (7) the landlord has a reasonable belief that the unit is being occupied by an individual without a legal right to occupy it; or
- (8) the tenant has vacated the unit.

Subd. 4. [EXCEPTION TO NOTICE REQUIREMENT.] Notwithstanding subdivision 2, a landlord may enter the premises rented by a tenant to inspect or take appropriate action without prior notice to the tenant if the landlord reasonably suspects that:

- (1) immediate entry is necessary to prevent injury to persons or property because of conditions relating to maintenance, building security, or law enforcement;
- (2) immediate entry is necessary to determine a tenant's safety; or
- (3) immediate entry is necessary in order to comply with local ordinances regarding unlawful activity occurring within the tenant's premises.

Subd. 5. [ENTRY WITHOUT TENANT'S PRESENCE.] If the landlord enters when the tenant is not present and prior notice has not been given, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 6. [PENALTY.] If a landlord substantially violates subdivision 2, the tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504.20, and up to a \$100 civil penalty for each violation. If a landlord violates subdivision 5, the tenant is entitled to up to a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section.

Subd. 7. [EXEMPTION.] This section does not apply to tenants and landlords of manufactured home parks as defined in section 327C.01.

Sec. 22. [609.5051] [CRIMINAL ALERT NETWORK; DISSEMINATION OF FALSE OR MISLEADING INFORMATION PROHIBITED.]

Whoever uses the criminal alert network under section 299A.61 to disseminate information regarding the commission of a crime knowing that it is false or misleading, is guilty of a misdemeanor.

Sec. 23. Minnesota Statutes 1994, section 624.22, is amended to read:

624.22 [PUBLIC DISPLAYS OF FIREWORKS BY MUNICIPALITIES EXCEPTED DISPLAYS; PERMIT; OPERATOR CERTIFICATION.]

Subdivision 1. [GENERAL REQUIREMENTS; PERMIT; INVESTIGATION; FEE.] (a) Sections 624.20 to 624.25 shall not prohibit the supervised public displays display of fireworks by cities, fair associations, amusement parks, and