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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 369

01/26/2015 Authored by Gunther, Slocum and Peterson

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

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 2014, 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 2014, section 123B.57, subdivision 6, is amended to read:

1.8 Subd. 6. **Uses of health and safety revenue.** (a) 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; facility security enhancements including laminated glass,
1.12 public announcement systems, emergency communications devices, and equipment
1.13 and facility modifications related to violence prevention and facility security; design,
1.14 purchase, installation, maintenance, and inspection of fire protection and alarm equipment;
1.15 purchase or construction of appropriate facilities for the storage of combustible and
1.16 flammable materials; inventories and facility modifications not related to a remodeling
1.17 project to comply with lab safety requirements under section 121A.31; inspection, testing,
1.18 repair, removal or encapsulation, and disposal of asbestos-containing building materials;
1.19 cleanup and disposal of polychlorinated biphenyls; cleanup and disposal of hazardous and
1.20 infectious wastes; cleanup, removal, disposal, and repairs related to storing heating fuel or
1.21 transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section
1.22 296A.01; correction of occupational safety and health administration regulated hazards;
1.23 indoor air quality inspections, investigations, and testing; mold abatement; upgrades or
1.24 replacement of mechanical ventilation systems to meet American Society of Heating,
1.25 Refrigerating and Air Conditioning Engineers standards and State Mechanical Code;

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

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

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

2.26 Sec. 2. Minnesota Statutes 2014, section 123B.57, subdivision 6a, is amended to read:

2.27 Subd. 6a. **Restrictions on health and safety revenue.** Notwithstanding subdivision
 2.28 6, health and safety revenue must not be used:

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

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

2.34 (3) for interest or other financing expenses;

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

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

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

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

3.15 Sec. 3. Minnesota Statutes 2014, section 123B.57, is amended by adding a subdivision
3.16 to read:

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

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