

**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03/23/2016	5240	Withdrawn and re-referred to Environment and Energy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	5337a	Comm report: To pass as amended and re-refer to Finance

A bill for an act

1.1 relating to environment; modifying electronic waste management provisions;  
 1.2 amending Minnesota Statutes 2014, sections 115A.1310, subdivisions 16, 20, by  
 1.3 adding a subdivision; 115A.1312, subdivisions 2, 3, 4; 115A.1314, as amended;  
 1.4 115A.1316; 115A.1318, subdivisions 1, 2, by adding a subdivision; 115A.1320;  
 1.5 115A.1323; 115A.1328; repealing Minnesota Statutes 2014, section 115A.1310,  
 1.6 subdivision 8.  
 1.7

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

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

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

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

1.14 Sec. 2. Minnesota Statutes 2014, section 115A.1310, subdivision 16, is amended to read:

1.15 Subd. 16. **Recycling credits.** "Recycling credits" means the number of pounds of  
 1.16 covered electronic devices recycled by a manufacturer from households during a program  
 1.17 ~~year~~ years one through nine, less the product of the number of pounds of video display  
 1.18 devices sold to households during the same program year, multiplied by the proportion of  
 1.19 sales a manufacturer is required to recycle. The calculation and uses of recycling credits  
 1.20 are as specified in section 115A.1314, subdivision 1.

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

1.22 Sec. 3. Minnesota Statutes 2014, section 115A.1310, subdivision 20, is amended to read:

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

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

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

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

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

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

2.20 Sec. 4. Minnesota Statutes 2014, section 115A.1312, subdivision 2, is amended to read:

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

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

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

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

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

2.33 (1) any video display devices sold to households exceed the maximum concentration  
 2.34 values established for lead, mercury, cadmium, hexavalent chromium, polybrominated  
 2.35 biphenyls (PBB's), and polybrominated diphenyl ethers (PBDE's) under the RoHS

3.1 (restricting the use of certain hazardous substances in electrical and electronic equipment)  
 3.2 Directive 2002/95/EC of the European Parliament and Council and any amendments  
 3.3 thereto; or

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

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

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

3.13 (e) A registration is effective upon receipt by the agency and is valid until ~~September~~  
 3.14 ~~1~~ of August 15 each year.

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

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

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

3.27 Sec. 5. Minnesota Statutes 2014, section 115A.1312, subdivision 3, is amended to read:

3.28 Subd. 3. **Collector's registration.** ~~After August 1, 2007,~~ No person may operate as a  
 3.29 collector of covered electronic devices from households unless that person has submitted a  
 3.30 registration with the agency by July 15 each year on a form prescribed by the commissioner.  
 3.31 Registration information must include the name, address, telephone number, and location  
 3.32 of the business and a certification that the collector has complied and will continue to  
 3.33 comply with the requirements of sections 115A.1312 to 115A.1318 and any regulations  
 3.34 adopted by a local government unit for the jurisdiction in which the collector operates. A

4.1 collector must indicate any end-of-life fees that will be charged at the collection point. A  
 4.2 registration is effective upon receipt by the agency and is valid until July 1 of 15 each year.

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

4.4 Sec. 6. Minnesota Statutes 2014, section 115A.1312, subdivision 4, is amended to read:

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

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

4.16 Sec. 7. Minnesota Statutes 2014, section 115A.1314, as amended by Laws 2015, First  
 4.17 Special Session chapter 4, article 4, section 106, is amended to read:

4.18 **115A.1314 MANUFACTURER'S REGISTRATION FEE.**

4.19 Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section  
 4.20 115A.1312 must, by ~~September 1, 2007,~~ and August 15 each year thereafter, pay to the  
 4.21 commissioner of revenue, until June 30, 2017, and to the commissioner of the Pollution  
 4.22 Control Agency thereafter, an annual registration fee. The ~~commissioner of revenue~~  
 4.23 fee must deposit the fee be deposited in the state treasury and ~~credit the fee~~ credited to  
 4.24 the environmental fund.

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

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

4.30 (1) A = ~~the number of pounds of a manufacturer's video display devices sold~~  
 4.31 ~~to households during the previous program year, as reported to the department~~ the  
 4.32 manufacturer's recycling obligation as determined under section ~~115A.1316, subdivision~~  
 4.33 ~~115A.1320;~~

5.1 ~~(2) B = the proportion of sales of video display devices required to be recycled, set at~~  
5.2 ~~0.6 for the first program year and 0.8 for the second program year and every year thereafter;~~

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

5.6 ~~(4) D C = the number of recycling credits a manufacturer elects to use to calculate~~  
5.7 ~~the variable recycling fee, as reported to the department under section 115A.1316,~~  
5.8 ~~subdivision 1; and~~

5.9 ~~(5) E D = the estimated per-pound cost of recycling, initially set at \$0.50 per pound~~  
5.10 ~~for manufacturers who recycle less than 50 percent of the product (A x B) manufacturer's~~  
5.11 ~~recycling obligation; \$0.40 per pound for manufacturers who recycle at least 50 percent but~~  
5.12 ~~less than 90 percent of the product (A x B) manufacturer's recycling obligation; and \$0.30~~  
5.13 ~~per pound for manufacturers who recycle at least 90 percent but less than 100 percent~~  
5.14 ~~of the product (A x B) manufacturer's recycling obligation; and \$0.00 per pound for~~  
5.15 ~~manufacturers who recycle 100 percent or more of the manufacturer's recycling obligation.~~

5.16 ~~(c) If, as specified in paragraph (b), the term C - (A x B) equals a positive number of~~  
5.17 ~~pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer~~  
5.18 ~~may retain recycling credits to be added, in whole or in part, to the actual value of C, as~~  
5.19 ~~reported under section 115A.1316, subdivision 2, during any succeeding program year,~~  
5.20 ~~provided that No more than 25 percent of a manufacturer's obligation (A x B) for any~~  
5.21 ~~program year may be met with recycling credits generated in a prior program year. A~~  
5.22 ~~manufacturer may sell any portion or all of its recycling credits to another manufacturer, at~~  
5.23 ~~a price negotiated by the parties, who may use the credits in the same manner.~~

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

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

5.31 ~~(f) For the ninth program year, the agency shall publish a statewide recycling goal of~~  
5.32 ~~16,000,000 pounds.~~

5.33 ~~(g) For the ninth program year, the agency shall determine each registered~~  
5.34 ~~manufacturer's market share of video display devices to be collected and recycled based~~  
5.35 ~~on the manufacturer's percentage share of the total weight of video display devices sold~~  
5.36 ~~as reported to the Department for the eighth program year as reported to the agency by~~

6.1 ~~July 15, 2015. By July 30, 2015, the agency shall provide each manufacturer with a~~  
6.2 ~~determination of its share of video display devices to be collected and recycled, which~~  
6.3 ~~is the quotient of the total weight of the manufacturer's video display devices sold to~~  
6.4 ~~households in the eighth program year, divided by the total weight of all manufacturers'~~  
6.5 ~~video display devices sold to households in this state based on reporting to the agency for~~  
6.6 ~~the eighth program year, then applied proportionally to the statewide recycling goal of~~  
6.7 ~~16,000,000 pounds as specified in paragraph (f).~~

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

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

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

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

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

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

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

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

6.34 **115A.1316 REPORTING REQUIREMENTS.**

7.1 Subdivision 1. **Manufacturer's reporting requirements.** (a) By ~~September 1~~ of  
7.2 August 15 each year, ~~beginning in 2008~~, each manufacturer must report to the Department  
7.3 of Revenue, until June 30, 2017, and to the agency thereafter, using the form prescribed:

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

7.6 (2) the total weight of its video display devices sold to households during the  
7.7 previous program 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 year, calculated by multiplying the weight of its video  
7.10 display devices sold nationally times the quotient of Minnesota's population divided by  
7.11 the national population. All manufacturers with sales of 99 or fewer video display devices  
7.12 to households in the state during the previous calendar year must report using the method  
7.13 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 1~~ of August 15 each year, ~~beginning in 2008~~, each manufacturer  
7.17 must report to the Department of Revenue, until June 30, 2017, and to the agency  
7.18 thereafter, the total weight of covered electronic devices the manufacturer collected from  
7.19 households and recycled or arranged to have collected and recycled during the preceding  
7.20 program year. ~~If a manufacturer wishes to receive the variable recycling rate of 1.5 for~~  
7.21 ~~covered electronic devices it recycles, the manufacturer must report separately the total~~  
7.22 ~~weight of covered electronic devices collected from households located in counties~~  
7.23 ~~specified in section 115A.1314, subdivision 1, paragraph (d), and those collected from~~  
7.24 ~~households located outside those counties.~~

7.25 (c) By ~~September 1~~ of August 15 each year, ~~beginning in 2008~~, each manufacturer  
7.26 must report to the Department of Revenue, until June 30, 2017, and to the agency thereafter:

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

7.29 (2) the number of recycling credits possessed by the manufacturer that the  
7.30 manufacturer elects to use in the calculation of its variable recycling fee under section  
7.31 115A.1314, subdivision 1; and

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

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

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

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

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

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

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

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

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

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

8.18 Sec. 9. Minnesota Statutes 2014, section 115A.1318, subdivision 1, is amended to read:

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

8.22 (b) A manufacturer must annually recycle or arrange for the collection and recycling  
 8.23 of an amount of ~~covered electronic~~ video display devices equal to the total weight of its  
 8.24 ~~video display devices sold to households during the preceding program year, multiplied by~~  
 8.25 ~~the proportion of sales of video display devices required to be recycled, as established~~  
 8.26 determined by the agency ~~under~~ in section 115A.1320, subdivision 1, ~~paragraph (e).~~ A  
 8.27 manufacturer must assume all financial responsibility associated with transporting and  
 8.28 recycling video display devices, including any necessary supplies. This excludes costs that  
 8.29 are associated with receiving and aggregating covered electronic devices from households  
 8.30 and all the activities up to the time that covered electronic devices are transported to a  
 8.31 recycler or arranged for transportation to a recycler.

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

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

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

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

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

9.14 Sec. 10. Minnesota Statutes 2014, section 115A.1318, is amended by adding a  
 9.15 subdivision to read:

9.16 **Subd. 1a. Collector's responsibilities.** (a) A collector must turn over all covered  
 9.17 electronic devices to the recycler or manufacturer or group of manufacturers unless  
 9.18 otherwise agreed upon by the recycler or manufacturer.

9.19 (b) Collection sites must be:

9.20 (1) staffed; and

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

9.23 (c) A collector may limit the number of covered electronic devices or covered  
 9.24 electronic devices by product type accepted per customer per day or per delivery at a  
 9.25 collection site or service.

9.26 (d) A collector must use only registered recyclers.

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

9.28 Sec. 11. Minnesota Statutes 2014, section 115A.1318, subdivision 2, is amended to read:

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

9.33 (1) use only registered collectors;

10.1 (2) comply with all applicable health, environmental, safety, and financial  
 10.2 responsibility regulations;

10.3 ~~(2)~~ (3) are licensed by all applicable governmental authorities;

10.4 ~~(3)~~ (4) use no prison labor to recycle video display devices; ~~and~~

10.5 ~~(4)~~ (5) possess liability insurance of not less than \$1,000,000 for environmental  
 10.6 releases, accidents, and other emergencies;

10.7 (6) provide a report annually to each registered collector regarding the video display  
 10.8 devices received from that entity; and

10.9 (7) do not charge collectors for the management of video display devices unless  
 10.10 otherwise mutually agreed upon.

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

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

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

10.19 Sec. 12. Minnesota Statutes 2014, section 115A.1320, is amended to read:

10.20 **115A.1320 AGENCY AND DEPARTMENT DUTIES.**

10.21 Subdivision 1. **Duties of agency.** (a) The agency shall administer sections  
 10.22 115A.1310 to 115A.1330.

10.23 (b) The agency shall establish procedures for:

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

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

10.28 (c) The agency shall annually review the ~~value of the~~ following variables that are  
 10.29 ~~part of the formula~~ used to calculate a manufacturer's annual registration fee under section  
 10.30 115A.1314, subdivision 1:

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

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

11.3 (3) the base registration fee; and

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

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

11.11 ~~(d) (e) By January 15 September 1~~ each year, beginning in 2008, the agency shall  
11.12 ~~calculate estimated sales of~~ publish a statewide recycling goal for all video display devices  
11.13 ~~sold to households by each manufacturer during the preceding program year, based on~~  
11.14 ~~national sales data, and forward the estimates to the department.~~ device waste that is the  
11.15 weight of all video display devices collected for recycling during each of the three most  
11.16 recently completed program years excluding the most recently concluded program year  
11.17 divided by two. For the program years beginning July 1, 2016, July 1, 2017, and July 1,  
11.18 2018, the agency shall use an estimate of the weight of video display devices collected  
11.19 using available data from public entity collection programs.

11.20 (f) By September 1 each year, the agency shall determine each registered  
11.21 manufacturer's market share of video display devices to be collected and recycled based  
11.22 on the manufacturer's percentage share of the total weight of video display devices sold as  
11.23 reported to the agency by August 15 each year.

11.24 (g) By September 1 each year, the agency shall provide each manufacturer with a  
11.25 determination of the manufacturer's share of video display devices to be collected and  
11.26 recycled. A manufacturer's market share of video display devices as specified in paragraph  
11.27 (f) is applied proportionally to the statewide recycling goal as specified in paragraph (e) to  
11.28 determine an individual manufacturer's obligation.

11.29 ~~(e) (h)~~ (h) The agency shall provide a report to the governor and the legislature on  
11.30 the implementation of sections 115A.1310 to 115A.1330. For each program year,  
11.31 the report must discuss the total weight of covered electronic devices recycled and a  
11.32 summary of information in the reports submitted by manufacturers and recyclers under  
11.33 section 115A.1316. The report must also discuss the various collection programs used  
11.34 by manufacturers to collect covered electronic devices; information regarding covered  
11.35 electronic devices that are being collected by persons other than registered manufacturers,  
11.36 collectors, and recyclers; and information about covered electronic devices, if any, being

12.1 disposed of in landfills in this state. The report must examine which covered electronic  
 12.2 devices, based on economic and environmental considerations, should be subject to the  
 12.3 obligation-setting mechanism under paragraph (g). The report must include a description  
 12.4 of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include  
 12.5 in its report other information received by the agency regarding the implementation of  
 12.6 sections 115A.1312 to 115A.1330. The report must be done in conjunction with the  
 12.7 report required under section 115A.121.

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

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

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

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

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

12.22 Subd. 2. **Additional duties of department.** (a) The ~~department~~ agency must collect  
 12.23 the data submitted to it annually by each manufacturer on the total weight of each specific  
 12.24 model of video display device sold to households, if provided; the total weight of video  
 12.25 display devices sold to households; the total weight of covered electronic devices collected  
 12.26 from households that are recycled; and data on recycling credits, as required under section  
 12.27 115A.1316. The ~~department~~ agency must use this data to review each manufacturer's  
 12.28 annual registration fee submitted to the ~~department~~ agency to ensure that the fee was  
 12.29 calculated accurately ~~according to the formula in section 115A.1314, subdivision 1.~~

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

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

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

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

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

13.12 (d) ~~The department may disclose nonpublic data to the agency only when necessary~~  
 13.13 ~~for the efficient and effective administration of the activities regulated under sections~~  
 13.14 ~~115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the~~  
 13.15 ~~classification it had when in the possession of the department.~~

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

13.17 Sec. 13. Minnesota Statutes 2014, section 115A.1323, is amended to read:

13.18 **115A.1323 ANTICOMPETITIVE CONDUCT.**

13.19 (a) A manufacturer that organizes collection or recycling under ~~this section~~ sections  
 13.20 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent  
 13.21 necessary to plan and implement its chosen organized collection or recycling system and  
 13.22 is immune from liability under state laws relating to antitrust, restraint of trade, unfair  
 13.23 trade practices, and other regulation of trade or commerce.

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

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

14.1 Sec. 14. Minnesota Statutes 2014, section 115A.1328, is amended to read:

14.2 **115A.1328 MULTISTATE IMPLEMENTATION.**

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

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

14.7 Sec. 15. **REPEALER.**

14.8 Minnesota Statutes 2014, section 115A.1310, subdivision 8, is repealed.

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

APPENDIX  
Repealed Minnesota Statutes: S1427-2

**115A.1310 DEFINITIONS.**

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