

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 56**

(SENATE AUTHORS: THOMPSON, Olson, Hann, Gazelka and Hall)

DATE	D-PG	OFFICIAL STATUS
01/18/2011	58	Introduction and first reading Referred to Education
01/27/2011	99a	Comm report: To pass as amended and re-refer to Finance
02/02/2011	140	Comm report: To pass
	154	Second reading
02/10/2011	228	Special Order
	233	Third reading Passed
04/14/2011	1272	Returned from House with amendment
	1273	Senate not concur, conference committee of 5 requested

A bill for an act

relating to education; providing school district budget relief; amending  
Minnesota Statutes 2010, section 126C.44; repealing Minnesota Statutes 2010,  
sections 122A.61; 123B.05.

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

Section 1. Minnesota Statutes 2010, section 126C.44, is amended to read:

**126C.44 SAFE SCHOOLS LEVY.**

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to \$30 multiplied by the district's adjusted marginal cost pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools; (2) to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools; (3) to pay the costs for a gang resistance education training curriculum in the district's schools; (4) to pay the costs for security in the district's schools and on school property; (5) to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district; or (6) to pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems. For expenditures under clause (1), the district must initially attempt to contract for services to be provided

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2.1 by peace officers or sheriffs with the police department of each city or the sheriff's  
2.2 department of the county within the district containing the school receiving the services. If  
2.3 a local police department or a county sheriff's department does not wish to provide the  
2.4 necessary services, the district may contract for these services with any other police or  
2.5 sheriff's department located entirely or partially within the school district's boundaries.

2.6 (b) A school district that is a member of an intermediate school district may  
2.7 include in its authority under this section the costs associated with safe schools activities  
2.8 authorized under paragraph (a) for intermediate school district programs. This authority  
2.9 must not exceed \$10 times the adjusted marginal cost pupil units of the member districts.  
2.10 This authority is in addition to any other authority authorized under this section. Revenue  
2.11 raised under this paragraph must be transferred to the intermediate school district.

2.12 ~~(c) A school district must set aside at least \$3 per adjusted marginal cost pupil~~  
2.13 ~~unit of the safe schools levy proceeds for the purposes authorized under paragraph (a),~~  
2.14 ~~clause (6). The district must annually certify either that: (1) its total spending on services~~  
2.15 ~~provided by the employees listed in paragraph (a), clause (6), is not less than the sum of~~  
2.16 ~~its expenditures for these purposes, excluding amounts spent under this section, in the~~  
2.17 ~~previous year plus the amount spent under this section; or (2) that the district's full-time~~  
2.18 ~~equivalent number of employees listed in paragraph (a), clause (6), is not less than the~~  
2.19 ~~number for the previous year.~~

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2011.

2.21 **Sec. 2. SALARY FREEZE.**

2.22 **Subdivision 1. Salary increases prohibited.** (a) From the effective date of this  
2.23 section through June 30, 2013, a school district or charter school must not increase the  
2.24 rate of salary or wages for any employee. This section prohibits any increase including,  
2.25 but not limited to, across-the-board increases; cost-of-living adjustments; increases based  
2.26 on longevity; increases as a result of step and lane changes; increases in the form of  
2.27 lump-sum payments; increases in employer contributions to deferred compensation plans;  
2.28 or any other pay grade adjustments of any kind. For purposes of this section, salary or  
2.29 wages does not include employer contributions toward the cost of medical or dental  
2.30 insurance premiums, provided that employee contributions to the costs of medical or  
2.31 dental insurance premiums are not decreased.

2.32 (b) This section does not prohibit an increase in the rate of salary and wages for an  
2.33 employee who is promoted or transferred to a position with greater job responsibilities.  
2.34 Additional educational credits or degrees or a lane change is not a promotion or a transfer  
2.35 to a position with greater job responsibilities. This section also does not prohibit a school

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3.1 district or charter school from implementing an alternative compensation program  
3.2 approved by the commissioner of the Department of Education. The commissioner may  
3.3 approve an alternative compensation program at the commissioner's sole discretion.

3.4 Subd. 2. **Contracts in effect.** (a) This section does not prohibit a school district or  
3.5 charter school from effectuating an increase in the rate of salary or wages for employees  
3.6 if required by a contract or collective bargaining agreement that is in effect before the  
3.7 effective date of this section. However, from the effective date of this section until June  
3.8 30, 2013, a school district or charter school may not:

3.9 (1) enter into a new contract or collective bargaining agreement that increases salary  
3.10 or wages in a manner prohibited by this section; or

3.11 (2) increase the rate of salary or wages for employees through extension of an expired  
3.12 contract or collective bargaining agreement or any other arrangement or agreement.

3.13 (b) Notwithstanding any law to the contrary, if, as of the effective date of this section,  
3.14 a school district or charter school has agreed to or entered into a contract or collective  
3.15 bargaining agreement that is not scheduled to become effective until after the effective  
3.16 date of this section, any provision of the contract or collective bargaining agreement that  
3.17 violates subdivision 1, paragraph (a), is void. If this occurs, the exclusive representative  
3.18 may rescind the entire contract or collective bargaining agreement. To be effective, a  
3.19 request to rescind the contract must be made within 30 calendar days following the  
3.20 effective date of this section. Any subsequent contract or collective bargaining agreement  
3.21 must comply with the terms of this section.

3.22 (c) Notwithstanding any law to the contrary, upon expiration of a contract or  
3.23 collective bargaining agreement, each employee must remain at the rate of salary and wage  
3.24 in effect at the time the contract expired, except as authorized in subdivision 1, paragraph  
3.25 (b). Any language in a contract or collective bargaining agreement that attempts to extend  
3.26 the terms of the contract or collective bargaining agreement is invalid if it seeks to extend  
3.27 the application of the terms of a collective bargaining agreement past the durational limits  
3.28 set forth in Minnesota Statutes, section 179A.20, subdivision 3.

3.29 Subd. 3. **Future contracts.** A contract or collective bargaining agreement or  
3.30 compensation plan entered into after June 30, 2013, must not provide a retroactive salary  
3.31 or wage increase that applies to a period before June 30, 2013, if that increase would be  
3.32 prohibited by this section if granted before June 30, 2013.

3.33 Subd. 4. **Arbitration and strikes.** Notwithstanding any law to the contrary:

3.34 (1) employees of a school district or charter school may not legally strike due to a  
3.35 school district or charter school's refusal to grant a salary or wage increase if the refusal is  
3.36 required to comply with this section; and

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4.1 (2) neither a school district or charter school nor an exclusive representative may  
4.2 request interest arbitration in relation to an increase in the rate of salary or wages that is  
4.3 prohibited by this section and an arbitrator may not issue an award that would increase  
4.4 salary or wages in a manner prohibited by this section.

4.5 Subd. 5. **Relation to other law.** This section supersedes Minnesota Statutes,  
4.6 chapter 179A, and any other law to the contrary. It is not an unfair labor practice under  
4.7 Minnesota Statutes, chapter 179A, for a school district or charter school to take any action  
4.8 required to comply with this section.

4.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.  
4.10 Subdivisions 1, 2, 4, and 5 expire on June 30, 2013.

4.11 **Sec. 3. REPEALER.**

4.12 Minnesota Statutes 2010, sections 122A.61; and 123B.05, are repealed.

4.13 **EFFECTIVE DATE.** This section is effective July 1, 2011.