

A bill for an act

relating to environment; modifying electronic device recycling requirements; amending Minnesota Statutes 2010, sections 115A.1310; 115A.1312; 115A.1314, subdivision 1; 115A.1316; 115A.1318; 115A.1320; 115A.1322; 115A.1324; 115A.1326; 115A.1330.

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

Section 1. Minnesota Statutes 2010, section 115A.1310, is amended to read:

115A.1310 DEFINITIONS.

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

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

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

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

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

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

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, ~~peripherals, facsimile machines~~ printers, digital video recorders (DVR's), DVD players, ~~video cassette recorders,~~ and video display devices that are sold to a household by means of retail, wholesale, or electronic commerce.

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

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

Subd. 9a. **Eligible electronic device.** "Eligible electronic device" means covered electronic devices, peripherals, facsimile machines, and video cassette recorders.

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

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

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

(2) sells ~~video display~~ covered electronic devices manufactured by others under its own brand as identified by its own brand label.

Subd. 12. **Peripheral.** "Peripheral" means a keyboard, ~~printer~~ mouse, external hard drive, modems, speakers, or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.

Subd. 12a. **Printer.** "Printer" means a desktop printer or a device that prints and may have other functions, including copying, scanning, or sending facsimiles, and that is designed to be placed on a work surface that is marketed by the manufacturer for use by households.

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

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

Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing ~~video display devices or covered electronic~~ eligible electronics devices for use in manufacturing processes or for recovery of usable materials followed by delivery of such

materials for use. Recycling does not include the destruction by incineration or other process or land disposal of recyclable materials nor reuse, repair, or any other process through which ~~video display devices or covered~~ eligible electronic devices are returned to use for households in their original form.

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

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

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

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

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

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

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

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

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

Sec. 2. Minnesota Statutes 2010, section 115A.1312, is amended to read:

115A.1312 REGISTRATION PROGRAM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 3. Collector's registration. After August 1, 2007, no person may operate as a collector of ~~covered~~ eligible electronic devices from households unless that person has submitted a registration with the agency on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location

of the business and a certification that the collector has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registration is effective upon receipt by the agency and is valid until July 1 of each year.

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

Sec. 3. Minnesota Statutes 2010, section 115A.1314, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

(c) If, as specified in paragraph (b), the term C - (A x B) equals a positive number of pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer may retain recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, ~~during for any of the three succeeding~~ program ~~year~~ years, provided that no more than ~~25~~ 20 percent of a manufacturer's obligation (A x B) for any program year may be met with recycling credits generated in a prior program year. A manufacturer may sell any portion or all of its recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

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

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

Sec. 4. Minnesota Statutes 2010, section 115A.1316, is amended to read:

115A.1316 REPORTING REQUIREMENTS.

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

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

(2) the total weight of its ~~video display~~ covered electronic devices sold to households during the previous program year; or

(3) an estimate of the total weight of its ~~video display~~ covered electronic devices sold to households during the previous program year, calculated by multiplying the weight of its ~~video display~~ covered electronic devices sold nationally times the quotient of Minnesota's population divided by the national population.

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

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

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

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

(2) the number of 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

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

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

Subd. 3. **Collector's reporting requirements.** By August 1 of each year, beginning in 2008, a collector must report separately to the agency the total pounds of ~~covered~~ eligible electronic devices collected in the counties specified in section 115A.1314, subdivision 1, paragraph (d), and all other Minnesota counties, and a list of all recyclers to whom collectors delivered covered electronic devices.

Sec. 5. Minnesota Statutes 2010, section 115A.1318, is amended to read:

115A.1318 RESPONSIBILITIES.

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

(b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of ~~covered~~ eligible electronic devices equal to the total weight of its ~~video display~~ covered electronic devices sold to households during the ~~preceding~~ previous

9.1 program year, multiplied by the proportion of sales of ~~video display~~ covered electronic
9.2 devices required to be recycled, as established by the agency under section 115A.1320,
9.3 subdivision 1, paragraph (c).

9.4 (c) The obligations of a manufacturer apply only to ~~video~~ eligible electronic display
9.5 devices received from households and do not apply to ~~video display~~ eligible electronic
9.6 devices received from sources other than households.

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

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

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

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

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

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

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

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

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

9.31 Subd. 3. **Retailer's responsibilities.** A retailer who sells new ~~video display~~ covered
9.32 electronic devices shall provide information to households describing where and how they
9.33 may recycle ~~video display~~ covered electronic devices and advising them of opportunities
9.34 and locations for the convenient collection of ~~video display~~ covered electronic devices
9.35 for the purpose of recycling. This requirement may be met by providing to households
9.36 the agency's toll-free number and Web site address. Retailers selling through catalogs

10.1 or the Internet may meet this requirement by including the information in a prominent
10.2 location on the retailer's Web site.

10.3 Sec. 6. Minnesota Statutes 2010, section 115A.1320, is amended to read:

10.4 **115A.1320 AGENCY AND DEPARTMENT DUTIES.**

10.5 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections
10.6 115A.1310 to 115A.1330.

10.7 (b) The agency shall establish procedures for:

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

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

10.12 (c) The agency shall annually review the value of the following variables that are
10.13 part of the formula used to calculate a manufacturer's annual registration fee under section
10.14 115A.1314, subdivision 1:

10.15 (1) the proportion of sales of ~~video display~~ covered electronic devices sold to
10.16 households that manufacturers are required to recycle;

10.17 (2) the estimated per-pound price of recycling ~~covered~~ eligible electronic devices
10.18 sold to households;

10.19 (3) the base registration fee; and

10.20 (4) the multiplier established for the weight of ~~covered~~ eligible electronic devices
10.21 collected in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that
10.22 any of these values must be changed in order to improve the efficiency or effectiveness
10.23 of the activities regulated under sections 115A.1312 to 115A.1330 or if the revenues in
10.24 the account exceed the amount that the agency determines is necessary, the agency shall
10.25 submit recommended changes and the reasons for them to the chairs of the senate and
10.26 house of representatives committees with jurisdiction over solid waste policy.

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

10.31 (e) The agency shall manage the account established in section 115A.1314,
10.32 subdivision 2. If the revenues in the account exceed the amount that the agency determines
10.33 is necessary for efficient and effective administration of the program, including any
10.34 amount for contingencies, the agency must recommend to the legislature that the base
10.35 registration fee, the proportion of sales of ~~video display~~ covered electronic devices

required to be recycled, or the estimated per pound cost of recycling established under section 115A.1314, subdivision 1, paragraph (b), or any combination thereof, be lowered in order to reduce revenues collected in the subsequent program year by the estimated amount of the excess.

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

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

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

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

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

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

Subd. 2. Duties of the department. (a) The department must collect the data submitted to it annually by each manufacturer on the total weight of each specific model of ~~video display~~ covered electronic device sold to households, if provided; the total weight of ~~video display~~ covered electronic devices sold to households; the total weight of ~~covered~~ eligible electronic devices collected from households that are recycled; and data on recycling credits, as required under section 115A.1316. The department must

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

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

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

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

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

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

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

Sec. 7. Minnesota Statutes 2010, section 115A.1322, is amended to read:

115A.1322 OTHER RECYCLING PROGRAMS.

A city, county, or other public agency may not require households to use public facilities to recycle their ~~covered~~ eligible electronic devices to the exclusion of other lawful programs available. Cities, counties, and other public agencies, including those awarded contracts by the agency under section 115A.1314, subdivision 2, are encouraged to work with manufacturers to assist them in meeting their recycling obligations under section 115A.1318, subdivision 1. Nothing in sections 115A.1310 to 115A.1330 prohibits or restricts the operation of any program recycling covered electronic devices in addition

13.1 to those provided by manufacturers or prohibits or restricts any persons from receiving,
13.2 collecting, transporting, or recycling covered electronic devices, provided that those
13.3 persons are registered under section 115A.1312.

13.4 Sec. 8. Minnesota Statutes 2010, section 115A.1324, is amended to read:

13.5 **115A.1324 REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.**

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

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

13.12 (c) Any person awarded a contract under chapter 16C for purchase or lease of video
13.13 display devices that is found to be in violation of paragraph (a) or sections 115A.1310 to
13.14 115A.1318 is subject to the following sanctions:

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

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

13.20 (3) if the attorney general establishes that any money, property, or benefit was
13.21 obtained by a contractor as a result of violating paragraph (a) or sections 115A.1310 to
13.22 115A.1318, the court may, in addition to any other remedy, order the disgorgement of the
13.23 unlawfully obtained money, property, or benefit.

13.24 Sec. 9. Minnesota Statutes 2010, section 115A.1326, is amended to read:

13.25 **115A.1326 REGULATION OF VIDEO DISPLAY DEVICES.**

13.26 If the United States Environmental Protection Agency adopts regulations under the
13.27 Resource Conservation and Recovery Act regarding the handling, storage, or treatment of
13.28 any type of ~~video display~~ eligible electronic device being recycled, those regulations are
13.29 automatically effective in this state on the same date and supersede any rules previously
13.30 adopted by the agency regarding the handling, storage, or treatment of all ~~video display~~
13.31 eligible electronic devices being recycled.

14.1 Sec. 10. Minnesota Statutes 2010, section 115A.1330, is amended to read:

14.2 **115A.1330 LIMITATIONS.**

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