

(c) At the time the deposit is made the company shall furnish the customer with a written receipt specifying the conditions, if any, the deposit will be diminished upon return.

(d) Advance payments or prepayments shall not be construed as being a deposit.

Sec. 2. EFFECTIVE DATE.

Section 1 applies to the calculation of interest on and after August 1, 1996, on deposits held or received on or after that date.

Presented to the governor May 7, 1997

Signed by the governor May 8, 1997, 11:34 a.m.

CHAPTER 122—S.F.No. 536

An act relating to public nuisances; adding to the definition of nuisance and the list of acts constituting a public nuisance; amending Minnesota Statutes 1996, sections 617.81, subdivision 2; and 617.88.

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

Section 1. Minnesota Statutes 1996, section 617.81, subdivision 2, is amended to read:

Subd. 2. **ACTS CONSTITUTING A NUISANCE.** (a) For purposes of sections 617.80 to 617.87, a public nuisance exists upon proof of two or more separate behavioral incidents of one or more of the following, committed within the previous 12 months within the building:

- (1) prostitution or prostitution-related activity committed within the building;
- (2) gambling or gambling-related activity committed within the building;
- (3) keeping or permitting a disorderly house within the building;
- (4) unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances committed within the building;
- (5) unlicensed sales of alcoholic beverages committed within the building in violation of section 340A.401;
- (6) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of section 340A.503, subdivision 2, clause (1); or
- (7) unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, committed within the building; or
- (8) violation by a commercial enterprise of local or state business licensing regulations, ordinances, or statutes prohibiting the maintenance of a public nuisance as defined in section 609.74 or the control of a public nuisance as defined in section 609.745.

New language is indicated by underline, deletions by strikeout.

(b) If the building contains more than one rental unit, two or more behavioral incidents must consist of conduct:

(1) by the same tenant or lessee, or persons acting in conjunction with or under the control of the same tenant or lessee;

(2) within the same rental unit while occupied by the same tenant or lessee or within two or more rental units while occupied by the same tenant or lessee; or

(3) by the owner of the building or persons acting in conjunction with or under the control of the owner.

(c) Proof of a nuisance exists if each of the elements of the conduct constituting the nuisance is established by clear and convincing evidence.

Sec. 2. Minnesota Statutes 1996, section 617.88, is amended to read:

617.88 **DEFINITION.**

(a) The terms used in section 617.89 have the meanings given in this section.

(b) "Nuisance" means:

(1) an act of prostitution that would violate sections 609.321 to 609.324;

(2) unlawful sale or possession of controlled substances; or

(3) unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a; 609.67; or 624.713; or

(4) violation by a commercial enterprise of local or state business licensing regulations, ordinances, or statutes prohibiting the maintenance of a public nuisance as defined in section 609.74 or the control of a public nuisance as defined in section 609.745.

(c) "Neighborhood organization" means a nonprofit corporation incorporated under chapter 317A that satisfies clauses (1) and (2).

The corporation shall:

(1) designate in its articles of incorporation or bylaws a specific geographic community to which its activities are limited; and

(2) be formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.

Sec. 3. **EFFECTIVE DATE.**

A single violation described by the amendment added by sections 1 and 2, that occurs after July 31, 1997, is effective to count as one of two behavioral incidents required to constitute a public nuisance whether or not the other required behavioral incident occurred after July 31, 1997. Otherwise, sections 1 and 2 are effective for behavioral incidents occurring after July 31, 1997.

Presented to the governor May 7, 1997

Signed by the governor May 8, 1997, 11:38 a.m.

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