

1.1 Senator moves to amend the delete-everything amendment (SCS3975A-1)
1.2 to S.F. No. 3975 as follows:

1.3 Page 2, before line 24, insert:

1.4 "Section 1. [1.1466] STATE FOSSIL.

1.5 Subdivision 1. **Designation.** *Castoroides ohioensis*, commonly known as the giant
1.6 beaver, is designated as the official state fossil of the state of Minnesota.

1.7 Subd. 2. **Photograph.** A photograph of the giant beaver, approved by the commissioner
1.8 of natural resources, shall be preserved and may be displayed in the Office of the Secretary
1.9 of State."

1.10 Page 2, after line 32, insert:

1.11 "Sec 3. Minnesota Statutes 2020, section 3.8853, subdivision 4, is amended to read:

1.12 Subd. 4. **Access to data; treatment.** Upon request of the director of the Legislative
1.13 Budget Office, the head or chief administrative officer of each department or agency of
1.14 state government, including the supreme court, must promptly supply data ~~that are used to~~
1.15 used by the agency to prepare or necessary for the Legislative Budget Office to review or
1.16 prepare a fiscal note, including data that are not public data under section 13.64 or other
1.17 applicable law, unless there are federal laws or regulations that prohibit the provision of the
1.18 not public data for this purpose. Not public data supplied under this subdivision may only
1.19 be used by the Legislative Budget Office to review a department or agency's work in
1.20 preparing a fiscal note and may not be used or disseminated for any other purpose, including
1.21 use by or dissemination to a legislator or to any officer, department, agency, or committee
1.22 within the legislative branch. Violation of this subdivision by the director or other staff of
1.23 the Legislative Budget Office is cause for removal, suspension without pay, or immediate
1.24 dismissal at the direction of the oversight commission.

1.25 Sec. 4. Minnesota Statutes 2020, section 3.8853, is amended by adding a subdivision to
1.26 read:

1.27 Subd. 4a. **Access to employees.** Upon request of the director of the Legislative Budget
1.28 Office, the head or chief administrative officer of each department or agency of state
1.29 government, including the supreme court, must permit reasonable access to employees with
1.30 subject matter expertise to assist the Legislative Budget Office prepare and review fiscal
1.31 notes or enacted legislation.

2.1 Sec. 5. Minnesota Statutes 2020, section 3.98, subdivision 1, is amended to read:

2.2 Subdivision 1. **Preparation; duties.** (a) The head or chief administrative officer of each
2.3 department or agency of the state government, including the supreme court, shall prepare
2.4 a fiscal note consistent with the standards and procedures adopted under section 3.8853, at
2.5 the request of the chair of the standing committee to which a bill has been referred, or the
2.6 chair of the house of representatives Ways and Means Committee, or the chair of the senate
2.7 Committee on Finance, and as assigned by the director of the Legislative Budget Office.
2.8 The Legislative Budget Office may prepare a fiscal note if an agency does not comply with
2.9 this subdivision.

2.10 (b) For purposes of this subdivision, "supreme court" includes all agencies, committees,
2.11 and commissions supervised or appointed by the state supreme court or the state court
2.12 administrator."

2.13 Page 3, after line 26, insert:

2.14 "Sec. 7. Minnesota Statutes 2020, section 13.64, subdivision 3, is amended to read:

2.15 Subd. 3. **Unofficial fiscal note.** (a) For purposes of this subdivision, "unofficial fiscal
2.16 note" means a fiscal note requested by or on behalf of a member of the legislature on draft
2.17 language for a bill that has not been introduced. Unofficial fiscal notes are public data unless
2.18 a classification under paragraph (b) applies.

2.19 (b) This paragraph applies if a request for an unofficial fiscal note is accompanied by a
2.20 directive from the requester that the data be classified under this ~~paragraph~~ subdivision.
2.21 Government data on the request, the bill draft, and the unofficial fiscal note are private data
2.22 on individuals or nonpublic data, ~~provided~~ except that the data are accessible to, and may
2.23 be disclosed by, the requester. If the proposed bill draft used to develop the unofficial fiscal
2.24 note or an updated version is subsequently used for an introduced bill, or any legislation,
2.25 including an amendment or a proposed bill, that any member of the legislature offers for
2.26 consideration by a legislative committee introduced as a bill, included in an introduced bill,
2.27 offered as an amendment, or otherwise distributed by the requester at a public meeting or
2.28 event, or if an unofficial fiscal note is distributed by the requester at a public meeting or
2.29 event, the fiscal note becomes public data.

2.30 (c) An agency must not share data that is classified under this subdivision as nonpublic
2.31 data or private data on individuals with another agency without authorization from the bill
2.32 author, as obtained from the director of the Legislative Budget Office. This paragraph

3.1 supersedes any authorization to share data with the commissioner of management and budget
3.2 under section 15.08 or 16A.06, subdivision 7, or other applicable law.

3.3 Sec. 8. Minnesota Statutes 2020, section 13.64, subdivision 4, is amended to read:

3.4 Subd. 4. **Fiscal note data must be shared with Legislative Budget Office.** A head or
3.5 chief administrative officer of a department or agency of the state government, including
3.6 the supreme court, must provide data that are used to prepare a fiscal note or for the
3.7 Legislative Budget Office to review the accuracy of fiscal notes on enacted legislation,
3.8 including data that are not public data under this section to the director of the Legislative
3.9 Budget Office upon the director's request and consistent with section 3.8853, subdivision
3.10 4, unless there are federal laws or regulations that prohibit the provision of the not public
3.11 data for this purpose. The data must be supplied according to any standards and procedures
3.12 adopted under section 3.8853, subdivision 3, including any standards and procedures
3.13 governing timeliness. Notwithstanding section 13.05, subdivision 9, a responsible authority
3.14 may not require the Legislative Budget Office to pay a cost for supplying data requested
3.15 under this subdivision.

3.16 Sec. 9. **[14.1271] LEGISLATIVE APPROVAL OF RULES BY REFERENCE TO**
3.17 **ANOTHER STATE.**

3.18 A proposed rule that includes or incorporates by reference a statute or rule of another
3.19 state must be submitted to the standing committee of the house of representatives and
3.20 standing committee of the senate with jurisdiction over the subject matter of the rule at least
3.21 90 days prior to the publication of the notice of intent to adopt the rule under section 14.22,
3.22 subdivision 1a; 14.389, subdivision 2; or 14.3895, subdivision 3; publication of a dual notice
3.23 under section 14.22, subdivision 2; or publication of a notice of hearing on a proposed rule
3.24 under section 14.14. The proposed rule may not be adopted until the rule is approved by a
3.25 law enacted during the legislative session that began after or is meeting when the proposed
3.26 rule is received.

3.27 Sec. 10. **[15.0561] CONSUMER CHOICE OF FUEL; RESTRICTIONS**
3.28 **PROHIBITED.**

3.29 (a) A state agency may not adopt rules that:

3.30 (1) restrict consumer choice in purchasing motorized equipment based on the equipment's
3.31 fuel source; or

4.1 (2) mandate retailer inventory of motorized equipment based on the equipment's fuel
4.2 source.

4.3 (b) For purposes of this section, "motorized equipment" means:

4.4 (1) tools, including but not limited to generators, lawn mowers, pressure washers, chain
4.5 saws, leaf blowers, and weed trimmers;

4.6 (2) recreational vehicles, including but not limited to golf carts, motorcycles, off-highway
4.7 vehicles, snowmobiles, and watercraft;

4.8 (3) new or used passenger automobiles;

4.9 (4) farm equipment, as defined in section 325E.061; and

4.10 (5) medium and heavy duty trucks."

4.11 Page 9, after line 18, insert:

4.12 "Sec. 18. Minnesota Statutes 2020, section 116.07, subdivision 2, is amended to read:

4.13 Subd. 2. **Adopting standards.** (a) The Pollution Control Agency shall improve air
4.14 quality by promoting, in the most practicable way possible, the use of energy sources and
4.15 waste disposal methods which produce or emit the least air contaminants consistent with
4.16 the agency's overall goal of reducing all forms of pollution. The agency shall also adopt
4.17 standards of air quality, not including maximum allowable standards of emission of air
4.18 contaminants from motor vehicles, recognizing that due to variable factors, no single standard
4.19 of purity of air is applicable to all areas of the state. In adopting standards the Pollution
4.20 Control Agency shall give due recognition to the fact that the quantity or characteristics of
4.21 air contaminants or the duration of their presence in the atmosphere, which may cause air
4.22 pollution in one area of the state, may cause less or not cause any air pollution in another
4.23 area of the state, and it shall take into consideration in this connection such factors, including
4.24 others which it may deem proper, as existing physical conditions, zoning classifications,
4.25 topography, prevailing wind directions and velocities, and the fact that a standard of air
4.26 quality which may be proper as to an essentially residential area of the state, may not be
4.27 proper as to a highly developed industrial area of the state. Such standards of air quality
4.28 shall be premised upon scientific knowledge of causes as well as effects based on technically
4.29 substantiated criteria and commonly accepted practices. No local government unit shall set
4.30 standards of air quality which are more stringent than those set by the Pollution Control
4.31 Agency.

5.1 (b) The Pollution Control Agency shall promote solid waste disposal control by
5.2 encouraging the updating of collection systems, elimination of open dumps, and
5.3 improvements in incinerator practices. The agency shall also adopt standards for the control
5.4 of the collection, transportation, storage, processing, and disposal of solid waste and sewage
5.5 sludge for the prevention and abatement of water, air, and land pollution, recognizing that
5.6 due to variable factors, no single standard of control is applicable to all areas of the state.
5.7 In adopting standards, the Pollution Control Agency shall give due recognition to the fact
5.8 that elements of control which may be reasonable and proper in densely populated areas of
5.9 the state may be unreasonable and improper in sparsely populated or remote areas of the
5.10 state, and it shall take into consideration in this connection such factors, including others
5.11 which it may deem proper, as existing physical conditions, topography, soils and geology,
5.12 climate, transportation, and land use. Such standards of control shall be premised on technical
5.13 criteria and commonly accepted practices.

5.14 (c) The Pollution Control Agency shall also adopt standards describing the maximum
5.15 levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere,
5.16 recognizing that due to variable factors no single standard of sound pressure is applicable
5.17 to all areas of the state. Such standards shall give due consideration to such factors as the
5.18 intensity of noises, the types of noises, the frequency with which noises recur, the time
5.19 period for which noises continue, the times of day during which noises occur, and such
5.20 other factors as could affect the extent to which noises may be injurious to human health
5.21 or welfare, animal or plant life, or property, or could interfere unreasonably with the
5.22 enjoyment of life or property. In adopting standards, the Pollution Control Agency shall
5.23 give due recognition to the fact that the quantity or characteristics of noise or the duration
5.24 of its presence in the outdoor atmosphere, which may cause noise pollution in one area of
5.25 the state, may cause less or not cause any noise pollution in another area of the state, and
5.26 it shall take into consideration in this connection such factors, including others which it
5.27 may deem proper, as existing physical conditions, zoning classifications, topography,
5.28 meteorological conditions and the fact that a standard which may be proper in an essentially
5.29 residential area of the state, may not be proper as to a highly developed industrial area of
5.30 the state. Such noise standards shall be premised upon scientific knowledge as well as effects
5.31 based on technically substantiated criteria and commonly accepted practices. No local
5.32 governing unit shall set standards describing the maximum levels of sound pressure which
5.33 are more stringent than those set by the Pollution Control Agency.

5.34 (d) The Pollution Control Agency shall adopt standards for the identification of hazardous
5.35 waste and for the management, identification, labeling, classification, storage, collection,

6.1 transportation, processing, and disposal of hazardous waste, recognizing that due to variable
6.2 factors, a single standard of hazardous waste control may not be applicable to all areas of
6.3 the state. In adopting standards, the Pollution Control Agency shall recognize that elements
6.4 of control which may be reasonable and proper in densely populated areas of the state may
6.5 be unreasonable and improper in sparsely populated or remote areas of the state. The agency
6.6 shall consider existing physical conditions, topography, soils, and geology, climate,
6.7 transportation and land use. Standards of hazardous waste control shall be premised on
6.8 technical knowledge, and commonly accepted practices. Hazardous waste generator licenses
6.9 may be issued for a term not to exceed five years. No local government unit shall set
6.10 standards of hazardous waste control which are in conflict or inconsistent with those set by
6.11 the Pollution Control Agency.

6.12 (e) A person who generates less than 100 kilograms of hazardous waste per month is
6.13 exempt from the following agency hazardous waste rules:

6.14 (1) rules relating to transportation, manifesting, storage, and labeling for photographic
6.15 fixer and x-ray negative wastes that are hazardous solely because of silver content; and

6.16 (2) any rule requiring the generator to send to the agency or commissioner a copy of
6.17 each manifest for the transportation of hazardous waste for off-site treatment, storage, or
6.18 disposal, except that counties within the metropolitan area may require generators to provide
6.19 manifests.

6.20 Nothing in this paragraph exempts the generator from the agency's rules relating to on-site
6.21 accumulation or outdoor storage. A political subdivision or other local unit of government
6.22 may not adopt management requirements that are more restrictive than this paragraph.

6.23 (f) In any rulemaking proceeding under chapter 14 to adopt standards for air quality,
6.24 solid waste, or hazardous waste under this chapter, or standards for water quality under
6.25 chapter 115, the statement of need and reasonableness must include:

6.26 (1) an assessment of any differences between the proposed rule and:

6.27 (i) existing federal standards adopted under the Clean Air Act, United States Code, title
6.28 42, section 7412(b)(2); the Clean Water Act, United States Code, title 33, sections 1312(a)
6.29 and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title
6.30 42, section 6921(b)(1);

6.31 (ii) similar standards in states bordering Minnesota; and

6.32 (iii) similar standards in states within the Environmental Protection Agency Region 5;
6.33 and

7.1 (2) a specific analysis of the need and reasonableness of each difference.

7.2 Sec. 19. Minnesota Statutes 2020, section 116.07, is amended by adding a subdivision to
7.3 read:

7.4 Subd. 13. **Unadopted rules.** The commissioner of the Pollution Control Agency must
7.5 not enforce or attempt to enforce an unadopted rule. For purposes of this subdivision,
7.6 "unadopted rule" means a guideline, bulletin, criterion, manual standard, interpretive
7.7 statement, policy plan, or similar pronouncement if the guideline, bulletin, criterion, manual
7.8 standard, interpretive statement, policy plan, or similar pronouncement has not been adopted
7.9 according to the rulemaking process provided under chapter 14. If an unadopted rule is
7.10 challenged under section 14.381, the commissioner must cease enforcement of the unadopted
7.11 rule and overcome a presumption that the unadopted rule must be adopted according to the
7.12 rulemaking process provided under chapter 14."

7.13 Page 24, after line 21, insert:

7.14 "Sec. 51. [645.0711] STANDARD OF TIME.

7.15 Every mention of, or reference to, any hour or time in any law, during any period of the
7.16 year, is to be construed with reference to and in accordance with the standard time provided
7.17 by federal law. No department of the state government and no county, city, or town shall
7.18 employ, during any period of the year, any other time, or adopt any ordinance or order
7.19 providing for the use, during any period of the year, of any other time than the federal
7.20 standard time.

7.21 **EFFECTIVE DATE.** This section is effective January 2, 2030, if an amendment to
7.22 United States Code, title 15, section 260a, or other applicable law that authorizes states to
7.23 observe advance standard time year-round is not enacted before that date."

7.24 Page 28, after line 9, insert:

7.25 "Sec. 57. **CONSUMER CHOICE OF FUEL ACT.**

7.26 Sections 9, 10, 18, and 57 are known as the Consumer Choice of Fuel Act.

7.27 Sec. 58. **REQUIRED RULEMAKING.**

7.28 (a) The commissioner of public safety must amend Minnesota Rules as follows:

7.29 (1) part 7410.6100, subpart 2, by striking item D;

7.30 (2) part 7410.6160, by striking "50" and inserting "30";

8.1 (3) part 7410.6420, subpart 6, item A, by striking "12" and inserting "10"; and

8.2 (4) part 7411.0630, subpart 6, by striking subitem (7) and renumbering the remaining
8.3 subitems.

8.4 (b) The commissioner may use the good-cause exemption under Minnesota Statutes,
8.5 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
8.6 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
8.7 14.388."

8.8 Page 28, delete section 46 and insert:

8.9 "Sec. 59. **REVISOR INSTRUCTION.**

8.10 (a) The revisor of statutes must change "Board of Cosmetologist Examiners" to "Board
8.11 of Cosmetology" wherever it appears in Minnesota Statutes.

8.12 (b) The revisor is directed to change all cross-references to Minnesota Statutes, section
8.13 645.071, to cross-references to Minnesota Statutes, section 645.0711, throughout the statutes.

8.14 **EFFECTIVE DATE.** Paragraph (b) is effective January 2, 2030, if an amendment to
8.15 United States Code, title 15, section 260a, or other applicable law that authorizes states to
8.16 observe advance standard time year-round is not enacted before that date."

8.17 Page 28, delete section 47 and insert:

8.18 "Sec. 60. **REPEALER.**

8.19 (a) Minnesota Statutes 2020, sections 136F.03; and 326A.04, subdivision 11, are repealed.

8.20 (b) Minnesota Rules, parts 7023.0150; 7023.0200; 7023.0250; and 7023.0300, are
8.21 repealed.

8.22 (c) Minnesota Statutes 2020, section 645.071, is repealed.

8.23 **EFFECTIVE DATE.** Paragraph (c) is effective January 1, 2030, if an amendment to
8.24 United States Code, title 15, section 260a, or other applicable law that authorizes states to
8.25 observe advance standard time year-round is not enacted before that date. This section
8.26 expires the day after an amendment to the United States Code, title 15, section 260a, or
8.27 other applicable law is enacted that authorizes states to observe advance standard time
8.28 year-round."

8.29 Page 39, line 31, after "date" insert " , except that subdivision 6 is effective the day
8.30 following final enactment"

9.1 Page 40, after line 32, insert:

9.2 "**EFFECTIVE DATE.** This section is effective September 1, 2022, and applies to
9.3 elections conducted on or after that date."

9.4 Page 49, after line 6, insert:

9.5 "**EFFECTIVE DATE.** This section is effective September 1, 2022, and applies to
9.6 elections conducted on or after that date."

9.7 Page 49, line 32, delete "statements" and insert "statement"

9.8 Page 50, after line 34, insert:

9.9 "**EFFECTIVE DATE.** This section is effective September 1, 2022, and applies to
9.10 elections conducted on or after that date."

9.11 Page 52, after line 29, insert:

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

9.13 Renumber the sections in sequence and correct the internal references

9.14 Amend the title accordingly