

approval of a tax levy to pay bond obligations under subdivision 3, the governing body of the city for a city action or the county for a county action shall publish notice of the action in its official publication. The bonds may be issued and sold or the tax levied without submitting the question to the voters, unless within 30 days after the date of publication a petition signed by qualified voters equal to five percent of the voters who voted in the last general election in the governmental subdivision is filed with the city or the county.

(b) If a petition is filed that meets the requirements of paragraph (a), the bonds may be issued or the tax levied upon obtaining the approval of a majority of the voters voting on the question at a special or regular election.

Sec. 15. APPLICATION.

Section 13 applies to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Section 14 is effective upon approval by a majority of all members of the Bemidji city council, and by a majority of all members of the Beltrami county board of commissioners, and compliance with Minnesota Statutes, section 645.021.

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 11:14 p.m.

CHAPTER 533—S.F.No. 1937

An act relating to health; establishing standards for safe levels of lead; requiring education about lead exposure; requiring lead assessments of certain residences; establishing standards for lead abatement; requiring rules; amending Minnesota Statutes 1988, section 116.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1989 Supplement, sections 144.851 to 144.860 and 144.862.

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

Section 1. Minnesota Statutes 1988, section 116.52, subdivision 2, is amended to read:

Subd. 2. **SOIL TESTING.** By January 1, 1987, the agency must sample sites on the preliminary list to determine the concentration of lead in the soil. ~~The agency must refer sites to the commissioner where lead in the soil exceeds the interim standard for lead in the soil of 1,000 parts per million.~~ After adoption of the rules under section 116.53, subdivision 1, the agency shall refer to the commissioner all sites with concentrations above the standard for lead in soil.

Sec. 2. [144.871] DEFINITIONS.

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

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 144.871 to 144.878.

Subd. 2. ABATEMENT. "Abatement" means removal or encapsulation of paint, bare soil, dust, drinking water, or other materials that are sources of actual lead exposure to people. The abatement rules to be adopted under section 144.878, subdivision 2, shall apply as described in section 144.874.

Subd. 3. ABATEMENT CONTRACTOR. "Abatement contractor" means any person hired by a property owner or resident to perform abatement.

Subd. 4. BOARD OF HEALTH. "Board of health" means an administrative authority established under section 145A.03 or 145A.07.

Subd. 5. COMMISSIONER. "Commissioner" means the commissioner of health.

Subd. 6. ELEVATED BLOOD LEAD LEVEL. "Elevated blood lead level" means at least 25 micrograms of lead per deciliter of whole blood unless the commissioner finds that a lower concentration is necessary to protect public health.

Subd. 7. ENCAPSULATION. "Encapsulation" means covering, sealing, or containment of a source of lead exposure to people.

Subd. 8. SAFE HOUSING. "Safe housing" means a residence that does not violate any of the standards adopted according to section 144.878, subdivision 2.

Sec. 3. [144.872] LEAD-RELATED CONTRACTS FOR FISCAL YEARS 1990 AND 1991.

Subdivision 1. PROACTIVE LEAD EDUCATION STRATEGY. For fiscal years 1990 and 1991, the commissioner shall contract with boards of health in communities at high risk for toxic lead exposure to children, lead advocacy organizations, and businesses to design and implement a uniform, proactive educational program to introduce sections 144.871 to 144.878 and to promote the prevention of exposure to all sources of lead to target populations. Priority shall be given to providing ongoing education to health care and social service providers, registered abatement contractors, building trades professionals and nonprofessionals, property owners, and parents. Educational materials shall be multilingual and multicultural to meet the needs of diverse populations. The commissioner shall create and administer a program to fund locally based advocates who, following the issuance of an abatement order, shall visit the family in their residence to instruct them about safety measures, materials, and methods to be followed before, during, and after the abatement process.

Subd. 2. HOME ASSESSMENTS. The commissioner shall contract with boards of health to conduct assessments to determine sources of lead contamination in the residences of children and pregnant women whose blood lead levels

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

exceed 25 micrograms per deciliter and to provide education on ways of reducing the danger of lead contamination.

Subd. 3. SAFE HOUSING. The commissioner shall contract with boards of health for safe housing to be used in meeting relocation requirements in section 144.874, subdivision 4.

Subd. 4. PAINT REMOVAL EQUIPMENT. State matching funds shall be made available for a grant program to community-based organizations to purchase and provide paint removal equipment. Equipment shall include: drop cloths, secure containers, respirators, scrapers, and dust and particle containment material. Equipment shall be made available to low-income households on a priority basis.

Sec. 4. [144.873] REPORTING OF MEDICAL AND ENVIRONMENTAL SAMPLE ANALYSES.

Subdivision 1. REPORT REQUIRED. Medical laboratories performing blood lead analyses must report to the commissioner confirmed blood lead results of at least five micrograms per deciliter. Boards of health must report to the commissioner the results of analyses from residential samples of paint, bare soil, dust, and drinking water that show lead in concentrations greater than or equal to the lead standards adopted by permanent rule under section 7, subdivision 2, paragraphs (a) and (c). The commissioner shall require other related information from medical laboratories and boards of health as may be needed to monitor and evaluate blood lead levels in the public, including the date of the test and the address of the patient.

Subd. 2. TEST OF CHILDREN IN HIGH RISK AREAS. Within limits of available appropriations, the commissioner shall promote and subsidize a blood lead test of all children under six years of age who live in the high risk areas of Minneapolis, St. Paul, and Duluth.

Subd. 3. STATEWIDE LEAD SCREENING. Statewide lead screening by erythrocyte protoporphyrin test in conjunction with routine blood tests shall be advocated by boards of health.

Sec. 5. [144.874] ASSESSMENT AND ABATEMENT.

Subdivision 1. RESIDENCE ASSESSMENT. (a) A board of health must conduct a timely assessment of a residence 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 perdeciliter of whole blood; or

(2) a child in the residence is identified as having an elevated blood lead level. 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.

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

(b) The board of health must conduct the residential assessment according to rules adopted by the commissioner according to section 144.878, subdivision 1.

Subd. 2. RESIDENTIAL LEAD ASSESSMENT GUIDE. (a) The commissioner of health shall develop a residential lead assessment guide that enables parents to assess the possible lead sources present and that suggests actions.

(b) A board of health must provide the residential lead assessment guide to:

(1) parents of children who are identified as having blood lead levels of at least ten micrograms per deciliter; and

(2) property owners and occupants who are issued housing code orders requiring disruption of lead sources.

(c) A board of health must provide the residential lead assessment guide on request to owners or tenants of residential property within the jurisdiction of the board of health.

Subd. 3. 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, subdivision 2, clause (a), 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. 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. With each abatement order, the board of health must provide a residential lead abatement guide. The guide must be developed by the commissioner and must provide information on safe abatement and disposal methods, sources of equipment, and telephone numbers for additional information to enable the property owner to either perform the abatement or to intelligently select an abatement contractor.

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. Residents must be allowed to return to the residence or dwelling after completion of abatement.

Subd. 5. WARNING NOTICE. A warning notice must be posted on all entrances to properties for which an order to abate a lead source has been issued by a board of health. This notice must be at least 8-1/2 by 11 inches in size and must include the following language, or substantially similar language:

(a) "This property contains dangerous amounts of lead to which children under age six and pregnant women should not be exposed."

(b) "It is unlawful to remove or deface this warning. This warning may be removed only upon the direction of the board of health."

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

Subd. 6. RETESTING REQUIRED. After completion of the abatement as ordered, the board of health must retest the residence to assure the violations no longer exist.

Subd. 7. TASK FORCE. The state planning agency task force convened under section 144.861 shall develop the strategy for financing and implementing a large scale subsidized lead abatement program to make recommendations to the legislature in January 1991.

Sec. 6. [144.876] REGISTRATION OF ABATEMENT CONTRACTORS.

Abatement contractors must register with the commissioner according to forms and procedures prescribed by the commissioner.

Sec. 7. [144.878] RULES.

Subdivision 1. SAMPLING AND ANALYSIS; RESIDENTIAL ASSESSMENTS. The commissioner shall adopt, by rule, sampling and analysis methods for residential assessments under section 144.874.

Subd. 2. LEAD STANDARDS AND ABATEMENT METHODS. (a) By January 31, 1991, 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 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 accessible to children as a chewable or lead-dust producing surface and is a source of actual lead exposure. In adopting rules under this subdivision, the commissioner shall require the best available technology for abatement methods, paint stabilization, and repainting.

(b) By January 31, 1991, the commissioner of the pollution control agency 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) By January 31, 1991, 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 is conducted in a manner that protects public health and the environment.

Subd. 3. VARIANCES. In adopting the rules required by subdivision 2, the commissioners of health and the pollution control agency shall provide variance procedures to allow for use of innovative abatement methods. A person who proposes an innovative abatement method must justify the need for the variance and must comply with the standards established in rules adopted under this section.

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

Subd. 4. EXCEPTION TO ABATEMENT REQUIREMENT. Notwithstanding the requirement in Minnesota Rules, part 4620.2300 Emergency, subpart 2, item B, for abatement of intact paint that is in violation of lead standards in part 4620.2100 Emergency, the commissioner, and political subdivisions, shall not require abatement of intact lead-based paint that is not actually accessible to children as a chewable or lead-dust producing surface and is not a source of actual lead exposure.

Sec. 8. **REPEALER.**

Minnesota Statutes 1989 Supplement, sections 144.851 to 144.860, and section 144.862, are repealed.

Notwithstanding Minnesota Statutes, section 14.05, subdivision 1, the repeal of sections 144.851 to 144.860 and 144.862 does not repeal emergency rules that were adopted under those sections as Minnesota Rules, parts 4620.1900 to 4620.2500 Emergency and that became effective January 8, 1990. These emergency rules remain in effect as provided under Minnesota Statutes, section 14.35.

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 11:10 p.m.

CHAPTER 534—S.F.No. 1790

An act relating to health; creating a technology assistance review panel; establishing a legislative task force to study the regulation of health insurance premium rates and health care costs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Section 1. **[256.9691] TECHNOLOGY ASSISTANCE REVIEW PANEL.**

Subdivision 1. ESTABLISHMENT. The commissioner of health shall establish a technology assistance review panel to resolve disputes over the provision of health care benefits for technology-assisted persons who receive benefits under a policy or plan of health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, a subscriber contract of a nonprofit health service plan corporation regulated under chapter 62C, or a certificate of coverage of a health maintenance organization regulated under chapter 62D.

Subd. 2. DEFINITION. For purposes of this section, "technology-assisted person" means a person who:

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