

(b) If the price of the motor fuel received is not paid within 30 days after the retailer has mailed notice under subdivision 3, the owner is liable to the retailer for the price of the motor fuel received, the service charge as provided in paragraph (a), plus a civil penalty not to exceed \$100 or the price of the motor fuel, whichever is greater. The civil penalty may not be imposed until 30 days after the mailing of the notice under subdivision 3.

Subd. 3. NOTICE OF NONPAYMENT. Notice of nonpayment that includes a citation to this section and a description of the penalties contained in it shall be sent by the retailer to the owner by regular mail, supported by an affidavit of service by mailing, to the address indicated by records on the vehicle under section 86B.401 or 168.346. The notice must include a signed statement by the employee who reported the act describing what the employee observed and the license number of the motor vehicle, if known. Failure of the owner to receive a notice is not a defense to liability under this section.

An affidavit of service by mailing must be retained by the retailer.

Subd. 4. NOTICE OF DISPUTE. If, within the 30-day period referred to in subdivision 2, paragraph (b), the owner sends written notice to the retailer disputing the retailer's claim that the owner received motor fuel from the retailer without paying for it, the retailer may collect the price of the motor fuel and the civil penalties imposed by this section only pursuant to a judgment rendered by a court of competent jurisdiction.

Upon receipt of the notice, the retailer shall cease all collection efforts.

Sec. 3. EFFECTIVE DATE; APPLICATION.

Section 1 is effective August 1, 2001, and applies to checks issued on or after that date. Section 2 is effective August 1, 2001, for causes of action arising on or after that date.

Presented to the governor May 25, 2001

Signed by the governor May 29, 2001, 11:27 a.m.

CHAPTER 205—S.F.No. 1464

An act relating to health; modifying provisions for lead poisoning prevention; modifying provisions for pay toilets in public places; providing for certain alternative compliance methods for food, beverage, and lodging establishment inspections; repealing certain obsolete laws relating to hotel inspectors and duplication equipment; amending Minnesota Statutes 2000, sections 144.9501, subdivisions 3, 4, 10, 11, 17, 17a, 18, 19, 20a, 20b, 20c, 21, 22, 22a, 23, 28a, 29, and by adding subdivisions; 144.9502, subdivision 8; 144.9503; 144.9504, subdivisions 1, 2, 5, 7, and 8; 144.9505; 144.9507, subdivision 5; 144.9508, subdivisions 1, 2, 3, 4, and 5; 144.9509, subdivisions 1 and 3; 145.425; and 157.20, by adding a subdivision; repealing Minnesota Statutes 2000, sections 144.073; 144.08; 144.9501, subdivision 32; 144.9502,

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subdivision 6; 144.9503, subdivision 6; 144.9504, subdivisions 4 and 11; 144.9505, subdivisions 2 and 5; 144.9506; 144.9508, subdivision 6.

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

ARTICLE 1

LEAD POISONING PREVENTION

Section 1. Minnesota Statutes 2000, section 144.9501, subdivision 3, is amended to read:

Subd. 3. **ABATEMENT.** (a) "Abatement" means any set of measures designed intended to permanently eliminate lead-based paint known or presumed lead hazards, defined in United States Code, title 42, section 4851, of the federal Housing and Community Development Act of 1992, and that exceed the standards adopted under section 144.9508. Abatement includes:

(1) the removal of lead-based paint and lead-contaminated dust, the permanent containment enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering enclosure of lead-contaminated soil; and

(2) all preparation, cleanup, disposal, and postabatement clearance testing activities associated with these measures.

(b) Abatement does not include:

(1) activities such as remodeling, renovation, installation, rehabilitation, or landscaping activities whose primary intent is to remodel, repair, or restore a given structure or dwelling, rather than to permanently eliminate lead-based paint hazards, even though these activities may incidentally result in a reduction in lead-based paint hazards; and

(2) interim controls for the temporary reduction of exposure to lead hazards such as lead-specific cleaning, repairs, maintenance, painting, and temporary containment.

Sec. 2. Minnesota Statutes 2000, section 144.9501, subdivision 4, is amended to read:

Subd. 4. **AREAS AT HIGH RISK FOR TOXIC LEAD EXPOSURE.** "Areas at high risk for toxic lead exposure" means a census tract ~~which meets one or more of the following criteria:~~

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

(2) many residential structures that are known to have or suspected of having deteriorated lead-based paint; or

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(3) median soil lead concentrations are greater than 100 parts per million for samples collected according to rules adopted under section 144.9508 in a city of the first class or a county or area within a county outside a city of the first class that has been determined to be at high risk for toxic lead exposure under section 144.9503.

Sec. 3. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 6c. CAPILLARY BLOOD SAMPLE. “Capillary blood sample” means a quantity of blood drawn from a capillary. The sample generally is collected by fingerstick.

Sec. 4. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 6d. CERTIFIED LEAD FIRM. “Certified lead firm” means a person that employs individuals to perform regulated lead work and that is certified by the commissioner under section 144.9505.

Sec. 5. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 7a. CONTRACTING ENTITY. “Contracting entity” means a public or private body, board, individual, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity that contracts with a person to do regulated lead work.

Sec. 6. Minnesota Statutes 2000, section 144.9501, subdivision 10, is amended to read:

Subd. 10. ENCAPSULATION. “Encapsulation” means covering a surface coated with paint that exceeds the standards under section 144.9508 with a liquid or solid material, approved by the commissioner, that adheres to the surface, rather than mechanically attaches to it; or covering bare soil that exceeds the standards under section 144.9508 with a permeable material such as vegetation, mulch, or soil that meets the standards under section 144.9508.

Sec. 7. Minnesota Statutes 2000, section 144.9501, subdivision 11, is amended to read:

Subd. 11. ENCLOSURE. “Enclosure” means covering a surface coated with paint that exceeds the standards under section 144.9508 by mechanically fastening to the surface a durable, solid material approved by the commissioner; or covering bare soil that exceeds the standards under section 144.9508 with an impermeable material, such as asphalt or concrete.

Sec. 8. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 13a. INTERIM CONTROLS. “Interim controls” means a set of measures intended to temporarily reduce human exposure or likely exposure to known or presumed lead hazards, including specialized cleaning, repairs, maintenance, painting, temporary encapsulation, or enclosure.

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Sec. 9. Minnesota Statutes 2000, section 144.9501, subdivision 17, is amended to read:

Subd. 17. **LEAD HAZARD REDUCTION.** "Lead hazard reduction" means action abatement or interim controls undertaken to make a residence, child care facility, school, or playground lead-safe by complying with the lead standards and methods adopted under section 144.9508, by:

(1) a property owner or persons hired by the property owner to comply with a lead order issued under section 144.9504;

(2) a swab team service provided in response to a lead order issued under section 144.9504; or

(3) a renter residing at a rental property or one or more volunteers to comply with a lead order issued under section 144.9504.

Sec. 10. Minnesota Statutes 2000, section 144.9501, subdivision 17a, is amended to read:

Subd. 17a. **LEAD HAZARD SCREEN.** "Lead hazard screen" means a limited risk assessment activity that involves the visual identification of the existence and location of any deteriorated paint, collection and analysis of dust samples, and visual identification of the existence and location of, paint, or bare soil and sampling and analysis of dust.

Sec. 11. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 17b. **LEAD INTERIM CONTROL WORKER.** "Lead interim control worker" means an individual who is trained as specified by the commissioner to conduct interim control activities.

Sec. 12. Minnesota Statutes 2000, section 144.9501, subdivision 18, is amended to read:

Subd. 18. **LEAD INSPECTION.** "Lead inspection" means a quantitative measurement of the surface by surface investigation to determine the presence of lead content of paint and a visual identification of the existence and location of bare soil.

Sec. 13. Minnesota Statutes 2000, section 144.9501, subdivision 19, is amended to read:

Subd. 19. **LEAD INSPECTOR.** "Lead inspector" means a person who is licensed by the commissioner to perform a lead inspection under section 144.9506 144.9505.

Sec. 14. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 19a. **LEAD PROJECT DESIGN.** "Lead project design" means site-specific written project specifications for a regulated lead work project. Lead project

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design includes written technical project specifications incorporated into bidding documents.

Sec. 15. Minnesota Statutes 2000, section 144.9501, subdivision 20a, is amended to read:

Subd. 20a. **LEAD PROJECT DESIGNER.** "Lead project designer" means an individual who is responsible for planning the site-specific performance of lead abatement or lead hazard reduction regulated lead work and who has been licensed by the commissioner under section 144.9505.

Sec. 16. Minnesota Statutes 2000, section 144.9501, subdivision 20b, is amended to read:

Subd. 20b. **LEAD RISK ASSESSMENT.** "Lead risk assessment" means a quantitative measurement of the lead content of paint, interior dust, and bare soil to determine compliance with the standards established under section 144.9508 an investigation to determine the existence, nature, severity, and location of lead hazards.

Sec. 17. Minnesota Statutes 2000, section 144.9501, subdivision 20c, is amended to read:

Subd. 20c. **LEAD RISK ASSESSOR.** "Lead risk assessor" means an individual who performs lead risk assessments or lead inspections and who has been licensed by the commissioner under section ~~144.9506~~ 144.9505.

Sec. 18. Minnesota Statutes 2000, section 144.9501, subdivision 21, is amended to read:

Subd. 21. **LEAD-SAFE.** "Lead-safe" means a condition in which:

- (1) lead is not present;
- (2) lead may be present at the residence, child care facility, school, or playground, if the lead concentration in the dust, paint, soil, and water of a residence does not exceed the standards adopted under section 144.9508~~7~~; or,
- (3) if the lead concentrations in the paint or soil do exceed the standards, the paint is intact and the soil is not bare soil.

Sec. 19. Minnesota Statutes 2000, section 144.9501, subdivision 22, is amended to read:

Subd. 22. **LEAD-SAFE DIRECTIVES PRACTICES.** "Lead-safe directives practices" means methods for construction, renovation, remodeling, or maintenance activities that are not regulated as abatement or lead hazard reduction lead work and that are performed so that they do not:

- (1) violate the standards under section 144.9508;
- (2) create lead dust through the use of prohibited practices;
- (3) leave debris or a lead residue that can form a dust;

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(4) provide a readily accessible source of lead dust, lead paint, lead paint chips, or lead contaminated soil, after the use of containment methods; and

(5) result in improper disposal of lead contaminated debris, dust, or soil.

Sec. 20. Minnesota Statutes 2000, section 144.9501, subdivision 22a, is amended to read:

Subd. 22a. **LEAD SUPERVISOR.** "Lead supervisor" means an individual who is responsible for the on-site performance of lead abatement or lead ~~hazard reduction interim controls~~ and who has been licensed by the commissioner under section 144.9505.

Sec. 21. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 22b. **LEAD SAMPLING TECHNICIAN.** "Lead sampling technician" means an individual who performs clearance inspections for nonabatement or nonorder lead hazard reduction sites, lead dust sampling in other settings, or visual assessment for deteriorated paint, and who is registered with the commissioner under section 144.9505.

Sec. 22. Minnesota Statutes 2000, section 144.9501, subdivision 23, is amended to read:

Subd. 23. **LEAD WORKER.** "Lead worker" means an individual who performs lead abatement or lead ~~hazard reduction interim control work~~ and who has been licensed by the commissioner under section 144.9505.

Sec. 23. Minnesota Statutes 2000, section 144.9501, is amended by adding a subdivision to read:

Subd. 26a. **REGULATED LEAD WORK.** (a) "Regulated lead work" means:

- (1) abatement;
- (2) interim controls;
- (3) a clearance inspection;
- (4) a lead hazard screen;
- (5) a lead inspection;
- (6) a lead risk assessment;
- (7) lead project designer services;
- (8) lead sampling technician services; or
- (9) swab team services.

(b) Regulated lead work does not include:

(1) activities such as remodeling, renovation, installation, rehabilitation, or landscaping activities, the primary intent of which is to remodel, repair, or restore a

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structure or dwelling, rather than to permanently eliminate lead hazards, even though these activities may incidentally result in a reduction in lead hazards; or

(2) interim control activities that are not performed as a result of a lead order and that do not disturb painted surfaces that total more than:

(i) 20 square feet (two square meters) on exterior surfaces;

(ii) two square feet (0.2 square meters) in an interior room; or

(iii) ten percent of the total surface area on an interior or exterior type of component with a small surface area.

Sec. 24. Minnesota Statutes 2000, section 144.9501, subdivision 28a, is amended to read:

Subd. 28a. **STANDARD.** "Standard" means a quantitative assessment of lead in any environmental media or consumer product; or a work practice or method that reduces the likelihood of lead exposure.

Sec. 25. Minnesota Statutes 2000, section 144.9501, subdivision 29, is amended to read:

Subd. 29. **SWAB TEAM SERVICES.** "Swab team services" means activities that provide protection from lead hazards primarily through the use of interim controls, such as:

(1) removing lead dust by washing, vacuuming with high efficiency particle accumulator (HEPA) or wet vacuum cleaners, and cleaning the interior of residential property;

(2) removing loose paint and paint chips and repainting or installing guards to protect intact paint;

(3) covering or replacing bare soil that has a lead concentration of 100 parts per million or more;

(4) health education;

(5) advice and assistance to help residents locate and move to a temporary residence while lead hazard reduction is being completed; or

(6) any other assistance necessary to meet the resident's immediate needs as a result of the relocation.

Sec. 26. Minnesota Statutes 2000, section 144.9502, subdivision 8, is amended to read:

Subd. 8. **LABORATORY STANDARDS.** (a) A laboratory performing blood lead analysis shall use methods that:

(1) meet or exceed the proficiency standards established in the federal Clinical Laboratory Improvement Regulations, Code of Federal Regulations, title 42, section 493, promulgated in accordance with the Clinical Laboratory Improvement Act amendments of 1988, Public Law Number 100-578; or

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(2) meet or exceed the Occupational Safety and Health Standards for Lead in General Industries, Code of Federal Regulations, section 1910.1025, and Occupational Safety and Health Standards for Lead in Construction, Code of Federal Regulations, section 1926.62.

(b) A laboratory performing lead analysis of paint, soil, or dust, or drinking water shall use methods that meet or exceed the proficiency standards established in the National Lead Accreditation Program pursuant to United States Code, title 42, section 4851, of the federal Housing and Community Development Act must be a laboratory recognized by the United States Environmental Protection Agency under the Toxic Substances Control Act, United States Code, title 15, section 2685, paragraph (b). Analysis of samples of drinking water must be performed by a laboratory certified by the commissioner to analyze lead in water.

Sec. 27. Minnesota Statutes 2000, section 144.9503, is amended to read:

144.9503 **PRIMARY PREVENTION.**

Subdivision 1. **PRIMARY PREVENTION PROGRAM.** The commissioner shall develop and maintain a primary prevention program to reduce lead exposure in young children and pregnant women. A board of health serving a city of the first class shall determine areas at high risk for toxic lead exposure before doing primary prevention lead hazard reduction activities. The commissioner program shall develop a priority list for high risk census tracts, provide primary prevention lead education materials, promote primary prevention swab team services in cooperation with the commissioner of economic security or housing finance, provide lead cleanup equipment and material grants as funding allows, monitor voluntary lead hazard reduction or abatement regulated lead work, and develop and maintain lead-safe directives practices in cooperation with the commissioner of administration.

Subd. 2. **PRIORITIES FOR PRIMARY PREVENTION.** (a) The commissioner of health and boards of health serving cities of the first class shall publish in the State Register a priority list of census tracts determine areas at high risk for toxic lead exposure. All local governmental units and boards of health shall follow the priorities published in the State Register. In establishing the list, the commissioner shall use the surveillance data collected under section 144.9502 and other information as appropriate or

(b) A board of health serving a city of the first class shall rank order census tracts by awarding points as specified in this section and shall award points to each census tract on which information is available paragraph. The priority for primary prevention in census tracts at high risk for toxic lead exposure shall be based on the cumulative points awarded to each census tract. A greater number of points means a higher priority. If a tie occurs in the number of points, priority shall be given to the census tract with the higher percentage of population with blood lead levels greater than ten micrograms of lead per deciliter of whole blood. The commissioner shall revise and update the priority list at least every five years. Points shall be awarded as specified in paragraphs (a) to (e).

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(a) In (1) One point may be awarded to a census tract where at least 20 children have been screened in the last five years, one point shall be awarded for each ten percent of children who were under six years old at the time they were screened for lead in blood and whose blood lead level exceeds ten micrograms of lead per deciliter of whole blood, provided the commissioner has determined that the data used to award the points are comprehensive and representative. An additional point shall be awarded if one percent of the children had blood lead levels greater than 20 micrograms of lead per deciliter of blood. Two points shall be awarded to a census tract, where the blood lead screening has been inadequate, that is contiguous with a census tract where more than ten percent of the children under six years of age have blood lead levels exceeding ten micrograms of lead per deciliter of whole blood.

(b) (2) One point shall may be awarded for every five percent of housing that is defined as dilapidated or deteriorated by the planning department or similar agency of the city in which the housing is located. Where data is available by neighborhood or section within a city, the percent of dilapidated or deteriorated housing shall apply equally to each census tract within the neighborhood or section.

(e) (3) One point shall may be awarded for every 100 parts per million of lead in soil, based on the median soil lead values of foundation soil samples, calculated on 100 parts per million intervals, or fraction thereof. For the cities of St. Paul and Minneapolis, the commissioner A board of health shall use data from its own soil survey conducted according to rules adopted under section 144.9508, except that a board of health serving Minneapolis or St. Paul that has not conducted its own soil survey shall use the June 1988 census tract version of the houseside map titled "Distribution of Houseside Lead Content of Soil-Dust in the Twin Cities," prepared by the Center for Urban and Regional Affairs, Humphrey Institute, University of Minnesota, Publication 1989, Center for Urban and Regional Affairs 89-4. Where the map displays a census tract that is crossed by two or more intervals, the commissioner board of health shall make a reasoned determination of the median foundation soil lead value for that census tract. Values for census tracts may be updated by surveying the census tract according to the procedures adopted under this section.

(4) A board of health may award one point to each census tract for each of the following factors based on cutoff criteria to be determined by the board of health:

- (i) percent of minority population;
- (ii) number of children less than six years of age;
- (iii) percent of housing built before 1950; and
- (iv) percent of population living in poverty.

(c) The commissioner may determine areas at high risk for toxic lead exposure at the county level or within a county outside a city of the first class using one or more of the following criteria:

(1) blood lead levels greater than ten micrograms per deciliter of whole blood in children under six years of age;

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- (2) percent of dilapidated or deteriorated housing;
- (3) soil lead levels in excess of 100 parts per million;
- (4) percent of minority population;
- (5) percent of housing built before 1950;
- (6) percent of children living in poverty; or
- (7) other factors appropriate in preventing lead exposure, as determined by a federal agency including the United States Centers for Disease Control and Prevention, the United States Environmental Protection Agency, or the United States Department of Housing and Urban Development.

Subd. 3. **PRIMARY PREVENTION LEAD EDUCATION STRATEGY.** The commissioner of health shall develop and maintain a primary prevention lead education strategy to prevent lead exposure. The strategy shall specify includes:

- (1) ~~the development of lead education materials that describe the health effects of lead exposure, safety measures, and methods to be used in the lead hazard reduction process;~~
- (2) ~~the provision of providing lead education materials to the general public;~~
- (3) ~~the provision of providing lead education materials to property owners, landlords, and tenants by swab team workers and public health professionals, such as nurses, sanitarians, health educators, nonprofit organizations working on lead issues, and other public health professionals in areas at high risk for toxic lead exposure; and~~
- (4) ~~the promotion of promoting awareness of community, legal, and housing resources.~~

Subd. 4. **SWAB TEAM SERVICES.** Primary prevention ~~must~~ may include the use of swab team services ~~in census tracts identified at high risk for toxic lead exposure as identified by the commissioner under this section.~~ The swab team services may be provided based on lead hazard screens whenever possible and must at least include lead hazard reduction for deteriorated interior lead-based paint, bare soil, and dust.

Subd. 6. **VOLUNTARY LEAD ABATEMENT OR LEAD HAZARD REDUCTION.** The commissioner shall monitor the lead abatement or lead hazard reduction methods adopted under section 144.9508 in cases of voluntary lead abatement or lead hazard reduction. All persons hired to do voluntary lead abatement or lead hazard reduction must be licensed by the commissioner under section 144.9505 or 144.9506. Renters and volunteers performing lead abatement or lead hazard reduction must be trained and licensed as lead supervisors or lead workers. If a property owner does not hire a person for voluntary lead abatement or lead hazard reduction, the property owner shall provide the commissioner with a work plan for lead abatement or lead hazard reduction at least ten working days before beginning the lead abatement or lead hazard reduction. The work plan must include the details required in section 144.9505, and notice as to when lead abatement or lead hazard reduction activities will begin. Within the limits of appropriations, the commissioner shall review work plans and shall

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approve or disapprove them as to compliance with the requirements in section 144.9505. No penalty shall be assessed against a property owner for discontinuing voluntary lead hazard reduction before completion of the work plan, provided that the property owner discontinues the lead hazard reduction in a manner that leaves the property in a condition no more hazardous than its condition before the work plan implementation.

Subd. 7. **LEAD-SAFE INFORMATIONAL DIRECTIVES PRACTICES INFORMATION.** (a) By July 1, 1995, and amended and updated as necessary, The commissioner shall develop and maintain in cooperation with the commissioner of administration provisions and procedures to define lead-safe informational directives practices information for residential remodeling, renovation, installation, and rehabilitation activities that are not lead hazard reduction, but may disrupt lead-based paint surfaces and guidance documents for the regulated industry.

(b) The provisions and procedures shall define lead-safe directives for nonlead hazard reduction activities including preparation, cleanup, and disposal procedures. The directives shall be based on the different levels and types of work involved and the potential for lead hazards. The directives shall address activities including painting; remodeling; weatherization; installation of cable, wire, plumbing, and gas; and replacement of doors and windows. The commissioners of health and administration shall consult with representatives of builders, weatherization providers, nonprofit rehabilitation organizations, each of the affected trades, and housing and redevelopment authorities in developing the directives and procedures. This group shall also make recommendations for consumer and contractor education and training. The commissioner of health shall report to the legislature by February 15, 1996, regarding development of the provisions required under this paragraph.

(c) By January 1, 1999, the commissioner, in cooperation with interested and informed persons and using the meeting structure and format developed in paragraph (b), shall develop lead-safe informational directives on the following topics:

- (1) maintaining floors, walls, and ceilings;
- (2) maintaining and repairing porches;
- (3) conducting a risk evaluation for lead; and
- (4) prohibited practices when working with lead.

The commissioner shall report to the legislature by January 1, 1999, regarding development of the provisions required under this paragraph.

Sec. 28. Minnesota Statutes 2000, section 144.9504, subdivision 1, is amended to read:

Subdivision 1. **JURISDICTION.** (a) A board of health serving cities of the first class must conduct lead risk assessments for purposes of secondary prevention, according to the provisions of this section. A board of health not serving cities of the first class must conduct lead risk assessments for the purposes of secondary prevention,

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unless they certified in writing to the commissioner by January 1, 1996, that they desired to relinquish these duties back to the commissioner. ~~At the discretion of the commissioner, a board of health may relinquish the authority and duty to perform lead risk assessments for secondary prevention by so certifying in writing to the commissioner by December 31, 1999.~~ At the discretion of the commissioner, a board of health may, upon written request to the commissioner, resume these duties.

(b) Lead risk assessments must be conducted by a board of health serving a city of the first class. The commissioner must conduct lead risk assessments in any area not including cities of the first class where a board of health has relinquished to the commissioner the responsibility for lead risk assessments. The commissioner shall coordinate with the board of health to ensure that the requirements of this section are met.

(c) The commissioner may assist boards of health by providing technical expertise, equipment, and personnel to boards of health. 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 lead risk assessments.

~~(d) The commissioner shall enforce the rules under section 144.9508 in cases of voluntary lead hazard reduction.~~

Sec. 29. Minnesota Statutes 2000, section 144.9504, subdivision 2, is amended to read:

Subd. 2. **LEAD RISK ASSESSMENT.** (a) An assessing agency shall conduct a lead risk assessment of a residence according to the venous blood lead level and time frame set forth in clauses (1) to (5) for purposes of secondary prevention:

(1) within 48 hours of a child or pregnant female in the residence being identified to the agency as having a venous blood lead level equal to or greater than 70 micrograms of lead per deciliter of whole blood;

(2) within five working days of a child or pregnant female in the residence being identified to the agency as having a venous blood lead level equal to or greater than 45 micrograms of lead per deciliter of whole blood;

(3) within ten working days of a child in the residence being identified to the agency as having a venous blood lead level equal to or greater than 20 micrograms of lead per deciliter of whole blood;

(4) within ten working days of a child in the residence being identified to the agency as having a venous blood lead level that persists in the range of 15 to 19 micrograms of lead per deciliter of whole blood for 90 days after initial identification; or

(5) within ten working days of a pregnant female in the residence being identified to the agency as having a venous blood lead level equal to or greater than ten micrograms of lead per deciliter of whole blood.

(b) Within the limits of available local, state, and federal appropriations, an assessing agency may also conduct a lead risk assessment for children with any elevated blood lead level.

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(c) In a building with two or more dwelling units, an assessing agency shall ~~inspect~~ assess the individual unit in which the conditions of this section are met and shall also inspect all common areas accessible to a child. If a child visits one or more other sites such as another residence, or a residential or commercial child care facility, playground, or school, the assessing agency shall also inspect the other sites. The assessing agency shall have one additional day added to the time frame set forth in this subdivision to complete the lead risk assessment for each additional site.

(d) Within the limits of appropriations, the assessing agency shall identify the known addresses for the previous 12 months of the child or pregnant female with venous blood lead levels of at least 20 micrograms per deciliter for the child or at least ten micrograms per deciliter for the pregnant female; notify the property owners, landlords, and tenants at those addresses that an elevated blood lead level was found in a person who resided at the property; and give them a copy of the lead risk assessment guide primary prevention information. Within the limits of appropriations, the assessing agency may perform a risk assessment and issue corrective orders in the properties, if it is likely that the previous address contributed to the child's or pregnant female's blood lead level. The assessing agency shall provide the notice required by this subdivision without identifying the child or pregnant female with the elevated blood lead level. The assessing agency is not required to obtain the consent of the child's parent or guardian or the consent of the pregnant female for purposes of this subdivision. This information shall be classified as private data on individuals as defined under section 13.02, subdivision 12.

(e) The assessing agency shall conduct the lead risk assessment according to rules adopted by the commissioner under section 144.9508. An assessing agency shall have lead risk assessments performed by lead risk assessors licensed by the commissioner according to rules adopted under section 144.9508. If a property owner refuses to allow a lead risk assessment, the assessing agency shall begin legal proceedings to gain entry to the property and the time frame for conducting a lead risk assessment set forth in this subdivision no longer applies. A lead risk assessor or assessing agency may observe the performance of lead hazard reduction in progress and shall enforce the provisions of this section under section 144.9509. Deteriorated painted surfaces, bare soil, and dust must be tested with appropriate analytical equipment to determine the lead content, except that deteriorated painted surfaces or bare soil need not be tested if the property owner agrees to engage in lead hazard reduction on those surfaces. The lead content of drinking water must be measured if a another probable source of lead exposure is not identified by measurement of lead in ~~paint, bare soil, or dust~~. Within a standard metropolitan statistical area, an assessing agency may order lead hazard reduction of bare soil without measuring the lead content of the bare soil if the property is in a census tract in which soil sampling has been performed according to rules established by the commissioner and at least 25 percent of the soil samples contain lead concentrations above the standard in section 144.9508.

(f) ~~A lead risk assessor shall notify the commissioner and the board of health of all violations of lead standards under section 144.9508, that are identified in a lead risk assessment conducted under this section.~~

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(g) Each assessing agency shall establish an administrative appeal procedure which allows a property owner to contest the nature and conditions of any lead order issued by the assessing agency. Assessing agencies must consider appeals that propose lower cost methods that make the residence lead safe. The commissioner shall use the authority and appeal procedure granted under sections 144.989 to 144.993.

(h) (g) Sections 144.9501 to 144.9509 neither authorize nor prohibit an assessing agency from charging a property owner for the cost of a lead risk assessment.

Sec. 30. Minnesota Statutes 2000, section 144.9504, subdivision 5, is amended to read:

Subd. 5. **LEAD ORDERS.** (a) An assessing agency, after conducting a lead risk assessment, shall order a property owner to perform lead hazard reduction on all lead sources that exceed a standard adopted according to section 144.9508. If lead risk assessments and lead orders are conducted at times when weather or soil conditions do not permit the lead risk assessment or lead hazard reduction, external surfaces and soil lead shall be ~~inspected~~ assessed, and lead orders complied with, if necessary, at the first opportunity that weather and soil conditions allow.

(b) If the paint standard under section 144.9508 is violated, but the paint is intact, the assessing agency shall not order the paint to be removed unless the intact paint is a known source of actual lead exposure to a specific person. Before the assessing agency may order the intact paint to be removed, a reasonable effort must be made to protect the child and preserve the intact paint by the use of guards or other protective devices and methods.

(c) Whenever windows and doors or other components covered with deteriorated lead-based paint have sound substrate or are not rotting, those components should be repaired, sent out for stripping or be planed down to remove deteriorated lead-based paint, or covered with protective guards instead of being replaced, provided that such an activity is the least cost method. However, a property owner who has been ordered to perform lead hazard reduction may choose any method to address deteriorated lead-based paint on windows, doors, or other components, provided that the method is approved in rules adopted under section 144.9508 and that it is appropriate to the specific property.

(d) Lead orders must require that any source of damage, such as leaking roofs, plumbing, and windows, be repaired or replaced, as needed, to prevent damage to lead-containing interior surfaces.

(e) The assessing agency is not required to pay for lead hazard reduction. Lead orders must be issued within 30 days of receiving the blood lead level analysis. The assessing agency shall enforce the lead orders issued to a property owner under this section. A copy of the lead order must be forwarded to the commissioner.

Sec. 31. Minnesota Statutes 2000, section 144.9504, subdivision 7, is amended to read:

Subd. 7. **RELOCATION OF RESIDENTS.** (a) Within the limits of appropriations, the assessing agency shall ensure that residents are relocated from rooms or

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dwellings during a lead hazard reduction process that generates leaded dust, such as removal or disruption of lead-based paint or plaster that contains lead. Residents shall not remain in rooms or dwellings where the lead hazard reduction process is occurring. An assessing agency is not required to pay for relocation unless state or federal funding is available for this purpose. The assessing agency shall make an effort to assist the resident in locating resources that will provide assistance with relocation costs. Residents shall be allowed to return to the residencee room or dwelling after completion of the lead hazard reduction process. An assessing agency shall use grant funds under section 144.9507 if available, in cooperation with local housing agencies, to pay for moving costs and rent for a temporary residence for any low-income resident temporarily relocated during lead hazard reduction. For purposes of this section, "low-income resident" means any resident whose gross household income is at or below 185 percent of federal poverty level.

(b) A resident of rental property who is notified by an assessing agency to vacate the premises during lead hazard reduction, notwithstanding any rental agreement or lease provisions:

(1) shall not be required to pay rent due the landlord for the period of time the tenant vacates the premises due to lead hazard reduction;

(2) may elect to immediately terminate the tenancy effective on the date the tenant vacates the premises due to lead hazard reduction; and

(3) shall not, if the tenancy is terminated, be liable for any further rent or other charges due under the terms of the tenancy.

(c) A landlord of rental property whose tenants vacate the premises during lead hazard reduction shall:

(1) allow a tenant to return to the dwelling unit after lead hazard reduction and clearance inspection, required under this section, is completed, unless the tenant has elected to terminate the tenancy as provided for in paragraph (b); and

(2) return any security deposit due under section 504B.178 within five days of the date the tenant vacates the unit, to any tenant who terminates tenancy as provided for in paragraph (b).

Sec. 32. Minnesota Statutes 2000, section 144.9504, subdivision 8, is amended to read:

Subd. 8. PROPERTY OWNER NOTIFICATION RESPONSIBILITY. ~~Property owners shall comply with lead orders issued under this section within 60 days or be subject to enforcement actions as provided under section 144.9509. For orders or portions of orders concerning external lead hazards, property owners shall comply within 60 days, or as soon thereafter as weather permits. If the property owner does not hire a person licensed by the commissioner under section 144.9505 for compliance with the lead orders, the property owner shall submit a work plan notice as to when regulated lead work will begin, according to section 144.9505, subdivision 4, to the assessing agency within 30 days after receiving the orders. The work plan must include~~

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the details required in section 144.9505 as to how the property owner intends to comply with the lead orders and notice as to when lead hazard reduction activities will begin. Within the limits of appropriations, the commissioner shall review plans and shall approve or disapprove them as to compliance with the requirements in section 144.9505, subdivision 5. Renters and volunteers performing lead abatement or lead hazard reduction must be trained and licensed as lead supervisors or lead workers under section 144.9505.

Sec. 33. Minnesota Statutes 2000, section 144.9505, is amended to read:

144.9505 LICENSING OF LEAD CONTRACTORS AND CERTIFICATION OF WORKERS LEAD FIRMS AND PROFESSIONALS.

Subdivision 1. **LICENSING AND CERTIFICATION; GENERALLY.** (a) A person shall, before performing abatement or lead hazard reduction or providing planning services for lead abatement or lead hazard reduction, obtain a license from the commissioner as a lead supervisor, lead worker, or lead project designer. The commissioner shall specify training and testing requirements for licensure and certification as required in section 144.9508 and shall charge a fee for the cost of issuing a license or certificate and for training provided by the commissioner. License fees shall be nonrefundable and must be submitted with each application in the amount of \$50 for each lead supervisor, lead worker, or lead inspector and \$100 for each lead project designer, lead risk assessor, or certified firm. All fees received shall be paid into the state treasury and credited to the lead abatement licensing and certification account and are appropriated to the commissioner to cover costs incurred under this section and section 144.9508.

(b) Persons shall not advertise or otherwise present themselves as lead supervisors, lead workers, or lead inspectors, lead risk assessors, lead sampling technicians, lead project designers, or lead firms unless they have licenses or certificates issued by or are registered with the commissioner under this section.

(c) The fees required in this section for inspectors, risk assessors, and certified lead firms are waived for state or local government employees performing services for or as an assessing agency.

(d) An individual who is the owner of property on which regulated lead work is to be performed or an adult individual who is related to the property owner, as defined under section 245A.02, subdivision 13, is exempt from the requirements to obtain a license and pay a fee according to this section.

(e) A person that employs individuals to perform regulated lead work outside of the person's property must obtain certification as a certified lead firm. An individual who performs regulated lead work must be employed by a certified lead firm, unless the individual is a sole proprietor and does not employ any other individual who performs regulated lead work, the individual is employed by a person that does not perform regulated lead work outside of the person's property, or the individual is employed by an assessing agency.

Subd. 1a. **LEAD WORKER LICENSE.** Before an individual performs regulated lead work as a worker, the individual shall first obtain a license from the commissioner.

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No license shall be issued unless the individual shows evidence of successfully completing a training course in lead hazard control. The commissioner shall specify the course of training and testing requirements and shall charge a \$50 fee for the license. License fees are nonrefundable and must be submitted with each application. The license must be carried by the individual and be readily available for review by the commissioner and other public health officials charged with the health, safety, and welfare of the state's citizens.

Subd. 1b. LEAD SUPERVISOR LICENSE. Before an individual performs regulated lead work as a supervisor, the individual shall first obtain a license from the commissioner. No license shall be issued unless the individual shows evidence of experience and successful completion of a training course in lead hazard control. The commissioner shall specify the course of training, experience, and testing requirements and shall charge a \$50 fee for the license. License fees are nonrefundable and must be submitted with each application. The license must be carried by the individual and be readily available for review by the commissioner and other public health officials charged with the health, safety, and welfare of the state's citizens.

Subd. 1c. LEAD INSPECTOR LICENSE. Before an individual performs lead inspection services, the individual shall first obtain a license from the commissioner. No license shall be issued unless the individual shows evidence of successfully completing a training course in lead inspection. The commissioner shall specify the course of training and testing requirements and shall charge a \$50 fee for the license. License fees are nonrefundable and must be submitted with each application. The license must be carried by the individual and be readily available for review by the commissioner and other public health officials charged with the health, safety, and welfare of the state's citizens.

Subd. 1d. LEAD RISK ASSESSOR LICENSE. Before an individual performs lead risk assessor services, the individual shall first obtain a license from the commissioner. No license shall be issued unless the individual shows evidence of experience and successful completion of a training course in lead risk assessment. The commissioner shall specify the course of training, experience, and testing requirements and shall charge a \$100 fee for the license. License fees are nonrefundable and must be submitted with each application. The license must be carried by the individual and be readily available for review by the commissioner and other public health officials charged with the health, safety, and welfare of the state's citizens.

Subd. 1e. LEAD PROJECT DESIGNER LICENSE. Before an individual performs lead project designer services, the individual shall first obtain a license from the commissioner. No license shall be issued unless the individual shows evidence of experience and successful completion of a training course in lead project design. The commissioner shall specify the course of training, experience, and testing requirements and shall charge a \$100 fee for the license. License fees are nonrefundable and must be submitted with each application. The license must be carried by the individual and be readily available for review by the commissioner and other public health officials charged with the health, safety, and welfare of the state's citizens.

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Subd. 1f. **LEAD SAMPLING TECHNICIAN.** An individual performing lead sampling technician services shall first register with the commissioner. The commissioner shall not register an individual unless the individual shows evidence of successfully completing a training course in lead sampling. The commissioner shall specify the course of training and testing requirements. Proof of registration must be carried by the individual and be readily available for review by the commissioner and other public health officials charged with the health, safety, and welfare of the state's citizens.

Subd. 1g. **CERTIFIED LEAD FIRM.** A person within the state intending to directly perform or cause to be performed through subcontracting or similar delegation any regulated lead work shall first obtain certification from the commissioner. The certificate must be in writing, contain an expiration date, be signed by the commissioner, and give the name and address of the person to whom it is issued. The certification fee is \$100, is nonrefundable, and must be submitted with each application. The certificate or a copy of the certificate must be readily available at the worksite for review by the contracting entity, the commissioner, and other public health officials charged with the health, safety, and welfare of the state's citizens.

Subd. 2. **LEAD TRAINING.** Lead abatement and lead hazard reduction 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, lead abatement and lead hazard reduction methods, lead-safe directives, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, swab team services, and legal rights and responsibilities.

Subd. 3. **LICENSED BUILDING CONTRACTOR; INFORMATION.** The commissioner shall provide health and safety information on lead abatement and lead hazard reduction to all residential building contractors licensed under section 326.84. The information must include the lead-safe directives practices and any other materials describing ways to protect the health and safety of both workers employees and residents.

Subd. 4. **NOTICE OF REGULATED LEAD ABATEMENT OR LEAD HAZARD REDUCTION WORK.** (a) At least five working days before starting work at each regulated lead abatement or lead hazard reduction worksite, the person performing the regulated lead abatement or lead hazard reduction work shall give written notice and an approved work plan as required in this section to the commissioner and the appropriate board of health. Within the limits of appropriations, the commissioner shall review plans and shall approve or disapprove them as to compliance with the requirements in subdivision 5.

(b) This provision does not apply to swab team workers performing work under an order of an assessing agency lead hazard screen, lead inspection, lead risk assessment, lead sampling technician, or lead project design activities.

Subd. 5. **ABATEMENT OR LEAD HAZARD REDUCTION WORK PLANS.** (a) A person who performs lead abatement or lead hazard reduction shall present a lead abatement or lead hazard reduction work plan to the property owner with

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each bid or estimate for lead abatement or lead hazard reduction work. The work plan does not replace or supersede more stringent contractual agreements. A written lead abatement or lead hazard reduction work plan must be prepared which describes the equipment and procedures to be used throughout the lead abatement or lead hazard reduction work project. At a minimum, the work plan must describe:

- (1) the building area and building components to be worked on;
- (2) the amount of lead-containing material to be removed, encapsulated, or enclosed;
- (3) the schedule to be followed for each work stage;
- (4) the workers' personal protection equipment and clothing;
- (5) the dust suppression and debris containment methods;
- (6) the lead abatement or lead hazard reduction methods to be used on each building component;
- (7) cleaning methods;
- (8) temporary, on-site waste storage, if any; and
- (9) the methods for transporting waste material and its destination.

(b) The work plan shall itemize the costs for each item listed in paragraph (a) and for any other expenses associated with the lead abatement or lead hazard reduction work and shall be presented to the property owner with any bid or estimate for lead abatement or lead hazard reduction work.

(c) The person performing the lead abatement or lead hazard reduction shall keep a copy of the work plan readily available at the worksite for the duration of the project and present it to the assessing agency on demand.

(d) The person performing the lead abatement or lead hazard reduction shall keep a copy of the work plan on record for one year after completion of the project and shall present it to the assessing agency on demand.

(e) This provision does not apply to swab team workers performing work under an order of an assessing agency or providing services at no cost to a property owner with funding under a state or federal grant.

Subd. 6. DUTIES OF CONTRACTING ENTITY. A contracting entity intending to have regulated lead work performed for its benefit shall include in the specifications and contracts for the work a requirement that the work be performed by contractors and subcontractors licensed by the commissioner under sections 144.9501 to 144.9509 and according to rules adopted by the commissioner related to regulated lead work. No contracting entity shall allow regulated lead work to be performed for its benefit unless the contracting entity has seen that the person has a valid license or certificate. A contracting entity's failure to comply with this subdivision does not relieve a person from any responsibility under sections 144.9501 to 144.9509.

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Sec. 34. Minnesota Statutes 2000, section 144.9507, subdivision 5, is amended to read:

Subd. 5. **FEDERAL LEAD-RELATED FUNDS.** ~~To the extent practicable under federal guidelines, the commissioner of health shall coordinate with the commissioner of housing finance so that at least 50 percent of federal lead funds are allocated for swab team services.~~

To the extent practicable under federal guidelines, the commissioner of health may also use federal funding to contract with boards of health for purposes as specified in this section, but only to the extent that the federal funds do not replace existing funding for these lead services.

Sec. 35. Minnesota Statutes 2000, section 144.9508, subdivision 1, is amended to read:

Subdivision 1. **SAMPLING AND ANALYSIS.** The commissioner shall adopt, by rule, methods for:

(1) lead inspections, lead hazard screens, lead risk assessments, and clearance inspections;

(2) environmental surveys of lead in paint, soil, dust, and drinking water to determine ~~census tracts that are~~ areas at high risk for toxic lead exposure;

(3) soil sampling for soil used as replacement soil;

(4) drinking water sampling, which shall be done in accordance with lab certification requirements and analytical techniques specified by Code of Federal Regulations, title 40, section 141.89; and

(5) sampling to determine whether at least 25 percent of the soil samples collected from a census tract within a standard metropolitan statistical area contain lead in concentrations that exceed 100 parts per million.

Sec. 36. Minnesota Statutes 2000, section 144.9508, subdivision 2, is amended to read:

Subd. 2. **REGULATED LEAD WORK STANDARDS AND METHODS.** (a) The commissioner shall adopt rules establishing lead hazard reduction regulated lead work standards and methods in accordance with the provisions of this section, for lead in paint, dust, drinking water, and soil in a manner that protects public health and the environment for all residences, including residences also used for a commercial purpose, child care facilities, playgrounds, and schools.

(b) ~~In the rules required by this section, the commissioner shall differentiate between intact paint and deteriorated paint.~~ the commissioner shall require lead hazard reduction of intact paint only if the commissioner finds that the intact paint is on a chewable or lead-dust producing surface that is a known source of actual lead exposure to a specific individual. The commissioner shall prohibit methods that disperse lead dust into the air that could accumulate to a level that would exceed the lead dust standard specified under this section. The commissioner shall work cooperatively with

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the commissioner of administration to determine which lead hazard reduction methods adopted under this section may be used for lead-safe ~~directives~~ practices including prohibited practices, preparation, disposal, and cleanup. The commissioner shall work cooperatively with the commissioner of the pollution control agency to develop disposal procedures. In adopting rules under this section, the commissioner shall require the best available technology for lead hazard reduction regulated lead work methods, paint stabilization, and repainting.

(c) The commissioner of health shall adopt ~~lead hazard reduction~~ regulated lead work standards and methods for lead in bare soil in a manner to protect public health and the environment. The commissioner shall adopt a maximum standard of 100 parts of lead per million in bare soil. The commissioner shall set a soil replacement standard not to exceed 25 parts of lead per million. Soil lead hazard reduction methods shall focus on erosion control and covering of bare soil.

(d) The commissioner shall adopt ~~lead hazard reduction~~ regulated lead work standards and methods for lead in dust in a manner to protect the public health and environment. Dust standards shall use a weight of lead per area measure and include dust on the floor, on the window sills, and on window wells. Lead hazard reduction methods for dust shall focus on dust removal and other practices which minimize the formation of lead dust from paint, soil, or other sources.

(e) The commissioner shall adopt lead hazard reduction standards and methods for lead in drinking water both at the tap and public water supply system or private well in a manner to protect the public health and the environment. The commissioner may adopt the rules for controlling lead in drinking water as contained in Code of Federal Regulations, title 40, part 141. Drinking water lead hazard reduction methods may include an educational approach of minimizing lead exposure from lead in drinking water.

(f) The commissioner of the pollution control agency shall adopt rules to ensure that removal of exterior lead-based coatings from residences and steel structures by abrasive blasting methods is conducted in a manner that protects health and the environment.

(g) All ~~lead hazard reduction~~ regulated lead work standards shall provide reasonable margins of safety that are consistent with more than a summary review of scientific evidence and an emphasis on overprotection rather than underprotection when the scientific evidence is ambiguous.

(h) No unit of local government shall have an ordinance or regulation governing ~~lead hazard reduction~~ regulated lead work standards or methods for lead in paint, dust, drinking water, or soil that require a different ~~lead hazard reduction~~ regulated lead work standard or method than the standards or methods established under this section.

(i) Notwithstanding paragraph (h), the commissioner may approve the use by a unit of local government of an innovative lead hazard reduction method which is consistent in approach with methods established under this section.

(j) The commissioner shall adopt rules for issuing lead orders required under section 144.9504, rules for notification of abatement or interim control activities requirements, and other rules necessary to implement sections 144.9501 to 144.9509.

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Sec. 37. Minnesota Statutes 2000, section 144.9508, subdivision 3, is amended to read:

Subd. 3. **LICENSURE AND CERTIFICATION.** The commissioner shall adopt rules to license lead supervisors, lead workers, lead project designers, lead inspectors, and lead risk assessors. The commissioner shall also adopt rules requiring certification of firms that perform lead abatement, lead hazard reduction, lead hazard screens, or lead risk assessments regulated lead work and rules requiring registration of lead sampling technicians. The commissioner shall require periodic renewal of licenses and, certificates, and registrations and shall establish the renewal periods.

Sec. 38. Minnesota Statutes 2000, section 144.9508, subdivision 4, is amended to read:

Subd. 4. **LEAD TRAINING COURSE.** The commissioner shall establish by rule a permit fee to be paid by a training course provider on application for a training course permit or requirements for training course providers and the renewal period for each lead-related training course required for certification or licensure. The commissioner shall establish criteria in rules for the content and presentation of training courses intended to qualify trainees for licensure under subdivision 3. The commissioner shall establish criteria in rules for the content and presentation of training courses for lead interim control workers. Training course permit fees shall be nonrefundable and must be submitted with each application in the amount of \$500 for an initial training course, \$250 for renewal of a permit for an initial training course, \$250 for a refresher training course, and \$125 for renewal of a permit of a refresher training course.

Sec. 39. Minnesota Statutes 2000, section 144.9508, subdivision 5, is amended to read:

Subd. 5. **VARIANCES.** In adopting the rules required under this section, the commissioner shall provide variance procedures for any provision in rules adopted under this section, except for the numerical standards for the concentrations of lead in paint, dust, bare soil, and drinking water. A variance shall be considered only according to the procedures and criteria in Minnesota Rules, parts 4717.7000 to 4717.7050.

Sec. 40. Minnesota Statutes 2000, section 144.9509, subdivision 1, is amended to read:

Subdivision 1. **ENFORCEMENT.** When the commissioner exercises authority for enforcement, the provisions of sections 144.9501 to 144.9509 shall be enforced under the provisions of sections 144.989 to 144.993. The commissioner shall develop a model ordinance for boards of health to adopt to enforce section 144.9504. Boards of health shall enforce a lead order issued under section 144.9504 under a local ordinance or as a public health nuisance under chapter 145A.

Sec. 41. Minnesota Statutes 2000, section 144.9509, subdivision 3, is amended to read:

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Subd. 3. **ENFORCEMENT AND STATUS REPORT.** The commissioner shall examine compliance with Minnesota's existing lead standards and rules and report to the legislature biennially, beginning February 15, 1997, including an evaluation of current lead program activities by the state and boards of health, the need for any additional enforcement procedures, recommendations on developing a method to enforce compliance with lead standards, and cost estimates for any proposed enforcement procedure. The report shall also include a geographic analysis of all blood lead assays showing incidence data and environmental analyses reported or summary of lead surveillance data collected by the commissioner.

Sec. 42. **ACCEPTABLE DOCUMENTED METHODOLOGIES**

When performing a lead hazard screen, lead inspection, lead risk assessment, or clearance inspection, the methodologies referenced in the United States Environmental Protection Agency regulation for lead-based paint activities, Code of Federal Regulations, title 40, section 745.227, paragraph (a), clause (3), are acceptable documented methodologies. The commissioner of health shall amend Minnesota Rules, part 4761.1000, subpart 7, accordingly and may use the procedures established under Minnesota Statutes, section 14.388, clause (3). Except as provided in Minnesota Statutes, section 14.388, Minnesota Statutes, section 14.386, does not apply.

Sec. 43. **REPEALER.**

Minnesota Statutes 2000, sections 144.9501, subdivision 32; 144.9502, subdivision 6; 144.9503, subdivision 6; 144.9504, subdivisions 4 and 11; 144.9505, subdivisions 2 and 5; 144.9506; and 144.9508, subdivision 6, are repealed.

Sec. 44. **EFFECTIVE DATE.**

Section 42 is effective the day following final enactment.

ARTICLE 2

MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 2000, section 145.425, is amended to read:

145.425 **PAY TOILETS IN PUBLIC PLACES; PROHIBITIONS; PENALTY.**

Pay toilets and urinals in public places, public conveyances or public buildings are prohibited unless at least one-half of the available toilets in the same area or rest room are free and maintained at the same standards of sanitation and upkeep. Violation of this section is a misdemeanor.

Sec. 2. Minnesota Statutes 2000, section 157.20, is amended by adding a subdivision to read:

Subd. 4. **ALTERNATIVE COMPLIANCE METHODS FOR DELEGATED AGENCIES.** (a) A local agency operating with a delegation agreement under section

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145A.07 may request approval from the commissioner to supplant subdivisions 1 to 3 with alternative compliance methods. The local agency must submit to the commissioner:

(1) the alternative compliance methods that will be taken to ensure an equivalent degree of protection to public health, safety, or the environment;

(2) the reasons why alternative methods are requested;

(3) a plan for evaluating the effectiveness of the alternative methods;

(4) a statement that the local agency applying for approval of the alternative methods will comply with the terms, if granted; and

(5) other relevant information the commissioner determines necessary to evaluate the request.

(b) The commissioner may approve the request if the alternative methods will have no potential adverse effect on public health, safety, or the environment and if the alternative methods are equivalent to or superior to those prescribed in subdivisions 1 to 3. In approving the request, the commissioner may attach conditions the commissioner determines are needed to protect public health, safety, or the environment. The commissioner shall notify the local agency in writing of the commissioner's decision to approve or deny the request. If a request is denied, the commissioner shall specify the reasons for the denial.

Sec. 3. REPEALER.

Minnesota Statutes 2000, sections 144.073 and 144.08, are repealed.

Presented to the governor May 25, 2001

Signed by the governor May 29, 2001, 11:25 a.m.

CHAPTER 206—H.F.No. 1497

An act relating to natural resources; exempting certain charges from legislative approval; modifying certain provisions for taking small game; modifying terms for certain lakeshore land exchanges to include leased farmed wild rice lands; authorizing public and private sales of certain state lands in Lake county; authorizing conveyance of certain surplus state land in Mower county; adding to a state forest; adding to and creating wildlife management areas; authorizing the private conveyance of consolidated conservation land in Aitkin county; authorizing a land transfer for North Hennepin community college; providing for an exchange of land by the city of Bird Island; amending Minnesota Statutes 2000, sections 16A.1283; 97B.603; 97B.901; Laws 1998, chapter 389, article 16, section 31, subdivision 2, as amended.

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

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