

A bill for an act

relating to plant closings; requiring oriented strand board facilities to be kept in salable operating conditions for two years after closing; requiring a maintenance plan.

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

Section 1. **DUTY TO MAINTAIN.**

When the owner or operator of an oriented strand board facility determines to permanently discontinue the operation of the facility for any reason, it shall maintain the facility in salable operating condition for at least two years after it permanently discontinues operation in order to allow the state of Minnesota and other interested public and private bodies to seek a new owner and operator. The requirement imposed by this section is a preliminary and permanent requirement on the right of an owner to commence or continue the operation of a manufacturing facility. This requirement is enforceable on all owners and operators and successors of owners and operators and shall be enforced by the state in any action in bankruptcy or other litigation that may affect it.

EFFECTIVE DATE. This section is effective retroactively for permanent closures announced after July 1, 2008.

Sec. 2. **TEMPORARY MAINTENANCE PLAN.**

(a) At least 60 days before the owner or operator of an oriented strand board manufacturing facility determines to permanently discontinue the operation of the facility, it shall submit a temporary maintenance plan to the commissioner of employment and economic development for approval. However, if an owner or operator of an oriented strand board manufacturing facility determines to permanently discontinue the operation

2.1 of the facility after July 1, 2008, but before the date 60 days following final enactment of
2.2 this section, the owner or operator has 60 days following final enactment of this section
2.3 to submit the temporary maintenance plan to the commissioner of employment and
2.4 economic development for approval.

2.5 (b) The plan required by paragraph (a) must provide for:

2.6 (1) the orderly shutdown of the facility, including movement of all mobile equipment
2.7 to an area above the high-water mark;

2.8 (2) health, safety, and security, including provisions for fire prevention and staffing
2.9 for security;

2.10 (3) maintenance of plant facilities including supplying heat or cooling where needed
2.11 and maintenance of utility lines needed to support the property;

2.12 (4) compliance with all permit requirements; and

2.13 (5) a schedule for reporting periodically to the commissioner of employment and
2.14 economic development on all maintenance activities and any plans to liquidate assets.

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