

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2100

02/21/2023 Authored by Jordan and Kraft

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

1.1 A bill for an act
1.2 relating to education; establishing the air ventilation program for public school
1.3 buildings; authorizing grants; appropriating money; proposing coding for new law
1.4 in Minnesota Statutes, chapter 123B.

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

1.6 Section 1. 123B.661 AIR VENTILATION PROGRAM ACT.

1.7 Sections 123B.661 to 123B.663 may be cited as the "Air Ventilation Program Act."

1.8 Sec. 2. 123B.662 AIR VENTILATION PROGRAM GRANTS AND GUIDELINES.

1.9 Subdivision 1. Grant program. The Department of Commerce shall establish and
1.10 administer the air ventilation program to award grants to school boards to reimburse for the
1.11 following activities:

1.12 (1) completion of a heating, ventilation, and air conditioning assessment report;

1.13 (2) subsequent testing, adjusting balancing work performed as a result of assessment;

1.14 and

1.15 (3) ventilation equipment upgrades, replacements, or other measures recommended by
1.16 the assessment to improve health, safety, and HVAC system efficiency.

1.17 Subd. 2. Grant awards. (a) The program administrator shall award a grant if the school
1.18 board meets the following requirements:

1.19 (1) complete a heating, ventilation, and air conditioning assessment report by a qualified
1.20 testing personnel or qualified adjusting personnel. The report must be verified by a licensed
1.21 professional engineer and include costs of adjustments or repairs necessary to meet minimum

2.1 ventilation and filtration requirements and determine whether any cost-effective energy
 2.2 efficiency upgrades or replacements are warranted or recommended;

2.3 (2) all work required after conducting the assessment must be performed by a skilled
 2.4 and trained workforce;

2.5 (3) upon completion of the work for which a school board is seeking reimbursement,
 2.6 the school board must conduct an HVAC verification report that includes the name and
 2.7 address of the school facility and individual or contractor preparing and certifying the report
 2.8 and a description of the assessment, maintenance, adjustment, repair, upgrade, and
 2.9 replacement activities and outcomes; and

2.10 (4) verification that the school board has complied with all requirements. Verification
 2.11 must include documentation that either MERV 13 filters have been installed or verification
 2.12 that the maximum MERV-rated filter that the system is able to effectively handle has been
 2.13 installed; documentation of the MERV rating; the verified ventilation rates for occupied
 2.14 areas of the school and whether those rates meet the requirements set forth in ANSI/ASHRAE
 2.15 Standard 62.1-2019, with an accompanying explanation for any ventilation rates that do not
 2.16 meet applicable requirements documenting why the current system is unable to meet
 2.17 requirements; the verified exhaust for occupied areas and whether those rates meet the
 2.18 requirements set forth in the system design intent; documentation of system deficiencies;
 2.19 recommendations for additional maintenance, replacement, or upgrades to improve energy
 2.20 efficiency, safety, or performance; documentation of initial operating verifications,
 2.21 adjustments, and final operating verifications; documentation of any adjustments or repairs
 2.22 performed; verification of installation of carbon dioxide monitors, including the make and
 2.23 model of monitors; and verification that all work has been performed by qualified personnel,
 2.24 including the contractor's name, certified TAB technician name and certification number,
 2.25 and verification that all construction work has been performed by a skilled and trained
 2.26 workforce.

2.27 (b) Grants shall be prioritized to give direct support to schools and school children in
 2.28 communities with high rates of poverty as determined by receipt of federal Title I funding.

2.29 (c) Grants shall be awarded to reimburse schools for fifty percent of costs incurred from
 2.30 1-3, with a maximum grant award of \$.....

2.31 (d) The school board shall maintain a copy of the HVAC verification report and make
 2.32 it available to students, parents, school personnel, and to any member of the public or the
 2.33 program administrator upon request.

2.34 Subd. 3. **Program guidelines and rules.** (a) The program administrator shall:

3.1 (1) adopt guidelines for the air ventilation program no later than October 1, 2023;

3.2 (2) establish the timing of grant funding; and

3.3 (3) ensure the air ventilation program is operating and may receive applications for
3.4 grants no later than and begin to approve applications no later than subject to the
3.5 availability of funds.

3.6 (b) The technical and reporting requirements of the air ventilation program may be
3.7 amended by the program administrator as necessary to reflect current COVID-19 guidance
3.8 or other applicable guidance, to achieve the intent of the air ventilation program, and to
3.9 ensure consistency with other related requirements and codes.

3.10 (c) The program administrator may use no more than five percent, not to exceed
3.11 \$5,000,000 per year, of the program funds for administering the program, including providing
3.12 technical support to program participants.

3.13 (d) The program administrator may establish rules for the air ventilation program.

3.14 **Sec. 3. [123B.663] AIR VENTILATION PROGRAM DEFINITIONS.**

3.15 Subdivision 1. **General.** For purposes of sections 123B.661 to 123B.665, the terms in
3.16 this section have the meanings given unless the language or context clearly shows that a
3.17 different meaning is intended.

3.18 Subd. 2. **ANSI.** "ANSI" means American National Standards Institute.

3.19 Subd. 3. **ASHRAE.** "ASHRAE" means American Society of Heating Refrigeration Air
3.20 Conditioning Engineers.

3.21 Subd. 4. **Certified TAB technician.** "Certified TAB technician" means a technician
3.22 certified to perform testing, adjusting, and balancing of HVAC systems by the Associated
3.23 Air Balance Council, National Environmental Balancing Bureau, or the Testing, Adjusting
3.24 and Balancing Bureau.

3.25 Subd. 5. **HVAC.** "HVAC" means heating, ventilation, and air conditioning.

3.26 Subd. 6. **Licensed professional engineer.** "Licensed professional engineer" means a
3.27 professional engineer licensed under sections 326.02 to 326.15 who holds an active license,
3.28 is in good standing, and is not subject to any disciplinary or other actions with the Board
3.29 of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and
3.30 Interior Design.

4.1 Subd. 7. **MERV.** "MERV" means minimum efficiency reporting value as established
 4.2 by ASHRAE Standard 52.2-2017 - Method of Testing General Ventilation Air-Cleaning
 4.3 Devices for Removal Efficiency by Particle Size.

4.4 Subd. 8. **Program.** "Program" means the air ventilation program.

4.5 Subd. 9. **Program administrator.** "Program administrator" means the commissioner
 4.6 of commerce or the commissioner's representative.

4.7 Subd. 10. **Qualified adjusting personnel.** "Qualified adjusting personnel" means one
 4.8 of the following:

4.9 (1) a certified TAB technician; or

4.10 (2) a skilled and trained workforce under the supervision of a certified TAB technician.

4.11 Subd. 11. **Qualified testing personnel.** "Qualified testing personnel" means one of the
 4.12 following:

4.13 (1) a certified TAB technician; or

4.14 (2) a skilled and trained workforce under the supervision of a certified TAB technician.

4.15 Subd. 12. **Registered apprenticeship program.** "Registered apprenticeship program"
 4.16 means an apprenticeship program that is registered under chapter 178 or Code of Federal
 4.17 Regulations, title 29, part 29.

4.18 Subd. 13. **Skilled and trained workforce.** "Skilled and trained workforce" means a
 4.19 workforce where at least 80 percent of the construction workers are either graduates of a
 4.20 registered apprenticeship program for the applicable occupation or are registered as
 4.21 apprentices in a registered apprenticeship program for the applicable occupation.

4.22 Subd. 14. **TAB.** "TAB" means testing, adjusting, and balancing of an HVAC system.

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

4.24 Sec. 4. **PUBLIC SCHOOL AIR VENTILATION PROGRAM GRANTS;**
 4.25 **APPROPRIATION.**

4.26 (a) \$..... in fiscal year 2024 is appropriated from the general fund to the commissioner
 4.27 of commerce for Air Ventilation Program grants for public school buildings under Minnesota
 4.28 Statutes, chapter 123C.

4.29 (b) The base for fiscal year 2025 is \$.....