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HOUSE FILE NO. 3512

FIRST COMMITTEE ENGROSSMENT

March 8, 2010

Authored by Hansen, Clark, Atkins, Hornstein, Wagenius and others

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

March 15, 2010

Committee Recommendation and Adoption of Report:

Rre-referred to the Committee on Finance without further recommendation

Referred by Chair to Housing Finance and Policy and Public Health Finance Division.

March 16, 2010

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to health; regulating indoor air quality for indoor ice arenas; establishing
1.3 licensing fees; requiring reports and rulemaking; appropriating money; amending
1.4 Minnesota Statutes 2008, sections 144.1222, by adding subdivisions; 240A.09.

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

1.6 Section 1. Minnesota Statutes 2008, section 144.1222, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 3a. **Indoor ice arenas; license required.** (a) A person may not operate
1.9 an indoor ice arena unless the indoor ice arena has been issued a valid license by the
1.10 commissioner. An indoor ice arena license must be renewed annually. An application
1.11 for a new or renewed indoor ice arena license must be accompanied by a fee of \$150.
1.12 The commissioner may revoke a license issued under this subdivision for violations of
1.13 subdivisions 3a to 3c.

1.14 (b) An indoor ice arena regulatory account is established in the special revenue fund.
1.15 The commissioner of health shall deposit all revenues from licenses issued under this
1.16 subdivision and subdivision 3c in the indoor ice arena regulatory account. All money in
1.17 the account is annually appropriated from the indoor ice arena regulatory account to the
1.18 commissioner of health for the purpose of administering the statutes and rules governing
1.19 indoor ice arenas.

1.20 (c) For the purposes of this subdivision and subdivisions 3b to 3c, "indoor ice arena"
1.21 has the meaning given in Minnesota Rules, part 4620.4000, subpart 7.

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

2.1 Sec. 2. Minnesota Statutes 2008, section 144.1222, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3b. **Indoor ice arenas; operator training and certificate.** (a) After January
2.4 1, 2011, no person may operate an indoor ice arena without holding a valid indoor ice
2.5 arena operator certificate issued by the commissioner of health.

2.6 (b) The commissioner of health shall issue an indoor ice arena operator certificate to
2.7 a person who has completed a course of training that includes instruction on the following
2.8 topics:

2.9 (1) proper maintenance of ice resurfacing and ice edging equipment to minimize
2.10 potential emissions of carbon monoxide and nitrogen dioxide;

2.11 (2) proper maintenance and operation of ventilation equipment to comply with state
2.12 limits on levels of carbon monoxide and nitrogen dioxide in indoor ice arenas;

2.13 (3) proper calibration, accuracy testing, maintenance, and operation of equipment to
2.14 measure the levels of carbon monoxide and nitrogen dioxide in indoor ice arenas;

2.15 (4) Minnesota Rules pertaining to air quality in indoor ice arenas; and

2.16 (5) recognition of the signs of acute and chronic exposure to elevated levels of
2.17 carbon monoxide and nitrogen dioxide.

2.18 The commissioner of health shall consult with the Minnesota Ice Arena Managers'
2.19 Association, the League of Minnesota Cities, and school districts to continually revise and
2.20 update the content of ice arena operator training.

2.21 (c) To maintain the validity of an ice arena operator certificate, an ice arena operator
2.22 must annually attend a course of training approved by the commissioner.

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

2.24 Sec. 3. Minnesota Statutes 2008, section 144.1222, is amended by adding a subdivision
2.25 to read:

2.26 Subd. 3c. **Indoor ice arenas; required equipment.** (a) After January 1, 2011, no
2.27 indoor ice arena may operate in this state unless all nonelectric ice resurfacing and ice
2.28 edging equipment operated in the indoor ice arena is equipped with a properly tuned
2.29 three-way catalytic converter or an equivalent device that reduces emissions of carbon
2.30 monoxide, nitrogen oxides, and hydrocarbons.

2.31 (b) After January 1, 2015, an indoor ice arena using ice resurfacing and ice edging
2.32 equipment powered exclusively by electricity may only operate a device powered by an
2.33 internal combustion engine within the indoor ice arena if it has been issued a permit to do
2.34 so by the commissioner of health. A permit issued under this paragraph is valid for a time
2.35 period to be determined by the commissioner. However, a permit issued under this section

3.1 may not be used to evade an indoor ice arena's responsibility to comply with paragraph
3.2 (c). An application for a permit issued under this paragraph must be accompanied by a
3.3 fee of \$75.

3.4 (c) After January 1, 2015, no indoor ice arena may operate in this state unless all
3.5 ice resurfacing and ice edging equipment operated in the indoor ice arena is powered
3.6 exclusively by electricity, unless the ice arena operator elects to be subject to paragraph (d).

3.7 (d) After January 1, 2015, no indoor ice arena may operate in this state unless the
3.8 indoor ice arena contains an operational and properly calibrated electronic air monitoring
3.9 device that continuously monitors the concentration of carbon monoxide and nitrogen
3.10 dioxide in the air inside an ice arena and is connected to an alarm set to activate when
3.11 the concentration of carbon monoxide in the facility reaches 12.5 parts per million or the
3.12 concentration of nitrogen dioxide in the facility reaches 0.3 parts per million. An indoor
3.13 ice arena operator must send the Department of Health a photograph showing the location
3.14 where the electronic monitoring device is installed in relation to the ice sheet.

3.15 An indoor ice arena operator may elect to comply with the requirements of this
3.16 paragraph rather than the requirements of paragraph (b) by notifying the commissioner of
3.17 health of that intent in writing.

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

3.19 Sec. 4. Minnesota Statutes 2008, section 240A.09, is amended to read:

3.20 **240A.09 PLAN DEVELOPMENT; CRITERIA.**

3.21 The Minnesota Amateur Sports Commission shall develop a plan to promote the
3.22 development of proposals for new statewide public ice facilities including proposals for
3.23 ice centers and matching grants based on the criteria in this section.

3.24 (a) For ice center proposals, the commission will give priority to proposals that
3.25 come from more than one local government unit. Institutions of higher education are not
3.26 eligible to receive a grant.

3.27 (b) In the metropolitan area as defined in section 473.121, subdivision 2, the
3.28 commission is encouraged to give priority to the following proposals:

3.29 (1) proposals for construction of two or more ice sheets in a single new facility;

3.30 (2) proposals for construction of an additional sheet of ice at an existing ice center;

3.31 (3) proposals for construction of a new, single sheet of ice as part of a sports complex
3.32 with multiple sports facilities; and

3.33 (4) proposals for construction of a new, single sheet of ice that will be expanded to a
3.34 two-sheet facility in the future.

4.1 (c) The commission shall administer a site selection process for the ice centers. The
4.2 commission shall invite proposals from cities or counties or consortia of cities. A proposal
4.3 for an ice center must include matching contributions including in-kind contributions of
4.4 land, access roadways and access roadway improvements, and necessary utility services,
4.5 landscaping, and parking.

4.6 (d) Proposals for ice centers and matching grants must provide for meeting the
4.7 demand for ice time for female groups by offering up to 50 percent of prime ice time, as
4.8 needed, to female groups. For purposes of this section, prime ice time means the hours
4.9 of 4:00 p.m. to 10:00 p.m. Monday to Friday and 9:00 a.m. to 8:00 p.m. on Saturdays
4.10 and Sundays.

4.11 (e) The location for all proposed facilities must be in areas of maximum
4.12 demonstrated interest and must maximize accessibility to an arterial highway.

4.13 (f) To the extent possible, all proposed facilities must be dispersed equitably, must
4.14 be located to maximize potential for full utilization and profitable operation, and must
4.15 accommodate noncompetitive family and community skating for all ages.

4.16 (g) The commission may also use the money to upgrade current facilities, purchase
4.17 girls' ice time, or conduct amateur women's hockey and other ice sport tournaments.

4.18 (h) To the extent possible, 50 percent of all grants must be awarded to communities
4.19 in greater Minnesota.

4.20 (i) To the extent possible, technical assistance shall be provided to Minnesota
4.21 communities by the commission on ice arena planning, design, and operation, including
4.22 the marketing of ice time.

4.23 (j) A grant for new facilities may not exceed \$250,000.

4.24 (k) The commission may make grants for rehabilitation and renovation. A
4.25 rehabilitation or renovation grant may not exceed \$100,000. Priority must be given to
4.26 grant applications for indoor air quality improvements, including zero emission ice
4.27 resurfacing equipment, upgrading ventilation systems, and purchasing and installing
4.28 electronic air monitoring devices. After January 1, 2013, no grant may be made under
4.29 this paragraph unless the application includes capital expenditures for indoor air quality
4.30 improvements that will enable the facility to comply with the requirements of section
4.31 144.1222, subdivisions 3a to 3c, and any associated rules, or the applicant provides
4.32 documentation from the commissioner of health that the facility is in compliance with
4.33 those requirements at the time of application and will continue to be in compliance after
4.34 the rehabilitation or renovation is completed. The provisions of this paragraph also apply
4.35 to grants made to upgrade current facilities under paragraph (g).

4.36 (l) Grant money may be used for ice centers designed for sports other than hockey.

5.1 (m) Grant money may be used to upgrade existing facilities to comply with the
5.2 bleacher safety requirements of section 326B.112.

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

5.4 Sec. 5. **INDOOR ICE ARENAS; RULEMAKING.**

5.5 The Department of Health must, by January 1, 2011, establish in rule:

5.6 (1) the proper location of electronic monitoring devices to accurately measure the
5.7 concentration of carbon monoxide and nitrogen dioxide breathed by individuals on the
5.8 ice sheet;

5.9 (2) specifications and performance requirements for electronic air monitoring
5.10 devices required under section 144.1222, subdivision 3c;

5.11 (3) requirements for the placement of placards in indoor ice arenas that state that
5.12 acute and chronic exposure to elevated levels of carbon monoxide and nitrogen dioxide
5.13 that may be present in indoor ice arenas is hazardous to human health;

5.14 (4) that when levels of concentration of carbon monoxide on the ice reaches 12.5
5.15 parts per million or the level of nitrogen dioxide reaches the level of 0.3 parts per million,
5.16 the indoor ice arena operator must activate the facility's ventilation system for a period of
5.17 time long enough to significantly reduce those levels; and

5.18 (5) levels of concentration of carbon monoxide and nitrogen oxides in indoor ice
5.19 arenas that, when reached, require specific actions to be taken by an ice arena operator to
5.20 protect public health, including, but not limited to, evacuating the arena.

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

5.22 Sec. 6. **COMPLIANCE REPORT AND ENFORCEMENT PLAN ON INDOOR**
5.23 **AIR QUALITY IN ICE ARENAS.**

5.24 (a) By August 1, 2010, the Department of Health shall submit a report to the chairs
5.25 and ranking minority members of the senate and house of representatives committees
5.26 with primary jurisdiction over public health that contains the following information with
5.27 respect to indoor air quality in ice arenas for each of the preceding three calendar years:

5.28 (1) a list of on-site inspections of ice arenas made by the department, including the
5.29 date of each inspection;

5.30 (2) the list of violations of indoor air quality standards, reporting requirements, or
5.31 other requirements of Minnesota Rules, chapter 4620, by ice arenas;

5.32 (3) a list of enforcement actions taken against violators listed in clause (2), or any
5.33 other actions taken to return violators to compliance;

6.1 (4) the number of certificates of approval the commissioner of health refused to issue
6.2 due to insufficient documentation of maintenance of acceptable air quality conditions;

6.3 (5) the number of certificates of approval suspended, revoked, or reinstated by the
6.4 commissioner due to violations of air quality rules;

6.5 (6) the number of ice arenas that failed to submit weekly air quality measurements
6.6 as required by rule; and

6.7 (7) the number of variances to air quality rules granted to ice arenas by the
6.8 commissioner of health.

6.9 The agency shall post the information in clauses (1) to (7) on its Web site.

6.10 (b) By December 1, 2010, the Department of Health shall submit a plan to the chairs
6.11 and ranking minority members of the senate and house of representatives committees
6.12 with primary jurisdiction over public health describing how the agency will effectively
6.13 enforce indoor air quality rules and other requirements pertaining to indoor ice arenas in
6.14 Minnesota Rules, chapter 4620.

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