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HOUSE FILE NO. 3512

SECOND COMMITTEE ENGROSSMENT

March 8, 2010

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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:

Re-referred to the Committee on Finance without further recommendation

Referred by Chair to Cultural and Outdoor Resources Finance Division.

May 3, 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; establishing a pilot project; requiring reports and rulemaking;
1.4 appropriating money; amending Minnesota Statutes 2008, section 240A.09;
1.5 proposing coding for new law in Minnesota Statutes, chapter 144; repealing
1.6 Minnesota Statutes 2008, section 144.1222, subdivision 3.

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

1.8 Section 1. **[144.1223] ENCLOSED SPORTS ARENAS.**

1.9 **Subdivision 1. Indoor air quality; responsibility.** The commissioner of health
1.10 shall be responsible for the adoption of rules and enforcement of applicable laws and rules
1.11 relating to indoor air quality in the operation and maintenance of enclosed sports arenas.

1.12 **Subd. 2. Indoor ice arenas; license required.** (a) After March 1, 2011, an indoor
1.13 ice arena may not operate without a valid license issued by the commissioner. An indoor
1.14 ice arena license must be renewed annually. An application for a new or renewed indoor
1.15 ice arena license must be accompanied by a fee as follows:

1.16 (1) \$200 for an indoor ice arena that does not use either ice resurfacing or ice edging
1.17 equipment that is exclusively powered by electricity;

1.18 (2) \$100 for an indoor ice arena that uses either ice resurfacing or ice edging
1.19 equipment that is exclusively powered by electricity; and

1.20 (3) \$50 for an indoor ice arena that uses both ice resurfacing and ice edging
1.21 equipment that is exclusively powered by electricity.

1.22 (b) An application for a license under this section shall be made on a form developed
1.23 by the commissioner that includes, at a minimum, the following information:

1.24 (1) for each piece of ice resurfacing and ice edging equipment operated at the
1.25 facility, the brand, model number, and year of manufacture;

2.1 (2) the name of the trained operator designated under subdivision 3; and

2.2 (3) documentation from a qualified technician establishing that the ice resurfacing
2.3 equipment was properly tuned and tested for carbon monoxide, nitrogen dioxide, and
2.4 hydrocarbon emissions, as applicable, during the previous year and was found to meet the
2.5 manufacturer's specifications for those emissions.

2.6 (c) The commissioner may revoke a license issued under this subdivision for
2.7 violations of subdivisions 2 to 4.

2.8 (d) An indoor ice arena regulatory account is established in the special revenue
2.9 fund. The commissioner of health shall deposit all revenues from licenses issued under
2.10 this subdivision in the indoor ice arena regulatory account. All money in the account is
2.11 annually appropriated from the indoor ice arena regulatory account to the commissioner of
2.12 health for the purpose of administering the statutes and rules governing indoor ice arenas.

2.13 (e) For the purposes of sections 1 to 4, "indoor ice arena" means any building with a
2.14 roof and a majority of the sides closed which contains an ice rink.

2.15 **Subd. 3. Indoor ice arenas; operator training and certificate.** (a) After March
2.16 1, 2011, no indoor ice arena may operate without a trained indoor ice arena operator,
2.17 designated by the owner or operator of the indoor ice arena, who holds a valid indoor ice
2.18 arena certificate issued by the commissioner of health. A trained indoor ice arena operator
2.19 must be present or available on call whenever the indoor ice arena is open for use and is
2.20 responsible for direct operation of the indoor ice arena, for compliance with subdivision 4,
2.21 and for meeting and maintaining indoor air quality standards.

2.22 (b) The commissioner of health shall issue an indoor ice arena operator certificate
2.23 to a person who has completed a course of training approved by the commissioner that
2.24 addresses issues regarding air quality in indoor ice arenas, and may include:

2.25 (1) proper maintenance of equipment to minimize potential emissions of carbon
2.26 monoxide and nitrogen dioxide;

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

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

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

2.32 (5) recognition of the signs of exposure to elevated levels of carbon monoxide.

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

3.1 (c) To maintain the validity of an ice arena operator certificate, an ice arena operator
3.2 must attend a course of training approved by the commissioner every three years.

3.3 Subd. 4. **Indoor ice arenas; required equipment.** (a) After March 1, 2011, an
3.4 indoor ice arena may allow public entry by skaters or spectators after a device powered by
3.5 an internal combustion engine, other than ice resurfacing equipment, has been operated in
3.6 the indoor ice arena, only after a test of indoor air quality determines that all applicable
3.7 indoor air quality standards have been met.

3.8 (b) After January 1, 2015, an indoor ice arena operating in this state must:

3.9 (1) use ice resurfacing and ice edging equipment that is exclusively powered by
3.10 electricity; or

3.11 (2) contain an operational and properly calibrated electronic indoor air monitoring
3.12 device that continuously monitors and records the concentration of carbon monoxide and
3.13 nitrogen dioxide in the air inside the ice arena. An indoor ice arena may contract with
3.14 a qualified entity to properly calibrate and maintain the operation and accuracy of an
3.15 electronic indoor air monitoring and recording device.

3.16 (c) By December 1, 2014, an indoor ice arena operator must notify the commissioner
3.17 of health in writing whether the indoor ice arena has elected to comply with paragraph
3.18 (b), clause (1) or (2).

3.19 (d) A waiver from the requirements of this subdivision is granted to an indoor ice
3.20 arena that demonstrates to the satisfaction of the Department of Health that the capacity of
3.21 its air handling system is sufficient in relation to the airspace within the arena to make
3.22 the risk of failing to meet applicable air quality standards insignificant. The Department
3.23 of Health may set conditions, including air quality testing protocols, on exemptions
3.24 granted under this subdivision.

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

3.26 Sec. 2. Minnesota Statutes 2008, section 240A.09, is amended to read:

3.27 **240A.09 PLAN DEVELOPMENT; CRITERIA.**

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

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

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

4.3 (1) proposals for renovation and indoor air quality improvements at an existing
4.4 indoor ice arena;

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

4.6 ~~(2)~~ (3) proposals for construction of an additional sheet of ice at an existing ice
4.7 center;

4.8 ~~(3)~~ (4) proposals for construction of a new, single sheet of ice as part of a sports
4.9 complex with multiple sports facilities; and

4.10 ~~(4)~~ (5) proposals for construction of a new, single sheet of ice that will be expanded
4.11 to a two-sheet facility in the future.

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

4.17 (d) Proposals for ice centers and matching grants must provide for meeting the
4.18 demand for ice time for female groups by offering up to 50 percent of prime ice time, as
4.19 needed, to female groups. For purposes of this section, prime ice time means the hours
4.20 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
4.21 and Sundays.

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

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

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

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

4.31 (i) To the extent possible, technical assistance shall be provided to Minnesota
4.32 communities by the commission on ice arena planning, design, redesign, renovation of air
4.33 handling systems, and operation, including the marketing of ice time.

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

4.35 (k) The commission may make grants for rehabilitation and renovation. A
4.36 rehabilitation or renovation grant may not exceed ~~\$100,000~~ \$200,000. Priority must be

5.1 given to grant applications for indoor air quality improvements, including zero emission
5.2 ice resurfacing equipment and upgrading ventilation systems that include electronic
5.3 indoor air monitoring and recording devices. After January 1, 2013, no grant may be
5.4 made under this paragraph unless the application includes capital expenditures for indoor
5.5 air quality improvements that will enable the facility to comply with the requirements
5.6 of section 144.1223, subdivision 4, and any associated rules, or the applicant provides
5.7 documentation from the commissioner of health that the facility is in compliance with
5.8 those requirements at the time of application and will continue to be in compliance after
5.9 the rehabilitation or renovation is completed. The provisions of this paragraph also apply
5.10 to grants made to upgrade current facilities under paragraph (g).

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

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

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

5.15 Sec. 3. **PILOT PROJECT.**

5.16 By July 1, 2012, the commissioner of health must, in consultation with indoor ice
5.17 arena operators, vendors of indoor air quality monitors, and the Minnesota Ice Arena
5.18 Managers Association, begin to identify and evaluate electronic indoor air monitoring
5.19 devices to determine those that meet the requirements of this section and are approved
5.20 for use in Minnesota. For each approved monitor, the department must recommend a
5.21 calibration schedule and must specify where the monitor must be located in an indoor ice
5.22 arena in order to be effective. By September 1, 2013, the commissioner shall submit
5.23 a report to the Minnesota Amateur Sports Commission and to the chairs and ranking
5.24 minority members of the senate and house of representatives committees with primary
5.25 jurisdiction over public health policy and financing and cultural and outdoor resources
5.26 financing containing information on the evaluation results, a list of approved electronic
5.27 indoor air monitoring devices, and operational recommendations.

5.28 Sec. 4. **INDOOR ICE ARENAS; RULEMAKING.**

5.29 The Department of Health must incorporate the following items into its current
5.30 rulemaking governing air quality in indoor ice arenas:

5.31 (1) standards limiting the concentration of carbon monoxide and nitrogen dioxide
5.32 must address both acute and chronic exposure, must include a one-hour and eight-hour
5.33 limit, and must be reviewed every five years;

6.1 (2) recorded monitoring data from electronic indoor air monitoring devices must be
6.2 available to the Department of Health upon request;

6.3 (3) requirements for indoor ice arenas that elect to be governed under Minnesota
6.4 Statutes, section 144.1223, subdivision 4, paragraph (b), clause (2), to take specified
6.5 corrective measures to protect public health in response to elevated concentration
6.6 levels of carbon monoxide and nitrogen dioxide, as determined by the Department of
6.7 Health, including operating ventilation equipment at increased levels or more frequently,
6.8 evacuating the arena, and establishing conditions for re-occupancy of the arena; and

6.9 (4) a requirement that by August 1, 2012, and each year thereafter, the Department
6.10 of Health must submit a report to the chairs and ranking minority members of the senate
6.11 and house of representatives committees with primary jurisdiction over public health that
6.12 contains the following information with respect to indoor air quality in ice arenas for
6.13 each of the preceding three calendar years:

6.14 (i) a list of on-site inspections of ice arenas made by the department, including the
6.15 date of each inspection;

6.16 (ii) the list of violations of indoor air quality standards, reporting requirements, or
6.17 other requirements of Minnesota Rules, chapter 4620, by ice arenas;

6.18 (iii) a list of enforcement actions taken against violators listed in item (ii), or any
6.19 other actions taken to return violators to compliance;

6.20 (iv) the number of certificates of approval the commissioner of health refused to issue
6.21 due to insufficient documentation of maintenance of acceptable air quality conditions;

6.22 (v) the number of certificates of approval suspended, revoked, or reinstated by the
6.23 commissioner due to violations of air quality rules; and

6.24 (vi) the number of variances to air quality rules granted to ice arenas by the
6.25 commissioner of health.

6.26 The department must also post the information in items (i) to (vi) on its Web site.

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

6.28 **Sec. 5. REVISOR'S INSTRUCTION.**

6.29 The revisor of statutes shall delete "; ENCLOSED SPORTS ARENAS" from the
6.30 headnote to Minnesota Statutes 2008, section 144.1222.

6.31 **Sec. 6. REPEALER.**

6.32 Minnesota Statutes 2008, section 144.1222, subdivision 3, is repealed.