

1.1 A bill for an act

1.2 relating to indoor air quality; requiring indoor ice arenas to have electronic
1.3 air monitoring devices; requiring that grants to construct and renovate indoor
1.4 ice arenas require an electronic air monitoring device in the facility; requiring
1.5 reports; amending Minnesota Statutes 2008, section 240A.09; proposing coding
1.6 for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes
1.7 2008, section 144.1222, subdivision 3.

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

1.9 Section 1. [144.1223] ENCLOSED SPORTS ARENAS.

1.10 Subdivision 1. Air quality standards. An operator of an indoor ice arena must
1.11 maintain air quality conditions within the arena at a one-hour average air concentration
1.12 of not more than 12.5 parts of carbon monoxide per one million parts of air by volume
1.13 and at a one-hour average air concentration of not more than 0.3 part per million of
1.14 nitrogen dioxide.

1.15 Subd. 2. Required equipment. (a) All indoor ice arenas must contain an
1.16 operational electronic air monitoring device with an alarm that is set to activate when
1.17 the concentration of carbon monoxide in the facility reaches the levels established in
1.18 subdivision 1 and which automatically activates exhaust fans in the facility when those
1.19 concentration levels are reached. Indoor ice arena personnel must be trained to operate and
1.20 maintain an indoor ice arena's electronic air monitoring device. An electric air monitoring
1.21 device is not required in an indoor ice arena that uses only electric resurfacers and edgers.

1.22 (b) This subdivision is effective upon the approval of the commissioner of
1.23 appropriate monitoring devices and the establishment of training protocols in the use of
1.24 the devices but no later than January 1, 2011.

2.1 Subd. 3. Definitions. For the purposes of this section, the following terms have
2.2 the meanings given:

2.3 (1) "indoor ice arena" has the meaning given in Minnesota Rules, part 4620.4000,
2.4 subpart 7; and

2.5 (2) "electronic air monitoring device" means a device that:

2.6 (i) continuously monitors the concentration of carbon monoxide and nitrogen
2.7 dioxide in the air inside an indoor ice arena;

2.8 (ii) contains an alarm that may be set to activate when the concentration of carbon
2.9 monoxide or nitrogen dioxide in the indoor ice arena reaches a specified level; and

2.10 (iii) may be connected to exhaust fans in the facility that are activated automatically
2.11 when the concentration of carbon monoxide or nitrogen dioxide in the facility reaches a
2.12 specified level.

2.13 Subd. 4. Rules. The commissioner of health shall be responsible for the adoption of
2.14 rules and enforcement of applicable laws and rules relating to indoor air quality in the
2.15 operation and maintenance of enclosed sports arenas. Section 14.125 does not apply to
2.16 rules adopted under this subdivision.

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

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

2.19 **240A.09 PLAN DEVELOPMENT; CRITERIA.**

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

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

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

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

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

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

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

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

3.6 (d) Proposals for ice centers and matching grants must provide for meeting the
3.7 demand for ice time for female groups by offering up to 50 percent of prime ice time, as
3.8 needed, to female groups. For purposes of this section, prime ice time means the hours
3.9 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
3.10 and Sundays.

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

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

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

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

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

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

3.24 (k) The commission may make grants for rehabilitation and renovation. A
3.25 rehabilitation or renovation grant may not exceed \$100,000. Priority must be given to
3.26 grant applications for indoor air quality improvements, including zero emission ice
3.27 resurfacing equipment.

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

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

3.31 (n) No grant for construction or renovation of a public indoor ice facility may be
3.32 made under this section unless the facility contains an operational electronic air monitoring
3.33 device approved by the Department of Health. Grants made under this section may be used
3.34 to purchase an electronic air monitoring device approved by the Department of Health.
3.35 For purposes of this section, an "electronic air monitoring device" means a device that:

4.1 (1) continuously monitors the concentration of carbon monoxide and nitrogen
4.2 dioxide in the air inside a public indoor ice facility;

4.3 (2) contains an alarm that may be set to activate when the concentration of carbon
4.4 monoxide or nitrogen dioxide in the indoor ice facility reaches a specified level; and

4.5 (3) may be connected to exhaust fans in the indoor ice facility that are activated
4.6 automatically when the concentration of carbon monoxide or nitrogen dioxide in the
4.7 indoor ice facility reaches a specified level.

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

4.9 Sec. 3. **COMPLIANCE REPORT AND ENFORCEMENT PLAN ON INDOOR**
4.10 **AIR QUALITY IN INDOOR ICE ARENAS.**

4.11 (a) By February 1, 2011, the commissioner of health shall submit a report to
4.12 the chairs and ranking minority members of the senate and house of representatives
4.13 committees with primary jurisdiction over public health that contains the following
4.14 information with respect to indoor air quality in indoor ice arenas for each of the preceding
4.15 three calendar years:

4.16 (1) a list of on-site inspections of indoor ice arenas made by the Department of
4.17 Health, including the date of each inspection;

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

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

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

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

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

4.28 (7) the number of variances to air quality rules granted to indoor ice arenas by the
4.29 commissioner of health.

4.30 (b) As part of the report submitted under paragraph (a), the commissioner shall
4.31 include:

4.32 (1) an inventory of the air monitoring devices and ice maintenance machines
4.33 currently being used by indoor ice rinks;

4.34 (2) how many rinks are currently using continuous monitoring devices to measure
4.35 air quality; and

5.1 (3) how many rinks are currently using catalytic converters.

5.2 (c) The commissioner shall also evaluate the use of continuous electronic air
5.3 monitoring devices with alarms and the availability of such devices as well as the use of
5.4 catalytic converters as means of ensuring the air quality of indoor ice arenas.

5.5 (d) By February 1, 2011, the commissioner shall submit a plan to the chairs and
5.6 ranking minority members of the senate and house of representatives committees with
5.7 primary jurisdiction over public health describing how the agency will effectively
5.8 enforce indoor air quality rules and other requirements pertaining to indoor ice arenas in
5.9 Minnesota Rules, chapter 4620.

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

5.11 Sec. 4. **REVISOR'S INSTRUCTION.**

5.12 The revisor of statutes shall remove the reference to "ENCLOSED SPORTS
5.13 ARENAS" in the headnote to Minnesota Statutes, section 144.1222.

5.14 Sec. 5. **REPEALER.**

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

APPENDIX
Repealed Minnesota Statutes: s3175-2

144.1222 PUBLIC POOLS; ENCLOSED SPORTS ARENAS.

Subd. 3. **Enclosed sports arenas.** The commissioner of health shall be responsible for the adoption of rules and enforcement of applicable laws and rules relating to indoor air quality in the operation and maintenance of enclosed sports arenas.