

1.1 ..... moves to amend H.F. No. 865, the second engrossment, as follows:

1.2 Page 1, delete section 1

1.3 Page 6, delete subdivision 13 and insert:

1.4 "Subd. 13. **Sales information.** Sales information provided to the commissioner  
 1.5 under this section is classified as private or nonpublic data, as specified in section  
 1.6 115A.06, subdivision 13."

1.7 Page 14, delete lines 12 to 14 and insert:

1.8 "(3) "primary battery" means a battery weighing two kilograms or less that is not  
 1.9 designed to be electrically recharged, including, but not limited to, alkaline manganese,  
 1.10 carbon zinc, lithium, silver oxide, and zinc air batteries. Nonremovable batteries and  
 1.11 medical devices as defined in the federal Food, Drug, and Cosmetic Act, United States  
 1.12 Code, title 21, section 321(h), as amended, are exempted from this definition."

1.13 Page 12, delete subdivision 13 and insert:

1.14 "Subd. 13. **Sales information.** Sales information provided to the commissioner  
 1.15 under this section is classified as private or nonpublic data, as specified in section  
 1.16 115A.06, subdivision 13."

1.17 Page 14, delete lines 29 to 31

1.18 Page 14, line 32, delete "(8)" and insert "(7)"

1.19 Page 15, line 1, delete "(9)" and insert "(8)"

1.20 Page 15, line 4, delete "(10)" and insert "(9)"

1.21 Page 15, line 9, delete "reuse and"

1.22 Page 15, line 11, delete "and reuse"

1.23 Page 15, line 33, delete "all"

1.24 Page 15, line 34, before "batteries" insert "primary"

1.25 Page 16, lines 4 and 16, before "batteries" insert "primary"

1.26 Page 16, line 15, delete "reuse, deconstruct, or"

1.27 Page 16, line 26, delete "and reused"

- 2.1 Page 16, line 31, delete "and"
- 2.2 Page 16, line 32, delete the period and insert "; and"
- 2.3 Page 16, after line 32, insert:
- 2.4 "(v) the market share of the producers participating in the plan."
- 2.5 Page 17, line 29, delete "12" and insert "13"
- 2.6 Page 18, line 4, delete "unwanted" and insert "discarded"
- 2.7 Page 18, line 5, delete "reuse,"
- 2.8 Page 18, line 8, after "audit" insert "of the stewardship organization"
- 2.9 Page 18, delete subdivision 13 and insert:
- 2.10 "Subd. 13. **Sales information.** Sales information provided to the commissioner
- 2.11 under this section is classified as private or nonpublic data, as specified in section
- 2.12 115A.06, subdivision 13."
- 2.13 Page 19, after line 11, insert:
- 2.14 "Subd. 16. **Private enforcement.** (a) The operator of a statewide product
- 2.15 stewardship program established under subdivision 2 that incurs costs exceeding \$5,000
- 2.16 to collect, handle, recycle, or properly dispose of discarded primary batteries sold or
- 2.17 offered for sale in Minnesota by a producer who does not implement its own program
- 2.18 or participate in a program implemented by a stewardship organization, may bring a
- 2.19 civil action or actions to recover costs and fees as specified in paragraph (b) from each
- 2.20 nonimplementing or nonparticipating producer who can reasonably be identified from a
- 2.21 brand or marking on a used consumer battery or from other information.
- 2.22 (b) An action under paragraph (a) may be brought against one or more primary
- 2.23 battery producers, provided that no such action may be commenced:
- 2.24 (1) prior to 60 days after written notice of the operator's intention to file suit has been
- 2.25 provided to the agency and the defendant or defendants; or
- 2.26 (2) if the agency has commenced enforcement actions under subdivision 10 and is
- 2.27 diligently pursuing such actions.
- 2.28 (c) In any action under paragraph (b), the plaintiff operator may recover from
- 2.29 a defendant nonimplementing or nonparticipating primary battery producer costs the
- 2.30 plaintiff incurred to collect, handle, recycle, or properly dispose of primary batteries
- 2.31 reasonably identified as having originated from the defendant, plus the plaintiff's attorneys'
- 2.32 fees and litigation costs."
- 2.33 Renummer the sections in sequence and correct the internal references
- 2.34 Amend the title accordingly