

1.1 A bill for an act

1.2 relating to environment; providing for collection, transportation, and recycling of
1.3 video display devices; providing civil penalties; appropriating money; proposing
1.4 coding for new law in Minnesota Statutes, chapter 115A.

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

1.6 Section 1. [115A.1310] DEFINITIONS.

1.7 Subdivision 1. **Scope.** For the purposes of sections 115A.1310 to 115A.1330, the
1.8 following terms have the meanings given.

1.9 Subd. 2. **Cathode-ray tube or CRT.** "Cathode-ray tube" or "CRT" means a vacuum
1.10 tube or picture tube used to convert an electronic signal into a visual image.

1.11 Subd. 3. **Collection.** "Collection" means the aggregation of covered electronic
1.12 devices from households and includes all the activities up to the time the covered
1.13 electronic devices are delivered to a recycler.

1.14 Subd. 4. **Collector.** "Collector" means a public or private entity that receives
1.15 covered electronic devices from households and arranges for the delivery of the devices
1.16 to a recycler.

1.17 Subd. 5. **Computer.** "Computer" means an electronic, magnetic, optical,
1.18 electrochemical, or other high-speed data processing device performing logical, arithmetic,
1.19 or storage functions, but does not include an automated typewriter or typesetter, a portable
1.20 hand-held calculator or device, or other similar device.

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

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2.1 Subd. 7. **Covered electronic device.** "Covered electronic device" means computers,
2.2 peripherals, facsimile machines, DVD players, video cassette recorders, and video display
2.3 devices that are sold to a household by means of retail, wholesale, or electronic commerce.

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

2.5 Subd. 9. **Dwelling unit.** "Dwelling unit" has the meaning given in section 238.02,
2.6 subdivision 21a.

2.7 Subd. 10. **Household.** "Household" means an occupant of a single detached
2.8 dwelling unit or a single unit of a multiple dwelling unit located in this state who has used
2.9 a video display device at a dwelling unit primarily for personal use.

2.10 Subd. 11. **Manufacturer.** "Manufacturer" means a person who:

2.11 (1) manufactures video display devices to be sold under its own brand as identified
2.12 by its own brand label; or

2.13 (2) sells video display devices manufactured by others under its own brand as
2.14 identified by its own brand label.

2.15 Subd. 12. **Peripheral.** "Peripheral" means a keyboard, printer, or any other device
2.16 sold exclusively for external use with a computer that provides input or output into
2.17 or from a computer.

2.18 Subd. 13. **Program year.** "Program year" means the period from July 1 through
2.19 June 30.

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

2.23 Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing
2.24 video display devices or covered electronic devices for use in manufacturing processes
2.25 or for recovery of useable materials followed by delivery of such materials for use.
2.26 Recycling does not include the destruction by incineration or other process or land
2.27 disposal of recyclable materials nor reuse, repair, or any other process through which
2.28 video display devices or covered electronic devices are returned to use for households in
2.29 their original form.

2.30 Subd. 16. **Recycling credits.** "Recycling credits" means the number of pounds of
2.31 covered electronic devices recycled by a manufacturer from households during a program
2.32 year, less the product of the number of pounds of video display devices sold to households
2.33 during the same program year, multiplied by the proportion of sales a manufacturer is
2.34 required to recycle. The calculation and uses of recycling credits are as specified in
2.35 section 115A.1314, subdivision 1.

3.1 Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, through
3.2 sales outlets, catalogs, or the Internet, a video display device to a household and not for
3.3 resale in any form.

3.4 Subd. 18. **Sell or sale.** "Sell" or "sale" means any transfer for consideration of title
3.5 or of the right to use, by lease or sales contract, including, but not limited to, transactions
3.6 conducted through sales outlets, catalogs, or the Internet, or any other similar electronic
3.7 means either inside or outside of the state, by a person who conducts the transaction
3.8 and controls the delivery of a video display device to a consumer in the state, but does
3.9 not include a manufacturer's or distributor's wholesale transaction with a distributor or
3.10 a retailer.

3.11 Subd. 19. **Television.** "Television" means an electronic device that is a cathode-ray
3.12 tube or flat panel display primarily intended to receive video programming via broadcast,
3.13 cable, or satellite transmission or video from surveillance or other similar cameras.

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

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

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

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

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

3.32 **Sec. 2. [115A.1312] REGISTRATION PROGRAM.**

3.33 Subdivision 1. **Requirements for sale.** (a) On or after September 1, 2007, a
3.34 manufacturer must not sell or offer for sale or deliver to retailers for subsequent sale a
3.35 new video display device unless:

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

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

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

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

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

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

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

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

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

4.26 (1) any video display devices sold to households exceed the maximum concentration
4.27 values established for lead, mercury, cadmium, hexavalent chromium, polybrominated
4.28 biphenyls (PBBs), and polybrominated diphenyl ethers (PBDEs) under the RoHS
4.29 (restricting the use of certain hazardous substances in electrical and electronic equipment)
4.30 Directive 2002/95/EC of the European Parliament and Council and any amendments
4.31 thereto; or

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

4.35 (c) A manufacturer who begins to sell or offer for sale video display devices to
4.36 households after September 1, 2007, and has not filed a registration under this subdivision

5.1 must submit a registration to the agency within ten days of beginning to sell or offer for
5.2 sale video display devices to households.

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

5.5 (e) A registration is effective upon receipt by the agency and is valid until September
5.6 1 of each year.

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

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

5.18 Subd. 3. **Collector's registration.** After August 1, 2007, no person may operate as
5.19 a collector of covered electronic devices from households unless that person has submitted
5.20 a registration with the agency on a form prescribed by the commissioner. Registration
5.21 information must include the name, address, telephone number, and location of the
5.22 business and a certification that the collector has complied and will continue to comply
5.23 with the requirements of sections 115A.1312 to 115A.1318. A registration is effective
5.24 upon receipt by the agency and is valid until July 1 of each year.

5.25 Subd. 4. **Recycler's registration.** After August 1, 2007, no person may recycle
5.26 video display devices generated by households unless that person has submitted a
5.27 registration with the agency on a form prescribed by the commissioner. Registration
5.28 information must include the name, address, telephone number, and location of all
5.29 recycling facilities under the direct control of the recycler that may receive video
5.30 display devices from households and a certification that the recycler has complied and
5.31 will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A
5.32 registered recycler may conduct recycling activities that are consistent with this chapter. A
5.33 registration is effective upon receipt by the agency and is valid until July 1 of each year.

5.34 **Sec. 3. [115A.1314] MANUFACTURER'S REGISTRATION FEE; CREATION**
5.35 **OF ACCOUNT.**

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6.1 Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section
6.2 115A.1312 must, by September 1, 2007, and each year thereafter, pay to the commissioner
6.3 of revenue an annual registration fee. The commissioner of revenue must deposit the fee
6.4 in the account established in subdivision 2.

6.5 (b) The registration fee for the initial program year during which a manufacturer's
6.6 video display devices are sold to households is \$5,000. Each year thereafter, the
6.7 registration fee is equal to a base fee of \$2,500, plus a variable recycling fee calculated
6.8 according to the formula:

6.9 $((A \times B) - (C + D)) \times E$, where:

6.10 (1) A = the number of pounds of a manufacturer's video display devices sold to
6.11 households during the previous program year, as reported to the department under section
6.12 115A.1316, subdivision 1;

6.13 (2) B = the proportion of sales of video display devices required to be recycled, set at
6.14 0.6 for the first program year and 0.8 for the second program year and every year thereafter;

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

6.18 (4) D = the number of recycling credits a manufacturer elects to use to calculate the
6.19 variable recycling fee, as reported to the department under section 115A.1316, subdivision
6.20 1; and

6.21 (5) E = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for
6.22 manufacturers who recycle less than 50 percent of the product (A x B); \$0.40 per pound
6.23 for manufacturers who recycle at least 50 percent but less than 90 percent of the product
6.24 (A x B); and \$0.30 per pound for manufacturers who recycle at least 90 percent but less
6.25 than 100 percent of the product (A x B).

6.26 (c) If, as specified in paragraph (b), the term $C - (A \times B)$ equals a positive number of
6.27 pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer
6.28 may retain recycling credits to be added, in whole or in part, to the actual value of C, as
6.29 reported under section 115A.1316, subdivision 2, during any of the three succeeding
6.30 program years. A manufacturer may sell any portion or all of its recycling credits to
6.31 another manufacturer, at a price negotiated by the parties, who may use the credits in the
6.32 same manner.

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

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

7.4 Subd. 2. **Creation of account; appropriations.** (a) The electronic waste account
7.5 is established in the environmental fund. The commissioner of revenue must deposit
7.6 receipts from the fee established in subdivision 1 in the account. Any interest earned on
7.7 the account must be credited to the account. Money from other sources may be credited to
7.8 the account. Beginning in the second program year and continuing each program year
7.9 thereafter, as of the last day of each program year, the commissioner shall determine the
7.10 total amount of the variable fees that were collected. To the extent that the total fees
7.11 collected by the commissioner in connection with this section exceeds the amount the
7.12 commissioner determines necessary to operate the program for the new program year, the
7.13 commissioner shall refund on a pro rata basis, to all manufacturers who paid any fees for
7.14 the previous program year, the amount of fees collected by the commissioner in excess of
7.15 the amount necessary to operate the program for the new program year. No individual
7.16 refund is required of amounts of \$100 or less for a fiscal year. Manufacturers who report
7.17 collections less than 50 percent of their obligation for the previous program year are
7.18 not eligible for a refund.

7.19 (b) Until June 30, 2009, money in the account is annually appropriated to the
7.20 Pollution Control Agency:

7.21 (1) for the purpose of implementing sections 115A.1312 to 115A.1330, including
7.22 transfer to the commissioner of revenue to carry out the department's duties under
7.23 section 115A.1320, subdivision 2, and transfer to the commissioner of administration for
7.24 responsibilities under section 115A.1324; and

7.25 (2) to the commissioner of the Pollution Control Agency to be distributed on a
7.26 competitive basis through contracts with counties outside the 11-county metropolitan
7.27 area, as defined in paragraph (c), and with private entities that collect for recycling
7.28 covered electronic devices in counties outside the 11-county metropolitan area, where the
7.29 collection and recycling is consistent with the respective county's solid waste plan, for
7.30 the purpose of carrying out the activities under sections 115A.1312 to 115A.1330. In
7.31 awarding competitive grants under this clause, the commissioner must give preference to
7.32 counties and private entities that are working cooperatively with manufacturers to help
7.33 them meet their recycling obligations under section 115A.1318, subdivision 1.

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

8.1 Sec. 4. 115A.1316] REPORTING REQUIREMENTS.

8.2 Subdivision 1. Manufacturer's reporting requirements. (a) By September 1 of
8.3 each year, beginning in 2008, each manufacturer must report to the department:

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

8.6 (2) the total weight of its video display devices sold to households during the
8.7 previous year; or

8.8 (3) an estimate of the total weight of its video display devices sold to households
8.9 during the previous program year based on national sales data.

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

8.20 (c) By September 1 of each year, beginning in 2008, each manufacturer must report
8.21 to the department:

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

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

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

8.29 Subd. 2. Recycler's reporting requirements. By August 1 of each year, beginning
8.30 in 2008, a recycler of covered electronic devices must report to the agency and the
8.31 department the total weight of covered electronic devices recycled during the preceding
8.32 program year and must certify that the recycler has complied with section 115A.1318,
8.33 subdivision 2.

8.34 Subd. 3. Collector's reporting requirements. By August 1 of each year, beginning
8.35 in 2008, a collector must report separately to the agency the total pounds of covered
8.36 electronic devices collected in the counties specified in section 115A.1314, subdivision

9.1 1, paragraph (d), and all other Minnesota counties, and a list of all recyclers to whom
9.2 collectors delivered covered electronic devices.

9.3 **Sec. 5. [115A.1318] RESPONSIBILITIES.**

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

9.7 (b) A manufacturer must annually recycle or arrange for the collection and recycling
9.8 of an amount of covered electronic devices equal to the total weight of its video display
9.9 devices sold to households during the preceding program year, multiplied by the
9.10 proportion of sales of video display devices required to be recycled, as established by the
9.11 agency under section 115A.1320, subdivision 1, paragraph (c).

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

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

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

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

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

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

9.30 (3) use no prison labor to recycle video display devices; and

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

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

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

10.4 Subd. 3. **Retailer's responsibilities.** (a) By July 1 of each year, beginning in 2008,
10.5 a retailer must report to a manufacturer the number of video display devices, by video
10.6 display device model, labeled with the manufacturer's brand sold to households during the
10.7 previous program year.

10.8 (b) A retailer who sells new video display devices shall provide information to
10.9 households describing where and how they may recycle video display devices and
10.10 advising them of opportunities and locations for the convenient collection of video display
10.11 devices for the purpose of recycling. This requirement may be met by providing to
10.12 households the agency's toll-free number and Web site address. Retailers selling through
10.13 catalogs or the Internet may meet this requirement by including the information in a
10.14 prominent location on the retailer's Web site.

10.15 **Sec. 6. [115A.1320] AGENCY AND DEPARTMENT DUTIES.**

10.16 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections
10.17 115A.1310 to 115A.1330.

10.18 (b) The agency shall establish procedures for:

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

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

10.23 (c) The agency shall annually review the value of the following variables that are
10.24 part of the formula used to calculate a manufacturer's annual registration fee under section
10.25 115A.1314, subdivision 1:

10.26 (1) the proportion of sales of video display devices sold to households that
10.27 manufacturers are required to recycle;

10.28 (2) the estimated per-pound price of recycling covered electronic devices sold to
10.29 households;

10.30 (3) the base registration fee; and

10.31 (4) the multiplier established for the weight of covered electronic devices collected
10.32 in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of
10.33 these values must be changed in order to improve the efficiency or effectiveness of the
10.34 activities regulated under sections 115A.1312 to 115A.1330 or if the revenues in the
10.35 account exceed the amount that the agency determines is necessary, the agency shall

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11.1 submit recommended changes and the reasons for them to the chairs of the senate and
11.2 house of representatives committees with jurisdiction over solid waste policy.

11.3 (d) By January 15 each year, beginning in 2008, the agency shall calculate estimated
11.4 sales of video display devices sold to households by each manufacturer during the
11.5 preceding program year, based on national sales data, and forward the estimates to the
11.6 department.

11.7 (e) The agency shall manage the account established in section 115A.1314,
11.8 subdivision 2. If the revenues in the account exceed the amount that the agency determines
11.9 is necessary for efficient and effective administration of the program, including any
11.10 amount for contingencies, the agency must recommend to the legislature that the base
11.11 registration fee, the proportion of sales of video display devices required to be recycled,
11.12 or the estimated per pound cost of recycling established under section 115A.1314,
11.13 subdivision 1, paragraph (b), or any combination thereof, be lowered in order to reduce
11.14 revenues collected in the subsequent program year by the estimated amount of the excess.

11.15 (f) On or before December 1, 2010, and each year thereafter, the agency shall provide
11.16 a report to the governor and the legislature on the implementation of sections 115A.1310
11.17 to 115A.1330. For each program year, the report must discuss the total weight of covered
11.18 electronic devices recycled and a summary of information in the reports submitted by
11.19 manufacturers and recyclers under section 115A.1316. The report must also discuss the
11.20 various collection programs used by manufacturers to collect covered electronic devices;
11.21 information regarding covered electronic devices that are being collected by persons other
11.22 than registered manufacturers, collectors, and recyclers; and information about covered
11.23 electronic devices, if any, being disposed of in landfills in this state. The report must
11.24 include a description of enforcement actions under sections 115A.1310 to 115A.1330.
11.25 The agency may include in its report other information received by the agency regarding
11.26 the implementation of sections 115A.1312 to 115A.1330.

11.27 (g) The agency shall promote public participation in the activities regulated under
11.28 sections 115A.1312 to 115A.1330 through public education and outreach efforts.

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

11.34 (i) The agency shall facilitate communication between counties, collection and
11.35 recycling centers, and manufacturers to ensure that manufacturers are aware of video
11.36 display devices available for recycling.

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

12.3 (k) The agency shall post on its Web site the contact information provided by each
12.4 manufacturer under section 115A.1318, paragraph (e).

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

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

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

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

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

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

12.31 (d) The department may disclose nonpublic data to the agency only when necessary
12.32 for the efficient and effective administration of the activities regulated under sections
12.33 115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the
12.34 classification it had when in the possession of the department.

12.35 **Sec. 7. [115A.1322] OTHER RECYCLING PROGRAMS.**

13.1 A city, county, or other public agency may not require households to use public
13.2 facilities to recycle their covered electronic devices to the exclusion of other lawful
13.3 programs available. Cities, counties, and other public agencies, including those awarded
13.4 contracts by the agency under section 115A.1314, subdivision 2, are encouraged to work
13.5 with manufacturers to assist them in meeting their recycling obligations under section
13.6 115A.1318, subdivision 1. Nothing in sections 115A.1310 to 115A.1330 prohibits or
13.7 restricts the operation of any program recycling covered electronic devices in addition
13.8 to those provided by manufacturers or prohibits or restricts any persons from receiving,
13.9 collecting, transporting, or recycling covered electronic devices, provided that those
13.10 persons are registered under section 115A.1312.

13.11 **Sec. 8. [115A.1323] ANTICOMPETITIVE CONDUCT.**

13.12 (a) A manufacturer that organizes collection or recycling under this section is
13.13 authorized to engage in anticompetitive conduct to the extent necessary to plan and
13.14 implement its chosen organized collection or recycling system and is immune from
13.15 liability under state laws relating to antitrust, restraint of trade, unfair trade practices,
13.16 and other regulation of trade or commerce.

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

13.25 **Sec. 9. [115A.1324] REQUIREMENTS FOR PURCHASES BY STATE**
13.26 **AGENCIES.**

13.27 (a) The Department of Administration must ensure that acquisitions of video display
13.28 devices under chapter 16C are in compliance with or not subject to sections 115A.1310
13.29 to 115A.1318.

13.30 (b) The solicitation documents must specify that the prospective responder is
13.31 required to cooperate fully in providing reasonable access to its records and documents
13.32 that evidence compliance with paragraph (a) and sections 115A.1310 to 115A.1318.

14.1 (c) Any person awarded a contract under chapter 16C for purchase or lease of video
14.2 display devices that is found to be in violation of paragraph (a) or sections 115A.1310 to
14.3 115A.1318 is subject to the following sanctions:

14.4 (1) the contract must be voided if the commissioner of administration determines
14.5 that the potential adverse impact to the state is exceeded by the benefit obtained from
14.6 voiding the contract;

14.7 (2) the contractor is subject to suspension and disbarment under Minnesota Rules,
14.8 part 1230.1150; and

14.9 (3) if the attorney general establishes that any money, property, or benefit was
14.10 obtained by a contractor as a result of violating paragraph (a) or sections 115A.1310 to
14.11 115A.1318, the court may, in addition to any other remedy, order the disgorgement of the
14.12 unlawfully obtained money, property, or benefit.

14.13 **Sec. 10. [115A.1326] REGULATION OF VIDEO DISPLAY DEVICES.**

14.14 If the United States Environmental Protection Agency adopts regulations under the
14.15 Resource Conservation and Recovery Act regarding the handling, storage, or treatment
14.16 of any type of video display device being recycled, those regulations are automatically
14.17 effective in this state on the same date and supersede any rules previously adopted by the
14.18 agency regarding the handling, storage, or treatment of all video display devices being
14.19 recycled.

14.20 **Sec. 11. [115A.1328] MULTISTATE IMPLEMENTATION.**

14.21 The agency and department are authorized to participate in the establishment of a
14.22 regional multistate organization or compact to assist in carrying out the requirements
14.23 of this chapter.

14.24 **Sec. 12. [115A.1330] LIMITATIONS.**

14.25 Sections 115A.1310 to 115A.1330 expire if a federal law, or combination of federal
14.26 laws, take effect that is applicable to all video display devices sold in the United States
14.27 and establish a program for the collection and recycling or reuse of video display devices
14.28 that is applicable to all video display devices discarded by households.

14.29 **Sec. 13. DIRECT APPROPRIATION.**

14.30 Prior to the governor making budget recommendations to the legislature in 2009,
14.31 the Pollution Control Agency must report on revenues received and expenditures made
14.32 under Minnesota Statutes, section 115A.1314, subdivision 2, during fiscal years 2008 and

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15.1 2009 and request the governor to recommend a direct appropriation for the purposes
15.2 of that section.

15.3 Sec. 14. **EFFECTIVE DATE.**

15.4 Sections 1 to 13 are effective the day following final enactment.