

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1412

03/04/2015 Authored by Fabian, Hornstein and McNamara

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

04/11/2016 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

05/17/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act
 1.2 relating to environment; modifying electronic waste management provisions;
 1.3 amending Minnesota Statutes 2014, sections 115A.1310, subdivisions 6, 7, 20,
 1.4 by adding subdivisions; 115A.1312, subdivisions 2, 3, 4; 115A.1316; 115A.1318,
 1.5 subdivisions 1, 2, by adding a subdivision; 115A.1320; 115A.1323; Minnesota
 1.6 Statutes 2015 Supplement, section 115A.1314, subdivision 1; repealing
 1.7 Minnesota Statutes 2014, section 115A.1310, subdivision 16.

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

1.9 Section 1. Minnesota Statutes 2014, section 115A.1310, subdivision 6, is amended to
 1.10 read:

1.11 Subd. 6. **Computer monitor.** "Computer monitor" means an electronic device that
 1.12 is a cathode-ray tube or flat panel display primarily intended to display information from a
 1.13 central processing unit or the Internet. ~~Computer monitor includes a laptop computer.~~

1.14 Sec. 2. Minnesota Statutes 2014, section 115A.1310, subdivision 7, is amended to read:

1.15 Subd. 7. **Covered electronic device.** "Covered electronic device" means computers,
 1.16 including tablet computers and laptop computers, peripherals, facsimile machines, DVD
 1.17 players, video cassette recorders, and video display devices that are sold to a household by
 1.18 means of retail, wholesale, or electronic commerce.

1.19 Sec. 3. Minnesota Statutes 2014, section 115A.1310, is amended by adding a
 1.20 subdivision to read:

1.21 Subd. 12a. **Portable battery.** "Portable battery" means a rechargeable battery
 1.22 as defined in section 115A.9157.

1.23 **EFFECTIVE DATE.** This section is effective July 1, 2016.

2.1 Sec. 4. Minnesota Statutes 2014, section 115A.1310, is amended by adding a
2.2 subdivision to read:

2.3 Subd. 12b. **Phase I recycling credits.** "Phase I recycling credits" means the number
2.4 of pounds of covered electronic devices recycled by a manufacturer from households
2.5 during program years one through nine, less the product of the number of pounds of
2.6 video display devices sold to households during the same program year, multiplied by the
2.7 proportion of sales a manufacturer is required to recycle.

2.8 Sec. 5. Minnesota Statutes 2014, section 115A.1310, is amended by adding a
2.9 subdivision to read:

2.10 Subd. 12c. **Phase II recycling credits.** "Phase II recycling credits" means the
2.11 number of pounds of covered electronic devices recycled by a manufacturer during a
2.12 program year beginning July 1, 2019, and thereafter, from households located outside
2.13 the 11-county metropolitan area, as defined in section 115A.1314, subdivision 2, less
2.14 the manufacturer's recycling obligation calculated for the same program year in section
2.15 115A.1320, subdivision 1, paragraph (g).

2.16 Sec. 6. Minnesota Statutes 2014, section 115A.1310, subdivision 20, is amended to read:

2.17 Subd. 20. **Video display device.** "Video display device" means a television or
2.18 computer monitor, ~~including a laptop computer,~~ that contains a cathode-ray tube or a flat
2.19 panel screen ~~with a screen size that is greater than nine inches measured diagonally and~~
2.20 that is marketed by manufacturers for use by households. Video display device does
2.21 not include any of the following:

2.22 (1) a video display device that is part of a motor vehicle or any component part of a
2.23 motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including
2.24 replacement parts for use in a motor vehicle;

2.25 (2) a video display device, including a touch-screen display, that is functionally or
2.26 physically part of a larger piece of equipment or is designed and intended for use in an
2.27 industrial; commercial, including retail; library checkout; traffic control; kiosk; security,
2.28 other than household security; border control; or medical setting, including diagnostic,
2.29 monitoring, or control equipment;

2.30 (3) a video display device that is contained within a clothes washer, clothes dryer,
2.31 refrigerator, refrigerator and freezer, microwave oven, conventional oven or range,
2.32 dishwasher, room air conditioner, dehumidifier, or air purifier; or

2.33 (4) a telephone of any type ~~unless it contains a video display area greater than nine~~
2.34 ~~inches measured diagonally.~~

3.1 **EFFECTIVE DATE.** This section is effective July 1, 2016.

3.2 Sec. 7. Minnesota Statutes 2014, section 115A.1312, subdivision 2, is amended to read:

3.3 Subd. 2. **Manufacturer's registration.** (a) By August 15 each year, a manufacturer
3.4 of video display devices sold or offered for sale to households ~~after September 1, 2007,~~ in
3.5 the state must submit a registration to the agency that includes:

3.6 (1) a list of the manufacturer's brands of video display devices offered for sale in
3.7 this state;

3.8 (2) the name, address, and contact information of a person responsible for ensuring
3.9 compliance with this chapter; and

3.10 (3) a certification that the manufacturer has complied and will continue to comply
3.11 with the requirements of sections 115A.1312 to 115A.1318.

3.12 (b) ~~By September 1, 2008, and each year thereafter,~~ A manufacturer of video display
3.13 devices sold or offered for sale to a household must include in the registration submitted
3.14 under paragraph (a), a statement disclosing whether:

3.15 (1) any video display devices sold to households exceed the maximum concentration
3.16 values established for lead, mercury, cadmium, hexavalent chromium, polybrominated
3.17 biphenyls (PBB's), and polybrominated diphenyl ethers (PBDE's) under the RoHS
3.18 (restricting the use of certain hazardous substances in electrical and electronic equipment)
3.19 Directive 2002/95/EC of the European Parliament and Council and any amendments
3.20 thereto; or

3.21 (2) the manufacturer has received an exemption from one or more of those maximum
3.22 concentration values under the RoHS Directive that has been approved and published by
3.23 the European Commission.

3.24 (c) A manufacturer who begins to sell or offer for sale video display devices to
3.25 households ~~after September 1, 2007~~ August 15, 2016, and has not filed a registration under
3.26 this subdivision must submit a registration to the agency within ten days of beginning to
3.27 sell or offer for sale video display devices to households.

3.28 (d) A registration must be updated within ten days after a change in the
3.29 manufacturer's brands of video display devices sold or offered for sale to households.

3.30 (e) A registration is effective upon receipt by the agency and is valid until ~~September~~
3.31 ~~1~~ of August 15 each year.

3.32 (f) The agency must review each registration and notify the manufacturer of any
3.33 information required by this section that is omitted from the registration. Within 30 days
3.34 of receipt of a notification from the agency, the manufacturer must submit a revised
3.35 registration providing the information noted by the agency.

4.1 (g) The agency must maintain on its Web site the names of manufacturers and the
4.2 manufacturers' brands listed in registrations filed with the agency. The agency must
4.3 update the Web site information promptly upon receipt of a new or updated registration.
4.4 The Web site must contain prominent language stating, in effect, that sections 115A.1310
4.5 to 115A.1330 are directed at household equipment and the manufacturers' brands list is,
4.6 therefore, not a list of manufacturers qualified to sell to industrial, commercial, or other
4.7 markets identified as exempt from the requirements of sections 115A.1310 to 115A.1330.

4.8 **EFFECTIVE DATE.** This section is effective July 1, 2016.

4.9 Sec. 8. Minnesota Statutes 2014, section 115A.1312, subdivision 3, is amended to read:

4.10 Subd. 3. **Collector's registration.** ~~After August 1, 2007,~~ No person may operate as a
4.11 collector of covered electronic devices from households unless that person has submitted a
4.12 registration with the agency by July 15 each year on a form prescribed by the commissioner.
4.13 Registration information must include the name, address, telephone number, and location
4.14 of the business and a certification that the collector has complied and will continue to
4.15 comply with the requirements of sections 115A.1312 to 115A.1318 and any regulations
4.16 adopted by a local government unit for the jurisdiction in which the collector operates. A
4.17 collector must indicate any end-of-life fees that will be charged at the collection point. A
4.18 registration is effective upon receipt by the agency and is valid until July ~~1~~ of 15 each year.

4.19 **EFFECTIVE DATE.** This section is effective July 1, 2016.

4.20 Sec. 9. Minnesota Statutes 2014, section 115A.1312, subdivision 4, is amended to read:

4.21 Subd. 4. **Recycler's registration.** ~~After August 1, 2007,~~ No person may recycle
4.22 video display devices generated by households unless that person has submitted
4.23 a registration with the agency by July 15 each year on a form prescribed by the
4.24 commissioner. Registration information must include the name, address, telephone
4.25 number, and location of all recycling facilities under the direct control of the recycler that
4.26 may receive ~~video display~~ covered electronic devices from households and a certification
4.27 that the recycler has complied and will continue to comply with the requirements of
4.28 sections 115A.1312 to 115A.1318. A registered recycler ~~may~~ must conduct recycling
4.29 activities that are consistent with this chapter. A registration is effective upon receipt by
4.30 the agency and is valid until July ~~1~~ of 15 each year.

4.31 **EFFECTIVE DATE.** This section is effective July 1, 2016.

5.1 Sec. 10. Minnesota Statutes 2015 Supplement, section 115A.1314, subdivision 1,
5.2 is amended to read:

5.3 Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section
5.4 115A.1312 must, by ~~September 1, 2007, and~~ August 15 each year thereafter, pay to the
5.5 commissioner of revenue an annual registration fee, on a form and in a manner prescribed
5.6 by the commissioner of revenue. The commissioner of revenue must deposit the fee in the
5.7 state treasury and credit the fee to the environmental fund.

5.8 (b) The registration fee for manufacturers that sell 100 or more video display
5.9 devices to households in the state during the previous calendar year is equal to a base fee
5.10 of \$2,500, plus a variable recycling fee. The variable recycling fee is calculated according
5.11 to the formula:

5.12 $((A \times B) - (C + D)) \times E [A - (B + C)] \times D$, where:

5.13 (1) ~~A = the number of pounds of a manufacturer's video display devices sold~~
5.14 ~~to households during the previous program year, as reported to the department the~~
5.15 ~~manufacturer's recycling obligation as determined under section 115A.1316, subdivision~~
5.16 ~~1 115A.1320;~~

5.17 (2) ~~B = the proportion of sales of video display devices required to be recycled, set at~~
5.18 ~~0.6 for the first program year and 0.8 for the second program year and every year thereafter;~~

5.19 (3) ~~C = the number of pounds of covered electronic devices recycled by a~~
5.20 ~~manufacturer from households during the previous immediately preceding program year,~~
5.21 ~~as reported to the department under section 115A.1316, subdivision 1;~~

5.22 (4) ~~D = C = the number of phase I or phase II recycling credits a manufacturer elects~~
5.23 ~~to use to calculate the variable recycling fee, as reported to the department under section~~
5.24 ~~115A.1316, subdivision 1; and~~

5.25 (5) ~~E = D = the estimated per-pound cost of recycling, initially set at \$0.50 per pound~~
5.26 ~~for manufacturers who recycle less than 50 percent of the product (A x B) manufacturer's~~
5.27 ~~recycling obligation; \$0.40 per pound for manufacturers who recycle at least 50 percent but~~
5.28 ~~less than 90 percent of the product (A x B) manufacturer's recycling obligation; and \$0.30~~
5.29 ~~per pound for manufacturers who recycle at least 90 percent but less than 100 percent~~
5.30 ~~of the product (A x B) manufacturer's recycling obligation; and \$0.00 per pound for~~
5.31 ~~manufacturers who recycle 100 percent or more of the manufacturer's recycling obligation.~~

5.32 (c) A manufacturer may petition the agency to waive the per-pound cost of recycling
5.33 fee, element D in the formula in paragraph (b), required under this section. The agency
5.34 shall direct the commissioner of revenue to waive the per-pound cost of recycling fee if
5.35 the manufacturer demonstrates to the agency's satisfaction a good faith effort to meet its
5.36 recycling obligation as determined under section 115A.1320. The petition must include:

6.1 (1) documentation that the manufacturer has met at least 75 percent of its recycling
6.2 obligation as determined under section 115A.1320;

6.3 (2) a list of political subdivisions and public and private collectors with whom the
6.4 manufacturer had a formal contract or agreement in effect during the previous program
6.5 year to recycle or collect covered electronic devices;

6.6 (3) the total amounts of covered electronic devices collected from both within and
6.7 outside of the 11-county metropolitan area, as defined in subdivision 2;

6.8 (4) a description of the manufacturer's best efforts to meet its recycling obligation as
6.9 determined under section 115A.1320; and

6.10 (5) any other information requested by the agency.

6.11 ~~(e) If, as specified in paragraph (b), the term $C - (A \times B)$ equals a positive number of~~
6.12 ~~pounds, that amount is defined as the manufacturer's recycling credits. (d) A manufacturer~~
6.13 ~~may retain phase I and phase II recycling credits to be added, in whole or in part, to~~
6.14 ~~the actual value of C, as reported under section 115A.1316, subdivision 2, during any~~
6.15 ~~succeeding program year, provided that no more than 25 percent of a manufacturer's~~
6.16 ~~recycling obligation (A x B) for any program year may be met with phase I and phase~~
6.17 ~~II recycling credits, separately or in combination, generated in a prior program year. A~~
6.18 ~~manufacturer may sell any portion or all of its phase I and phase II recycling credits to~~
6.19 ~~another manufacturer, at a price negotiated by the parties, who may use the credits in the~~
6.20 ~~same manner.~~

6.21 ~~(d) (e) For the purpose of calculating a manufacturer's variable recycling fee under~~
6.22 ~~paragraph (b), starting with the program year beginning July 1, 2019, and continuing each~~
6.23 ~~year thereafter, the weight of covered electronic devices collected from households located~~
6.24 ~~outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (e) (b), is~~
6.25 ~~calculated at 1.5 times their actual weight.~~

6.26 ~~(e) The registration fee for the initial program year and the base registration fee~~
6.27 ~~thereafter for a manufacturer who produces fewer than 100 video display devices for sale~~
6.28 ~~annually to households is \$1,250.~~

6.29 ~~(f) For the ninth program year, the agency shall publish a statewide recycling goal of~~
6.30 ~~16,000,000 pounds.~~

6.31 ~~(g) For the ninth program year, the agency shall determine each registered~~
6.32 ~~manufacturer's market share of video display devices to be collected and recycled based~~
6.33 ~~on the manufacturer's percentage share of the total weight of video display devices sold~~
6.34 ~~as reported to the Department for the eighth program year as reported to the agency by~~
6.35 ~~July 15, 2015. By July 30, 2015, the agency shall provide each manufacturer with a~~
6.36 ~~determination of its share of video display devices to be collected and recycled, which~~

7.1 ~~is the quotient of the total weight of the manufacturer's video display devices sold to~~
 7.2 ~~households in the eighth program year, divided by the total weight of all manufacturers'~~
 7.3 ~~video display devices sold to households in this state based on reporting to the agency for~~
 7.4 ~~the eighth program year, then applied proportionally to the statewide recycling goal of~~
 7.5 ~~16,000,000 pounds as specified in paragraph (f).~~

7.6 ~~(h) If a manufacturer's obligation for the recycling of video display devices as~~
 7.7 ~~determined in paragraph (b), clauses (1) and (2), by weight is higher than the obligation~~
 7.8 ~~determined by the agency in paragraph (g), then the higher number is the obligation for~~
 7.9 ~~program year nine.~~

7.10 ~~(i) For the ninth program year, a manufacturer that did not report sales data to the~~
 7.11 ~~department for the eighth or ninth program years shall be subject to a recycling obligation~~
 7.12 ~~that is equal to 80 percent by weight of the manufacturer's video display devices sold~~
 7.13 ~~to households.~~

7.14 **EFFECTIVE DATE.** This section is effective July 1, 2016.

7.15 Sec. 11. Minnesota Statutes 2014, section 115A.1316, is amended to read:

7.16 **115A.1316 REPORTING REQUIREMENTS.**

7.17 Subdivision 1. **Manufacturer's reporting requirements.** (a) By August 1, 2016,
 7.18 each manufacturer must report to the agency using the form prescribed:

7.19 (1) the total weight of each specific model of its video display devices sold to
 7.20 households during the previous program year; and

7.21 (2) either:

7.22 (i) the total weight of its video display devices sold to households during the
 7.23 previous program year; or

7.24 (ii) an estimate of the total weight of its video display devices sold to households
 7.25 during the previous program year, calculated by multiplying the weight of its video
 7.26 display devices sold nationally times the quotient of Minnesota's population divided by
 7.27 the national population. All manufacturers with sales of 99 or fewer video display devices
 7.28 to households in the state during the previous calendar year must report using the method
 7.29 under this item for calculating sales.

7.30 (b) By September 1 of March 1, 2017, and each year, beginning in 2008 March
 7.31 1 thereafter, each manufacturer must report to the department agency using the form
 7.32 prescribed:

7.33 (1) the total weight of each specific model of its video display devices sold to
 7.34 households during the previous program calendar year; and

8.1 (2) either:

8.2 (i) the total weight of its video display devices sold to households during the
8.3 previous calendar year; or

8.4 ~~(3)~~ (ii) an estimate of the total weight of its video display devices sold to households
8.5 during the previous ~~program~~ calendar year, calculated by multiplying the weight of its
8.6 video display devices sold nationally times the quotient of Minnesota's population divided
8.7 by the national population. All manufacturers with sales of 99 or fewer video display
8.8 devices to households in the state during the previous calendar year must report using the
8.9 method under this item for calculating sales.

8.10 A manufacturer must submit with the report required under this paragraph a
8.11 description of how the information or estimate was calculated.

8.12 ~~(b)~~ (c) By ~~September 1~~ of August 15 each year, ~~beginning in 2008~~, each
8.13 manufacturer must report to the department until June 30, 2017, and to the agency
8.14 thereafter, the total weight of covered electronic devices the manufacturer collected from
8.15 households and recycled or arranged to have collected and recycled during the preceding
8.16 program year. ~~If a manufacturer wishes to receive the variable recycling rate of 1.5 for~~
8.17 ~~covered electronic devices it recycles, the manufacturer must report separately the total~~
8.18 ~~weight of covered electronic devices collected from households located in counties~~
8.19 ~~specified in section 115A.1314, subdivision 1, paragraph (d), and those collected from~~
8.20 ~~households located outside those counties.~~

8.21 ~~(e)~~ (d) By ~~September 1~~ of August 15 each year, ~~beginning in 2008~~, each manufacturer
8.22 must report separately to the department until June 30, 2017, and to the agency thereafter:

8.23 (1) the number of phase I and phase II recycling credits the manufacturer has
8.24 purchased and sold during the preceding program year;

8.25 (2) the number of phase I and phase II recycling credits possessed by the
8.26 manufacturer that the manufacturer elects to use in the calculation of its variable recycling
8.27 fee under section 115A.1314, subdivision 1; and

8.28 (3) the number of phase I and phase II recycling credits the manufacturer retains at
8.29 the beginning of the current program year.

8.30 (e) Upon request of the commissioner of revenue, the agency shall provide a copy of
8.31 each report to the commissioner of revenue.

8.32 Subd. 2. **Recycler's reporting requirements.** By ~~August 1~~ of July 15 each year,
8.33 ~~beginning in 2008~~, a recycler of covered electronic devices must report to the agency
8.34 ~~and the department:~~

9.1 (1) the total weight of covered electronic devices recycled during the preceding
 9.2 program year and must certify that the recycler has complied with section 115A.1318,
 9.3 subdivision 2;

9.4 (2) the weight of video display devices recycled as part of covered electronic devices
 9.5 recycled during the previous program year; and

9.6 (3) an estimate of the weight of portable batteries and any mercury-containing lamps
 9.7 that are associated with the covered electronic devices managed.

9.8 Upon request of the commissioner of revenue, the agency shall provide a copy of
 9.9 each report to the commissioner of revenue.

9.10 Subd. 3. **Collector's reporting requirements.** By ~~August 1~~ of July 15 each year,
 9.11 ~~beginning in 2008~~, a collector must report separately to the agency using the form
 9.12 prescribed by the commissioner:

9.13 (1) the total pounds of covered electronic devices collected in the counties specified
 9.14 in section 115A.1314, subdivision 1, paragraph (d), and all other Minnesota counties,
 9.15 and state;

9.16 (2) a list of all recyclers to whom collectors delivered covered electronic devices; and

9.17 (3) whether the collector had a contract with a recycler or manufacturer to provide
 9.18 pounds toward meeting a manufacturer's obligation.

9.19 **EFFECTIVE DATE.** This section is effective July 1, 2016.

9.20 Sec. 12. Minnesota Statutes 2014, section 115A.1318, subdivision 1, is amended to read:

9.21 Subdivision 1. **Manufacturer's responsibilities.** (a) In addition to fulfilling the
 9.22 requirements of sections 115A.1310 to 115A.1330, a manufacturer must comply with
 9.23 paragraphs (b) to ~~(e)~~ (f).

9.24 (b) A manufacturer must annually recycle or arrange for the collection and recycling
 9.25 of an amount of ~~covered electronic~~ video display devices equal to the total weight of its
 9.26 ~~video display devices sold to households during the preceding program year, multiplied by~~
 9.27 ~~the proportion of sales of video display devices required to be recycled, as established~~
 9.28 determined by the agency ~~under~~ in section 115A.1320, subdivision 1, ~~paragraph (e).~~ A
 9.29 manufacturer must assume all financial responsibility associated with transporting and
 9.30 recycling covered electronic devices that are used to meet the manufacturer's recycling
 9.31 obligation determined under section 115A.1320 or that are counted as phase I or II
 9.32 recycling credits, including any necessary supplies. This excludes costs that are associated
 9.33 with receiving and aggregating covered electronic devices from households and all the
 9.34 activities up to the time that covered electronic devices are loaded for transport to a
 9.35 recycler or arranged for transportation to a recycler.

10.1 (c) The obligations of a manufacturer apply only to video display devices received
 10.2 from households and do not apply to video display devices received from sources other
 10.3 than households.

10.4 (d) A manufacturer must conduct and document due diligence assessments of
 10.5 collectors and recyclers it contracts with, including an assessment of items specified under
 10.6 subdivision 2. A manufacturer is responsible for maintaining, for a period of three years,
 10.7 documentation that all ~~video display~~ covered electronic devices recycled, partially recycled,
 10.8 or sent to downstream recycling operations comply with the requirements of subdivision 2.

10.9 (e) A manufacturer must provide the agency with contact information for a person
 10.10 who can be contacted regarding the manufacturer's activities under sections 115A.1310
 10.11 to 115A.1320.

10.12 (f) Only the covered electronic devices that are recycled by a registered recycler
 10.13 that is certified by an ANSI-ASQ National Accreditation Board-accredited third-party
 10.14 certification body to an environmentally sound management standard are eligible to meet
 10.15 the manufacturer's obligation.

10.16 **EFFECTIVE DATE.** This section is effective July 1, 2016.

10.17 Sec. 13. Minnesota Statutes 2014, section 115A.1318, is amended by adding a
 10.18 subdivision to read:

10.19 **Subd. 1a. Collector's responsibilities.** (a) Collection sites must be:

10.20 (1) staffed; and

10.21 (2) open to the public at a frequency adequate to meet the needs of the area being
 10.22 served.

10.23 (b) A collector may limit the number of covered electronic devices or covered
 10.24 electronic devices by product type accepted per customer per day or per delivery at a
 10.25 collection site or service.

10.26 (c) A collector must use only registered recyclers.

10.27 **EFFECTIVE DATE.** This section is effective July 1, 2016.

10.28 Sec. 14. Minnesota Statutes 2014, section 115A.1318, subdivision 2, is amended to read:

10.29 **Subd. 2. Recycler's responsibilities.** (a) As part of the report submitted under
 10.30 section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph

10.31 (b), that facilities that recycle ~~video display~~ covered electronic devices, including all
 10.32 downstream recycling operations:

10.33 (1) use only registered collectors;

11.1 (2) comply with all applicable health, environmental, safety, and financial
 11.2 responsibility regulations;
 11.3 ~~(2)~~ (3) are licensed by all applicable governmental authorities;
 11.4 ~~(3)~~ (4) use no prison labor to recycle video display devices; ~~and~~
 11.5 ~~(4)~~ (5) possess liability insurance of not less than \$1,000,000 for environmental
 11.6 releases, accidents, and other emergencies;
 11.7 (6) provide a report annually to each registered collector regarding the video display
 11.8 devices received from that entity; and
 11.9 (7) do not charge collectors for the transportation and recycling of covered electronic
 11.10 devices that meet a manufacturer's recycling obligation as determined under section
 11.11 115A.1320, unless otherwise mutually agreed upon.

11.12 (b) A nonprofit corporation that contracts with a correctional institution to refurbish
 11.13 and reuse donated computers in schools is exempt from paragraph (a), clauses ~~(3)~~ and
 11.14 ~~(4)~~ and (5).

11.15 (c) Except to the extent otherwise required by law and unless agreed upon otherwise
 11.16 by the recycler or manufacturer, a recycler has no responsibility for any data that may
 11.17 be contained in a covered electronic device if an information storage device is included
 11.18 in the covered electronic device.

11.19 **EFFECTIVE DATE.** This section is effective July 1, 2016.

11.20 Sec. 15. Minnesota Statutes 2014, section 115A.1320, is amended to read:

11.21 **115A.1320 AGENCY AND DEPARTMENT DUTIES.**

11.22 Subdivision 1. **Duties of agency.** (a) The agency shall administer sections
 11.23 115A.1310 to 115A.1330.

11.24 (b) The agency shall establish procedures for:

11.25 (1) receipt and maintenance of the registration statements and certifications filed
 11.26 with the agency under section 115A.1312; and

11.27 (2) making the statements and certifications easily available to manufacturers,
 11.28 retailers, and members of the public.

11.29 (c) The agency shall annually review the ~~value of the~~ following variables that are
 11.30 ~~part of the formula~~ used to calculate a manufacturer's annual registration fee under section
 11.31 115A.1314, subdivision 1:

11.32 (1) ~~the proportion of sales of video display devices sold to households that~~
 11.33 obligation-setting mechanism for manufacturers are required to recycle as specified under
 11.34 paragraph (g);

12.1 (2) the estimated per-pound price of recycling covered electronic devices sold to
12.2 households; and

12.3 (3) the base registration fee; and

12.4 ~~(4) the multiplier established for the weight of covered electronic devices collected~~
12.5 ~~in section 115A.1314, subdivision 1, paragraph (d).~~

12.6 (d) If the agency determines that any of these values must be changed in order to
12.7 improve the efficiency or effectiveness of the activities regulated under sections 115A.1312
12.8 to 115A.1330, or if the revenues exceed the amount that the agency determines is necessary,
12.9 the agency shall submit recommended changes and the reasons for them to the chairs of the
12.10 senate and house of representatives committees with jurisdiction over solid waste policy.

12.11 ~~(d) (e) By January 15 September 1, 2016, and by May 1, 2017, and each year,~~
12.12 ~~beginning in 2008 May 1 thereafter, the agency shall calculate estimated sales of publish~~
12.13 ~~a statewide recycling goal for all video display devices sold to households by each~~
12.14 ~~manufacturer during the preceding program year, based on national sales data, and forward~~
12.15 ~~the estimates to the department. device waste that is the weight of all video display devices~~
12.16 ~~collected for recycling during each of the three most recently completed program years,~~
12.17 ~~excluding the most recently concluded program year, divided by two. For the program~~
12.18 ~~years beginning July 1, 2016, July 1, 2017, and July 1, 2018, the agency shall establish~~
12.19 ~~and publish separate statewide recycling goals for video display devices as follows:~~

12.20 (1) the agency shall set the statewide recycling goal for video display devices at
12.21 25,000,000 pounds, 23,000,000 pounds, and 21,000,000 pounds, respectively, during
12.22 these successive program years;

12.23 (2) the agency shall set the recycling goal for televisions at 80 percent of the
12.24 applicable amount in clause (1); and

12.25 (3) the agency shall set the recycling goal for computer monitors at 20 percent of the
12.26 applicable amount in clause (1).

12.27 (f) By September 1, 2016, and by May 1, 2017, and each May 1 thereafter, the
12.28 agency shall determine each registered manufacturer's market share of video display
12.29 devices to be collected and recycled based on the manufacturer's percentage share of
12.30 the total weight of video display devices sold as reported to the agency under section
12.31 115A.1316, subdivision 1.

12.32 (g) By September 1, 2016, and by May 1, 2017, and each May 1 thereafter, the
12.33 agency shall provide each manufacturer with a determination of the manufacturer's
12.34 share of video display devices to be collected and recycled. A manufacturer's market
12.35 share of video display devices as specified in paragraph (f) is applied proportionally
12.36 to the statewide recycling goal as specified in paragraph (e) to determine an individual

13.1 manufacturer's recycling obligation. Upon request by the commissioner of revenue, the
13.2 agency must provide the information submitted to manufacturers under this paragraph
13.3 to the commissioner of revenue.

13.4 (e) (h) The agency shall provide a report to the governor and the legislature on
13.5 the implementation of sections 115A.1310 to 115A.1330. For each program year,
13.6 the report must discuss the total weight of covered electronic devices recycled and a
13.7 summary of information in the reports submitted by manufacturers and recyclers under
13.8 section 115A.1316. The report must also discuss the various collection programs used
13.9 by manufacturers to collect covered electronic devices; information regarding covered
13.10 electronic devices that are being collected by persons other than registered manufacturers,
13.11 collectors, and recyclers; and information about covered electronic devices, if any, being
13.12 disposed of in landfills in this state. The report must examine which covered electronic
13.13 devices, based on economic and environmental considerations, should be subject to the
13.14 obligation-setting mechanism under paragraph (g). The report must include a description
13.15 of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include
13.16 in its report other information received by the agency regarding the implementation of
13.17 sections 115A.1312 to 115A.1330. The report must be done in conjunction with the
13.18 report required under section 115A.121.

13.19 (f) (i) The agency shall promote public participation in the activities regulated under
13.20 sections 115A.1312 to 115A.1330 through public education and outreach efforts.

13.21 (g) (j) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner
13.22 provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those
13.23 provisions enforced by the department, as provided in subdivision 2. The agency may
13.24 revoke a registration of a collector or recycler found to have violated sections 115A.1310
13.25 to 115A.1330.

13.26 (h) (k) The agency shall facilitate communication between counties, collection and
13.27 recycling centers, and manufacturers to ensure that manufacturers are aware of video
13.28 display devices available for recycling.

13.29 ~~(i) The agency shall develop a form retailers must use to report information to~~
13.30 ~~manufacturers under section 115A.1318 and post it on the agency's Web site.~~

13.31 (j) (l) The agency shall post on its Web site the contact information provided by each
13.32 manufacturer under section 115A.1318, subdivision 1, paragraph (e).

13.33 Subd. 2. **Additional duties of department.** (a) The department agency must collect
13.34 the data submitted to it annually by each manufacturer on the total weight of each specific
13.35 model of video display device sold to households, if provided; the total weight of video
13.36 display devices sold to households; the total weight of covered electronic devices collected

14.1 from households that are recycled; and data on phase I and phase II recycling credits, as
14.2 required under section 115A.1316. The department must use this data to review each
14.3 manufacturer's annual registration fee submitted to the department to ensure that the fee
14.4 was calculated accurately ~~according to the formula in section 115A.1314, subdivision 1.~~

14.5 (b) The ~~department~~ agency must estimate, for each registered manufacturer, the sales
14.6 of video display devices to households during the previous program year, based on:

14.7 (1) data provided by a manufacturer on sales of video display devices to households,
14.8 including documentation describing how that amount was calculated and certification that
14.9 the amount is accurate; or

14.10 (2) if a manufacturer does not provide the data specified in clause (1), national data
14.11 on sales of video display devices.

14.12 The department must use the data specified in this subdivision to review each
14.13 manufacturer's annual registration fee submitted to the department to ensure that the fee
14.14 was calculated accurately according to the formula in section 115A.1314, subdivision 1.

14.15 (c) The department must enforce section 115A.1314, subdivision 1. The audit,
14.16 assessment, appeal, collection, enforcement, disclosure, and other administrative
14.17 provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under
14.18 chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To
14.19 enforce ~~this subdivision~~, section 115A.1314, subdivision 1, the commissioner of revenue
14.20 may grant extensions to pay, and impose and abate penalties and interest on, the fee due
14.21 under section 115A.1314, subdivision 1, in the manner provided in chapters 270C and
14.22 289A as if the fee were a tax imposed under chapter 297A.

14.23 (d) The department may disclose nonpublic data to the agency only when necessary
14.24 for the efficient and effective administration of the activities regulated under sections
14.25 115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the
14.26 classification it had when in the possession of the department.

14.27 **EFFECTIVE DATE.** This section is effective July 1, 2016.

14.28 Sec. 16. Minnesota Statutes 2014, section 115A.1323, is amended to read:

14.29 **115A.1323 ANTICOMPETITIVE CONDUCT.**

14.30 (a) A manufacturer that organizes collection or recycling under ~~this section~~ sections
14.31 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent
14.32 necessary to plan and implement its chosen organized collection or recycling system and
14.33 is immune from liability under state laws relating to antitrust, restraint of trade, unfair
14.34 trade practices, and other regulation of trade or commerce.

15.1 (b) An organization of manufacturers, an individual manufacturer, and its officers,
15.2 members, employees, and agents who cooperate with a political subdivision that organizes
15.3 collection or recycling under this section are authorized to engage in anticompetitive
15.4 conduct to the extent necessary to plan and implement the organized collection
15.5 or recycling system, provided that the political subdivision actively supervises the
15.6 participation of each entity. An organization, entity, or person covered by this paragraph is
15.7 immune from liability under state law relating to antitrust, restraint of trade, unfair trade
15.8 practices, and other regulation of trade or commerce.

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

15.10 Sec. 17. **REPEALER.**

15.11 Minnesota Statutes 2014, section 115A.1310, subdivision 16, is repealed.

15.12 **EFFECTIVE DATE.** This section is effective July 1, 2016.

APPENDIX
Repealed Minnesota Statutes: H1412-2

115A.1310 DEFINITIONS.

Subd. 16. **Recycling credits.** "Recycling credits" means the number of pounds of covered electronic devices recycled by a manufacturer from households during a program year, 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. The calculation and uses of recycling credits are as specified in section 115A.1314, subdivision 1.