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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1042

02/09/2017 Authored by Youakim; Bahr, C.; Freiberg; Rosenthal; Flanagan and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; establishing a cooling tower registry administered by the
1.3 commissioner of health; authorizing the commissioner of health to assess
1.4 administrative penalties; classifying certain data; appropriating money; amending
1.5 Minnesota Statutes 2016, section 13.411, by adding a subdivision; proposing
1.6 coding for new law in Minnesota Statutes, chapter 144.

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

1.8 Section 1. Minnesota Statutes 2016, section 13.411, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 1a. Cooling tower registry data. Classification of and access to data collected
1.11 and maintained by the commissioner of health related to the operation of the cooling tower
1.12 registry are governed by section 144.3805, subdivision 9.

1.13 Sec. 2. [144.3805] COOLING TOWER REGISTRY.

1.14 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.15 the meanings given them.

1.16 (b) "Commissioner" means the commissioner of health.

1.17 (c) "Cooling tower" means a cooling tower, evaporative condenser, or fluid cooler that:

1.18 (1) is part of a recirculated water system incorporated into a building's cooling, industrial
1.19 process, refrigeration, or energy production system;

1.20 (2) extracts heat from the system through the evaporation of water; and

1.21 (3) releases water vapor and water droplets out of the top of the tower into the atmosphere.

2.1 (d) "Owner" means a person who has any legal or equitable interest in a building or
2.2 facility.

2.3 Subd. 2. **Registry established.** The commissioner shall establish and maintain a registry
2.4 of all cooling towers in operation in the state. The registry shall be used to aid the
2.5 commissioner in investigating confirmed or suspected cases of legionellosis or other illnesses
2.6 caused by bacteria by identifying potential sources of Legionella or other disease-causing
2.7 bacteria, and in testing these potential sources to determine whether Legionella or other
2.8 disease-causing bacteria are present. The commissioner shall establish registration forms
2.9 and procedures.

2.10 Subd. 3. **Registration required.** (a) No later than 90 days after the effective date of this
2.11 section, an owner of a building or facility located in the state that contains an operating
2.12 cooling tower shall register the cooling tower with the commissioner. An owner of a building
2.13 or facility located in the state that contains a cooling tower that begins operation after the
2.14 effective date of this section shall register the cooling tower with the commissioner no later
2.15 than 30 days after the cooling tower begins operation.

2.16 (b) An owner registering a cooling tower according to paragraph (a) shall submit to the
2.17 commissioner:

2.18 (1) the address of the building or facility at which the cooling tower is located;

2.19 (2) the intended use of the cooling tower;

2.20 (3) the name and contact information for the owner of the building or facility at which
2.21 the cooling tower is located;

2.22 (4) the manufacturer of the cooling tower;

2.23 (5) the model number and specific unit serial number of the cooling tower;

2.24 (6) the cooling capacity of the cooling tower;

2.25 (7) the basin capacity of the cooling tower;

2.26 (8) the commissioning date of the cooling tower; and

2.27 (9) a registration fee of \$....., which shall be deposited in the state government special
2.28 revenue fund in the state treasury.

2.29 Subd. 4. **Inspection, maintenance, and cleaning procedures and schedules.** The owner
2.30 of a cooling tower registered under this section must maintain the current inspection,
2.31 maintenance, and cleaning procedures and schedules utilized for the cooling tower, and
2.32 must provide these procedures and schedules to the commissioner upon request.

3.1 Subd. 5. **Exemption.** This section does not apply to a cooling tower that condenses
3.2 steam produced by boiling water to generate electricity.

3.3 Subd. 6. **Permanently removed from operation.** The owner of a building or facility
3.4 that contains a cooling tower registered under subdivision 3 shall notify the commissioner
3.5 no later than 30 days after permanently removing the cooling tower from operation. This
3.6 subdivision does not apply to a cooling tower that is periodically or temporarily removed
3.7 from operation.

3.8 Subd. 7. **Administrative penalty.** Using the procedures in section 144.991, the
3.9 commissioner shall assess an administrative penalty of up to \$1,500 on an owner who is
3.10 required to register a cooling tower under subdivision 3 and who:

3.11 (1) fails to register the cooling tower within the time period required in subdivision 3,
3.12 paragraph (a); or

3.13 (2) fails to submit all of the information or the registration fee required in subdivision
3.14 3, paragraph (b).

3.15 Subd. 8. **Liability.** Failure to comply with this section is not prima facie evidence of
3.16 negligence.

3.17 Subd. 9. **Data classification.** Data collected and maintained by the commissioner under
3.18 this section is classified as licensing data governed by section 13.41. The commissioner
3.19 may share data collected and maintained under this section with other state agencies only
3.20 as necessary to facilitate the operation of the cooling tower registry or conduct investigations
3.21 of legionellosis or other illnesses caused by bacteria.

3.22 Sec. 3. **APPROPRIATION.**

3.23 \$..... for the 2018-2019 biennium is appropriated from the state government special
3.24 revenue fund to the commissioner of health to operate the cooling tower registry under
3.25 Minnesota Statutes, section 144.3805.