

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 379

FINAL READING

Introduced by Haar, 21.

Read first time January 16, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to environmental protection; to amend section
2 81-15,160, Reissue Revised Statutes of Nebraska; to
3 extend a scrap tire grant program; to repeal the original
4 section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-15,160, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-15,160 (1) The Waste Reduction and Recycling Incentive
4 Fund is created. The department shall deduct from the fund amounts
5 sufficient to reimburse itself for its costs of administration
6 of the fund. The fund shall be administered by the Department
7 of Environmental Quality. The fund shall consist of proceeds from
8 the fees imposed pursuant to the Waste Reduction and Recycling
9 Incentive Act.

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

12 (a) Technical and financial assistance to political
13 subdivisions for creation of recycling systems and for modification
14 of present recycling systems;

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

17 (c) Market development for recyclable materials separated
18 by generators, including public education, planning, and technical
19 assistance;

20 (d) Capital assistance for establishing private and
21 public intermediate processing facilities for recyclable materials
22 and facilities using recyclable materials in new products;

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

25 (f) Technical assistance for waste reduction and waste

1 exchange for waste generators;

2 (g) Programs to assist communities and counties to
3 develop and implement household hazardous waste management
4 programs; and

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

10 The State Treasurer shall transfer two million one
11 hundred thousand dollars from the Waste Reduction and Recycling
12 Incentive Fund to the General Fund within five days after August
13 16, 2002.

14 (3) Grants up to one million dollars annually shall be
15 available until June 30, ~~2009~~, 2014, for new scrap tire projects
16 only, if acceptable scrap tire project applications are received.
17 Eligible categories of disbursement under section 81-15,161 may
18 include, but are not limited to:

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

22 (b) Reimbursement for the purchase of tire-derived
23 product which utilizes a minimum of twenty-five percent recycled
24 tire content, with disbursements not to exceed twenty-five percent
25 of the product's retail cost, except that persons who applied for

1 a grant between June 1, 1999, and May 31, 2001, for the purchase
2 of tire-derived product which utilizes a minimum of twenty-five
3 percent recycled tire content may apply for reimbursement on or
4 before July 1, 2002. Reimbursement shall not exceed twenty-five
5 percent of the product's retail cost and may be funded in fiscal
6 years 2001-02 and 2002-03;

7 (c) Participation in the capital costs of building,
8 equipment, and other capital improvement needs or startup costs
9 for scrap tire processing or manufacturing of tire-derived product,
10 with disbursements not to exceed fifty percent of such costs or
11 five hundred thousand dollars, whichever is less;

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

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

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

23 (g) Cost-sharing for the use of scrap tires for civil
24 engineering applications for specified projects, with disbursements
25 not to exceed twenty dollars per ton or two hundred fifty thousand

1 dollars, whichever is less, to any person annually; and

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

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

7 (4) Priority for grants made under section 81-15,161
8 shall be given to grant proposals demonstrating a formal
9 public/private partnership except for grants awarded from fees
10 collected under subsection (6) of section 13-2042.

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

23 (6) Any person who stores waste tires in violation
24 of section 13-2033, which storage is the subject of abatement
25 or cleanup, shall be liable to the State of Nebraska for the

1 reimbursement of expenses of such abatement or cleanup paid by the
2 Department of Environmental Quality.

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

9 Sec. 2. Original section 81-15,160, Reissue Revised
10 Statutes of Nebraska, is repealed.

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