

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3940

(SENATE AUTHORS: KUPEC, Hauschild, Abeler and Gustafson)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11651	Introduction and first reading Referred to Energy, Utilities, Environment, and Climate
02/20/2024	11677	Withdrawn and re-referred to Environment, Climate, and Legacy
02/22/2024	11722	Author added Gustafson
03/07/2024		Comm report: To pass as amended and re-refer to Commerce and Consumer Protection

1.1 A bill for an act

1.2 relating to solid waste; establishing program to collect and recycle electronic waste;

1.3 creating an account; requiring a report; requiring rulemaking; appropriating money;

1.4 amending Minnesota Statutes 2022, sections 115A.1310; 115A.1312; 115A.1314;

1.5 115A.1318; 115A.1320; 115A.1322; 115A.1324; 115A.1326; 115A.1330;

1.6 proposing coding for new law in Minnesota Statutes, chapter 115A; repealing

1.7 Minnesota Statutes 2022, section 115A.1316, subdivisions 1, 2, 3.

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

1.9 Section 1. Minnesota Statutes 2022, section 115A.1310, is amended to read:

1.10 **115A.1310 DEFINITIONS.**

1.11 Subdivision 1. **Scope.** For the purposes of sections 115A.1310 to 115A.1330, the

1.12 following terms have the meanings given.

1.13 Subd. 2. **Cathode-ray tube or CRT.** "Cathode-ray tube" or "CRT" means a vacuum

1.14 tube or picture tube used to convert an electronic signal into a visual image.

1.15 Subd. 2a. **Central processing unit.** "Central processing unit" means a computer's main

1.16 processor that uses electronic circuitry to carry instructions of a computer program to control

1.17 operations.

1.18 Subd. 2b. **Clearinghouse.** "Clearinghouse" means an organization that is under contract

1.19 to the agency to develop, finance, and operate a plan to collect, transport, and recycle covered

1.20 electronic devices that is approved by the agency under section 115A.1311, subdivision 5.

1.21 Subd. 3. **Collection.** "Collection" means the aggregation of covered electronic devices

1.22 from ~~households~~ covered entities and includes all ~~the activities up to the time~~ conducted

1.23 prior to the delivery of the covered electronic devices ~~are delivered~~ to a recycler.

2.1 Subd. 3a. **Collection site.** "Collection site" means a temporary or permanent site at which
 2.2 collection of covered electronic devices takes place.

2.3 Subd. 4. **Collector.** "Collector" means a public or private entity that receives covered
 2.4 electronic devices from ~~households~~ covered entities and arranges for the delivery of the
 2.5 devices to a recycler.

2.6 Subd. 5. **Computer.** "Computer" means an electronic, magnetic, optical, electrochemical,
 2.7 or other high-speed data processing device performing logical, arithmetic, or storage
 2.8 functions, but does not include an automated typewriter or typesetter, a portable handheld
 2.9 calculator or device, or other similar device.

2.10 Subd. 6. **Computer monitor.** "Computer monitor" means an electronic device that is a
 2.11 cathode-ray tube or flat panel display primarily intended to display information from a
 2.12 central processing unit or the Internet.

2.13 Subd. 7. **Covered electronic device.** (a) "Covered electronic device" means ~~computers,~~
 2.14 ~~including tablet computers and laptop computers, peripherals, facsimile machines, DVD~~
 2.15 ~~players, video cassette recorders, and video display devices that are a television, computer,~~
 2.16 ~~including a tablet or laptop computer, a computer monitor, peripheral, facsimile machine,~~
 2.17 ~~or gaming console sold to a household by means of retail, wholesale, or electronic commerce~~
 2.18 covered entity.

2.19 (b) "Covered electronic device" does not include:

2.20 (1) a motor vehicle or any part thereof;

2.21 (2) a camera or video camera;

2.22 (3) a portable or stationary radio;

2.23 (4) a telephone of any type;

2.24 (5) a household appliance, including but not limited to a clothes washer, clothes dryer,
 2.25 water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher;

2.26 (6) equipment that is functionally or physically part of a larger piece of equipment
 2.27 intended for use in an industrial, research and development, or commercial setting;

2.28 (7) security or antiterrorism equipment;

2.29 (8) a monitoring and control instrument or system;

2.30 (9) a thermostat;

2.31 (10) a handheld transceiver;

3.1 (11) a portable digital assistant or similar device;

3.2 (12) a calculator;

3.3 (13) a global positioning system receiver or similar navigation device;

3.4 (14) commercial medical equipment that contains a cathode ray tube, a cathode ray tube
 3.5 device, a flat panel display, or similar video display that is not separate from the larger piece
 3.6 of equipment;

3.7 (15) an unmanned aerial vehicle, as defined in section 243.552, subdivision 1; or

3.8 (16) other medical devices, as the term "device" is defined under United States Code,
 3.9 title 21, section 321, paragraph (h), of the Federal Food, Drug, and Cosmetic Act, as amended.

3.10 Subd. 7a. **Covered entity.** "Covered entity" means a household or a business with fewer
 3.11 than ten employees located in this state.

3.12 Subd. 8. **Department Downstream recycling operations.** "Department" means the
 3.13 Department of Revenue. "Downstream recycling operations" means additional recycling
 3.14 operations conducted on partially recycled covered electronic devices by a recycler different
 3.15 from the recycler to whom a collector originally sends electronic waste.

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

3.18 Subd. 9a. **Electronic Product Environmental Assessment Tool (EPEAT).** "Electronic
 3.19 Product Environmental Assessment Tool (EPEAT)" means a Type I environmental label
 3.20 managed by the Global Electronics Council that registers electronics products that meet
 3.21 lifecycle environmental and social criteria established by the Global Electronics Council.

3.22 Subd. 9b. **Electronics recyclables.** "Electronics recyclables" has the meaning given in
 3.23 section 115A.1331.

3.24 Subd. 9c. **Gaming console.** "Gaming console" means a computer system designed for
 3.25 interactive video gameplay and display.

3.26 Subd. 10. **Household.** "Household" means an occupant of a single detached dwelling
 3.27 unit or a single unit of a multiple dwelling unit located in this state who has used a ~~video~~
 3.28 ~~display~~ covered electronic device at a dwelling unit primarily for personal use.

3.29 Subd. 11. **Manufacturer.** (a) "Manufacturer" means a person who:

3.30 (1) manufactures ~~video display~~ or has manufactured covered electronic devices to be
 3.31 sold under its own brand as identified by its own brand label; or

4.1 (2) ~~sells video display~~ or has sold covered electronic devices manufactured by others
 4.2 under its own brand as identified by its own brand label;

4.3 (3) owns or has owned a brand name that it licenses or has licensed to another person
 4.4 for use on a covered electronic device sold in this state;

4.5 (4) imports or has imported into the United States for sale in this state a covered electronic
 4.6 device manufactured outside the United States;

4.7 (5) manufactures or has manufactured covered electronic devices for sale in this state
 4.8 without affixing a brand name to them; or

4.9 (6) notifies the agency that the person is assuming the responsibilities, obligations, and
 4.10 liabilities of a manufacturer by conducting one or more of the activities in clauses (1) to
 4.11 (5).

4.12 (b) "Manufacturer" does not include a person who manufactures computer peripherals
 4.13 or facsimile machines unless the person also manufactures computers, computer monitors,
 4.14 gaming consoles, or televisions.

4.15 Subd. 11a. **Market share.** "Market share" means the proportion, by weight, of covered
 4.16 electronic devices sold by a manufacturer to a covered entity in Minnesota in a given program
 4.17 year, as determined by the agency.

4.18 Subd. 12. **Peripheral.** "Peripheral" means a keyboard, printer, video cassette recorder,
 4.19 DVD player, or any other device sold exclusively for external use with a computer or
 4.20 television that provides input into or output into or from a computer or television. A gaming
 4.21 console is not a peripheral.

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

4.27 Subd. 12b. **Phase II recycling credits.** "Phase II recycling credits" means an amount
 4.28 calculated in a program year beginning July 1, 2019, and in each program year thereafter
 4.29 ending June 30, 2024, according to the formula $(1.5 \times A) - (B - C)$, where:

4.30 A = the number of pounds of covered electronic devices a manufacturer recycled or
 4.31 arranged to have collected and recycled during a program year from households located
 4.32 outside the ~~11-county metropolitan area, as defined in section 115A.1314, subdivision 2~~

5.1 counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne,
 5.2 Washington, and Wright;

5.3 B = the manufacturer's recycling obligation calculated for the same program year in
 5.4 section 115A.1320, subdivision 1, paragraph (g); and

5.5 C = the number of pounds of covered electronic devices a manufacturer recycled or
 5.6 arranged to have collected and recycled, up to but not exceeding B, during the same program
 5.7 year from households in the ~~11-county metropolitan area~~ 11 counties identified in this
 5.8 subdivision.

5.9 Subd. 12c. **Portable battery.** "Portable battery" means a rechargeable battery as defined
 5.10 in section 115A.9157.

5.11 Subd. 12d. **Plan.** "Plan" means a plan to develop, finance, and operate a program to
 5.12 collect, transport, and recycle covered electronic devices in this state on behalf of
 5.13 manufacturers.

5.14 Subd. 13. **Program year.** "Program year" means the period from ~~July~~ January 1 through
 5.15 ~~June 30~~ December 31.

5.16 Subd. 14. **Recycler.** "Recycler" means a ~~public or private individual or entity who accepts~~
 5.17 ~~covered electronic devices from households and collectors for the purpose of recycling. A~~
 5.18 ~~manufacturer who takes products for refurbishment or repair is not a recycler~~ person engaged
 5.19 in recycling covered electronic devices under a plan approved by the agency under section
 5.20 115A.1311, subdivision 5, whose recycling operations are certified as meeting an
 5.21 environmentally sound management standard by a certification body accredited by the
 5.22 American National Standards Institute-American Society for Quality.

5.23 Subd. 15. **Recycling.** (a) "Recycling" means the process of ~~collecting and preparing~~
 5.24 ~~video display devices or:~~

5.25 (1) ~~disassembling, dismantling, or shredding covered electronic devices for use in~~
 5.26 ~~manufacturing processes or for recovery of usable materials followed by delivery of~~ in order
 5.27 to recover certain materials; or

5.28 (2) salvaging components of covered electronic devices for use in new products; and

5.29 (3) delivering such materials or components for further processing or use.

5.30 (b) Recycling does not include:

5.31 (1) the destruction by incineration or other process or land disposal of recyclable materials
 5.32 ~~not~~ retrieved from covered electronic devices;

6.1 (2) reuse;

6.2 (3) repair; or

6.3 (4) any other process through which ~~video display devices~~ or covered electronic devices
 6.4 are returned to use for households enabled to be reused in their original form.

6.5 Subd. 16. **Reuse.** "Reuse" means:

6.6 (1) the repair, refurbishment, or enhancement of a covered electronic device that enables
 6.7 it to be offered for sale for the same purpose for which it was originally manufactured; or

6.8 (2) the offering for sale of a discarded covered electronic device or any of its components
 6.9 that have not undergone repair, refurbishment, or enhancement.

6.10 Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, ~~through sales~~
 6.11 outlets, catalogs, or the Internet but not for resale in any form, a ~~video display~~ covered
 6.12 electronic device to a household and not for resale in any form covered entity.

6.13 Subd. 18. **Sell or sale.** "Sell" or "sale" means any transfer for consideration of title or
 6.14 of the right to use, by lease or sales contract, including, but not limited to, transactions
 6.15 conducted through sales outlets, catalogs, or the Internet, or any other similar electronic
 6.16 means either inside or outside of the state, by a person who conducts the transaction and
 6.17 controls the delivery of a ~~video display~~ covered electronic device to a consumer in the state,
 6.18 but does not include a manufacturer's or distributor's wholesale transaction with a distributor
 6.19 or a retailer.

6.20 Subd. 19. **Television.** "Television" means ~~an electronic device that is a cathode-ray tube~~
 6.21 ~~or flat panel display primarily intended to receive video programming via broadcast, cable,~~
 6.22 ~~or satellite transmission or video from surveillance or other similar cameras~~ any
 6.23 telecommunications system or device containing a cathode-ray tube or other type of display
 6.24 system with a viewable area greater than four inches when measured diagonally that can
 6.25 broadcast or receive moving pictures and sound over a distance, including a television tuner
 6.26 or display device peripheral to a computer that contains a television tuner.

6.27 Subd. 20. **Video display device.** "Video display device" means a television or computer
 6.28 monitor that contains a cathode-ray tube or a flat panel screen that is marketed by
 6.29 manufacturers for use by households. Video display device does not include any of the
 6.30 following:

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

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

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

7.9 (4) a telephone of any type.

7.10 Subd. 21. **Transition year.** "Transition year" means the period from July 1, 2025, to
 7.11 December 31, 2026.

7.12 Subd. 22. **Type I environmental label.** "Type I environmental label" means a label
 7.13 awarded to a product that meets the eligibility requirements established by the American
 7.14 National Standards Institute National Accreditation Board with respect to environmental
 7.15 standards and performance.

7.16 Sec. 2. **[115A.1311] COVERED ELECTRONIC DEVICE RECYCLING; REQUIRED**
 7.17 **PLAN.**

7.18 Subdivision 1. **Participation required to sell.** (a) On and after January 1, 2027, no
 7.19 manufacturer required to pay a registration fee under section 115A.1314 may sell or offer
 7.20 for sale in this state a covered electronic device unless the manufacturer of the covered
 7.21 electronic device participates in a plan approved by the agency.

7.22 (b) On and after January 1, 2027, no retailer may sell or offer for sale in this state a
 7.23 covered electronic device unless the retailer determines that the manufacturer of the covered
 7.24 electronic device is in compliance with paragraph (a).

7.25 Subd. 2. **Plan required.** On or before January 1, 2027, or before first offering a covered
 7.26 electronic device for sale in this state, a manufacturer must enter into an agreement with
 7.27 the clearinghouse to operate under a plan.

7.28 Subd. 3. **Plan; content.** The agency may not approve a plan unless it contains, at a
 7.29 minimum, all of the following elements:

7.30 (1) certification from each manufacturer proposing to operate under the plan that it will
 7.31 abide by the plan's provisions;

7.32 (2) contact information for a person administrating the plan;

8.1 (3) the provision of sufficient permanent collection sites so that at least 90 percent of
8.2 the state population resides within a 15-mile radius of a permanent collection site;

8.3 (4) in addition to complying with the requirement of clause (3), the establishment of one
8.4 additional permanent collection site in each unique geographical area that contains 30,000
8.5 or more residents within a 15-mile radius of the collection site;

8.6 (5) a description of additional activities, including temporary collection sites and
8.7 collection events, that will be employed to collect covered electronic devices;

8.8 (6) a requirement that each recycler under contract to a manufacturer operating under
8.9 the plan is certified by a third-party organization that has been accredited by the American
8.10 National Standards Institute's National Accreditation Board as operating under an
8.11 environmentally sound management standard;

8.12 (7) requirements that collection sites:

8.13 (i) accept all covered electronic devices received from covered entities at no cost; and

8.14 (ii) be staffed and open during hours convenient to the public and sufficient to meet the
8.15 needs of the area served;

8.16 (8) contact information for each manufacturer participating in the plan, and the brands
8.17 of covered electronic devices sold in this state by each manufacturer;

8.18 (9) a description of the methods by which discarded covered electronic devices will be
8.19 collected in all areas in the state without relying on end-of-life fees, including an explanation
8.20 of how the collection system will be convenient and adequate to serve the needs of covered
8.21 entities in both urban and rural areas on an ongoing basis, and a discussion of how existing
8.22 solid waste facilities and household hazardous waste infrastructure will be included when
8.23 establishing collection sites;

8.24 (10) establish a schedule under which collectors, transporters, and recyclers are to be
8.25 reimbursed;

8.26 (11) measures to ensure that collectors are compensated fairly for collecting, storing,
8.27 and managing covered electronic devices;

8.28 (12) a requirement that each political subdivision that operates a collection site within
8.29 the area in which covered electronic devices are collected under the plan:

8.30 (i) is offered the option to participate under the plan; and

9.1 (ii) if agreeing to participate under the plan, enters into an agreement with the
9.2 clearinghouse under a uniform contract offered by the clearinghouse for all such collection
9.3 sites;

9.4 (13) a list of all collection sites operated by political subdivisions that agree to collect
9.5 covered electronic devices under the plan;

9.6 (14) a description of how the operation of the collection program will be monitored and
9.7 evaluated;

9.8 (15) the names and locations of collectors and recyclers that will manage discarded
9.9 covered electronic devices;

9.10 (16) a description of how discarded covered electronic devices will be safely, securely,
9.11 and efficiently consolidated, transferred, transported, tracked, and handled from collection
9.12 through final recycling and processing including:

9.13 (i) establishing consolidation and transfer capacity; and

9.14 (ii) providing assurance that transportation of covered electronic devices from collectors
9.15 to recyclers is arranged within two business days of a request;

9.16 (17) a description of the methods that will be used to deconstruct or recycle the covered
9.17 electronic devices;

9.18 (18) a description of promotion and outreach activities that will be employed to encourage
9.19 public participation in the collection and recycling programs and how the effectiveness of
9.20 those activities will be evaluated and the program modified, if necessary;

9.21 (19) evidence that adequate insurance and financial assurance for collection, handling,
9.22 and disposal operations are in place;

9.23 (20) five-year operational goals, including an estimate of the percentage of discarded
9.24 covered electronic devices that will be collected, reused, and recycled during each of the
9.25 first five years of the plan, and a specific goal for the weight of discarded covered electronic
9.26 devices that will be collected and recycled or reused during each year. The operational goals
9.27 must be based on:

9.28 (i) the estimated amount of covered electronic devices disposed of annually;

9.29 (ii) the most recent data on covered electronic devices collected in this state;

9.30 (iii) the weight of covered electronic devices expected to be available for collection
9.31 annually; and

10.1 (iv) actual collection data from existing electronic waste collection and recycling
10.2 programs operating in other jurisdictions.

10.3 The plan must state the methodology used to determine the operational goals; and

10.4 (21) a discussion of the status of end markets for materials recovered from recycled
10.5 covered electronic devices and what, if any, additional end markets are needed to improve
10.6 the functioning of the program.

10.7 Subd. 4. **Mail-back option; content.** A clearinghouse may, as part of a plan submitted
10.8 to the agency for approval under this section, offer covered entities an option to mail back
10.9 to the manufacturer, at no cost to a covered entity, a discarded covered electronic device
10.10 manufactured by the manufacturer. A mail-back plan must:

10.11 (1) allow a covered entity to access and print a prepaid shipping label from the
10.12 manufacturer's Internet website that may be affixed to a package containing the discarded
10.13 covered electronic device for shipping by a carrier selected by the manufacturer; and

10.14 (2) meet the requirements of subdivision 3, clauses (2), (6), (8), and (13) to (19).

10.15 Subd. 5. **Plan approval process; administration.** (a) Within 15 days of receipt of a
10.16 plan submitted for review, the agency shall post the plan on its website for public review.
10.17 Written comments on the plan by the public must be filed with the agency no later than 45
10.18 days after the plan is posted.

10.19 (b) Within 90 days of receipt of a plan submitted for review, the agency shall approve,
10.20 reject, or modify the plan, and shall notify the plan's applicants of its action in writing,
10.21 including the reasons for its decision, within 15 days of the decision. Applicants whose plan
10.22 is rejected by the agency must submit a revised plan to the agency within 60 days of receiving
10.23 a notice of rejection. If the revised plan does not meet the requirements of this section, as
10.24 determined by the commissioner, the commissioner shall modify the revised plan accordingly,
10.25 and shall approve the revised plan.

10.26 (c) No manufacturer may operate under a plan that has not been approved by the agency.
10.27 Any modifications to an approved plan proposed by a clearinghouse must be reviewed by
10.28 the agency according to this subdivision.

10.29 (d) No later than 90 days before the fifth anniversary of a plan's approval, the plan, with
10.30 or without revisions, must be resubmitted to the agency for review and approval under the
10.31 process established in this subdivision.

10.32 (e) The agency may not approve a plan that the agency determines does not meet the
10.33 requirements of subdivision 3.

11.1 Subd. 6. **Implementation deficiencies; correction process.** (a) If at any time the
 11.2 commissioner determines that an approved plan is not being implemented in an efficient
 11.3 and effective manner, the commissioner shall provide in writing to the clearinghouse and
 11.4 to each manufacturer participating in the plan an assessment of the deficiencies and
 11.5 recommendations for improvement. Within 30 days of receipt of the assessment, the
 11.6 clearinghouse must respond in writing to the commissioner, indicating the changes that will
 11.7 be implemented to address the deficiencies noted in the assessment.

11.8 (b) No later than 90 days after submitting a response under paragraph (a), the
 11.9 clearinghouse must submit to the commissioner in writing information documenting the
 11.10 changes that were implemented to address the deficiencies noted in the assessment and any
 11.11 information regarding the effect of the implemented changes on program operations.

11.12 (c) If the commissioner determines that the changes implemented are insufficient to
 11.13 address the deficiencies, the commissioner, after providing written notice to the clearinghouse
 11.14 and to each manufacturer participating in the plan, may:

11.15 (1) require the manufacturers participating in the plan to select another clearinghouse
 11.16 to implement the plan; or

11.17 (2) contract with a third party to implement and administer the plan. In contracting for
 11.18 implementation and administration of the plan, the commissioner shall review the costs
 11.19 incurred by similar electronic waste collection and recycling programs in other states. The
 11.20 commissioner may modify the plan if bids received in response to a request for proposal
 11.21 exceed the average cost of collection and recycling incurred by similar electronic waste
 11.22 collection and recycling programs in other states. Manufacturers participating in a plan must
 11.23 pay the full administrative and implementation costs of the clearinghouse under any option
 11.24 provided in this paragraph.

11.25 Sec. 3. Minnesota Statutes 2022, section 115A.1312, is amended to read:

11.26 **115A.1312 REGISTRATION PROGRAM.**

11.27 Subdivision 1. **Requirements for sale.** (a) On or after ~~September 1, 2007~~ January 1,
 11.28 2027, a manufacturer must not sell or offer for sale or deliver to retailers for subsequent
 11.29 sale a ~~new video display~~ covered electronic device unless:

11.30 (1) the ~~video display~~ covered electronic device is labeled with the manufacturer's brand,
 11.31 which label is permanently affixed and readily visible; and

11.32 (2) the manufacturer has filed a registration with the agency, as specified in subdivision
 11.33 2.

12.1 ~~(b) A retailer must not sell, offer for sale, rent, or lease a video display device unless~~
 12.2 ~~the video display device is labeled according to this subdivision and listed as registered on~~
 12.3 ~~the agency website according to subdivision 2.~~

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

12.8 Subd. 2. **Manufacturer registration.** (a) By ~~August~~ October 15 each year, a manufacturer
 12.9 of ~~video display~~ covered electronic devices sold or offered for sale to ~~households~~ covered
 12.10 entities in the ~~the~~ this state must submit a registration to the agency on a form prescribed by
 12.11 the commissioner that includes:

12.12 (1) a list of the manufacturer's brands of ~~video display~~ covered electronic devices offered
 12.13 for sale in this state;

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

12.16 (3) a certification that the manufacturer ~~has complied and will continue to comply with~~
 12.17 ~~the requirements of sections 115A.1312 to 115A.1318~~ will operate under the plan approved
 12.18 by the agency.

12.19 (b) A manufacturer of ~~video display devices sold or offered for sale to a household must~~
 12.20 ~~include in the registration submitted under paragraph (a), a statement disclosing whether:~~

12.21 ~~(1) any video display devices sold to households exceed~~ may not sell a covered electronic
 12.22 device in this state that exceeds the maximum concentration values established for lead,
 12.23 mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB's), and
 12.24 polybrominated diphenyl ethers (PBDE's) under the RoHS (restricting the use of certain
 12.25 hazardous substances in electrical and electronic equipment) Directive 2002/95/EC of the
 12.26 European Parliament and Council and any amendments thereto; ~~or~~

12.27 ~~(2) unless~~ the manufacturer has received an exemption from one or more of those
 12.28 maximum concentration values under the RoHS Directive that has been approved ~~and~~
 12.29 ~~published by the European Commission~~ by the agency.

12.30 (c) A manufacturer who ~~begins to sell or offer for sale video display devices to households~~
 12.31 ~~after August 15, 2016, and~~ has not filed a registration under this subdivision must submit
 12.32 a registration to the agency within ten days of beginning to sell or offer for sale ~~video display~~
 12.33 covered electronic devices to ~~households~~ covered entities.

13.1 (d) A ~~registration manufacturer~~ must be updated file an updated registration with the
 13.2 agency within ten days after a change in the manufacturer's brands of ~~video display covered~~
 13.3 electronic devices sold or offered for sale to households covered entities.

13.4 (e) A registration is effective upon receipt by the agency and is valid until ~~August~~ October
 13.5 15 each year.

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

13.10 (g) The agency must maintain on its website the names of manufacturers and the
 13.11 manufacturers' brands listed in registrations filed with the agency. The agency must update
 13.12 the website information promptly upon receipt of a new or updated registration. The website
 13.13 must contain prominent language stating, ~~in effect,~~ that:

13.14 (1) sections 115A.1310 to 115A.1330 are directed at household equipment apply only
 13.15 to covered electronic devices sold to covered entities; and

13.16 (2) the manufacturers' brands list is, therefore, not a list of manufacturers qualified to
 13.17 sell to industrial, commercial, or other markets identified as exempt from the requirements
 13.18 of sections 115A.1310 to 115A.1330.

13.19 Subd. 3. **Collector registration.** No person may operate as a collector of covered
 13.20 electronic devices or electronics recyclables from ~~households~~ covered entities unless that
 13.21 person has submitted a registration with the agency by ~~July~~ January 15 each year on a form
 13.22 prescribed by the commissioner. Registration information must include the name, address,
 13.23 telephone number, and location of the business and a certification that the collector has
 13.24 complied and will continue to comply with the requirements of sections 115A.1312 to
 13.25 115A.1318, and 115A.1331 to 115A.1337, as applicable, and any regulations adopted by
 13.26 a local government unit ~~for~~ that apply to the jurisdiction in which the collector operates. ~~A~~
 13.27 ~~collector must indicate any end-of-life fees that will be charged at the collection point.~~ A
 13.28 registration is effective upon receipt by the agency and is valid until ~~July~~ January 15 each
 13.29 year. A collector may submit a single registration under this subdivision to collect covered
 13.30 electronic devices, electronics recyclables, or both.

13.31 Subd. 4. **Recycler registration.** No person may recycle ~~video display covered electronic~~
 13.32 devices or electronics recyclables generated by ~~households~~ covered entities unless that
 13.33 person has submitted a registration with the agency by ~~July~~ October 15 each year on a form
 13.34 prescribed by the commissioner. Registration information must include the name, address,

14.1 telephone number, and location of all recycling facilities under the direct control of the
 14.2 recycler that may receive covered electronic devices or electronics recyclables from
 14.3 ~~households~~ covered entities and a certification that the recycler has complied and will
 14.4 continue to comply with the requirements of sections 115A.1312 to ~~115A.1318~~ 115A.1337,
 14.5 as applicable. A registered recycler must conduct recycling activities that are consistent
 14.6 with this chapter. A registration is effective upon receipt by the agency and is valid until
 14.7 ~~July~~ October 15 each year. A recycler may submit a single registration under this subdivision
 14.8 to recycle covered electronic devices, electronics recyclables, or both.

14.9 Subd. 5. **Dual registration.** A person conducting both collection and recycling activities
 14.10 may register under both subdivisions 3 and 4.

14.11 Subd. 6. **Denial of registration.** The agency may deny a registration under subdivision
 14.12 3 or 4 if the collector or recycler, or an employee or officer of the collector or recycler, has,
 14.13 as determined by the commissioner, a history of:

14.14 (1) repeated violations of federal, state, or local laws, regulations, standards, or ordinances
 14.15 related to the collection, recycling, or other management of electronics recyclables;

14.16 (2) gross carelessness or incompetence in handling, storing, processing, transporting,
 14.17 disposing of, or otherwise managing electronics recyclables, as determined by the agency;
 14.18 or

14.19 (3) conviction of a felony in a federal or state court for forgery, official misconduct,
 14.20 bribery, perjury, or knowingly submitting false information under any environmental law,
 14.21 regulation, or permit.

14.22 Sec. 4. Minnesota Statutes 2022, section 115A.1314, is amended to read:

14.23 **115A.1314 MANUFACTURER REGISTRATION FEE FEES.**

14.24 Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section
 14.25 115A.1312 must, by ~~August~~ October 15 each year, pay to the commissioner ~~of revenue~~ an
 14.26 annual registration fee, on a form and in a manner prescribed by the commissioner of
 14.27 revenue. The commissioner ~~of revenue~~ must deposit the fee in the state treasury and credit
 14.28 the fee to the electronic waste collection and recycling account in the environmental fund.

14.29 (b) For the transition year, the registration fee for manufacturers that sell 100 or more
 14.30 video display devices to households in the state during the previous calendar year a
 14.31 manufacturer is \$2,500, plus a variable recycling fee. The registration fee for manufacturers
 14.32 that sell fewer than 100 video display devices in the state during the previous calendar year
 14.33 is a variable recycling fee. The variable recycling fee is calculated according to the formula:

15.1 $[A - (B + C)] \times D$, where:

15.2 ~~A = the manufacturer's recycling obligation as determined under section 115A.1320;~~

15.3 ~~B = the number of pounds of covered electronic devices that a manufacturer recycled~~
 15.4 ~~or arranged to have collected and recycled from households during the immediately preceding~~
 15.5 ~~program year, as reported under section 115A.1316, subdivision 1;~~

15.6 ~~C = the number of phase I or phase II recycling credits a manufacturer elects to use to~~
 15.7 ~~calculate the variable recycling fee; and~~

15.8 ~~D = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for~~
 15.9 ~~manufacturers who recycle less than 50 percent of the manufacturer's recycling obligation;~~
 15.10 ~~\$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent~~
 15.11 ~~of the manufacturer's recycling obligation; \$0.30 per pound for manufacturers who recycle~~
 15.12 ~~at least 90 percent but less than 100 percent of the manufacturer's recycling obligation; and~~
 15.13 ~~\$0.00 per pound for manufacturers who recycle 100 percent or more of the manufacturer's~~
 15.14 ~~recycling obligation.~~

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

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

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

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

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

15.29 ~~(5) any other information requested by the agency.~~

15.30 ~~(d) A manufacturer may retain phase I and phase II recycling credits to be added, in~~
 15.31 ~~whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision~~
 15.32 ~~2, during any succeeding program year, provided that no more than 25 percent of a~~

16.1 ~~manufacturer's recycling obligation (A) for any program year may be met with phase I and~~
 16.2 ~~phase II recycling credits, separately or in combination, generated in a prior program year.~~
 16.3 ~~A manufacturer may sell any portion or all of its phase I and phase II recycling credits to~~
 16.4 ~~another manufacturer, at a price negotiated by the parties, who may use the credits in the~~
 16.5 ~~same manner.~~

16.6 ~~(e) For the purpose of determining B in calculating a manufacturer's variable recycling~~
 16.7 ~~fee using the formula under paragraph (b), starting with the program year beginning July~~
 16.8 ~~1, 2019, and continuing each year thereafter, the weight of covered electronic devices that~~
 16.9 ~~a manufacturer recycled or arranged to have collected and recycled from households located~~
 16.10 ~~outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (b), is~~
 16.11 ~~calculated at 1.5 times their actual weight.~~

16.12 (c) For the program year beginning January 1, 2025, and annually thereafter, the agency
 16.13 must determine the annual registration fees on a sliding scale, based on the manufacturer's
 16.14 market share of covered electronic devices sold in this state, by number of units or weight,
 16.15 as determined by the commissioner. The commissioner shall assign each manufacturer to
 16.16 the applicable market share tier below, based on the commissioner's market share calculation
 16.17 under paragraph (d):

16.18 <u>Tier 1</u>	<u>5 percent or greater</u>
16.19 <u>Tier 2</u>	<u>At least 1 but less than 5 percent</u>
16.20 <u>Tier 3</u>	<u>At least 0.1 but less than 1 percent</u>
16.21 <u>Tier 4</u>	<u>At least .03 but less than 0.1 percent</u>
16.22 <u>Tier 5</u>	<u>At least .01 but less than .03 percent</u>
16.23 <u>Tier 6</u>	<u>Less than .01 percent</u>

16.24 Each manufacturer in the same tier shall pay the same fee amount. The commissioner shall
 16.25 determine the amount of the fee paid by manufacturers in each tier so that aggregate annual
 16.26 registration fees do not exceed the total annual costs of activities specified in paragraph (e).

16.27 (d) For the purposes of this section, the commissioner shall calculate each manufacturer's
 16.28 market share as follows:

16.29 (1) by multiplying the total number of units or pounds of computers, computer monitors,
 16.30 televisions, printers, and facsimile machines sold by the manufacturer nationally during the
 16.31 previous calendar year times the ratio of Minnesota's population to the national population
 16.32 in the same year, as measured by the United States Bureau of the Census, and dividing the
 16.33 result by the total number of units or pounds of computers, computer monitors, televisions,
 16.34 printers, and facsimile machines sold by all manufacturers nationally; and

17.1 (2) if applicable, for those product models of computers, computer monitors, televisions,
 17.2 printers, and facsimile machines sold by the manufacturer that are EPEAT registered, the
 17.3 calculation in clause (1) must be reduced by:

17.4 (i) 15 percent for those product models that have been rated by EPEAT as achieving the
 17.5 gold standard;

17.6 (ii) ten percent for those product models that have been rated by EPEAT as achieving
 17.7 the silver standard; or

17.8 (iii) five percent for those product models that have been rated by EPEAT as achieving
 17.9 the bronze standard.

17.10 (e) The aggregate annual registration fees paid by manufacturers under this subdivision
 17.11 in a program year:

17.12 (1) may be used by the commissioner to implement and enforce sections 115A.1310 to
 17.13 115A.1330 and for transfer to the Department of Administration for responsibilities under
 17.14 section 115A.1324; and

17.15 (2) may not be used to supplement payments made from the operations fee assessed in
 17.16 subdivision 2a to the clearinghouse for distribution to collectors, transporters, and recyclers,
 17.17 and to manufacturers operating a mail-back system.

17.18 ~~Subd. 2. Use of registration fees. (a) Registration fees may be used by the commissioner~~
 17.19 ~~for:~~

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

17.24 ~~(2) grants to counties outside the 11-county metropolitan area, as defined in paragraph~~
 17.25 ~~(b), and to private entities that collect for recycling covered electronic devices in counties~~
 17.26 ~~outside the 11-county metropolitan area, where the collection and recycling is consistent~~
 17.27 ~~with the respective county's solid waste plan, for the purpose of carrying out the activities~~
 17.28 ~~under sections 115A.1312 to 115A.1330. In awarding competitive grants under this clause,~~
 17.29 ~~the commissioner must give preference to counties and private entities that are working~~
 17.30 ~~cooperatively with manufacturers to help them meet their recycling obligations under section~~
 17.31 ~~115A.1318, subdivision 1.~~

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

18.1 Subd. 2a. **Operations fee.** (a) Beginning January 1, 2027, the agency must assess, on a
 18.2 quarterly basis, an operations fee on each manufacturer that is required to pay a registration
 18.3 fee for that program year. The agency must calculate the operations fee by multiplying a
 18.4 manufacturer's market share, as calculated under subdivision 1, paragraph (d), for the most
 18.5 recently completed program year, by the total cost of collection, transportation, and recycling
 18.6 operations of the plan during the previous quarter. For a manufacturer operating a mail-back
 18.7 system under section 115A.1311, subdivision 4, the operational fee is equal to the mail-back,
 18.8 transportation, and recycling costs of the program during the previous quarter. A manufacturer
 18.9 must remit the full operations fee to the agency within 30 days of receipt of the fee
 18.10 assessment.

18.11 (b) The commissioner shall deposit all fees collected under this subdivision into the
 18.12 covered electronic device waste collection and recycling account established in section
 18.13 115A.1321.

18.14 (c) No later than 30 days following the receipt of operations fees from manufacturers,
 18.15 the commissioner must use the operations fees to make payments to the clearinghouse and
 18.16 to manufacturers operating a mail-back system for collection, transportation, and recycling
 18.17 costs, as applicable.

18.18 Sec. 5. Minnesota Statutes 2022, section 115A.1318, is amended to read:

18.19 **115A.1318 RESPONSIBILITIES; PROHIBITION.**

18.20 Subdivision 1. **Manufacturer responsibilities.** (a) ~~In addition to fulfilling~~ A manufacturer
 18.21 must fulfill the requirements of sections 115A.1310 to 115A.1330, ~~a manufacturer must~~
 18.22 ~~comply with paragraphs (b) to (f).~~

18.23 ~~(b) A manufacturer must annually recycle or arrange for the collection and recycling of~~
 18.24 ~~an amount of video display devices as determined by the agency in section 115A.1320,~~
 18.25 ~~subdivision 1. A manufacturer must assume all financial responsibility associated with~~ for
 18.26 costs incurred from collecting, transporting, and recycling covered electronic devices that
 18.27 ~~are used to meet the manufacturer's recycling obligation determined under section 115A.1320~~
 18.28 ~~or that are counted as phase I or II recycling credits, including any necessary supplies. This~~
 18.29 ~~excludes costs that are associated with receiving and aggregating covered electronic devices~~
 18.30 ~~from households and all the activities up to the time that covered electronic devices are~~
 18.31 ~~loaded for transport to a recycler or arranged for transportation to a recycler~~ under a plan
 18.32 approved by the agency.

19.1 ~~(c) The obligations of a manufacturer apply~~ A manufacturer is required to recycle only
 19.2 ~~to video display covered electronic devices received from households and do not apply to~~
 19.3 ~~video display devices received from sources other than households~~ covered entities.

19.4 (d) A manufacturer must ~~conduct and document~~ ensure that due diligence assessments
 19.5 of collectors and recyclers it contracts with, and of any applicable downstream recycling
 19.6 operations, are conducted and documented, including an assessment of items specified under
 19.7 subdivision 2. A manufacturer is responsible for maintaining, for a period of three years,
 19.8 documentation that all covered electronic devices recycled, partially recycled, or sent to
 19.9 downstream recycling operations comply with the requirements of subdivision 2.

19.10 ~~(e) A manufacturer must provide the agency with contact information for a person who~~
 19.11 ~~can be contacted regarding the manufacturer's activities under sections 115A.1310 to~~
 19.12 ~~115A.1320.~~

19.13 ~~(f) (e)~~ Only the covered electronic devices that are recycled by a registered recycler that
 19.14 is certified by an ANSI-ASQ National Accreditation Board-accredited third-party certification
 19.15 body to an environmentally sound management standard are eligible to meet the
 19.16 manufacturer's obligation as meeting an environmentally sound management standard by
 19.17 a certification body accredited by the American National Standards Institute-American
 19.18 Society for Quality National Accreditation Board may be reported under paragraph (f).

19.19 (f) Beginning March 1, 2027, and continuing each March 1 thereafter, a manufacturer
 19.20 must report to the agency, on a form approved by the agency:

19.21 (1) a description of the collection, transportation, mail-back, and recycling activities
 19.22 conducted under the approved plan in all regions of the state;

19.23 (2) separate estimates of the number of units and the total weight of the manufacturer's
 19.24 covered electronic devices for each specific model sold to covered entities during the previous
 19.25 program year;

19.26 (3) the total weight of the manufacturer's covered electronic devices sold to covered
 19.27 entities during the previous program year, which may be estimated by multiplying the weight
 19.28 of its covered electronic devices sold nationally times the quotient of Minnesota's population
 19.29 divided by the national population. The method in this clause must be used by a manufacturer
 19.30 that sells 99 or fewer covered electronic devices to covered entities in the state during the
 19.31 previous program year;

19.32 (4) an estimate of the total weight of covered electronic devices collected and recycled;

19.33 (5) a description of how the estimates in clauses (2) to (4) were calculated;

20.1 (6) employ bidding processes that are open, competitive, and fair;

20.2 (7) arrange transportation of covered electronic devices from collectors to recyclers
 20.3 within two business days of a request; and

20.4 (8) ensure adequate financial assurance for collection, handling, and disposal activities
 20.5 by posting a performance bond, or issuing a letter of credit or other financial instrument.

20.6 (g) A manufacturer must furnish any information the agency determines is necessary to
 20.7 assess compliance with sections 115A.1310 to 115A.1330.

20.8 Subd. 1a. **Collector responsibilities.** ~~(a) Collection sites must be:~~ A collector must
 20.9 furnish any information requested by the agency or department to determine compliance
 20.10 with sections 115A.1310 to 115A.1330.

20.11 (b) A collector operating under a plan must:

20.12 (1) certify in a written agreement with the clearinghouse that the collector will operate
 20.13 in compliance with a plan approved by the agency;

20.14 (2) host collection sites that are:

20.15 ~~(1)~~ (i) staffed; and

20.16 ~~(2)~~ (ii) open to the public at a frequency adequate to meet the needs of the area being
 20.17 served;

20.18 (iii) accept any covered electronic device; and

20.19 (iv) beginning April 30, 2027, and continuing each 30th day of July, October, January,
 20.20 and April thereafter, a collector must report to the clearinghouse on a form approved by the
 20.21 commissioner the total weight of covered electronic devices collected during the preceding
 20.22 quarter under the plan.

20.23 ~~(b)~~ (c) A collector may limit the number of covered electronic devices or covered
 20.24 electronic devices by product type accepted per customer per day or per delivery at a
 20.25 collection site or service.

20.26 ~~(e) A collector must use only registered recyclers.~~

20.27 (d) A collector that is not operating under a plan must comply with paragraph (a) and
 20.28 paragraph (b), item (iv), of this subdivision, as applicable.

20.29 Subd. 1b. **Clearinghouse responsibilities.** A clearinghouse must:

20.30 (1) collaborate with manufacturers to develop a plan that meets all the requirements of
 20.31 section 115A.1311, subdivision 3;

- 21.1 (2) ensure that all participants in the plan are registered with the agency;
- 21.2 (3) coordinate collection, transportation, and recycling activities under the plan including
 21.3 establishing sufficient consolidation and transfer capacity to ensure efficient transportation
 21.4 of covered electronic devices;
- 21.5 (4) manage invoices from and distribute operations fees to collectors, transporters, and
 21.6 recyclers;
- 21.7 (5) collect and compile information from collectors, transporters, and recyclers to report
 21.8 to the agency; and
- 21.9 (6) provide any information requested by the agency in order to determine compliance
 21.10 with sections 115A.1310 to 115A.1330.
- 21.11 **Subd. 2. Recycler responsibilities.** (a) A recycler must certify in a written agreement
 21.12 with the clearinghouse that the recycler will operate in compliance with a plan approved
 21.13 by the agency.
- 21.14 (b) Beginning April 30, 2027, and continuing each 30th day of July, October, January,
 21.15 and April, a recycler of covered electronic devices must report to the agency:
- 21.16 (1) the total weight of covered electronic devices, by product type, recycled during the
 21.17 preceding quarter, and further disaggregated to reflect separate amounts recycled under the
 21.18 plan; and
- 21.19 (2) an estimate of the weight of portable batteries and any mercury-containing lamps
 21.20 associated with the covered electronic devices managed.
- 21.21 (c) As part of the report submitted under ~~section 115A.1316, subdivision 2~~ this
 21.22 subdivision, a recycler must certify, except as provided in paragraph ~~(b)~~ (d), that facilities
 21.23 that recycle covered electronic devices, including all downstream recycling operations:
- 21.24 (1) use only registered collectors;
- 21.25 (2) comply with all applicable health, environmental, safety, and financial responsibility
 21.26 regulations;
- 21.27 (3) are licensed by all applicable governmental authorities;
- 21.28 (4) use no prison labor to recycle ~~video display~~ covered electronic devices;
- 21.29 (5) possess liability insurance of not less than ~~\$1,000,000~~ \$5,000,000 for environmental
 21.30 releases, accidents, and other emergencies;

22.1 (6) provide a report annually to each registered collector regarding the ~~video display~~
22.2 covered electronic devices received from that entity; and

22.3 (7) do not charge collectors for transporting, recycling, or any necessary supplies related
22.4 to transporting or recycling covered electronic devices ~~that meet a manufacturer's recycling~~
22.5 ~~obligation as determined under section 115A.1320, unless otherwise mutually agreed upon~~
22.6 under a plan approved by the agency.

22.7 ~~(b)~~ (d) A nonprofit corporation that contracts with a correctional institution to refurbish
22.8 and reuse donated computers in schools is exempt from paragraph ~~(a)~~ (c), clauses (4) and
22.9 (5).

22.10 ~~(e)~~ (e) Except to the extent otherwise required by law and unless agreed upon otherwise
22.11 by the recycler or manufacturer, a recycler has no responsibility for any data that may be
22.12 contained in a covered electronic device if an information storage device is included in the
22.13 covered electronic device.

22.14 (f) A recycler must provide any information requested by the agency to determine
22.15 compliance with sections 115A.1310 to 115A.1330.

22.16 Subd. 3. **Retailer responsibilities.** (a) A retailer is responsible for reviewing registration
22.17 information placed on the agency's website, as required under section 115A.1312, subdivision
22.18 2, paragraph (g). Beginning January 1, 2027, no retailer shall sell or offer for sale a covered
22.19 electronic device that is not labeled by the manufacturer and registered as required by section
22.20 115A.1312.

22.21 (b) A retailer is not responsible for an unlawful sale under this subdivision if the
22.22 manufacturer was not registered or the manufacturer's registration expired or was revoked,
22.23 provided that the retailer took possession of the covered electronic device prior to January
22.24 1, 2027, or prior to the expiration or revocation of the manufacturer's registration, and the
22.25 unlawful sale occurred within six months after the expiration or revocation.

22.26 (c) Beginning January 1, 2027, a retailer who sells new video display selling covered
22.27 electronic devices in this state shall provide information to households customers describing
22.28 where and how they may recycle video display covered electronic devices and advising
22.29 them of opportunities and locations for the convenient collection of video display covered
22.30 electronic devices, including manufacturer mail-back programs, for the purpose of recycling.
22.31 This requirement may be met by posting signs at the point of sale stating that covered
22.32 electronic devices should not be placed in solid waste or a solid waste facility, or by providing
22.33 to households customers the agency's toll-free number and website address. Retailers selling

23.1 through catalogs or the Internet may meet this requirement by including the information in
23.2 a prominent location on the retailer's website.

23.3 Subd. 4. **Prohibition.** A collector may not be charged for collection, transportation, or
23.4 recycling services, or any costs incurred by a collector operating under a plan approved by
23.5 the agency.

23.6 **Sec. 6. [115A.1319] TRANSITION TO NEW PROGRAM.**

23.7 (a) Notwithstanding section 115A.1310, subdivision 13, the program year beginning
23.8 July 1, 2025, ends on December 31, 2026.

23.9 (b) Notwithstanding section 115A.1314, the registration fee for the program year
23.10 beginning July 1, 2025, is 1.5 times the registration fee that would otherwise be charged
23.11 for a 12-month program year.

23.12 (c) In addition to the annual registration and operations fees charged to manufacturers
23.13 under section 115A.1314, the agency shall charge each manufacturer a onetime advance
23.14 operations fee that is due for payment on October 15, 2026. The agency must calculate the
23.15 advance operations fee by multiplying the manufacturer's market share in 2024, as calculated
23.16 in section 115A.1314, subdivision 1, paragraph (d), times the number of pounds of covered
23.17 electronic devices the manufacturer collected in 2024, as reported in section 115A.1318,
23.18 subdivision 1, paragraph (f), times the commissioner's estimate of the national average cost
23.19 to recycle one pound of covered electronic devices, times 0.5.

23.20 (d) No later than March 31, 2027, the agency must compare each manufacturer's advance
23.21 operations fee assessed in paragraph (c) with the product of the actual total cost of collecting,
23.22 transporting, and recycling covered electronic devices under the plan in which the
23.23 manufacturer participated, multiplied times the manufacturer's market share, as calculated
23.24 in section 115A.1314, subdivision 1, paragraph (d). If the manufacturer's advance operations
23.25 fee exceeds a manufacturer's share of estimated actual program costs, the agency must pay
23.26 the difference to the manufacturer. If the manufacturer's share of estimated actual program
23.27 costs exceeds the manufacturer's advance operations fee, the manufacturer must remit the
23.28 difference to the agency.

23.29 (e) Notwithstanding section 115A.1318, reports required by the agency from
23.30 manufacturers, collectors, and recyclers for the 2025 program year are not due until January
23.31 15, 2027.

24.1 (f) All Phase I and Phase II recycling credits expire on July 31, 2026, and may not be
 24.2 utilized thereafter by a manufacturer to calculate the amount of covered electronic devices
 24.3 recycled by the manufacturer.

24.4 (g) This section expires June 30, 2027.

24.5 Sec. 7. Minnesota Statutes 2022, section 115A.1320, is amended to read:

24.6 **115A.1320 AGENCY AND DEPARTMENT DUTIES.**

24.7 Subdivision 1. **Duties of agency.** (a) The agency ~~shall~~ must:

24.8 (1) administer sections 115A.1310 to 115A.1330;

24.9 (2) review and approve a plan; and

24.10 (3) ensure that manufacturers remit in full registration and operations fees.

24.11 (b) The agency ~~shall~~ must establish procedures for:

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

24.14 (2) making ~~the~~ registration statements and certifications easily available to manufacturers,
 24.15 retailers, and members of the public.

24.16 ~~(e) The agency shall annually review the following variables that are used to calculate~~
 24.17 ~~a manufacturer's annual registration fee under section 115A.1314, subdivision 1:~~

24.18 ~~(1) the obligation-setting mechanism for manufacturers as specified under paragraph~~

24.19 ~~(g);~~

24.20 ~~(2) the estimated per-pound price of recycling covered electronic devices sold to~~
 24.21 ~~households; and~~

24.22 ~~(3) the base registration fee.~~

24.23 ~~(d) If the agency determines that any of these values must be changed in order to improve~~
 24.24 ~~the efficiency or effectiveness of the activities regulated under sections 115A.1312 to~~
 24.25 ~~115A.1330, or if the revenues exceed the amount that the agency determines is necessary,~~
 24.26 ~~the agency shall submit recommended changes and the reasons for them to the chairs of the~~
 24.27 ~~senate and house of representatives committees with jurisdiction over solid waste policy.~~

24.28 ~~(e) By May 1 each year, the agency shall publish a statewide recycling goal for all video~~
 24.29 ~~display device waste that is the weight of all video display devices collected for recycling~~

25.1 ~~during each of the three most recently completed program years, excluding the most recently~~
 25.2 ~~concluded program year, divided by two.~~

25.3 ~~(f) By May 1 each year, the agency shall determine each registered manufacturer's market~~
 25.4 ~~share of video display devices to be collected and recycled based on the manufacturer's~~
 25.5 ~~percentage share of the total weight of video display devices sold as reported to the agency~~
 25.6 ~~under section 115A.1316, subdivision 1.~~

25.7 ~~(g) By May 1 each year, the agency shall provide each manufacturer with a determination~~
 25.8 ~~of the manufacturer's share of video display devices to be collected and recycled. A~~
 25.9 ~~manufacturer's market share of video display devices as specified in paragraph (f) is applied~~
 25.10 ~~proportionally to the statewide recycling goal as specified in paragraph (e) to determine an~~
 25.11 ~~individual manufacturer's recycling obligation. Upon request by the commissioner of revenue,~~
 25.12 ~~the agency must provide the information submitted to manufacturers under this paragraph~~
 25.13 ~~to the commissioner of revenue.~~

25.14 ~~(h) (c) No later than February 28 each year, beginning in 2026, the agency shall provide~~
 25.15 ~~must submit a report to the governor and the legislature chairs and ranking minority members~~
 25.16 ~~of the senate and house committees with primary responsibility for solid waste policy on~~
 25.17 ~~the implementation of sections 115A.1310 to 115A.1330. For each program year, the report~~
 25.18 ~~must discuss the total weight of covered electronic devices recycled and a summary of~~
 25.19 ~~information in the reports submitted by manufacturers and recyclers under section 115A.1316~~
 25.20 ~~115A.1318. The report must also discuss the various collection programs used by~~
 25.21 ~~manufacturers to collect covered electronic devices; information regarding covered electronic~~
 25.22 ~~devices that are being collected by persons other than registered manufacturers, collectors,~~
 25.23 ~~and recyclers; and information about covered electronic devices, if any, being disposed of~~
 25.24 ~~in landfills in this state. The report must examine which covered electronic devices, based~~
 25.25 ~~on economic and environmental considerations, should be subject to the obligation-setting~~
 25.26 ~~mechanism under paragraph (g). The report must include a description of enforcement~~
 25.27 ~~actions taken under sections 115A.1310 to 115A.1330. The agency may include in its report~~
 25.28 ~~other information received by the agency regarding the implementation of sections 115A.1312~~
 25.29 ~~115A.1310 to 115A.1330. The report must be done in conjunction with the report required~~
 25.30 ~~under section 115A.121.~~

25.31 ~~(i) (d) The agency shall~~ must ~~promote public participation in the activities regulated~~
 25.32 ~~under sections 115A.1312~~ 115A.1310 to 115A.1330 115A.1339 ~~through public education~~
 25.33 ~~and outreach efforts.~~

26.1 ~~(j)~~ (e) The agency shall must enforce sections 115A.1310 to 115A.1330 in the manner
 26.2 provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, ~~except for those~~
 26.3 ~~provisions enforced by the department, as provided in subdivision 2.~~ The agency may revoke
 26.4 a registration of a collector or recycler found to have violated sections 115A.1310 to
 26.5 115A.1330.

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

26.9 ~~(l)~~ (f) The agency shall must post on its website the contact information provided by
 26.10 each manufacturer under section ~~115A.1318~~ 115A.1312, subdivision ~~1~~ 2, paragraph ~~(e)~~ (a),
 26.11 clause (2).

26.12 **Subd. 2. Additional duties.** ~~(a) The agency must collect the data submitted to it annually~~
 26.13 ~~by each manufacturer on the total weight of each specific model of video display device~~
 26.14 ~~sold to households, if provided; the total weight of video display devices sold to households;~~
 26.15 ~~the total weight of covered electronic devices collected from households that are recycled;~~
 26.16 ~~and data on phase I and phase II recycling credits, as required under section 115A.1316.~~
 26.17 ~~The department must use this data to review each manufacturer's annual registration fee~~
 26.18 ~~submitted to the department to ensure that the fee was calculated accurately.~~

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

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

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

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

26.29 ~~(c) The department must enforce section 115A.1314, subdivision 1. The audit, assessment,~~
 26.30 ~~appeal, collection, enforcement, disclosure, and other administrative provisions of chapters~~
 26.31 ~~270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to the fee~~
 26.32 ~~imposed under section 115A.1314, subdivision 1. To enforce section 115A.1314, subdivision~~
 26.33 ~~1, the commissioner of revenue may grant extensions to pay, and impose and abate penalties~~

27.1 ~~and interest on, the fee due under section 115A.1314, subdivision 1, in the manner provided~~
 27.2 ~~in chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.~~

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

27.7 **Sec. 8. [115A.1321] COVERED ELECTRONIC DEVICE WASTE COLLECTION**
 27.8 **AND RECYCLING ACCOUNT.**

27.9 Subdivision 1. Establishment of account. ~~The covered electronic device waste collection~~
 27.10 ~~and recycling account is established as a separate account in the environmental fund in the~~
 27.11 ~~state treasury. The commissioner of the Pollution Control Agency shall credit to the account~~
 27.12 ~~registration and operations fees paid by manufacturers under sections 115A.1314 and~~
 27.13 ~~115A.1319, and appropriations and transfers to the account. Earnings, such as interest,~~
 27.14 ~~dividends, and any other earnings arising from assets of the account, must be credited to~~
 27.15 ~~the account. Funds remaining in the account at the end of a fiscal year are not canceled to~~
 27.16 ~~the general fund, but remain in the account until expended. The commissioner of the Pollution~~
 27.17 ~~Control Agency shall manage the account.~~

27.18 Subd. 2. Expenditures. ~~Money in the account may be used only as follows:~~

27.19 (1) operations fees assessed under section 115A.1314, subdivision 2a, and the onetime
 27.20 advanced operations fee assessed in section 115A.1319 must be used only for the purposes
 27.21 specified in section 115A.1314, subdivision 2a, paragraph (c); and

27.22 (2) registration fees paid under section 115A.1314, subdivision 1, must be used to
 27.23 reimburse the agency's costs to administer and enforce sections 115A.1310 to 115A.1330.

27.24 Subd. 3. Appropriation. ~~Money in the account is appropriated to the commissioner for~~
 27.25 ~~the purposes of subdivision 2.~~

27.26 Sec. 9. Minnesota Statutes 2022, section 115A.1322, is amended to read:

27.27 **115A.1322 OTHER RECYCLING PROGRAMS.**

27.28 ~~A city, county, or other public agency may not require households to use public facilities~~
 27.29 ~~to recycle their covered electronic devices to the exclusion of other lawful programs available.~~
 27.30 ~~Cities, counties, and other public agencies, including those awarded contracts by the agency~~
 27.31 ~~under section 115A.1314, subdivision 2, are encouraged to work with manufacturers to~~
 27.32 ~~assist them in meeting their recycling obligations under section 115A.1318, subdivision 1.~~

28.1 Nothing in sections 115A.1310 to 115A.1330 prohibits or restricts the operation of any
 28.2 program recycling covered electronic devices in addition to those provided by manufacturers
 28.3 or prohibits or restricts any persons from receiving, collecting, transporting, or recycling
 28.4 covered electronic devices, provided that those persons are registered under section
 28.5 115A.1312.

28.6 Sec. 10. Minnesota Statutes 2022, section 115A.1324, is amended to read:

28.7 **115A.1324 REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.**

28.8 (a) The Department of Administration must ensure that acquisitions of ~~video display~~
 28.9 covered electronic devices under chapter 16C are in compliance with or not subject to
 28.10 sections 115A.1310 to 115A.1318.

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

28.14 (c) Any person awarded a contract under chapter 16C for purchase or lease of ~~video~~
 28.15 ~~display~~ covered electronic devices that is found to be in violation of paragraph (a) or sections
 28.16 115A.1310 to 115A.1318 is subject to the following sanctions:

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

28.20 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part
 28.21 1230.1150; and

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

28.26 Sec. 11. Minnesota Statutes 2022, section 115A.1326, is amended to read:

28.27 **115A.1326 REGULATING ~~VIDEO DISPLAY~~ COVERED ELECTRONIC**
 28.28 **DEVICES.**

28.29 If the United States Environmental Protection Agency adopts regulations under the
 28.30 Resource Conservation and Recovery Act regarding the handling, storage, or treatment of
 28.31 any type of ~~video display~~ covered electronic device being recycled, those regulations are
 28.32 automatically effective in this state on the same date and supersede any rules previously

29.1 adopted by the agency regarding the handling, storage, or treatment of all ~~video display~~
 29.2 covered electronic devices being recycled.

29.3 Sec. 12. Minnesota Statutes 2022, section 115A.1330, is amended to read:

29.4 **115A.1330 LIMITATIONS.**

29.5 Sections 115A.1310 to 115A.1330 expire if a federal law, or combination of federal
 29.6 laws, take effect that is applicable to all ~~video display~~ covered electronic devices sold in
 29.7 the United States and establish a program for the collection and recycling or reuse of ~~video~~
 29.8 ~~display~~ covered electronic devices that is applicable to all video display devices discarded
 29.9 by households.

29.10 Sec. 13. **115A.1331 DEFINITIONS.**

29.11 (a) For the purposes of sections 115A.1331 to 115A.1339, the following terms have the
 29.12 meanings given them.

29.13 (b) "Collector" means a public or private entity registered with the agency under section
 29.14 115A.1312 to collect or receive discarded electronics recyclables from a covered entity and
 29.15 arrange for their delivery to a transporter or recycler.

29.16 (c) "Covered entity" has the meaning given in section 115A.1310, subdivision 7a.

29.17 (d) "Electronics recyclables" means products that are powered by, generate, store, or
 29.18 conduct electricity. Electronics recyclables does not include:

29.19 (1) a covered electronic device, as defined in section 115A.1310, subdivision 7;

29.20 (2) electric vehicles, as defined in section 169.011, subdivision 26a;

29.21 (3) industrial machinery;

29.22 (4) major appliances;

29.23 (5) solar photovoltaic panels;

29.24 (6) real property or fixtures;

29.25 (7) lead acid batteries; or

29.26 (8) equipment used solely for medical purposes.

29.27 (e) "Manufacturer" means a person who:

29.28 (1) manufactures electronics recyclables to be sold under its own brand as identified by
 29.29 its own brand label; or

30.1 (2) sells electronics recyclables manufactured by others under its own brand as identified
30.2 by its own brand label.

30.3 (f) "Recycler" means a person registered with the agency under section 115A.1312 to
30.4 conduct recycling on electronics recyclables. Recycler does not mean a person whose sole
30.5 operation with respect to electronics recyclables is to manually dismantle them.

30.6 (g) "Recycling" means the process of:

30.7 (1) disassembling, dismantling, or shredding electronics recyclables in order to recover
30.8 certain materials; or

30.9 (2) salvaging components of electronics recyclables for use in new products; and

30.10 (3) delivering such materials or components for further processing or use.

30.11 Recycling does not include:

30.12 (i) the destruction by incineration or other process or land disposal of recyclable materials
30.13 retrieved from electronics recyclables;

30.14 (ii) reuse;

30.15 (iii) repair; or

30.16 (iv) any other process through which electronics recyclables are enabled to be reused in
30.17 their original form.

30.18 (h) "Refurbished" means a used electronics recyclable that was recycled or returned to
30.19 the manufacturer, then tested and, if necessary, repaired, by the manufacturer or a third
30.20 party before being sold again.

30.21 (i) "Retailer" means a person who offers electronics recyclables for sale in or into this
30.22 state. Retailer includes a:

30.23 (1) retailer maintaining a place of business in this state;

30.24 (2) marketplace provider maintaining a place of business in this state, as defined in
30.25 section 297A.66, subdivision 1, paragraph (a);

30.26 (3) retailer not maintaining a place of business in this state; and

30.27 (4) marketplace provider not maintaining a place of business in this state, as defined in
30.28 section 297A.66, subdivision 1, paragraph (b).

30.29 Retailer does not include a person whose sales of electronics recyclables in or into this state
30.30 in the immediately preceding calendar year was less than \$1,000.

31.1 (j) "Reuse" means:

31.2 (1) the repair, refurbishment, or enhancement of an electronics recyclable that enables
31.3 it to be offered for sale for the same purpose for which it was originally manufactured; or

31.4 (2) the offering for sale of a discarded electronics recyclable or any of its components
31.5 that have not undergone repair, refurbishment, or enhancement.

31.6 (k) "Transporter" means a person that transports discarded electronics recyclables from
31.7 a collector to a recycler.

31.8 **EFFECTIVE DATE.** This section is effective January 1, 2025.

31.9 Sec. 14. **[115A.1332] COLLECTOR AND RECYCLER REGISTRATION.**

31.10 No person may operate as a collector or recycler of electronics recyclables unless that
31.11 person has submitted a registration with the agency under section 115A.1312, subdivision
31.12 3 or 4, as applicable.

31.13 **EFFECTIVE DATE.** This section is effective July 1, 2025.

31.14 Sec. 15. **[115A.1335] RECYCLING FEE.**

31.15 (a) Except as provided in paragraph (b), on and after January 1, 2025, a recycling fee is
31.16 imposed on each retailer equal to 3.2 percent of the retail price to each electronics recyclable
31.17 it offers for sale in this state.

31.18 (b) A retailer is not subject to the fee imposed in paragraph (a) for the sale of a cell
31.19 phone, but is instead subject to a fee of \$0.90 for each cell phone sold. The fee imposed
31.20 under this paragraph is subject to paragraphs (c) to (f).

31.21 (c) A retailer may, but is not required to, collect the fee from the purchaser.

31.22 (d) If a retailer collects the fee from the purchaser, the retailer must show the total of
31.23 the retail recycling fee as a separate item and distinct from the sales price and any other
31.24 taxes or fees imposed on the retail purchase on the purchaser's receipt, invoice, or other bill
31.25 of sale. The receipt, invoice, or other bill of sale must state the retail delivery fee as
31.26 "electronic waste recycling fee."

31.27 (e) The fee required under this section may not be applied to previously owned or
31.28 refurbished electronics recyclables.

32.1 (f) Beginning January 1, 2025, a retailer must remit the recycling fee for each electronics
 32.2 recyclable sold in this state to the commissioner monthly in a manner, and accompanied by
 32.3 a form, prescribed by the commissioner.

32.4 **EFFECTIVE DATE.** This section is effective January 1, 2025.

32.5 Sec. 16. **[115A.1336] ELECTRONIC WASTE RECYCLING ACCOUNT.**

32.6 Subdivision 1. **Establishment of account.** An electronic waste recycling account is
 32.7 established in the special revenue fund in the state treasury. The commissioner shall credit
 32.8 to the account recycling fees remitted to the agency by retailers under section 115A.1335,
 32.9 and appropriations and transfers to the account. Earnings, such as interest, dividends, and
 32.10 any other earnings arising from assets of the account, must be credited to the account. Funds
 32.11 remaining in the account at the end of a fiscal year are not canceled to the general fund, but
 32.12 remain in the account until expended. The commissioner shall manage the account. Money
 32.13 in the account is appropriated to the commissioner to administer the electronic waste
 32.14 recycling program under sections 115A.1331 to 115A.1342.

32.15 Subd. 2. **Use of funds.** (a) Of the amount in the account, beginning in fiscal year 2025
 32.16 and continuing through fiscal year 2028, the commissioner shall allocate \$1,000,000 each
 32.17 year for the purpose of awarding grants under section 115A.1342 and to reimburse the
 32.18 agency for its costs to administer that section. Unexpended funds for this purpose remain
 32.19 available for this purpose until June 30, 2028, at which point they become available for
 32.20 other purposes in this subdivision.

32.21 (b) \$420,000 is to be used for the study required under section 23.

32.22 (c) The balance of the account is to be used to:

32.23 (1) reimburse the costs of collectors under the electronic waste recycling program; and

32.24 (2) reimburse the reasonable costs of the agency to administer and enforce sections
 32.25 115A.1331 to 115A.1340, which costs may not exceed three percent of the balance in the
 32.26 account at the end of the month in which the agency submits a reimbursement request,
 32.27 excluding the amounts set aside for the purposes of paragraphs (a) and (b).

32.28 Subd. 3. **Financial reserve limit.** (a) The commissioner must not maintain a financial
 32.29 reserve in the account established under this section in excess of 75 percent of the agency's
 32.30 average annual expenses required to implement sections 115A.1331 to 115A.1342.

32.31 (b) If the financial reserve at any time exceeds 75 percent of the agency's annual expenses
 32.32 to implement sections 115A.1331 to 115A.1342, the commissioner must reduce the recycling

33.1 fee established in section 115A.1335 for the following year to a level that results in
 33.2 compliance with this subdivision.

33.3 Subd. 4. **Appropriation.** Money in the account is appropriated to the commissioner for
 33.4 the purposes of subdivision 2.

33.5 **EFFECTIVE DATE.** This section is effective January 1, 2025.

33.6 Sec. 17. **[115A.1337] DISPOSITION OF RECYCLING FEES.**

33.7 Subdivision 1. **Collectors' invoices.** Beginning in the second quarter of 2025, and
 33.8 continuing quarterly thereafter, a collector must submit to the commissioner, on a form and
 33.9 in a manner prescribed by the commissioner, information and supporting material
 33.10 documenting the following costs incurred to collect electronics recyclables during the
 33.11 previous quarter to conduct activities under sections 115A.1331 to 115A.1340:

33.12 (1) the costs of collecting electronics recyclables which are transported for recycling;

33.13 (2) the costs of transporting electronics recyclables to recyclers, as evidenced by invoices
 33.14 from transporters; and

33.15 (3) recycling costs paid by collectors to recyclers of electronics recyclables, as evidenced
 33.16 by invoices from recyclers.

33.17 Subd. 2. **Agency review; reimbursement.** (a) The commissioner must review the
 33.18 information submitted by collectors under subdivision 1. The commissioner may request
 33.19 additional information or documentation from a collector.

33.20 (b) In determining the reasonableness of the cost information submitted by a collector
 33.21 under subdivision 1, the commissioner must compare the reported costs of collection,
 33.22 transportation, and recycling with those of other collectors, including collectors operating
 33.23 in the same geographic region, and must consider the extent to which significant deviations
 33.24 from the average cost are justified as a result of low population density, distance to recyclers,
 33.25 or other relevant factors.

33.26 (c) The commissioner may accept, reject, or modify the requested cost reimbursement
 33.27 amount submitted by a collector, and must provide a collector with written notice of the
 33.28 reasons for any rejection or modification of the collector's requested cost reimbursement
 33.29 amount.

33.30 (d) Reimbursements to collectors for collection activities under this subdivision must
 33.31 be made only for the amount of collected electronics recyclables that is transported to a
 33.32 recycler.

34.1 (e) During the last week of each quarter, the commissioner shall reimburse the collector
 34.2 for costs incurred during the previous quarter that the commissioner determines to be
 34.3 reasonable, plus an additional payment of \$0.90 per pound of electronics recyclables recycled.

34.4 (f) A person registered as both a collector and a recycler under section 115A.1312 may
 34.5 not be reimbursed for collection costs with respect to any electronics recyclables recycled
 34.6 by the person, although the person is eligible to receive the \$0.90 per pound additional
 34.7 payment required under paragraph (e) for all electronics recyclables collected by that person
 34.8 that are recycled by that person or other recyclers.

34.9 (g) A transporter or recycler may not charge or accept payment from any person except
 34.10 a collector for transporting, recycling, or otherwise handling electronics recyclables.

34.11 (h) Except as provided in paragraph (i), a collector must be compensated for the costs
 34.12 of collecting, transporting, and recycling electronics recyclables under sections 115A.1331
 34.13 to 115A.1338 solely from reimbursements made by the commissioner from the proceeds
 34.14 of the recycling fee imposed in section 115A.1335.

34.15 (i) A collector may be compensated by a private individual for services associated with
 34.16 collecting and recycling electronics recyclables but which are not required under sections
 34.17 115A.1331 to 115A.1338, including but not limited to:

34.18 (1) collecting electronics recyclables from a private individual's home or business;

34.19 (2) data destruction services; and

34.20 (3) agreeing to be present at an electronics recyclables collection event hosted by a
 34.21 sponsor at a location other than a permanent collection site.

34.22 A collector may not be reimbursed by the commissioner from the proceeds of the recycling
 34.23 fee for services described in this paragraph.

34.24 **EFFECTIVE DATE.** This section is effective July 1, 2025.

34.25 **Sec. 18. [115A.1338] RESPONSIBILITIES.**

34.26 **Subdivision 1. Collector responsibilities.** (a) Collection sites must be staffed and open
 34.27 to the public at times convenient and of sufficient duration to meet the needs of the area
 34.28 being served.

34.29 (b) A collector may:

34.30 (1) refuse to accept any specific type of electronics recyclable; and

35.1 (2) limit the number or type of electronics recyclables accepted per customer per day or
35.2 per delivery.

35.3 (c) By July 15 each year, a collector of electronics recyclables must report to the agency
35.4 the total weight of electronics recyclables collected during the preceding calendar year.

35.5 Subd. 2. **Recycler responsibilities.** A recycler sent electronics recyclables by a collector:

35.6 (1) may not charge a collector for transporting, recycling, or any necessary supplies
35.7 related to transporting or recycling electronics recyclables, unless the charge is mutually
35.8 agreed upon; and

35.9 (2) must submit a written report annually to the commissioner, at a time determined by
35.10 the commissioner, specifying the total weight of electronics recyclables received from each
35.11 collector during the previous year.

35.12 Subd. 3. **Retailer responsibilities.** A retailer who sells electronics recyclables must
35.13 provide information to purchasers of those products describing:

35.14 (1) how electronics recyclables may be recycled;

35.15 (2) opportunities and locations for the convenient collection of electronics recyclables
35.16 for the purpose of recycling; and

35.17 (3) the fee for the operation of the program that is included in the purchase price of
35.18 electronics recyclables sold in this state.

35.19 Subd. 4. **Agency responsibilities** (a) The commissioner must, in consultation with the
35.20 Electronics Recyclables Advisory Committee established in section 115A.1341, collectors,
35.21 and recyclers, annually review the amount of the recycling fee established under section
35.22 115A.1335 and the additional payment required under section 115A.1337 to ensure that
35.23 revenue collected to reimburse collectors for collection, transportation, and recycling costs
35.24 approved by the commissioner under section 115A.1337 and to reimburse the agency for
35.25 the costs of administering and enforcing sections 115A.1331 to 115A.1342, is sufficient
35.26 but not excessive. The commissioner may adjust the amount of the recycling fee or additional
35.27 payment after considering:

35.28 (1) current and projected sales of electronics recyclables in this state;

35.29 (2) current and projected collection rates of electronics recyclables discarded in this
35.30 state;

35.31 (3) the costs of collecting, transporting, and recycling electronics recyclables in this
35.32 state; and

36.1 (4) the agency's costs of administering and enforcing sections 115A.1331 to 115A.1342.

36.2 (b) In order to ensure the most efficient use of recycling fees, the commissioner shall
36.3 encourage, and may require, collectors operating in nearby areas to consolidate what would
36.4 otherwise be smaller separate shipments of electronics recyclables to recyclers.

36.5 (c) The agency shall enforce sections 115A.1331 to 115A.1339 in the manner provided
36.6 by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072. The agency may revoke a
36.7 registration of a collector or recycler found to have violated sections 115A.1331 to
36.8 115A.1338.

36.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

36.10 Sec. 19. **[115A.1339] REPORTING.**

36.11 No later than July 1, 2026, and by each July 1 thereafter, the agency must submit a
36.12 written report to the chairs and ranking minority members of the senate and house of
36.13 representatives committees with primary jurisdiction over environmental policy and finance
36.14 on the operation of the electronic waste recycling program under sections 115A.1331 to
36.15 115A.1339. The report must include, at a minimum:

36.16 (1) the total weight of electronics recyclables collected during the previous year, by
36.17 collector and county;

36.18 (2) the total weight of electronics recyclables transported for recycling during the previous
36.19 year, by collector and county;

36.20 (3) total recycling fees deposited into the electronic waste recycling account;

36.21 (4) total reimbursements paid to collectors from the electronic waste recycling account;

36.22 (5) impacts of the electronic waste recycling program on the number or location of
36.23 collectors;

36.24 (6) suggested changes to improve the efficiency and effectiveness of the electronic waste
36.25 recycling program; and

36.26 (7) any other information about program operations or other issues the agency deems
36.27 relevant.

36.28 **EFFECTIVE DATE.** This section is effective July 1, 2025.

37.1 **Sec. 20. [115A.1340] OTHER RECYCLING PROGRAMS.**

37.2 A city, county, or other public agency may not require purchasers of electronics
 37.3 recyclables to use public facilities to recycle electronics recyclables to the exclusion of other
 37.4 lawful programs available. Nothing in sections 115A.1331 to 115A.1338 prohibits or restricts
 37.5 the operation of any program recycling electronics recyclables in addition to those operated
 37.6 under sections 115A.1331 to 115A.1338 or prohibits or restricts any persons from receiving,
 37.7 collecting, transporting, or recycling electronics recyclables, provided that those persons
 37.8 are registered under section 115A.1312.

37.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

37.10 **Sec. 21. [115A.1341] ELECTRONICS RECYCLABLES ADVISORY COMMITTEE.**

37.11 Subdivision 1. **Establishment; members.** (a) The commissioner of the Pollution Control
 37.12 Agency shall, no later than October 1, 2024, establish and appoint an Electronics Recyclables
 37.13 Advisory Committee consisting of 11 members appointed as follows:

37.14 (1) one representative from each of two different sites operated by a public entity where
 37.15 electronics recyclables are collected for recycling;

37.16 (2) one representative from each of two different sites operated by a private entity where
 37.17 electronics recyclables are collected for recycling;

37.18 (3) one representative from each of two different Tribal environmental services
 37.19 organizations;

37.20 (4) one representative of a recycler of covered electronic devices, as defined in section
 37.21 115A.1310, subdivision 7a;

37.22 (5) one representative of a recycler of electronics recyclables;

37.23 (6) one representative from each of two different environmental nonprofit organizations;

37.24 and

37.25 (7) one representative from the public at-large.

37.26 (b) In appointing members to the advisory committee, the commissioner shall:

37.27 (1) appoint a laborer as one of the representatives from a public or private collection
 37.28 site;

37.29 (2) not appoint a person who is a lobbyist registered under section 10A.03;

37.30 (3) appoint no more than seven members of the advisory committee who reside within
 37.31 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington Counties; and

38.1 (4) endeavor to appoint members representing all regions of the state.

38.2 Subd. 2. **Duties.** The advisory committee shall recommend to the commissioner, based
38.3 on information it has gathered from collectors, recyclers, electronics manufacturers,
38.4 environmental organizations, and members of the public, modifications in the programs
38.5 operated under sections 115A.1310 to 115A.1338, including the level of the recycling fee
38.6 established under section 155A.1335 and the additional payment required under section
38.7 115A.1334, that would make the programs more efficient, less costly, or increase the amount
38.8 of covered electronic devices and electronics recyclables collected and recycled.

38.9 Subd. 3. **Administration.** (a) The advisory committee shall elect a chair by majority
38.10 vote at its initial meeting. The advisory committee shall meet quarterly. Additional meetings
38.11 may be held at the call of the chair.

38.12 (b) The Pollution Control Agency shall serve as staff to the advisory committee.

38.13 Sec. 22. **[115A.1342] ELECTRONICS RECYCLER AIR QUALITY IMPROVEMENT**
38.14 **GRANT PROGRAM.**

38.15 Subdivision 1. **Definition.** For the purposes of this section, "eligible applicant" means
38.16 a recycler located in Minnesota who is participating in recycling programs operating under
38.17 sections 115A.1310 to 115A.1337.

38.18 Subd. 2. **Establishment.** An electronics recycler air quality grant program is established
38.19 in the Pollution Control Agency to assist eligible applicants to purchase and install equipment
38.20 to improve air quality within or outside the recycling facilities.

38.21 Subd. 3. **Application and award process.** (a) To be considered for a grant under this
38.22 section, an eligible applicant must file a written application with the commissioner on a
38.23 form developed by the commissioner.

38.24 (b) The commissioner shall act as fiscal agent for the grant program, and shall develop
38.25 administrative procedures to evaluate the application, evaluation, and grant award processes.

38.26 (c) The commissioner shall award grants on a first-come, first-served basis.

38.27 (d) Grants may be awarded to an eligible applicant for:

38.28 (1) equipment that improves indoor air quality in a facility operating a shredder or
38.29 smelter;

38.30 (2) equipment that improves outdoor air quality in a facility operating a smelter; or

39.1 (3) forklifts that operate solely on electricity that replace forklifts operating solely on a
39.2 fossil fuel.

39.3 Subd. 4. **Grant amounts.** A grant awarded under this section may not exceed the lesser
39.4 of 90 percent of the purchase and installation costs of the applicable equipment or \$500,000.

39.5 Subd. 5. **Expiration.** This section expires June 30, 2028.

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

39.7 Sec. 23. **ELECTRONICS RECYCLING STUDY.**

39.8 (a) The commissioner of the Pollution Control Agency shall contract with an independent
39.9 third party to conduct a study that examines the barriers to electronics recycling and
39.10 recommends ways those barriers may be overcome. The study must, at a minimum, address:

39.11 (1) the status of end markets for materials recovered from electronics recycling;

39.12 (2) information regarding the toxicity of materials recovered from electronics recycling;

39.13 (3) ways to promote worker safety in facilities that recycle electronics;

39.14 (4) opportunities and methods to recover precious metals from electronic recycling
39.15 processes;

39.16 (5) measures to reduce emissions of greenhouse gases from electronic recycling facilities;

39.17 and

39.18 (6) how changes in product design that increase the recyclability of electronics products
39.19 can be encouraged.

39.20 (b) No later than March 1, 2025, the commissioner shall submit a written report containing
39.21 the findings and recommendations of the study to the chairs and ranking minority members
39.22 of the senate and house of representatives committees with primary responsibility over
39.23 recycling.

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

39.25 Sec. 24. **REPEALER.**

39.26 Minnesota Statutes 2022, section 115A.1316, subdivisions 1, 2, and 3, are repealed.

115A.1316 REPORTING REQUIREMENTS.

Subdivision 1. **Manufacturer reporting requirements.** (a) By March 1 each year, each manufacturer must report to the agency using the form prescribed:

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

(2) either:

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

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

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

(b) By August 15 each year, each manufacturer must report to the agency:

(1) the total weight of covered electronic devices the manufacturer collected from households and recycled or arranged to have collected and recycled during the preceding program year;

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

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

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

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

Subd. 2. **Recycler reporting requirements.** (a) By July 15 each year, a recycler of covered electronic devices must report to the agency:

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

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

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

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

Subd. 3. **Collector reporting requirements.** By July 15 each year, a collector must report separately to the agency using the form prescribed by the commissioner:

(1) the total pounds of covered electronic devices collected in the state;

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

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