

1.1 A bill for an act

1.2 relating to solid waste; establishing a pilot program to collect and process used
1.3 paint.

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

1.5 Section 1. **PAINT STEWARDSHIP PILOT PROGRAM.**

1.6 Subdivision 1. **Definitions.** For purposes of sections 1 to 3, the following terms
1.7 have the meanings given:

1.8 (1) "architectural paint" means interior and exterior architectural coatings, including
1.9 paints and stains purchased for commercial or homeowner use, but does not include
1.10 architectural coatings purchased for industrial or original equipment manufacturer use;

1.11 (2) "commissioner" means the commissioner of the Pollution Control Agency;

1.12 (3) "manufacturer" means a manufacturer of architectural paint;

1.13 (4) "postconsumer paint" means architectural paint not used by the purchaser; and

1.14 (5) "retailer" means a person who sells architectural paint at retail.

1.15 Subd. 2. **Purpose.** The purpose of the paint stewardship pilot program established
1.16 under this section is to allow paint manufacturers to develop and implement a program to
1.17 collect, transport, and process postconsumer paint to reduce the costs and environmental
1.18 impacts of the disposal of postconsumer paint in Minnesota.

1.19 Subd. 3. **Plan.** (a) By July 1, 2008, manufacturers of architectural paint sold
1.20 at retail in this state must, through a representative organization, submit a plan to the
1.21 commissioner describing the proposed paint stewardship pilot program. At a minimum,
1.22 the plan must contain:

1.23 (1) a description of methods that will be used to collect, transport, and process
1.24 postconsumer paint in all regions of Minnesota;

- 2.1 (2) an estimate of the total cost of implementing the plan;
2.2 (3) a description of how the plan's operations will be funded;
2.3 (4) a schedule of periodic reports that will be submitted to the commissioner
2.4 regarding the plan's operations; and
2.5 (5) examples of educational materials that will be provided to consumers of
2.6 architectural paint that describe the program and make consumers aware of the amount of
2.7 any fee that is added to the retail price of architectural paint to fund the paint stewardship
2.8 pilot program.

2.9 (b) The commissioner must review and modify, reject, or approve the plan within 90
2.10 days of its submission. The commissioner may not approve a plan that is funded through
2.11 collection of a fee on retail sales of architectural paint in this state that (i) exceeds 50 cents
2.12 per gallon, or (ii) is not uniformly applied to all sales of architectural paint.

2.13 Subd. 4. **Nonpublic data.** Data reported to the commissioner by a manufacturer
2.14 or organization of manufacturers is classified as nonpublic data, as defined in Minnesota
2.15 Statutes, section 13.02, subdivision 9, except that the commissioner may release the
2.16 data in summary form in which individual manufacturers or retailers are not identified
2.17 and from which neither their identities nor any other characteristics that could uniquely
2.18 identify an individual manufacturer or retailer is ascertainable.

2.19 Sec. 2. **ANTICOMPETITIVE CONDUCT.**

2.20 A manufacturer or organization of manufacturers that organizes collection, transport,
2.21 and processing of postconsumer paint under section 1 may engage in anticompetitive
2.22 conduct to the extent necessary to plan and implement its chosen organized collection
2.23 or recycling system and is immune from liability under state laws relating to antitrust,
2.24 restraint of trade, unfair trade practices, and other regulation of trade or commerce.

2.25 Sec. 3. **REPORT.**

2.26 By January 1, 2011, the commissioner shall submit a report to the chairs and
2.27 ranking minority members of the committees in the senate and house of representatives
2.28 that have primary jurisdiction over solid waste policy describing the results of the paint
2.29 stewardship pilot program and recommending whether it should be made permanent and
2.30 any modifications to improve the functioning and efficiency of the program.

2.31 Sec. 4. **EXPIRATION.**

2.32 Sections 1 to 3 expire November 30, 2010.

3.1 Sec. 5. **EFFECTIVE DATE.**

3.2 Sections 1 to 4 are effective the day following final enactment.