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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 309

02/04/2013 Authored by Atkins, Schoen and Hansen
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 health and safety revenue to include
1.3 facility modifications necessary to make school facilities more secure for students
1.4 and staff; amending Minnesota Statutes 2012, section 123B.57, subdivisions 6,
1.5 6a, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2012, section 123B.57, subdivision 6, is amended to read:

1.8 Subd. 6. **Uses of health and safety revenue.** Health and safety revenue may be
1.9 used only for approved expenditures necessary for the correction of fire and life safety
1.10 hazards; remodeling of education facilities directly related to improving the physical
1.11 safety of students and staff; design, purchase, installation, maintenance, and inspection of
1.12 fire protection and alarm equipment; purchase or construction of appropriate facilities for
1.13 the storage of combustible and flammable materials; inventories and facility modifications
1.14 not related to a remodeling project to comply with lab safety requirements under
1.15 section 121A.31; inspection, testing, repair, removal or encapsulation, and disposal of
1.16 asbestos-containing building materials; cleanup and disposal of polychlorinated biphenyls;
1.17 cleanup and disposal of hazardous and infectious wastes; cleanup, removal, disposal, and
1.18 repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel
1.19 oil, and special fuel, as defined in section 296A.01; correction of occupational safety and
1.20 health administration regulated hazards; indoor air quality inspections, investigations, and
1.21 testing; mold abatement; upgrades or replacement of mechanical ventilation systems
1.22 to meet American Society of Heating, Refrigerating and Air Conditioning Engineers
1.23 standards and State Mechanical Code; design, materials, and installation of local exhaust
1.24 ventilation systems, including required make-up air for controlling regulated hazardous
1.25 substances; correction of Department of Health Food Code violations; correction of

2.1 swimming pool hazards excluding depth correction; playground safety inspections,
 2.2 repair of unsafe outdoor playground equipment, and the installation of impact surfacing
 2.3 materials; bleacher repair or rebuilding to comply with the order of a building code
 2.4 inspector under section 326B.112; testing and mitigation of elevated radon hazards; lead
 2.5 testing; copper in water testing; cleanup after major weather-related disasters or flooding;
 2.6 reduction of excessive organic and inorganic levels in wells and capping of abandoned
 2.7 wells; installation and testing of boiler backflow valves to prevent contamination of
 2.8 potable water; vaccinations, titers, and preventative supplies for bloodborne pathogen
 2.9 compliance; costs to comply with the Janet B. Johnson Parents' Right to Know Act;
 2.10 automated external defibrillators and other emergency plan equipment and supplies
 2.11 specific to the district's emergency action plan; and health, safety, and environmental
 2.12 management costs associated with implementing the district's health and safety program
 2.13 including costs to establish and operate safety committees, in school buildings or property
 2.14 owned or being acquired by the district. Testing and calibration activities are permitted for
 2.15 existing mechanical ventilation systems at intervals no less than every five years.

2.16 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015
 2.17 and later.

2.18 Sec. 2. Minnesota Statutes 2012, section 123B.57, subdivision 6a, is amended to read:

2.19 Subd. 6a. **Restrictions on health and safety revenue.** Notwithstanding subdivision
 2.20 6, health and safety revenue must not be used:

2.21 (1) to finance a lease purchase agreement, installment purchase agreement, or other
 2.22 deferred payments agreement;

2.23 (2) for the construction of new facilities, remodeling of existing facilities except
 2.24 for remodeling projects designed to enhance the physical safety for students and staff as
 2.25 provided under subdivision 6d, or the purchase of portable classrooms;

2.26 (3) for interest or other financing expenses;

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

2.30 (5) for replacement of building materials or facilities including roof, walls, windows,
 2.31 internal fixtures and flooring, nonhealth and safety costs associated with demolition of
 2.32 facilities, structural repair or replacement of facilities due to unsafe conditions, violence
 2.33 prevention and facility security, ergonomics, or public announcement systems and
 2.34 emergency communication devices; or

3.1 (6) for building and heating, ventilating and air conditioning supplies, maintenance,
3.2 and cleaning activities. All assessments, investigations, inventories, and support
3.3 equipment not leading to the engineering or construction of a project shall be included in
3.4 the health, safety, and environmental management costs in subdivision 8, paragraph (a).

3.5 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015
3.6 and later.

3.7 Sec. 3. Minnesota Statutes 2012, section 123B.57, is amended by adding a subdivision
3.8 to read:

3.9 Subd. 6d. **Remodeling projects to enhance student and staff safety.** A school
3.10 board may include remodeling projects designed to strengthen the physical safety of
3.11 students and staff in its health and safety revenue program under this section if the
3.12 remodeling projects have been approved by the commissioner of education. The student
3.13 and staff safety remodeling plan must be provided to the commissioner in the form and
3.14 manner specified by the commissioner, describe the intended facility improvements, and
3.15 demonstrate that the proposed facility modifications are the most cost-effective way to
3.16 increase the physical safety of students and staff.

3.17 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015
3.18 and later.