

CHAPTER 136C

TECHNICAL COLLEGES; JOINT DISTRICTS

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136C.01 ESTABLISHMENT.

A state board of technical colleges is established to govern post-secondary and adult vocational education.

History: 1983 c 258 s 57; 1984 c 463 art 5 s 26; 1990 c 375 s 3

136C.02 DEFINITIONS.

Subdivision 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

Subd. 2. [Repealed, 1989 c 246 s 1]

Subd. 3. **Post-secondary vocational education.** "Post-secondary vocational education" means post-secondary and adult vocational education.

Subd. 4. **State board.** "State board" means the state board of technical colleges.

Subd. 5. **Chancellor.** "Chancellor" means the chancellor of the technical college system.

Subd. 6. **District.** "District" means a school district providing post-secondary vocational education, an intermediate district, or a joint district.

Subd. 7. **Intermediate district.** "Intermediate district" means a district with a cooperative program which has been established under Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as amended; and Laws 1969, chapter 1060, as amended, offering integrated services for secondary, post-secondary, and adult students in the areas of vocational education, special education, and other authorized services.

Subd. 8. **School board.** "School board" means the school board of a district, the board of an intermediate district, or the board of a joint district.

Subd. 9. **Joint district.** "Joint district" means a joint vocational technical district established under section 136C.60.

History: 1983 c 258 s 58; 1984 c 463 art 5 s 27; 1985 c 23 s 1-3; 1987 c 258 s 12; 1990 c 375 s 1,2

136C.03 STATE BOARD MEMBERSHIP.

Subdivision 1. **Composition and selection.** The state board shall consist of 11 members. One shall be from each congressional district, two shall represent the state at large, and one shall be a student to represent the state at large. The members shall be appointed by the governor with the advice and consent of the senate. Ten members shall be selected for their interest in vocational technical education, and consideration shall be given to applicants based on their knowledge of agriculture, business, economic development, industry, labor, and service for the handicapped. The student member shall be a full-time student enrolled in a technical college or so enrolled within one year before appointment to the state board. Except for the student member, no member while serving on the state board may be an employee of or receiving compensation from a public or private institution providing post-secondary vocational education.

Subd. 2. **Terms.** The membership terms, compensation, removal of members, and filling of vacancies on the state board shall be as provided in section 15.0575, except that the term of the student member shall be two years.

Subd. 3. **Administration.** The state board shall elect a chair and other officers as it may desire. It shall determine its meeting dates and places. The commissioner of administration shall provide the state board with appropriate offices.

History: 1983 c 258 s 59; 1987 c 258 s 12; 1989 c 246 s 2

136C.04 POWERS AND DUTIES OF THE STATE BOARD.

Subdivision 1. **General.** The state board shall possess all powers necessary and incident to the management, jurisdiction, and governance of post-secondary vocational education. These powers shall include, but are not limited to, those enumerated in this section. The state board may adopt policies as necessary to perform its duties.

Subd. 2. **Appointment of chancellor.** The state board shall appoint a chancellor of vocational technical education who shall serve in the unclassified service. The chancellor shall be qualified by training and experience in the field of education, vocational education, or administration. The chancellor shall possess powers and perform duties as delegated by the state board. The state board shall set the salary of the chancellor.

Subd. 3. **Staff.** The state board shall employ all subordinate staff and prescribe their duties consistent with chapter 43A.

Subd. 4. **Budget requests.** The state board shall review and approve, disapprove, or modify the biennial budget requests for post-secondary vocational education operations and facilities submitted by the chancellor. The state board shall submit the approved biennial budget requests to the governor. A technical college must not seek financing for child care facilities through the higher education facilities authority, as provided in section 136A.28, subdivision 3, without the explicit authorization of the state board.

Subd. 4a. **Carry-over authority.** The state board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The state board may carry over any unexpended balance into the following biennium. The amounts carried over must not be taken into account in determining state appropriations and must not be deducted from a later appropriation.

Subd. 5. **Planning.** The state board shall develop a long-range plan for post-secondary vocational education which shall include goals and objectives for instructional programs, facilities, and use of resources. The plan shall be developed with the advice of appropriate state agencies, school boards, and other affected parties. The state board shall review this plan biennially to evaluate its success in meeting these goals and objectives.

Subd. 6. **Accounting and reporting standards.** The state board shall maintain the uniform financial accounting and reporting system according to the provisions of sections 121.904 to 121.917. All expenditures and revenue related to summer session credit courses must be recognized in the fiscal year in which the course begins.

Subd. 7. **Attendance and completion.** The state board shall prescribe conditions of

admission, tuition, fees, and other related matters. The state board shall prescribe requirements for completion of programs and approve the awarding of appropriate certificates or associate degrees consistent with the provisions of section 136C.042. Chapter 14 shall not apply to the matters in this subdivision.

Subd. 8. Contracts and cooperative agreements. The state board may enter into contracts or cooperative agreements with the state board of education, higher education governing boards, educational institutions, or appropriate state agencies.

Subd. 9. Licensure. The state board may adopt rules under chapter 14 for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education. When necessary for continuous programs approved by the board and when the board determines that appropriate licensure standards do not exist, the state board may adopt appropriate temporary standards without regard to chapter 14 and may issue temporary licenses to teaching and support personnel. A temporary license is valid for up to one year and is not renewable, but a person holding a temporary license may, upon its expiration, be issued a license in accordance with standards adopted under chapter 14. The state board may establish a processing fee for the issuance, renewal, or extension of a license.

Subd. 10. Allocation. The state board shall allocate state and federal money for post-secondary vocational education. Money received from federal sources, other than as provided in this chapter, and money received from other sources, not including the state, shall not be taken into account in determining appropriations or allocations. The board shall take into consideration the unreserved fund balances of each technical college.

Subd. 11. Short-term programs. The state board may approve a short-term program of two years or less, as an economic development initiative, which will not become a permanent part of the curriculum. The short-term program shall have an approved program length of not more than two years and be operated for a specified duration.

Subd. 12. Programs and courses. The state board shall approve, disapprove, and coordinate programs and courses. The state board shall adopt policies that provide prospective students with consumer information before they enroll in the system. After consultation with affected school boards, the state board may add, eliminate, transfer, or change programs and courses as it determines advisable. The state board shall consider the integrated services of secondary, post-secondary, and adult vocational education when it reviews intermediate district programs and courses.

In the case of intermediate districts, the state board may apply the following criteria when adding, eliminating, transferring, or changing programs and courses:

(a) the school board may be allowed to continue offering integrated secondary, post-secondary, and adult programs; and

(b) the school board may determine the use of facilities and equipment for secondary, post-secondary, adult, and special education programs and educational services for low incidence populations.

Subd. 13. Closing authority. The state board, after consultation with the affected school board, may require that school board to discontinue operation of its technical college. The state board shall first hold a public hearing on the issue in that geographic area. Affected parties shall have an opportunity to present testimony. At the request of the school board, the hearing shall be conducted by an administrative law judge of the office of administrative hearings. The administrative law judge shall prepare a summary of testimony for the state board. The state board shall publish notice in the State Register and in a newspaper of general circulation in the geographic area at least 30 days before the scheduled hearing.

Subd. 14. Reorganization. The state board, after consulting with the affected school boards, may merge or reorganize institutes or establish regional service areas for the purpose of increased efficiency, use of personnel, placement of programs, student access, and other needs as determined by the state board.

Subd. 15. **Public hearings.** The state board shall conduct public hearings when merging or reorganizing institutions. Notice shall be given to affected persons in the manner determined by the state board. All affected persons shall be given the opportunity to be heard, but the state board may impose reasonable restrictions on time. The state board shall take final action at a meeting held at least seven days after the public hearing.

Subd. 16. **Timing of actions.** The state board may consider the provisions of sections 125.12, subdivision 4, and 125.17, subdivision 3, when it takes actions under subdivisions 12, 13, and 14.

Subd. 17. **Cooperation for vocational education.** The state board of education shall cooperate with the state board of technical colleges to promote establishment of policies and methods to improve the quality and efficiency of secondary, post-secondary, and adult vocational education in the state.

Subd. 18. **Computer sales and maintenance.** The state board of technical colleges or a school board may sell computers and related products to technical college staff and technical college students to advance their instructional and research abilities.

Subd. 19. **Gifts; bequests.** The state board may receive and accept on behalf of the state any gift, bequest, devise, or endowment that any person, firm, corporation, or association makes to the board by will, deed, gift, devise, endowment, or otherwise for the purpose of vocational technical education. Use of the money may not be inconsistent with the terms and conditions under which the money was received by the board. Gifts, bequests, devises, or endowments are appropriated to the board for the purposes stated. All taxes and special assessments constituting a lien on real property received and accepted by the board under this subdivision must be paid in full before title is transferred.

Subd. 20. The state board and the technical colleges must not establish any off-campus centers or other permanent sites located off technical college campuses to provide academic programs, courses, or student services without authorizing legislation.

History: 1983 c 258 s 61; 1984 c 463 art 5 s 28-30; 1984 c 640 s 32; 1985 c 122 s 3,4; 1Sp1985 c 11 s 50-52; 1987 c 258 s 8,9,12; 1989 c 246 s 2; 1989 c 293 s 59-64; 1990 c 375 s 3; 1990 c 430 s 1; 1990 c 591 art 3 s 7; 1990 c 610 art 1 s 49; 1993 c 224 art 14 s 15

136C.041 WITHHOLDING OF ALLOCATIONS.

Subdivision 1. The state board may withhold allocations for post-secondary vocational education if the board finds a district to be in violation of any statute, rule, or state board policy.

Subd. 2. The state board shall notify the district of its finding. The notice shall specify the violation, describe the correction required, and set a reasonable time within which the district shall correct the violation. The state board also shall provide the district an opportunity for a hearing to respond and to dispute the finding. No allocations shall be withheld pending the final decision of the state board. If a violation is corrected in the allotted time or if the state board determines that a violation does not exist, no allocations shall be withheld.

Subd. 3. The decision of the state board under this section may be reviewed on certiorari by the district court of the county in which the district, or any part of it, is located.

History: 1984 c 463 art 5 s 31

136C.042 AWARDING DEGREES.

Subdivision 1. **Board approval.** The state board may approve, disapprove, or modify a plan for awarding associate degrees at a technical college. The plan shall include cooperation with a collegiate institution unless cooperation is not practicable. All associate degree plans approved by the state board shall be presented to the higher education coordinating board for review and recommendation pursuant to section 136A.04, subdivision 1, clause (d) and in accordance with the provisions of this section.

Subd. 2. **Exception.** Associate degrees offered by the technical colleges prior to January 1, 1981, shall not be subject to the provisions of subdivision 1.

History: 1981 c 353 s 1-3; 1984 c 463 art 5 s 11,36; 1985 c 122 s 5; 1987 c 258 s 12; 1989 c 246 s 2; 1989 c 293 s 65

136C.043 COLLECTING FEES FOR SEMINARS AND MATERIALS.

The state board may charge fees for seminars, conferences, workshops, and instructional materials. The money is annually appropriated to the state board.

History: 1987 c 401 s 28

136C.044 STUDENT HOUSING MANAGEMENT.

A technical college may contract with student housing facility owners or on-site management firms to assist in the operation, control, and management of the facility.

History: 1992 c 398 s 1

136C.05 POWERS AND DUTIES OF THE SCHOOL BOARD.

Subdivision 1. **Personnel.** The school board shall employ instructors, support personnel, and supervisory personnel for post-secondary vocational education. The school board may appoint the president. Notwithstanding sections 125.12, subdivision 6a or 6b; 125.17; or other law to the contrary, an individual does not have a right to employment as a president based on seniority or order of employment in the district.

Subd. 2. **Finance.** The school board shall prepare and submit budgets as required by the state board. The school board shall approve all expenditures.

Subd. 3. **Instructional program.** The school board shall operate and maintain post-secondary vocational education, subject to the supervision of the state board as provided in section 136C.04. The school board may determine area employment needs and make recommendations to the state board.

Subd. 4. **Facilities and equipment.** The school board shall operate and maintain all facilities and equipment and shall employ personnel to do so.

Subd. 5. **Use of property.** (a) A school board must not sell, lease, or assign technical college property for purposes other than technical college activities without the approval of the chancellor.

(b) Notwithstanding section 123.36, subdivision 13, proceeds from the sale, exchange, lease, or assignment of technical college land or buildings shall be used to repay any remaining debt service on the land or buildings. Subject to the approval of the chancellor, any remaining proceeds shall be placed in the post-secondary capital expenditure, repair and replacement, or construction fund.

(c) The proceeds of any arbitration or litigation resulting from claims involving technical college property shall be placed in the technical college repair and replacement fund.

Subd. 6. **Accounting.** The school board shall maintain, in accordance with section 136C.04, subdivision 6, separate revenue, expenditure, asset, and liability accounts for technical colleges within funds separate from all other district funds.

Subd. 7. **Administrative services.** A technical college must not contract for administrative services with a school board unless the services are approved by the chancellor as part of an administrative services plan. Each school board affected by this subdivision shall submit an administrative services plan to the chancellor.

History: 1983 c 258 s 62; 1987 c 160 s 1; 1989 c 246 s 2; 1989 c 293 s 66,67; 1990 c 375 s 3; 1990 c 591 art 6 s 6; 1990 c 610 art 1 s 50; 1992 c 558 s 37

136C.06 SOLE STATE AGENCY.

The state board of technical colleges is the sole state agency to receive and disburse federal funds authorized by the Vocational Education Act of 1963, as amended in the

education amendments of 1976, Public Law Number 94-482, and Code of Federal Regulations, title 34, part 400. The state board shall develop and submit the state plan for vocational technical education. The state board shall develop the state plan according to terms of agreement with the state board of education.

History: 1984 c 463 art 5 s 32; 1Sp1985 c 14 art 9 s 9; 1987 c 403 art 2 s 6; 1990 c 375 s 3

NOTE: This section was amended by Laws 1994, chapter 532, article 7, section 1, effective July 1, 1995. See Laws 1994, chapter 532, article 7, section 12. This section will be renumbered as 136E.60, pursuant to Laws 1994, chapter 532, article 7, section 11, in 1995 and will read as follows:

“136E.60 **Sole state agency.**

The higher education board is the sole state agency to receive and disburse federal funds authorized by the Vocational Education Act of 1963, as amended in the education amendments of 1976, Public Law Number 94-482, and Code of Federal Regulations, title 34, part 400. The board shall develop and submit the state plan for vocational technical education. The board shall develop the state plan according to terms of agreement with the state board of education.”

136C.07 TECHNICAL COLLEGES.

Subdivision 1. [Repealed, 1989 c 293 s 85]

Subd. 2. [Repealed, 1989 c 293 s 85]

Subd. 3. [Repealed, 1989 c 293 s 85]

Subd. 4. A technical college shall be established only by a specific law.

Subd. 5. No district shall expend funds from any source for the acquisition or betterment of lands or buildings, for capital improvements, or for plans or specifications for betterment of lands or buildings needed for a technical college without the approval of the state board and authorization by specific legislative act if that acquisition, betterment, or capital improvement requires the expenditure of \$250,000 or more, or adds more than 1,000 gross square feet to a post-secondary vocational facility, or requires the issuance of school district bonds. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of \$50,000 or more but less than \$250,000 or which changes the perimeter walls of an existing facility shall be carried out without the approval of the state board. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of less than \$50,000, which does not change a perimeter wall and which does not require the issuance of school district bonds, shall be carried out without the approval of the chancellor of vocational technical education. As used in this subdivision, the terms “acquisition” and “betterment,” as applied to lands and buildings, and “capital improvement” shall have the meanings ascribed to them in chapter 475, but shall not include the acquisition or betterment of machinery or equipment.

Subd. 5a. **Review of capital improvements.** A school board, as defined in section 136C.02, subdivision 8, must not award final contracts for capital improvements until the chancellor has reviewed and approved the final plans, specifications, and cost estimates.

Subd. 6. [Repealed, 1989 c 293 s 85]

Subd. 7. The state board may contract for hospital benefits and medical benefits coverage for students in the same manner as authorized by section 43A.23 for state employees.

History: Ex1959 c 71 art 2 s 21; 1965 c 597 s 1; 1967 c 77 s 1; 1969 c 1121 s 1; 1971 c 800 s 1; 1974 c 521 s 11; 1975 c 162 s 41; 1975 c 432 s 13-15; 1976 c 271 s 24; 1978 c 764 s 9; 1978 c 792 s 24; 1979 c 334 art 5 s 1; 1980 c 469 s 2; 1981 c 210 s 54; 1982 c 424 s 130; 1982 c 639 s 33; 1984 c 463 art 5 s 4,36; 1Sp1985 c 11 s 53; 1Sp1986 c 1 art 10 s 8; 1987 c 258 s 12; 1989 c 246 s 2; 1989 c 293 s 68; 1990 c 375 s 3; 1990 c 610 art 1 s 51

136C.075 COMPENSATION FOR PERFORMANCE EVALUATIONS BY STATE EMPLOYEES.

Notwithstanding any law to the contrary, a state employee who is asked by the state board to undertake a performance evaluation of a technical college may be compensated at the rate provided for in section 15.059.

To be eligible for compensation under this section, a state employee must take an unpaid leave of absence for the period of time the employee performs the evaluation.

History: 1984 c 571 s 2; 1987 c 258 s 12; 1989 c 246 s 2; 1989 c 293 s 69

136C.08 BOARD POWER TO REGULATE TRAFFIC.

Subdivision 1. A school board operating a technical college may adopt and enforce rules, regulations, or ordinances for the regulation of traffic and parking in parking facilities and on private roads and roadways situated on property owned, leased, occupied, or operated by the board.

Subd. 2. Any fee established by the board under the authority granted in subdivision 1 must be approved by the state board. Parking fees collected shall be deposited in the general or repair and betterment fund of the school district or joint school district.

Subd. 3. Before the adoption of any rule authorized by subdivision 1, the board shall hold a public hearing. Notice of the hearing shall be published at least once in a legal newspaper in the county in which the property affected by the rule, regulation, or ordinance is located. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

After a public hearing, a majority of the members of the board must approve a rule, regulation, or ordinance before it is effective. A copy of the adopted rule, regulation, or ordinance shall be signed by the superintendent of the district or joint district and filed with the county recorder of each county in which the rule, regulation, or ordinance was adopted, together with proof of publication. Upon filing, the rule, regulation, or ordinance shall be in full force and effect.

Subd. 4. Every sheriff, constable, police officer, or other peace officer shall have authority to enforce all rules and ordinances adopted pursuant to this section and shall have authority to arrest and prosecute offenders for violations of law.

History: 1974 c 540 s 1-4; 1978 c 706 s 6; 1983 c 258 s 23; 1984 c 463 art 5 s 5,36; 1984 c 618 s 5; 1985 c 248 s 70; 1Sp1985 c 11 s 54; 1989 c 246 s 2; 1989 c 293 s 70; 1990 c 591 art 6 s 7

136C.13 POST-SECONDARY VOCATIONAL EDUCATION TUITION.

Subdivision 1. Any Minnesota resident may attend a technical college if the individual meets the entrance requirements for the training course in which enrollment is sought and the technical college has the available space.

Subd. 2. [Repealed, 1992 c 513 art 1 s 28]

Subd. 3. [Repealed, 1988 c 703 art 1 s 29]

Subd. 4. **Southwest Asia veteran's exemption.** A Southwest Asia veteran who enrolls in a technical college program, and who is a Minnesota resident whose entire education has not included completion of at least one technical college program is eligible for a state grant of \$500 per year if the veteran has GI Montgomery bill benefits, or \$1,000 per year if the veteran does not have GI Montgomery bill benefits, until the veteran has completed the lesser of (a) 115 credits in a technical college program, or (b) one technical college program. The grant is based on full-time attendance and shall be prorated if the student is attending less than full time. To be eligible for the tuition relief, a veteran who is discharged before July 1, 1993, must enroll in a technical college by July 1, 1995, and a veteran who is discharged on or after July 1, 1993, must enroll in a technical college within two years of the date of discharge. All veterans enrolled under this program must maintain a minimum of six credits per quarter. Total grants may not exceed the available appropriation.

"Southwest Asia veteran" for the purpose of this subdivision means a person who served in the active military service in any branch of the armed forces of the United States any time between August 1, 1990 and February 27, 1992, who became eligible for the Southwest Asia Service Medal as a result of the service, was a Minnesota resident at the time of induction into the armed forces and for the one year immediately

preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.

History: 1975 c 271 s 6; 1975 c 432 s 67; 1976 c 271 s 59; 1977 c 447 art 5 s 6,7; 1979 c 334 art 5 s 19-22; 1980 c 609 art 5 s 12-14; 1981 c 358 art 5 s 31-34; 1982 c 424 s 130; 1984 c 463 art 5 s 20-22,36; 1Sp1985 c 11 s 55,56; 1987 c 258 s 12; 1989 c 246 s 2; 1Sp1993 c 2 art 8 s 1

136C.15 STUDENT ASSOCIATIONS.

Every school board governing a technical college shall give recognition as an authorized extracurricular activity to a technical college student association affiliated with the Minnesota technical college student association. The student association is authorized to collect a reasonable fee from students to finance the activities of the association in an amount determined by the governing board of the technical college which has recognized it.

Every governing body which recognizes a student association shall deposit the fees in a student association fund. The money in this fund shall be available for expenditure for recreational, social, welfare, charitable, and educational activities approved by the student association. The money in the fund is not public money.

History: 1976 c 25 s 1; 1978 c 764 s 10; 1984 c 463 art 5 s 10,36; 1987 c 258 s 12; 1989 c 246 s 2; 1989 c 293 s 71; 1Sp1993 c 2 art 3 s 7

136C.17 TECHNICAL COLLEGES AND COMMUNITY COLLEGES; LEGAL COUNSELING AND SERVICE PROGRAMS.

Notwithstanding the provisions of sections 8.06 and 136.11 or any rules adopted pursuant thereto, a technical college or community college student association governing student activities on campus may expend money for the purpose of funding a program to provide legal counseling and services for students. The money to be expended shall be from that portion of the technical college student senate funds or community college activity fund account allocated to the student association and derived solely from fees received from students.

History: 1975 c 212 s 1; 1984 c 463 art 5 s 6,36; 1987 c 258 s 12; 1989 c 246 s 2

136C.21 [Repealed, 1989 c 293 s 85]

136C.211 [Repealed, 1989 c 293 s 85]

136C.212 [Repealed, 1989 c 293 s 85]

136C.213 [Repealed, 1989 c 293 s 85]

136C.22 [Repealed, 1989 c 293 s 85]

136C.221 [Repealed, 1989 c 293 s 85]

136C.222 [Repealed, 1989 c 293 s 85]

136C.223 [Repealed, 1989 c 293 s 85]

136C.25 [Repealed, 1989 c 293 s 85]

136C.26 Subdivision 1. MS 1988 [Repealed, 1989 c 293 s 85]

Subd. 2. MS 1984 [Repealed, 1Sp1985 c 11 s 81]

Subd. 3. MS 1988 [Repealed, 1989 c 293 s 85]

Subd. 4. MS 1988 [Repealed, 1989 c 293 s 85]

Subd. 5. MS 1988 [Repealed, 1989 c 293 s 85]

Subd. 6. MS 1988 [Repealed, 1989 c 293 s 85]

Subd. 7. MS 1988 [Repealed, 1989 c 293 s 85]

Subd. 8. MS 1984 [Repealed, 1Sp1985 c 11 s 81]

Subd. 9. MS 1988 [Repealed, 1989 c 293 s 85]

136C.27 Subdivision 1. [Repealed, 1985 c 122 s 11]

Subd. 2. [Repealed, 1989 c 293 s 85]

136C.28 Subdivision 1. [Repealed, 1989 c 293 s 85]

Subd. 2. [Repealed, 1989 c 293 s 85]

Subd. 3. [Repealed, 1Sp1985 c 11 s 81]

Subd. 4. [Repealed, 1Sp1985 c 11 s 81]

Subd. 5. [Repealed, 1Sp1985 c 11 s 81]

Subd. 6. [Repealed, 1Sp1985 c 11 s 81]

Subd. 7. [Repealed, 1Sp1985 c 11 s 81]

136C.29 [Repealed, 1989 c 293 s 85]

136C.31 DISTRIBUTION OF MONEY.

Subdivision 1. **Allocate by law.** All money, whether state, federal, or from other sources, which may be made available to the state board for carrying out the purposes of post-secondary vocational technical education shall be allocated by the state board to districts in accordance with law.

Subd. 2. **No contract approval.** State and federal aids and discretionary or entitlement grants distributed by the state board are not subject to chapter 16B or to the contract approval procedures of the commissioner of administration. The state board shall adopt internal procedures to administer and monitor aids and grants.

Subd. 3. **Aid and tuition.** All technical college money and tuition must be used solely for post-secondary vocational technical education.

History: 1983 c 314 art 5 s 7; 1984 c 463 art 5 s 16,36; 1985 c 122 s 8; 1989 c 246 s 2; 1989 c 293 s 72

136C.32 [Repealed, 1987 c 258 s 11]

136C.33 Subdivision 1. [Repealed, 1989 c 293 s 85]

Subd. 2. [Repealed, 1989 c 293 s 85]

Subd. 3. [Repealed, 1Sp1985 c 11 s 81]

Subd. 4. [Repealed, 1Sp1985 c 11 s 81]

136C.34 ABSENCE FOR CHEMICAL ABUSE TREATMENT.

If a student is absent from a technical college to participate in a chemical abuse treatment program licensed by the state, the student may request the technical college to remain on the roll in the educational program in which the student is enrolled, according to policies adopted by the state board. The technical college shall grant a request it receives from the student.

History: 1983 c 314 art 5 s 10; 1984 c 463 art 5 s 36; 1Sp1985 c 11 s 63; 1987 c 258 s 12; 1989 c 246 s 2

136C.35 [Repealed, 1987 c 258 s 11]

136C.36 [Repealed, 1994 c 532 art 2 s 19]

136C.37 [Repealed, 1Sp1985 c 11 s 81]

136C.38 [Repealed, 1Sp1985 c 11 s 81]

136C.41 DEBT SERVICE AID.

Subdivision 1. The state board shall provide, for credit against the debt service levy of qualifying districts, post-secondary vocational debt service aid equal to the state portion of debt service costs. The state portion of debt service costs shall equal the amount necessary to make payments due in each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon, multiplied by the average of the district's nonresident reimbursement percentage pursuant to Minnesota Statutes 1974, section 121.21, subdivision 5, in fiscal years ended June 30, 1973, 1974, and 1975. For purposes of the computation of debt service aid, qualifying bonds shall include only:

- (a) bonds issued prior to January 1, 1978;
- (b) bonds issued after January 1, 1978, to finance post-secondary vocational facilities projects which receive funds appropriated in Laws 1978, chapter 792, section 8; and
- (c) bonds issued at any time to refund the bonds described in (a) and (b). No district shall qualify for this post-secondary vocational debt service aid unless it has certified a levy in the total amount required by section 475.61, for collection in the calendar year in which the aid credit is to be given.

Subd. 1a. (a) For joint vocational technical districts formed under sections 136C.60 to 136C.69 in which the joint district holds the title to the technical college, the state portion of debt service costs is the entire amount necessary to make payments due for each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon, reduced by the lesser of:

- (1) the local share of all principal, interest, and redemption premiums; or
 - (2) the amount escrowed for debt service under section 136C.69, subdivision 2.
- (b) The state portion of debt service costs must not be less than what would have been paid under subdivision 1. For the purpose of this subdivision, qualifying bonds include the same bonds described as qualifying bonds in subdivision 1.

Subd. 2. There shall be no post-secondary vocational debt service aid for the state portion of debt service costs for bonds issued on or after January 1, 1978 to finance post-secondary vocational facilities and interest thereon, unless these bonds are issued to finance post-secondary vocational facilities projects which receive funds appropriated in Laws 1978, chapter 792, section 8.

Subd. 3. Post-secondary vocational debt service aid shall be computed each year before October 1 by the state board as the percentage specified in subdivision 1 of the sum of the principal and interest on qualifying bonds which will become due in the school year commencing on the following July 1.

Subd. 4. The amount for each school district shall be certified by the board on or before October 1 to the school district, and to the county auditors of all counties containing taxable property within the school district, and to the state commissioner of finance. This amount shall be deducted by the county auditors from the amount of the debt service levies of the school district to be assessed and extended against the taxable property therein for collection in the following year, and shall be payable instead from the appropriation made by this section.

Subd. 5. The commissioner of finance shall issue to the state treasurer warrants for payment of one-half of the amount to the treasurer of the school district on or before July 15 and one-half thereof on or before November 15 in the following year, in lieu of the distributions of this amount otherwise payable by county treasurers at these times under the provisions of section 276.11.

Subd. 6. The amount necessary is annually appropriated from the general fund to the respective districts entitled to these payments. This appropriation shall not lapse until and unless otherwise provided by law, but shall be reduced by the amount of any funds specifically appropriated for the same purpose in any year from any state fund. In the event that the appropriation is revoked in any future year, the state board shall certify this fact to each school district theretofore entitled to an aid credit under this subdivision.

Subd. 7. The appropriation heretofore made for post-secondary vocational debt service aid payable in the school year ending June 30, 1977, is confirmed, and the board shall continue to provide for the payment of debt service aids therefrom at or before the due dates of school district bonds and interest in that school year. In addition, the state board shall pay to districts which expended cash balances to finance the construction of new post-secondary vocational facilities and which the state board prior to May 15, 1975 agreed to repay for these expenditures the amount of the repayment specified in the agreement. Funds received in repayment shall revert to the fund of origin in the district.

History: 1975 c 432 s 66; 1976 c 271 s 58; 1978 c 792 s 28; 1984 c 463 art 5 s 19,36; 1985 c 23 s 4; 1987 c 258 s 12; 1989 c 246 s 2

136C.411 LEVY FOR LOCAL SHARE OF CONSTRUCTION.

(a) The definitions in section 136C.02 apply to this section. "Construction" includes acquisition and betterment of land, buildings, and capital improvements for technical colleges.

(b) A district maintaining a technical college may levy for its share of the cost of construction of technical college facilities as provided in this section.

(c) The construction must be authorized by a specific legislative act pursuant to section 136C.07, subdivision 5, after January 1, 1980. The act must require the state to pay part of the cost of technical college construction and the district to pay part of the cost.

(d) The district may levy an amount equal to the local share of the cost of technical college construction minus the amount of any unreserved net balance in the district's technical college building construction fund. A district may levy the total amount authorized by this section in one year, or a proportionate amount of the total authorized amount each year for up to three successive years.

(e) Before a district certifies the first levy pursuant to this section, at least three weeks published notice of the proposed levy shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the purpose and duration of the proposed levy and the amount of the proposed levy in dollars and in terms of the local tax rate. Upon petition within 20 days after the notice of the greater of (a) 50 voters, or (b) 15 percent of the registered voters of the district on the day the petition is filed with the school board, the board shall call a referendum on the proposed levy. The referendum shall be held on a date set by the school board, but no later than ten days prior to the adoption of the final property tax levy under section 275.065. The referendum shall be considered a referendum to increase taxes under section 275.065, subdivision 6. The question on the ballot shall state the amount of the proposed levy in terms of the local tax rate and in dollars in the first year of the proposed levy.

(f) A district may not levy for the cost of a construction project pursuant to this section if it issues any bonds to finance any costs of the project.

History: 1973 c 683 s 19; 1975 c 432 s 77; 1980 c 609 art 5 s 19; 1985 c 23 s 17; 1986 c 444; 1987 c 258 s 12; 1988 c 719 art 5 s 84; 1989 c 246 s 2; 1989 c 293 s 76; 1989 c 329 art 13 s 17; art 13 s 20; 1Sp1989 c 1 art 2 s 11; 1992 c 499 art 8 s 22; art 12 s 29

136C.42 [Repealed, 1989 c 271 s 36; 1989 c 293 s 85]

136C.43 VOCATIONAL TECHNICAL BUILDING BONDS.

Subdivision 1. [Repealed, 1989 c 271 s 36; 1989 c 293 s 85]

Subd. 2. [Repealed, 1989 c 271 s 36; 1989 c 293 s 85]

Subd. 3. [Repealed, 1989 c 271 s 36; 1989 c 293 s 85]

Subd. 4. **Vocational technical building bond account in the state bond fund.** The commissioner of finance shall maintain in the state bond fund a separate bookkeeping account designated as the vocational technical building bond account, to record receipts and disbursements of money transferred to the fund to pay vocational technical building bonds and interest thereon, and of income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average rate of return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. **Appropriations to bond account.** There shall be credited to the vocational technical building bond account the premium and accrued interest received on each issue of vocational technical building bonds and, from the general fund in the state treasury, on November 1 in each year, a sum of money equal to the amount of the tax which the Constitution would otherwise require to be levied for collection in the following year, for the purpose of increasing the balance then on hand in the account to an amount sufficient to pay principal and interest due and to become due with respect to

vocational technical building bonds. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax for the state bond fund in any year as required by the Constitution. The commissioner of finance and the state treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. Tax levy. On or before December 1 in each year, if the full amount appropriated to the bond account in subdivision 5 has not been credited thereto, the tax required by the Constitution shall be levied upon all taxable property within the state. This tax shall be subject to no limitation of rate or amount until all vocational technical building bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is not sufficient money from the proceeds of such taxes to pay the principal and interest when due on vocational technical building bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

History: 1975 c 436 s 8; 1982 c 424 s 130; 1984 c 463 art 5 s 8,36; 1985 c 248 s 70; 1Sp1985 c 14 art 4 s 26; 1989 c 293 s 74; 1994 c 465 art 3 s 29

136C.44 VOCATIONAL TECHNICAL BUILDING APPROPRIATIONS.

Money appropriated to the state board of technical colleges for post-secondary vocational technical construction in school districts shall be used for grants to school districts for the acquisition and betterment of land, buildings, and capital improvements for technical colleges. These grants shall only be made upon the conditions and in accordance with all standards and criteria established in state board rules and in the legislative act authorizing the specific post-secondary vocational facilities project. A grant shall cover 85 percent of the cost of the post-secondary vocational facilities authorized by the specific legislative act, and 15 percent of the cost of these facilities shall be financed by the school district operating the technical college, unless otherwise provided by the specific legislative act. A grant to a joint vocational technical district formed under sections 136C.60 to 136C.69 must cover 100 percent of the cost, unless otherwise provided by the specific legislative act. No local bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

History: 1981 c 362 s 13; 1984 c 463 art 5 s 9,36; 1985 c 23 s 5; 1987 c 258 s 12; 1989 c 246 s 2; 1989 c 271 s 30; 1990 c 375 s 3

136C.50 STATE COUNCIL ON VOCATIONAL TECHNICAL EDUCATION.

Subdivision 1. State agency purpose. The state council on vocational technical education, formerly known as the Minnesota state advisory council for vocational education, is a state agency in the executive branch. Its purpose is to implement section 112 of the Carl D. Perkins Vocational Education Act of 1984, United States Code, title 20, section 2322, and other purposes necessary to improve vocational technical education.

Subd. 2. Members; terms. The governor shall appoint the members of the council according to United States Code, title 20, section 2322. Except as otherwise provided by that act, members are governed by section 15.0575.

Subd. 3. Offices. The commissioner of administration shall provide the council with suitable office space, furnishings, and equipment.

Subd. 4. Funding. Federal, state, or private money received by the council must be deposited in the state treasury and credited to a special account for the council. The council has sole authority to spend its money. The money may not be diverted or reprogrammed by any agency or person to any other purpose. Unless restricted by federal

or other state law, the council may carry forward any unexpended balance from one fiscal year to the next and from one fiscal biennium to the next.

Subd. 5. Service contracts. The council may contract for the services it needs to carry out its function. The council may also contract to provide services to other organizations. The contracts are not subject to the contract approval procedures of the commissioner of administration or of chapter 16B.

Subd. 6. Fiscal agent. The state board of technical colleges shall act as fiscal agent for the council and provide other support services necessary for disbursements, accounting, auditing, and reporting.

Subd. 7. Staff. The council may employ an executive director and other staff needed to carry out its duties. The executive director shall serve in the unclassified service and may be paid an allowance not to exceed \$2,000 annually for miscellaneous expenses in connection with duties of the office. The council may contract with professional, technical, and clerical consultants and interns needed to carry out its functions.

History: 1985 c 162 s 1; 1986 c 458 s 3; 1990 c 375 s 3

136C.51 WORKPLACE LITERACY RESOURCE CENTER; ESTABLISHMENT; PURPOSE.

(a) A workplace literacy resource center is established at Northeast Metro Technical College. The resource center must act as a clearinghouse for Minnesota and neighboring states or entities to provide information on workplace skills enhancement curricula, available services, and methods of delivery.

(b) The center may offer the following:

- (1) formal classroom workplace literacy training;
- (2) functional literacy training;
- (3) workplace skills enhancement;
- (4) prevocational training and upgrading;
- (5) assessment and evaluation;
- (6) career exploration; and
- (7) preapprenticeship counseling.

(c) The center shall not offer any program for credit.

History: 1992 c 513 art 1 s 17

JOINT VOCATIONAL TECHNICAL DISTRICTS

136C.60 DISTRICTS MAY FORM JOINT VOCATIONAL TECHNICAL DISTRICT.

Notwithstanding other law, two or more independent school districts each operating a technical college may enter into an agreement to establish a joint vocational technical district upon a majority vote of the full membership of each of the boards of the districts entering into the agreement. When resolutions approving the agreement have been adopted by the boards of two or more districts, the resolutions must be filed with the chancellor of vocational technical education and the commissioner of education. The commissioner shall assign an appropriate identification number as provided in section 122.03.

History: 1985 c 23 s 6; 1987 c 258 s 12; 1989 c 246 s 2; 1990 c 375 s 3

136C.61 GOVERNING BOARD.

Subdivision 1. Members. The district shall be operated by a joint vocational technical board, which shall consist of the number of members from each of the participating school districts and the number of members appointed by the joint vocational technical board under subdivision 1a, as specified in the agreement establishing the joint vocational technical district, as originally adopted or amended. The first members

representing participating school districts shall be appointed by their respective school boards. The agreement may provide for election of members to take office at the end of a term of an appointed member. If there is an election of members, the election is governed by chapter 205A. Appointed board members from participating school districts serve at the pleasure of their appointing boards and are subject to recall by a majority vote of the appointing board. Board members from participating school districts shall report to their appointing boards on the activities of the joint vocational technical district at the request of the appointing boards.

Subd. 1a. Members appointed by board. The joint vocational technical board may appoint additional individuals to its membership for one- or two-year terms, if so authorized in the agreement establishing the joint vocational technical district, as originally adopted or amended. Board members appointed by the joint vocational technical board serve at the pleasure of that board.

Subd. 2. Ex officio member. The president of the joint vocational technical district is an ex officio, nonvoting member of the joint board.

Subd. 3. Terms. The agreement establishing the joint vocational technical district must specify the number of members from each participating district who will serve an initial one-year term and the number of members from each participating district who will serve an initial two-year term. The appointing board shall designate which of the appointees will serve the one-year term and which of the appointees will serve the two-year term. Terms of office of the members of the joint board expire on June 30. After the initial term, the terms of office of joint board members must be as specified in the agreement. If a vacancy occurs on the joint board, it must be filled by the appropriate school board for the remainder of the unexpired term. A person appointed to the joint board qualifies as a board member by filing with the president of the joint board a written certificate of appointment from the member's appointing board.

Subd. 4. Organizational meetings. The first meeting of the first joint board must be at a time mutually agreed to by the members appointed by the boards of the participating school districts. Thereafter the joint board shall conduct its organizational meeting in July of each year when notified of the meeting by the president of the joint vocational technical district. At the organizational meeting, the officers of the joint vocational technical district for the current year shall be chosen and other necessary organizational business shall be conducted.

Subd. 5. Officers. The officers are a chair, vice-chair, clerk, and treasurer. The chair shall preside at all meetings of the joint board. In the absence of the chair, the vice-chair shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer is the custodian of the funds of the joint vocational technical district. Insofar as applicable, board members and officers of the joint vocational technical district are governed by the laws relating to board members and officers of independent school districts.

Subd. 6. Quorum. A majority of the joint board is a quorum, although a smaller number may adjourn.

Subd. 7. Meetings. Notwithstanding any law to the contrary, the joint board may hold meetings at any location convenient to the member districts and the public, whether or not that meeting site is located within the boundaries of a member district. The joint board may also conduct meetings by means of telecommunications if the board complies with section 471.705 in each location where board members are present. The joint board shall establish and maintain a schedule of the time and place of its meetings and shall give notice of regular and special meetings in the same manner as required for other public bodies.

History: 1985 c 23 s 7; 1988 c 431 s 1; 1989 c 209 art 2 s 12; 1990 c 375 s 3; 1991 c 44 s 2; 1991 c 153 s 1,2; 1Sp1993 c 2 art 3 s 8

136C.62 POWERS AND DUTIES.

Subdivision 1. In general. The joint board has the powers and duties specified in

section 136C.05 and other powers specified by law for the board of an independent school district, except that a joint board may levy only according to sections 136C.411, 136C.67, and 136C.69.

Subd. 2. Provision of facilities and services. The duty and the function of the joint board is to furnish post-secondary and adult vocational education. The joint board may also provide other secondary educational programs or secondary services requested by a participating district. Secondary offerings may be provided only under the direction of properly licensed personnel.

Subd. 3. Finance. The joint board shall provide for the conduct of the technical colleges, payment of indebtedness, and payment of other proper expenses of the district.

Subd. 4. Contracts. The joint board shall employ and contract with necessary qualified teachers and administrators and may discharge them under section 125.12. The joint board may employ and discharge other necessary employees and may contract for the purchase or sale of educational and other services the joint board considers necessary.

History: 1985 c 23 s 8; 1987 c 258 s 12; 1989 c 246 s 2; 1991 c 130 s 37; 1992 c 499 art 12 s 29

136C.63 LEGAL STATUS OF JOINT BOARD.

Subdivision 1. Public agency. The joint board is a public agency and may receive and spend private, federal, and state money made available to it.

Subd. 2. Liability. A participating school district has no liability for the debts or obligations of the joint vocational technical district. An individual serving as a member of the joint board has no individual liability for those debts or obligations.

Subd. 3. Applicable laws. Except as specifically provided to the contrary, the organization, operation, maintenance, and conduct of the affairs of the joint vocational technical district are governed by the general laws relating to independent school districts.

History: 1985 c 23 s 9

136C.64 TEACHERS.

Subdivision 1. Assignment. (a) When an independent school district becomes a member of the joint vocational technical district, a teacher, as defined in section 125.12, subdivision 1, employed by a member district and primarily assigned as a post-secondary or adult vocational education teacher there, shall be assigned to and become an employee of the joint vocational technical district without further rights to employment in the member district, except that, for a period of two years from the date of assignment, teaching vacancies in the member district from which the teacher was assigned must be offered to the teacher assigned to the joint vocational technical district if:

(1) the teacher was placed on unrequested leave of absence by the joint vocational technical district;

(2) the teacher is properly licensed for the position; and

(3) a transfer or assignment from a post-secondary or adult vocational position to a secondary position would have been authorized in the member district under the contract in effect at the time of that teacher's assignment to the joint vocational technical district.

(b) A teacher who has previously been placed on unrequested leave of absence from a post-secondary or adult vocational education position by an independent school district that becomes a member of the joint vocational technical district only has reinstatement rights to an available post-secondary or adult vocational position in the joint vocational technical district and has no further rights to reinstatement to any post-secondary or adult vocational position in the member district. This reassignment of

employment rights is not a leaving of employment for eligibility for payments under section 465.72 or under a policy or contract based on that section.

Subd. 2. Exclusive representative. The employee organization certified as the exclusive representative for the teachers in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those teachers until that organization is decertified or another organization is certified in its place under this subdivision. After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the commissioner of the bureau of mediation services for a certification election proceeding under chapter 179A. For purposes of certification of an exclusive representative, the teachers assigned to the joint vocational technical district are an appropriate unit of employees.

Subd. 3. Bargaining agreement. (a) The terms and conditions of employment of teachers assigned to the new joint vocational technical district from each member district will be temporarily governed by the contract executed by the exclusive bargaining representative and that particular member district until a successor contract is executed between the board of the joint vocational technical district and the new exclusive bargaining representative.

(b) The date of first employment in the new joint vocational technical district is the date on which services were first performed by the teacher in the member school district from which assigned. Accumulations of sick leave and accumulated years of service to determine eligibility for any severance pay or early retirement benefits must be credited to each employee, subject to any maximum accumulation limitations negotiated in the successor contract. The joint vocational technical board shall provide, to transferred teachers, open enrollment in all insurance plans with no limitation on pre-existing conditions. The successor contract must contain a negotiated plan for the placement of teachers on unrequested leave of absence in the joint vocational technical district.

Subd. 4. Applicable law. Except as provided in this section, section 125.12 applies to the employment of each teacher by the joint vocational technical district.

History: 1985 c 23 s 10; 1987 c 186 s 15

136C.65 NONLICENSED EMPLOYEES.

Subdivision 1. Assignment. When an independent school district becomes a member of the joint vocational technical district, each nonlicensed employee primarily employed in a technical college who is transferred to the joint vocational technical district shall be assigned to and become an employee of the joint vocational technical district without further employment rights in the member district, other than, for two years from the date of assignment to the joint vocational technical district, the right to exercise, in the member district, job seniority promotion and job seniority layoff provisions of the contract in effect at the time of that employee's assignment to the joint vocational technical district. This reassignment of employment rights is not a leaving of employment for eligibility for payment under section 465.72 or under a policy or contract based on that section.

Subd. 2. Exclusive representatives. After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the commissioner of the bureau of mediation services for a certification election proceeding under chapter 179A. An organization certified as the exclusive representative for nonlicensed employees in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those particular employees for a period of 90 days from the date on which the joint vocational technical district is established. If a petition for representation of nonlicensed employees is filed within 90 days, an exclusive representative for those particular nonlicensed employees shall continue as the exclusive representative until bureau of mediation services certification proceedings are concluded.

Subd. 3. **Bargaining agreement.** (a) The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district who were not governed by a collective bargaining agreement at the time of the assignment are governed by joint board policy. The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district from each member district will be temporarily governed by contracts executed by an exclusive representative for a period of 90 days from the date of assignment. If a petition for representation of nonlicensed employees is filed with the bureau of mediation services within the 90 days, the contractual terms and conditions of employment for those particular nonlicensed employees who were governed by a preexisting contract will continue until bureau of mediation services proceedings are concluded and, if an exclusive representative has been elected, until successor contracts are executed between the board of the joint vocational technical district and the new exclusive representative.

(b) The date of first employment in the joint vocational technical district is the date on which services were first performed by the employee in the member school district from which assigned. Any sick leave, vacation time, or severance pay benefits accumulated under policies of a member district or contracts between exclusive representatives and the boards of member districts continue to apply in the new joint vocational technical district to the employee assigned from those member districts, subject to any maximum accumulation limitations negotiated in a successor contract. Future leaves of absence, vacations, or other benefits to be accumulated in the new joint vocational technical district are governed by joint board policy or by contract between an exclusive representative of an appropriate unit of employees and the joint vocational technical board. The joint vocational technical board shall provide, to transferred nonlicensed employees, open enrollment in all insurance plans with no limitation on preexisting conditions.

History: 1985 c 23 s 11; 1987 c 186 s 15; 1987 c 258 s 12; 1989 c 246 s 2

136C.66 TRANSFER OF PROPERTY.

Subdivision 1. **Transfer of title.** When an independent school district becomes a member of the joint vocational technical school district, the member district shall transfer to the joint board title to the technical college facility in that district and other appropriate equipment, personal property, and related records. The deed transferring the real property may specify that title to the property reverts to the granting school district if the property is no longer used for vocational or technical education purposes. All claims and contract obligations of the member district relating to the technical college and adult and post-secondary vocational education programs, including claims for reemployment insurance, also transfer to the joint vocational technical district.

Subd. 2. **Debt.** The bonded debt on all property transferred must be paid according to levies for that debt previously made under chapter 475. The obligation of the taxable property in the member district with reference to the payment of that bonded debt is not affected by the transfer.

Subd. 3. **Transfer of funds.** A member district shall transfer all fund balances, excluding the debt redemption fund, in all post-secondary and adult vocational funds to the joint vocational technical district.

Subd. 4. **Transfer not to affect legal action.** The transfer of property, title, and power to govern technical colleges and post-secondary and adult vocational programs does not affect a proceeding of an administrative, civil, or criminal nature pending at the time of the transfer, but the proceeding must be pursued in the name of the joint board. The joint board or its designee, upon application to the appropriate court or agency, shall be substituted as a party to the proceeding.

History: 1985 c 23 s 12; 1987 c 258 s 12; 1989 c 246 s 2; 1994 c 488 s 8

136C.67 TAX LEVIES.

Subdivision 1. **State auditor costs; judgments; insurance.** The joint board may levy

upon all taxable property in the joint vocational technical district an amount necessary to pay the joint vocational technical district's obligations for state auditor costs under section 6.62, to pay its obligations for judgments under section 127.05, and to pay its insurance premium costs under section 466.06.

Subd. 2. Aid anticipation certificates. The joint board may issue aid anticipation certificates of indebtedness under sections 124.71 to 124.76 and may pledge the full faith and credit of the joint vocational technical district to their payment under section 124.75.

History: 1985 c 23 s 13

136C.68 JOINDER.

Upon approval by the majority vote of its board and the joint board, any other independent school district with a technical college may enter into an agreement to become a participant in a joint vocational technical district. An election is not required on this issue. The agreement must be approved by resolution of the school board of the independent district and the joint board. The resolutions must be filed with the chancellor.

History: 1985 c 23 s 14; 1987 c 258 s 12; 1989 c 246 s 2; 1990 c 375 s 3

136C.69 PAYMENT OBLIGATION.

Subdivision 1. Agreements with chancellor. The chancellor may enter into agreements with the joint vocational technical district and its member school districts relating to costs of interim staffing and to payments of district service fees to member districts.

Subd. 2. Payment of debt; transfer; debt service aid. (a) A member district that has debt outstanding upon a technical college facility and property that is transferred to the joint vocational technical district shall escrow in its technical college debt redemption fund the least of:

(1) a sufficient amount to defease the outstanding debt under the terms of the bond agreement;

(2) the minimum amount required by the bond agreement; or

(3) the remaining balance in the technical college debt redemption fund.

(b) The member district shall transfer the amount to a separate account in its debt redemption fund for payment of the debt. Any remaining balance in the technical college debt redemption fund may be used as provided in section 123.36, subdivision 13, clauses (2), (3), and (4).

(c) The state board of technical colleges shall pay 100 percent of the remaining debt service on the technical college facilities of all member districts that have transferred their technical college facilities to the board of the joint vocational technical district. If the property reverts to ownership by the member district, the state portion of debt service aid must be paid according to section 136C.41, subdivision 1.

Subd. 3. Levy. (a) A member district that has transferred a technical college facility to the joint board may levy upon all taxable property in the member district, the following:

(1) in the first levy certified after the transfer, 75 percent of the amount of the district's most recent service fee allocation;

(2) in the second levy certified after the transfer, 50 percent of the amount of the district's service fee allocation under clause (1); and

(3) in the third levy certified after the transfer, 25 percent of the amount of the district's service fee allocation under clause (1).

(b) The proceeds of the levy may be placed in the general fund or any other fund of the district. Any unexpended portion of the proceeds so received must not be considered in the net undesignated fund balance of the member district for the three fiscal years to which the levy is attributable.

(c) Notwithstanding section 121.904, 50 percent of the proceeds of this levy shall be recognized in the fiscal year in which it is certified.

History: 1985 c 23 s 15; 1987 c 258 s 12; 1987 c 398 art 7 s 42; 1989 c 246 s 2; 1990 c 375 s 3; 1992 c 499 art 8 s 20

136C.70 HAZARDOUS SUBSTANCES TRAINING COURSES.

The state board of technical colleges shall provide courses in hazardous substances. The commissioner of public safety, with the concurrence of the chancellor of the state board of technical colleges and with the advice of the hazardous substance notification advisory committee, shall certify the courses eligible for reimbursement. Among the courses eligible for reimbursement are in-service training and refresher courses. The state board shall develop policies for tuition subsidies in hazardous substance courses. The subsidies shall only be applied to fire service personnel commencing and successfully completing training regarding the hazardous substances requirements.

History: 1Sp1986 c 1 art 10 s 19; 1990 c 375 s 3

136C.71 TECHNICAL COLLEGE DISTRICTS.

Subdivision 1. **Assignment.** The state board shall create at least nine but not more than 15 technical college districts. All portions of the state shall be assigned to a district by the state board, except that intermediate districts as defined in section 136C.02, school districts in cities of the first class, and school districts operating technical colleges where the college had an average daily membership in fiscal year 1989 of at least 1,500 in continuous programs, may vote to not be assigned. The state board must make the district designations by December 15, 1991.

Subd. 2. **Operation.** The formation and operation of technical college districts shall be as provided in sections 136C.60 to 136C.69.

History: 1991 c 356 art 2 s 5

136C.75 TRANSFER OF RETIREMENT FUND MEMBERSHIP FOR TECHNICAL COLLEGE EMPLOYEES; ELECTION TO RETAIN RETIREMENT FUND MEMBERSHIP.

A person who is employed by a technical college or by the technical college system on June 30, 1995, and who is transferred to state employment shall remain a member of the public employees retirement association or the Minneapolis employees retirement fund, whichever applies, unless the person affirmatively elects, in writing, retirement coverage by the general state employees retirement plan of the Minnesota state retirement system. The following provisions govern the election of a transfer or the retention of retirement benefit coverage:

(1) For a person who desires to transfer benefit coverage, the affirmative written election must be made within 120 days of the transfer of the employee to state employment.

(2) On behalf of transferred employees who retain retirement benefit coverage with the pretransfer retirement plan, the higher education board shall make the applicable employer contributions to the public employees retirement association under section 353.27, subdivisions 3 and 3a, or the same percentage of covered payroll employer contribution to the Minneapolis employees retirement fund that special school district No. 1 is required to make for that school year under section 422A.101, subdivision 2.

(3) An employee who makes a retirement benefit coverage transfer election under this section may revoke that election at any time within the first six months after the person becomes a state employee. Once an employee revokes the retirement benefit coverage transfer election, the employee may not make another election. If the initial retirement benefit coverage transfer election is revoked, all retirement contributions made by or on behalf of the employee revoking a prior election must be transferred to the applicable retirement plan as though they were erroneous deductions or contributions, plus monthly interest at an annual rate of 8.5 percent, compounded monthly, and

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the balance remaining between any contribution amount transferred and the amount of contributions that otherwise would have been due are payable in the applicable proportions by the revoking employee and the higher education board, plus monthly interest at an annual rate of 8.5 percent, compounded monthly.

(4) The executive directors of the Minnesota state retirement system, the public employees retirement association, and the Minneapolis employees retirement fund, and the chancellor of the higher education system, shall confer and jointly adopt appropriate procedures for making the retirement benefit coverage transfer elections under this section.

(5) The executive directors of the public employees retirement association, the Minnesota state retirement system, and the Minneapolis employees retirement fund, whichever applies, shall, upon request, provide appropriate benefit counseling to applicable affected employees on the effect of electing retirement benefit coverage by the general state employees retirement plan of the Minnesota state retirement system.

History: 1994 c 572 s 1

NOTE: This section, as added by Laws 1994, chapter 572, section 1, is effective July 1, 1995. See Laws 1994, chapter 572, section 13.