

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 1940**

(SENATE AUTHORS: SENJEM)

DATE  
03/08/2017

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1187 Introduction and first reading  
Referred to Taxes

OFFICIAL STATUS

1.1 A bill for an act  
 1.2 relating to taxation; solid waste management; requiring a rebate of the solid waste  
 1.3 management tax for materials removed from the waste stream for recycling,  
 1.4 composting, or reuse; appropriating money; proposing coding for new law in  
 1.5 Minnesota Statutes, chapter 297H.

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

1.7 Section 1. **[297H.075] REFUND FOR RECYCLED AND REUSED MATERIALS.**

1.8 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
 1.9 the meanings given them.

1.10 (b) "Compostable materials" has the meaning given to "source-separated compostable  
 1.11 materials" in section 115A.03, subdivision 32a, clause (3).

1.12 (c) "Recyclable materials" has the meaning given in section 115A.03, subdivision 25a.

1.13 (d) "Waste processing facility" means a facility that manually or mechanically separates  
 1.14 from mixed municipal solid waste recyclable materials and residuals which are then recycled  
 1.15 or reused.

1.16 (e) "Waste-to-energy facility" means a facility that produces refuse-derived fuel, as  
 1.17 defined in section 115A.03, subdivision 28, or a resource recovery facility, as defined in  
 1.18 section 115A.03, subdivision 28.

1.19 Subd. 2. **Reporting.** (a) By February 1, 2018, and each February 1 thereafter, an owner  
 1.20 or operator of a waste processing facility or waste-to-energy facility shall report to the  
 1.21 commissioner of revenue, on a form prescribed by the commissioner of revenue, the  
 1.22 following information for the previous calendar year:

2.1 (1) the number of tons of recyclable materials manually or mechanically separated from  
2.2 mixed municipal solid waste that are recycled;

2.3 (2) the number of tons of residuals manually or mechanically separated from mixed  
2.4 municipal solid waste that are reused;

2.5 (3) the number of tons of recyclable materials recovered from combustor ash generated  
2.6 at a waste-to-energy facility that are recycled;

2.7 (4) the number of tons of combustor ash generated at a waste-to-energy facility that is  
2.8 utilized in road construction or another approved use;

2.9 (5) the number of tons of compostable materials manually or mechanically separated  
2.10 from mixed municipal solid waste that are subsequently composted or processed in an  
2.11 anaerobic digester and then composted; and

2.12 (6) the tipping fee in effect at the waste processing facility or waste-to-energy facility  
2.13 during the previous calendar year.

2.14 (b) The information in paragraph (a), clauses (1) to (5), is to be reported separately for  
2.15 each clause and separately with respect to the tons of materials that are separated from waste  
2.16 from commercial generators and waste from residential generators.

2.17 Subd. 3. **Refund calculation.** (a) Based on the information submitted in subdivision 2,  
2.18 the commissioner of revenue shall by April 15, 2018, and each April 15 thereafter, pay a  
2.19 refund of the tax paid under this chapter to each operator of a waste processing facility or  
2.20 waste-to-energy facility reporting under that subdivision that is equal to the sum of:

2.21 (1) tons reported in subdivision 2, paragraph (a), clauses (1) to (5), of materials separated  
2.22 from waste from commercial generators, multiplied by the rate of the tax due under this  
2.23 chapter for a commercial generator of mixed municipal solid waste, multiplied by the tipping  
2.24 fee in effect at the waste processing facility or waste-to-energy facility during the previous  
2.25 calendar year; plus

2.26 (2) tons reported in subdivision 2, paragraph (a), clauses (1) to (5), of materials separated  
2.27 from waste from residential generators, multiplied by the rate of the tax due under this  
2.28 chapter for a residential generator of mixed municipal solid waste, multiplied by the tipping  
2.29 fee in effect at the waste processing facility or waste-to-energy facility during the previous  
2.30 calendar year.

2.31 (b) The amount necessary to pay the refunds under this section is appropriated to the  
2.32 commissioner of revenue from the general fund.

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