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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2621**

03/08/2016 Authored by Gunther, Uglem and Slocum

The bill was read for the first time and referred to the Committee on Education Finance

1.1 A bill for an act  
1.2 relating to education finance; expanding the allowed uses of health and safety  
1.3 revenue to include certain facility modifications necessary to make school  
1.4 facilities more secure for students and staff; amending Minnesota Statutes 2014,  
1.5 section 123B.57, by adding a subdivision; Minnesota Statutes 2015 Supplement,  
1.6 section 123B.595, subdivision 11; Laws 2015, First Special Session chapter  
1.7 3, article 6, section 3, subdivision 6.

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

1.9 Section 1. Minnesota Statutes 2014, section 123B.57, is amended by adding a  
1.10 subdivision to read:

1.11 Subd. 6d. **Projects to enhance student and staff safety.** A school board may  
1.12 include projects designed to strengthen the physical safety of students and staff in its  
1.13 health and safety capital projects program under this section if the projects have been  
1.14 approved by the commissioner of education. The student and staff safety improvement  
1.15 plan must be provided to the commissioner in the form and manner specified by the  
1.16 commissioner, describe the intended facility improvements, and demonstrate that the  
1.17 proposed facility improvements are the most cost-effective way to increase the physical  
1.18 safety of students and staff.

1.19 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2017  
1.20 and later.

1.21 Sec. 2. Minnesota Statutes 2015 Supplement, section 123B.595, subdivision 11,  
1.22 is amended to read:

Subd. 11. **Restrictions on long-term facilities maintenance revenue.**

Notwithstanding subdivision ~~11~~ 10, long-term facilities maintenance revenue may not be used:

(1) for the construction of new facilities, remodeling of existing facilities, or the purchase of portable classrooms;

(2) to finance a lease purchase agreement, installment purchase agreement, or other deferred payments agreement;

(3) for energy-efficiency projects under section 123B.65, for a building or property or part of a building or property used for postsecondary instruction or administration, or for a purpose unrelated to elementary and secondary education; or

(4) for violence prevention and facility security, ergonomics, or emergency communication devices, except as provided under section 123B.57, subdivision 6d.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2017 and later.

Sec. 3. Laws 2015, First Special Session chapter 3, article 6, section 3, subdivision 6, is amended to read:

Subd. 6. **Health and safety capital projects.** (a) Health and safety capital projects may include expenditures necessary for the correction of fire and life safety hazards; security improvements directly related to the physical safety of students and staff; facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and limited facility modifications directly related to violence prevention and facility security; design, purchase, installation, maintenance, and inspection of fire protection and alarm equipment; purchase or construction of appropriate facilities for the storage of combustible and flammable materials; inventories and facility modifications not related to a remodeling project to comply with lab safety requirements under section 121A.31; inspection, testing, repair, removal or encapsulation, and disposal of asbestos-containing building materials; cleanup and disposal of polychlorinated biphenyls; cleanup and disposal of hazardous and infectious wastes; cleanup, removal, disposal, and repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296A.01; correction of occupational safety and health administration regulated hazards; indoor air quality inspections, investigations, and testing; mold abatement; upgrades or replacement of mechanical ventilation systems to meet American Society of Heating, Refrigerating and Air Conditioning Engineers standards and State Mechanical Code; design, materials, and installation of local exhaust ventilation systems, including required

3.1 make-up air for controlling regulated hazardous substances; correction of Department of  
3.2 Health Food Code violations; correction of swimming pool hazards excluding depth  
3.3 correction; playground safety inspections, repair of unsafe outdoor playground equipment,  
3.4 and the installation of impact surfacing materials; bleacher repair or rebuilding to comply  
3.5 with the order of a building code inspector under section 326B.112; testing and mitigation  
3.6 of elevated radon hazards; lead testing; copper in water testing; cleanup after major  
3.7 weather-related disasters or flooding; reduction of excessive organic and inorganic levels  
3.8 in wells and capping of abandoned wells; installation and testing of boiler backflow valves  
3.9 to prevent contamination of potable water; vaccinations, titers, and preventative supplies  
3.10 for bloodborne pathogen compliance; costs to comply with the Janet B. Johnson Parents'  
3.11 Right to Know Act; automated external defibrillators and other emergency plan equipment  
3.12 and supplies specific to the district's emergency action plan; compliance with the National  
3.13 Emission Standards for Hazardous Air Pollutants for school generators established by the  
3.14 United States Environmental Protection Agency; and health, safety, and environmental  
3.15 management costs associated with implementing the district's health and safety program  
3.16 including costs to establish and operate safety committees, in school buildings or property  
3.17 owned or being acquired by the district. Testing and calibration activities are permitted for  
3.18 existing mechanical ventilation systems at intervals no less than every five years.

3.19 (b) For fiscal years 2014 through 2017, a school district must not include expenses  
3.20 related to emission compliance projects for school generators in its health and safety  
3.21 capital projects unless it reduces its approved spending on other qualified health and  
3.22 safety projects by the same amount.

3.23 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2017  
3.24 and later.