

February 15, 1995, to the house environment and natural resources finance committee and the senate environment and natural resources finance division.

Subd. 2. NATIVE PLANTINGS ON PUBLIC LANDS; REPORT. The commissioner of natural resources shall, in cooperation with other state agencies and interested persons, propose a plan to increase the amount of native plantings on public lands. The commissioner shall submit the plan to the environment and natural resources committees of the legislature by February 15, 1994.

Sec. 21. EFFECTIVE DATE.

This act is effective the day following final enactment, except that sections 16 and 17 are effective August 1, 1993, and do not apply to purchase agreements executed before that date.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 10:37 a.m.

CHAPTER 286—S.F.No. 1105

An act relating to health; extending the expiration date of certain advisory councils and committees; modifying provisions relating to lead abatement; changing regulation provisions for hotels, resorts, restaurants, and manufactured homes; requiring a manufactured home park zoning study; providing penalties; amending Minnesota Statutes 1992, sections 15.059, subdivision 5; 144.73, subdivision 3; 144.871, subdivisions 2, 6, 7a, and by adding subdivisions; 144.872, subdivision 2; 144.873, subdivision 2; 144.874, subdivisions 1, 3, 4, and 6; 144.878, subdivisions 2 and 5; 157.01, subdivision 1; 157.03; 157.08; 157.081, subdivision 1; 157.09; 157.12; 157.14; 245.97, subdivision 6; 327.10; 327.11; 327.16, subdivision 5; 327.20, subdivision 1; 327.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144; and 157; repealing Minnesota Statutes 1992, sections 144.8721; 144.874, subdivision 10; 144.878, subdivision 2a; and 157.05, subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1992, section 15.059, subdivision 5, is amended to read:

Subd. 5. EXPIRATION DATE. Unless a different date is specified by law, the existence of each advisory council and committee governed by this section shall terminate on June 30, ~~1993~~ 1994.

Sec. 2. Minnesota Statutes 1992, section 144.73, subdivision 3, is amended to read:

Subd. 3. HEARINGS. ~~The camp operator shall be entitled to a hearing before the commissioner on the revocation of the operator's permit. A request for such hearing shall be made by the camp operator in writing. The hearing~~

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shall be held at the time and place designated by the commissioner and at least five days written notice of such hearing shall be given to the camp operator. The notice may be served by certified mail. The camp operator shall be entitled to be represented by legal counsel and shall have the right to produce evidence and testimony at such hearing. The commissioner may appoint in writing any competent person to preside at such hearing. Such person shall take testimony, administer oaths, issue subpoenas, compel the attendance of witnesses, and transmit the record of the hearing to the commissioner. The decision of the commissioner shall be based on the evidence and testimony presented at such hearing. The procedure for hearings or for appeals from the order of the department or the commissioner shall be in accordance with chapter 14.

Sec. 3. Minnesota Statutes 1992, section 144.871, subdivision 2, is amended to read:

Subd. 2. **ABATEMENT.** "Abatement" means removal of, replacement of, or encapsulation of deteriorated paint, bare soil, dust, drinking water, or other lead-containing materials that are or may become readily accessible during the lead abatement process and pose an immediate threat of actual lead exposure to people.

Sec. 4. Minnesota Statutes 1992, section 144.871, subdivision 6, is amended to read:

Subd. 6. **ELEVATED BLOOD LEAD LEVEL.** "Elevated blood lead level" in a child ~~no more than six years old~~ before the sixth birthday or in a pregnant woman means a blood lead level that exceeds the federal Centers for Disease Control guidelines for preventing lead poisoning in young children, unless the commissioner finds that a lower concentration is necessary to protect public health.

Sec. 5. Minnesota Statutes 1992, section 144.871, subdivision 7a, is amended to read:

Subd. 7a. **HIGH RISK FOR TOXIC LEAD EXPOSURE.** "High risk for toxic lead exposure" means either:

(1) that elevated blood lead levels have been diagnosed in a population of children or pregnant women; or

(2) without blood lead data, that a population of children or pregnant women resides in:

(i) a census tract with many residential structures known to have or suspected of having deteriorated lead-based paint; or

(ii) a census tract with a median soil lead concentration greater than 100 parts per million for any sample collected according to Minnesota Rules, part 4761.0400, subpart 8, and rules adopted under section 144.878; ~~or~~

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(3) the priorities adopted by the commissioner under section 144.878, subdivision 2, shall apply to this subdivision.

Sec. 6. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 7d. PERSON. "Person" has the meaning given in section 103I.005, subdivision 16.

Sec. 7. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 7c. LEAD INSPECTOR. "Lead inspector" means an individual who has successfully completed a training course in investigation of residences for possible sources of lead exposure and who is licensed by the commissioner according to rules adopted under section 144.877, subdivision 6, to perform this activity.

Sec. 8. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 10. VENOUS BLOOD SAMPLE. "Venous blood sample" means a quantity of blood drawn from a vein.

Sec. 9. Minnesota Statutes 1992, section 144.872, subdivision 2, is amended to read:

Subd. 2. HOME ASSESSMENTS. (a) The commissioner shall, within available federal or state appropriations, contract with boards of health, who may determine priority for responding to cases of elevated blood lead levels, to conduct assessments to determine sources of lead contamination in the residences of pregnant women whose blood lead levels are at least ten micrograms per deciliter and of children whose blood lead levels are at least 20 micrograms per deciliter or whose blood lead levels persist in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification to the board of health or the commissioner. Assessments must be conducted within five working days of the board of health receiving notice that the criteria in this subdivision have been met.

(b) The commissioner or boards of health must identify the known addresses for the previous 12 months of the child or pregnant woman with elevated blood lead levels and notify the property owners at those addresses. The commissioner may also collect information on the race, sex, and family income of children and pregnant women with elevated blood lead levels.

(c) Within the limits of appropriations, a board of health shall conduct home assessments for children and pregnant women whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter.

(d) The commissioner shall also provide educational materials on all sources

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of lead to boards of health to provide education on ways of reducing the danger of lead contamination. The commissioner may provide laboratory or field lead testing equipment to a board of health or may reimburse a board of health for direct costs associated with assessments.

Sec. 10. Minnesota Statutes 1992, section 144.873, subdivision 2, is amended to read:

Subd. 2. **TEST OF CHILDREN IN HIGH RISK AREAS.** Within limits of available state and federal appropriations, the commissioner shall promote and subsidize a blood lead test of all children ~~under six years of age before the sixth birthday~~ who live in all areas of high risk for toxic lead exposure that are currently known or subsequently identified. Within the limits of available appropriations, the commissioner shall conduct surveys, especially soil assessments larger than a residence, as defined by the commissioner, in greater Minnesota communities where a case of elevated blood lead levels has been reported.

Sec. 11. Minnesota Statutes 1992, section 144.874, subdivision 1, is amended to read:

Subdivision 1. **RESIDENCE ASSESSMENT.** (a) A board of health must conduct a timely assessment of a residence, within five working days of receiving notification that the criteria in this subdivision have been met, as confirmed by lead analysis of a venous blood sample, to determine sources of lead exposure if:

(1) a pregnant woman in the residence is identified as having a blood lead level of at least ten micrograms of lead per deciliter of whole blood;

(2) a child in the residence is identified as having a blood lead level at or above 20 micrograms per deciliter; or

(3) a child in the residence is identified as having a blood lead level that persists in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification. Assessments must be conducted by a board of health regardless of the availability of state or federal appropriations for assessments.

(b) Within the limits of available state and federal appropriations, a board of health shall also conduct home assessments for children whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter. A board of health may assess a residence even if none of the three criteria in this subdivision are met.

(c) If a child regularly spends several hours per day at another residence, such as a residential child care facility, the board of health must also assess the other residence.

(d) Sections 144.871 to 144.879 neither authorize nor prohibit a board of health from charging a property owner for the cost of assessment.

(b) (e) The board of health must conduct the residential assessment accord-

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ing to rules adopted by the commissioner according to section 144.878. A board of health shall have residential assessments performed by lead inspectors licensed by the commissioner according to rules adopted under section 144.877. A board of health may observe the performance of lead abatement in progress and has authority to enforce the provisions of chapter 144.

Sec. 12. Minnesota Statutes 1992, section 144.874, subdivision 3, is amended to read:

Subd. 3. **LEAD ABATEMENT ORDERS.** A board of health must order a property owner to perform abatement on a lead source that exceeds a standard adopted according to section 144.878 at the residence of a child with an elevated blood lead level or a pregnant woman with a blood lead level of at least ten micrograms per deciliter. Lead abatement orders must require that any source of damage, such as leaking roofs, plumbing, and windows, must be repaired or replaced, as needed, to prevent damage to lead-containing interior surfaces. The board of health is not required to pay for lead abatement. With each lead abatement order, the board of health must provide a residential lead abatement guide.

Sec. 13. Minnesota Statutes 1992, section 144.874, subdivision 4, is amended to read:

Subd. 4. **RELOCATION OF RESIDENTS.** A board of health must ensure that residents are relocated from rooms or dwellings during abatement that generates leaded dust, such as removal or disruption of lead-based paint or plaster that contains lead. A board of health is not required to pay for relocation unless state or federal funding is available for this purpose. Residents must be allowed to return to the residence or dwelling after completion of abatement. A board of health shall use grant funds under section 144.872, subdivision 3, in cooperation with local housing agencies, to pay for moving costs for any low-income resident temporarily relocated during lead abatement, not to exceed \$250 per household.

Sec. 14. Minnesota Statutes 1992, section 144.874, subdivision 6, is amended to read:

Subd. 6. **RETESTING REQUIRED.** After completion of the lead abatement as ordered, the board of health must retest the residence to assure the violations no longer exist. The board of health is not required to test a residence after lead abatement that was not ordered by the board of health.

Sec. 15. [144.877] **LEAD INSPECTORS.**

Subdivision 1. LICENSE REQUIRED. No person may perform the duties of a lead inspector unless the person is licensed by the commissioner. A lead inspector shall have the inspector's license readily available at all times at an assessment site and make it available, upon request, for inspection by the commissioner or by a member of the staff of a board of health with jurisdiction over the site. A license must be renewed annually and may not be transferred.

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Subd. 2. LICENSE APPLICATION. (a) An application for a license and for renewal of a license must be on a form provided by the commissioner and be accompanied by:

(1) the fee set by the commissioner; and

(2) evidence that the applicant has successfully completed a lead inspection training course approved by the commissioner or, within the previous 180 days, an initial lead inspection training course.

(b) The fee required by this subdivision is waived for an employee of a board of health.

Subd. 3. LICENSE RENEWAL. A license is valid for one year from the issuance date unless revoked by the commissioner. An applicant must successfully complete either an approved initial lead inspection training course or an approved annual refresher lead inspection training course to apply for license renewal.

Subd. 4. LICENSE REPLACEMENT. A licensed lead inspector may obtain a replacement license by reapplying for a license. A replacement license expires on the same date as the original license.

Subd. 5. GROUNDS FOR DISCIPLINARY ACTION. (a) The commissioner may deny an application, revoke a license, or impose limitations or conditions on a license if a licensed lead inspector:

(1) violates this section or rules adopted by the commissioner;

(2) submits an application that is incomplete or inaccurate or is not accompanied by the required fee, or if the fee is paid by an invalid check;

(3) obtains a license, certificate, or approval through error, fraud, or cheating;

(4) provides false or fraudulent information on forms submitted to the commissioner;

(5) allows an unlicensed or uncertified person to engage, or aids an unlicensed or uncertified person in engaging, in activities for which a license or certificate is required;

(6) endangers public health or safety; or

(7) has been convicted during the previous five years of a felony or gross misdemeanor under section 270.72, 325F.69, or 325F.71.

(b) An application for licensure that has been denied may be resubmitted when the reasons for the denial have been corrected. A person whose license is revoked may not apply for a license within one year of the date of revocation.

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Subd. 6. RULES. The commissioner shall adopt rules to implement this section, including rules setting fees for licenses and license renewals and rules for approving initial lead inspection training courses and annual refresher lead inspection training courses.

Sec. 16. Minnesota Statutes 1992, section 144.878, subdivision 2, is amended to read:

Subd. 2. LEAD STANDARDS AND ABATEMENT METHODS. (a) The commissioner shall adopt rules establishing standards and abatement methods for lead in paint, dust, and drinking water in a manner that protects public health and the environment for all residences, including residences also used for a commercial purpose. The commissioner shall adopt priorities for providing abatement services to areas defined to be at high risk for toxic lead exposure. ~~In adopting priorities, the commission shall consider the number of children and pregnant women diagnosed with elevated blood lead levels and the median concentration of lead in the soil. The commissioner shall give priority to areas having the largest population of children and pregnant women having elevated blood lead levels, areas with the highest median soil lead concentration, and areas where it has been determined that there are large numbers of residences that have deteriorating paint.~~ The commissioner shall differentiate between intact paint and deteriorating paint. The commissioner and political subdivisions shall require abatement of intact paint only if the commissioner or political subdivision finds that intact paint is a chewable or lead-dust producing surface that is a known source of actual lead exposure to a specific person. In adopting rules under this subdivision, the commissioner shall require the best available technology for abatement methods, paint stabilization, and repainting.

(b) The commissioner of health shall adopt standards and abatement methods for lead in bare soil on playgrounds and residential property in a manner to protect public health and the environment.

(c) The commissioner of the pollution control agency shall adopt rules to ensure that removal of exterior lead-based coatings from residential property by abrasive blasting methods and disposal of any hazardous waste are conducted in a manner that protects public health and the environment.

(d) All standards adopted under this subdivision must provide adequate margins of safety that are consistent with a detailed review of scientific evidence and an emphasis on overprotection rather than underprotection when the scientific evidence is ambiguous. The rules must apply to any individual performing or ordering the performance of lead abatement.

Sec. 17. Minnesota Statutes 1992, section 144.878, subdivision 5, is amended to read:

Subd. 5. LEAD ABATEMENT CONTRACTORS AND EMPLOYEES. The commissioner shall adopt rules to license lead abatement contractors, to certify employees of lead abatement contractors who perform abatement, and to

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certify lead abatement trainers who provide lead abatement training for contractors, employees, or other lead abatement trainers. ~~The rules must include standards and procedures for on-the-job training for swab teams.~~ All lead abatement training must include a hands-on component and instruction on the health effects of lead exposure, the use of personal protective equipment, workplace hazards and safety problems, abatement methods and work practices, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, and legal rights and responsibilities. At least 30 days before publishing initial notice of proposed rules under this subdivision on the licensing of lead abatement contractors, the commissioner shall submit the rules to the chairs of the health and human services committees in the house of representatives and the senate, and to any legislative committee on licensing created by the legislature.

Sec. 18. Minnesota Statutes 1992, section 157.01, subdivision 1, is amended to read:

Subdivision 1. **TYPES OF ESTABLISHMENTS.** Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week shall for the purpose of this chapter be deemed ~~an~~ a hotel or motel.

Every building or other structure or enclosure, or any part thereof and all buildings in connection, kept, used or maintained as, or advertised as, or held out to the public to be an enclosure where meals or lunches are served or prepared for service elsewhere shall for the purpose of this chapter be deemed to be a restaurant, and the person in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this chapter shall be deemed the proprietor of the restaurant, and whenever the word "restaurant" occurs in this chapter, it shall be construed to mean a structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public, shall, for the purpose of this chapter, be deemed a lodging house.

Every building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more, shall, for the purpose of this chapter, be deemed a boarding house.

Every building or structure, or any part thereof, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream, or drinks of various kinds are made, sold or served at retail, shall, for the purpose of this chapter, be deemed to be a place of refreshment. This chapter shall not be appli-

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cable in any manner to a general merchandise store, oil station, cigar stand, confectionery store, or drug store not providing meals, lunches, lodging, or fountain, bar, booth, or table service, or to a grocery store in which meals or lunches are served or which contains a fountain, bar, booth, delicatessen, or table service.

For the purpose of this chapter, a resort means any building, structure, or enclosure, or any part thereof, located on, or on property neighboring, any lake, stream, or skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public, and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

Sec. 19. Minnesota Statutes 1992, section 157.03, is amended to read:

157.03 LICENSES REQUIRED; FEES.

Each year every person, firm, or corporation engaged in the business of conducting an hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment, or who shall hereafter engage in conducting any such business, except vending machine operators licensed under the license provisions of sections 28A.01 to 28A.16, must procure a license for each hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment so conducted. For any hotel, motel, resort, campground, or manufactured home park as defined in section 327.15, in which food, fountain, or bar service is furnished, one license, in addition to the hotel, resort, manufactured home park, or campground license, shall be sufficient for all restaurants and places of refreshment conducted on the same premises and under the same management with the hotel, motel, resort, manufactured home park, or campground. Each license shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122. Any proprietor who operates a place of business after the expiration date without first having made application for a license and without having made payment of the fee thereof shall be deemed to have violated the provisions of this chapter and be subject to prosecution, as provided in this chapter. In addition thereto, a penalty in an amount prescribed by the commissioner pursuant to section 144.122 shall be added to the amount of the license fee and paid by the proprietor, as provided herein, if the application has not reached the office of the state commissioner of health within 30 days following the expiration of license; or, in the case of a new business, 30 days after the opening date of the business. ~~The state commissioner of health shall furnish to~~ Any person, firm, or corporation desiring to conduct an hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment ~~an~~ shall make application blank to be filled out by the person, firm, or corporation, on forms provided by the department for a license therefor, which shall require the applicant to state the full name and address of the owner of the building, structure, or enclosure, the lessee and manager of the hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment, the location of the same, the name under which the business is to be conducted, and any other information as

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may be required therein by the state commissioner of health to complete the application for license. The application shall be accompanied by a license fee as hereinafter provided.

For hotels, motels, lodging houses, and resorts, the license fee may be graduated according to the number of sleeping rooms and the amount of the fees shall be prescribed by the state commissioner of health pursuant to section 144.122.

For restaurants, places of refreshment, and boarding houses, the license fee may be based on the average number of employees. ~~If the license fee is so computed, the commissioner shall consider each full-time employee as one employee and each part-time employee as that fraction of one employee as the number of months the employee is employed is to the 12 months of the year.~~ The number of employees counted for each establishment shall be based upon the total number of employees employed full time and employed part time when added together to total the hours of full-time employment. Employees shall include all persons, except children of the licensee under the age of 18, at work in any capacity, either voluntary or paid, and whether or not reported under the labor laws of this state.

If the license fee is based upon the average number of employees, every licensee shall, at the time of application, certify as to the number of employees on forms provided by the state commissioner of health and the state commissioner of health shall have access, on demand, to any and all employment records for purposes of substantiating or correcting numbers of declared employees.

License fees for restaurants, places of refreshment, and boarding houses shall be in an amount prescribed by the state commissioner of health pursuant to section 144.122.

No school, as defined in sections 120.05 and 120.101, may be required to pay a license fee.

Sec. 20. Minnesota Statutes 1992, section 157.08, is amended to read:

157.08 LINENS, OTHER FURNISHINGS; ~~PENALTY~~ PROSECUTION.

All hotels and motels in this state shall hereafter provide each bedroom with at least two clean towels daily for each guest and provide the main public wash-room with clean individual towels. Individual towels shall not be less than nine inches wide and 13 inches long after being washed. This shall not prohibit the use of other acceptable hand drying devices.

All hotels, motels, lodging houses and resorts where linen is provided, hereafter shall provide each bed, bunk, cot, or sleeping place for the use of guests with pillowslips and under and top sheets; each sheet shall be not less than 99 inches long nor less than 24 inches wider than the mattress. A sheet shall not be used which measures less than 90 inches in length after being laundered; these

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sheets and pillowslips to be made of materials acceptable to the state commissioner of health, and all sheets and pillowslips, after being used by one guest, must be laundered in a manner acceptable to the commissioner before they are used by another guest, a clean set being furnished each succeeding guest.

All bedding, including mattresses, quilts, blankets, pillows, sheets, and comforts used in any hotel, motel, resort, or lodging house in this state must be kept clean. No bedding, including mattresses, quilts, blankets, pillows, sheets, or comforts, shall be used which are worn out or unfit for further use.

Effective measures shall be taken to eliminate any vermin infestation in any establishment licensed under this chapter. All rugs and carpets in all sleeping rooms shall be kept in good repair and maintained in a clean condition.

All tables, table linens, chairs, and other furniture, all hangings, draperies, curtains, carpets, and floors in all lodging houses, resorts, hotels, restaurants, boarding houses, or places of refreshment, shall be kept in good repair and in a clean and sanitary condition.

~~All notices to be served by the hotel inspector provided for in this chapter shall be in writing and shall be either delivered personally, or by registered letter, to the owner, agent, lessee, or manager of the hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment.~~

~~Any person, firm, or corporation who shall operate an hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment in this state, or who shall let a building used for such business, without having first complied with the provisions of this chapter and rules of the state commissioner of health, shall be guilty of a misdemeanor.~~

The county attorney of each county in this state shall, upon complaint on oath of the ~~hotel inspector~~ commissioner, or a duly authorized deputy, prosecute to termination before any court of competent jurisdiction, in the name of the state, a proper action or proceeding against any person or persons violating the provisions of this chapter or rules of the state commissioner of health.

Sec. 21. Minnesota Statutes 1992, section 157.081, subdivision 1, is amended to read:

Subdivision 1. **FINES FOR VIOLATIONS; ~~LIMITS~~ ABATEMENT ORDER**. The commissioner ~~shall~~ may impose a civil fine for repeated or ~~egregious~~ violation of rules relating to facilities licensed under this chapter or chapter 327. The fine shall be assessed for each day the licensed facility fails to comply with the rules. A fine for a specific violation shall not exceed \$50 per day. The commissioner upon finding that there is a clear and present danger to the public health may seek a court order to abate the condition.

Sec. 22. **[157.082] ENFORCEMENT; PENALTY.**

All notices to be served by the commissioner under this chapter shall be in writing and shall be either delivered personally, or by registered letter, to the owner, agent, lessee, or manager of the hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment.

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Any person, firm, or corporation who operates a hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment in this state, or who lets a building used for those businesses, without having first complied with the provisions of this chapter and rules of the commissioner of health, is guilty of a misdemeanor.

Sec. 23. Minnesota Statutes 1992, section 157.09, is amended to read:

157.09 REVOCATION OF LICENSE.

It shall be the duty of the commissioner of health to revoke a license, on the commissioner's finding that a place of business is being operated in violation of the provisions of this chapter or rules of the state commissioner of health, so as to constitute a filthy, unclean, and insanitary condition and dangerous to public health; or, if the owner or proprietor persistently refuses or fails to comply with the provisions of this chapter or rules of the commissioner. Upon revocation of a license, the place of business shall be immediately closed to public patronage until such time as the owner or proprietor shall have complied with the provisions of this chapter, as certified to by the issuance of a new license.

~~The third revocation of license in any one year and on any one proprietor shall be made permanent for a period of one year from the date of the last revocation.~~

Sec. 24. Minnesota Statutes 1992, section 157.12, is amended to read:

157.12 LICENSE POSTED IN OFFICE.

Every hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment securing a license or license fee receipt under the provisions of this chapter shall keep the same posted in a conspicuous place in the office of such hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment.

~~All prosecutions under this chapter shall be conducted by the county attorney of the county in which the offense was committed.~~

Sec. 25. Minnesota Statutes 1992, section 157.14, is amended to read:

157.14 EXEMPTIONS.

This chapter shall not be construed to apply to interstate carriers under the supervision of the United States Department of Health, ~~Education and Welfare and Human Services~~ or to any building constructed and primarily used for religious worship, nor to any building owned, operated and used by a college or university in accordance with health regulations promulgated by the college or university. Any person, firm or corporation whose principal mode of business is licensed under sections 28A.04 and 28A.05 is exempt at that premises from licensure as a place of refreshment or restaurant; provided, that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any per-

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son, firm, or corporation from the applicable provisions of the chapter or the rules of the state commissioner of health relating to food and beverage service establishments. This chapter does not apply to family day care homes or group family day care homes governed by sections 245A.01 to 245A.16 and does not apply to nonprofit senior citizen centers for the sale of home-baked goods.

Sec. 26. Minnesota Statutes 1992, section 245.97, subdivision 6, is amended to read:

Subd. 6. **TERMS, COMPENSATION, REMOVAL AND EXPIRATION.** The membership terms, compensation, and removal of members of the committee and the filling of membership vacancies are governed by section 15.0575. The ombudsman committee and the medical review subcommittee expire on June 30, ~~1993~~ 1994.

Sec. 27. Minnesota Statutes 1992, section 327.10, is amended to read:

327.10 **LODGING ESTABLISHMENT OPERATOR, DUTIES.**

Every person operating within this state a recreational camping area, ~~abin camp~~, lodging house, ~~tourist rooms~~, hotel or motel, ~~manufactured home park~~, or resort furnishing sleeping or overnight stopping accommodations for transient guests, shall provide and keep thereat a suitable guest register for the registration of all guests provided with sleeping accommodations or other overnight stopping accommodations thereat; and every such guest shall be registered therein. Upon the arrival of every such guest, the operator of ~~such camp or resort~~ the establishment shall require the guest to enter in such register, or enter for the guest therein, in separate columns provided in such register, the name and home address of the guest and every person, if any, with the guest as a member of the party; and if traveling by motor vehicle, the make of such vehicle, registration number, and other identifying letters or characters appearing on the official number plate carried thereon, including the name of the state issuing such official plate. Such registration shall be kept in an accurate and orderly manner and retained for one year so that the same will be always accessible for inspection by the proper authorities.

Sec. 28. Minnesota Statutes 1992, section 327.11, is amended to read:

327.11 **GUEST, REGISTRATION.**

Every person, upon arriving at any lodging house, ~~manufactured home park~~, recreational camping area, ~~abin camp~~, hotel or motel or other resort described in sections 327.10 to 327.13 and applying for guest accommodations therein of the character described in section 327.10, shall furnish to the operator or other attendant in charge of ~~such camp or resort~~ the establishment the registration information necessary to complete the registration in accordance with the requirements of section 327.10, and shall not be provided with accommodations unless and until such information shall be so furnished.

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Sec. 29. Minnesota Statutes 1992, section 327.16, subdivision 5, is amended to read:

Subd. 5. **PERMIT.** When the plans and specifications have been approved, the state department of health shall issue an approval report permitting the applicant to construct or make alterations ~~pertaining to water and sewage disposal~~ upon a manufactured home park or recreational camping area and the appurtenances thereto according to the plans and specifications presented.

Such approval does not relieve the applicant from securing building permits in municipalities ~~having a building code, that require permits~~ or from complying with any other municipal ordinance or ordinances, applicable thereto, not in conflict with this statute.

Sec. 30. Minnesota Statutes 1992, section 327.20, subdivision 1, is amended to read:

Subdivision 1. **RULES.** No domestic animals or house pets of occupants of manufactured home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a manufactured home park or recreational camping area. Each manufactured home park or recreational camping area licensed under the provisions of sections 327.10, 327.11, 327.14 to 327.28 shall, among other things, provide for the following, in the manner hereinafter specified:

(1) A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition. In any manufactured home park containing more than 50 lots, the attendant, caretaker, or other responsible park employee, shall be readily available at all times in case of emergency.

(2) All manufactured home parks shall be well drained and be located so that the drainage of the park area will not endanger any water supply. No waste water from manufactured homes or recreational camping vehicles shall be deposited on the surface of the ground. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When a municipal sewage system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.

(3) No manufactured home shall be located closer than three feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for the parking of motor vehicles and other prop-

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erty, if the vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in manufactured home parks when the variance is applied for in writing and in the opinion of the commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.

(4) An adequate supply of water of safe, sanitary quality shall be furnished at each manufactured home park or recreational camping area. The source of the water supply shall first be approved by the state department of health. ~~At least one water supply outlet shall be provided at convenient locations throughout the manufactured home park or recreational camping area.~~

(5) All plumbing shall be installed in accordance with the rules of the state commissioner of health and the provisions of the Minnesota plumbing code.

(6) In the case of a manufactured home park with less than ten manufactured homes, a plan for the sheltering or the safe evacuation to a safe place of shelter of the residents of the park in times of severe weather conditions, such as tornadoes, high winds, and floods. The shelter or evacuation plan shall be developed with the assistance and approval of the municipality where the park is located and shall be posted at conspicuous locations throughout the park. Nothing in this paragraph requires the department of health to review or approve any shelter or evacuation plan developed by a park. Failure of a municipality to approve a plan submitted by a park shall not be grounds for action against the park by the department of health if the park has made a good faith effort to develop the plan and obtain municipal approval.

(7) A manufactured home park with ten or more manufactured homes, licensed prior to March 1, 1988, shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by park residents in times of severe weather, including tornadoes and high winds. The shelter or evacuation plan must be approved by the municipality by March 1, 1989. The municipality may require the park owner to construct a shelter if it determines that a safe place of shelter is not available within a reasonable distance from the park. A copy of the municipal approval and the plan shall be submitted by the park owner to the department of health.

(8) A manufactured home park with ten or more manufactured homes, receiving a primary license after March 1, 1988, must provide the type of shelter required by section 327.205.

Sec. 31. Minnesota Statutes 1992, section 327.26, subdivision 1, is amended to read:

Subdivision 1. **LOCAL LICENSES PROHIBITED.** No municipality may impose any license (1) upon any licensed manufactured home park or recre-

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ational camping area ~~complying with the provisions of sections 327.10, 327.11, 327.14 to 327.28,~~ or (2) upon any occupant of a licensed manufactured home park.

Sec. 32. ADDITIONAL STANDARDS FOR LICENSURE.

Until the commissioner of health has adopted the rules required by section 15, subdivision 6, the licensure of lead inspectors is governed by this section as follows:

(1) a lead inspector must obtain a license within 180 days of the effective date of section 15;

(2) the fee for issuance or renewal of a lead inspector license is \$50, is non-refundable, and must be submitted in the form of a check;

(3) the fee for replacement of a license is \$25, is nonrefundable, and must be submitted in the form of a check;

(4) an applicant who submits an approvable application within 60 days of the initial denial of an application is not required to pay a second fee; and

(5) a lead inspection course sponsored by the United States Environmental Protection Agency is an approved course for the purposes of section 15, subdivision 2.

Sec. 33. MANUFACTURED HOME PARK ZONING STUDY.

A municipality, as defined in Minnesota Statutes, section 462.352, subdivision 2, may not adopt an ordinance after May 22, 1993 and before August 1, 1994, that establishes setback requirements for manufactured homes in a manufactured home park if the ordinance would have the effect of prohibiting replacing a home in a park with a home approved by the department of housing and urban development.

Setback requirements adopted by ordinance by a municipality after April 1, 1991, are suspended and have no effect until August 1, 1994, if the setback requirements have the effect of prohibiting replacing a manufactured home in a manufactured home park with a home approved by the department of housing and urban development.

Sec. 34. REPEALER.

Minnesota Statutes 1992, sections 144.8721; 144.874, subdivision 10; 144.878, subdivision 2a; and 157.05, subdivisions 2 and 3, are repealed. Section 32 is repealed effective upon the adoption by the commissioner of health of the rules required by section 15, subdivision 6.

Sec. 35. EFFECTIVE DATE.

Sections 15, 33, and 34 are effective the day following final enactment.

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Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 2:06 p.m.

CHAPTER 287—S.F.No. 1275

An act relating to the environment; providing protection from liability for releases of hazardous substances to lenders and owners for redevelopment of property under an approved cleanup plan; providing authority to issue determinations regarding association with a release; appropriating money; amending Minnesota Statutes 1992, section 115B.175, subdivisions 4, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Section 1. Minnesota Statutes 1992, section 115B.175, subdivision 4, is amended to read:

Subd. 4. **PERFORMANCE OF RESPONSE ACTIONS DOES NOT ASSOCIATE PERSONS WITH RELEASE.** Persons specified in subdivision 6 or 6a, paragraph (c), do not associate themselves with, or aggravate or contribute to, any release or threatened release identified in an approved voluntary response action plan for the purpose of section 115B.03, subdivision 3, paragraph (d), or subdivision 7, clause (1), of this section as a result of performance of the response actions required in accordance with the plan and the direction of the commissioner. ~~This subdivision does not apply to a person specified in subdivision 7.~~ Nothing in this section relieves a person of any liability for failure to exercise due care in performing a response action.

Sec. 2. Minnesota Statutes 1992, section 115B.175, is amended by adding a subdivision to read:

Subd. 6a. VOLUNTARY RESPONSE ACTIONS BY RESPONSIBLE PERSONS. (a) Notwithstanding subdivision 1, paragraph (a), when a person who is responsible for a release or threatened release under sections 115B.01 to 115B.18 undertakes and completes response actions, the protection from liability provided by this section applies to persons described in paragraph (c) if the response actions are undertaken and completed in accordance with this subdivision.

(b) The response actions must be undertaken and completed in accordance with a voluntary response action plan approved as provided in subdivision 3. Notwithstanding subdivision 2, a voluntary response action plan submitted by a person who is responsible for the release or threatened release must require remedy or removal of all releases and threatened releases at the identified area of real property. The identified area of real property must correspond to the boundaries of a parcel that is either separately platted or is the entire parcel.

New language is indicated by underline, deletions by ~~strikeout~~.