

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 549
Final Reading

Introduced by Schilz, 47; Davis, 43.

Read first time January 23, 2013

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to environmental protection; to amend sections
2 81-15,160 and 81-15,162, Revised Statutes Cumulative
3 Supplement, 2012; to change the scrap tire program sunset
4 provision; to change certain grant allocations; and to
5 repeal the original sections.

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

1 Section 1. Section 81-15,160, Revised Statutes Cumulative
2 Supplement, 2012, 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 of the
6 fund. The fund shall be administered by the Department of
7 Environmental Quality. The fund shall consist of proceeds from the
8 fees imposed pursuant to the Waste Reduction and Recycling Incentive
9 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 programs;

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

9 (i) Grants for reimbursement of costs to cities of the
10 second class, villages, and counties of five thousand or fewer
11 population for the deconstruction of abandoned buildings. Eligible
12 deconstruction costs will be related to the recovery and processing
13 of recyclable or reusable material from the abandoned buildings.

14 (3) Grants up to one million five hundred thousand
15 dollars annually shall be available until June 30, ~~2014~~, 2019, for
16 new scrap tire projects only, if acceptable scrap tire project
17 applications are received. Eligible categories of disbursement under
18 section 81-15,161 may 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 tire
24 content, with disbursements not to exceed twenty-five percent of the
25 product's retail cost, except that persons who applied for a grant

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

7 (c) Participation in the capital costs of building,
8 equipment, and other capital improvement needs or startup costs for
9 scrap tire processing or manufacturing of tire-derived product, with
10 disbursements not to exceed fifty percent of such costs or five
11 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 not
15 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 or
18 two hundred fifty thousand dollars, whichever is less, to any person
19 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 public/
9 private partnership except for grants awarded from fees collected
10 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 grant
13 period. Such applications shall include an updated integrated solid
14 waste management plan pursuant to section 13-2032. Annual
15 disbursements are subject to available funds and the grantee meeting
16 established grant conditions. Priority for such grants shall be given
17 to grant proposals showing regional participation and programs which
18 address the first integrated solid waste management hierarchy as
19 stated in section 13-2018 which shall include toxicity reduction.
20 Disbursements for any one year shall not exceed fifty percent of the
21 total fees collected after rebates under subsection (6) of section
22 13-2042 during that year.

23 (6) Any person who stores waste tires in violation of
24 section 13-2033, which storage is the subject of abatement or
25 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 Waste
5 Reduction and Recycling Incentive Fund. Transfers may be made from
6 the fund to the General Fund at the direction of the Legislature. Any
7 money in the Waste Reduction and Recycling Incentive Fund available
8 for investment shall be invested by the state investment officer
9 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
10 Funds Investment Act.

11 Sec. 2. Section 81-15,162, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 81-15,162 (1) There is hereby imposed a fee of one dollar
14 on each tire of every new motor vehicle, trailer, or semitrailer sold
15 at retail in this state. Such fee shall be collected by the county
16 treasurer at the time of registration of the motor vehicle, trailer,
17 or semitrailer and remitted to the Department of Revenue.

18 (2) There is hereby imposed a fee of one dollar on every
19 tire sold at retail in this state, including every farm tractor tire,
20 which tires are not on a motor vehicle, trailer, or semitrailer
21 pursuant to subsection (1) of this section. Such fee shall be
22 collected from the purchaser by the tire retailer at the time of
23 purchase and shall be remitted to the Department of Revenue.

24 (3) For purposes of this section, tire shall have the
25 definition found in section 81-15,159.02 and shall include a

1 pneumatic and solid tire but shall not include a recapped or
2 regrooved tire.

3 (4) Subject to section 81-15,165, the fees remitted to
4 the Department of Revenue under this section shall be remitted to the
5 State Treasurer for credit to the Waste Reduction and Recycling
6 Incentive Fund. Fees collected in excess of one million five hundred
7 thousand dollars shall be available for grants to political
8 subdivisions under rules and regulations adopted pursuant to
9 subdivision (6)(b)(i) of section 13-2042.

10 Sec. 3. Original sections 81-15,160 and 81-15,162,
11 Revised Statutes Cumulative Supplement, 2012, are repealed.