

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 568

FINAL READING

Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Kopplin, 3; Wallman, 30; Adams, 24; Burling, 33; Hansen, 42; Harms, 48; Pankonin, 2; Preister, 5; Wightman, 36

Read first time January 17, 2007

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to environmental protection; to amend
2 section 81-1534, Reissue Revised Statutes of Nebraska,
3 and section 81-15,160, Revised Statutes Cumulative
4 Supplement, 2006; to extend a scrap tire grant program;
5 to provide for followup surveys under the Nebraska Litter
6 Reduction and Recycling Act; to harmonize provisions;
7 to repeal the original sections; and to declare an
8 emergency.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1534, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1534 Sections 81-1534 to 81-1566 and section 2 of
4 this act shall be known and may be cited as the Nebraska Litter
5 Reduction and Recycling Act.

6 Sec. 2. Prior to the effective date of this act, in
7 order to identify the litter problem more fully and to measure
8 the progress made by the department, the department conducted, or
9 granted funds to enable public or private agencies to conduct,
10 a survey measuring the amount and composition of litter on the
11 public highways, recreation lands, and urban areas in the state.
12 The department shall conduct, or grant funds to enable public or
13 private agencies to conduct, followup surveys on a sufficiently
14 regular basis to provide meaningful measurement of the amount and
15 composition of litter and the rate of littering. The results of
16 these surveys shall be reported to the Governor.

17 Sec. 3. Section 81-15,160, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 81-15,160 (1) The Waste Reduction and Recycling Incentive
20 Fund is created. The department shall deduct from the fund amounts
21 sufficient to reimburse itself for its costs of administration
22 of the fund. The fund shall be administered by the Department
23 of Environmental Quality. The fund shall consist of proceeds from
24 the fees imposed pursuant to the Waste Reduction and Recycling
25 Incentive Act.

1 (2) The fund may be used for purposes which include, but
2 are not limited to:

3 (a) Technical and financial assistance to political
4 subdivisions for creation of recycling systems and for modification
5 of present recycling systems;

6 (b) Recycling and waste reduction projects, including
7 public education, planning, and technical assistance;

8 (c) Market development for recyclable materials separated
9 by generators, including public education, planning, and technical
10 assistance;

11 (d) Capital assistance for establishing private and
12 public intermediate processing facilities for recyclable materials
13 and facilities using recyclable materials in new products;

14 (e) Programs which develop and implement composting of
15 yard waste and composting with sewage sludge;

16 (f) Technical assistance for waste reduction and waste
17 exchange for waste generators;

18 (g) Programs to assist communities and counties to
19 develop and implement household hazardous waste management
20 programs; and

21 (h) Capital assistance for establishing private and
22 public facilities to manufacture combustible waste products and
23 to incinerate combustible waste to generate and recover energy
24 resources, except that no disbursements shall be made under this
25 section for scrap tire processing related to tire-derived fuel.

1 The State Treasurer shall transfer two million one
2 hundred thousand dollars from the Waste Reduction and Recycling
3 Incentive Fund to the General Fund within five days after August
4 16, 2002.

5 (3) Grants up to one million dollars annually shall be
6 available until June 30, ~~2007~~, 2009, for new scrap tire projects
7 only, if acceptable scrap tire project applications are received.
8 Eligible categories of disbursement under section 81-15,161 may
9 include, but are not limited to:

10 (a) Reimbursement for the purchase of crumb rubber
11 generated and used in Nebraska, with disbursements not to exceed
12 fifty percent of the cost of the crumb rubber;

13 (b) Reimbursement for the purchase of tire-derived
14 product which utilizes a minimum of twenty-five percent recycled
15 tire content, with disbursements not to exceed twenty-five percent
16 of the product's retail cost, except that persons who applied for
17 a grant between June 1, 1999, and May 31, 2001, for the purchase
18 of tire-derived product which utilizes a minimum of twenty-five
19 percent recycled tire content may apply for reimbursement on or
20 before July 1, 2002. Reimbursement shall not exceed twenty-five
21 percent of the product's retail cost and may be funded in fiscal
22 years 2001-02 and 2002-03;

23 (c) Participation in the capital costs of building,
24 equipment, and other capital improvement needs or startup costs
25 for scrap tire processing or manufacturing of tire-derived product,

1 with disbursements not to exceed fifty percent of such costs or
2 five hundred thousand dollars, whichever is less;

3 (d) Participation in the capital costs of building,
4 equipment, or other startup costs needed to establish collection
5 sites or to collect and transport scrap tires, with disbursements
6 not to exceed fifty percent of such costs;

7 (e) Cost-sharing for the manufacturing of tire-derived
8 product, with disbursements not to exceed twenty dollars per ton
9 or two hundred fifty thousand dollars, whichever is less, to any
10 person annually;

11 (f) Cost-sharing for the processing of scrap tires, with
12 disbursements not to exceed twenty dollars per ton or two hundred
13 fifty thousand dollars, whichever is less, to any person annually;

14 (g) Cost-sharing for the use of scrap tires for civil
15 engineering applications for specified projects, with disbursements
16 not to exceed twenty dollars per ton or two hundred fifty thousand
17 dollars, whichever is less, to any person annually; and

18 (h) Disbursement to a political subdivision up to one
19 hundred percent of costs incurred in cleaning up scrap tire
20 collection and disposal sites.

21 The director shall give preference to projects which
22 utilize scrap tires generated and used in Nebraska.

23 (4) Priority for grants made under section 81-15,161
24 shall be given to grant proposals demonstrating a formal
25 public/private partnership except for grants awarded from fees

1 collected under subsection (6) of section 13-2042.

2 (5) Grants awarded from fees collected under subsection
3 (6) of section 13-2042 may be renewed for up to a five-year
4 grant period. Such applications shall include an updated integrated
5 solid waste management plan pursuant to section 13-2032. Annual
6 disbursements are subject to available funds and the grantee
7 meeting established grant conditions. Priority for such grants
8 shall be given to grant proposals showing regional participation
9 and programs which address the first integrated solid waste
10 management hierarchy as stated in section 13-2018 which shall
11 include toxicity reduction. Disbursements for any one year shall
12 not exceed fifty percent of the total fees collected after rebates
13 under subsection (6) of section 13-2042 during that year.

14 (6) Any person who stores waste tires in violation
15 of section 13-2033, which storage is the subject of abatement
16 or cleanup, shall be liable to the State of Nebraska for the
17 reimbursement of expenses of such abatement or cleanup paid by the
18 Department of Environmental Quality.

19 (7) The Department of Environmental Quality may receive
20 gifts, bequests, and any other contributions for deposit in the
21 Waste Reduction and Recycling Incentive Fund. Any money in the fund
22 available for investment shall be invested by the state investment
23 officer pursuant to the Nebraska Capital Expansion Act and the
24 Nebraska State Funds Investment Act.

25 Sec. 4. Original section 81-1534, Reissue Revised

LB 568

LB 568

1 Statutes of Nebraska, and section 81-15,160, Revised Statutes
2 Cumulative Supplement, 2006, are repealed.

3 Sec. 5. Since an emergency exists, this act takes effect
4 when passed and approved according to law.