

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1427

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DATE	D-PG	OFFICIAL STATUS
03/05/2015	572	Introduction and first reading Referred to Environment and Energy
03/16/2015	822a	Comm report: To pass as amended and re-refer to Finance
03/23/2016	5240	Withdrawn and re-referred to Environment and Energy
03/30/2016		Comm report: To pass as amended and re-refer to Finance

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 7, 14, 15,
 1.4 20, by adding a subdivision; 115A.1312; 115A.1314; 115A.1316; 115A.1318;
 1.5 115A.1320; 115A.1323; 115A.1328; repealing Minnesota Statutes 2014, section
 1.6 115A.1310, subdivisions 8, 12.

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

1.8 Section 1. Minnesota Statutes 2014, section 115A.1310, subdivision 7, is amended to
 1.9 read:

1.10 Subd. 7. **Covered electronic device.** "Covered electronic device" means ~~computers,~~
 1.11 ~~peripherals, facsimile machines, DVD players, video cassette recorders, and a computer;~~
 1.12 small scale server; computer peripheral, including an electronic keyboard, electronic
 1.13 mouse or similar pointing device, document scanner, printer, or external hard drive;
 1.14 facsimile machine; small electronic equipment, including a video cassette recorder, digital
 1.15 video recorder, digital media player, portable digital music player, disc-based video media
 1.16 player, digital converter box, cable or satellite receiver, or electronic or video game
 1.17 console; or video display devices device that are is sold to a household ~~by means of~~
 1.18 ~~retail, wholesale, or electronic commeree.~~

1.19 Sec. 2. 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 primary battery that
 1.22 weighs two kilograms or less or a rechargeable battery as defined in section 115A.9157.

1.23 Sec. 3. Minnesota Statutes 2014, section 115A.1310, subdivision 14, is amended to read:

2.1 Subd. 14. **Recycler.** "Recycler" means a public or private individual or entity who
 2.2 accepts covered electronic devices from households and collectors for the purpose of
 2.3 recycling. ~~A manufacturer who takes products for refurbishment or repair is not a recycler.~~

2.4 Sec. 4. Minnesota Statutes 2014, section 115A.1310, subdivision 15, is amended to read:

2.5 Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing
 2.6 ~~video display devices or~~ covered electronic devices for use in manufacturing processes or
 2.7 for recovery of usable materials followed by delivery of such materials for use. Recycling
 2.8 does not include the destruction by incineration or other process or land disposal of
 2.9 recyclable materials nor reuse, repair, or any other process through which ~~video display~~
 2.10 ~~devices or~~ covered electronic devices are returned to use for households in their original
 2.11 form.

2.12 Sec. 5. Minnesota Statutes 2014, section 115A.1310, subdivision 20, is amended to read:

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

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

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

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

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

2.31 Sec. 6. Minnesota Statutes 2014, section 115A.1312, is amended to read:

2.32 **115A.1312 REGISTRATION PROGRAM.**

3.1 Subdivision 1. **Requirements for sale.** (a) On or after September 1, 2007, a
3.2 manufacturer of video display devices must not sell or offer for sale or deliver to retailers
3.3 for subsequent sale a new video display device unless:

3.4 (1) the video display device is labeled with the manufacturer's brand, which label is
3.5 permanently affixed and readily visible; and

3.6 (2) the manufacturer has filed a registration with the agency, as specified in
3.7 subdivision 2.

3.8 (b) On or after February 1, 2008, a retailer who sells or offers for sale a new video
3.9 display device to a household must, before the initial offer for sale, review the agency
3.10 Web site specified in subdivision 2, paragraph (g), to determine that all new video display
3.11 devices that the retailer is offering for sale are labeled with the manufacturer's brands that
3.12 are registered with the agency.

3.13 (c) A retailer is not responsible for an unlawful sale under this subdivision if the
3.14 manufacturer's registration expired or was revoked and the retailer took possession of the
3.15 video display device prior to the expiration or revocation of the manufacturer's registration
3.16 and the unlawful sale occurred within six months after the expiration or revocation.

3.17 Subd. 2. **Manufacturer's registration.** (a) A manufacturer of video display devices
3.18 sold or offered for sale to households in the state after September 1, 2007, must submit a
3.19 registration to the agency that includes:

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

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

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

3.26 (b) By ~~September 1, 2008~~ October 1, 2016, and each year thereafter, a manufacturer
3.27 of video display devices sold or offered for sale to a household must include in the
3.28 registration submitted under paragraph (a), a statement disclosing whether:

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

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

4.4 (c) A manufacturer who begins to sell or offer for sale video display devices to
4.5 households after September 1, 2007, and has not filed a registration under this subdivision
4.6 must submit a registration to the agency within ten days of beginning to sell or offer for
4.7 sale video display devices to households.

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

4.10 (e) A registration is effective upon receipt by the agency and is valid until ~~September~~
4.11 October 1 of each year.

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

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

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

4.32 Subd. 4. **Recycler's registration.** After August 1, 2007, no person may recycle
4.33 ~~video display~~ covered electronic devices generated by households unless that person
4.34 has submitted a registration with the agency on a form prescribed by the commissioner.
4.35 Registration information must include the name, address, telephone number, and location
4.36 of all recycling facilities under the direct control of the recycler that may receive ~~video~~

5.1 ~~display~~ covered electronic devices from households and a certification that the recycler
 5.2 has complied and will continue to comply with the requirements of sections 115A.1312
 5.3 to 115A.1318. A registered recycler may conduct recycling activities that are consistent
 5.4 with this chapter. A registration is effective upon receipt by the agency and is valid until
 5.5 July 1 of each year.

5.6 Sec. 7. Minnesota Statutes 2014, section 115A.1314, is amended to read:

5.7 **115A.1314 MANUFACTURER'S REGISTRATION FEE.**

5.8 Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section
 5.9 115A.1312 must, by ~~September 1, 2007~~ October 1, 2016, and each year thereafter, pay to
 5.10 the commissioner ~~of revenue~~ an annual registration fee. The commissioner ~~of revenue~~
 5.11 must deposit the fee in the state treasury and credit the fee to the environmental fund.

5.12 (b) The registration fee for manufacturers that sell over 100 video display devices to
 5.13 households in the state during the previous calendar year is ~~equal to a base fee of \$2,500,~~
 5.14 plus a variable recycling fee. The registration fee is calculated according to the formula on
 5.15 the registration form prescribed by the commissioner based on:

5.16 ~~((A x B) - (C + D)) x E, where:~~

5.17 (1) ~~A = the number of pounds of a manufacturer's video display devices sold~~
 5.18 ~~to households during the previous program year, as reported to the department~~ the
 5.19 manufacturer's recycling obligation as determined by the agency under section ~~115A.1316,~~
 5.20 ~~subdivision 1~~ 115A.1320;

5.21 (2) ~~B = the proportion of sales of video display devices required to be recycled, set at~~
 5.22 ~~0.6 for the first program year and 0.8 for the second program year and every year thereafter;~~

5.23 (3) ~~C =~~ (2) the number of pounds of covered electronic devices recycled by a
 5.24 manufacturer from households during the previous program year, as reported to the
 5.25 ~~department~~ agency under section 115A.1316, subdivision 1;

5.26 (4) ~~D =~~ (3) the number of recycling credits a manufacturer elects to use to calculate
 5.27 the variable recycling fee, as reported to the ~~department~~ agency under section 115A.1316,
 5.28 subdivision 1; and

5.29 (5) ~~E =~~ (4) the estimated per-pound cost of recycling, initially set at \$0.50 per pound
 5.30 for manufacturers who recycle less than 50 percent of the ~~product (A x B)~~ manufacturer's
 5.31 obligation; \$0.40 per pound for manufacturers who recycle at least 50 percent but less
 5.32 than 90 percent of the ~~product (A x B)~~ manufacturer's obligation; and \$0.30 per pound for
 5.33 manufacturers who recycle at least 90 percent but less than 100 percent of the ~~product (A~~
 5.34 ~~x B)~~ manufacturer's obligation.

6.1 (c) If, ~~as specified in paragraph (b), the term $C - (A \times B)$ equals a positive number of~~
 6.2 ~~pounds, the manufacturer's collection and recycling of covered electronic devices exceed~~
 6.3 ~~the obligation specified in section 115A.1320, that amount is defined as the manufacturer's~~
 6.4 recycling credits. A manufacturer may retain recycling credits to be added, in whole or
 6.5 in part, to ~~the actual value of C , the obligation~~ as reported under section 115A.1316,
 6.6 subdivision 2, during any succeeding program year, provided that no more than 25 percent
 6.7 of a manufacturer's obligation (~~$A \times B$~~) for any program year may be met with recycling
 6.8 credits generated in a prior program year. A manufacturer may sell any portion or all of
 6.9 its recycling credits to another manufacturer, at a price negotiated by the parties, who
 6.10 may use the credits in the same manner.

6.11 (d) ~~For the purpose of calculating a manufacturer's variable recycling fee under~~
 6.12 ~~paragraph (b), the weight of covered electronic devices collected from households located~~
 6.13 ~~outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is~~
 6.14 ~~calculated at 1.5 times their actual weight.~~

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

6.18 Subd. 2. **Use of registration fees.** (a) Registration fees may be used by the
 6.19 commissioner for:

6.20 (1) ~~implementing sections 115A.1312 to 115A.1330, including transfer to the~~
 6.21 ~~commissioner of revenue to carry out the department's duties under section 115A.1320,~~
 6.22 ~~subdivision 2, and for transfer to the commissioner of administration for responsibilities~~
 6.23 ~~under section 115A.1324; and~~

6.24 (2) grants to counties outside the 11-county metropolitan area, as defined in
 6.25 paragraph (b), and to private entities that collect for recycling covered electronic devices
 6.26 in counties outside the 11-county metropolitan area, where the collection and recycling is
 6.27 consistent with the respective county's solid waste plan, for the purpose of carrying out the
 6.28 activities under sections 115A.1312 to 115A.1330. In awarding competitive grants under
 6.29 this clause, the commissioner must give preference to counties and private entities that are
 6.30 working cooperatively with manufacturers to help them meet their recycling obligations
 6.31 under section 115A.1318, subdivision 1.

6.32 (b) The 11-county metropolitan area consists of the counties of Anoka, Carver,
 6.33 Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

6.34 Sec. 8. Minnesota Statutes 2014, section 115A.1316, is amended to read:

6.35 **115A.1316 REPORTING REQUIREMENTS.**

7.1 Subdivision 1. **Manufacturer's reporting requirements.** (a) By ~~September~~ October
 7.2 1 of each year, beginning in ~~2008~~ 2016, each manufacturer of video display devices must
 7.3 report to the ~~department~~ agency using the form prescribed by the commissioner:

7.4 (1) the total weight of each specific model of its video display devices sold to
 7.5 households during the previous ~~program~~ calendar year;

7.6 (2) the total weight of its video display devices sold to households during the
 7.7 previous calendar year; or

7.8 (3) an estimate of the total weight of its video display devices sold to households
 7.9 during the previous ~~program~~ calendar year, calculated by multiplying the weight of its
 7.10 video display devices sold nationally times the quotient of Minnesota's population divided
 7.11 by the national population. All manufacturers with sales of 100 or fewer video display
 7.12 devices to households in the state during the previous calendar year must report using the
 7.13 method under this clause for calculating sales.

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

7.16 (b) By ~~September~~ October 1 of each year, beginning in ~~2008~~ 2016, each
 7.17 manufacturer must report to the ~~department~~ agency the total weight of covered electronic
 7.18 devices the manufacturer collected from households and recycled or arranged to have
 7.19 collected and recycled during the preceding program year. ~~If a manufacturer wishes~~
 7.20 ~~to receive the variable recycling rate of 1.5 for covered electronic devices it recycles,~~
 7.21 ~~the manufacturer must report separately the total weight of covered electronic devices~~
 7.22 ~~collected from households located in counties specified in section 115A.1314, subdivision~~
 7.23 ~~1, paragraph (d), and those collected from households located outside those counties.~~

7.24 (c) By ~~September~~ October 1 of each year, beginning in ~~2008~~ 2016, each manufacturer
 7.25 must report to the ~~department~~ agency:

7.26 (1) the number of recycling credits the manufacturer has purchased and sold during
 7.27 the preceding program year;

7.28 (2) the number of recycling credits possessed by the manufacturer that the
 7.29 manufacturer elects to use in the calculation of its variable recycling fee under section
 7.30 115A.1314, subdivision 1; and

7.31 (3) the number of recycling credits the manufacturer retains at the beginning of
 7.32 the current program year.

7.33 Subd. 2. **Recycler's reporting requirements.** By ~~August~~ October 1 of each year,
 7.34 beginning in ~~2008~~ 2016, a recycler of covered electronic devices must report to the agency
 7.35 ~~and the department.~~

8.1 (1) the total weight of covered electronic devices and an estimate of the weight of
 8.2 video display devices recycled during the preceding program year and must certify that
 8.3 the recycler has complied with section 115A.1318, subdivision 2; and

8.4 (2) the weight of portable batteries and any mercury-containing lamps that are
 8.5 associated with the covered electronic devices managed.

8.6 Subd. 3. **Collector's reporting requirements.** By ~~August~~ October 1 of each year,
 8.7 beginning in ~~2008~~ 2016, a collector must report separately to the agency:

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

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

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

8.13 Sec. 9. Minnesota Statutes 2014, section 115A.1318, is amended to read:

8.14 **115A.1318 RESPONSIBILITIES.**

8.15 Subdivision 1. **Manufacturer's responsibilities.** (a) In addition to fulfilling the
 8.16 requirements of sections 115A.1310 to 115A.1330, a manufacturer must comply with
 8.17 paragraphs (b) to (e).

8.18 (b) A manufacturer must annually recycle or arrange for the collection and recycling
 8.19 of an amount of covered electronic devices ~~equal to the total weight of its video display~~
 8.20 ~~devices sold to households during the preceding program year, multiplied by the proportion~~
 8.21 ~~of sales of video display devices required to be recycled, as established by the agency~~
 8.22 ~~under as determined by the agency in section 115A.1320, subdivision 1, paragraph (e).~~

8.23 (c) The obligations of a manufacturer apply only to video display covered electronic
 8.24 devices received from households and do not apply to video display covered electronic
 8.25 devices received from sources other than households.

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

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

8.34 (f) Only the covered electronic devices that are recycled by a registered recycler that
 8.35 secures and maintains certification to an environmentally sound management standard

9.1 through an accredited third-party certification body are eligible to meet the manufacturer's
9.2 obligation.

9.3 Subd. 1a. **Collector's responsibilities.** (a) A collector must make available all
9.4 covered electronic devices to the manufacturer stewardship program unless otherwise
9.5 stipulated.

9.6 (b) Collection sites must be:

9.7 (1) staffed; and

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

9.10 (c) A collector may limit the number of covered electronic products or covered
9.11 electronic products by product type accepted per customer per day or per delivery at a
9.12 collection site or service.

9.13 **Subd. 2. Recycler's responsibilities.** (a) As part of the report submitted under
9.14 section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph
9.15 (b), that facilities that recycle ~~video display~~ covered electronic devices, including all
9.16 downstream recycling operations:

9.17 (1) comply with all applicable health, environmental, safety, and financial
9.18 responsibility regulations;

9.19 (2) are licensed by all applicable governmental authorities;

9.20 (3) use no prison labor to recycle ~~video display~~ covered electronic devices; and

9.21 (4) possess liability insurance of not less than \$1,000,000 for environmental releases,
9.22 accidents, and other emergencies.

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

9.25 (c) Except to the extent otherwise required by law, a recycler has no responsibility
9.26 for any data that may be contained in a covered electronic device if an information storage
9.27 device is included in the covered electronic device.

9.28 **Subd. 3. Retailer's responsibilities.** A retailer who sells new video display devices
9.29 shall provide information to households describing where and how they may recycle
9.30 video display devices and advising them of opportunities and locations for the convenient
9.31 collection of video display devices for the purpose of recycling. This requirement may
9.32 be met by providing to households the agency's toll-free number and Web site address.
9.33 Retailers selling through catalogs or the Internet may meet this requirement by including
9.34 the information in a prominent location on the retailer's Web site.

10.1 Sec. 10. Minnesota Statutes 2014, section 115A.1320, is amended to read:

10.2 **115A.1320 AGENCY AND DEPARTMENT DUTIES.**

10.3 Subdivision 1. **Duties of agency.** (a) The agency shall administer sections
10.4 115A.1310 to 115A.1330.

10.5 (b) The agency shall establish procedures for:

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

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

10.10 (c) The agency shall annually review the ~~value of the~~ following variables that are
10.11 ~~part of the formula~~ used to calculate a manufacturer's annual registration fee ~~under section~~
10.12 ~~115A.1314, subdivision 1:~~

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

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

10.18 (3) the base registration fee; ~~and~~

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

10.21 (d) If the agency determines that any of these values must be changed in order
10.22 to improve the efficiency or effectiveness of the activities regulated under sections
10.23 115A.1312 to 115A.1330 or if the revenues in the account exceed the amount that the
10.24 agency determines is necessary, the agency shall submit recommended changes and the
10.25 reasons for them to the chairs of the senate and house of representatives committees
10.26 with jurisdiction over solid waste policy.

10.27 ~~(d)~~ (e) By January 15 each year, beginning in 2008, the agency shall calculate
10.28 estimated sales of video display devices sold to households by each manufacturer during
10.29 the preceding ~~program~~ calendar year, based on national sales data, ~~and forward the~~
10.30 ~~estimates to the department.~~

10.31 (f) By February 1 each year, beginning in 2017, the agency shall publish a statewide
10.32 recycling goal for all video display device waste that is the sum of the average weight of
10.33 all video display devices collected for recycling during the previous three program years
10.34 as reported to the agency according to section 115A.1316.

10.35 (g) By February 1 each year, beginning in 2017, the agency shall determine each
10.36 registered manufacturer's market share of covered electronic devices to be collected and

11.1 recycled based on the manufacturer's percentage share of the total weight of video display
11.2 devices sold as determined by the best available information including, but not limited to,
11.3 state sales data reported by weight. Beginning February 1, 2017, and each year thereafter,
11.4 the agency shall provide each manufacturer with a determination of its market share of
11.5 video display devices to be collected and recycled, which is the quotient of the total
11.6 weight of the manufacturer's video display devices sold to households as established under
11.7 section 115A.1316 based on the average annual sales during the preceding calendar year,
11.8 as reported, divided by the total weight of all manufacturers' video display devices sold to
11.9 households in this state based on the annual retail sales during the previous calendar year.

11.10 (e) (h) The agency shall provide a report to the governor and the legislature on
11.11 the implementation of sections 115A.1310 to 115A.1330. For each program year,
11.12 the report must discuss the total weight of covered electronic devices recycled and a
11.13 summary of information in the reports submitted by manufacturers and recyclers under
11.14 section 115A.1316. The report must also discuss the various collection programs used
11.15 by manufacturers to collect covered electronic devices; information regarding covered
11.16 electronic devices that are being collected by persons other than registered manufacturers,
11.17 collectors, and recyclers; and information about covered electronic devices, if any, being
11.18 disposed of in landfills in this state. The report must include a description of enforcement
11.19 actions under sections 115A.1310 to 115A.1330. The agency may include in its report
11.20 other information received by the agency regarding the implementation of sections
11.21 115A.1312 to 115A.1330. The report must be done in conjunction with the report required
11.22 under section 115A.121.

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

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

11.30 (h) (k) The agency shall facilitate communication between counties, collection and
11.31 recycling centers, and manufacturers to ensure that manufacturers are aware of ~~video~~
11.32 display covered electronic devices available for recycling.

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

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

12.1 Subd. 2. **Additional duties of department.** (a) The department agency must collect
 12.2 the data submitted to it annually by each manufacturer on the total weight of each specific
 12.3 model of video display device sold to households, if provided; the total weight of video
 12.4 display devices sold to households; the total weight of covered electronic devices collected
 12.5 from households that are recycled; and data on recycling credits, as required under section
 12.6 115A.1316. The department agency must use this data to review each manufacturer's
 12.7 annual registration fee ~~submitted to the department~~ to ensure that the fee was calculated
 12.8 accurately ~~according to the formula in section 115A.1314, subdivision 1.~~

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

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

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

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

12.19 (c) The department agency must enforce section 115A.1314, subdivision 1. The
 12.20 audit, assessment, appeal, collection, enforcement, disclosure, and other administrative
 12.21 provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under
 12.22 chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To enforce
 12.23 ~~this subdivision, section 115A.1314, subdivision 1, the commissioner may request that the~~
 12.24 commissioner of revenue ~~may~~ grant extensions to pay, and impose and abate penalties and
 12.25 interest on, the fee due under section 115A.1314, subdivision 1, in the manner provided in
 12.26 chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.

12.27 (d) ~~The department may disclose nonpublic data to the agency only when necessary~~
 12.28 ~~for the efficient and effective administration of the activities regulated under sections~~
 12.29 ~~115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the~~
 12.30 ~~classification it had when in the possession of the department.~~

12.31 Sec. 11. Minnesota Statutes 2014, section 115A.1323, is amended to read:

12.32 **115A.1323 ANTICOMPETITIVE CONDUCT.**

12.33 (a) A manufacturer that organizes collection or recycling under ~~this section~~ sections
 12.34 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent
 12.35 necessary to plan and implement its chosen organized collection or recycling system and

13.1 is immune from liability under state laws relating to antitrust, restraint of trade, unfair
13.2 trade practices, and other regulation of trade or commerce.

13.3 (b) An organization of manufacturers, an individual manufacturer, and its officers,
13.4 members, employees, and agents who cooperate with a political subdivision that organizes
13.5 collection or recycling under ~~this section~~ sections 115A.1310 to 115A.1322 are authorized
13.6 to engage in anticompetitive conduct to the extent necessary to plan and implement the
13.7 organized collection or recycling system, provided that the political subdivision actively
13.8 supervises the participation of each entity. An organization, entity, or person covered by
13.9 this paragraph is immune from liability under state law relating to antitrust, restraint of
13.10 trade, unfair trade practices, and other regulation of trade or commerce.

13.11 Sec. 12. Minnesota Statutes 2014, section 115A.1328, is amended to read:

13.12 **115A.1328 MULTISTATE IMPLEMENTATION.**

13.13 The agency ~~and department are~~ is authorized to participate in the establishment of
13.14 a regional multistate organization or compact to assist in carrying out the requirements
13.15 of this chapter.

13.16 Sec. 13. **REPEALER.**

13.17 Minnesota Statutes 2014, section 115A.1310, subdivisions 8 and 12, are repealed.

13.18 Sec. 14. **EFFECTIVE DATE.**

13.19 This act is effective January 1, 2016.

APPENDIX
Repealed Minnesota Statutes: S1427-1

115A.1310 DEFINITIONS.

Subd. 8. **Department.** "Department" means the Department of Revenue.

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.