

(1) parental rights have been terminated by court order;

(2) the parent or guardian is not living within the state;

(3) no other district residence can be established; or

(4) the parent or guardian having legal custody of the child is an inmate of a Minnesota correctional facility or is a resident of a halfway house under the supervision of the commissioner of corrections;

is the district in which the child resides. The school board of the district of residence must provide the same educational program for the child as it provides for all resident children with a disability in the district.

Sec. 5. Minnesota Statutes 2000, section 127A.41, subdivision 9, is amended to read:

Subd. 9. **APPROPRIATION TRANSFERS FOR COMMUNITY EDUCATION PROGRAMS.** If a direct appropriation from the general fund to the department of children, families, and learning for an education aid or grant authorized under section 124D.135, 124D.16, 124D.20, 124D.21, 124D.22, 124D.52, ~~124D.53~~ 124D.531, 124D.54, 124D.55, or 124D.56 exceeds the amount required, the commissioner of children, families, and learning may transfer the excess to any education aid or grant appropriation that is insufficiently funded under these sections. Excess appropriations shall be allocated proportionately among aids or grants that have insufficient appropriations. The commissioner of finance shall make the necessary transfers among appropriations according to the determinations of the commissioner of children, families, and learning. If the amount of the direct appropriation for the aid or grant plus the amount transferred according to this subdivision is insufficient, the commissioner shall prorate the available amount among eligible districts. The state is not obligated for any additional amounts.

Sec. 6. **REPEALER.**

Laws 2000, chapter 254, section 30; and Laws 2000, chapter 489, article 1, section 18, are repealed.

Sec. 7. **GENERAL EFFECTIVE DATE OF ACT.**

If a section in this act does not specify its effective date, the section is effective July 1, 2001, unless the language or context clearly indicates that a different effective date is intended.

Presented to the governor June 30, 2001

Signed by the governor June 30, 2001, 8:41 p.m.

CHAPTER 7—S.F.No. 18

An act relating to employment; requiring certain apartment manager background checks to

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be performed on individuals who have resided in Minnesota less than ten years; amending Minnesota Statutes 2000, section 299C.68, subdivisions 2, 3.

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

Section 1. Minnesota Statutes 2000, section 299C.68, subdivision 2, is amended to read:

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. The superintendent shall notify the owner in writing of the results of the background check. If the manager has resided in Minnesota for less than five ten years or upon request of the owner, the superintendent shall also either: (1) conduct a search of the national criminal records repository, including the criminal justice data communications network; or (2) conduct a search of the criminal justice data communications network records in the state or states where the manager has resided for the preceding five ten years. 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.

Sec. 2. Minnesota Statutes 2000, section 299C.68, subdivision 3, is amended to read:

Subd. 3. **FORM.** (a) 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.

(b) If the manager has resided in Minnesota for less than five ten 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.

Presented to the governor June 30, 2001

Signed by the governor June 30, 2001, 8:45 p.m.

CHAPTER 8—S.F.No. 7

An act relating to appropriations; appropriating money for the department of transportation

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