

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 5211

(SENATE AUTHORS: HAWJ)

DATE
04/23/2026

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9013

OFFICIAL STATUS
Introduction and first reading
Referred to Environment, Climate, and Legacy

1.1 A bill for an act

1.2 relating to state government; creating stewardship programs for batteries and

1.3 electronic products; modifying acquisition provisions; adding to and deleting from

1.4 certain state parks; authorizing sales and conveyances of certain surplus state lands;

1.5 providing for recovery of expenses of responding to pollutant release; modifying

1.6 reimbursable costs under Petroleum Tank Release Cleanup Act; modifying and

1.7 updating provisions for oil and hazardous substance discharge preparedness;

1.8 authorizing rulemaking; modifying prior appropriations; appropriating money for

1.9 environment and natural resources; amending Minnesota Statutes 2024, sections

1.10 84.0272, subdivisions 1, 2; 84.96, by adding a subdivision; 115.01, by adding

1.11 subdivisions; 115.071, subdivision 1; 115.072; 115A.03, by adding subdivisions;

1.12 115A.121; 115A.554; 115A.9157; 115C.02, subdivision 14, by adding a

1.13 subdivision; 115C.09, subdivision 1; 115E.04, subdivisions 2, 3, 4; 115E.042,

1.14 subdivisions 1a, 4, 5; 115E.08, subdivision 3a; 116.92, subdivision 6, by adding

1.15 a subdivision; 325E.1151, subdivisions 1, 2, 3, by adding a subdivision; 325E.12;

1.16 325E.125, subdivisions 3, 5; 325E.1251, subdivision 2; Laws 2024, chapter 116,

1.17 article 1, section 5; Laws 2024, chapter 125, article 8, section 6; proposing coding

1.18 for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes

1.19 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a,

1.20 12b, 12c, 13, 14, 15, 17, 18, 19, 20; 115A.1312; 115A.1314; 115A.1316;

1.21 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326;

1.22 115A.1328; 115A.1330; 115A.9155; 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, 8;

1.23 115A.9565; 115A.961, subdivisions 1, 2, 3; 325E.115; 325E.1151, subdivision 4;

1.24 325E.125, subdivisions 1, 2, 2a, 4, 5; 325E.1251, subdivision 1; Laws 2024, chapter

1.25 127, article 53, section 6.

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

1.27 **ARTICLE 1**

1.28 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

1.29 Section 1. **APPROPRIATIONS.**

1.30 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.31 and for the purposes specified in this article. The appropriations are from the general fund,

1.32 or another named fund, and are available for the fiscal years indicated for each purpose.

2.1 The figures "2026" and "2027" used in this article mean that the appropriations listed under
 2.2 them are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively.
 2.3 "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium"
 2.4 is fiscal years 2026 and 2027.

2.5		<u>APPROPRIATIONS</u>	
2.6		<u>Available for the Year</u>	
2.7		<u>Ending June 30</u>	
2.8		<u>2026</u>	<u>2027</u>

2.9	Sec. 2. <u>POLLUTION CONTROL AGENCY</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>50,000</u>
2.10	<u>\$50,000 the second year is from the</u>				
2.11	<u>environmental fund for air compliance</u>				
2.12	<u>equipment maintenance.</u>				

2.13	Sec. 3. <u>DEPARTMENT OF NATURAL</u>				
2.14	<u>RESOURCES</u>	<u>\$</u>	<u>1,500,000</u>	<u>\$</u>	<u>-0-</u>
2.15	<u>\$1,500,000 the first year is for public safety</u>				
2.16	<u>costs. This is a onetime appropriation.</u>				

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

2.18	Sec. 4. <u>ZOOLOGICAL BOARD</u>	<u>\$</u>	<u>3,800,000</u>	<u>\$</u>	<u>-0-</u>
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2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.20 Sec. 5. Laws 2024, chapter 116, article 1, section 5, is amended to read:

2.21	Sec. 5. <u>METROPOLITAN COUNCIL</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>5,525,000</u>
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2.22	Appropriations by Fund		
2.23		2024	2025
2.24	General	-0-	3,625,000
2.25	Natural Resources	-0-	1,900,000

2.26 \$3,188,000 the second year is for community
 2.27 tree-planting grants under Minnesota Statutes,
 2.28 section 473.355. Of this amount, \$688,000 is
 2.29 for a grant to the city of South St. Paul. This
 2.30 is a onetime appropriation and is available
 2.31 until June 30, ~~2026~~ 2028.

2.32 \$437,000 the second year is for a grant to the
 2.33 city of St. Paul Park to replace a pedestrian

3.1 bridge in Lions Levee Park. This is a onetime
 3.2 appropriation and is available until June 30,
 3.3 2027.

3.4 \$1,400,000 the second year is from the natural
 3.5 resources fund for grants to implementing
 3.6 agencies to plant trees within the
 3.7 metropolitan-area regional parks and trails
 3.8 system. This appropriation is from revenue
 3.9 deposited in the natural resources fund under
 3.10 Minnesota Statutes, section 297A.94,
 3.11 paragraph (h), clause (3). This is a onetime
 3.12 appropriation and is available until June 30,
 3.13 ~~2026~~ 2028.

3.14 \$500,000 the second year is from the natural
 3.15 resources fund for new fishing piers to
 3.16 increase fishing opportunities on lakes in the
 3.17 metropolitan parks system. The council shall
 3.18 solicit applications from member park systems
 3.19 for proposals under this section. This is a
 3.20 onetime appropriation and is from revenue
 3.21 deposited in the natural resources fund under
 3.22 Minnesota Statutes, section 297A.94,
 3.23 paragraph (h), clause (3). This appropriation
 3.24 is available until June 30, 2026.

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

3.26 Sec. 6. Laws 2024, chapter 125, article 8, section 6, is amended to read:

3.27 Sec. 6. ~~DEPARTMENT OF EMPLOYMENT~~
 3.28 ~~AND ECONOMIC DEVELOPMENT~~
 3.29 METROPOLITAN COUNCIL

\$ -0- \$ 5,000,000

3.30 **Cedar Riverside Recreation Center.**

3.31 \$5,000,000 in fiscal year 2025 is for a ~~payment~~
 3.32 grant to the Minneapolis Park and Recreation
 3.33 Board for the design, development, and
 3.34 construction of the new Cedar Riverside

4.1 Recreation Center to serve the largest
 4.2 immigrant population center in the state. This
 4.3 is a onetime appropriation available until June
 4.4 30, 2028.

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

4.6 Sec. 7. REPEALER.

4.7 Laws 2024, chapter 127, article 53, section 6, is repealed.

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

4.9 ARTICLE 2

4.10 POLLUTION CONTROL

4.11 Section 1. Minnesota Statutes 2024, section 115.01, is amended by adding a subdivision
 4.12 to read:

4.13 Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of the Pollution
 4.14 Control Agency.

4.15 Sec. 2. Minnesota Statutes 2024, section 115.01, is amended by adding a subdivision to
 4.16 read:

4.17 Subd. 15a. **Release.** "Release" has the meaning given in section 115B.02, subdivision
 4.18 15.

4.19 Sec. 3. Minnesota Statutes 2024, section 115.01, is amended by adding a subdivision to
 4.20 read:

4.21 Subd. 15b. **Respond or response.** "Respond" or "response" means to remedy or a
 4.22 remedial action as defined under section 115B.02, subdivision 16, or to remove or a removal
 4.23 as defined under section 115B.02, subdivision 17.

4.24 Sec. 4. Minnesota Statutes 2024, section 115.071, subdivision 1, is amended to read:

4.25 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,
 4.26 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to ~~325E.1251~~ 325E.12
 4.27 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,
 4.28 and permits adopted or issued by the agency thereunder or under any other law now in force
 4.29 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced

5.1 by any one or any combination of the following: criminal prosecution; action to recover
 5.2 civil penalties; injunction; action to compel or cease performance; or other appropriate
 5.3 action, in accordance with the provisions of said chapters and this section.

5.4 **EFFECTIVE DATE.** This section is effective January 1, 2030.

5.5 Sec. 5. Minnesota Statutes 2024, section 115.072, is amended to read:

5.6 **115.072 RECOVERING LITIGATION COSTS AND EXPENSES INCURRED IN**
 5.7 **RESPONDING TO A RELEASE OR THREATENED RELEASE OF POLLUTANTS**
 5.8 **AND CONTAMINANTS.**

5.9 (a) In any action brought by the attorney general, in the name of the state, pursuant to
 5.10 ~~the provisions of this chapter and chapters 114C, 114E, and 116,~~ for civil penalties, injunctive
 5.11 relief, or in an action to compel compliance, if the state shall finally prevail, and if the
 5.12 proven violation was willful, the state, in addition to other penalties provided in this chapter,
 5.13 may be allowed an amount determined by the court to be the reasonable value of all or a
 5.14 part of the litigation expenses incurred by the state. In determining the amount of such
 5.15 litigation expenses to be allowed, the court shall give consideration to the economic
 5.16 circumstances of the defendant.

5.17 (b) Amounts recovered under ~~the provisions of this section~~ paragraph (a) and section
 5.18 115.071, subdivisions 3 to 5, ~~shall~~ must be paid into the environmental fund in the state
 5.19 treasury to the extent provided in section 115.073.

5.20 (c) Any reasonable and necessary expenses, including all response costs, corrective
 5.21 action costs, staff time, and administrative and legal expenses, incurred by the commissioner
 5.22 to respond to releases or threatened releases from pollutants or contaminants that are
 5.23 otherwise excluded from recovery under chapter 115B may be recovered in a civil action
 5.24 brought by the attorney general against any person. The commissioner's certification of
 5.25 expenses is prima facie evidence that the expenses are reasonable and necessary. Any
 5.26 expenses that are recovered by the attorney general under this paragraph must be deposited
 5.27 in the fund from which they were paid.

5.28 (d) Any reasonable and necessary expenses, including all response costs, corrective
 5.29 action costs, staff time, and administrative and legal expenses, incurred by a local unit of
 5.30 government to respond to releases or threatened releases from pollutants or contaminants
 5.31 that are otherwise excluded from recovery under chapter 115B may be recovered in a civil
 5.32 action brought by the local unit of government against any person.

6.1 Sec. 6. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to
6.2 read:

6.3 Subd. 3b. **Battery.** "Battery" means one or more galvanic cells, including any structural
6.4 members, casing, and terminals.

6.5 **EFFECTIVE DATE.** This section is effective July 1, 2026.

6.6 Sec. 7. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to
6.7 read:

6.8 Subd. 10d. **Distribute.** "Distribute" means to sell, offer, supply, ship, transport, or deliver
6.9 a product to a person that sells, offers, supplies, ships, transports, or delivers the product in
6.10 or into this state, regardless of whether title to the product is ever acquired by a person
6.11 distributing the product.

6.12 Sec. 8. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to
6.13 read:

6.14 Subd. 10g. **Facilitate a sale.** "Facilitate a sale" means to assist a person in transferring
6.15 title or possession of a product, regardless of whether title or possession is ever acquired
6.16 by the person facilitating a sale, such as by operating an online marketplace, publishing an
6.17 offer for sale on a website, physically storing inventory of products, entering into a contract
6.18 to allow another person to list a product for sale, processing payment on behalf of another
6.19 person, entering into a contract with a buyer or a seller related to a sale, or otherwise
6.20 providing a sales process. Facilitate a sale does not include acting solely as:

6.21 (1) an advertiser;

6.22 (2) a payment processor; or

6.23 (3) a common carrier.

6.24 **EFFECTIVE DATE.** This section is effective July 1, 2026.

6.25 Sec. 9. Minnesota Statutes 2024, section 115A.121, is amended to read:

6.26 **115A.121 TOXICS AND POLLUTION PREVENTION EVALUATION;**
6.27 **CONSOLIDATED REPORT.**

6.28 The commissioner shall prepare and adopt a report on pollution prevention activities
6.29 required in chapters 115A, 115D, and 325E. ~~The report must include activities required~~
6.30 ~~under section 115A.1320.~~ The commissioner must submit the report to the senate and house

7.1 of representatives committees having jurisdiction over environment and natural resources
7.2 by December 31, 2013, and every four years thereafter.

7.3 **EFFECTIVE DATE.** This section is effective January 1, 2030.

7.4 Sec. 10. **[115A.1331] STEWARDSHIP PROGRAM FOR COVERED BATTERIES;**
7.5 **DEFINITIONS.**

7.6 (a) The terms used in sections 115A.1331 to 115A.1347 have the meanings given in this
7.7 section and section 115A.03.

7.8 (b) "Battery-containing product" means a product in which a battery is contained or to
7.9 which a battery is attached.

7.10 (c) "Brand" means a mark, a registered or unregistered trademark, a logo, a name, a
7.11 symbol, a word, or an identifier that attributes a product to the owner or licensee of the
7.12 brand. If there is no such mark, trademark, logo, name, symbol, word, or identifier, the
7.13 brand is the name of a covered battery producer.

7.14 (d) "Collection" means receipt of discarded covered batteries from a person, including
7.15 sorting and storage that are necessary for receipt and that are performed by the covered
7.16 battery collector. Collection does not include transport of a covered battery that occurs after
7.17 a covered battery collector receives the covered battery, except for transport by the covered
7.18 battery collector to or between a covered battery collection site or sites operated by the
7.19 covered battery collector.

7.20 (e) "Covered battery" means a loose battery or a battery that is easily removable from
7.21 a battery-containing product. Covered battery may be of any brand, type, physical size,
7.22 energy capacity, or chemistry. Covered battery does not include:

7.23 (1) a large lead acid battery;

7.24 (2) a battery designed, manufactured, and intended solely for use in a motor vehicle as
7.25 defined under section 168.002;

7.26 (3) a battery designed, manufactured, and intended solely for use in manufacturing,
7.27 industrial, or other commercial settings;

7.28 (4) a battery designed, manufactured, and intended solely for use in a medical device,
7.29 as defined in the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section
7.30 301 et seq., except for such a device marketed for use in a household, as defined in section
7.31 115A.96; or

8.1 (5) a battery removed from a permanent, stationary, energy storage system that requires
8.2 installation and removal by an electrician licensed under chapter 326B.

8.3 (f) "Covered battery clearinghouse" means the organization that is responsible for
8.4 implementing the covered battery stewardship program if covered battery producers are
8.5 represented by more than one covered battery stewardship organization. If all covered battery
8.6 producers are represented by a single covered battery stewardship organization, then covered
8.7 battery clearinghouse means the covered battery stewardship organization.

8.8 (g) "Covered battery collection site" means a physical location where a covered battery
8.9 collector collects covered batteries from other persons, regardless of whether the covered
8.10 battery collector operates the location permanently, temporarily, or for purposes of a
8.11 collection event.

8.12 (h) "Covered battery collector" means a person that collects covered batteries on behalf
8.13 of the covered battery clearinghouse and receives reimbursement through the covered battery
8.14 clearinghouse for the covered battery collector's costs for collection of the covered batteries.

8.15 (i) "Covered battery producer" means, with respect to a covered battery that is sold,
8.16 including online sales; offered for sale or promotional purposes; or distributed in or into
8.17 the state, a person that:

8.18 (1) manufactured the covered battery;

8.19 (2) imported the covered battery into the United States; or

8.20 (3) owns or controls or is licensed to use a brand under which the covered battery is
8.21 sold, including online sales; offered for sale or promotional purposes; or distributed in or
8.22 into the state.

8.23 (j) "Covered Battery Reimbursement Board" or "board" means the Covered Battery
8.24 Reimbursement Board established in section 115A.1333, subdivision 1.

8.25 (k) "Covered battery stewardship organization" means an organization that contracts
8.26 with one or more covered battery producers to meet the producers' obligations under sections
8.27 115A.1331 to 115A.1347.

8.28 (l) "Covered battery stewardship plan" or "stewardship plan" means a plan that is prepared
8.29 according to section 115A.1335 and submitted to the commissioner by the covered battery
8.30 clearinghouse.

8.31 (m) "Covered battery stewardship program" means the system implemented by the
8.32 covered battery clearinghouse to manage all covered batteries offered to a covered battery

9.1 collector or subject to section 115A.1343, subdivision 1, paragraph (a), by arranging and
9.2 paying for the collection, covered services, and all other activities described in a covered
9.3 battery stewardship plan approved by the commissioner under section 115A.1335, subdivision
9.4 4.

9.5 (n) "Covered services" means transportation, processing, recycling, and disposal of
9.6 covered batteries and residual materials after collection. Covered services does not include:

9.7 (1) repair or reuse of a covered battery by the collector; or

9.8 (2) transport of a covered battery by the covered battery collector that collected it to or
9.9 between a covered battery collection site or sites that are operated by the covered battery
9.10 collector.

9.11 (o) "De minimis covered battery producer" means a covered battery producer that, in
9.12 the most recent calendar year, had fewer than 100 covered batteries that were sold, including
9.13 online sales, in or into the state and for which the covered battery producer was responsible.

9.14 (p) "Easily removable" or "easily removed" means that a battery can be removed by a
9.15 single person from a product using only the person's hands, a slotted screwdriver, or a #2
9.16 Phillips screwdriver.

9.17 (q) "Full covered battery collection site" means a covered battery collection site that
9.18 meets the requirements of section 115A.1341, subdivision 1, paragraph (b).

9.19 (r) "Household hazardous waste management program" means a program established
9.20 under section 115A.96, subdivision 2, to collect and manage household hazardous waste
9.21 as defined in section 115A.96.

9.22 (s) "Independent auditor" means a certified public accountant that:

9.23 (1) holds an active license under chapter 326A and rules adopted thereunder;

9.24 (2) is retained by the covered battery clearinghouse;

9.25 (3) is not otherwise employed by or affiliated with the commissioner or the covered
9.26 battery clearinghouse; and

9.27 (4) is qualified to conduct an audit under section 115A.1337, subdivision 7, paragraph
9.28 (b), clause (7).

9.29 (t) "Large lead acid battery" means a battery that has electrodes composed of metallic
9.30 lead or lead compounds; uses an acid electrolyte in any form, including liquid, gel, or
9.31 absorbed; and weighs 11 pounds or more. Large lead acid battery includes a dry-charged

10.1 battery that is shipped for sale without electrolyte in the battery. Large lead acid batteries
10.2 are subject to section 325E.1151.

10.3 (u) "Loose battery" means a battery that is not contained in or attached to a product.

10.4 Loose battery does not include a battery that is contained in an enclosure when the enclosure
10.5 is not integral to the operation of the battery. Loose battery may be of any brand, type,
10.6 physical size, energy capacity, or chemistry.

10.7 (v) "Participant" means a covered battery producer that is named by the covered battery
10.8 clearinghouse as meeting the covered battery producer's obligations under sections 115A.1331
10.9 to 115A.1347.

10.10 (w) "Rechargeable battery" means a battery that is designed and intended to have electrical
10.11 energy added to it by electrical or physical means after use.

10.12 (x) "Responsible market" means a market for covered batteries, for reclaimed materials
10.13 from collected covered batteries, or for any other recyclable residual material from collected
10.14 covered batteries that:

10.15 (1) reuses, recycles, or otherwise recovers materials and disposes of contaminants in a
10.16 manner that protects the environment and minimizes risks to public health and worker health
10.17 and safety;

10.18 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, and
10.19 other laws governing environmental, health, safety, and financial responsibility;

10.20 (3) possesses all licenses and permits required by a federal or state agency or political
10.21 subdivision;

10.22 (4) if operating in the state, recycles batteries to the maximum extent practicable in
10.23 accordance with section 115A.02, paragraph (b); and

10.24 (5) minimizes adverse impacts to environmental justice areas.

10.25 (y) "Specialized covered battery recycler" means a person that, if and as applicable, is
10.26 properly authorized by the commissioner or, if operating in another state or country, by an
10.27 equivalent state, federal, or other governmental body, to process or recycle useful materials
10.28 from covered batteries.

10.29 **EFFECTIVE DATE.** This section is effective July 1, 2026.

11.1 **Sec. 11. [115A.1333] COVERED BATTERY REIMBURSEMENT BOARD.**

11.2 Subdivision 1. **Establishment.** The Covered Battery Reimbursement Board is established
11.3 to recommend reimbursement rates for covered battery collection to the commissioner.

11.4 Except as provided in this section, chapter 15 does not apply to the board.

11.5 Subd. 2. **Membership.** (a) By January 1, 2027, the commissioner must appoint the initial
11.6 membership of the Covered Battery Reimbursement Board. Membership must consist of:

11.7 (1) two members representing household hazardous waste management programs;

11.8 (2) two members representing covered battery collectors that are not household waste
11.9 management programs; and

11.10 (3) four members representing covered battery producers.

11.11 (b) In making appointments under paragraph (a), the commissioner may not appoint
11.12 persons who are:

11.13 (1) current or elected Minnesota state representatives or senators;

11.14 (2) required to register as lobbyists under section 10A.03; or

11.15 (3) employees of the agency.

11.16 (c) Initial appointments under paragraph (a), clause (2), must represent potential battery
11.17 collectors. After January 1, 2030, whenever the terms of these members expire according
11.18 to subdivision 3, the new appointments must represent covered battery collectors.

11.19 Subd. 3. **Terms; removal.** Members serve for a term of four years, except that one
11.20 member appointed under subdivision 2, paragraph (a), clause (1); one member appointed
11.21 under subdivision 2, paragraph (a), clause (2); and two members appointed under subdivision
11.22 2, paragraph (a), clause (3), must be appointed to serve an initial term of two years, so that
11.23 membership terms are staggered. Members may be reappointed to another term following
11.24 the end of a term. The removal of members is governed by section 15.059, subdivision 4.

11.25 Subd. 4. **Quorum; voting.** Meetings of the board must have at least a quorum of six
11.26 members. Recommendations of the board require the affirmative vote of at least five
11.27 members.

11.28 Subd. 5. **Administrative support; facilitator.** (a) The commissioner must provide
11.29 administrative support to the board, including meeting space and public access for meetings
11.30 conducted by telephone or interactive technology. The commissioner must ensure that all
11.31 activities of the board that require public notice, such as notice of meetings, agendas and

12.1 materials related to agenda items, and minutes, are published on the agency's publicly
12.2 accessible website.

12.3 (b) The board must ensure that all activities of the board that require public notice are
12.4 timely provided to the commissioner for publication.

12.5 (c) The commissioner must contract for an independent facilitator for the board. The
12.6 facilitator is not a member for purposes of quorum or voting.

12.7 Subd. 6. **Meetings.** (a) The board must meet at least annually and additionally as
12.8 necessary to meet the requirements of subdivisions 7 to 9. Meetings may be scheduled at
12.9 the request of four members of the board.

12.10 (b) The board is subject to chapter 13D.

12.11 Subd. 7. **Recommendations for reimbursement rates.** (a) By January 1, 2028, and
12.12 beginning July 1, 2029, at least annually each July 1, the board must submit to the
12.13 commissioner a recommendation for reimbursement rates for covered battery collection for
12.14 the following calendar year.

12.15 (b) If the board does not submit a recommendation for reimbursement rates by the due
12.16 dates in paragraph (a), then within 30 days after a due date, the facilitator must review the
12.17 proposals of each member of the board and prepare and submit a recommendation for
12.18 reimbursement rates to the commissioner. Notwithstanding the proposals of any members
12.19 of the board, the recommendation of the facilitator under this paragraph is considered the
12.20 recommendation of the board.

12.21 (c) Recommended rates may be differentiated by methods recommended by the board,
12.22 such as local property lease or purchase costs, prevailing local wages, or other factors to
12.23 ensure:

12.24 (1) convenient collection statewide according to section 115A.1335, subdivision 3; and

12.25 (2) that all costs of collection are covered according to paragraph (d).

12.26 (d) Recommended rates must cover all costs of covered battery collection incurred by
12.27 covered battery collectors, including but not limited to:

12.28 (1) labor, overhead, and supplies;

12.29 (2) necessary collection and storage structures and containers;

12.30 (3) employee training;

13.1 (4) necessary safety equipment, including appropriate fire protection and suppression
13.2 equipment and supplies; and

13.3 (5) any other costs determined necessary by the commissioner.

13.4 (e) In making determinations under paragraph (d), clause (5), the commissioner may
13.5 consider data submitted according to section 115A.1337, subdivision 7; the quantity of
13.6 covered batteries collected; the estimated quantity of covered batteries sold in or into the
13.7 state; the estimated quantity of covered batteries discarded into solid waste in the state; and
13.8 any other information related to the implementation of sections 115A.1331 to 115A.1347.

13.9 (f) The board must also consider any additional financial incentives necessary to induce
13.10 covered battery collectors to join the covered battery stewardship program, if necessary for
13.11 the covered battery clearinghouse to meet or exceed the required convenience standards
13.12 under section 115A.1335, subdivision 3.

13.13 **Subd. 8. Review and approval of reimbursement rates.** (a) Within 90 days after
13.14 receiving a recommendation on reimbursement rates submitted under subdivision 7, the
13.15 commissioner must review the recommendation and approve or reject the recommendation.

13.16 (b) In conducting a review of a recommendation, the commissioner may consult with
13.17 interested parties.

13.18 (c) For at least 30 days before approving a recommendation under this subdivision, the
13.19 commissioner must post the recommendation on the agency's publicly accessible website
13.20 for public review and comment.

13.21 (d) If the commissioner determines that a recommendation does not meet the requirements
13.22 of sections 115A.1331 to 115A.1347, the commissioner must reject the recommendation.
13.23 The commissioner must provide a written notice of determination describing the reasons
13.24 for the rejection to the board. The board must meet as necessary to submit a revised
13.25 recommendation to the commissioner.

13.26 (e) After consultation under paragraph (b) and review of public comments under
13.27 paragraph (c), if the commissioner determines that a recommendation meets the requirements
13.28 of this section, the commissioner may approve the recommendation. The commissioner
13.29 must provide a written notice of approval to the board and to the covered battery
13.30 clearinghouse. In the notice, the commissioner must specify the effective date of the approved
13.31 reimbursement rates.

13.32 (f) The commissioner must publish approved reimbursement rates on the agency's
13.33 publicly accessible website within 30 days after approving the rates. The commissioner

14.1 must continue to publish the approved rates until a successive reimbursement rate is approved
 14.2 and published.

14.3 Subd. 9. **More-frequent rate changes.** The board may, for good cause, submit a
 14.4 recommendation for reimbursement rates to the commissioner more frequently than once
 14.5 per year. The commissioner must review the recommendation according to subdivision 8.

14.6 Subd. 10. **Continuation of rates.** Approved reimbursement rates remain in effect until
 14.7 the commissioner approves a new rate recommendation of the board.

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

14.9 Sec. 12. **[115A.1335] COVERED BATTERY STEWARDSHIP PLAN AND BUDGET.**

14.10 Subdivision 1. **Due dates; assumption of responsibility by one producer for other**
 14.11 **producers.** (a) By July 1, 2027:

14.12 (1) each covered battery producer must contract with a covered battery stewardship
 14.13 organization to act on the covered battery producer's behalf;

14.14 (2) if covered battery producers contract with more than one covered battery stewardship
 14.15 organization, then all the covered battery stewardship organizations must establish or identify
 14.16 a covered battery clearinghouse to administer the covered battery stewardship program; and

14.17 (3) the covered battery clearinghouse must notify the commissioner that it has been
 14.18 established and provide to the commissioner identification of and contact information for
 14.19 the covered battery clearinghouse and all covered battery stewardship organizations that
 14.20 have contracted with the covered battery clearinghouse.

14.21 (b) If more than one person is a producer for a specific covered battery, one producer
 14.22 may assume all responsibility for obligations to a covered battery stewardship organization
 14.23 on behalf of another producer or all other producers for that covered battery. If the one
 14.24 producer assuming responsibility meets all obligations on behalf of one or more other
 14.25 producers of a covered battery, then each of those producers is a participant.

14.26 (c) By January 1, 2029, the covered battery clearinghouse must submit to the
 14.27 commissioner a single covered battery stewardship plan that meets the requirements of
 14.28 subdivision 2 for review under subdivision 4.

14.29 Subd. 2. **Plan content; budget requirement.** (a) The covered battery stewardship plan
 14.30 must include:

15.1 (1) identification of and contact information for the covered battery clearinghouse and
15.2 all covered battery stewardship organizations that have contracted with the covered battery
15.3 clearinghouse;

15.4 (2) copies of contracts clearly granting the covered battery clearinghouse the authority
15.5 to act on behalf of the covered battery stewardship organizations and the participants they
15.6 represent to implement the covered battery stewardship plan, including responsibility of
15.7 the covered battery stewardship organizations and the participants they represent to comply
15.8 with an approved covered battery stewardship plan and to fund the covered battery
15.9 clearinghouse as necessary to implement the covered battery stewardship plan, pay for
15.10 associated costs, and pay for fees and penalties assessed by the commissioner;

15.11 (3) identification of and contact information for all participants in the covered battery
15.12 stewardship program;

15.13 (4) identification of and contact information for each covered battery collector;

15.14 (5) identification of and contact information for each person providing covered services
15.15 and the location of all facilities where covered services will be provided;

15.16 (6) identification and contact information for all subordinate persons that the covered
15.17 battery clearinghouse has contracted with to administer and implement the covered battery
15.18 stewardship program in accordance with section 115A.1337, subdivision 8. The relationship
15.19 of the other persons to the covered battery clearinghouse and their role in administering and
15.20 implementing the covered battery stewardship program must be described;

15.21 (7) the address; county of location; and, in a form prescribed by the commissioner,
15.22 geolocation data for each covered battery collection site to be served through the covered
15.23 battery clearinghouse under the covered battery stewardship program and identification of
15.24 those covered battery collection sites that are operated by a household hazardous waste
15.25 management program;

15.26 (8) a list of the brands covered under the covered battery stewardship program;

15.27 (9) eligibility criteria for prospective covered battery collectors;

15.28 (10) a description of how the covered battery stewardship program will provide covered
15.29 services under this section to any household hazardous waste management program in a
15.30 manner that is equal to the covered services provided to all other covered battery collectors,
15.31 if the operator of the household hazardous waste management program requests covered
15.32 services;

16.1 (11) a description of how the covered battery stewardship program will provide
16.2 convenient, statewide collection according to subdivision 3;

16.3 (12) a description of how the covered battery clearinghouse will annually monitor and
16.4 ensure continuing compliance with the convenience standards under subdivision 3;

16.5 (13) a description of how the covered battery clearinghouse will ensure each covered
16.6 battery collector is provided with the materials specified in section 115A.1337, subdivision
16.7 1;

16.8 (14) a description of how covered battery collection sites will be accessible according
16.9 to section 115A.1337, subdivision 3;

16.10 (15) the performance standards for persons providing covered services for the covered
16.11 battery clearinghouse and the oversight methods by which the covered battery clearinghouse
16.12 will ensure continuing compliance with the performance standards. The covered battery
16.13 clearinghouse may determine performance standards, which at a minimum must:

16.14 (i) accord with clauses (19) to (22), (24), (25), and (35);

16.15 (ii) ensure that covered services other than transportation are provided only by specialized
16.16 covered battery recyclers; and

16.17 (iii) ensure covered batteries and residual materials are managed through responsible
16.18 markets;

16.19 (16) a description of the oversight methods by which the covered battery clearinghouse
16.20 will ensure continuing compliance with the performance standards under clause (15);

16.21 (17) a description of how the covered battery clearinghouse will ensure that there are at
16.22 least ten persons providing covered services;

16.23 (18) a description of how the covered battery clearinghouse will arrange for and ensure
16.24 that covered services are provided by small businesses, as determined according to the Code
16.25 of Federal Regulations, title 13, part 121, for at least 25 percent of the covered batteries
16.26 collected annually, by weight;

16.27 (19) a description of methods by which the covered battery clearinghouse will ensure
16.28 that discarded covered batteries and residual materials managed under the covered battery
16.29 stewardship program are managed while in the state in compliance with rules adopted under
16.30 section 116.07 for managing solid waste and hazardous waste, when applicable, and, when
16.31 outside the state, with all federal, state, and local requirements for managing solid waste
16.32 and hazardous waste, as applicable;

17.1 (20) a description of the actions the covered battery clearinghouse will take upon receiving
17.2 information of potential or actual noncompliance under clause (19) by any person handling
17.3 covered batteries under the covered battery stewardship program;

17.4 (21) a description of methods by which the covered battery clearinghouse will ensure
17.5 that covered batteries and residual materials managed under the covered battery stewardship
17.6 program are managed in compliance with safety and health requirements for employees
17.7 administered by the Department of Labor and Industry and with fire protection requirements
17.8 administered by the Department of Public Safety while in the state and, when outside the
17.9 state, with all applicable federal, state, and local employee safety and health requirements
17.10 and fire protection requirements;

17.11 (22) a description of the actions the covered battery clearinghouse will take upon receiving
17.12 information of potential or actual noncompliance under clause (21) by any person handling
17.13 covered batteries under the covered battery stewardship program;

17.14 (23) a description of how the covered battery clearinghouse will ensure sufficient and
17.15 timely pickup and transport of covered batteries are provided to each covered battery
17.16 collection site so that the covered battery collection site can continuously and safely collect
17.17 and store covered batteries;

17.18 (24) a description of methods by which the covered battery clearinghouse will ensure
17.19 that covered batteries and residual materials managed under the covered battery stewardship
17.20 program are transported in compliance with applicable regulations incorporated by reference
17.21 under section 221.033 for transporting hazardous materials while in the state and, when
17.22 outside the state, with all federal, state, and local requirements for transporting hazardous
17.23 materials;

17.24 (25) a description of the actions the covered battery clearinghouse will take upon receiving
17.25 information of potential or actual noncompliance under clause (24) by any person handling
17.26 covered batteries under the covered battery stewardship program;

17.27 (26) a statement of indemnification by the covered battery clearinghouse to covered
17.28 battery collectors for potential liability for improper downstream management of covered
17.29 batteries or residual materials by providers of covered services arranged for by the covered
17.30 battery clearinghouse and identified in the covered battery stewardship plan under clause
17.31 (5);

17.32 (27) a description of how the covered battery clearinghouse will determine and annually
17.33 report the quantity of covered batteries collected under the covered battery stewardship
17.34 program by chemistry by weight;

18.1 (28) a description of the outreach and education methods and activities that the covered
18.2 battery clearinghouse will ensure are provided according to section 115A.1337, subdivision
18.3 5;

18.4 (29) a description of how the covered battery clearinghouse will ensure that there is at
18.5 least one full-time representative of the covered battery clearinghouse who is solely dedicated
18.6 to implementing the covered battery stewardship program in this state and serves as the
18.7 primary contact between the covered battery clearinghouse and the agency;

18.8 (30) a description of the system by which the covered battery clearinghouse will provide
18.9 advance payment or reimbursement to covered battery collectors in a manner that:

18.10 (i) provides:

18.11 (A) periodic automatic payment of reimbursements at least annually; or

18.12 (B) a process for submitting reimbursement requests and reasonable timelines for
18.13 reimbursement at intervals no longer than monthly unless otherwise agreed to by the covered
18.14 battery collector; and

18.15 (ii) provides an independent mediator to resolve reimbursement disputes that arise
18.16 between the covered battery clearinghouse and a covered battery collector;

18.17 (31) a description of the system by which the covered battery clearinghouse will pay
18.18 persons providing covered services in a manner that provides:

18.19 (i) a clear process for submitting invoices;

18.20 (ii) reasonable timelines for payment at intervals no longer than monthly unless otherwise
18.21 agreed to by the person providing covered services; and

18.22 (iii) an independent mediator to resolve payment disputes that arise between the covered
18.23 battery clearinghouse and a person providing covered services;

18.24 (32) a description of how the covered battery stewardship program costs will be allocated
18.25 among participants, either individually or among groups of participants identified by the
18.26 covered battery clearinghouse, or through covered battery stewardship organizations that
18.27 have contracted with the covered battery clearinghouse, such that the costs of managing
18.28 covered batteries are allocated equitably. The description must include a clear assignment
18.29 of responsibility for costs of managing covered batteries subject to a voluntary or mandatory
18.30 recall to the participant or participants associated with those covered batteries and not to
18.31 other participants;

19.1 (33) a description of how the covered battery clearinghouse will comply with subdivision
19.2 6, paragraph (c);

19.3 (34) a description of how the covered battery clearinghouse will assist covered battery
19.4 producers in complying with the labeling requirements under section 115A.1347, subdivision
19.5 2, paragraph (a);

19.6 (35) a description of how the covered battery clearinghouse will ensure that covered
19.7 batteries and residual materials managed under the covered battery stewardship program
19.8 are managed to the maximum extent practicable in accordance with section 115A.02,
19.9 paragraph (b);

19.10 (36) a description of how the covered battery clearinghouse will incentivize investment
19.11 in processes, product design and material use, technology, and personnel training that could
19.12 raise the future maximum extent practicable for management described in clause (35),
19.13 including consideration of covered battery reuse, repair, and product life cycle;

19.14 (37) a description of how the covered battery clearinghouse will annually report to the
19.15 commissioner, by chemistry by weight, the end management through recycling or disposal
19.16 of covered batteries for which the covered battery stewardship program was responsible
19.17 during each calendar year; and

19.18 (38) a description of how the covered battery clearinghouse will take action to decrease
19.19 the incidence of covered batteries in solid waste in the state according to section 115A.1337,
19.20 subdivision 5, paragraph (c), including providing collection opportunities under section
19.21 115A.1337, subdivision 3, paragraph (b).

19.22 (b) By January 1, 2029, and annually thereafter, the covered battery clearinghouse must
19.23 submit an anticipated annual budget for the covered battery stewardship program for the
19.24 following calendar year, broken down into the covered battery stewardship program's
19.25 estimated costs for administration, collection, sorting after collection, storage after collection,
19.26 transportation after collection, processing, recycling, disposal, and communication, including
19.27 the cost of fees under section 115A.1339. The budget is not subject to review and approval
19.28 under subdivisions 4 and 5.

19.29 Subd. 3. **Convenience standards.** (a) The covered battery stewardship plan must provide
19.30 convenient, statewide collection for all covered batteries that are offered to covered battery
19.31 collectors by a person in the state, regardless of:

19.32 (1) a covered battery's type, physical size, energy capacity, or chemistry;

19.33 (2) a covered battery's brand; or

20.1 (3) the producer of a covered battery.

20.2 (b) The covered battery stewardship plan must meet the following convenience standards:

20.3 (1) for each county with a population of 10,000 or less, maintain at least two full covered
20.4 battery collection sites;

20.5 (2) for each county with a population greater than 10,000 but less than or equal to
20.6 100,000, maintain at least two full covered battery collection sites and at least one additional
20.7 full covered battery collection site for each additional 10,000 in population above a population
20.8 of 10,000;

20.9 (3) for each county with a population greater than 100,000, maintain at least 11 full
20.10 covered battery collection sites and at least one additional full covered battery collection
20.11 site for each additional 50,000 in population above a population of 100,000;

20.12 (4) maintain a full covered battery collection site located within ten miles of the household
20.13 of at least 95 percent of the residents of the state;

20.14 (5) ensure no net loss in estimated collection convenience and capacity for covered
20.15 batteries; and

20.16 (6) any additional convenience standards that the commissioner determines are necessary
20.17 to provide convenient, statewide collection for covered batteries, including operation of
20.18 additional covered battery collection sites.

20.19 (c) In making a determination under paragraph (b), clause (6), the commissioner may
20.20 consider data submitted according to section 115A.1337, subdivision 7; the quantity of
20.21 covered batteries collected; the estimated quantity of covered batteries sold in or into the
20.22 state; the estimated quantity of covered batteries disposed of in the state; and other
20.23 information related to the effectiveness of the covered battery stewardship program.

20.24 Subd. 4. **Review of covered battery stewardship plan; implementation.** (a) Within
20.25 120 days after receiving a complete covered battery stewardship plan submitted under this
20.26 section, the commissioner must determine whether the stewardship plan complies with this
20.27 section and will ensure that elements required by subdivision 2, paragraph (a), will be met
20.28 to the maximum extent practicable. The commissioner must provide a written notice of
20.29 determination according to this subdivision.

20.30 (b) In conducting a review of a covered battery stewardship plan, the commissioner may
20.31 consult with interested parties.

21.1 (c) For at least 30 days before approving a covered battery stewardship plan, the
21.2 commissioner must place the stewardship plan on the agency's publicly accessible website
21.3 for public review and comment.

21.4 (d) If the commissioner determines that a covered battery stewardship plan fails to
21.5 comply with this section or will not ensure that elements required by subdivision 2, paragraph
21.6 (a), will be met to the maximum extent practicable, the commissioner must reject the covered
21.7 battery stewardship plan. The commissioner must provide a written notice of determination
21.8 to the covered battery clearinghouse describing the reasons for the rejection.

21.9 (e) After any consultation under paragraph (b) and review of public comments received
21.10 under paragraph (c), if the commissioner determines that a covered battery stewardship plan
21.11 complies with this section and will ensure that elements required by subdivision 2, paragraph
21.12 (a), will be met to the maximum extent practicable, the commissioner must approve the
21.13 covered battery stewardship plan. The commissioner must provide a written notice of
21.14 determination to the covered battery clearinghouse and must publish the approved covered
21.15 battery stewardship plan on the agency's publicly accessible website within 30 days after
21.16 approval.

21.17 (f) The covered battery clearinghouse must implement the covered battery stewardship
21.18 plan approved by the commissioner, including any amendments to the stewardship plan
21.19 that are approved by the commissioner according to subdivision 5, within 60 days after
21.20 receiving written notice of approval.

21.21 (g) For each covered battery stewardship plan or amendment submitted to the
21.22 commissioner for review, the commissioner may consider the data submitted according to
21.23 section 115A.1337, subdivision 7, and other relevant information to establish requirements
21.24 to improve the effectiveness, performance, and awareness of the covered battery stewardship
21.25 program.

21.26 **Subd. 5. Amending or terminating covered battery stewardship plan.** (a) The covered
21.27 battery clearinghouse may amend a covered battery stewardship plan approved under
21.28 subdivision 4 without review or approval by the commissioner to make the changes specified
21.29 in clauses (1) to (3). Within 30 days after adopting an amendment under this paragraph, the
21.30 covered battery clearinghouse must report the amendment to the commissioner and the
21.31 commissioner must publish the amended stewardship plan on the agency's publicly accessible
21.32 website. The covered battery clearinghouse must implement amendments made to a
21.33 stewardship plan under this paragraph within 60 days after adopting the amendment. The
21.34 covered battery clearinghouse may:

22.1 (1) add, terminate, or replace a covered battery collector, collection site, person providing
22.2 covered services, or facility where covered services will be performed;

22.3 (2) add or remove participants or brands covered under the covered battery stewardship
22.4 plan; or

22.5 (3) change contact staff or contact staff information for the covered battery clearinghouse,
22.6 covered battery stewardship organizations, participants, covered battery collectors, or persons
22.7 providing covered services.

22.8 (b) Except for an amendment under paragraph (a), the revised covered battery stewardship
22.9 plan containing any amendment must be submitted to and reviewed and approved by the
22.10 commissioner before it may be implemented by the covered battery clearinghouse. The
22.11 commissioner must review and approve or reject the covered battery stewardship plan
22.12 containing the proposed amendment according to subdivision 4.

22.13 (c) The covered battery clearinghouse must submit an amended covered battery
22.14 stewardship plan for review:

22.15 (1) at least every five years according to this subdivision and subdivision 4; or

22.16 (2) within 60 days if the commissioner determines that an amended stewardship plan is
22.17 necessary to implement sections 115A.1331 to 115A.1347.

22.18 (d) The covered battery clearinghouse may terminate a covered battery stewardship plan
22.19 only:

22.20 (1) by providing at least 90 days' written notice to the commissioner and to all covered
22.21 battery stewardship organizations and participants in the covered battery stewardship
22.22 program; and

22.23 (2) after a replacement covered battery stewardship plan submitted by the covered battery
22.24 clearinghouse or a new covered battery clearinghouse is approved by the commissioner
22.25 under subdivision 4.

22.26 (e) The commissioner may terminate a covered battery stewardship plan for good cause,
22.27 as defined in paragraph (f). If the commissioner terminates a covered battery stewardship
22.28 plan, the commissioner must provide the covered battery clearinghouse with written notice
22.29 of termination describing the good cause for termination. The commissioner must also notify
22.30 all participants in the covered battery stewardship program in writing of the termination,
22.31 using the contact information for the participants provided in the covered battery stewardship
22.32 plan.

- 23.1 (f) For purposes of paragraph (e), "good cause" includes but is not limited to:
- 23.2 (1) failure by the covered battery clearinghouse to:
- 23.3 (i) fully and accurately disclose required or requested information to the commissioner;
- 23.4 (ii) comply with the terms of sections 115A.1331 to 115A.1347; or
- 23.5 (iii) pay fees or penalties owed to the commissioner or comply with an order lawfully
- 23.6 issued by the commissioner; and
- 23.7 (2) a finding that the covered battery clearinghouse's activities endanger human health
- 23.8 or the environment and the danger cannot reasonably be removed by an amendment to the
- 23.9 covered battery stewardship plan.
- 23.10 Subd. 6. **Compliance.** (a) The covered battery clearinghouse must comply with the
- 23.11 covered battery stewardship plan approved by the commissioner, including any amendments
- 23.12 to the stewardship plan that are made according to subdivision 5, paragraph (a) or (b). The
- 23.13 covered battery clearinghouse must ensure that all covered battery stewardship organizations,
- 23.14 participants, and persons providing covered services also comply with the stewardship plan
- 23.15 and are responsible to the covered battery clearinghouse and to the commissioner for
- 23.16 compliance.
- 23.17 (b) All other covered battery stewardship organizations must comply with the covered
- 23.18 battery stewardship plan approved by the commissioner, including any amendments to the
- 23.19 stewardship plan that are made according to subdivision 5, paragraph (a) or (b). A covered
- 23.20 battery stewardship organization must ensure that all participants the organization represents
- 23.21 and all persons providing covered services for which the organization is responsible also
- 23.22 comply with the stewardship plan and are responsible to the covered battery stewardship
- 23.23 organization and to the commissioner for compliance.
- 23.24 (c) The covered battery clearinghouse must ensure that covered battery collectors are
- 23.25 reimbursed according to the reimbursement rates approved by the commissioner according
- 23.26 to section 115A.1333 and the method described in the covered battery stewardship plan.
- 23.27 (d) The covered battery clearinghouse must ensure that all costs of the covered battery
- 23.28 stewardship program are fully paid for by participants, except for de minimis covered battery
- 23.29 producers. All costs of the covered battery stewardship program must be fairly allocated
- 23.30 between groups of participants without any fee, charge, surcharge, or any other cost to:
- 23.31 (1) any member of the public;
- 23.32 (2) any business other than a covered battery producer;

- 24.1 (3) any covered battery collector;
- 24.2 (4) any person providing covered services;
- 24.3 (5) the state or any political subdivision;
- 24.4 (6) de minimis covered battery producers; or
- 24.5 (7) any other person that is not a covered battery producer.

24.6 **EFFECTIVE DATE.** This section is effective July 1, 2026.

24.7 **Sec. 13. [115A.1337] COVERED BATTERY CLEARINGHOUSE AND COVERED**

24.8 **BATTERY STEWARDSHIP ORGANIZATIONS; DUTIES AND STRUCTURE.**

24.9 **Subdivision 1. Duties to covered battery collectors.** (a) The covered battery

24.10 clearinghouse must ensure that the following are provided to each covered battery collector:

- 24.11 (1) reimbursement at the rates approved by the commissioner according to section
- 24.12 115A.1333 and the method described in the covered battery stewardship plan;
- 24.13 (2) pickup and transport of collected covered batteries from each covered battery
- 24.14 collection site in sufficient time and quantity to allow the covered battery collector to safely
- 24.15 receive covered batteries without interruption or cost to the covered battery collector;
- 24.16 (3) appropriate containers for storage and transportation of covered batteries and supplies
- 24.17 necessary for the collection of covered batteries;
- 24.18 (4) signage to identify collection sites and the covered batteries accepted at the collection
- 24.19 sites;
- 24.20 (5) training for covered battery collection site employees on identifying and safely
- 24.21 handling and storing covered batteries, including damaged, defective, or recalled batteries,
- 24.22 also known as DDR batteries;
- 24.23 (6) educational materials that address the information described in subdivision 5,
- 24.24 paragraph (a), clause (3), for distribution to members of the public and businesses in
- 24.25 Minnesota. The educational materials must be made available in English and at least the
- 24.26 three languages most commonly spoken at homes in the state other than English, according
- 24.27 to the state demographer; and
- 24.28 (7) direction to an alternate covered battery collector whenever a covered battery collector
- 24.29 determines and reports to the covered battery clearinghouse, according to section 115A.1341,
- 24.30 subdivision 1, paragraph (d), that the collector cannot safely collect a covered battery. The

25.1 covered battery clearinghouse must ensure that the covered battery is collected by another
25.2 covered battery collector.

25.3 (b) The covered battery clearinghouse and covered battery stewardship organizations
25.4 must consider the request of a covered battery collector to perform covered services if the
25.5 covered battery collector meets the performance standards in the covered battery stewardship
25.6 plan under section 115A.1335, subdivision 2, paragraph (a), clause (15), and the covered
25.7 battery collector and the covered battery clearinghouse or covered battery stewardship
25.8 organization agree after negotiation in good faith on the fees to be paid to the covered battery
25.9 collector for performing the covered services. The covered battery stewardship plan must
25.10 identify the covered battery collector as providing covered services according to section
25.11 115A.1335, subdivision 2, paragraph (a), clause (5).

25.12 (c) The covered battery clearinghouse and covered battery stewardship organizations
25.13 must allow the following persons to serve as a covered battery collector:

25.14 (1) a person that agrees to operate or continues to operate a full covered battery collection
25.15 site in compliance with:

25.16 (i) the conditions in section 115A.1335, subdivision 2, paragraph (a), clauses (19) to
25.17 (22), (24), and (25), and any other applicable provisions of the covered battery stewardship
25.18 plan in section 115A.1335; and

25.19 (ii) section 115A.1341; and

25.20 (2) a household hazardous waste management program.

25.21 (d) The covered battery clearinghouse may terminate a covered battery collector, except
25.22 a household hazardous waste management program, and cease payment to the covered
25.23 battery collector for good cause.

25.24 Subd. 2. **Duty to negotiate in good faith.** The covered battery clearinghouse and covered
25.25 battery stewardship organizations must negotiate in good faith:

25.26 (1) allocation of covered battery stewardship program costs with and among participants;
25.27 and

25.28 (2) payments for covered services to persons providing covered services.

25.29 Subd. 3. **Accessibility.** (a) The covered battery stewardship program must provide
25.30 convenient, equitable, and accessible service to all persons in Minnesota, including but not
25.31 limited to people of color; Minnesota Tribal governments as defined in section 10.65,

26.1 subdivision 2; those that are non-English speaking; immigrant and refugee communities;
26.2 those with limited access to transportation; and those in environmental justice areas.

26.3 (b) The covered battery stewardship program must include collection opportunities
26.4 beyond those required under section 115A.1335, subdivision 3, to better serve populations
26.5 under paragraph (a), such as individual pickup from households and temporary events to
26.6 provide enhanced collection availability.

26.7 (c) Where feasible, the covered battery stewardship program must encourage establishing
26.8 covered battery collection sites in proximity to local public transit.

26.9 Subd. 4. **Oversight; eligibility to provide covered services.** (a) The covered battery
26.10 clearinghouse and covered battery stewardship organizations must ensure that covered
26.11 batteries and residual materials managed under the covered battery stewardship program
26.12 are managed according to the performance standards in section 115A.1335, subdivision 2,
26.13 paragraph (a), clause (15), by all persons providing covered services.

26.14 (b) To ensure that covered batteries and residual materials are managed to the maximum
26.15 extent practicable in accordance with section 115A.02, paragraph (b), the commissioner
26.16 may require performance standards and oversight methods in lieu of or in addition to the
26.17 performance standards and oversight methods used by the covered battery clearinghouse
26.18 under paragraph (a) and section 115A.1335, subdivision 2, paragraph (a), clause (15), for
26.19 persons providing covered services for covered batteries. The commissioner may consider
26.20 data submitted under subdivision 7; the availability and feasibility of technology, processes,
26.21 and methods for managing covered batteries; and other information related to the
26.22 effectiveness of the covered battery stewardship program.

26.23 Subd. 5. **Program effectiveness.** (a) To support the effectiveness of the covered battery
26.24 stewardship program, the covered battery clearinghouse must provide outreach and education
26.25 to:

26.26 (1) persons that might sell, offer for sale or promotional purposes, distribute, or facilitate
26.27 a sale of covered batteries in or into the state, to inform them of the requirements of section
26.28 115A.1347, subdivision 2;

26.29 (2) potential covered battery collectors and persons who collected covered batteries
26.30 before the effective date of this section to inform them how to request coverage by the
26.31 covered battery stewardship program; and

26.32 (3) members of the public to raise awareness of:

27.1 (i) public health and safety and environmental risks caused by improperly charging,
27.2 storing, and disposing of covered batteries;

27.3 (ii) methods to safely charge and store covered batteries;

27.4 (iii) the benefits of recycling covered batteries in contrast to disposal; and

27.5 (iv) the existence of the covered battery stewardship program and the ability to manage
27.6 covered batteries at no cost, including the location and convenience of covered battery
27.7 collection sites in the state.

27.8 (b) The covered battery clearinghouse must maintain a publicly accessible website to
27.9 locate covered battery collection sites through map-based and text-based searches.

27.10 (c) The covered battery clearinghouse may coordinate or combine the provision of
27.11 education efforts under paragraphs (a) and (b) with education efforts required for the covered
27.12 battery clearinghouse under subdivision 1. The immunities conveyed by section 115A.1345,
27.13 subdivision 2, also apply to any such coordination or combination.

27.14 (d) The covered battery clearinghouse must, in addition to the requirements of paragraphs
27.15 (a) to (c) and subdivision 6, take action to decrease the incidence of covered batteries in
27.16 solid waste generated in the state as soon as practicable and to the maximum extent
27.17 achievable. The commissioner may determine the effectiveness of the covered battery
27.18 stewardship program using information from waste composition studies under section
27.19 115A.412 and other information available to the commissioner and may require the covered
27.20 battery clearinghouse to submit information and implement actions to decrease the incidence
27.21 of covered batteries in solid waste in accordance with section 115A.1335, subdivisions 2,
27.22 paragraph (a), clause (38), and 3, paragraph (b), clause (6).

27.23 Subd. 6. **Public advisory committee.** (a) The covered battery clearinghouse must
27.24 establish and maintain a public advisory committee.

27.25 (b) The duties of the public advisory committee are to:

27.26 (1) assist with drafting, continuous review, and periodic audit of the covered battery
27.27 clearinghouse's outreach and education activities, including but not limited to signage and
27.28 educational materials; and

27.29 (2) make recommendations to the covered battery clearinghouse and the commissioner
27.30 to continuously improve the effectiveness of the outreach and education activities and
27.31 maximize participation in the covered battery stewardship program.

28.1 (c) The public advisory committee must meet and make recommendations before a
28.2 covered battery stewardship plan is submitted to the commissioner.

28.3 (d) Membership of the committee must include representatives of stakeholders of the
28.4 covered battery stewardship program, including but not limited to:

28.5 (1) the commissioner;

28.6 (2) household hazardous waste management programs;

28.7 (3) covered battery collectors that are not household waste management programs;

28.8 (4) persons providing or that might provide covered services;

28.9 (5) producers; and

28.10 (6) other persons providing statewide representation.

28.11 Subd. 7. **Reporting.** (a) The covered battery clearinghouse must report an amendment
28.12 to the covered battery stewardship plan made under section 115A.1335, subdivision 5,
28.13 paragraph (a), to the commissioner within 30 days after making the amendment.

28.14 (b) By April 1 each year after a covered battery stewardship plan is approved under
28.15 section 115A.1335, subdivision 4, the covered battery clearinghouse must report to the
28.16 commissioner, in a form and manner prescribed by the commissioner, on the covered battery
28.17 clearinghouse's activities during the preceding calendar year. The covered battery
28.18 clearinghouse must also submit a copy of the report to the board. The report must include:

28.19 (1) the address, county of location, and geolocation data for each covered battery
28.20 collection site served by the covered battery stewardship program during the preceding
28.21 calendar year;

28.22 (2) the chemistry by weight of covered batteries collected during each calendar year, in
28.23 accordance with section 115A.1335, subdivision 2, paragraph (a), clause (27);

28.24 (3) a description by chemistry by weight of:

28.25 (i) the end management through recycling or disposal of the covered batteries shipped
28.26 from covered battery collection sites under the covered battery stewardship program, in
28.27 accordance with section 115A.1335, subdivision 2, paragraph (a), clause (37);

28.28 (ii) the records maintained or received by the covered battery clearinghouse to document
28.29 the end management described in item (i); and

29.1 (iii) the method or methods of verification used by the covered battery clearinghouse to
29.2 ensure that the records maintained or received in item (ii) accurately reflect the actual end
29.3 management of the covered batteries;

29.4 (4) the effectiveness of the covered battery clearinghouse's efforts to decrease the
29.5 incidence of covered batteries in solid waste in the state, in accordance with section
29.6 115A.1335, subdivision 2, paragraph (a), clause (38);

29.7 (5) the results of the oversight according to section 115A.1335, subdivision 2, paragraph
29.8 (a), clause (15), verifying that the performance standards were met by each of the persons
29.9 providing covered services;

29.10 (6) a description of outreach and education activities provided by the covered battery
29.11 clearinghouse during the preceding calendar year according to subdivision 5;

29.12 (7) a financial report on the covered battery stewardship program, including actual costs
29.13 and funding compared to the budget for the year submitted under section 115A.1335,
29.14 subdivision 2, paragraph (b). The financial report must include an audit report of the covered
29.15 battery stewardship program, including the covered battery clearinghouse and any additional
29.16 covered battery stewardship organizations, by an independent auditor. The independent
29.17 auditor must be selected by the covered battery clearinghouse and approved or rejected by
29.18 the commissioner. If the commissioner rejects an independent auditor, the covered battery
29.19 clearinghouse must select a different independent auditor for approval or rejection by the
29.20 commissioner. The independent audit must meet the requirements of Accounting Standards
29.21 Update 2018-08, Not-for-Profit Entities (Topic 958), Financial Accounting Standards Board,
29.22 as amended;

29.23 (8) the proposed and actual budget for the year in which the report is submitted; and

29.24 (9) starting on the second April 1 after the covered battery clearinghouse's first covered
29.25 battery stewardship plan is approved by the commissioner, and then every third year
29.26 thereafter, a performance audit of the covered battery stewardship program. The performance
29.27 audit must conform to audit standards established by the United States Government
29.28 Accountability Office; the National Association of State Auditors, Comptrollers and
29.29 Treasurers; or another nationally recognized organization approved by the commissioner.

29.30 Subd. 8. **Organization of clearinghouse and stewardship organizations.** (a) A covered
29.31 battery stewardship organization and the covered battery clearinghouse must:

29.32 (1) be a nonprofit organization as described in section 501(c)(3) of the Internal Revenue
29.33 Code; and

30.1 (2) comply with section 5.36.

30.2 (b) The covered battery clearinghouse and covered battery stewardship organizations
30.3 may contract with subordinate persons to implement or administer a portion or portions of
30.4 the covered battery stewardship plan or to coordinate with a group or groups of participants.

30.5 (c) A contract established under paragraph (b) must be described under section
30.6 115A.1335, subdivision 2, paragraph (a), clause (6).

30.7 (d) Notwithstanding any contract established under paragraph (b), the covered battery
30.8 clearinghouse must:

30.9 (1) submit a single covered battery stewardship plan to the commissioner meeting the
30.10 requirements of sections 115A.1331 to 115A.1347;

30.11 (2) submit a single report to the commissioner according to subdivision 7 meeting the
30.12 requirements of sections 115A.1331 to 115A.1347;

30.13 (3) serve as the single point of contact for reporting, reimbursement, and payment to the
30.14 agency; and

30.15 (4) maintain all responsibility and liability for compliance with all other requirements
30.16 of sections 115A.1331 to 115A.1347 applicable to the covered battery clearinghouse.

30.17 **EFFECTIVE DATE.** This section is effective July 1, 2027.

30.18 **Sec. 14. [115A.1339] FEES.**

30.19 Subdivision 1. **Administrative fees.** (a) By October 1, 2027, the commissioner must
30.20 calculate the sum of all costs that the agency incurred to implement and administer sections
30.21 115A.1331 to 115A.1347 from July 1, 2026, to June 30, 2027.

30.22 (b) By December 1, 2027, the commissioner must assess an administrative fee to the
30.23 covered battery clearinghouse at an amount that is adequate to reimburse the agency's costs
30.24 calculated under paragraph (a). The covered battery clearinghouse must pay the assessed
30.25 administrative fee by the due date set by the commissioner.

30.26 (c) By April 1, 2028, and annually thereafter, the commissioner must calculate the sum
30.27 of all costs that the agency incurred to implement and administer sections 115A.1331 to
30.28 115A.1347 during the six months of July through December of the preceding calendar year.
30.29 By October 1, 2028, and annually thereafter, the commissioner must calculate the sum of
30.30 all costs that the agency incurred to implement and administer sections 115A.1331 to
30.31 115A.1347 during the six months of January through June of that calendar year.

31.1 (d) Notwithstanding section 16A.1283, the commissioner must semiannually assess
31.2 annual administrative fees to the covered battery clearinghouse at an amount that is adequate
31.3 to reimburse the agency's costs calculated under paragraph (c). The covered battery
31.4 clearinghouse must pay the assessed administrative fees by the due dates set by the
31.5 commissioner.

31.6 (e) For purposes of this subdivision, costs of the board are considered costs incurred by
31.7 the agency.

31.8 (f) All agency costs calculated under this subdivision may be recovered in a civil action
31.9 brought by the attorney general against any person that may be liable under this subdivision
31.10 or any other law. Any costs that are recovered by the attorney general, including any award
31.11 of attorney fees, must be deposited in the battery stewardship account under paragraph (g).

31.12 (g) A battery stewardship account is established in the special revenue fund.

31.13 Subd. 2. **Recovery and proper management fees.** (a) When the commissioner intends
31.14 to spend money for the recovery and proper management of covered batteries under section
31.15 115A.1343, subdivision 1, notwithstanding section 16A.1283, the commissioner must assess
31.16 the estimated cost of recovery and proper management of covered batteries to the covered
31.17 battery clearinghouse.

31.18 (b) The cost under paragraph (a) must not include any subsequent remediation of the
31.19 real properties where the covered batteries are located nor the cost of any environmental
31.20 assessment of the properties to determine appropriate subsequent remediation under other
31.21 law. Such costs must not be paid from any money assessed, collected, or appropriated under
31.22 this section. The covered battery clearinghouse must pay the assessed recovery and
31.23 management fee by the due date set by the commissioner.

31.24 (c) If, after the covered batteries have been recovered and properly managed, the actual
31.25 cost of recovery and proper management of the recovered batteries is less than the fee paid
31.26 by the covered battery clearinghouse, the commissioner must refund the excess payment.
31.27 If the cost of recovery and proper management exceeds the fee paid by the covered battery
31.28 clearinghouse, the commissioner must assess the covered battery clearinghouse for the
31.29 deficit. The covered battery clearinghouse must pay the assessed recovery and management
31.30 fee deficit by the due date set by the commissioner.

31.31 Subd. 3. **Disposition of fees.** The total amount of net fees collected under this section
31.32 must not exceed the amount necessary to reimburse agency costs as calculated under
31.33 subdivisions 1 and 2. All fees received under subdivisions 1 and 2 must be deposited in the
31.34 state treasury and credited to the battery stewardship account in the special revenue fund.

32.1 The amount collected under this section is annually appropriated to the commissioner to
32.2 implement and enforce sections 115A.1331 to 115A.1347.

32.3 **EFFECTIVE DATE.** This section is effective July 1, 2026.

32.4 Sec. 15. **[115A.1341] COVERED BATTERY COLLECTOR DUTIES.**

32.5 Subdivision 1. **Accepting covered products.** (a) All covered battery collectors must
32.6 accept covered batteries without imposing a fee, charge, surcharge, or other cost to any
32.7 person other than the covered battery clearinghouse.

32.8 (b) At a full covered battery collection site, a covered battery collector must accept from
32.9 any person at least ten covered batteries daily of any brand, type, physical size, energy
32.10 capacity, or chemistry, unless the covered battery collector determines a specific covered
32.11 battery cannot be safely collected by the covered battery collector at a specific covered
32.12 battery collection site at a specific time. A full covered battery collection site must be open
32.13 to receiving covered batteries at least 12 operating hours per week, 50 weeks each calendar
32.14 year.

32.15 (c) A household hazardous waste management program may accept covered batteries
32.16 at any covered battery collection site that the program operates. The household hazardous
32.17 waste management program may limit from which persons it will accept covered batteries
32.18 and may limit the number, type, physical size, energy capacity, or chemistry of a covered
32.19 battery accepted. The covered battery clearinghouse may count a covered battery collection
32.20 site operated by the household hazardous waste management program as a full covered
32.21 battery collection site when demonstrating compliance with the convenience standards under
32.22 section 115A.1335, subdivision 3, only if the household hazardous waste management
32.23 program voluntarily agrees in writing with the covered battery clearinghouse to comply
32.24 with paragraph (b) at the site.

32.25 (d) A covered battery collector that determines that it cannot safely accept a specific
32.26 covered battery according to paragraph (b) must document the reason for not accepting the
32.27 covered battery and immediately notify the covered battery clearinghouse of the
32.28 nonacceptance to allow the covered battery clearinghouse to arrange for alternate collection
32.29 of the covered battery under section 115A.1337, subdivision 1, paragraph (a), clause (7).

32.30 Subd. 2. **Storing accepted covered batteries.** A covered battery collector must manage
32.31 and store all accepted covered batteries safely and in compliance with all applicable federal,
32.32 state, and local laws, including but not limited to applicable rules adopted under section
32.33 116.07 for managing solid waste and hazardous waste.

33.1 Subd. 3. **Training.** A covered battery collector must ensure and document that training
33.2 is provided for covered battery collection site employees on identifying and safely handling
33.3 and storing covered batteries, including damaged, defective, or recalled batteries, also known
33.4 as DDR batteries. The covered battery collector may provide the training or may receive
33.5 training through the covered battery clearinghouse.

33.6 Subd. 4. **Record keeping.** (a) A covered battery collector must maintain records as
33.7 specified in this paragraph for at least three years and make the records available to the
33.8 commissioner for inspection. The records must include the chemistry by weight of covered
33.9 batteries and any additional information required by the commissioner. The records must
33.10 document for each calendar year the covered batteries:

33.11 (1) accepted at a covered battery collection site; and

33.12 (2) shipped from a covered battery collection site.

33.13 (b) A covered battery collector must maintain documentation of each employee's training
33.14 related to covered batteries starting on the date of training and for at least three years
33.15 following the last day that the employee worked for the covered battery collector.

33.16 Subd. 5. **Covered services.** (a) A covered battery collector may request that the covered
33.17 battery clearinghouse use a particular person to provide covered services on behalf of the
33.18 covered battery clearinghouse. The covered battery clearinghouse must consider the request.

33.19 (b) A covered battery collector may request that the covered battery clearinghouse allow
33.20 the covered battery collector to provide covered services on behalf of the covered battery
33.21 clearinghouse. To make a request, the covered battery collector must be able to show that
33.22 it meets the performance standards in section 115A.1335, subdivision 2, paragraph (a),
33.23 clause (15). The covered battery collector must negotiate in good faith the fees to be paid
33.24 to the covered battery collector for providing the covered services.

33.25 **EFFECTIVE DATE.** This section is effective January 1, 2030.

33.26 Sec. 16. **[115A.1343] COVERED BATTERIES RECOVERY AND PROPER**
33.27 **MANAGEMENT.**

33.28 Subdivision 1. **Recovery and proper management.** (a) In addition to any authority
33.29 granted by other law and without limiting that authority, whenever the commissioner
33.30 determines that covered batteries have been abandoned, improperly disposed of, or stored
33.31 on real property within the state in a manner not in compliance with sections 115A.1331 to
33.32 115A.1347 or with applicable rules adopted under section 116.07, subdivision 2, paragraph
33.33 (d), or 4, paragraph (g), the commissioner may issue an order under section 115.071,

34.1 subdivision 5; 116.07, subdivision 9; or 116.072, subdivision 1, requiring a person responsible
34.2 for the abandonment, improper disposal, or noncompliant storage of the covered batteries
34.3 to recover and properly manage the covered batteries according to sections 115A.1331 to
34.4 115A.1347 and applicable rules. An order under this paragraph must notify the person of
34.5 the provisions of this subdivision.

34.6 (b) If a person that receives an order under paragraph (a) fails to complete the ordered
34.7 actions to recover and properly manage the covered batteries within the time specified in
34.8 the order, then after that time or upon expiration of the appeal period for the order, whichever
34.9 is later, the commissioner must notify the covered battery clearinghouse in writing of:

34.10 (1) the commissioner's determination that the covered batteries have been abandoned,
34.11 improperly disposed of, or stored in a noncompliant manner;

34.12 (2) the name of the person that was issued the order under paragraph (a) and the location
34.13 of the covered batteries;

34.14 (3) the actions required to recover and properly manage the covered batteries; and

34.15 (4) the amount of time that the covered battery clearinghouse may, with the consent of
34.16 the person, attempt to complete the actions to recover and properly manage the covered
34.17 batteries on behalf of the person before the commissioner takes action.

34.18 (c) If the covered battery clearinghouse intends to arrange for recovery and proper
34.19 management of the covered batteries, the covered battery clearinghouse must notify the
34.20 commissioner of its intent and submit a plan to recover and properly manage the covered
34.21 batteries to the commissioner. The covered battery clearinghouse must then comply with
34.22 its submitted recovery and management plan.

34.23 (d) If, after the period specified in paragraph (b), the ordered actions to recover and
34.24 properly manage the covered products have not been completed, or upon earlier notice from
34.25 the covered battery clearinghouse that it does not intend to take the actions, the commissioner
34.26 may recover and properly manage the covered batteries. The commissioner must estimate
34.27 the cost for a person contracted to the agency to perform the recovery and management.
34.28 The commissioner must assess the estimated cost to the covered battery clearinghouse
34.29 according to section 115A.1339, subdivision 2. After the covered battery clearinghouse
34.30 pays the assessed fee, the commissioner may recover and properly manage the covered
34.31 batteries. Money appropriated to the commissioner from the battery stewardship account
34.32 may be spent by the commissioner to recover and properly manage the covered batteries.

35.1 (e) In addition to the authority to enter upon any public or private property for the purpose
 35.2 of obtaining information or conducting surveys or investigations under section 115A.06,
 35.3 the commissioner or commissioner's designee or agent may enter upon the property to
 35.4 recover covered batteries when acting under this subdivision.

35.5 Subd. 2. **Limited private right of action for recovery and proper management.** (a)
 35.6 If the covered battery clearinghouse arranges and pays for the recovery and proper
 35.7 management of covered batteries under subdivision 1, paragraph (c), the covered battery
 35.8 clearinghouse may maintain a civil action against a person issued an order to recover and
 35.9 properly manage those covered batteries under subdivision 1, paragraph (a). The covered
 35.10 battery clearinghouse is entitled to damages under this paragraph of twice the actual cost
 35.11 of recovery and proper management of the covered batteries. Additional amounts recoverable
 35.12 under this paragraph include an award of reasonable attorney fees and costs.

35.13 (b) If the covered battery clearinghouse is assessed and pays the cost to recover and
 35.14 properly manage covered batteries under subdivision 1, paragraph (d), and section
 35.15 115A.1339, subdivision 2, the covered battery clearinghouse may maintain a civil action
 35.16 against a person issued an order to recover and properly manage those covered batteries
 35.17 under subdivision 1, paragraph (a). The covered battery clearinghouse is entitled to damages
 35.18 under this paragraph equal to the cost of recovery and proper management of covered
 35.19 batteries. Additional amounts recoverable under this paragraph include an award of
 35.20 reasonable attorney fees and costs.

35.21 (c) The commissioner may not be a party to or be required to provide assistance or
 35.22 otherwise participate in a civil action authorized under this subdivision unless subject to a
 35.23 subpoena before a court of jurisdiction.

35.24 **EFFECTIVE DATE.** This section is effective January 1, 2030.

35.25 Sec. 17. **[115A.1345] OTHER AUTHORITIES AND DUTIES.**

35.26 Subdivision 1. **Limited private right of action against producers.** (a) Except as
 35.27 provided in paragraph (e), the covered battery clearinghouse or a covered battery stewardship
 35.28 organization may maintain a civil action against one or more covered battery stewardship
 35.29 organizations or one or more covered battery producers, except a de minimis covered battery
 35.30 producer, to recover a portion of the covered battery clearinghouse's or covered battery
 35.31 stewardship organization's costs and additional amounts according to this subdivision.

35.32 (b) Damages recoverable under this subdivision may not exceed a fair share of the actual
 35.33 costs incurred by the plaintiff covered battery clearinghouse or covered battery stewardship

36.1 organization under sections 115A.1331 to 115A.1347; of managing covered batteries of
36.2 other covered battery producers that were not participants; or that should otherwise have
36.3 been due to the covered battery clearinghouse from a subordinate covered battery stewardship
36.4 organization. Additional amounts recoverable under this subdivision include an award of
36.5 reasonable attorney fees and costs. If a defendant covered battery producer did not participate
36.6 in the covered battery stewardship program during the period when covered batteries of the
36.7 defendant were managed by the plaintiff covered battery clearinghouse or covered battery
36.8 stewardship organization, a punitive sum of up to three times the damages awarded may be
36.9 assessed.

36.10 (c) A plaintiff covered battery clearinghouse may establish a defendant covered battery
36.11 stewardship organization's fair share of the plaintiff's actual costs by providing the court
36.12 with information by which the defendant covered battery stewardship organization's share
36.13 of the covered battery stewardship program costs would have been allocated had the
36.14 defendant covered battery stewardship organization paid its allocated share. The plaintiff
36.15 covered battery clearinghouse may use data from other covered battery stewardship
36.16 organizations to provide the information.

36.17 (d) A plaintiff covered battery clearinghouse or covered battery stewardship organization
36.18 may establish a defendant covered battery producer's fair share of the plaintiff's actual costs
36.19 by providing the court with information establishing the process by which the defendant
36.20 covered battery producer's share of covered battery stewardship program costs would have
36.21 been allocated had the defendant covered battery producer been a participant in the program
36.22 or paid its allocated share if it was a participant. The plaintiff covered battery clearinghouse
36.23 or covered battery stewardship organization may use data from covered battery producers
36.24 similar in covered battery, financial status, or market share to the defendant covered battery
36.25 producer to provide the information.

36.26 (e) An action may not be commenced under this subdivision against a potential defendant
36.27 until 60 days after the plaintiff provides to all potential defendants a written notice of the
36.28 claim setting forth the amount of the claim and the basis for the calculation of the amount.

36.29 (f) No action may be brought under this subdivision against a person other than a covered
36.30 battery producer or covered battery stewardship organization.

36.31 (g) The commissioner may not be a party to or be required to provide assistance or
36.32 otherwise participate in a civil action authorized under this subdivision unless subject to a
36.33 subpoena before a court of jurisdiction.

37.1 Subd. 2. **Conduct authorized.** A covered battery producer, covered battery stewardship
37.2 organization, or covered battery clearinghouse that organizes collection and covered services
37.3 for covered batteries under sections 115A.1331 to 115A.1347 is immune from liability for
37.4 the conduct under state laws relating to antitrust, restraint of trade, unfair trade practices,
37.5 and other regulation of trade or commerce only to the extent that the conduct is necessary
37.6 to plan and implement the covered battery producer's, covered battery stewardship
37.7 organization's, or covered battery clearinghouse's chosen system.

37.8 Subd. 3. **Duty to provide information.** Upon request of the commissioner for purposes
37.9 of implementing sections 115A.1331 to 115A.1347, 115A.9157, or 325E.125, a person
37.10 must furnish to the commissioner any information that the person has or may reasonably
37.11 obtain.

37.12 Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase
37.13 or lease of covered batteries that is found to be in violation of sections 115A.1331 to
37.14 115A.1347 is subject to the following sanctions:

37.15 (1) the contract must be voided if the commissioner of administration determines that
37.16 the potential adverse impact to the state is exceeded by the benefit obtained from voiding
37.17 the contract; and

37.18 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part
37.19 1230.1150.

37.20 (b) If the attorney general establishes that any money, property, or benefit was obtained
37.21 by a contractor as a result of violating sections 115A.1331 to 115A.1347, the court may, in
37.22 addition to any other remedy, order the disgorgement of the unlawfully obtained money,
37.23 property, or benefit.

37.24 Subd. 5. **Multistate implementation.** The commissioner may participate in establishing
37.25 a regional multistate organization or compact to assist in carrying out the requirements of
37.26 sections 115A.1331 to 115A.1347.

37.27 Subd. 6. **Rules.** The commissioner may adopt rules to implement sections 115A.1331
37.28 to 115A.1347. The 18-month time limit under section 14.125 does not apply to rulemaking
37.29 under this subdivision.

37.30 **EFFECTIVE DATE.** This section is effective January 1, 2026.

38.1 Sec. 18. **[115A.1347] DISPOSAL PROHIBITIONS; BATTERY LABELING;**
38.2 **COVERED BATTERY SALES RESTRICTION.**

38.3 Subdivision 1. Disposal prohibition. (a) A person may not place a covered battery into:

38.4 (1) solid waste; or

38.5 (2) a recycling container that a covered battery collector has not clearly marked for use
38.6 for collecting covered batteries.

38.7 (b) A person must manage a covered battery that is discarded by delivering the covered
38.8 battery to a covered battery collection site or to a recycling facility for covered batteries.

38.9 (c) Until recycled, covered batteries are not exempt from any applicable rules adopted
38.10 under section 116.07 for managing hazardous waste.

38.11 Subd. 2. Labeling and sale; requirements. (a) A person may not sell, including online
38.12 sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a
38.13 sale of a covered battery unless the covered battery is labeled as required under clauses (1)
38.14 to (3). Labeling under this paragraph must be permanently marked on or affixed to the
38.15 covered battery and must use language, graphics, or a QR code. A QR code must be
38.16 compliant with International Organization of Standardization 18004:2015 and access
38.17 equivalent data via the Internet that is available without a fee or a requirement to create an
38.18 account. The labeling must identify:

38.19 (1) the battery chemistry employed to store energy in the battery;

38.20 (2) the energy capacity of the battery in watt-hours; and

38.21 (3) the manufacturer of the battery or the brand under which the battery will be sold.

38.22 (b) A person may not sell, including online sales; offer for sale or promotional purposes;
38.23 distribute in or into the state; or facilitate a sale of a covered battery unless:

38.24 (1) the covered battery's producer is named as a participant in a covered battery
38.25 stewardship plan published under section 115A.1335, subdivision 4; or

38.26 (2) the brand is named as covered in the approved covered battery stewardship plan
38.27 published under section 115A.1335, subdivision 4.

38.28 (c) A person may not sell, including online sales; offer for sale or promotional purposes;
38.29 distribute in or into the state; or facilitate a sale of a covered battery if the covered battery
38.30 stewardship plan under which the covered battery was covered has been terminated under
38.31 section 115A.1335, subdivision 5, until a new covered battery stewardship plan is approved
38.32 under section 115A.1335, subdivision 4.

39.1 (d) This subdivision does not apply to isolated and occasional sales of a covered battery
39.2 that are not made in the normal course of business, as exempted from sales tax under section
39.3 297A.67, subdivision 23.

39.4 (e) This subdivision does not apply to sales, including online sales; offers for sale or
39.5 promotional purposes; distribution; or facilitation of a sale of a used covered battery.

39.6 **EFFECTIVE DATE.** This section is effective January 1, 2030.

39.7 Sec. 19. **[115A.1351] STEWARDSHIP PROGRAM FOR BATTERY-CONTAINING**
39.8 **AND ELECTRICAL PRODUCTS; DEFINITIONS.**

39.9 (a) The terms used in sections 115A.1351 to 115A.1369 have the meanings given in this
39.10 section and section 115A.03.

39.11 (b) "Audio device" means a stationary or portable electronics product designed and
39.12 intended to capture sound from a person or produce sound, or both, such as a telephone,
39.13 radio, interactive speaker, or headphones.

39.14 (c) "Battery-containing product" means a product in which a battery is contained or to
39.15 which a battery is attached.

39.16 (d) "Brand" means a mark, a registered or unregistered trademark, a logo, a name, a
39.17 symbol, a word, or an identifier that attributes a product to the owner or licensee of the
39.18 brand. If there is no such mark, trademark, logo, name, symbol, word, or identifier, the
39.19 brand is the name of a covered product producer.

39.20 (e) "Circuit board" means a nonconductive substrate onto which one or more layers of
39.21 conductive paths have been printed or wires attached for mounting and interconnecting
39.22 electronic components, such as resistors, capacitors, diodes, transistors, integrated circuit
39.23 chips, and connecting wires. Circuit boards include printed circuit boards, printed wiring
39.24 boards, and any other style or type of circuit board.

39.25 (f) "Collection" means the receipt of discarded covered products from a person, including
39.26 sorting and storage that are necessary for receipt and that are performed by the covered
39.27 products collector. Collection does not include transport of a covered product that occurs
39.28 after a covered products collector receives the covered product, except for transport by the
39.29 covered products collector to or between a covered products collection site or sites operated
39.30 by the covered products collector.

39.31 (g) "Computer" means a stand-alone electronics product for data processing, such as a
39.32 laptop, tablet, desktop tower, gaming system or console, or calculator.

40.1 (h) "Computer peripheral" means a separate electronics product designed and intended
40.2 solely for use with a computer that provides input or output functions for the computer,
40.3 such as a keyboard, mouse, gaming controller, modem, printer, or headset.

40.4 (i) "Covered battery-containing product" means a battery-containing product that is:

40.5 (1) an indoor maintenance product from which the batteries are not easily removable;

40.6 (2) a lighting product from which the batteries are not easily removable;

40.7 (3) a personal care tool from which the batteries are not easily removable;

40.8 (4) a power tool from which the batteries are not easily removable;

40.9 (5) an unmanned aircraft system, as defined in section 341 of Public Law 115-254, from
40.10 which the batteries are not easily removable;

40.11 (6) a yard and outdoor maintenance product from which the batteries are not easily
40.12 removable; or

40.13 (7) a battery-containing product or category of battery-containing products listed in rules
40.14 adopted by the commissioner under section 115A.1365, subdivision 6.

40.15 (j) "Covered electronics product" means an electronics product that is:

40.16 (1) an audio device;

40.17 (2) a video device;

40.18 (3) a computer;

40.19 (4) a computer peripheral;

40.20 (5) a data recording, retrieval, and storage device;

40.21 (6) network equipment; or

40.22 (7) an electronics product or category of electronics products listed in rules adopted by
40.23 the commissioner under section 115A.1365, subdivision 6.

40.24 (k) "Covered product" means a covered battery-containing product or a covered
40.25 electronics product, except that a covered product does not include:

40.26 (1) a major appliance;

40.27 (2) a product designed and intended solely for use in manufacturing, industrial, or other
40.28 commercial settings;

40.29 (3) a device powered by an internal combustion engine;

- 41.1 (4) an off-highway vehicle as defined under section 84.771;
- 41.2 (5) a watercraft as defined under section 86B.005, subdivision 18, notwithstanding the
41.3 exceptions contained therein;
- 41.4 (6) a snowmobile as defined under section 84.81, subdivision 3; or
- 41.5 (7) a motor vehicle as defined under section 168.002, subdivision 18.
- 41.6 (l) "Covered products clearinghouse" means the organization that is responsible for
41.7 implementing the covered products stewardship program if covered products producers are
41.8 represented by more than one covered products stewardship organization. If all covered
41.9 products producers are represented by a single covered products stewardship organization,
41.10 then covered products clearinghouse means the covered products stewardship organization.
- 41.11 (m) "Covered products collection site" means a physical location where a covered
41.12 products collector collects covered products from other persons, regardless of whether the
41.13 covered products collector operates the location permanently, temporarily, or for purposes
41.14 of a collection event.
- 41.15 (n) "Covered products collector" means a person that collects covered products on behalf
41.16 of the covered products clearinghouse and receives reimbursement through the covered
41.17 products clearinghouse for the covered products collector's costs for collection of the covered
41.18 products.
- 41.19 (o) "Covered products producer" means, with respect to a covered product that is sold,
41.20 including online sales; offered for sale or promotional purposes; or distributed in or into
41.21 the state, a person that:
- 41.22 (1) manufactured the covered product;
- 41.23 (2) imported the covered product into the United States; or
- 41.24 (3) owns or controls or is licensed to use a brand under which the covered product is
41.25 sold, including online sales; offered for sale or promotional purposes; or distributed in or
41.26 into the state.
- 41.27 (p) "Covered Products Listing Review Board" means the Covered Products Listing
41.28 Review Board established under section 115A.1367, subdivision 1.
- 41.29 (q) "Covered Products Reimbursement Board" means the Covered Products
41.30 Reimbursement Board established under section 115A.1353, subdivision 1.

42.1 (r) "Covered products stewardship organization" means an organization that contracts
42.2 with one or more covered products producers to meet the producers' obligations under
42.3 sections 115A.1351 to 115A.1369.

42.4 (s) "Covered products stewardship plan" means a plan that is prepared according to
42.5 section 115A.1355 and submitted to the commissioner by the covered products clearinghouse.

42.6 (t) "Covered products stewardship program" means the system implemented by the
42.7 covered products clearinghouse to manage all covered products offered to a covered products
42.8 collector or subject to section 115A.1363, subdivision 1, paragraph (a), by arranging and
42.9 paying for the collection, covered services, and all other activities described in a covered
42.10 products stewardship plan approved by the commissioner under section 115A.1355,
42.11 subdivision 4.

42.12 (u) "Covered services" means transportation, processing, recycling, and disposal of
42.13 covered products and residual materials after collection. Covered services does not include:

42.14 (1) repair, refurbishment, or reuse of a covered product by the collector; or

42.15 (2) transport of a covered product by the covered products collector that collected it to
42.16 or between a covered products collection site or sites that are operated by the covered
42.17 products collector.

42.18 (v) "Data recording, retrieval, or storage device" means an electronics product for
42.19 recording, storing, or retrieving data on or from any media, such as portable hard drives,
42.20 flash memory sticks, memory cards, digital video disc players, and servers.

42.21 (w) "De minimis covered products producer" means a covered products producer that,
42.22 in the most recent calendar year, had fewer than 100 covered products that were sold,
42.23 including online sales, in or into the state and for which the covered products producer was
42.24 responsible.

42.25 (x) "Easily removable" means that a battery can removed by a single person from a
42.26 product using only the person's hands, a slotted screwdriver, or a #2 Phillips screwdriver.

42.27 (y) "Electronics product" means a product that contains a circuit board or a cathode-ray
42.28 tube and that is not a loose battery.

42.29 (z) "Full covered products collection site" means a covered products collection site that
42.30 meets the requirements of section 115A.1361, subdivision 1, paragraph (b).

43.1 (aa) "Household hazardous waste management program" means a program established
43.2 under section 115A.96, subdivision 2, to collect and manage household hazardous waste
43.3 as defined section 115A.96.

43.4 (bb) "Independent auditor" means a certified public accountant that:

43.5 (1) holds an active license under chapter 326A and rules adopted thereunder;

43.6 (2) is retained by the covered products clearinghouse;

43.7 (3) is not otherwise employed by or affiliated with the commissioner or the covered
43.8 products clearinghouse; and

43.9 (4) is qualified to conduct an audit under section 115A.1357, subdivision 7, paragraph
43.10 (b), clause (7).

43.11 (cc) "Indoor maintenance product" means a battery-containing product designed and
43.12 intended for maintenance of the interior of a structure, such as a power mop, sweeper, or
43.13 vacuum cleaner.

43.14 (dd) "Lighting product" means a battery-containing product used by a person to provide
43.15 light to an area, such as a flashlight, headlamp, work and scene light, or emergency light.

43.16 (ee) "Loose battery" means a battery that is not contained in or attached to a product and
43.17 that is subject to sections 115A.1331 to 115A.1347. A loose battery does not include a
43.18 battery that is contained in an enclosure where the enclosure is not integral to the operation
43.19 of the battery. A loose battery may be of any brand, type, physical size, energy capacity, or
43.20 chemistry.

43.21 (ff) "Network equipment" means an electronics product designed and intended to route,
43.22 convert, or transform data signals for use by other electronics products, such as a router,
43.23 server, or modem.

43.24 (gg) "Participant" means a covered products producer that is named by the covered
43.25 products clearinghouse as meeting the covered product producer's obligations under sections
43.26 115A.1351 to 115A.1369.

43.27 (hh) "Personal care tool" means a battery-containing product designed and marketed for
43.28 use by a person for care of hair, skin, or musculature, such as a razor, shaver, epilator,
43.29 clippers, hair iron or press, heating pad or blanket, toothbrush, flosser, or massager.

43.30 (ii) "Power tool" means a battery-containing product designed and marketed for use by
43.31 a person that energizes a function otherwise performed using a hand-powered tool, such as

44.1 a drill, power screwdriver, impact wrench, nail gun, paint sprayer, power saw or other cutter,
44.2 grinder, sander, or electric knife.

44.3 (jj) "Residual material" means material and waste remaining after repair, refurbishment,
44.4 reuse, and recycling of covered products have been completed.

44.5 (kk) "Responsible market" means a market for covered products, for reclaimed materials
44.6 from collected covered products, or for any other recyclable residual material from collected
44.7 covered products that:

44.8 (1) reuses, recycles, or otherwise recovers materials and disposes of contaminants in a
44.9 manner that protects the environment and minimizes risks to public health and worker health
44.10 and safety;

44.11 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, and
44.12 other laws governing environment, health, safety, and financial responsibility;

44.13 (3) possesses all licenses and permits required by a federal or state agency or political
44.14 subdivision;

44.15 (4) if operating in the state, recycles covered products to the maximum extent practicable
44.16 in accordance with section 115A.02, paragraph (b); and

44.17 (5) minimizes adverse impacts to environmental justice areas.

44.18 (ll) "Specialized covered products recycler" means a person that, if and as applicable,
44.19 is properly authorized by the commissioner or, if operating in another state or country, an
44.20 equivalent state, federal, or other governmental body, to process or recycle useful materials
44.21 from covered products.

44.22 (mm) "Video device" means a stationary or portable electronics product designed and
44.23 intended to display still or moving images, or to capture still or moving images, or both,
44.24 such as a television, monitor, camera, or extended reality or augmented reality glasses.

44.25 (nn) "Yard or outdoor maintenance product" means a battery-containing product designed
44.26 and intended for structural or grounds maintenance and upon which a person is not intended
44.27 to ride, such as a hedge trimmer, edger, leaf blower, or pressure washer. Yard or outdoor
44.28 maintenance product includes lawn care equipment, as defined in section 181A.116, upon
44.29 which a person is not intended to ride.

44.30 **EFFECTIVE DATE.** This section is effective July 1, 2026.

45.1 **Sec. 20. [115A.1353] COVERED PRODUCTS REIMBURSEMENT BOARD.**

45.2 **Subdivision 1. Establishment.** The Covered Products Reimbursement Board is
45.3 established to recommend reimbursement rates for covered products collection to the
45.4 commissioner. Except as provided in this section, chapter 15 does not apply to the board.

45.5 **Subd. 2. Membership.** (a) By January 1, 2027, the commissioner must appoint the initial
45.6 membership of the Covered Products Reimbursement Board. Membership must consist of:

45.7 (1) two members representing household hazardous waste management programs;

45.8 (2) two members representing covered products collectors that are not household waste
45.9 management programs; and

45.10 (3) four members representing covered products producers.

45.11 (b) In making appointments under paragraph (a), the commissioner may not appoint
45.12 persons who are:

45.13 (1) current or elected Minnesota state representatives or senators;

45.14 (2) required to register as lobbyists under section 10A.03; or

45.15 (3) employees of the agency.

45.16 (c) Initial appointments under paragraph (a), clause (2), must represent potential covered
45.17 products collectors. After January 1, 2030, whenever the terms of these members expire
45.18 according to subdivision 3, the new appointments must represent covered products collectors.

45.19 **Subd. 3. Terms; removal.** Members serve for a term of four years, except that one
45.20 member appointed under subdivision 2, paragraph (a), clause (1); one member appointed
45.21 under subdivision 2, paragraph (a), clause (2); and two members appointed under subdivision
45.22 2, paragraph (a), clause (3), must be appointed to serve an initial term of two years, so that
45.23 membership terms are staggered. Members may be reappointed to another term following
45.24 the end of a term. The removal of members is governed by section 15.059, subdivision 4.

45.25 **Subd. 4. Quorum; voting.** Meetings of the Covered Products Reimbursement Board
45.26 must have at least a quorum of six members. Recommendations of the board require the
45.27 affirmative vote of at least five members.

45.28 **Subd. 5. Administrative support; facilitator.** (a) The commissioner must provide
45.29 administrative support to the Covered Products Reimbursement Board, including meeting
45.30 space and public access for meetings conducted by telephone or interactive technology. The
45.31 commissioner must ensure that all activities of the Covered Products Reimbursement Board

46.1 that require public notice, such as notice of meetings, agendas and materials related to
46.2 agenda items, and minutes, are published on the agency's publicly accessible website.

46.3 (b) The Covered Products Reimbursement Board must ensure that all activities of the
46.4 board that require public notice are timely provided to the commissioner for publication.

46.5 (c) The commissioner must contract for an independent facilitator for the Covered
46.6 Products Reimbursement Board. The facilitator is not a member of the board for purposes
46.7 of quorum or voting.

46.8 Subd. 6. **Meetings.** (a) The Covered Products Reimbursement Board must meet at least
46.9 annually and additionally as necessary to meet the requirements of subdivisions 7 to 9.
46.10 Meetings may be scheduled at the request of four members of the Covered Products
46.11 Reimbursement Board.

46.12 (b) The Covered Products Reimbursement Board is subject to chapter 13D.

46.13 Subd. 7. **Recommendations for reimbursement rates.** (a) By January 1, 2028, and
46.14 beginning July 1, 2029, at least annually each July 1, the Covered Products Reimbursement
46.15 Board must submit to the commissioner a recommendation for reimbursement rates for
46.16 covered product collection for the following calendar year.

46.17 (b) If the Covered Products Reimbursement Board does not submit a recommendation
46.18 for reimbursement rates by the due dates in paragraph (a), then within 30 days after a due
46.19 date, the facilitator must review the proposals of each member of the Covered Products
46.20 Reimbursement Board and prepare and submit a recommendation for reimbursement rates
46.21 to the commissioner. Notwithstanding the proposals of any members of the Covered Products
46.22 Reimbursement Board, the recommendation of the facilitator under this paragraph is
46.23 considered the recommendation of the Covered Products Reimbursement Board.

46.24 (c) Recommended rates may be differentiated by methods recommended by the Covered
46.25 Products Reimbursement Board, such as local property lease or purchase costs, prevailing
46.26 local wages, or other factors to ensure:

46.27 (1) convenient collection statewide according to section 115A.1355, subdivision 3; and

46.28 (2) that all costs of collection are covered according to paragraph (d).

46.29 (d) Recommended rates must cover all costs of covered products collection incurred by
46.30 covered products collectors, including but not limited to:

46.31 (1) labor, overhead, and supplies;

46.32 (2) necessary collection and storage structures and containers;

47.1 (3) employee training;

47.2 (4) necessary safety equipment, including appropriate fire protection and suppression
47.3 equipment and supplies; and

47.4 (5) any other costs determined necessary by the commissioner.

47.5 (e) In making determinations under paragraph (d), clause (5), the commissioner may
47.6 consider data submitted according to section 115A.1357, subdivision 7; the quantity of
47.7 covered products collected; the estimated quantity of covered products sold in or into the
47.8 state; the estimated quantity of covered products discarded into solid waste in the state; and
47.9 other information related to implementation of sections 115A.1351 to 115A.1369.

47.10 (f) The Covered Products Reimbursement Board must also consider any additional
47.11 financial incentives necessary to induce covered products collectors to join the covered
47.12 products stewardship program if necessary for the covered products clearinghouse to meet
47.13 or exceed the required convenience standards under section 115A.1355, subdivision 3.

47.14 **Subd. 8. Review and approval of reimbursement rates.** (a) Within 90 days after
47.15 receiving a recommendation on reimbursement rates submitted under subdivision 7, the
47.16 commissioner must review the recommendation and approve or reject the recommendation.

47.17 (b) In conducting a review of a recommendation, the commissioner may consult with
47.18 interested parties.

47.19 (c) For at least 30 days before approving a recommendation under this subdivision, the
47.20 commissioner must post the recommendation on the agency's publicly accessible website
47.21 for public review and comment.

47.22 (d) If the commissioner determines that a recommendation does not meet the requirements
47.23 of sections 115A.1351 to 115A.1369, the commissioner must reject the recommendation.
47.24 The commissioner must provide a written notice of determination describing the reasons
47.25 for the rejection to the Covered Products Reimbursement Board. The board must meet as
47.26 necessary to submit a revised recommendation to the commissioner.

47.27 (e) After consultation under paragraph (b) and review of public comments under
47.28 paragraph (c), if the commissioner determines that a recommendation meets the requirements
47.29 of this section, the commissioner may approve the recommendation. The commissioner
47.30 must provide a written notice of approval to the Covered Products Reimbursement Board
47.31 and to the covered products clearinghouse. In the notice, the commissioner must specify
47.32 the effective date of the approved reimbursement rates.

48.1 (f) The commissioner must publish approved reimbursement rates on the agency's
 48.2 publicly accessible website within 30 days after approving the rates. The commissioner
 48.3 must continue to publish the approved rates until a successive reimbursement rate is approved
 48.4 and published.

48.5 Subd. 9. **More-frequent rate changes.** The Covered Products Reimbursement Board
 48.6 may, for good cause, submit a recommendation for reimbursement rates to the commissioner
 48.7 more frequently than once per year. The commissioner must review the recommendation
 48.8 according to subdivision 8.

48.9 Subd. 10. **Continuation of rates.** Approved reimbursement rates remain in effect until
 48.10 the commissioner approves a new recommendation of the Covered Products Reimbursement
 48.11 Board.

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

48.13 Sec. 21. **[115A.1355] COVERED PRODUCTS STEWARDSHIP PLAN AND**
 48.14 **BUDGET.**

48.15 Subdivision 1. **Due dates; assumption of responsibility by one producer for other**
 48.16 **producers; assumed responsibility for multiple producers.** (a) By July 1, 2027:

48.17 (1) each covered products producer must contract with a covered products stewardship
 48.18 organization to act on the covered products producer's behalf;

48.19 (2) if covered products producers contract with more than one covered products
 48.20 stewardship organization, then all the covered products stewardship organizations must
 48.21 establish or identify a covered products clearinghouse to administer the covered products
 48.22 stewardship program; and

48.23 (3) the covered products clearinghouse must notify the commissioner that it has been
 48.24 established and provide to the commissioner identification of and contact information for
 48.25 the covered products clearinghouse and all covered products stewardship organizations that
 48.26 have contracted with the covered products clearinghouse.

48.27 (b) If more than one person is a producer for a specific covered product, one producer
 48.28 may assume all responsibility for obligations to a covered products stewardship organization
 48.29 on behalf of another producer or all other producers for that covered product. If the one
 48.30 producer assuming responsibility meets all obligations on behalf of one or more other
 48.31 producers of a covered product, then each of those producers is a participant.

49.1 (c) By January 1, 2029, the covered products clearinghouse must submit to the
49.2 commissioner a single covered products stewardship plan that meets the requirements of
49.3 subdivision 2 for review under subdivision 4.

49.4 Subd. 2. Plan content; budget requirement. (a) The covered products stewardship
49.5 plan must include:

49.6 (1) identification of and contact information for the covered products clearinghouse and
49.7 all covered products stewardship organizations that have contracted with the covered products
49.8 clearinghouse;

49.9 (2) copies of contracts clearly granting the covered products clearinghouse the authority
49.10 to act on behalf of the covered products stewardship organizations and the participants they
49.11 represent to implement the covered products stewardship plan, including responsibility of
49.12 the covered products stewardship organizations and the participants they represent to comply
49.13 with an approved covered products stewardship plan and to fund the covered products
49.14 clearinghouse as necessary to implement the covered products stewardship plan, pay for
49.15 associated costs, and pay for fees and penalties assessed by the commissioner;

49.16 (3) identification of and contact information for all participants in the covered products
49.17 stewardship program;

49.18 (4) identification of and contact information for each covered products collector;

49.19 (5) identification and contact information for each person providing covered services
49.20 and the location of all facilities where covered services will be provided;

49.21 (6) identification and contact information for all subordinate persons that the covered
49.22 products clearinghouse has contracted with to administer and implement the covered products
49.23 stewardship program in accordance with section 115A.1357, subdivision 8. The relationship
49.24 of the other persons to the covered products clearinghouse and their role in administering
49.25 and implementing the covered products stewardship program must be described;

49.26 (7) the address; county of location; and, in a form prescribed by the commissioner,
49.27 geolocation data for each covered products collection site to be served through the covered
49.28 products clearinghouse under the covered products stewardship program and identification
49.29 of those covered products collection sites that are operated by a household hazardous waste
49.30 management program;

49.31 (8) a list of the brands covered under the covered products stewardship program;

49.32 (9) eligibility criteria for prospective covered products collectors;

50.1 (10) a description of how the covered products clearinghouse will arrange for and ensure
50.2 that at least 25 percent of covered products collectors that are not household hazardous
50.3 waste management programs will provide repair, refurbishment, or reuse of collected covered
50.4 products;

50.5 (11) a description of how the covered products stewardship program will provide covered
50.6 services under this section to any household hazardous waste management program in a
50.7 manner that is equal to the covered services provided to all other covered products collectors
50.8 if the operator of the household hazardous waste management program requests covered
50.9 services;

50.10 (12) a description of how the covered products stewardship program will provide
50.11 convenient, statewide collection according to subdivision 3;

50.12 (13) a description of how the covered products clearinghouse will annually monitor and
50.13 ensure continuing compliance with the convenience standards under subdivision 3;

50.14 (14) a description of how the covered products clearinghouse will ensure each covered
50.15 products collector is provided with the materials specified in section 115A.1357, subdivision
50.16 1;

50.17 (15) a description of how covered products collection sites will be accessible according
50.18 to section 115A.1357, subdivision 3;

50.19 (16) the performance standards for persons providing covered services for the covered
50.20 products clearinghouse and the oversight methods by which the covered products
50.21 clearinghouse will ensure continuing compliance with the performance standards. The
50.22 covered products clearinghouse may establish performance standards, which at a minimum
50.23 must:

50.24 (i) accord with clauses (20) to (23), (25), (26), (37), (41), and (42);

50.25 (ii) ensure that covered services other than transportation are provided only by specialized
50.26 covered products recyclers; and

50.27 (iii) ensure covered products and residual materials are managed through responsible
50.28 markets;

50.29 (17) a description of the oversight methods by which the covered products clearinghouse
50.30 will ensure continuing compliance with the performance standards under clause (16);

50.31 (18) a description of how the covered products clearinghouse will ensure that there are
50.32 at least ten persons providing covered services;

51.1 (19) a description of how the covered products clearinghouse will arrange for and ensure
51.2 that covered services are provided by small businesses, as determined according to the Code
51.3 of Federal Regulations, title 13, part 121, for at least 25 percent of the covered products
51.4 collected annually, by weight;

51.5 (20) a description of methods by which the covered products clearinghouse will ensure
51.6 that discarded covered products and residual materials managed under the covered products
51.7 stewardship program are managed while in the state in compliance with rules adopted under
51.8 section 116.07 for managing solid waste and hazardous waste when applicable and, when
51.9 outside the state, with all federal, state, and local requirements for managing solid waste
51.10 and hazardous waste, as applicable;

51.11 (21) a description of the actions the covered products clearinghouse will take upon
51.12 receiving information of potential or actual noncompliance under clause (20) by any person
51.13 handling covered products under the covered products stewardship program;

51.14 (22) a description of methods by which the covered products clearinghouse will ensure
51.15 that covered products and residual materials managed under the covered products stewardship
51.16 program are managed in compliance with safety and health requirements for employees
51.17 administered by the Department of Labor and Industry and with fire protection requirements
51.18 administered by the Department of Public Safety while in the state and, when outside the
51.19 state, with all applicable federal, state, and local employee safety and health requirements
51.20 and fire protection requirements;

51.21 (23) a description of the actions the covered products clearinghouse will take upon
51.22 receiving information of potential or actual noncompliance under clause (22) by any person
51.23 handling such covered products under the covered products stewardship program;

51.24 (24) a description of how the covered products clearinghouse will ensure sufficient and
51.25 timely pickup and transport of covered products are provided to each covered products
51.26 collection site so that the covered products collection site can continuously and safely collect
51.27 and store covered products;

51.28 (25) a description of methods by which the covered products clearinghouse will ensure
51.29 that covered products and residual materials managed under the covered products stewardship
51.30 program are transported in compliance with applicable regulations incorporated by reference
51.31 under section 221.033 for transporting hazardous materials while in the state and, when
51.32 outside the state, with all federal, state, and local requirements for transporting hazardous
51.33 materials;

52.1 (26) a description of the actions the covered products clearinghouse will take upon
52.2 receiving information of potential or actual noncompliance under clause (25) by any person
52.3 handling covered products under the covered products stewardship program;

52.4 (27) a statement of indemnification by the covered products clearinghouse to covered
52.5 products collectors for potential liability for improper downstream management of covered
52.6 products or residual materials by providers of covered services arranged for by the covered
52.7 products clearinghouse and identified in the covered products stewardship plan under clause
52.8 (4);

52.9 (28) a description of how the covered products clearinghouse will determine and annually
52.10 report the quantity of covered products collected under the covered products stewardship
52.11 program by weight of the covered products and chemistry by weight of the battery in
52.12 battery-containing products;

52.13 (29) a description of the outreach and education methods and activities that the covered
52.14 products clearinghouse will ensure are provided according to section 115A.1357, subdivision
52.15 5;

52.16 (30) a description of how the covered products clearinghouse will ensure that there is
52.17 at least one full-time representative of the covered products clearinghouse who is solely
52.18 dedicated to implementing the covered products stewardship program in this state and serves
52.19 as the primary contact between the covered products clearinghouse and the agency;

52.20 (31) a description of the system by which the covered products clearinghouse will provide
52.21 advance payment or reimbursement to covered products collectors in a manner that:

52.22 (i) provides:

52.23 (A) periodic automatic payment of reimbursements at least annually; or

52.24 (B) a process for submitting reimbursement requests and reasonable timelines for
52.25 reimbursement at intervals no longer than monthly unless otherwise agreed to by the covered
52.26 products collector; and

52.27 (ii) provides an independent mediator to resolve reimbursement disputes that arise
52.28 between the covered products clearinghouse and a covered products collector;

52.29 (32) a description of the system by which the covered products clearinghouse will pay
52.30 persons providing covered services, in a manner that provides:

52.31 (i) a clear process for submitting invoices;

53.1 (ii) reasonable timelines for payment at intervals no longer than monthly unless otherwise
53.2 agreed to by the person providing covered services; and

53.3 (iii) an independent mediator to resolve payment disputes that arise between the covered
53.4 products clearinghouse and a person providing covered services;

53.5 (33) a description of how the covered products stewardship program costs will be
53.6 allocated among participants, either individually or among groups of participants identified
53.7 by the covered products clearinghouse, or through covered products stewardship
53.8 organizations that have contracted with the covered products clearinghouse, such that the
53.9 costs of managing covered products are allocated equitably. The description must include:

53.10 (i) a clear assignment of responsibility for costs of managing covered products subject
53.11 to a voluntary or mandatory recall to the participant or participants associated with those
53.12 covered products and not to other participants; and

53.13 (ii) the process by which any outstanding credits or costs remaining from Minnesota
53.14 Statutes 2024, sections 115A.1310 to 115A.1330, will be settled among persons holding
53.15 the credits or costs until all such credits or costs have been fully resolved;

53.16 (34) a description of how the covered products clearinghouse will comply with
53.17 subdivision 6, paragraph (c);

53.18 (35) a description of how the covered products clearinghouse will assist covered products
53.19 producers in complying with the labeling requirement of section 115A.1367, subdivision
53.20 2, paragraph (a);

53.21 (36) a description of how the covered products clearinghouse will provide assistance to
53.22 covered products producers to comply with section 325E.72;

53.23 (37) a description of how the covered products clearinghouse will ensure that covered
53.24 products and residual materials managed under the covered products stewardship program
53.25 are managed to the maximum extent practicable in accordance with section 115A.02,
53.26 paragraph (b);

53.27 (38) a description of how the covered products clearinghouse will incentivize investment
53.28 in processes, product design and material use, technology, and personnel training that could
53.29 raise the future maximum extent practicable for management described in clause (34),
53.30 including consideration of covered product repair, refurbishment, reuse, and product life
53.31 cycle;

53.32 (39) a description of how the covered products clearinghouse will annually report to the
53.33 commissioner, by weight of the covered products and chemistry by weight of the battery

54.1 in battery-containing products, the end management, through repair, refurbishment, reuse,
 54.2 recycling, or disposal, of covered products for which the covered products stewardship
 54.3 program was responsible during each calendar year;

54.4 (40) a description of how the covered products clearinghouse will take action to decrease
 54.5 the incidence of covered products in solid waste in the state according to section 115A.1357,
 54.6 subdivision 5, paragraph (d), including providing collection opportunities under section
 54.7 115A.1357, subdivision 3, paragraph (b);

54.8 (41) a description of methods by which the covered products clearinghouse will manage
 54.9 sensitive and all other data contained in or otherwise associated with covered products
 54.10 managed under the covered products stewardship program from the time of collection
 54.11 through the final disposition of the covered products, in accordance with the most current
 54.12 version of:

54.13 (i) Special Publication 800-88 published by the National Institute of Standards and
 54.14 Technology of the United States Department of Commerce; or

54.15 (ii) i-SIGMA NAID AAA Certification, published by the International Secure Information
 54.16 Governance & Management Association; and

54.17 (42) a description of the actions the covered products clearinghouse will take upon
 54.18 receiving information that the standards in clause (38) have not been adhered to by any
 54.19 person handling covered products under the covered products stewardship program.

54.20 (b) By January 1, 2029, and annually thereafter, the covered products clearinghouse
 54.21 must submit an anticipated annual budget for the covered products stewardship program
 54.22 for the following calendar year, broken down into the covered products stewardship program's
 54.23 estimated costs for administration, collection, sorting after collection, storage after collection,
 54.24 transportation after collection, processing, recycling, disposal, and communication costs,
 54.25 including the cost of fees under section 115A.1359. The budget is not subject to review and
 54.26 approval under subdivisions 4 and 5.

54.27 Subd. 3. **Convenience standards.** (a) The covered products stewardship plan must
 54.28 provide convenient, statewide collection for all covered products that are offered to covered
 54.29 products collectors by a person in the state, regardless of:

54.30 (1) a covered product's type or physical size;

54.31 (2) the energy capacity or chemistry of the battery in a covered battery-containing
 54.32 product;

54.33 (3) a covered product's brand; or

55.1 (4) the producer of a covered product.

55.2 (b) The covered products stewardship plan must meet the following convenience
55.3 standards:

55.4 (1) for each county with a population of 10,000 or less, maintain at least two full covered
55.5 products collection sites;

55.6 (2) for each county with a population greater than 10,000 but less than or equal to
55.7 100,000, maintain at least two full covered products collection sites and at least one additional
55.8 full covered products collection site for each additional 10,000 in population above a
55.9 population of 10,000;

55.10 (3) for each county with a population greater than 100,000, maintain at least 11 full
55.11 covered products collection sites and at least one additional full covered products collection
55.12 site for each additional 50,000 in population above a population of 100,000;

55.13 (4) maintain a full covered products collection site located within ten miles of the
55.14 household of at least 95 percent of the residents of the state;

55.15 (5) ensure no net loss in estimated collection convenience and capacity for covered
55.16 products; and

55.17 (6) any additional convenience standards that the commissioner determines are necessary
55.18 to provide convenient, statewide collection for covered products, including operation of
55.19 additional covered products collection sites.

55.20 (c) In making a determination under paragraph (b), clause (6), the commissioner may
55.21 consider data submitted according to section 115A.1357, subdivision 7; the quantity of
55.22 covered products collected; the estimated quantity of covered products sold in or into the
55.23 state; the estimated quantity of covered products disposed of in the state; the information
55.24 submitted under subdivision 2, paragraph (a), clause (36); and other information related to
55.25 the effectiveness of the covered products stewardship program.

55.26 **Subd. 4. Review of covered products stewardship plan; implementation.** (a) Within
55.27 120 days after receiving a complete covered products stewardship plan submitted under
55.28 this section, the commissioner must determine whether the covered products stewardship
55.29 plan complies with this section and will ensure that elements required by subdivision 2,
55.30 paragraph (a), will be met to the maximum extent practicable. The commissioner must
55.31 provide a written notice of determination according to this subdivision.

55.32 (b) In conducting a review of a covered products stewardship plan, the commissioner
55.33 may consult with interested parties.

56.1 (c) For at least 30 days before approving a covered products stewardship plan, the
56.2 commissioner must place the covered products stewardship plan on the agency's publicly
56.3 accessible website for public review and comment.

56.4 (d) If the commissioner determines that a covered products stewardship plan fails to
56.5 comply with this section or will not ensure that elements required by subdivision 2, paragraph
56.6 (a), will be met to the maximum extent practicable, the commissioner must reject the covered
56.7 products stewardship plan. The commissioner must provide a written notice of determination
56.8 to the covered products clearinghouse describing the reasons for the rejection.

56.9 (e) After any consultation under paragraph (b) and review of public comments received
56.10 under paragraph (c), if the commissioner determines that a covered products stewardship
56.11 plan complies with this section and will ensure that elements required by subdivision 2,
56.12 paragraph (a), will be met to the maximum extent practicable, the commissioner must
56.13 approve the covered products stewardship plan. The commissioner must provide a written
56.14 notice of determination to the covered products clearinghouse and must publish the approved
56.15 covered products stewardship plan on the agency's publicly accessible website within 30
56.16 days after approval.

56.17 (f) The covered products clearinghouse must implement the covered products stewardship
56.18 plan approved by the commissioner, including any amendments to the covered products
56.19 stewardship plan that are approved by the commissioner according to subdivision 5, within
56.20 60 days after receiving written notice of approval.

56.21 (g) For each covered products stewardship plan or amendment submitted to the
56.22 commissioner for review, the commissioner may consider the data submitted according to
56.23 section 115A.1357, subdivision 7, and other relevant information to establish requirements
56.24 to improve the effectiveness, performance, and awareness of the covered products
56.25 stewardship program.

56.26 **Subd. 5. Amending or terminating covered products stewardship plan.** (a) The
56.27 covered products clearinghouse may amend a covered products stewardship plan approved
56.28 under subdivision 4 without review or approval by the commissioner to make the changes
56.29 specified in clauses (1) to (3). Within 30 days after adopting an amendment under this
56.30 paragraph, the covered products clearinghouse must report the amendment to the
56.31 commissioner and the commissioner must publish the amended covered products stewardship
56.32 plan on the agency's publicly accessible website. The covered products clearinghouse must
56.33 implement amendments made to a covered products stewardship plan under this paragraph
56.34 within 60 days after adopting the amendment. The covered products clearinghouse may:

57.1 (1) add, terminate, or replace a covered products collector, covered products collection
57.2 site, person providing covered services, or facility where covered services will be performed;

57.3 (2) add or remove participants or brands covered under the covered products stewardship
57.4 plan; or

57.5 (3) change contact staff or contact staff information for the covered products
57.6 clearinghouse, covered products stewardship organizations, participants, covered products
57.7 collectors, or persons providing covered services.

57.8 (b) Except for an amendment under paragraph (a), the revised covered products
57.9 stewardship plan containing any amendment must be submitted to and reviewed and approved
57.10 by the commissioner before it may be implemented by the covered products clearinghouse.
57.11 The commissioner must review and approve or reject the covered products stewardship plan
57.12 containing the proposed amendment according to subdivision 4.

57.13 (c) The covered products clearinghouse must submit an amended covered products
57.14 stewardship plan for review:

57.15 (1) at least every five years according to this subdivision and subdivision 4; or

57.16 (2) within 60 days if the commissioner determines that an amended covered product
57.17 stewardship plan is necessary to implement sections 115A.1351 to 115A.1369.

57.18 (d) The covered products clearinghouse may terminate a covered products stewardship
57.19 plan only:

57.20 (1) by providing at least 90 days' written notice to the commissioner and to all covered
57.21 products stewardship organizations and participants in the covered products stewardship
57.22 program; and

57.23 (2) after a replacement covered products stewardship plan submitted by the covered
57.24 products clearinghouse or a new clearinghouse is approved by the commissioner under
57.25 subdivision 4.

57.26 (e) The commissioner may terminate a covered products stewardship plan for good
57.27 cause, as defined under paragraph (f). If the commissioner terminates a covered products
57.28 stewardship plan, the commissioner must provide the covered products clearinghouse with
57.29 written notice of termination describing the good cause for termination. The commissioner
57.30 must notify all participants and covered products stewardship organizations in the covered
57.31 products stewardship program in writing of the termination using the contact information
57.32 for the participants provided in the covered products stewardship plan.

58.1 (f) For purposes of paragraph (e), "good cause" includes but is not limited to:

58.2 (1) failure by the covered products clearinghouse to:

58.3 (i) fully and accurately disclose required or requested information to the commissioner;

58.4 (ii) comply with the terms of sections 115A.1351 to 115A.1369; or

58.5 (iii) pay fees or penalties owed to the commissioner or comply with an order lawfully

58.6 issued by the commissioner; and

58.7 (2) a finding that the covered products clearinghouse's activities endanger human health

58.8 or the environment and the danger cannot reasonably be removed by an amendment to the

58.9 covered products stewardship plan.

58.10 Subd. 6. **Compliance.** (a) The covered products clearinghouse must comply with the

58.11 covered products stewardship plan approved by the commissioner, including any amendments

58.12 to the covered products stewardship plan that are made according to subdivision 5, paragraph

58.13 (a) or (b). The covered products clearinghouse must ensure that all covered products

58.14 stewardship organizations, participants, and persons providing covered services also comply

58.15 with the stewardship plan and are responsible to the covered products clearinghouse and to

58.16 the commissioner for compliance.

58.17 (b) All other covered products stewardship organizations must comply with the covered

58.18 products stewardship plan approved by the commissioner, including any amendments to

58.19 the covered products stewardship plan that are made according to subdivision 5, paragraph

58.20 (a) or (b). A covered products stewardship organization must ensure that all participants

58.21 the organization represents and all persons providing covered services for which the

58.22 organization is responsible also comply with the stewardship plan and are responsible to

58.23 the covered products stewardship organization and to the commissioner for compliance.

58.24 (c) The covered products clearinghouse must ensure that covered products collectors

58.25 are reimbursed according to the reimbursement rates approved by the commissioner according

58.26 to section 115A.1353 and the method described in the covered products stewardship plan.

58.27 (d) The covered products clearinghouse must ensure that all costs of the covered products

58.28 stewardship program are fully paid for by participants, except for de minimis covered

58.29 products producers. All costs of the covered products stewardship program must be allocated

58.30 fairly between groups of participants without any fee, charge, surcharge, or any other cost

58.31 to:

58.32 (1) any member of the public;

59.1 (2) any business other than a covered products producer;

59.2 (3) any covered products collector;

59.3 (4) any person providing covered services;

59.4 (5) the state or any political subdivision;

59.5 (6) de minimis covered products producers; or

59.6 (7) any other person that is not a covered products producer.

59.7 **EFFECTIVE DATE.** This section is effective July 1, 2026.

59.8 Sec. 22. **[115A.1357] COVERED PRODUCTS CLEARINGHOUSE AND COVERED**
 59.9 **PRODUCTS STEWARDSHIP ORGANIZATIONS; DUTIES AND STRUCTURE.**

59.10 **Subdivision 1. Duties to covered products collectors.** (a) The covered products
 59.11 clearinghouse must ensure that the following are provided to each covered products collector:

59.12 (1) reimbursement at the rates approved by the commissioner according to section
 59.13 115A.1353 and the method described in the covered products stewardship plan;

59.14 (2) pickup and transport of collected covered products from each covered products
 59.15 collection site in sufficient time and quantity to allow the covered products collector to
 59.16 safely receive covered products without interruption or cost to the covered products collector;

59.17 (3) appropriate containers for storage and transportation of covered products and supplies
 59.18 necessary for the collection of covered products;

59.19 (4) signage to identify covered products collection sites and the covered products accepted
 59.20 at the collection sites;

59.21 (5) training for covered products collection site employees on identifying and safely
 59.22 handling and storing covered products, including any covered products containing damaged,
 59.23 defective, or recalled batteries, also known as DDR batteries;

59.24 (6) educational materials that address the information described in subdivision 5,
 59.25 paragraph (a), clause (3), for distribution to members of the public and businesses in
 59.26 Minnesota. The educational materials must be made available in English and at least the
 59.27 three languages most commonly spoken at homes in the state other than English according
 59.28 to the state demographer; and

59.29 (7) direction to an alternate covered products collector whenever a covered products
 59.30 collector determines and reports to the covered products clearinghouse, according to section
 59.31 115A.1361, subdivision 1, paragraph (d), that the covered products collector cannot safely

60.1 collect a covered product. The covered products clearinghouse must ensure that the covered
60.2 product is collected by another covered products collector.

60.3 (b) The covered products clearinghouse and covered products stewardship organizations
60.4 must consider the request of a covered products collector to perform covered services if the
60.5 covered products collector meets the performance standards in the covered products
60.6 stewardship plan under section 115A.1355, subdivision 2, paragraph (a), clause (16), and
60.7 the covered products collector and the covered products clearinghouse agree after negotiation
60.8 in good faith on the fees to be paid to the covered products collector for performing the
60.9 covered services. The covered products stewardship plan must identify the covered products
60.10 collector as providing covered services according to section 115A.1355, subdivision 2,
60.11 paragraph (a), clause (4).

60.12 (c) The covered products clearinghouse and covered products stewardship organizations
60.13 must allow the following persons to serve as a covered products collector:

60.14 (1) a person that agrees to operate or continues to operate a full covered products
60.15 collection site in compliance with:

60.16 (i) the conditions in section 115A.1355, subdivision 2, paragraph (a), clauses (20) to
60.17 (23), (25), and (26);

60.18 (ii) any other applicable provisions of the covered products stewardship plan in section
60.19 115A.1355; and

60.20 (iii) section 115A.1361; and

60.21 (2) a household hazardous waste management program.

60.22 (d) The covered products clearinghouse may terminate a covered products collector,
60.23 except for a household hazardous waste management program, and cease payment to the
60.24 covered products collector for good cause.

60.25 Subd. 2. **Duty to negotiate in good faith.** The covered products clearinghouse and
60.26 covered products stewardship organizations must negotiate in good faith:

60.27 (1) allocation of covered products stewardship program costs with and among participants;
60.28 and

60.29 (2) payments for covered services to persons providing covered services.

60.30 Subd. 3. **Accessibility.** (a) The covered products stewardship program must provide
60.31 convenient, equitable, and accessible service to all persons in Minnesota, including but not
60.32 limited to people of color; Minnesota Tribal governments as defined in section 10.65,

61.1 subdivision 2; those that are non-English speaking; immigrant and refugee communities;
61.2 those with limited access to transportation; and those in environmental justice areas.

61.3 (b) The covered products stewardship program must include collection opportunities
61.4 beyond those required under section 115A.1355, subdivision 3, to better serve populations
61.5 under paragraph (a), such as individual pickup from households and temporary events to
61.6 provide enhanced collection availability.

61.7 (c) Where feasible, the covered products stewardship program must encourage
61.8 establishing covered products collection sites in proximity to local public transit.

61.9 Subd. 4. Oversight; eligibility to provide covered services. (a) The covered products
61.10 clearinghouse and covered products stewardship organizations must ensure that covered
61.11 products and residual materials managed under the covered products stewardship program
61.12 are managed according to the performance standards in section 115A.1355, subdivision 2,
61.13 paragraph (a), clause (16), by all persons providing covered services.

61.14 (b) To ensure that covered products and residual materials are managed to the maximum
61.15 extent practicable in accordance with section 115A.02, paragraph (b), the commissioner
61.16 may require performance standards and oversight methods in lieu of or in addition to the
61.17 performance standards and oversight methods used by the covered products clearinghouse
61.18 under paragraph (a) and section 115A.1355, subdivision 2, paragraph (a), clauses (16) and
61.19 (17), for persons providing covered services for covered products. The commissioner may
61.20 consider data submitted under subdivision 6; the availability and feasibility of technology,
61.21 processes, and methods for managing covered products; and other information related to
61.22 the effectiveness of the covered products stewardship program.

61.23 Subd. 5. Program effectiveness. (a) To support the effectiveness of the covered products
61.24 stewardship program, the covered products clearinghouse must ensure outreach and education
61.25 to:

61.26 (1) persons that might sell, offer for sale or promotional purposes, distribute, or facilitate
61.27 a sale of covered products in or into the state, to inform them of the requirements of section
61.28 115A.1367, subdivision 2;

61.29 (2) potential covered products collectors and persons who collected covered products
61.30 before the effective date of this section to inform them how to request coverage by the
61.31 covered products stewardship program; and

61.32 (3) members of the public to raise awareness of:

62.1 (i) public health and safety and environmental risks caused by improperly charging,
62.2 storing, and disposing of battery-containing products;

62.3 (ii) methods to safely charge and store battery-containing products;

62.4 (iii) the relative benefits of repairing, refurbishing, reusing, and recycling covered
62.5 products in comparison to each other and in contrast to disposal; and

62.6 (iv) how to donate covered products for repair, refurbishment, or reuse at covered products
62.7 collection sites and how to properly manage covered products by recycling through covered
62.8 products collection sites.

62.9 (b) The covered products clearinghouse must maintain a publicly accessible website to
62.10 locate covered products collection sites through map-based and text-based searches, including
62.11 identification of covered products collection sites where the collectors operating the sites
62.12 have reported that they will consider repair, refurbishment, or reuse of collected covered
62.13 products before transferring them for further recycling.

62.14 (c) The covered products clearinghouse may coordinate or combine the provision of
62.15 educational efforts under paragraphs (a) and (b) with educational efforts required for the
62.16 covered products clearinghouse under section 115A.1357, subdivision 1. The immunities
62.17 conveyed by section 115A.1365, subdivision 2, also apply to any coordination or
62.18 combination.

62.19 (d) The covered products clearinghouse must, in addition to the requirements of
62.20 paragraphs (a) to (c) and subdivision 6, take action to decrease the incidence of covered
62.21 products in solid waste generated in the state as soon as practicable and to the maximum
62.22 extent achievable.

62.23 (e) The commissioner may determine the effectiveness of the covered products
62.24 stewardship program using information from waste composition studies conducted under
62.25 section 115A.412 and other information available to the commissioner and may require the
62.26 covered products clearinghouse to submit information and implement actions to decrease
62.27 the incidence of covered products in solid waste in accordance with section 115A.1355,
62.28 subdivisions 2, paragraph (a), clause (40); and 3, paragraph (b), clause (6).

62.29 Subd. 6. **Public advisory committee.** (a) The covered products clearinghouse must
62.30 establish and maintain a public advisory committee.

62.31 (b) The duties of the public advisory committee are to:

63.1 (1) assist with drafting, continuous review, and periodic audit of the covered products
63.2 clearinghouse's outreach and education activities, including but not limited to signage and
63.3 educational materials; and

63.4 (2) make recommendations to the covered products clearinghouse and the commissioner
63.5 to continuously improve the effectiveness of the outreach and education activities and
63.6 maximize participation in the covered products stewardship program.

63.7 (c) The public advisory committee must meet and make recommendations before a
63.8 covered products stewardship plan is submitted to the commissioner.

63.9 (d) Membership of the public advisory committee must include representatives of
63.10 stakeholders of the covered products stewardship program, including but not limited to:

63.11 (1) the commissioner;

63.12 (2) household hazardous waste management programs;

63.13 (3) covered products collectors that are not household waste management programs;

63.14 (4) persons providing or that might provide covered services;

63.15 (5) producers; and

63.16 (6) other persons providing statewide representation.

63.17 (e) The covered products clearinghouse must maintain a publicly accessible website to
63.18 locate covered products collection sites through map-based and text-based searches.

63.19 Subd. 7. **Reporting.** (a) The covered products clearinghouse must report an amendment
63.20 to the covered products stewardship plan made under section 115A.1355, subdivision 5,
63.21 paragraph (a), to the commissioner within 30 days after making the amendment.

63.22 (b) By April 1 each year after a covered products stewardship plan is approved under
63.23 section 115A.1355, subdivision 4, the covered products clearinghouse must report to the
63.24 commissioner, in a form and manner prescribed by the commissioner, on the covered
63.25 products clearinghouse's activities during the preceding calendar year. The covered products
63.26 clearinghouse must also submit a copy of the report to the Covered Products Reimbursement
63.27 Board. The report must include:

63.28 (1) the address, county of location, and geolocation data for each covered products
63.29 collection site served by the covered products stewardship program during the preceding
63.30 calendar year;

64.1 (2) the weight of covered products and the chemistry by weight of the battery in
64.2 battery-containing products collected during each calendar year, in accordance with section
64.3 115A.1355, subdivision 2, paragraph (a), clause (39);

64.4 (3) a description, by weight of the covered products and the chemistry by weight of the
64.5 batteries in battery-containing products, of:

64.6 (i) the end management, through repair, refurbishment, reuse, recycling, or disposal, of
64.7 the covered products shipped from covered products collection sites under the covered
64.8 products stewardship program, in accordance with section 115A.1355, subdivision 2,
64.9 paragraph (a), clause (39);

64.10 (ii) the records maintained or received by the covered products clearinghouse to document
64.11 the end management described in item (i); and

64.12 (iii) the method or methods of verification used by the covered products clearinghouse
64.13 to ensure that the records maintained or received in item (ii) accurately reflect the actual
64.14 end management of the covered products;

64.15 (4) the effectiveness of the covered products clearinghouse's efforts to decrease the
64.16 incidence of covered products in solid waste in the state, in accordance with section
64.17 115A.1355, subdivision 2, paragraph (a), clause (40);

64.18 (5) the results of the oversight according to section 115A.1355, subdivision 2, paragraph
64.19 (a), clause (17), verifying that the performance standards were met by each of the persons
64.20 providing covered services;

64.21 (6) a description of outreach and education activities provided by the covered products
64.22 clearinghouse during the preceding calendar year according to subdivision 5;

64.23 (7) a financial report on the covered products stewardship program, including actual
64.24 costs and funding compared to the budget for the year submitted under section 115A.1355,
64.25 subdivision 2, paragraph (b). The financial report must include an audit report of the covered
64.26 products stewardship program, including the covered products clearinghouse and any
64.27 additional covered products stewardship organizations, by an independent auditor. The
64.28 independent auditor must be selected by the covered products clearinghouse and approved
64.29 or rejected by the commissioner. If the commissioner rejects an independent auditor, the
64.30 covered products clearinghouse must select a different independent auditor for approval or
64.31 rejection by the commissioner. The independent audit must meet the requirements of
64.32 Accounting Standards Update 2018-08, Not-for-Profit Entities (Topic 958), Financial
64.33 Accounting Standards Board, as amended;

65.1 (8) the proposed and actual budget for the year in which the report is submitted; and

65.2 (9) starting on the second April 1 after the covered products clearinghouse's first covered
65.3 products stewardship plan is approved by the commissioner, and then every third year
65.4 thereafter, a performance audit of the covered products stewardship program. The
65.5 performance audit must conform to audit standards established by the United States
65.6 Government Accountability Office; the National Association of State Auditors, Comptrollers
65.7 and Treasurers; or another nationally recognized organization approved by the commissioner.

65.8 **Subd. 8. Organization of covered products clearinghouse and covered products**
65.9 **stewardship organizations.** (a) A covered products stewardship organization and the
65.10 covered products clearinghouse must:

65.11 (1) be a nonprofit organization as described in section 501(c)(3) of the Internal Revenue
65.12 Code; and

65.13 (2) comply with section 5.36.

65.14 (b) The covered products clearinghouse and covered products stewardship organizations
65.15 may contract with subordinate persons to implement or administer a portion or portions of
65.16 the covered products stewardship plan or to coordinate with a group or groups of participants.

65.17 (c) A contract established according to paragraph (b) must be described under section
65.18 115A.1355, subdivision 2, paragraph (a), clause (6).

65.19 (d) Notwithstanding any contract established according to paragraph (b), the covered
65.20 products clearinghouse must:

65.21 (1) submit a single covered products stewardship plan to the commissioner meeting the
65.22 requirements of sections 115A.1351 to 115A.1369;

65.23 (2) submit a single report to the commissioner according to subdivision 6 meeting the
65.24 requirements of sections 115A.1351 to 115A.1369;

65.25 (3) serve as the single point of contact for reporting, reimbursement, and payment to the
65.26 agency; and

65.27 (4) maintain all responsibility and liability for compliance with all other requirements
65.28 of sections 115A.1351 to 115A.1369 applicable to the covered products clearinghouse.

65.29 **EFFECTIVE DATE.** This section is effective July 1, 2027.

66.1 Sec. 23. [115A.1359] FEES.

66.2 Subdivision 1. Administrative fees. (a) By October 1, 2027, the commissioner must
66.3 calculate the sum of all costs that the agency incurred to implement and administer sections
66.4 115A.1351 to 115A.1369 from July 1, 2026, to June 30, 2027.

66.5 (b) By December 1, 2027, the commissioner must assess an administrative fee to the
66.6 covered products clearinghouse at an amount that is adequate to reimburse the agency's
66.7 costs calculated under paragraph (a). The covered products clearinghouse must pay the
66.8 assessed administrative fee by the due date set by the commissioner.

66.9 (c) By April 1, 2028, and annually thereafter, the commissioner must calculate the sum
66.10 of all costs that the agency incurred to implement and administer sections 115A.1351 to
66.11 115A.1369 during the six months of July through December of the preceding calendar year.
66.12 By October 1, 2028, and annually thereafter, the commissioner must calculate the sum of
66.13 all costs that the agency incurred to implement and administer sections 115A.1351 to
66.14 115A.1369 during the six months of January through June of that calendar year.

66.15 (d) Notwithstanding section 16A.1283, the commissioner must semiannually assess
66.16 annual administrative fees to the covered products clearinghouse at an amount that is adequate
66.17 to reimburse the agency's costs under paragraph (c). The covered products clearinghouse
66.18 must pay the assessed administrative fees by the due dates set by the commissioner.

66.19 (e) For purposes of this subdivision, costs of the Covered Products Reimbursement
66.20 Board under section 115A.1353 are considered costs incurred by the agency.

66.21 (f) All agency costs calculated under this subdivision may be recovered in a civil action
66.22 brought by the attorney general against any person that may be liable under this subdivision
66.23 or any other law. Any costs incurred that are recovered by the attorney general, including
66.24 any award of attorney fees, must be deposited in the electronics stewardship account under
66.25 paragraph (g).

66.26 (g) An electronics stewardship account is established in the special revenue fund.

66.27 Subd. 2. Recovery and proper management fees. (a) When the commissioner intends
66.28 to spend money for the recovery and proper management of covered products under section
66.29 115A.1363, subdivision 1, notwithstanding section 16A.1283, the commissioner must assess
66.30 the estimated cost of recovery and proper management of covered products to the covered
66.31 products clearinghouse.

66.32 (b) The cost under paragraph (a) must not include any subsequent remediation of the
66.33 real properties where the covered products are located nor the cost of any environmental

67.1 assessment of the properties to determine appropriate subsequent remediation under other
67.2 law. Such costs must not be paid from any money assessed, collected, or appropriated under
67.3 this section. The covered products clearinghouse must pay the assessed recovery and
67.4 management fee by the due date set by the commissioner.

67.5 (c) If, after the covered products have been recovered and properly managed, the actual
67.6 cost of recovery and proper management of the recovered products is less than the fee paid
67.7 by the covered products clearinghouse, the commissioner must refund the excess payment.
67.8 If the cost of recovery and proper management exceeds the fee paid by the covered products
67.9 clearinghouse, the commissioner must assess the covered products clearinghouse for the
67.10 deficit. The covered products clearinghouse must pay the assessed recovery and management
67.11 fee deficit by the due date set by the commissioner.

67.12 Subd. 3. **Disposition of fees.** The total amount of net fees collected under this section
67.13 must not exceed the amount necessary to reimburse agency costs as calculated under
67.14 subdivisions 1 and 2. All fees received under subdivisions 1 and 2 must be deposited in the
67.15 state treasury and credited to the electronics stewardship account in the special revenue
67.16 fund. The amount collected under this section is annually appropriated to the commissioner
67.17 to implement and enforce sections 115A.1351 to 115A.1369.

67.18 **EFFECTIVE DATE.** This section is effective July 1, 2026.

67.19 Sec. 24. **[115A.1361] COVERED PRODUCTS COLLECTOR DUTIES.**

67.20 Subdivision 1. **Accepting covered products.** (a) All covered products collectors must
67.21 accept covered products without imposing a fee, charge, surcharge, or other cost to any
67.22 person other than the covered products clearinghouse.

67.23 (b) At a full covered products collection site, a covered products collector must accept
67.24 from any person at least ten covered products daily of any brand, type, physical size, and,
67.25 in regards to covered battery-containing products, any energy capacity or chemistry, unless
67.26 the covered products collector determines a specific covered product cannot be safely
67.27 collected by the covered products collector at a specific covered products collection site at
67.28 a specific time. A full covered products collection site must be open to receiving covered
67.29 products at least 12 operating hours per week, 50 weeks each calendar year.

67.30 (c) A household hazardous waste management program may accept covered products
67.31 at any covered products collection site that the program operates. The household hazardous
67.32 waste management program may limit from which persons it will accept covered products.
67.33 The household hazardous waste management program may limit the number, type, or

68.1 physical size of a covered product accepted and may limit the energy capacity or chemistry
68.2 of the battery in a covered product accepted. The covered products clearinghouse may count
68.3 a covered products collection site operated by the household hazardous waste management
68.4 program as a full covered products collection site when demonstrating compliance with the
68.5 convenience standards of section 115A.1355, subdivision 3, only if the household hazardous
68.6 waste management program voluntarily agrees in writing with the covered products
68.7 clearinghouse to comply with paragraph (b) at the site.

68.8 (d) A covered products collector that determines that it cannot safely accept a specific
68.9 covered product under paragraph (b) must document the reason for not accepting the covered
68.10 product and immediately notify the covered products clearinghouse of the nonacceptance
68.11 in order to allow the covered products clearinghouse to arrange for alternate collection of
68.12 the covered product under section 115A.1357, subdivision 1, paragraph (a), clause (7).

68.13 Subd. 2. **Covered products held for repair, refurbishment, or reuse.** (a) A covered
68.14 products collector may separate and retain for its own benefit covered products that the
68.15 collector intends to repair, refurbish, or otherwise reuse. The covered products collector
68.16 may not request nor receive reimbursement from the covered products clearinghouse for
68.17 any of the covered products collector's costs associated with covered products so retained.

68.18 (b) A covered products collector must annually report to the covered products
68.19 clearinghouse, in a matter and time requested by the covered products clearinghouse, on
68.20 covered products retained by the collector for repair, refurbishment, or reuse.

68.21 Subd. 3. **Storing accepted covered products.** A covered products collector must manage
68.22 and store all accepted covered products:

68.23 (1) safely;

68.24 (2) in compliance with all applicable federal, state, and local laws, including but not
68.25 limited to applicable rules adopted under section 116.07 for managing solid waste and
68.26 hazardous waste; and

68.27 (3) in accordance with applicable provisions of the most current version of:

68.28 (i) Special Publication 800-88 published by the National Institute of Standards and
68.29 Technology of the United States Department of Commerce; or

68.30 (ii) i-SIGMA NAID AAA Certification, published by the International Secure Information
68.31 Governance & Management Association.

68.32 Subd. 4. **Training.** A covered products collector must ensure and document that training
68.33 is provided for covered products collection site employees on identifying and safely handling

69.1 and storing covered products, including those containing damaged, defective, or recalled
69.2 batteries, also known as DDR batteries. The covered products collector may provide the
69.3 training or may receive training through the covered products clearinghouse.

69.4 **Subd. 5. Record keeping for covered products.** A covered products collector must
69.5 maintain records as specified in this subdivision for at least three years after the date of the
69.6 record and make the records available to the commissioner for inspection. The records must
69.7 include the chemistry by weight of the battery in battery-containing products and any
69.8 additional information required by the commissioner. The records must document for each
69.9 calendar year the covered products:

69.10 (1) accepted at a covered products collection site; and

69.11 (2) shipped from a covered products collection site.

69.12 **Subd. 6. Required information for reporting.** For records and reporting related to
69.13 covered products under subdivisions 2, paragraph (b), and 5, the information provided must
69.14 include weight of the covered products and chemistry by weight of the battery in
69.15 battery-containing products and any additional information required by the commissioner.

69.16 **Subd. 7. Record keeping for employee training.** A covered products collector must
69.17 maintain documentation of each employee's training related to covered products starting on
69.18 the date of training and for at least three years after the last day that the employee worked
69.19 for the covered products collector.

69.20 **Subd. 8. Covered services.** (a) A covered products collector may request that the covered
69.21 products clearinghouse use a particular person to provide covered services on behalf of the
69.22 covered products clearinghouse. The covered products clearinghouse must consider the
69.23 request.

69.24 (b) A covered products collector may request that the covered products clearinghouse
69.25 allow the covered products collector to provide covered services on behalf of the covered
69.26 products clearinghouse. To make a request, the covered products collector must be able to
69.27 show that they meet the performance standards in section 115A.1355, subdivision 2,
69.28 paragraph (a), clause (16). The covered products collector must negotiate in good faith the
69.29 fees to be paid to the covered products collector for providing the covered services.

69.30 **Subd. 9. Accepting other products.** A covered products collector may accept any
69.31 product for collection but may not be required to do so by the covered products clearinghouse
69.32 unless the product is a covered product. If a covered products collector accepts a product
69.33 that is not a covered product, the covered products collector may remove a battery from the

70.1 product if the collector either transfers the removed battery to a covered battery collector,
70.2 as defined in section 115A.1331, or arranges for the proper management of the removed
70.3 battery in accordance with the covered battery stewardship plan under section 115A.1335.
70.4 A covered products collector's costs for actions under this subdivision are not required to
70.5 be reimbursed by the covered products clearinghouse.

70.6 **EFFECTIVE DATE.** This section is effective January 1, 2030.

70.7 Sec. 25. **[115A.1363] COVERED PRODUCTS RECOVERY AND PROPER**
70.8 **MANAGEMENT.**

70.9 Subdivision 1. **Recovery and proper management.** (a) In addition to any authority
70.10 granted by other law and without limiting that authority, whenever the commissioner
70.11 determines that covered products have been abandoned, improperly disposed of, or stored
70.12 on real property within the state in a manner not in compliance with sections 115A.1351 to
70.13 115A.1369 or with applicable rules adopted under section 116.07, subdivision 2, paragraph
70.14 (d), or 4, paragraph (g), the commissioner may issue an order under section 115.071,
70.15 subdivision 5; 116.07, subdivision 9; or 116.072, subdivision 1, requiring a person responsible
70.16 for the abandonment, improper disposal, or noncompliant storage of the covered products
70.17 to recover and properly manage the covered products according to sections 115A.1351 to
70.18 115A.1369 and applicable rules. An order under this paragraph must notify the person of
70.19 the provisions of this subdivision.

70.20 (b) If a person that receives an order under paragraph (a) fails to complete the ordered
70.21 actions to recover and properly manage the covered products within the time specified in
70.22 the order, then after that time or upon expiration of the appeal period for the order, whichever
70.23 is later, the commissioner must notify the covered products clearinghouse in writing of:

70.24 (1) the commissioner's determination that the covered products have been abandoned,
70.25 improperly disposed of, or stored in a noncompliant manner;

70.26 (2) the name of the person that was issued the order under paragraph (a) and the location
70.27 of the covered products;

70.28 (3) the actions required to recover and properly manage the covered products; and

70.29 (4) the amount of time that the covered products clearinghouse may, with the consent
70.30 of the person, attempt to complete the actions to recover and properly manage the covered
70.31 products on behalf of the person before the commissioner takes action.

70.32 (c) If the covered products clearinghouse intends to arrange for recovery and proper
70.33 management of the covered products, the covered products clearinghouse must notify the

71.1 commissioner of its intent and submit a plan to recover and properly manage the covered
 71.2 products to the commissioner. The covered products clearinghouse must comply with its
 71.3 submitted recovery and management plan.

71.4 (d) If, after the period specified in paragraph (b), the ordered actions to recover and
 71.5 properly manage the covered products have not been completed, or upon earlier notice from
 71.6 the covered products clearinghouse that it does not intend to take the actions, the
 71.7 commissioner may recover and properly manage the covered products. The commissioner
 71.8 must estimate the cost for a person contracted to the agency to perform the recovery and
 71.9 management. The commissioner must assess the estimated cost to the covered products
 71.10 clearinghouse according to section 115A.1359, subdivision 2. After the covered products
 71.11 clearinghouse pays the assessed fee, the commissioner may recover and properly manage
 71.12 the covered products. Money appropriated to the commissioner from the electronics
 71.13 stewardship account may be spent by the commissioner to recover and properly manage
 71.14 the covered products.

71.15 (e) In addition to the authority to enter upon any public or private property for the purpose
 71.16 of obtaining information or conducting surveys or investigations under section 115A.06,
 71.17 the commissioner or the commissioner's designee or agent may enter upon the property to
 71.18 recover covered products when acting under this subdivision.

71.19 **Subd. 2. Limited private right of action for recovery and proper management. (a)**
 71.20 If the covered products clearinghouse arranges and pays for the recovery and proper
 71.21 management of covered products under subdivision 1, paragraph (c), the covered products
 71.22 clearinghouse may maintain a civil action against a person issued an order to recover and
 71.23 properly manage those covered products under subdivision 1, paragraph (a). The covered
 71.24 products clearinghouse is entitled to damages under this paragraph of twice the actual cost
 71.25 of recovery and proper management of the covered products. Additional amounts recoverable
 71.26 under this paragraph include an award of reasonable attorney fees and costs.

71.27 (b) When the covered products clearinghouse is assessed and pays the cost to recover
 71.28 and properly manage covered products under subdivision 1, paragraph (d), and section
 71.29 115A.1359, subdivision 2, the covered products clearinghouse may maintain a civil action
 71.30 against a person issued an order to recover and properly manage those covered products
 71.31 under subdivision 1, paragraph (a). The covered products clearinghouse is entitled to damages
 71.32 under this paragraph equal to the cost of recovery and proper management of the covered
 71.33 products. Additional amounts recoverable under this paragraph include an award of
 71.34 reasonable attorney fees and costs.

72.1 (c) The commissioner may not be a party to or be required to provide assistance or
72.2 otherwise participate in a civil action authorized under this subdivision unless subject to a
72.3 subpoena before a court of jurisdiction.

72.4 **EFFECTIVE DATE.** This section is effective January 1, 2030.

72.5 Sec. 26. **[115A.1365] OTHER AUTHORITIES AND DUTIES.**

72.6 Subdivision 1. **Limited private right of action against producers.** (a) Except as
72.7 provided in paragraph (e), the covered products clearinghouse or a covered products
72.8 stewardship organization may maintain a civil action against one or more covered products
72.9 stewardship organizations or one or more covered products producers, except a de minimis
72.10 covered products producer, to recover a portion of the covered products clearinghouse's or
72.11 covered products stewardship organization's costs and additional amounts according to this
72.12 subdivision.

72.13 (b) Damages recoverable under this subdivision may not exceed a fair share of the actual
72.14 costs incurred by the plaintiff covered products clearinghouse or covered products
72.15 stewardship organization under sections 115A.1351 to 115A.1369; costs of managing
72.16 covered products of other covered products producers that were not participants; or costs
72.17 that should otherwise have been due to the covered products clearinghouse from a subordinate
72.18 covered products stewardship organization. Additional amounts recoverable under this
72.19 subdivision include an award of reasonable attorney fees and costs. If a defendant covered
72.20 products producer did not participate in the covered products stewardship program established
72.21 under sections 115A.1351 to 115A.1369 during the period when covered products of the
72.22 defendant covered products producer were managed by the plaintiff covered products
72.23 clearinghouse or covered products stewardship organization, a punitive sum of up to three
72.24 times the damages awarded may be assessed.

72.25 (c) A plaintiff covered products clearinghouse may establish a defendant covered products
72.26 stewardship organization's fair share of the plaintiff's actual costs by providing the court
72.27 with information by which the defendant covered products stewardship organization's share
72.28 of the covered products stewardship program costs would have been allocated had the
72.29 defendant covered products stewardship organization paid its allocated share. The plaintiff
72.30 covered products clearinghouse may use data from other covered products stewardship
72.31 organizations to provide the information.

72.32 (d) A plaintiff covered products clearinghouse or covered products stewardship
72.33 organization may establish a defendant covered products producer's fair share of the plaintiff's
72.34 actual costs by providing the court with information establishing the process by which the

73.1 defendant covered products producer's share of covered products stewardship program costs
 73.2 would have been allocated had the defendant covered products producer been a participant
 73.3 in the program or paid its allocated share if it was a participant. The plaintiff covered products
 73.4 clearinghouse or covered products stewardship organization may use data from covered
 73.5 products producers similar in covered product, financial status, or market share to the
 73.6 defendant covered products producer to provide the information.

73.7 (e) An action may not be commenced under this subdivision against a potential defendant
 73.8 until 60 days after the plaintiff provides to all potential defendants a written notice of the
 73.9 claim setting forth the amount of the claim and the basis for the calculation of the amount.

73.10 (f) No action may be brought under this subdivision against a person other than a covered
 73.11 products producer or covered products stewardship organization.

73.12 (g) The commissioner may not be a party to or be required to provide assistance or
 73.13 otherwise participate in a civil action authorized under this subdivision unless subject to a
 73.14 subpoena before a court of jurisdiction.

73.15 Subd. 2. **Conduct authorized.** A covered products producer, covered products
 73.16 stewardship organization, or covered products clearinghouse that organizes collection and
 73.17 covered services for covered products under sections 115A.1351 to 115A.1369 is immune
 73.18 from liability for the conduct under state laws relating to antitrust, restraint of trade, unfair
 73.19 trade practices, and other regulation of trade or commerce only to the extent that the conduct
 73.20 is necessary to plan and implement the covered products producer's, covered products
 73.21 stewardship organization's, or covered products clearinghouse's chosen system.

73.22 Subd. 3. **Duty to provide information.** Upon request of the commissioner for purposes
 73.23 of implementing sections 115A.1351 to 115A.1369, a person must furnish to the
 73.24 commissioner any information that the person has or may reasonably obtain.

73.25 Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase
 73.26 or lease of covered products that is found to be in violation of sections 115A.1351 to
 73.27 115A.1369 is subject to the following sanctions:

73.28 (1) the contract must be voided if the commissioner of administration determines that
 73.29 the potential adverse impact to the state is exceeded by the benefit obtained from voiding
 73.30 the contract; and

73.31 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part
 73.32 1230.1150.

74.1 (b) If the attorney general establishes that any money, property, or benefit was obtained
74.2 by a contractor as a result of violating sections 115A.1351 to 115A.1369, the court may, in
74.3 addition to any other remedy, order the disgorgement of the unlawfully obtained money,
74.4 property, or benefit.

74.5 Subd. 5. **Multistate implementation.** The commissioner may participate in establishing
74.6 a regional multistate organization or compact to assist in carrying out the requirements of
74.7 sections 115A.1351 to 115A.1369.

74.8 Subd. 6. **Transition.** The commissioner may adjust the responsibilities of any person
74.9 under Minnesota Statutes 2024, sections 115A.1310 to 115A.1330, if determined by the
74.10 commissioner to be beneficial in the transition to implementation of sections 115A.1351 to
74.11 115A.1369.

74.12 Subd. 7. **Rules.** (a) The commissioner may adopt rules to implement sections 115A.1351
74.13 to 115A.1369. The 18-month time limit under section 14.125 does not apply to rulemaking
74.14 under this subdivision.

74.15 (b) The commissioner may, by rule:

74.16 (1) list a covered battery-containing product if it is a battery-containing product and list
74.17 a covered electronics product if it is an electronics product; or

74.18 (2) delist a covered product listed under this section.

74.19 (c) In a rulemaking under paragraph (b), the commissioner may consider:

74.20 (1) whether the product when discarded, would be a hazardous waste, problem material,
74.21 or otherwise present an actual or potential risk to public safety, human health, or the
74.22 environment;

74.23 (2) whether the product contains a chemical of high concern identified under section
74.24 116.9402;

74.25 (3) whether the product contains critical materials or critical minerals as defined in
74.26 sections 6003 or 7002 of Public Law 116-260;

74.27 (4) the expected practicality of collection, transportation, and processing of the product
74.28 using currently available collectors, collection sites, and persons providing covered services;

74.29 (5) the known or estimated prevalence of the product in solid waste facilities in
74.30 Minnesota;

74.31 (6) potential opportunities for improved management of the product in accordance with
74.32 section 115A.02;

- 75.1 (7) expected or expressed public opinion regarding the potential collection of the product;
 75.2 (8) public requests received regarding the potential collection of the product;
 75.3 (9) the opportunity for improved environmental justice;
 75.4 (10) whether the product has been recommended for listing or delisting by the Covered
 75.5 Products Listing Review Board under section 115A.1367; and
 75.6 (11) any other information determined relevant by the commissioner.

- 75.7 (d) The commissioner may list or delist a covered battery-containing product or covered
 75.8 electronics product by rule under this subdivision regardless of whether the Covered Products
 75.9 Listing Review Board has or has not made a recommendation to list, not list, delist, or not
 75.10 delist the product.

75.11 **EFFECTIVE DATE.** This section is effective July 1, 2026.

75.12 Sec. 27. **[115A.1367] COVERED PRODUCTS LISTING REVIEW BOARD.**

- 75.13 Subdivision 1. **Establishment.** The Covered Products Listing Review Board is established
 75.14 to make recommendations to the commissioner that an electronics product or a
 75.15 battery-containing product be listed as a covered product according to section 115A.1365,
 75.16 subdivision 7, paragraph (b), or to delist a covered product that was listed under section
 75.17 115A.1365. Notwithstanding section 15.059, subdivision 6, the commissioner must maintain
 75.18 the Covered Products Listing Review Board as long as sections 115A.1351 to 115A.1369
 75.19 are effective.

75.20 Subd. 2. **Membership.** (a) By July 1, 2030, the commissioner must appoint the initial
 75.21 membership of the Covered Products Listing Review Board. Membership consists of:

- 75.22 (1) one or more members representing the commissioner;
 75.23 (2) one or more members representing covered products producers;
 75.24 (3) one or more members representing household hazardous waste management programs;
 75.25 (4) one or more members representing covered products collectors that are not household
 75.26 hazardous waste management programs;
 75.27 (5) one or more members representing persons providing covered services;
 75.28 (6) one or more members representing a statewide nonprofit environmental organization;
 75.29 (7) one or more members representing persons that sell covered products; and
 75.30 (8) one or more members who do not represent constituency of other members.

76.1 (b) In making appointments under paragraph (a), the commissioner may not appoint
76.2 persons who are:

76.3 (1) current or elected Minnesota state representatives or senators; or

76.4 (2) required to register as lobbyists under section 10A.03.

76.5 Subd. 3. **Terms; removal.** Members serve for a term of four years, except that the initial
76.6 term for half or one more than half, if applicable, of the initial appointees must be two years
76.7 so that membership terms are staggered. Members may be reappointed to another term
76.8 following the end of a term. The removal of members is governed by section 15.059,
76.9 subdivision 4.

76.10 Subd. 4. **Quorum; voting.** Meetings of the Covered Products Listing Review Board
76.11 must have at least a quorum of members, consisting of a majority of the appointed
76.12 membership. Recommendations of the Covered Products Listing Review Board require the
76.13 affirmative vote of a majority of the appointed membership.

76.14 Subd. 5. **Administrative support; facilitator.** (a) The commissioner must provide
76.15 administrative support to the Covered Products Listing Review Board, including meeting
76.16 space and public access for meetings conducted by telephone or interactive technology. The
76.17 commissioner must ensure that all activities of the Covered Products Listing Review Board
76.18 that require public notice, such as notice of meetings, agendas and materials related to
76.19 agenda items, and minutes, are published on the agency's publicly accessible website.

76.20 (b) The commissioner may contract for an independent facilitator for the Covered
76.21 Products Listing Review Board. If so contracted, the facilitator is not a member of the board
76.22 for purposes of quorum or voting.

76.23 (c) The Covered Products Listing Review Board must ensure that all activities of the
76.24 Covered Products Listing Review Board that require public notice are timely provided to
76.25 the commissioner for publication.

76.26 Subd. 6. **Meetings.** (a) The Covered Products Listing Review Board must meet as
76.27 necessary to meet the requirements of subdivision 7. Meetings may be scheduled at the
76.28 request of the facilitator or a majority of the appointed membership.

76.29 (b) The Covered Products Listing Review Board is subject to chapter 13D.

76.30 Subd. 7. **Recommendations for covered products listings.** (a) By July 1, 2031, and at
76.31 least every three years thereafter, or more frequently if requested by the commissioner, the
76.32 Covered Products Listing Review Board must submit a recommendation to the commissioner
76.33 to list an electronics product or a battery-containing product as a covered product according

77.1 to section 115A.1365, subdivision 7, paragraph (b), or to delist a covered product that has
77.2 been listed according to section 115A.1365, subdivision 7, paragraph (b).

77.3 (b) Before making a recommendation according to paragraph (a), the Covered Products
77.4 Listing Review Board may consider the factors under section 115A.1365, subdivision 7,
77.5 paragraph (c), clauses (1) to (10), as well as any other information or factors determined
77.6 relevant by the Covered Products Listing Review Board.

77.7 (c) A recommendation of the Covered Products Listing Review Board under paragraph
77.8 (a) must identify and describe in writing:

77.9 (1) the battery-containing product or electronics product recommended for listing or
77.10 delisting;

77.11 (2) any information provided to the Covered Products Listing Review Board;

77.12 (3) each of the factors considered by the Covered Products Listing Review Board in
77.13 making the recommendation; and

77.14 (4) all information related to the factors considered in clause (3).

77.15 **EFFECTIVE DATE.** This section is effective July 1, 2026.

77.16 **Sec. 28. [115A.1369] DISPOSAL PROHIBITIONS; LABELING; COVERED**
77.17 **PRODUCT SALES RESTRICTION.**

77.18 Subdivision 1. **Disposal prohibition.** (a) A person may not place a covered product
77.19 into:

77.20 (1) solid waste; or

77.21 (2) a recycling container that a covered products collector has not clearly marked for
77.22 use for collecting covered products.

77.23 (b) A person must manage a covered product that is discarded by delivering the covered
77.24 product to a covered products collection site or to a recycling facility for covered products.

77.25 (c) Until recycled, covered products are not exempt from any applicable rules adopted
77.26 under section 116.07 for managing hazardous waste.

77.27 Subd. 2. **Labeling and sale; requirements.** (a) A person may not sell, including online
77.28 sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a
77.29 sale of a covered product unless the covered product is labeled to identify the manufacturer
77.30 of the covered product or the brand under which the covered product will be sold. Labeling
77.31 under this paragraph must be permanently marked on or affixed to the covered product and

78.1 must use language, graphics, or a QR code. A QR code must be compliant with International
 78.2 Organization of Standardization 18004:2015 and access equivalent data via the Internet that
 78.3 is available without fee or requirement to create an account.

78.4 (b) A person may not sell, including online sales; offer for sale or promotional purposes;
 78.5 distribute in or into the state; or facilitate a sale of a covered product unless:

78.6 (1) the covered product's producer is named as a participant in a covered products
 78.7 stewardship plan published under section 115A.1355, subdivision 4; or

78.8 (2) the brand is named as covered in a covered products stewardship plan published
 78.9 under section 115A.1355, subdivision 4.

78.10 (c) A person may not sell, including online sales; offer for sale or promotional purposes;
 78.11 distribute in or into the state; or facilitate a sale of a covered product if the covered products
 78.12 stewardship plan under which the covered product was covered has been terminated under
 78.13 section 115A.1355, subdivision 5, until a new covered products stewardship plan is approved
 78.14 under section 115A.1355, subdivision 4.

78.15 (d) This subdivision does not apply to isolated and occasional sales of a covered product
 78.16 that are not made in the normal course of business, as exempted from sales tax under section
 78.17 297A.67, subdivision 23.

78.18 (e) This subdivision does not apply to sales, including online sales; offers for sale or
 78.19 promotional purposes; distribution; or facilitation of a sale of a used covered product.

78.20 **EFFECTIVE DATE.** This section is effective January 1, 2030.

78.21 Sec. 29. Minnesota Statutes 2024, section 115A.554, is amended to read:

78.22 **115A.554 AUTHORITY OF SANITARY DISTRICTS.**

78.23 A sanitary district has the authorities and duties of counties within the district's boundary
 78.24 for purposes of sections 115A.0716; 115A.46, subdivisions 4 and 5; 115A.48; 115A.551;
 78.25 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; ~~115A.961;~~
 78.26 116.072; 375.18, subdivision 14; 400.04; 400.06; 400.07; 400.08; 400.16; and 400.161.

78.27 Sec. 30. Minnesota Statutes 2024, section 115A.9157, is amended to read:

78.28 **115A.9157 RECHARGEABLE BATTERIES AND PRODUCTS.**

78.29 Subdivision 1. **Definition.** ~~For the purpose of this section, "rechargeable battery" means~~
 78.30 ~~a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery,~~
 78.31 ~~except a rechargeable battery governed by section 115A.9155 or exempted by the~~

79.1 ~~commissioner under subdivision 9.~~ The terms used in this section have the meanings given
 79.2 in sections 115A.03 and 115A.1331.

79.3 Subd. 2. **Prohibition.** ~~Effective August 1, 1991, A person may not place in mixed~~
 79.4 ~~municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a~~
 79.5 ~~nonremovable rechargeable battery, or a product powered by rechargeable batteries or~~
 79.6 ~~rechargeable battery pack, from which all batteries or battery packs have not been removed.~~
 79.7 A person may not place a product powered by rechargeable batteries in solid waste unless
 79.8 all batteries have been removed from the product.

79.9 Subd. 3. **Collection and management costs.** A manufacturer of ~~rechargeable batteries~~
 79.10 ~~or~~ products powered by rechargeable batteries that are not easily removable from the products
 79.11 is responsible for the costs of collecting and managing its ~~waste rechargeable batteries and~~
 79.12 ~~waste products~~ under subdivision 5 to ensure that the products and batteries are not part of
 79.13 the solid waste stream.

79.14 Subd. 5. **Collection and management programs.** (a) ~~By September 20, 1995, the~~
 79.15 ~~manufacturers~~ A manufacturer under subdivision 3 or their representative organization shall
 79.16 implement a permanent programs, based on the results of the pilot projects required in
 79.17 ~~Minnesota Statutes 1994, section 115A.9157, subdivision 4,~~ program that may be reasonably
 79.18 expected to collect 90 percent of the ~~waste rechargeable batteries and the participating~~
 79.19 ~~manufacturers'~~ manufacturer's products powered by rechargeable batteries that are not easily
 79.20 removable from the products and that are generated as waste in the state. The ~~batteries and~~
 79.21 products collected must be recycled or otherwise managed or disposed of properly.

79.22 (b) In every odd-numbered year ~~after 1995,~~ each manufacturer or a representative
 79.23 organization shall provide information to the commissioner and the senate and house of
 79.24 representatives committees having jurisdiction over environment and natural resources and
 79.25 environment and natural resources finance that specifies at least the estimated amount of
 79.26 battery-containing products powered by rechargeable batteries that are not easily removed
 79.27 from the products subject to this section ~~and~~ generated as waste in the state by ~~each~~
 79.28 manufacturer ~~and,~~ the amount of ~~batteries each~~ such products collected during the previous
 79.29 two years, and the methodology used to calculate those amounts. A representative
 79.30 organization may report the amounts in aggregate for all the members of the organization.

79.31 Subd. 6. ~~List of participants~~ **Program notice.** A manufacturer or its representative
 79.32 organization shall inform the commissioner and the committees listed in subdivision 5 when
 79.33 they begin ~~participating in the projects and programs~~ implementing a program under
 79.34 subdivision 5 and immediately if they ~~withdraw participation~~ stop implementing a program.

80.1 Subd. 7. **Contracts.** A manufacturer or a representative organization of manufacturers
80.2 may contract with ~~the state or a political subdivision~~ any person to provide collection services
80.3 under this section. The manufacturer or organization shall fully reimburse the ~~state or~~
80.4 ~~political subdivision~~ person for the value of any contractual services rendered under this
80.5 subdivision.

80.6 Subd. 8. **Anticompetitive conduct.** A manufacturer or organization of manufacturers
80.7 and its officers, members, employees, and agents who participate in ~~projects or programs~~
80.8 ~~to collect and properly manage waste rechargeable batteries or products powered by~~
80.9 ~~rechargeable batteries~~ a program under this section are immune from liability under state
80.10 law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of
80.11 trade or commerce for activities related to the collection and management of ~~batteries and~~
80.12 ~~products~~ required under this section.

80.13 ~~Subd. 9. **Exemptions.** To ensure that new types of batteries do not add additional~~
80.14 ~~hazardous or toxic materials to the mixed municipal solid waste stream, the commissioner~~
80.15 ~~of the agency may exempt a new type of rechargeable battery from the requirements of this~~
80.16 ~~section if it poses no unreasonable hazard when placed in and processed or disposed of as~~
80.17 ~~part of a mixed municipal solid waste.~~

80.18 **EFFECTIVE DATE.** This section is effective July 1, 2026.

80.19 Sec. 31. Minnesota Statutes 2024, section 115C.02, is amended by adding a subdivision
80.20 to read:

80.21 **Subd. 13a. Side-mounted fuel tank.** (a) "Side-mounted fuel tank" means a liquid fuel
80.22 tank that is in commercial use, has a capacity of 50 gallons or more, and:

80.23 (1) if mounted on a truck tractor, extends outboard of the vehicle frame and outside the
80.24 plain view outline of the cab; or

80.25 (2) if mounted on a truck, extends outboard of a line parallel to the longitudinal centerline
80.26 of the truck and tangent to the outboard side of a front tire in a straight-ahead position.

80.27 (b) In determining whether a fuel tank on a truck or truck tractor is side-mounted, the
80.28 fill pipe is not considered a part of the tank.

80.29 Sec. 32. Minnesota Statutes 2024, section 115C.02, subdivision 14, is amended to read:

80.30 Subd. 14. **Tank.** (a) "Tank" means any one or a combination of containers, vessels, and
80.31 enclosures, including structures and appurtenances connected to them, that is, or has been,
80.32 used to contain, dispense, or store petroleum.

81.1 (b) "Tank" does not include:

81.2 (1) mobile tanks, except for tanks in transport; or

81.3 (2) pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline
81.4 Safety Act of 1968, United States Code, title 49, chapter 24, or the Hazardous Liquid Pipeline
81.5 Safety Act of 1979, United States Code, title 49, chapter 29.

81.6 (c) "Tank" includes a side-mounted fuel tank.

81.7 Sec. 33. Minnesota Statutes 2024, section 115C.09, subdivision 1, is amended to read:

81.8 Subdivision 1. **Reimbursable costs.** (a) The board shall provide reimbursement to
81.9 eligible applicants for reimbursable costs.

81.10 (b) The following costs are reimbursable for purposes of this chapter:

81.11 (1) corrective action costs incurred by the applicant and documented in a form prescribed
81.12 by the board. Corrective action costs incurred by the applicant include costs for physical
81.13 removal of a tank when the physical removal is part of a corrective action, regardless of
81.14 whether the tank is leaking at the time of removal, and the removal is directed or approved
81.15 by the commissioner;

81.16 (2) costs that the responsible person is legally obligated to pay as damages to third parties
81.17 for bodily injury, property damage, or corrective action costs incurred by a third party caused
81.18 by a release where the responsible person's liability for the costs has been established by a
81.19 court order or court-approved settlement; and

81.20 (3) up to 180 days of interest costs associated with the financing of corrective action
81.21 and incurred by the applicant in a written extension of credit or loan that has been signed
81.22 by the applicant and executed after July 1, 2002, provided that the applicant documents
81.23 that:

81.24 (i) the interest costs are incurred as a result of an extension of credit or loan from a
81.25 financial institution; and

81.26 (ii) the board has not considered the application within the applicable time frame specified
81.27 in subdivision 2a, paragraph (c).

81.28 (c) Interest costs meeting the requirements of paragraph (b), clause (3), are eligible only
81.29 when they are incurred between the date a complete initial application is received by the
81.30 board, or the date a complete supplemental application is received by the board, and the
81.31 date that the board first notifies the applicant of its reimbursement determination. An
81.32 application is complete when the information reasonably required or requested by the board's

82.1 staff from the applicant has been received by the board's staff. Interest costs are not eligible
 82.2 for reimbursement to the extent they exceed two percentage points above the adjusted prime
 82.3 rate charged by banks, as defined in section 270C.40, subdivision 5, at the time the extension
 82.4 of credit or loan was executed.

82.5 (d) A cost for liability to a third party is incurred by the responsible person when an
 82.6 order or court-approved settlement is entered that sets forth the specific costs attributed to
 82.7 the liability. Except as provided in this paragraph, reimbursement may not be made for costs
 82.8 of liability to third parties until all eligible corrective action costs have been reimbursed. If
 82.9 a corrective action is expected to continue in operation for more than one year after it has
 82.10 been fully constructed or installed, the board may estimate the future expense of completing
 82.11 the corrective action and, after subtracting this estimate from the total reimbursement
 82.12 available under subdivision 3, reimburse the costs for liability to third parties. The total
 82.13 reimbursement may not exceed the limit set forth in subdivision 3.

82.14 (e) For purposes of this section, "corrective action costs incurred by the applicant" does
 82.15 not include corrective action costs resulting from a release from a side-mounted fuel tank.
 82.16 Corrective action costs, including staff time, cleanup costs, or damages, resulting from a
 82.17 release from a side-mounted fuel tank are not reimbursable.

82.18 Sec. 34. Minnesota Statutes 2024, section 115E.04, subdivision 2, is amended to read:

82.19 Subd. 2. **Timing Updates.** ~~(a) A person required to be prepared under section 115E.03,~~
 82.20 ~~other than a person who owns or operates a motor vehicle, rolling stock, or a facility that~~
 82.21 ~~stores less than 250,000 gallons of oil or a hazardous substance, shall complete the response~~
 82.22 ~~plan required by this section by March 1, 1993, unless one of the commissioners orders the~~
 82.23 ~~person to demonstrate preparedness at an earlier date under section 115E.05.~~

82.24 ~~(b) A person who owns or operates a motor vehicle, rolling stock, or a facility that stores~~
 82.25 ~~less than 250,000 gallons of oil or a hazardous substance shall complete the response plan~~
 82.26 ~~required by this section by January 1, 1994.~~

82.27 (e) Plans required under section 115E.04 or 115E.045 must be updated every three years.
 82.28 Plans must be updated before three years following a significant discharge, upon significant
 82.29 change in vessel or facility operation or ownership, upon significant change in the national
 82.30 or area contingency plans under the Oil Pollution Act of 1990, or upon change in the
 82.31 capabilities or role of a person named in a plan who has an important response role.

83.1 Sec. 35. Minnesota Statutes 2024, section 115E.04, subdivision 3, is amended to read:

83.2 Subd. 3. **Notification.** (a) The commissioner of ~~public safety~~ the Pollution Control
83.3 Agency must be notified when any of the following takes place:

83.4 (1) submission of the plan to the federal government;

83.5 (2) granting of exemptions or extensions of time by the federal government for submission
83.6 of the plan; or

83.7 (3) completion of the plan if submission to the federal government is not required.

83.8 (b) Notification under this subdivision must be on a form prescribed by the commissioner
83.9 of public safety and must include:

83.10 (1) a description of the facility or vessel;

83.11 (2) a description of the activities involving oil or hazardous substances;

83.12 (3) a description of the types of materials being handled, including whether agricultural
83.13 chemicals are involved; and

83.14 (4) other information required by the commissioner of public safety.

83.15 (c) The commissioner of ~~public safety~~ shall the Pollution Control Agency must transmit
83.16 a copy of the notification to the other commissioners as appropriate, depending on the types
83.17 of materials involved.

83.18 Sec. 36. Minnesota Statutes 2024, section 115E.04, subdivision 4, is amended to read:

83.19 Subd. 4. **Reviewing prevention and response plan.** (a) A person required to show
83.20 specific preparedness under section 115E.03, subdivision 2, must submit a copy of the
83.21 prevention and response plan to the commissioner of the Pollution Control Agency and any
83.22 of the commissioners who request it and to an official of a political subdivision with
83.23 appropriate jurisdiction upon the official's request, or the plan and equipment and material
83.24 named in the plan may be examined upon the request of an authorized agent of a
83.25 commissioner or official.

83.26 (b) Upon the request of one or more of the commissioners, a person shall demonstrate
83.27 the adequacy of prevention and response plans and preparedness measures by conducting
83.28 announced or unannounced drills, calling persons and organizations named in a prevention
83.29 and response plan and verifying roles and capabilities, locating and testing response
83.30 equipment, questioning response personnel, or other means that in the judgment of the
83.31 requesting commissioner demonstrate preparedness. Before requesting an unannounced

84.1 drill, the requesting commissioner shall notify the other commissioners that a drill will be
 84.2 requested and invite them to participate in or witness the drill. If an unannounced drill is
 84.3 conducted to the satisfaction of the commissioners, the person conducting the drill may not
 84.4 be required to conduct an additional unannounced drill in the same calendar year for the
 84.5 same operation or function in that location.

84.6 Sec. 37. Minnesota Statutes 2024, section 115E.042, subdivision 1a, is amended to read:

84.7 Subd. 1a. **Definitions.** (a) For purposes of this section, the following terms have the
 84.8 meanings given.

84.9 (b) "Drill" means an operations-based exercise to validate a single operation or function.

84.10 ~~(b)~~ (c) "Exercise" means an activity or training to evaluate responsibilities, roles, and
 84.11 response plans for the discharge of oil or hazardous substances and includes but is not
 84.12 limited to ~~walkthroughs~~ drills, tabletop exercises, or functional exercises.

84.13 ~~(e)~~ (d) "Full-scale exercise" means training activities to evaluate responsibilities, roles,
 84.14 and response plans for a confirmed discharge or worst-case discharge of oil or hazardous
 84.15 substances and includes utilizing, as much as practicable, the equipment, personnel, and
 84.16 coordinated resources required under subdivision 4.

84.17 ~~(d)~~ (e) "Functional exercise" means a guided session where a simulated operational
 84.18 environment trains and evaluates specific personnel, procedures, or resources on scenarios
 84.19 relating to the discharge of oil or hazardous substances.

84.20 ~~(e)~~ (f) "Tabletop exercise" means a guided session where the discussion addresses topics,
 84.21 including but not limited to the roles and responsibilities of a rail carrier and its personnel
 84.22 in response to a confirmed discharge of oil or hazardous substances.

84.23 ~~(f) "Walkthrough" means drills and training designed to familiarize railroad personnel~~
 84.24 ~~with the response plans required under this chapter and the response requirements to a~~
 84.25 ~~confirmed discharge under this section.~~

84.26 Sec. 38. Minnesota Statutes 2024, section 115E.042, subdivision 4, is amended to read:

84.27 Subd. 4. **Response capabilities; time limits.** (a) Following confirmation of a discharge,
 84.28 a railroad must deliver and deploy sufficient equipment and trained personnel to (1) contain
 84.29 and recover discharged oil or other hazardous substances, (2) protect the environment, and
 84.30 (3) assist local public safety officials. Within 15 minutes of a rail incident involving a
 84.31 confirmed discharge or release of oil or other hazardous substances, a railroad must contact
 84.32 the applicable emergency manager and applicable fire department, through the local public

85.1 safety answering point, having jurisdiction along the route where the incident occurred.

85.2 After learning of the rail incident involving oil or other hazardous substances, the applicable
85.3 emergency manager and applicable fire department must, as soon as practicable, identify
85.4 and provide contact information of the responsible incident commander to the reporting
85.5 railroad.

85.6 (b) Within 15 minutes of local emergency responder arrival on the scene of a rail incident
85.7 involving oil or other hazardous substances, a railroad must assist the incident commander
85.8 to determine the nature of any hazardous substance known to have been released and
85.9 hazardous substance cargo transported on the train. Assistance must include providing
85.10 information that identifies the chemical content of the hazardous substance, contact
85.11 information for the shipper, and instructions for dealing with the release of the material. A
85.12 railroad may provide information on the hazardous substances transported on the train
85.13 through the train orders on board the train or by facsimile or electronic transmission.

85.14 (c) Within one hour of confirmation of a discharge, a railroad must provide a qualified
85.15 company representative to advise the incident commander, assist in assessing the situation,
85.16 initiate railroad response actions as needed, and provide advice and recommendations to
85.17 the incident commander regarding the response. The representative may be made available
85.18 by telephone, and must be authorized to deploy all necessary response resources of the
85.19 railroad.

85.20 (d) Within three hours of confirmation of a discharge, a railroad must be capable of
85.21 delivering monitoring equipment and a trained operator to assist in protection of responder
85.22 and public safety. A plan to ensure delivery of monitoring equipment and an operator to a
85.23 discharge site must be provided each year to the commissioner of public safety.

85.24 (e) Within three hours of confirmation of a discharge, a railroad must provide (1) a
85.25 qualified ~~personnel~~ individual at a discharge site to assess the discharge and to advise the
85.26 incident commander, and (2) resources to assist the incident commander with ongoing public
85.27 safety and scene stabilization. The qualified individual must be employed by the railroad
85.28 and have authority to use resources and respond appropriately to a release.

85.29 (f) A railroad must be capable of deploying containment boom from land across sewer
85.30 outfalls, creeks, ditches, and other places where oil or other hazardous substances may drain,
85.31 in order to contain leaked material before it reaches those resources. The arrangement to
85.32 provide containment boom and staff may be made by:

85.33 (1) training and caching equipment with local jurisdictions;

85.34 (2) training and caching equipment with a fire mutual-aid group;

86.1 (3) means of an industry cooperative or mutual-aid group;

86.2 (4) deployment of a contractor;

86.3 (5) deployment of a response organization under state contract; or

86.4 (6) other dependable means acceptable to the Pollution Control Agency.

86.5 (g) Each arrangement under paragraph (f) must be confirmed each year. Each arrangement
86.6 must be tested by ~~drill~~ a full-scale exercise at least once every five years.

86.7 (h) Within eight hours of confirmation of a discharge, a railroad must be capable of
86.8 delivering and deploying containment boom, boats, oil recovery equipment, trained staff,
86.9 and all other materials needed to provide:

86.10 (1) on-site containment and recovery of a volume of oil equal to ten percent of the
86.11 calculated worst case discharge at any location along the route; and

86.12 (2) protection of listed sensitive areas and potable water intakes within one mile of a
86.13 discharge site and within eight hours of water travel time downstream in any river or stream
86.14 that the right-of-way intersects.

86.15 (i) Within 60 hours of confirmation of a discharge, a railroad must be capable of
86.16 delivering and deploying additional containment boom, boats, oil recovery equipment,
86.17 trained staff, and all other materials needed to provide containment and recovery of a worst
86.18 case discharge and to protect listed sensitive areas and potable water intakes at any location
86.19 along the route.

86.20 Sec. 39. Minnesota Statutes 2024, section 115E.042, subdivision 5, is amended to read:

86.21 Subd. 5. **Railroad exercises.** (a) Each railroad operating unit trains in Minnesota must
86.22 conduct at least one oil containment, recovery, and sensitive area protection ~~walkthrough~~
86.23 drill, tabletop exercise, or functional exercise involving oil or hazardous substances every
86.24 year. Subject to the provisions of paragraph (c), each exercise must be at a location and
86.25 time chosen by the Pollution Control Agency, and attended by safety representatives of
86.26 railroad employees governed by the Railway Labor Act. Subject to the provisions in
86.27 paragraph (d) and section 219.055, subdivision 8, each railroad operating unit trains in
86.28 Minnesota must conduct at least one oil containment, recovery, and sensitive area full-scale
86.29 exercise every five years in coordination with the commissioner of public safety, local
86.30 emergency management organizations, local fire chiefs, and safety representatives of railroad
86.31 employees governed by the Railway Labor Act.

87.1 (b) The exercises under this subdivision must attempt to evaluate, coordinate, and improve
87.2 the emergency response plans submitted by a railroad under subdivision 3. The exercises
87.3 under this subdivision and section 219.055, subdivisions 6, 7, and 8, must be coordinated
87.4 with exercises required by federal agencies.

87.5 (c) The commissioner of the Pollution Control Agency must consult with the Division
87.6 of Homeland Security and Emergency Management, the state fire marshal, and local
87.7 emergency management organizations in determining the railroad's annual exercise required
87.8 under this section. In determining the appropriate exercise for a rail carrier, the commissioner
87.9 must evaluate whether a rail carrier has conducted a similar exercise within the preceding
87.10 calendar year and the results from prior years' response and training. To the extent practicable,
87.11 the commissioner must alternate between requiring a ~~walkthrough~~ drill, a tabletop exercise,
87.12 or a functional exercise. The exercise selected for a rail carrier must address specific
87.13 components, resources, and procedures of a response to a confirmed discharge of oil or
87.14 other hazardous substances carried by rail. The commissioner must coordinate each exercise
87.15 with exercises required by federal agencies. If an exercise selected by the commissioner is
87.16 a tabletop exercise, the commissioner may select to conduct a public safety emergency
87.17 response exercise or an incident commander response site exercise as provided in section
87.18 219.055, subdivision 6 or 7.

87.19 (d) Subject to the requirements in section 219.055, subdivision 8, the full-scale exercise
87.20 required under paragraph (a) must include the response capability requirements and operate
87.21 under the response time limits set forth in subdivision 4. In determining the time, location,
87.22 and manner of the full-scale exercise, the commissioner of the Pollution Control Agency
87.23 must consult with the Division of Homeland Security and Emergency Management, the
87.24 state fire marshal, local units of government, local law enforcement, the fire chiefs in the
87.25 jurisdiction where the full-scale exercise will take place, and safety representatives of railroad
87.26 employees governed by the Railway Labor Act.

87.27 (e) Exercises conducted by a railroad under this section must include at least one
87.28 representative from local emergency management organizations, fire departments, and local
87.29 units of government that each have jurisdiction along the routes over which oil or hazardous
87.30 substances are transported by railroad.

87.31 Sec. 40. Minnesota Statutes 2024, section 115E.08, subdivision 3a, is amended to read:

87.32 Subd. 3a. **Railroad preparedness; pollution control.** The Pollution Control Agency
87.33 shall carry out environmental protection activities related to railroad discharge preparedness.
87.34 Duties under this subdivision include, but are not limited to:

88.1 (1) assisting local emergency managers and fire officials in understanding the hazards
88.2 of oil and hazardous substances, as well as general strategies for containment and
88.3 environmental protection;

88.4 (2) assisting railroads to identify natural resources and sensitive areas, and to devise
88.5 strategies to contain and recover oil and hazardous substances from land and waters along
88.6 routes;

88.7 (3) facilitating cooperation between railroads for mutual aid arrangements that provide
88.8 training, staff, and equipment as required by this chapter;

88.9 (4) participating in ~~drills~~ exercises and training sessions;

88.10 (5) reviewing each railroad's prevention and response plan for compliance with the
88.11 requirements of this chapter, and assessing each railroad's readiness to protect the
88.12 environment;

88.13 (6) conducting inspections and ~~drills~~ exercises as necessary to determine the railroad's
88.14 compliance with the requirements of this chapter and ability to protect the environment;

88.15 (7) conducting follow-up corrective action directives, orders, and enforcement as
88.16 necessary based on a finding of inadequate environmental protection preparedness; and

88.17 (8) soliciting involvement and advice concerning preparedness activities and requirements
88.18 from safety representatives of railroad employees governed by the Railway Labor Act.

88.19 Sec. 41. Minnesota Statutes 2024, section 116.92, subdivision 6, is amended to read:

88.20 Subd. 6. **Mercury thermometers prohibited.** (a) A manufacturer, wholesaler, or retailer
88.21 may not sell or distribute at no cost a thermometer containing mercury that was manufactured
88.22 after June 1, 2001.

88.23 (b) Paragraph (a) does not apply to an electronic thermometer with a battery containing
88.24 mercury if the battery is in compliance with ~~section 325E.125~~ subdivision 8l.

88.25 (c) A manufacturer is in compliance with this subdivision if the manufacturer:

88.26 (1) has received an exclusion or exemption from a state that is a member of the Interstate
88.27 Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts when no
88.28 alternative is available or for an application when no feasible alternative is available;

88.29 (2) submits a copy of the approved exclusion or exemption to the commissioner; and

88.30 (3) meets all of the requirements in the approved exclusion or exemption for the
88.31 manufacturer's activities within the state.

89.1 **EFFECTIVE DATE.** This section is effective January 1, 2030.

89.2 Sec. 42. Minnesota Statutes 2024, section 116.92, is amended by adding a subdivision to
89.3 read:

89.4 Subd. 81. **Ban; mercury in batteries.** A person may not sell, offer for sale, or distribute
89.5 in or into the state:

89.6 (1) an alkaline manganese battery that contains mercury that is not a button cell
89.7 nonrechargeable battery;

89.8 (2) a nonrechargeable button cell battery that contains more than 25 milligrams of
89.9 mercury; or

89.10 (3) a dry cell battery containing a mercuric oxide electrode.

89.11 **EFFECTIVE DATE.** This section is effective January 1, 2030.

89.12 Sec. 43. Minnesota Statutes 2024, section 325E.1151, subdivision 1, is amended to read:

89.13 Subdivision 1. **Purchasers must return battery or pay surcharge.** (a) A person who
89.14 purchases a large lead acid battery at retail, except a large lead acid battery that is designed
89.15 to provide power for a boat motor that is purchased at the same time as the battery, must:

89.16 (1) return a large lead acid battery to the retailer at the time of purchase; or

89.17 (2) pay the retailer a surcharge of at least \$10.

89.18 (b) A person who has paid a surcharge under paragraph (a) must receive a refund of the
89.19 surcharge from the retailer if the person returns a large lead acid battery with a receipt for
89.20 the purchase of a new large lead acid battery from that retailer within 30 days after purchasing
89.21 a the new lead acid battery.

89.22 (c) A retailer may keep the unrefunded surcharges for large lead acid batteries not
89.23 returned within 30 days.

89.24 (d) For purposes of this section, "large lead acid battery" has the meaning given in section
89.25 115A.1331.

89.26 **EFFECTIVE DATE.** This section is effective July 1, 2026.

89.27 Sec. 44. Minnesota Statutes 2024, section 325E.1151, subdivision 2, is amended to read:

89.28 Subd. 2. **Retailers must accept batteries.** (a) A person who sells large lead acid batteries
89.29 at retail, including for installation by the seller or any other person, must accept at least five

90.1 large lead acid batteries from ~~consumers~~ a consumer daily and may not charge to receive
 90.2 the lead acid batteries. ~~A consumer may not deliver more than five lead acid batteries to a~~
 90.3 ~~retailer at one time.~~

90.4 (b) A retailer of large lead acid batteries must recycle the large lead acid batteries received
 90.5 from consumers.

90.6 (c) A retailer who violates paragraph (b) is guilty of a misdemeanor. Each large lead
 90.7 acid battery that is not recycled is a separate violation.

90.8 **EFFECTIVE DATE.** This section is effective July 1, 2026.

90.9 Sec. 45. Minnesota Statutes 2024, section 325E.1151, subdivision 3, is amended to read:

90.10 Subd. 3. **Retailers must post notices.** (a) A person who sells large lead acid batteries
 90.11 at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer
 90.12 making purchasing decisions.

90.13 (b) The notice must be at least 8-1/2 inches by 11 inches and contain the universal
 90.14 recycling symbol and state:

90.15 "NOTICE: USED BATTERIES

90.16 This retailer is required to accept your used large lead acid batteries, EVEN IF YOU
 90.17 DO NOT PURCHASE A BATTERY. When you purchase a new battery, you will ~~be charged~~
 90.18 ~~an additional amount~~ pay a surcharge of at least \$10 unless you return a used battery at the
 90.19 time of purchase. If you return a used battery to the retailer within 30 days of purchasing a
 90.20 new battery, the surcharge amount will be refunded.

90.21 It is a ~~crime~~ illegal to put a ~~motor vehicle battery~~ batteries in the garbage trash."

90.22 **EFFECTIVE DATE.** This section is effective July 1, 2026.

90.23 Sec. 46. Minnesota Statutes 2024, section 325E.1151, is amended by adding a subdivision
 90.24 to read:

90.25 Subd. 5. **Wholesaler duty.** A person that sells large lead acid batteries at wholesale or
 90.26 offers large lead acid batteries for sale at wholesale must accept, at the point of transfer,
 90.27 large lead acid batteries from customers.

90.28 **EFFECTIVE DATE.** This section is effective July 1, 2026.

91.1 Sec. 47. Minnesota Statutes 2024, section 325E.12, is amended to read:

91.2 **325E.12 PENALTY.**

91.3 Violation of sections 325E.10 to 325E.1151 is a petty misdemeanor. Sections 325E.10
91.4 to 325E.1151 may be enforced under ~~section~~ sections 115.071 and 116.072.

91.5 **EFFECTIVE DATE.** This section is effective July 1, 2026.

91.6 Sec. 48. Minnesota Statutes 2024, section 325E.125, subdivision 3, is amended to read:

91.7 Subd. 3. **Rechargeable tools and appliances consumer products.** (a) ~~A manufacturer~~
91.8 After January 1, 2028, a person may not sell, including online sales; facilitate a sale of, as
91.9 defined in section 115A.03; distribute; or offer for sale in or into this state a rechargeable
91.10 consumer product unless:

91.11 (1) the battery can be easily removed by the consumer or is contained in a battery pack
91.12 that is separate from the product and can be easily removed; and

91.13 (2) the product and the battery are both labeled in a manner that is clearly visible to the
91.14 consumer indicating that the battery must be recycled or disposed of properly and the battery
91.15 must be clearly identifiable as to the type of electrode used in the battery.

91.16 (b) "Rechargeable consumer product" as used in this subdivision means any product
91.17 that contains a rechargeable battery and is primarily used or purchased to be used for personal,
91.18 family, or household purposes.

91.19 ~~(c) On application by a manufacturer, the commissioner of the Pollution Control Agency~~
91.20 ~~may exempt a rechargeable consumer product from the requirements of paragraph (a) if:~~

91.21 ~~(1) the product cannot be reasonably redesigned and manufactured to comply with the~~
91.22 ~~requirements prior to the effective date of Laws 1990, chapter 409, section 2;~~

91.23 ~~(2) the redesign of the product to comply with the requirements would result in significant~~
91.24 ~~danger to public health and safety; or~~

91.25 ~~(3) the type of electrode used in the battery poses no unreasonable hazards when placed~~
91.26 ~~in and processed or disposed of as part of mixed municipal solid waste.~~

91.27 ~~(d) An exemption granted by the commissioner of the Pollution Control Agency under~~
91.28 ~~paragraph (c), clause (1), must be limited to a maximum of two years and may be renewed.~~

91.29 **EFFECTIVE DATE.** This section is effective July 1, 2026.

92.1 Sec. 49. Minnesota Statutes 2024, section 325E.125, subdivision 5, is amended to read:

92.2 Subd. 5. **Prohibitions.** ~~A manufacturer of rechargeable batteries or products powered~~
 92.3 ~~by rechargeable batteries that does not participate in the pilot projects and programs required~~
 92.4 ~~in section 115A.9157 (a) A person may not sell, including online sales; facilitate a sale of;~~
 92.5 ~~distribute; or offer for sale in or into this state rechargeable batteries or products powered~~
 92.6 ~~by rechargeable batteries after January 1, 1992. that are not easily removable unless~~

92.7 ~~After January 1, 1992, a person who first purchases rechargeable batteries or products~~
 92.8 ~~powered by rechargeable batteries for importation into the state for resale may not purchase~~
 92.9 ~~rechargeable batteries or products powered by rechargeable batteries made by any person~~
 92.10 ~~other than a the manufacturer that participates in the projects and programs program required~~
 92.11 ~~under section 115A.9157.~~

92.12 (b) The terms used in this subdivision have the meanings given in sections 115A.03 and
 92.13 115A.1331.

92.14 **EFFECTIVE DATE.** This section is effective July 1, 2026.

92.15 Sec. 50. Minnesota Statutes 2024, section 325E.1251, subdivision 2, is amended to read:

92.16 Subd. 2. **Recovery of costs.** Section 325E.125 may be enforced under ~~section~~ sections
 92.17 115.071 and 116.072. In an enforcement action under this section in which the state prevails,
 92.18 the state may recover reasonable administrative expenses, court costs, and attorney fees
 92.19 incurred to take the enforcement action, in an amount to be determined by the court.

92.20 **EFFECTIVE DATE.** This section is effective July 1, 2026.

92.21 Sec. 51. **REVISOR INSTRUCTION.**

92.22 The revisor of statutes must renumber Minnesota Statutes, section 115A.03, subdivision
 92.23 10b, as section 115A.03, subdivision 10e; and Minnesota Statutes, section 115A.03,
 92.24 subdivision 10c, as section 115A.03, subdivision 10f.

92.25 Sec. 52. **REPEALER.**

92.26 (a) Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9,
 92.27 10, 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, and 20; 115A.1312; 115A.1314; 115A.1316;
 92.28 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328;
 92.29 115A.1330; 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, and 8; 115A.9565; and 325E.125,
 92.30 subdivision 5, are repealed.

93.1 (b) Minnesota Statutes 2024, sections 115A.9155; 115A.961, subdivisions 1, 2, and 3;
 93.2 325E.115; 325E.1151, subdivision 4; 325E.125, subdivisions 1, 2, 2a, and 4; and 325E.1251,
 93.3 subdivision 1, are repealed.

93.4 **EFFECTIVE DATE.** Paragraph (a) is effective January 1, 2030. Paragraph (b) is
 93.5 effective July 1, 2026.

93.6 **ARTICLE 3**

93.7 **STATE LANDS**

93.8 Section 1. Minnesota Statutes 2024, section 84.0272, subdivision 1, is amended to read:

93.9 Subdivision 1. **Acquisition procedure.** When the commissioner of natural resources is
 93.10 authorized to acquire ~~lands or interests in lands~~ fee title or an easement interest in land, the
 93.11 procedure set forth in this section ~~shall apply~~ applies. The commissioner of natural resources
 93.12 shall first prepare a fact sheet showing the lands to be acquired, the legal authority for their
 93.13 acquisition, and the qualities of the land that make it a desirable acquisition. The
 93.14 commissioner of natural resources shall cause the lands to be appraised. An appraiser shall
 93.15 before entering upon the duties of office take and subscribe an oath to faithfully and
 93.16 impartially discharge the duties as appraiser according to the best of the appraiser's ability
 93.17 and that the appraiser is not interested directly or indirectly in any of the lands to be appraised
 93.18 or the timber or improvements thereon or in the sale thereof and has entered into no
 93.19 agreement or combination to purchase the same or any part thereof, which oath shall be
 93.20 attached to the report of the appraisal. The commissioner of natural resources may pay less
 93.21 than the appraised value, but shall not agree to pay more than ten percent above the appraised
 93.22 value, except that if the commissioner pays less than the appraised value for a parcel of
 93.23 land, the difference between the purchase price and the appraised value may be used to
 93.24 apply to purchases at more than the appraised value. The sum of accumulated differences
 93.25 between appraised amounts and purchases for more than the appraised amount may not
 93.26 exceed the sum of accumulated differences between appraised amounts and purchases for
 93.27 less than the appraised amount. New appraisals may be made at the discretion of the
 93.28 commissioner of natural resources.

93.29 Sec. 2. Minnesota Statutes 2024, section 84.0272, subdivision 2, is amended to read:

93.30 Subd. 2. **Stream easements.** (a) Notwithstanding subdivision 1, the commissioner may
 93.31 acquire permanent stream easements for angler access, fish management, and habitat work
 93.32 and easements to access permanent stream easements acquired under this subdivision for

94.1 a onetime payment based on a value attributed to ~~both the stream and~~ the easement corridor,
 94.2 and any access easement. The payment ~~shall equal~~ equals:

94.3 (1) the per linear foot of stream within the easement corridor times \$5; plus

94.4 (2) the easement corridor acres times the estimated market value; plus

94.5 (3) the access corridor acres times the estimated market value.

94.6 (b) The estimated market value is equal to:

94.7 (1) the agricultural market value plus the rural vacant market value plus the managed
 94.8 forest market value; divided by

94.9 (2) the acres of agricultural land plus the rural vacant land plus the managed forest land.

94.10 (c) The agricultural market value, rural vacant market value, and managed forest market
 94.11 value or equivalent are determined from data collected by the Department of Revenue during
 94.12 its annual spring mini abstract survey. If the Department of Revenue changes its property
 94.13 type groups for its annual spring mini abstract survey, the agricultural market value, the
 94.14 rural vacant market value, and the managed forest market value shall be determined by the
 94.15 commissioner from data collected by the Department of Revenue in a manner that provides
 94.16 the most reasonable substitute for the market values as presently reported. The commissioner
 94.17 must use the most recent available data for the city or township within which the easement
 94.18 corridor is located.

94.19 (d) The commissioner shall periodically review the easement payment rates under this
 94.20 subdivision to determine whether the stream easement payments reflect current shoreland
 94.21 market values. If the commissioner determines that the easements do not reflect current
 94.22 shoreland market values, the commissioner shall report to the senate and house of
 94.23 representatives natural resources policy committees with recommendations for changes to
 94.24 this subdivision that are necessary for the stream easement payment rates to reflect current
 94.25 shoreland market values. The recommendations may include an adjustment to the dollar
 94.26 amount in paragraph (a), clause (1).

94.27 Sec. 3. Minnesota Statutes 2024, section 84.96, is amended by adding a subdivision to
 94.28 read:

94.29 Subd. 10. Access easement. The commissioner may acquire easements to access native
 94.30 prairie acquired under this section. The commissioner may pay the landowner or land
 94.31 administrator for access easements an amount equal to or less than 50 percent of the payment
 94.32 rate under subdivision 5.

95.1 Sec. 4. **ADDITIONS TO STATE PARKS.**

95.2 **Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County.** The
95.3 following area is added to Frontenac State Park: Lot 3, Block 1, VILLA MARIA ADDITION,
95.4 according to the recorded plat thereof, Goodhue County, Minnesota.

95.5 **Subd. 2. [85.012] [Subd. 24a.] Great River Bluffs State Park, Winona County.** The
95.6 following area is added to Great River Bluffs State Park: the West Half of the Southeast
95.7 Quarter of the Northeast Quarter, Section 33, Township 106 North, Range 5 West, Winona
95.8 County, Minnesota.

95.9 Sec. 5. **DELETION FROM STATE PARK.**

95.10 **[85.012] [Subd. 42.] Mille Lacs Kathio State Park, Mille Lacs County.** The following
95.11 area is deleted from Mille Lacs Kathio State Park: that part of Government Lot 3, Section
95.12 33, Township 43 North, Range 27 West, Mille Lacs County, Minnesota, lying easterly of
95.13 the easterly right-of-way line of U.S. Trunk Highway 169. Excepting therefrom the following
95.14 described tract of land: commencing at the northwest corner of said Government Lot 3, said
95.15 corner being marked by a 2-½-inch aluminum post with brass cap (Bureau of Land
95.16 Management Monument); thence North 89 degrees 43 minutes 55 seconds East, assumed
95.17 bearing, along the north line of said Government Lot 3, a distance of 1,076.85 feet to the
95.18 point of beginning of the land to be described; thence continuing North 89 degrees 43
95.19 minutes 55 seconds East, along said north line, a distance of 40.88 feet to a ¾-inch iron rod
95.20 with disk stamped MN DNR PROPERTY; thence continuing North 89 degrees 43 minutes
95.21 55 seconds East, along said north line, a distance of 299.64 feet to a ¾-inch rebar with
95.22 plastic cap stamped MN DNR LS 47461; thence South 14 degrees 26 minutes 27 seconds
95.23 East, a distance of 170.18 feet to a ¾-inch iron rod with disk stamped MN DNR PROPERTY;
95.24 thence South 89 degrees 43 minutes 55 seconds West, a distance of 413.14 feet to a ¾-inch
95.25 iron rod; thence continuing South 89 degrees 43 minutes 55 seconds West, a distance of
95.26 10.50 feet; thence North 07 degrees 53 minutes 17 seconds East, a distance of 70.68 feet;
95.27 thence North 18 degrees 01 minute 43 seconds East, a distance of 100.09 feet to the point
95.28 of beginning.

95.29 Sec. 6. **PUBLIC SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**
95.30 **BECKER COUNTY.**

95.31 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
95.32 resources may sell by public sale the surplus land bordering public water that is described
95.33 in paragraph (c).

96.1 (b) The commissioner may make necessary changes to the legal description to correct
96.2 errors and ensure accuracy.

96.3 (c) The land that may be sold is located in Becker County and is described as: all that
96.4 part of Government Lot 1, Section 9, Township 138 North, Range 43 West, Becker County,
96.5 Minnesota, bounded by the water's edge of Rossman Lake and the following described
96.6 lines: commencing at meander corner No. 17 located at the northwesterly corner of said
96.7 Government Lot 1; thence North 89 degrees 00 minutes 00 seconds East on an assumed
96.8 bearing 98.96 feet on and along the north line of said Section 9; thence South 10 degrees
96.9 10 minutes 30 seconds East, 233.06 feet to a point on the centerline of a township road and
96.10 the point of beginning; thence South 10 degrees 10 minutes 30 seconds East, 355.37 feet
96.11 on and along the centerline of said township road; thence South 87 degrees 05 minutes 10
96.12 seconds East, 33.46 feet to the northwesterly corner of Erickson Shores, a plat recorded in
96.13 the Office of the Register of Deeds, Becker County; thence South 87 degrees 05 minutes
96.14 10 seconds East, 443.59 feet on and along the north line of said plat to the northwesterly
96.15 corner of Lot 1 of Block 1 of said plat; thence North 58 degrees 09 minutes 38 seconds
96.16 East, 135 feet, more or less, on and along the north line of said Lot 1 of Block 1 to the
96.17 water's edge of said Rossman Lake and there terminating. And also, from the point of
96.18 beginning; thence North 88 degrees 40 minutes 54 seconds East, 263 feet, more or less, to
96.19 the water's edge of Rossman Lake and there terminating. Including all riparian rights to the
96.20 contained 4.3 acres, more or less, and subject to all existing easements.

96.21 (d) The land borders Rossman Lake and is not contiguous to other state lands. The
96.22 Department of Natural Resources has determined that the land is not needed for natural
96.23 resource purposes and that the state's land management interests would best be served if
96.24 the land was returned to private ownership.

96.25 **Sec. 7. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**
96.26 **MILLE LACS COUNTY.**

96.27 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
96.28 commissioner of natural resources may sell by private sale the surplus land bordering public
96.29 water that is described in paragraph (c) to a federally recognized Indian Tribe, subject to
96.30 the state's reservation of access and dam easements over the land described in paragraph
96.31 (c) if the state elects to reserve such easements.

96.32 (b) The land must not be sold for less than the appraised value. The buyer must reimburse
96.33 the commissioner for all costs and expenses, including staff costs, incurred by the

97.1 commissioner in making the property salable and in selling the property. The commissioner
 97.2 may make necessary changes to the legal description to correct errors and ensure accuracy.

97.3 (c) The land that may be sold is all of or a portion of the land located in Mille Lacs
 97.4 County and described as: that part of Government Lot 3, Section 33, Township 43 North,
 97.5 Range 27 West, Mille Lacs County, Minnesota, lying easterly of the easterly right-of-way
 97.6 line of U.S. Trunk Highway 169. Excepting therefrom the following described tract of land:
 97.7 commencing at the northwest corner of said Government Lot 3, said corner being marked
 97.8 by a 2-½-inch aluminum post with brass cap (Bureau of Land Management Monument);
 97.9 thence North 89 degrees 43 minutes 55 seconds East, assumed bearing, along the north line
 97.10 of said Government Lot 3, a distance of 1,076.85 feet to the point of beginning of the land
 97.11 to be described; thence continuing North 89 degrees 43 minutes 55 seconds East, along said
 97.12 north line, a distance of 40.88 feet to a ¾-inch iron rod with disk stamped MN DNR
 97.13 PROPERTY; thence continuing North 89 degrees 43 minutes 55 seconds East, along said
 97.14 north line, a distance of 299.64 feet to a ¾-inch rebar with plastic cap stamped MN DNR
 97.15 LS 47461; thence South 14 degrees 26 minutes 27 seconds East, a distance of 170.18 feet
 97.16 to a ¾-inch iron rod with disk stamped MN DNR PROPERTY; thence South 89 degrees
 97.17 43 minutes 55 seconds West, a distance of 413.14 feet to a ¾-inch iron rod; thence continuing
 97.18 South 89 degrees 43 minutes 55 seconds West, a distance of 10.50 feet; thence North 07
 97.19 degrees 53 minutes 17 seconds East, a distance of 70.68 feet; thence North 18 degrees 01
 97.20 minute 43 seconds East, a distance of 100.09 feet to the point of beginning.

97.21 (d) The land to be sold borders on Mille Lacs Lake. The Department of Natural Resources
 97.22 has determined that the state's land management interests would best be served if the land
 97.23 was conveyed to a federally recognized Indian Tribe.

97.24 **Sec. 8. PRIVATE CONVEYANCE OF SURPLUS LAND BORDERING PUBLIC**
 97.25 **WATER; PINE COUNTY.**

97.26 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
 97.27 commissioner of natural resources may convey by private sale the surplus land bordering
 97.28 public water that is described in paragraph (c) for no consideration, subject to the state's
 97.29 reservation of an access easement over the land described in paragraph (c).

97.30 (b) The commissioner may make necessary changes to the legal description to correct
 97.31 errors and ensure accuracy.

97.32 (c) The land that may be conveyed is located in Pine County and is described as: that
 97.33 part of the West 105 feet of the West 205 feet of that part of Lot 48, Auditor's Subdivision
 97.34 of Section 24, Township 41, Range 21, Pine County, Minnesota, lying South of a line

98.1 described as follows: commencing at a point on the west line of said Lot 48, 570 feet South
98.2 of the northwest corner of said lot; thence southeasterly to a point in the east line of said
98.3 Lot 48, midway between the northeast corner and the southeast corner of said lot, and lying
98.4 North of the northerly water's edge of the North Branch of the Grindstone River, including
98.5 all riparian rights.

98.6 (d) The land borders the Grindstone River. The Department of Natural Resources has
98.7 determined that the conveyance will ensure that the private landowners have continued
98.8 access to the Grindstone River after the Grindstone River dam is removed and the channel
98.9 restored to a natural alignment.

98.10 **Sec. 9. PRIVATE CONVEYANCE OF SURPLUS LAND BORDERING PUBLIC**
98.11 **WATER; WABASHA COUNTY.**

98.12 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
98.13 commissioner of natural resources may convey by private sale the surplus land that is
98.14 described in paragraph (c) to the city of Elgin for no consideration.

98.15 (b) The commissioner may make necessary changes to the legal description to correct
98.16 errors and ensure accuracy.

98.17 (c) The land that may be conveyed is located in Wabasha County and is described as:

98.18 (1) OUTLOT A, OUTLOT B, and OUTLOT C of WHITEWATER WAY, according
98.19 to the plat on file and of record in the Office of the County Recorder in and for Wabasha
98.20 County, Minnesota; and

98.21 (2) that part of the West Half of the Northeast Quarter of Section 27, Township 108
98.22 North, Range 12 West, Wabasha County, Minnesota, described as follows: beginning at a
98.23 point of intersection of the north line of the south 165.00 feet of the Northwest Quarter of
98.24 the Northeast Quarter of said Section 27, with the east line of the West Half of the Northeast
98.25 Quarter of said Section 27; thence on an assumed bearing of North 89 degrees 44 minutes
98.26 01 second West, along said north line of the south 165.00 feet, a distance of 250 feet, more
98.27 or less, to the centerline of the North Fork of the White Water River; thence northeasterly
98.28 along said centerline, to a point of intersection with the east line of the West Half of the
98.29 Northeast Quarter of said Section 27; thence South 00 degrees 11 minutes 14 seconds East,
98.30 along said east line to the point of beginning.

98.31 (d) The Department of Natural Resources has determined that the land is not needed for
98.32 natural resource purposes and that the state's land management interests would best be

99.1 served if the land was conveyed to and used by the city of Elgin for nonmotorized public
99.2 recreation and public fishing access.

99.3 (e) The conveyance must provide that the lands revert to the state if the city of Elgin:

99.4 (1) fails to provide the public use intended on the property;

99.5 (2) without the written approval of the commissioner, allows a public use other than the
99.6 public use agreed to by the commissioner at the time of conveyance; or

99.7 (3) abandons the public use of the property.

99.8 (f) The commissioner must require that the city of Elgin reimburse the commissioner
99.9 for all costs and expenses, including staff costs, incurred by the commissioner in making
99.10 the property salable and in conveying the property.

99.11 **Sec. 10. EFFECTIVE DATE.**

99.12 Sections 4 to 9 are effective the day following final enactment.

APPENDIX
Article locations for 26-08030

	ENVIRONMENT AND NATURAL RESOURCES	
ARTICLE 1	APPROPRIATIONS.....	Page.Ln 1.27
ARTICLE 2	POLLUTION CONTROL.....	Page.Ln 4.9
ARTICLE 3	STATE LANDS.....	Page.Ln 93.6

115A.1310 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 115A.1310 to 115A.1330, the following terms have the meanings given.

Subd. 2. **Cathode-ray tube or CRT.** "Cathode-ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

Subd. 3. **Collection.** "Collection" means the aggregation of covered electronic devices from households and includes all the activities up to the time the covered electronic devices are delivered to a recycler.

Subd. 4. **Collector.** "Collector" means a public or private entity that receives covered electronic devices from households and arranges for the delivery of the devices to a recycler.

Subd. 5. **Computer.** "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable handheld calculator or device, or other similar device.

Subd. 6. **Computer monitor.** "Computer monitor" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet.

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, including tablet computers and laptop computers, peripherals, facsimile machines, DVD players, video cassette recorders, and video display devices that are sold to a household by means of retail, wholesale, or electronic commerce.

Subd. 8. **Department.** "Department" means the Department of Revenue.

Subd. 9. **Dwelling unit.** "Dwelling unit" has the meaning given in section 238.02, subdivision 21a.

Subd. 10. **Household.** "Household" means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit located in this state who has used a video display device at a dwelling unit primarily for personal use.

Subd. 11. **Manufacturer.** "Manufacturer" means a person who:

(1) manufactures video display devices to be sold under its own brand as identified by its own brand label; or

(2) sells video display devices manufactured by others under its own brand as identified by its own brand label.

Subd. 12. **Peripheral.** "Peripheral" means a keyboard, printer, or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.

Subd. 12a. **Phase I recycling credits.** "Phase I recycling credits" means the number of pounds of covered electronic devices recycled by a manufacturer from households during program years one through nine, less the product of the number of pounds of video display devices sold to households during the same program year, multiplied by the proportion of sales a manufacturer is required to recycle.

Subd. 12b. **Phase II recycling credits.** "Phase II recycling credits" means an amount calculated in a program year beginning July 1, 2019, and in each program year thereafter, according to the formula $(1.5 \times A) - (B - C)$, where:

A = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled during a program year from households located outside the 11-county metropolitan area, as defined in section 115A.1314, subdivision 2;

B = the manufacturer's recycling obligation calculated for the same program year in section 115A.1320, subdivision 1, paragraph (g); and

C = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled, up to but not exceeding B, during the same program year from households in the 11-county metropolitan area.

APPENDIX
Repealed Minnesota Statutes: 26-08030

Subd. 12c. **Portable battery.** "Portable battery" means a rechargeable battery as defined in section 115A.9157.

Subd. 13. **Program year.** "Program year" means the period from July 1 through June 30.

Subd. 14. **Recycler.** "Recycler" means a public or private individual or entity who accepts covered electronic devices from households and collectors for the purpose of recycling. A manufacturer who takes products for refurbishment or repair is not a recycler.

Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing video display devices or covered electronic devices for use in manufacturing processes or for recovery of usable materials followed by delivery of such materials for use. Recycling does not include the destruction by incineration or other process or land disposal of recyclable materials nor reuse, repair, or any other process through which video display devices or covered electronic devices are returned to use for households in their original form.

Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, through sales outlets, catalogs, or the Internet, a video display device to a household and not for resale in any form.

Subd. 18. **Sell or sale.** "Sell" or "sale" means any transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means either inside or outside of the state, by a person who conducts the transaction and controls the delivery of a video display device to a consumer in the state, but does not include a manufacturer's or distributor's wholesale transaction with a distributor or a retailer.

Subd. 19. **Television.** "Television" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to receive video programming via broadcast, cable, or satellite transmission or video from surveillance or other similar cameras.

Subd. 20. **Video display device.** "Video display device" means a television or computer monitor that contains a cathode-ray tube or a flat panel screen that is marketed by manufacturers for use by households. Video display device does not include any of the following:

- (1) a video display device that is part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
- (2) a video display device, including a touch-screen display, that is functionally or physically part of a larger piece of equipment or is designed and intended for use in an industrial; commercial, including retail; library checkout; traffic control; kiosk; security, other than household security; border control; or medical setting, including diagnostic, monitoring, or control equipment;
- (3) a video display device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or
- (4) a telephone of any type.

115A.1312 REGISTRATION PROGRAM.

Subdivision 1. **Requirements for sale.** (a) On or after September 1, 2007, a manufacturer must not sell or offer for sale or deliver to retailers for subsequent sale a new video display device unless:

- (1) the video display device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and
- (2) the manufacturer has filed a registration with the agency, as specified in subdivision 2.

(b) A retailer must not sell, offer for sale, rent, or lease a video display device unless the video display device is labeled according to this subdivision and listed as registered on the agency website according to subdivision 2.

(c) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's registration expired or was revoked and the retailer took possession of the video display device prior to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within six months after the expiration or revocation.

Subd. 2. **Manufacturer registration.** (a) By August 15 each year, a manufacturer of video display devices sold or offered for sale to households in the state must submit a registration to the agency that includes:

APPENDIX
Repealed Minnesota Statutes: 26-08030

- (1) a list of the manufacturer's brands of video display devices offered for sale in this state;
 - (2) the name, address, and contact information of a person responsible for ensuring compliance with this chapter; and
 - (3) a certification that the manufacturer has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318.
- (b) A manufacturer of video display devices sold or offered for sale to a household must include in the registration submitted under paragraph (a), a statement disclosing whether:
- (1) any video display devices sold to households exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB's), and polybrominated diphenyl ethers (PBDE's) under the RoHS (restricting the use of certain hazardous substances in electrical and electronic equipment) Directive 2002/95/EC of the European Parliament and Council and any amendments thereto; or
 - (2) the manufacturer has received an exemption from one or more of those maximum concentration values under the RoHS Directive that has been approved and published by the European Commission.
- (c) A manufacturer who begins to sell or offer for sale video display devices to households after August 15, 2016, and has not filed a registration under this subdivision must submit a registration to the agency within ten days of beginning to sell or offer for sale video display devices to households.
- (d) A registration must be updated within ten days after a change in the manufacturer's brands of video display devices sold or offered for sale to households.
- (e) A registration is effective upon receipt by the agency and is valid until August 15 each year.
- (f) The agency must review each registration and notify the manufacturer of any information required by this section that is omitted from the registration. Within 30 days of receipt of a notification from the agency, the manufacturer must submit a revised registration providing the information noted by the agency.
- (g) The agency must maintain on its website the names of manufacturers and the manufacturers' brands listed in registrations filed with the agency. The agency must update the website information promptly upon receipt of a new or updated registration. The website must contain prominent language stating, in effect, that sections 115A.1310 to 115A.1330 are directed at household equipment and the manufacturers' brands list is, therefore, not a list of manufacturers qualified to sell to industrial, commercial, or other markets identified as exempt from the requirements of sections 115A.1310 to 115A.1330.

Subd. 3. Collector registration. No person may operate as a collector of covered electronic devices from households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of the business and a certification that the collector has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318 and any regulations adopted by a local government unit for the jurisdiction in which the collector operates. A collector must indicate any end-of-life fees that will be charged at the collection point. A registration is effective upon receipt by the agency and is valid until July 15 each year.

Subd. 4. Recycler registration. No person may recycle video display devices generated by households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of all recycling facilities under the direct control of the recycler that may receive covered electronic devices from households and a certification that the recycler has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registered recycler must conduct recycling activities that are consistent with this chapter. A registration is effective upon receipt by the agency and is valid until July 15 each year.

115A.1314 MANUFACTURER REGISTRATION FEE.

Subdivision 1. Registration fee. (a) Each manufacturer who registers under section 115A.1312 must, by August 15 each year, pay to the commissioner of revenue an annual registration fee, on a form and in a manner prescribed by the commissioner of revenue. The commissioner of revenue must deposit the fee in the state treasury and credit the fee to the environmental fund.

APPENDIX
Repealed Minnesota Statutes: 26-08030

(b) The registration fee for manufacturers that sell 100 or more video display devices to households in the state during the previous calendar year is \$2,500, plus a variable recycling fee. The registration fee for manufacturers that sell fewer than 100 video display devices in the state during the previous calendar year is a variable recycling fee. The variable recycling fee is calculated according to the formula:

$[A - (B + C)] \times D$, where:

A = the manufacturer's recycling obligation as determined under section 115A.1320;

B = the number of pounds of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households during the immediately preceding program year, as reported under section 115A.1316, subdivision 1;

C = the number of phase I or phase II recycling credits a manufacturer elects to use to calculate the variable recycling fee; and

D = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for manufacturers who recycle less than 50 percent of the manufacturer's recycling obligation; \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the manufacturer's recycling obligation; \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the manufacturer's recycling obligation; and \$0.00 per pound for manufacturers who recycle 100 percent or more of the manufacturer's recycling obligation.

(c) A manufacturer may petition the agency to waive the per-pound cost of recycling fee, element D in the formula in paragraph (b), required under this section. The agency shall direct the commissioner of revenue to waive the per-pound cost of recycling fee if the manufacturer demonstrates to the agency's satisfaction a good faith effort to meet its recycling obligation as determined under section 115A.1320. The petition must include:

(1) documentation that the manufacturer has met at least 75 percent of its recycling obligation as determined under section 115A.1320;

(2) a list of political subdivisions and public and private collectors with whom the manufacturer had a formal contract or agreement in effect during the previous program year to recycle or collect covered electronic devices;

(3) the total amounts of covered electronic devices collected from both within and outside of the 11-county metropolitan area, as defined in subdivision 2;

(4) a description of the manufacturer's best efforts to meet its recycling obligation as determined under section 115A.1320; and

(5) any other information requested by the agency.

(d) A manufacturer may retain phase I and phase II recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's recycling obligation A for any program year may be met with phase I and phase II recycling credits, separately or in combination, generated in a prior program year. A manufacturer may sell any portion or all of its phase I and phase II recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(e) For the purpose of determining B in calculating a manufacturer's variable recycling fee using the formula under paragraph (b), starting with the program year beginning July 1, 2019, and continuing each year thereafter, the weight of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (b), is calculated at 1.5 times their actual weight.

Subd. 2. **Use of registration fees.** (a) Registration fees may be used by the commissioner for:

(1) implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and transfer to the commissioner of administration for responsibilities under section 115A.1324; and

(2) grants to counties outside the 11-county metropolitan area, as defined in paragraph (b), and to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312

APPENDIX
Repealed Minnesota Statutes: 26-08030

to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.

(b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

115A.1316 REPORTING REQUIREMENTS.

Subdivision 1. **Manufacturer reporting requirements.** (a) By March 1 each year, each manufacturer must report to the agency using the form prescribed:

(1) the total weight of each specific model of its video display devices sold to households during the previous calendar year; and

(2) either:

(i) the total weight of its video display devices sold to households during the previous calendar year; or

(ii) an estimate of the total weight of its video display devices sold to households during the previous calendar year, calculated by multiplying the weight of its video display devices sold nationally times the quotient of Minnesota's population divided by the national population. All manufacturers with sales of 99 or fewer video display devices to households in the state during the previous calendar year must report using the method under this item for calculating sales.

A manufacturer must submit with the report required under this paragraph a description of how the information or estimate was calculated.

(b) By August 15 each year, each manufacturer must report to the agency:

(1) the total weight of covered electronic devices the manufacturer collected from households and recycled or arranged to have collected and recycled during the preceding program year;

(2) the number of phase I and phase II recycling credits the manufacturer has purchased and sold during the preceding program year;

(3) the number of phase I and phase II recycling credits possessed by the manufacturer that the manufacturer elects to use in the calculation of its variable recycling fee under section 115A.1314, subdivision 1; and

(4) the number of phase I and phase II recycling credits the manufacturer retains at the beginning of the current program year.

(c) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 2. **Recycler reporting requirements.** (a) By July 15 each year, a recycler of covered electronic devices must report to the agency:

(1) the total weight of covered electronic devices recycled during the preceding program year and must certify that the recycler has complied with section 115A.1318, subdivision 2;

(2) the weight of video display devices recycled as part of covered electronic devices recycled during the previous program year; and

(3) an estimate of the weight of portable batteries and any mercury-containing lamps that are associated with the covered electronic devices managed.

(b) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 3. **Collector reporting requirements.** By July 15 each year, a collector must report separately to the agency using the form prescribed by the commissioner:

(1) the total pounds of covered electronic devices collected in the state;

(2) a list of all recyclers to whom collectors delivered covered electronic devices; and

(3) whether the collector had a contract with a recycler or manufacturer to provide pounds toward meeting a manufacturer's obligation.

115A.1318 RESPONSIBILITIES.

Subdivision 1. **Manufacturer responsibilities.** (a) In addition to fulfilling the requirements of sections 115A.1310 to 115A.1330, a manufacturer must comply with paragraphs (b) to (f).

(b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of video display devices as determined by the agency in section 115A.1320, subdivision 1. A manufacturer must assume all financial responsibility associated with transporting and recycling covered electronic devices that are used to meet the manufacturer's recycling obligation determined under section 115A.1320 or that are counted as phase I or II recycling credits, including any necessary supplies. This excludes costs that are associated with receiving and aggregating covered electronic devices from households and all the activities up to the time that covered electronic devices are loaded for transport to a recycler or arranged for transportation to a recycler.

(c) The obligations of a manufacturer apply only to video display devices received from households and do not apply to video display devices received from sources other than households.

(d) A manufacturer must conduct and document due diligence assessments of collectors and recyclers it contracts with, including an assessment of items specified under subdivision 2. A manufacturer is responsible for maintaining, for a period of three years, documentation that all covered electronic devices recycled, partially recycled, or sent to downstream recycling operations comply with the requirements of subdivision 2.

(e) A manufacturer must provide the agency with contact information for a person who can be contacted regarding the manufacturer's activities under sections 115A.1310 to 115A.1320.

(f) Only the covered electronic devices that are recycled by a registered recycler that is certified by an ANSI-ASQ National Accreditation Board-accredited third-party certification body to an environmentally sound management standard are eligible to meet the manufacturer's obligation.

Subd. 1a. **Collector responsibilities.** (a) Collection sites must be:

(1) staffed; and

(2) open to the public at a frequency adequate to meet the needs of the area being served.

(b) A collector may limit the number of covered electronic devices or covered electronic devices by product type accepted per customer per day or per delivery at a collection site or service.

(c) A collector must use only registered recyclers.

Subd. 2. **Recycler responsibilities.** (a) As part of the report submitted under section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph (b), that facilities that recycle covered electronic devices, including all downstream recycling operations:

(1) use only registered collectors;

(2) comply with all applicable health, environmental, safety, and financial responsibility regulations;

(3) are licensed by all applicable governmental authorities;

(4) use no prison labor to recycle video display devices;

(5) possess liability insurance of not less than \$1,000,000 for environmental releases, accidents, and other emergencies;

(6) provide a report annually to each registered collector regarding the video display devices received from that entity; and

(7) do not charge collectors for transporting, recycling, or any necessary supplies related to transporting or recycling covered electronic devices that meet a manufacturer's recycling obligation as determined under section 115A.1320, unless otherwise mutually agreed upon.

(b) A nonprofit corporation that contracts with a correctional institution to refurbish and reuse donated computers in schools is exempt from paragraph (a), clauses (4) and (5).

(c) Except to the extent otherwise required by law and unless agreed upon otherwise by the recycler or manufacturer, a recycler has no responsibility for any data that may be contained in a covered electronic device if an information storage device is included in the covered electronic device.

Subd. 3. **Retailer responsibilities.** A retailer who sells new video display devices shall provide information to households describing where and how they may recycle video display devices and advising them of opportunities and locations for the convenient collection of video display devices for the purpose of recycling. This requirement may be met by providing to households the agency's toll-free number and website address. Retailers selling through catalogs or the Internet may meet this requirement by including the information in a prominent location on the retailer's website.

115A.1320 AGENCY AND DEPARTMENT DUTIES.

Subdivision 1. **Duties of agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the following variables that are used to calculate a manufacturer's annual registration fee under section 115A.1314, subdivision 1:

(1) the obligation-setting mechanism for manufacturers as specified under paragraph (g);

(2) the estimated per-pound price of recycling covered electronic devices sold to households; and

(3) the base registration fee.

(d) If the agency determines that any of these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330, or if the revenues exceed the amount that the agency determines is necessary, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.

(e) By May 1 each year, the agency shall publish a statewide recycling goal for all video display device waste that is the weight of all video display devices collected for recycling during each of the three most recently completed program years, excluding the most recently concluded program year, divided by two.

(f) By May 1 each year, the agency shall determine each registered manufacturer's market share of video display devices to be collected and recycled based on the manufacturer's percentage share of the total weight of video display devices sold as reported to the agency under section 115A.1316, subdivision 1.

(g) By May 1 each year, the agency shall provide each manufacturer with a determination of the manufacturer's share of video display devices to be collected and recycled. A manufacturer's market share of video display devices as specified in paragraph (f) is applied proportionally to the statewide recycling goal as specified in paragraph (e) to determine an individual manufacturer's recycling obligation. Upon request by the commissioner of revenue, the agency must provide the information submitted to manufacturers under this paragraph to the commissioner of revenue.

(h) The agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must examine which covered electronic devices, based on economic and environmental considerations, should be subject to the obligation-setting mechanism under paragraph (g). The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The report must be done in conjunction with the report required under section 115A.121.

(i) The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

APPENDIX
Repealed Minnesota Statutes: 26-08030

(j) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those provisions enforced by the department, as provided in subdivision 2. The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

(k) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display devices available for recycling.

(l) The agency shall post on its website the contact information provided by each manufacturer under section 115A.1318, subdivision 1, paragraph (e).

Subd. 2. **Additional duties.** (a) The agency must collect the data submitted to it annually by each manufacturer on the total weight of each specific model of video display device sold to households, if provided; the total weight of video display devices sold to households; the total weight of covered electronic devices collected from households that are recycled; and data on phase I and phase II recycling credits, as required under section 115A.1316. The department must use this data to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately.

(b) The agency must estimate, for each registered manufacturer, the sales of video display devices to households during the previous program year, based on:

(1) data provided by a manufacturer on sales of video display devices to households, including documentation describing how that amount was calculated and certification that the amount is accurate; or

(2) if a manufacturer does not provide the data specified in clause (1), national data on sales of video display devices.

The department must use the data specified in this subdivision to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately according to the formula in section 115A.1314, subdivision 1.

(c) The department must enforce section 115A.1314, subdivision 1. The audit, assessment, appeal, collection, enforcement, disclosure, and other administrative provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To enforce section 115A.1314, subdivision 1, the commissioner of revenue may grant extensions to pay, and impose and abate penalties and interest on, the fee due under section 115A.1314, subdivision 1, in the manner provided in chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.

(d) The department may disclose nonpublic data to the agency only when necessary for the efficient and effective administration of the activities regulated under sections 115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the classification it had when in the possession of the department.

115A.1322 OTHER RECYCLING PROGRAMS.

A city, county, or other public agency may not require households to use public facilities to recycle their covered electronic devices to the exclusion of other lawful programs available. Cities, counties, and other public agencies, including those awarded contracts by the agency under section 115A.1314, subdivision 2, are encouraged to work with manufacturers to assist them in meeting their recycling obligations under section 115A.1318, subdivision 1. Nothing in sections 115A.1310 to 115A.1330 prohibits or restricts the operation of any program recycling covered electronic devices in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or recycling covered electronic devices, provided that those persons are registered under section 115A.1312.

115A.1323 ANTICOMPETITIVE CONDUCT.

(a) A manufacturer that organizes collection or recycling under sections 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of manufacturers, an individual manufacturer, and its officers, members, employees, and agents who cooperate with a political subdivision that organizes collection or

recycling under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection or recycling system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

115A.1324 REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.

(a) The Department of Administration must ensure that acquisitions of video display devices under chapter 16C are in compliance with or not subject to sections 115A.1310 to 115A.1318.

(b) The solicitation documents must specify that the prospective responder is required to cooperate fully in providing reasonable access to its records and documents that evidence compliance with paragraph (a) and sections 115A.1310 to 115A.1318.

(c) Any person awarded a contract under chapter 16C for purchase or lease of video display devices that is found to be in violation of paragraph (a) or sections 115A.1310 to 115A.1318 is subject to the following sanctions:

(1) the contract must be voided if the commissioner of administration determines that the potential adverse impact to the state is exceeded by the benefit obtained from voiding the contract;

(2) the contractor is subject to suspension and disbarment under Minnesota Rules, part 1230.1150; and

(3) if the attorney general establishes that any money, property, or benefit was obtained by a contractor as a result of violating paragraph (a) or sections 115A.1310 to 115A.1318, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit.

115A.1326 REGULATING VIDEO DISPLAY DEVICES.

If the United States Environmental Protection Agency adopts regulations under the Resource Conservation and Recovery Act regarding the handling, storage, or treatment of any type of video display device being recycled, those regulations are automatically effective in this state on the same date and supersede any rules previously adopted by the agency regarding the handling, storage, or treatment of all video display devices being recycled.

115A.1328 MULTISTATE IMPLEMENTATION.

The agency and department are authorized to participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

115A.1330 LIMITATIONS.

Sections 115A.1310 to 115A.1330 expire if a federal law, or combination of federal laws, take effect that is applicable to all video display devices sold in the United States and establish a program for the collection and recycling or reuse of video display devices that is applicable to all video display devices discarded by households.

115A.9155 DISPOSING OF CERTAIN DRY CELL BATTERIES.

Subdivision 1. **Prohibition.** A person may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

Subd. 2. **Manufacturer responsibility.** (a) A manufacturer of batteries subject to subdivision 1 shall:

(1) ensure that a system for the proper collection, transportation, and processing of waste batteries exists for purchasers in Minnesota; and

(2) clearly inform each final purchaser of the prohibition on disposal of waste batteries and of the system or systems for proper collection, transportation, and processing of waste batteries available to the purchaser.

(b) To ensure that a system for the proper collection, transportation, and processing of waste batteries exists, a manufacturer shall:

APPENDIX
Repealed Minnesota Statutes: 26-08030

(1) identify collectors, transporters, and processors for the waste batteries and contract or otherwise expressly agree with a person or persons for the proper collection, transportation, and processing of the waste batteries; or

(2) accept waste batteries returned to its manufacturing facility.

(c) At the time of sale of a battery subject to subdivision 1, a manufacturer shall provide in a clear and conspicuous manner a telephone number that the final consumer of the battery can call to obtain information on specific procedures to follow in returning the battery for recycling or proper disposal. The manufacturer may include the telephone number and notice of return procedures on an invoice or other transaction document held by the purchaser. The manufacturer shall provide the telephone number to the commissioner of the agency.

(d) A manufacturer shall ensure that the cost of proper collection, transportation, and processing of the waste batteries is included in the sales transaction or agreement between the manufacturer and any purchaser.

(e) A manufacturer that has complied with this subdivision is not liable under subdivision 1 for improper disposal by a person other than the manufacturer of waste batteries.

115A.9157 RECHARGEABLE BATTERIES AND PRODUCTS.

Subdivision 1. **Definition.** For the purpose of this section, "rechargeable battery" means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, except a rechargeable battery governed by section 115A.9155 or exempted by the commissioner under subdivision 9.

Subd. 2. **Prohibition.** Effective August 1, 1991, a person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed.

Subd. 3. **Collection and management costs.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries is responsible for the costs of collecting and managing its waste rechargeable batteries and waste products to ensure that the batteries are not part of the solid waste stream.

Subd. 5. **Collection and management programs.** (a) By September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in Minnesota Statutes 1994, section 115A.9157, subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

(b) In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the organization.

Subd. 6. **List of participants.** A manufacturer or its representative organization shall inform the committees listed in subdivision 5 when they begin participating in the projects and programs and immediately if they withdraw participation.

Subd. 7. **Contracts.** A manufacturer or a representative organization of manufacturers may contract with the state or a political subdivision to provide collection services under this section. The manufacturer or organization shall fully reimburse the state or political subdivision for the value of any contractual services rendered under this subdivision.

Subd. 8. **Anticompetitive conduct.** A manufacturer or organization of manufacturers and its officers, members, employees, and agents who participate in projects or programs to collect and properly manage waste rechargeable batteries or products powered by rechargeable batteries are immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce for activities related to the collection and management of batteries and products required under this section.

115A.9565 CATHODE-RAY TUBE PROHIBITION.

Effective July 1, 2006, a person may not place in mixed municipal solid waste an electronic product containing a cathode-ray tube.

115A.961 HOUSEHOLD BATTERIES; COLLECTION, PROCESSING, AND DISPOSAL.

Subdivision 1. **Definition.** For the purposes of this section, "household batteries" means disposable or rechargeable dry cells commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, lithium, and carbon-zinc batteries, but excluding lead acid batteries.

Subd. 2. **Program.** (a) The commissioner, in consultation with other state agencies, political subdivisions, and representatives of the household battery industry, may develop household battery programs. The commissioner must coordinate the programs with the Legislative-Citizen Commission on Minnesota Resources study on batteries.

(b) The commissioner shall investigate options and develop guidelines for collection, processing, and disposal of household batteries. The options the commissioner may investigate include:

(1) establishing a grant program for counties to plan and implement household battery collection, processing, and disposal projects;

(2) establishing collection and transportation systems;

(3) developing and disseminating educational materials regarding environmentally sound battery management; and

(4) developing markets for materials recovered from the batteries.

(c) The commissioner may also distribute funds to political subdivisions to develop battery management plans and implement those plans.

Subd. 3. **Participation.** A political subdivision, on its own or in cooperation with others, may implement a program to collect, process, or dispose of household batteries. A political subdivision may provide financial incentives to any person, including public or private civic groups, to collect the batteries.

325E.115 LEAD ACID BATTERIES; COLLECTION FOR RECYCLING.

Subdivision 1. **Surcharge; collection; notice.** (a) A person selling lead acid batteries at retail or offering lead acid batteries for retail sale in this state shall:

(1) accept, at the point of transfer, lead acid batteries from customers;

(2) charge a fee of at least \$10 per battery sold unless the customer returns a used battery to the retailer; and

(3) post written notice in accordance with section 325E.1151.

(b) Any person selling lead acid batteries at wholesale or offering lead acid batteries for sale at wholesale must accept, at the point of transfer, lead acid batteries from customers.

Subd. 2. **Compliance; management.** The commissioner of the Pollution Control Agency shall inform persons governed by subdivision 1 of requirements for managing lead acid batteries.

325E.1151 LEAD ACID BATTERY PURCHASE AND RETURN.

Subd. 4. **Notices required in newspaper advertisements.** (a) An advertisement for sale of new lead acid batteries at retail in newspapers published in this state must contain the notice in paragraph (b).

(b) The notice must state:

"At least \$10 additional charge unless a used lead acid battery is returned. Improper disposal of a lead acid battery is a crime."

325E.125 GENERAL AND SPECIAL PURPOSE BATTERY REQUIREMENTS.

Subdivision 1. **Labeling.** (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery contains no intentionally introduced mercury or is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.

APPENDIX
Repealed Minnesota Statutes: 26-08030

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

Subd. 2. **Mercury content.** (a) Except as provided in paragraph (c), a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery that contains more than 0.025 percent mercury by weight.

(b) On application, the commissioner of the Pollution Control Agency may exempt a specific type of battery from the requirements of paragraph (a) or (d) if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. A battery exempted by the commissioner under this paragraph is subject to the requirements of section 115A.9155, subdivision 2.

(c) Notwithstanding paragraph (a), a manufacturer may not sell, distribute, or offer for sale in this state a button cell nonrechargeable battery not subject to paragraph (a) that contains more than 25 milligrams of mercury.

(d) A manufacturer may not sell, distribute, or offer for sale in this state a dry cell battery containing a mercuric oxide electrode.

(e) After January 1, 1996, a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery, except an alkaline manganese button cell, that contains mercury unless the commissioner of the Pollution Control Agency determines that compliance with this requirement is not technically and commercially feasible.

Subd. 2a. **Approval of new batteries.** A manufacturer may not sell, distribute, or offer for sale in this state a nonrechargeable battery other than a zinc air, zinc carbon, silver oxide, lithium, or alkaline manganese battery, without first having received approval of the battery from the commissioner of the Pollution Control Agency. The commissioner shall approve only batteries that comply with subdivision 1 and do not pose an undue hazard when disposed of. This subdivision is intended to ensure that new types of batteries do not add additional hazardous or toxic materials to the state's mixed municipal waste stream.

Subd. 4. **Rechargeable batteries and products; notice.** (a) A person who sells rechargeable batteries or products powered by rechargeable batteries governed by section 115A.9157 at retail shall post the notice in paragraph (b) in a manner clearly visible to a consumer making purchasing decisions.

(b) The notice must be at least four inches by six inches and state:

"ATTENTION USERS OF RECHARGEABLE BATTERIES AND CORDLESS PRODUCTS:

Under Minnesota law, manufacturers of rechargeable batteries, rechargeable battery packs, and products powered by nonremovable rechargeable batteries will provide a special collection system for these items by April 15, 1994. It is illegal to put rechargeable batteries in the garbage. Use the special collection system that will be provided in your area. Take care of our environment.

DO NOT PUT RECHARGEABLE BATTERIES OR PRODUCTS POWERED BY
NONREMOVABLE RECHARGEABLE BATTERIES IN THE GARBAGE."

(c) Notice is not required for home solicitation sales, as defined in section 325G.06, or for catalogue sales.

Subd. 5. **Prohibitions.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries that does not participate in the pilot projects and programs required in section 115A.9157 may not sell, distribute, or offer for sale in this state rechargeable batteries or products powered by rechargeable batteries after January 1, 1992.

After January 1, 1992, a person who first purchases rechargeable batteries or products powered by rechargeable batteries for importation into the state for resale may not purchase rechargeable batteries or products powered by rechargeable batteries made by any person other than a manufacturer that participates in the projects and programs required under section 115A.9157.

325E.1251 PENALTY ENFORCEMENT.

Subdivision 1. **Penalty.** Violation of section 325E.125 is a misdemeanor. A manufacturer who violates section 325E.125 is also subject to a minimum fine of \$100 per violation.

Laws 2024, chapter 127, article 53, section 6

Sec. 6. DEPARTMENT OF EMPLOYMENT AND
ECONOMIC DEVELOPMENT

\$

-0- \$

5,000,000

Cedar Riverside Recreation Center. \$5,000,000
in fiscal year 2025 is for a payment to the
Minneapolis Park and Recreation Board for the
design, development, and construction of the new
Cedar Riverside Recreation Center to serve the
largest immigrant population center in the state.
This is a onetime appropriation available until
June 30, 2028.