

Sec. 16. Minnesota Statutes 1996, section 14.47, subdivision 6, is amended to read:

Subd. 6. **OMISSION OF TEXT.** (a) For purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any extraneous descriptive or informative text ~~which~~ that is not an operative portion of the rule. The revisor may also omit effective date provisions, statements that a rule is repealed, prefaces, appendices, guidelines, organizational descriptions, explanations of federal or state law, and similar material. The revisor shall consult with the agency, the attorney general, the legislative coordinating commission to review administrative rules, and ~~with~~ the chief administrative law judge before omitting any text from publication.

(b) For the purposes of any compilation or publication of the rules, the revisor, unless the attorney general objects, may omit any rules that, by their own terms, are no longer effective or have been repealed directly by the agency, repealed by the legislature, or declared unconstitutional or otherwise void by a court of last resort. ~~The revisor shall not remove a rule which is suspended and not fully repealed, but shall, if practicable, note the fact of suspension in Minnesota Rules.~~ The revisor shall consult the agency involved, the attorney general, the chief administrative law judge, and the legislative coordinating commission to review administrative rules before omitting a rule from publication.

Sec. 17. **REPEALER.**

Minnesota Statutes 1996, sections 3.842, subdivisions 4, 5, 6, and 7; 3.844; 3.845; and 15.065, are repealed.

Presented to the governor May 5, 1997

Signed by the governor May 6, 1997, 2:35 p.m.

CHAPTER 99—S.F.No. 950

An act relating to education; adopting working group recommendations for conducting teacher background checks; amending Minnesota Statutes 1996, section 120.1045.

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

Section 1. Minnesota Statutes 1996, section 120.1045, is amended to read:

120.1045 **BACKGROUND CHECK.**

Subdivision 1. **BACKGROUND CHECK REQUIRED.** (a) A school hiring authority, as defined in subdivision 4, shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all individuals who are offered employment in the school, as defined in subdivision 4. In order to be eligible for employment, an individual who is offered employment must provide an executed criminal history consent form and a money order or cashier's check payable to either the bureau of criminal apprehension for the fee for or the school hiring authority, at the election of the school hiring authority, in an amount equal to the actual cost to the bureau of criminal apprehension and the school district of conducting the criminal history back-

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

ground check. A school may charge a person offered employment an additional fee of up to \$2 to cover the school's costs under this section. A school hiring authority electing to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the bureau of criminal apprehension directly to conduct the background check. The superintendent of the bureau of criminal apprehension shall perform conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers. A school hiring authority, at its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the state board of education within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

(1) the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;

(2) the other school hiring authority conducted a criminal background check within the previous 12 months;

(3) the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and

(4) there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the bureau of criminal apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority elects to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the bureau of criminal apprehension and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(d) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the bureau of criminal apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

New language is indicated by underline, deletions by strikeout.

Subd. 2. **CONDITIONAL HIRING; DISCHARGE.** A school hiring authority may hire an individual pending completion of a background check under subdivision 1 but shall notify the individual that the individual's employment may be terminated based on the result of the background check. A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the result of a background check under this section.

Subd. 4. **DEFINITIONS.** For purposes of this section:

(a) "School" means a school as defined in section 120.101, subdivision 4, except a home-school, and includes a school receiving tribal contract or grant school aid under section 124.86; school, for the purposes of this section, also means a service cooperative, a special education cooperative, or an education district under section 123.35, and a joint powers district under section 471.59.

(b) "School hiring authority" means the school principal or other person having general control and supervision of the school.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor May 5, 1997

Signed by the governor May 6, 1997, 2:40 p.m.

CHAPTER 100—S.F.No. 513

An act relating to public nuisance; adding to the acts that constitute a nuisance; modifying nuisance remedies and procedures; amending Minnesota Statutes 1996, sections 617.81, subdivision 2; 617.82; 617.83; and 617.85; repealing Minnesota Statutes 1996, section 617.80, subdivision 6.

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; maintaining a public nuisance in violation of section 609.74, clause (1) or (3);
- (4) permitting a public nuisance in violation of section 609.745;

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