

**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02/20/2024	11677	Withdrawn and re-referred to Environment, Climate, and Legacy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, section 115A.121; proposing coding for new

1.5 law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 2022,

1.6 sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 12b, 12c,

1.7 13, 14, 15, 17, 18, 19, 20; 115A.1312; 115A.1314; 115A.1316; 115A.1318;

1.8 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328;

1.9 115A.1330.

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

1.11 Section 1. Minnesota Statutes 2022, section 115A.121, is amended to read:

1.12 **115A.121 TOXICS AND POLLUTION PREVENTION EVALUATION;**

1.13 **CONSOLIDATED REPORT.**

1.14 The commissioner shall prepare and adopt a report on pollution prevention activities

1.15 required in chapters 115A, 115D, and 325E. ~~The report must include activities required~~

1.16 ~~under section 115A.1320.~~ The commissioner must submit the report to the senate and house

1.17 of representatives committees having jurisdiction over environment and natural resources

1.18 by December 31, 2013, and every four years thereafter.

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

1.20 Sec. 2. **[115A.1331] DEFINITIONS.**

1.21 (a) For the purposes of sections 115A.1331 to 115A.1340, the following terms have the

1.22 meanings given.

2.1 (b) "Collector" means a public or private entity registered with the agency under section
2.2 115A.1332 to collect or receive discarded electronics recyclables and arrange for their
2.3 delivery to a transporter or recycler.

2.4 (c) "Electronics recyclable" means a product that is powered by, generates, stores, or
2.5 conducts electricity. Electronics recyclable does not include:

2.6 (1) an electric vehicle, as defined in section 169.011, subdivision 26a;

2.7 (2) industrial machinery;

2.8 (3) a major appliance;

2.9 (4) a solar photovoltaic panel;

2.10 (5) real property or fixtures; or

2.11 (6) a lead-acid battery.

2.12 (d) "Manufacturer" means a person who:

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

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

2.17 (e) "Recycle":

2.18 (1) means to:

2.19 (i) disassemble, dismantle, or shred electronics recyclables to recover certain materials
2.20 or salvage components of electronics recyclables for use in new products; and

2.21 (ii) deliver the materials or components for further processing or use; and

2.22 (2) does not include:

2.23 (i) the destroying by incineration or other process or land disposal of recyclable materials
2.24 retrieved from electronics recyclables;

2.25 (ii) reuse;

2.26 (iii) repair; or

2.27 (iv) any other process through which electronics recyclables prepared to be reused in
2.28 their original form.

3.1 (f) "Recycler" means a person registered with the agency under section 115A.1333 to
3.2 conduct recycling on electronics recyclables. Recycler does not mean a person whose sole
3.3 operation with respect to electronics recyclables is to manually dismantle them.

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

3.7 (h) "Retailer" means a person who offers an electronics recyclable for sale in the state.
3.8 Retailer does not include:

3.9 (1) a person who exclusively offers for sale in the state electronics recyclables whose
3.10 purchase price does not exceed \$30; or

3.11 (2) a person whose sales of electronics recyclables in the state in the preceding calendar
3.12 year was less than \$.....

3.13 (i) "Reuse" means:

3.14 (1) repairing, refurbishing, or enhancing an electronics recyclable so that it can be offered
3.15 for sale for the same purpose for which it was originally manufactured; or

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

3.18 (j) "Transporter" means a person that transports discarded electronics recyclables from
3.19 a collector to a recycler.

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

3.21 **Sec. 3. [115A.1332] COLLECTOR REGISTRATION.**

3.22 (a) A person may not operate as a collector of electronics recyclables unless the person
3.23 registers with the agency by July 15 each year on a form prescribed by the commissioner.
3.24 Registration information must include certification that the collector has complied and will
3.25 continue to comply with sections 115A.1331 to 115A.1340 and any regulations adopted by
3.26 a local government unit in the jurisdiction in which the collector operates. Registration is
3.27 effective upon receipt by the agency and is valid until July 15 each year.

3.28 (b) The commissioner may deny or revoke a registration under this section if the
3.29 commissioner determines that an excessive number of collectors would or does exist in a
3.30 given geographical area such that, based on the area's population and the expected level of
3.31 electronics recyclables to be collected from the area, the number of collectors is likely to
3.32 put at risk the economic viability of one or more collectors in that area.

4.1 (c) A person registered as a collector under this section may also register as a recycler
4.2 under section 115A.1333 if the person conducts both activities.

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

4.4 Sec. 4. **[115A.1333] RECYCLER REGISTRATION.**

4.5 A person may not operate as a recycler of electronics recyclables unless the person
4.6 registers with the agency by July 15 each year on a form prescribed by the commissioner.
4.7 Registration information must include certification that the collector:

4.8 (1) has complied and will continue to comply with sections 115A.1331 to 115A.1340;

4.9 (2) has complied and will continue to comply with all applicable health, environmental,
4.10 safety, and financial responsibility regulations;

4.11 (3) is licensed by all applicable governmental authorities;

4.12 (4) uses no prison labor to recycle electronics recyclables; and

4.13 (5) possesses liability insurance of not less than \$1,000,000 for environmental releases,
4.14 accidents, and other emergencies.

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

4.16 Sec. 5. **[115A.1334] DENIAL OF REGISTRATION.**

4.17 The commissioner may deny a registration under section 115A.1332 or 115A.1333 if
4.18 the collector, the recycler, or an employee or officer of the collector or recycler has, as
4.19 determined by the commissioner, a history of:

4.20 (1) repeated violations of federal, state, or local laws, regulations, standards, or ordinances
4.21 related to collecting, recycling, or otherwise managing electronics recyclables;

4.22 (2) gross carelessness or incompetence in handling, storing, processing, transporting,
4.23 disposing of, or otherwise managing electronics recyclables; or

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

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

5.1 **Sec. 6. [115A.1335] RECYCLING FEE.**

5.2 (a) A manufacturer of electronics recyclables must add a recycling fee equal to 4.4
5.3 percent of the manufacturer's wholesale price of each electronics recyclable sold to a
5.4 wholesaler, distributor, or retailer that is to be offered for sale in the state.

5.5 (b) The recycling fee may not be applied to a previously owned or refurbished electronics
5.6 recyclable.

5.7 (c) A manufacturer of an electronics recyclable must each month remit the recycling fee
5.8 for each electronics recyclable sold in the state to the commissioner in a manner prescribed
5.9 by the commissioner.

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

5.11 **Sec. 7. [115A.1336] ELECTRONIC WASTE RECYCLING ACCOUNT.**

5.12 Subdivision 1. Account established. An electronic waste recycling account is established
5.13 in the special revenue fund in the state treasury. Recycling fees remitted to the commissioner
5.14 under section 115A.1335 must be deposited in the state treasury and credited to the account.
5.15 Any money appropriated or transferred to the account and any earnings, such as interest,
5.16 dividends, and any other earnings arising from assets of the account, must be credited to
5.17 the account. The commissioner must manage the account. Money in the account is
5.18 appropriated to the commissioner to administer the electronic waste recycling program
5.19 under sections 115A.1331 to 115A.1342.

5.20 Subd. 2. Use of money. (a) Beginning in fiscal year 2026 and continuing through fiscal
5.21 year 2028, the commissioner must allocate \$1,000,000 of money in the account each year
5.22 to award grants under section 115A.1342 and to reimburse the agency for its costs to
5.23 administer section 115.1342. Unexpended money allocated under this paragraph remains
5.24 available for the purposes of this paragraph until June 30, 2028, and after June 30, 2028, is
5.25 available for other purposes specified in this subdivision.

5.26 (b) The balance of the account must be used to:

5.27 (1) reimburse collectors' costs under the electronic waste recycling program according
5.28 to section 115A.1337; and

5.29 (2) reimburse the agency's reasonable costs to administer and enforce sections 115A.1331
5.30 to 115A.1340, not to exceed three percent of the balance in the account at the end of the
5.31 month in which the agency submits a reimbursement request, excluding the amount set
5.32 aside for the purposes of paragraph (a).

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

6.4 (b) If the financial reserve at any time exceeds 75 percent of the agency's annual expenses
6.5 to implement sections 115A.1331 to 115A.1342, the commissioner must reduce the recycling
6.6 fee under section 115A.1335 for the following year to a level that results in compliance
6.7 with this subdivision.

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

6.9 Sec. 8. **[115A.1337] COLLECTOR REIMBURSEMENT.**

6.10 Subdivision 1. **Collectors' invoices.** Each quarter, a collector may submit a
6.11 reimbursement request to the commissioner, on a form and in a manner prescribed by the
6.12 commissioner, with information and supporting material documenting the following
6.13 reimbursable costs incurred during the previous quarter under sections 115A.1331 to
6.14 115A.1340:

6.15 (1) the costs of collecting electronics recyclables that are transported for recycling;

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

6.18 (3) costs to recycle electronics recyclables, as evidenced by invoices from recyclers.

6.19 Subd. 2. **Agency review; reimbursement.** (a) The commissioner must review the
6.20 information submitted by collectors under subdivision 1 within ... days of receipt. The
6.21 commissioner may request additional information or documentation from a collector.

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

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

7.1 (d) Reimbursements to collectors under this subdivision must be made only for the
 7.2 amount of collected electronics recyclables that is transported to a recycler.

7.3 (e) Within ... days of receipt of a collector's reimbursement request, the commissioner
 7.4 must issue payment to the collector for the amount the commissioner determines to be
 7.5 reasonable, plus \$..... per pound of electronics recyclables recycled.

7.6 (f) A person registered as both a collector under section 115A.1332 and a recycler under
 7.7 section 115A.1333 may not be reimbursed for collection costs with respect to any electronics
 7.8 recyclables recycled by the person, although the person is eligible to receive the \$..... per
 7.9 pound amount under paragraph (e) for all electronics recyclables collected by that person
 7.10 that are recycled by that person or other recyclers.

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

7.13 (h) A collector must not accept compensation for the costs of collecting, transporting,
 7.14 recycling, or otherwise handling electronics recyclables except by reimbursement made
 7.15 under this section, which is paid from the proceeds of the recycling fee under section
 7.16 115A.1335.

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

7.18 **Sec. 9. [115A.1338] RESPONSIBILITIES; ENFORCEMENT.**

7.19 Subdivision 1. **Collector responsibilities.** (a) Collection sites for electronics recyclables
 7.20 must be staffed and open to the public at times convenient to and of sufficient duration to
 7.21 meet the needs of the area being served.

7.22 (b) A collector may:

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

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

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

7.28 Subd. 2. **Recycler responsibilities.** A recycler accepting electronics recyclables from
 7.29 a collector:

8.1 (1) may not charge the collector for transporting, recycling, or any necessary supplies
8.2 related to transporting or recycling electronics recyclables, unless the charge is mutually
8.3 agreed upon; and

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

8.7 Subd. 3. **Retailer responsibilities.** A retailer who sells electronics recyclables must
8.8 provide to purchasers of electronics recyclables information that describes:

8.9 (1) how electronics recyclables may be recycled;

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

8.12 (3) the recycling fee that is included in the purchase price of electronics recyclables sold
8.13 in the state according to section 115A.1335.

8.14 Subd. 4. **Agency responsibilities and authorities.** (a) The commissioner must, in
8.15 consultation with collectors and recyclers, annually review the amount of the recycling fee
8.16 to ensure that revenue collected to reimburse collectors under section 115A.1337 and to
8.17 reimburse the agency for the costs of administering and enforcing sections 115A.1331 to
8.18 115A.1342 is sufficient but not excessive. The commissioner may adjust the amount of the
8.19 recycling fee after considering:

8.20 (1) current and projected sales of electronics recyclables in the state;

8.21 (2) current and projected collection rates of electronics recyclables discarded in the state;

8.22 (3) the costs of collecting, transporting, and recycling electronics recyclables in the state;
8.23 and

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

8.25 (b) To ensure the most efficient use of recycling fees, the commissioner must encourage
8.26 and may require collectors operating in nearby areas to consolidate what would otherwise
8.27 be smaller, separate shipments of electronics recyclables to recyclers.

8.28 (c) The commissioner must enforce sections 115A.1331 to 115A.1342 in the manner
8.29 provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6, and 116.072. The commissioner
8.30 may revoke a registration of a collector or recycler that violates sections 115A.1331 to
8.31 115A.1340.

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

9.1 **Sec. 10. [115A.1339] REPORTING.**

9.2 No later than July 1, 2026, and by each July 1 thereafter, the commissioner must submit
9.3 a written report to the chairs and ranking minority members of the legislative committees
9.4 with primary jurisdiction over environmental policy and finance on the operation of the
9.5 electronic waste recycling program under sections 115A.1331 to 115A.1342. The report
9.6 must include, at a minimum:

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

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

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

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

9.14 (5) a description of the impacts of the electronic waste recycling program on the number
9.15 or location of collectors;

9.16 (6) any suggested changes to improve the efficiency and effectiveness of the electronic
9.17 waste recycling program; and

9.18 (7) any other information about program operations or other issues the commissioner
9.19 deems relevant.

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

9.21 **Sec. 11. [115A.1340] OTHER RECYCLING PROGRAMS.**

9.22 A city, county, or other public agency may not require purchasers of electronics
9.23 recyclables to use public facilities to recycle electronics recyclables to the exclusion of other
9.24 lawful programs available. Nothing in sections 115A.1331 to 115A.1340 prohibits or
9.25 restricts:

9.26 (1) the operation of any program recycling electronics recyclables in addition to those
9.27 operated under sections 115A.1331 to 115A.1340; or

9.28 (2) a person from receiving, collecting, transporting, or recycling electronics recyclables
9.29 if the person is registered under section 115A.1332 or 115A.1333.

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

10.1 **Sec. 12. [115A.1341] ELECTRONICS RECYCLING ADVISORY COMMITTEE.**

10.2 **Subdivision 1. Establishment; members.** (a) The commissioner must, no later than
10.3 October 1, 2024, establish and appoint an Electronics Recycling Advisory Committee
10.4 consisting of 11 members appointed as follows:

10.5 (1) one representative from each of two different sites operated by a public entity where
10.6 electronic products are collected for recycling;

10.7 (2) one representative from each of two different sites operated by a private entity where
10.8 electronic products are collected for recycling;

10.9 (3) one representative from each of two different Tribal environmental services
10.10 organizations;

10.11 (4) until June 30, 2025, two representatives of an electronics recycler registered under
10.12 section 115A.1312;

10.13 (5) beginning July 1, 2025, two representatives of an electronics recycler registered
10.14 under section 115A.1333;

10.15 (6) one representative from each of two different environmental nonprofit organizations;
10.16 and

10.17 (7) one representative from the public at large.

10.18 (b) In appointing members to the advisory committee, the commissioner must:

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

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

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

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

10.25 **Subd. 2. Duties.** The advisory committee must recommend to the commissioner, based
10.26 on information the advisory committee gathers from collectors, recyclers, electronics
10.27 manufacturers, environmental organizations, and members of the public, modifications to
10.28 the following programs that would make the programs more efficient, make the programs
10.29 less costly, or increase the amount of covered electronic devices and electronics recyclables
10.30 collected and recycled:

10.31 (1) until June 30, 2025, the program under sections 115A.1310 to 115A.1330; and

11.1 (2) beginning July 1, 2025, the program under sections 115A.1331 to 115A.1340.

11.2 Subd. 3. **Administration.** (a) The advisory committee must elect a chair by majority
11.3 vote at its initial meeting. The advisory committee must meet quarterly. Additional meetings
11.4 may be held at the call of the chair.

11.5 (b) Agency staff serves as staff to the advisory committee.

11.6 Sec. 13. **[115A.1342] ELECTRONICS RECYCLER AIR QUALITY IMPROVEMENT**
11.7 **GRANT PROGRAM.**

11.8 Subdivision 1. **Definition.** For the purposes of this section, "eligible applicant" means:

11.9 (1) until June 30, 2025, a recycler participating in the program under sections 115A.1310
11.10 to 115A.1330; and

11.11 (2) beginning July 1, 2025, a recycler participating in the program under sections
11.12 115A.1331 to 115A.1340.

11.13 Subd. 2. **Establishment.** An electronics recycler air quality grant program is established
11.14 to help eligible applicants purchase and install equipment to improve air quality in or outside
11.15 recycling facilities.

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

11.19 (b) The commissioner must act as fiscal agent for the grant program and must adopt
11.20 rules to evaluate applications and award grants.

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

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

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

11.25 (2) equipment that improves outdoor air quality at a facility operating a smelter; or

11.26 (3) forklifts that operate solely on electricity that replace forklifts operating solely on a
11.27 fossil fuel.

11.28 Subd. 4. **Grant amounts.** A grant awarded under this section may not exceed ... percent
11.29 of the purchase and installation costs of the applicable equipment or \$....., whichever is
11.30 less.

12.1 Subd. 5. Expiration. This section expires June 30, 2028.

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

12.3 Sec. 14. ELECTRONICS RECYCLING STUDY.

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

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

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

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

12.10 (4) opportunities and methods to recover precious metals from electronics recycling
 12.11 processes;

12.12 (5) measures to reduce emissions of greenhouse gases from electronics recycling facilities;

12.13 and

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

12.16 (b) No later than March 1, 2025, the commissioner must submit a written report
 12.17 containing the findings and recommendations of the study to the chairs and ranking minority
 12.18 members of the legislative committees with jurisdiction over recycling.

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

12.20 Sec. 15. REPEALER.

12.21 Minnesota Statutes 2022, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
 12.22 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, and 20; 115A.1312; 115A.1314; 115A.1316;
 12.23 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328; and
 12.24 115A.1330, are repealed.

12.25 EFFECTIVE DATE. This section is effective July 1, 2025.

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 electronic devices from households and includes all the activities up to the time the covered electronic devices are delivered to a recycler.

Subd. 4. **Collector.** "Collector" means a public or private entity that receives covered 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.

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, including tablet computers and laptop computers, peripherals, facsimile machines, 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. 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 device at a dwelling unit primarily for personal use.

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

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

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

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

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

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

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

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

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

APPENDIX
Repealed Minnesota Statutes: 24-06224

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

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 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 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 electronic devices are returned to use for households in their original form.

Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, through sales outlets, catalogs, or the Internet, a video display 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 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 that contains a cathode-ray tube or a flat panel screen 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.

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 device unless:

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

(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 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 registration.** (a) By August 15 each year, a manufacturer of video display devices sold or offered for sale to households in the state must submit a registration to the agency that includes:

- (1) a list of the manufacturer's brands of video display 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) 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 August 15, 2016, 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 August 15 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 website the names of manufacturers and the manufacturers' brands listed in registrations filed with the agency. The agency must update the website information promptly upon receipt of a new or updated registration. The website 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 registration. No person may operate as a collector of covered electronic devices from households unless that person has submitted a registration with the agency by July 15 each year 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 and any regulations adopted by a local government unit for the jurisdiction in which the collector operates. A collector must indicate any end-of-life fees that will be charged at the collection point. A registration is effective upon receipt by the agency and is valid until July 15 each year.

Subd. 4. Recycler registration. No person may recycle video display devices generated by households unless that person has submitted a registration with the agency by July 15 each year 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 covered 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 must conduct recycling activities that are consistent with this chapter. A registration is effective upon receipt by the agency and is valid until July 15 each year.

115A.1314 MANUFACTURER REGISTRATION FEE.

Subdivision 1. Registration fee. (a) Each manufacturer who registers under section 115A.1312 must, by August 15 each year, pay to the commissioner of revenue an annual registration fee, on a form and in a manner prescribed by the commissioner of revenue. The commissioner of revenue must deposit the fee in the state treasury and credit the fee to the environmental fund.

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

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

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

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

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

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

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

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

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

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

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

(5) any other information requested by the agency.

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

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

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

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

(2) grants to counties outside the 11-county metropolitan area, as defined in paragraph (b), and to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312

to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.

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

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.

115A.1318 RESPONSIBILITIES.

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

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

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

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

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

(f) Only the covered electronic devices that are recycled by a registered recycler that is certified by an ANSI-ASQ National Accreditation Board-accredited third-party certification body to an environmentally sound management standard are eligible to meet the manufacturer's obligation.

Subd. 1a. **Collector responsibilities.** (a) Collection sites must be:

(1) staffed; and

(2) open to the public at a frequency adequate to meet the needs of the area being served.

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

(c) A collector must use only registered recyclers.

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

(1) use only registered collectors;

(2) comply with all applicable health, environmental, safety, and financial responsibility regulations;

(3) are licensed by all applicable governmental authorities;

(4) use no prison labor to recycle video display devices;

(5) possess liability insurance of not less than \$1,000,000 for environmental releases, accidents, and other emergencies;

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

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

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

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

Subd. 3. **Retailer responsibilities.** A retailer who sells new video display devices shall provide information to households describing where and how they may recycle video display devices and advising them of opportunities and locations for the convenient collection of video display devices for the purpose of recycling. This requirement may be met by providing to households the agency's toll-free number and website address. Retailers selling through catalogs or the Internet may meet this requirement by including the information in a prominent location on the retailer's website.

115A.1320 AGENCY AND DEPARTMENT DUTIES.

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

(b) The agency shall establish procedures for:

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

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

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

(1) the obligation-setting mechanism for manufacturers as specified under paragraph (g);

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

(3) the base registration fee.

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

(e) By May 1 each year, the agency shall publish a statewide recycling goal for all video display device waste that is the weight of all video display devices collected for recycling during each of the three most recently completed program years, excluding the most recently concluded program year, divided by two.

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

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

(h) 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 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 electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must examine which covered electronic devices, based on economic and environmental considerations, should be subject to the obligation-setting mechanism under paragraph (g). 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. The report must be done in conjunction with the report required under section 115A.121.

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

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(j) 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.

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

(l) The agency shall post on its website the contact information provided by each manufacturer under section 115A.1318, subdivision 1, paragraph (e).

Subd. 2. **Additional duties.** (a) The agency must collect the data submitted to it annually by each manufacturer on the total weight of each specific model of video display device sold to households, if provided; the total weight of video display devices sold to households; the total weight of covered electronic devices collected from households that are recycled; and data on phase I and phase II 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.

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

(1) data provided by a manufacturer on sales of video display 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 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 section 115A.1314, subdivision 1, 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.

115A.1322 OTHER RECYCLING PROGRAMS.

A city, county, or other public agency may not require households to use public facilities to recycle their covered 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 to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or recycling covered electronic devices, provided that those persons are registered under section 115A.1312.

115A.1323 ANTICOMPETITIVE CONDUCT.

(a) A manufacturer that organizes collection or recycling under sections 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of manufacturers, an individual manufacturer, and its officers, members, employees, and agents who cooperate with a political subdivision that organizes collection or

recycling under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection or recycling system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

115A.1324 REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.

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

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

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

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

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

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

115A.1326 REGULATING VIDEO DISPLAY DEVICES.

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

115A.1328 MULTISTATE IMPLEMENTATION.

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

115A.1330 LIMITATIONS.

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