

1.1 moves to amend H.F. No. 2310, in conference committee, as follows:

1.2 On R8, House language, (H2310-3)

1.3 Page 130, after line 5, insert:

1.4 "(1) "annual operating expenses" means the total amount of a producer or stewardship
1.5 organization's expenses in a calendar year for developing a stewardship plan, operating and
1.6 administering the program in accordance with the stewardship plan, and meeting the
1.7 requirements of this section, determined at the time the annual report required under
1.8 subdivision 12 is submitted;"

1.9 Renumber the clauses in sequence

1.10 On R11, House language, (H2310-3)

1.11 Page 133, delete subdivision 5a and insert:

1.12 "Subd. 5a. **Stewardship assessment.** (a) The producer or stewardship organization must
1.13 propose a uniform stewardship assessment for any architectural paint sold in the state that
1.14 covers but does not exceed the costs of developing the stewardship plan, operating and
1.15 administering the program in accordance with the stewardship plan and the requirements
1.16 of this section, and maintaining a financial reserve.

1.17 (b) The producer or stewardship organization must retain an independent auditor to
1.18 review the proposed stewardship assessment to ensure that the assessment meets the
1.19 requirements of this section. The independent auditor must recommend an amount for the
1.20 stewardship assessment.

1.21 (c) A stewardship organization or producer's product stewardship program must not
1.22 maintain a financial reserve in excess of its annual operating expenses.

1.23 (d) If the financial reserve exceeds 75 percent of the producer or stewardship
1.24 organization's annual operating expenses, the producer or stewardship organization must

2.1 submit a proposed plan amendment according to subdivision 4, paragraph (c), to comply
2.2 with this subdivision.

2.3 (e) A producer or stewardship organization may submit a written request to the
2.4 commissioner for an extension of the time to comply with paragraphs (c) and (d). The
2.5 commissioner must review and approve or reject the request. If the commissioner approves
2.6 a request, the commissioner must determine the length of the extension, which must not
2.7 exceed two consecutive years. The request must demonstrate that the financial reserve is
2.8 projected to fall below 75 percent of the producer or stewardship organization's annual
2.9 operating expenses without a plan amendment within two years of the request.

2.10 (f) If the financial reserve falls below 60 percent of the producer or stewardship
2.11 organization's annual operating expenses the producer or stewardship organization may
2.12 submit a proposed plan amendment according to subdivision 4, paragraph (c), to comply
2.13 with this subdivision.

2.14 (g) The commissioner must review and approve or reject the stewardship assessment
2.15 according to subdivision 7.

2.16 (h) A producer or stewardship organization may not use any moneys collected through
2.17 a stewardship assessment to pay for litigation against the state related to this section, or
2.18 penalties imposed according to section 115.071 or 116.072."

2.19 On R12, House language, (H2310-3)

2.20 Page 134, lines 15 to 19, delete the new language