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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 91

January 12, 2009

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

1.1 A bill for an act
1.2 relating to education finance; modifying health and safety revenue to include
1.3 elevator repair costs; amending Minnesota Statutes 2008, section 123B.57,
subdivisions 2, 6.

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

1.6 Section 1. Minnesota Statutes 2008, section 123B.57, subdivision 2, is amended to read:

1.7 Subd. 2. **Contents of program.** (a) To qualify for health and safety revenue, a
1.8 district must adopt a health and safety program. The program must include plans, where
1.9 applicable, for hazardous substance removal, fire and life safety code repairs, regulated
1.10 facility and equipment violations, and health, safety, and environmental management,
1.11 including indoor air quality management.

1.12 ~~(a)~~ (b) A hazardous substance plan must contain provisions for the removal or
1.13 encapsulation of asbestos from school buildings or property, asbestos-related repairs,
1.14 cleanup and disposal of polychlorinated biphenyls found in school buildings or property,
1.15 and cleanup, removal, disposal, and repairs related to storing heating fuel or transportation
1.16 fuels such as alcohol, gasoline, fuel, oil, and special fuel, as defined in section 296A.01.
1.17 If a district has already developed a plan for the removal or encapsulation of asbestos as
1.18 required by the federal Asbestos Hazard Emergency Response Act of 1986, the district
1.19 may use a summary of that plan, which includes a description and schedule of response
1.20 actions, for purposes of this section. The plan must also contain provisions to make
1.21 modifications to existing facilities and equipment necessary to limit personal exposure
1.22 to hazardous substances, as regulated by the federal Occupational Safety and Health
1.23 Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or is
1.24 determined by the commissioner to present a significant risk to district staff or student

2.1 health and safety as a result of foreseeable use, handling, accidental spill, exposure, or
 2.2 contamination.

2.3 ~~(b)~~ (c) A fire and life safety plan must contain a description of the current fire ~~and,~~
 2.4 life safety, or elevator code violations, a plan for the removal or repair of the fire ~~and,~~ life
 2.5 safety, or elevator safety hazard, and a description of safety preparation and awareness
 2.6 procedures to be followed until the hazard is fully corrected.

2.7 ~~(e)~~ (d) A facilities and equipment violation plan must contain provisions to correct
 2.8 health and safety hazards as provided in Department of Labor and Industry standards
 2.9 pursuant to section 182.655.

2.10 ~~(d)~~ (e) A health, safety, and environmental management plan must contain a
 2.11 description of training, record keeping, hazard assessment, and program management as
 2.12 defined in section 123B.56.

2.13 ~~(e)~~ (f) A plan to test for and mitigate radon produced hazards.

2.14 ~~(f)~~ (g) A plan to monitor and improve indoor air quality.

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.16 Sec. 2. Minnesota Statutes 2008, section 123B.57, subdivision 6, is amended to read:

2.17 Subd. 6. **Uses of health and safety revenue.** (a) Health and safety revenue may
 2.18 be used only for approved expenditures necessary to correct fire and life safety hazards,
 2.19 or for the removal or encapsulation of asbestos from school buildings or property
 2.20 owned or being acquired by the district, asbestos-related repairs, cleanup and disposal
 2.21 of polychlorinated biphenyls found in school buildings or property owned or being
 2.22 acquired by the district, or the cleanup, removal, disposal, and repairs related to storing
 2.23 heating fuel or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel,
 2.24 as defined in section 296A.01, Minnesota occupational safety and health administration
 2.25 regulated facility and equipment hazards, indoor air quality mold abatement, upgrades
 2.26 or replacement of mechanical ventilation systems to meet American Society of Heating,
 2.27 Refrigerating and Air Conditioning Engineers standards and State Mechanical Code,
 2.28 Department of Health Food Code and swimming pool hazards excluding depth correction,
 2.29 and health, safety, and environmental management. Testing and calibration activities are
 2.30 permitted for existing mechanical ventilation systems at intervals no less than every five
 2.31 years. Health and safety revenue may be used to replace or repair elevators, according to a
 2.32 plan adopted under subdivision 2. Health and safety revenue must not be used to finance a
 2.33 lease purchase agreement, installment purchase agreement, or other deferred payments
 2.34 agreement. Health and safety revenue must not be used for the construction of new
 2.35 facilities or the purchase of portable classrooms, for interest or other financing expenses,

3.1 or for energy efficiency projects under section 123B.65. The revenue may not be used for
3.2 a building or property or part of a building or property used for postsecondary instruction
3.3 or administration or for a purpose unrelated to elementary and secondary education.

3.4 (b) Notwithstanding paragraph (a), health and safety revenue must not be used for
3.5 replacement of building materials or facilities including roof, walls, windows, internal
3.6 fixtures and flooring, nonhealth and safety costs associated with demolition of facilities,
3.7 structural repair or replacement of facilities due to unsafe conditions, violence prevention
3.8 and facility security, ergonomics, building and heating, ventilating and air conditioning
3.9 supplies, maintenance, and cleaning activities. All assessments, investigations,
3.10 inventories, and support equipment not leading to the engineering or construction of a
3.11 project shall be included in the health, safety, and environmental management costs in
3.12 subdivision 8, paragraph (a).