

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1237

(SENATE AUTHORS: HIGGINS)

DATE	D-PG	OFFICIAL STATUS
04/18/2011	1390	Introduction and first reading Referred to Environment and Natural Resources

1.1 A bill for an act  
1.2 relating to environment; modifying electronic device recycling requirements;  
1.3 amending Minnesota Statutes 2010, sections 115A.1310, subdivisions 7, 20;  
1.4 115A.1312, subdivision 2; 115A.1314, subdivision 1.  
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 115A.1310, subdivision 7, is amended to  
1.7 read:

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

1.12 Sec. 2. Minnesota Statutes 2010, section 115A.1310, subdivision 20, is amended to  
1.13 read:

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

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

1.22 (2) a video display device, including a touch-screen display, that is functionally or  
1.23 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 inches measured diagonally.

Sec. 3. Minnesota Statutes 2010, section 115A.1312, subdivision 2, is amended to read:

Subd. 2. **Manufacturer's registration.** (a) A manufacturer of ~~video display devices~~ 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 devices offered for sale the previous program year 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 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 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 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 devices to households.

(d) A registration must be updated within ten days after a change in the manufacturer's brands of video display 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.

Sec. 4. 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 devices~~ 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 devices~~ 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 devices~~ 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~~ 0.9;

(3) C = the number of pounds of covered 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 ( $A \times B$ ); \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the product ( $A \times B$ ); and \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the product ( $A \times B$ ).

(c) If, as specified in paragraph (b), the term  $C - (A \times B)$  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 any succeeding program year, provided that no more than 25 percent of a manufacturer's obligation ( $A \times B$ ) 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 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 devices for sale annually to households is \$1,250.