

AMENDMENTS TO LB 301

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Sections 1 to 5 of this act shall be known
4 and may be cited as the Electronic Equipment Recycling Act.

5 Sec. 2. The Legislature finds that:

6 (1) Toxic materials pose a health threat when they are
7 released into the environment;

8 (2) Electronic equipment contributes significant levels
9 of cadmium, arsenic, zinc, mercury, and selenium to landfill
10 leachate;

11 (3) Cathode ray tubes, which contain an average of five
12 to eight pounds of lead, are found in computer monitors, television
13 sets, and other electronic equipment;

14 (4) The fast growth of technology has resulted in the
15 rapid obsolescence of electronic equipment, but such equipment and
16 many of its components may be reused; and

17 (5) By encouraging the recycling of electronic equipment,
18 the state will not only create a market for the recyclables but
19 will simultaneously protect the environment from lead and other
20 toxic materials.

21 Sec. 3. For purposes of the Electronic Equipment
22 Recycling Act:

23 (1) Board means the Nebraska Environmental Trust Board;

24 (2) Cathode ray tube means any intact, broken, or

1 processed glass tube used to provide the visual display in
2 televisions, computer monitors, and certain scientific instruments
3 such as oscilloscopes;

4 (3) Electronic equipment means appliances that contain
5 complex circuitry, circuit boards, or signal processing and one or
6 more hazardous elements. Electronic equipment includes, but is not
7 limited to, televisions, audio and stereo equipment, monitors,
8 computers, video cassette recorders, computer keyboards, printers,
9 telephones, copy and facsimile machines, and microwave ovens; and

10 (4) Program means the Electronic Equipment Recycling
11 Program.

12 Sec. 4. (1) The Electronic Equipment Recycling Program
13 is created. The board shall enter into an agreement with a
14 contractor to develop and implement the program by creating
15 short-term and long-term strategies for establishing a statewide
16 system of determining the most efficient means of managing,
17 collecting, storing, transporting, processing, recycling, reusing,
18 or otherwise disposing of electronic equipment. The program shall
19 include:

20 (a) Working with local governments and businesses to
21 determine the most efficient means of collecting, transporting, and
22 processing scrap electronic equipment;

23 (b) Developing public education programs on the benefits
24 of electronic equipment recycling and how to accomplish it; and

25 (c) Creating sustained processes for recovering and
26 recycling scrap electronic equipment, minimizing and eliminating
27 substantial volumes of scrap electronic equipment as waste, public

1 education, and creating jobs.

2 (2) The contractor required under subsection (1) of this
3 section shall, at a minimum, meet the following criteria:

4 (a) Be a statewide organization or entity which is
5 incorporated in Nebraska;

6 (b) Have experience in management of electronic waste,
7 electronic waste inventory, and survey of providers; and

8 (c) Have experience in setting standards for collection
9 and processing systems for recyclables.

10 (3) On November 1 of each year, the board shall submit a
11 report to the Legislature which evaluates the program's
12 effectiveness in creating satisfactory markets, a sufficient
13 recovery infrastructure, and an adequate funding mechanism to
14 support electronic recycling in Nebraska. The report shall also
15 make recommendations for achieving these goals.

16 Sec. 5. On or after October 1, 2003, a fee of five
17 dollars shall be imposed on the sale of each new item of electronic
18 equipment containing a cathode ray tube. The fee shall be paid by
19 the purchaser, collected by the seller, and remitted to the
20 Department of Revenue. The fee imposed by this section shall be
21 collected in the same manner as the sales tax under the Nebraska
22 Revenue Act of 1967, including provisions of the act relating to
23 due dates, interest, penalties, and collection procedures. The
24 department shall deduct and withhold from the fee collected
25 pursuant to this section an amount sufficient to reimburse the
26 direct costs of collecting and administering the fee. Except for
27 the amounts withheld as provided in this section, the Department of

1 Revenue shall remit the money received under this section to the
2 State Treasurer for credit to the Electronic Equipment Recycling
3 Program Fund created pursuant to section 8 of this act. Payment of
4 the fee shall be accompanied by a form prescribed by the Department
5 of Revenue and shall include such information as the Tax
6 Commissioner deems necessary.

7 Sec. 6. Section 81-15,167, Revised Statutes Supplement,
8 2002, is amended to read:

9 81-15,167. Sections 81-15,167 to 81-15,176 and section 8
10 of this act shall be known and may be cited as the Nebraska
11 Environmental Trust Act.

12 Sec. 7. Section 81-15,173, Revised Statutes Supplement,
13 2002, is amended to read:

14 81-15,173. The board shall have and may exercise the
15 following powers and duties:

16 (1) Adopt bylaws to govern the proceedings of the board;

17 (2) Keep records, conduct hearings, and adopt and
18 promulgate rules and regulations to carry out its duties and
19 implement the Nebraska Environmental Trust Act;

20 (3) Contract with the Game and Parks Commission for
21 administrative support and with governmental agencies for technical
22 assistance;

23 (4) Establish environmental priorities for use of the
24 funds;

25 (5) Establish ad hoc advisory boards and subcommittees;

26 (6) Sponsor or assist environmental proposals pertaining
27 to the environmental priorities of the board, including issuing

1 grants to agencies, organizations, and persons engaged in the
2 purposes of the trust;

3 (7) Cooperate with or assist any unit of the state, any
4 political subdivision, or any private, public, or federal agency,
5 foundation, or person in furtherance of the purposes of the trust;

6 (8) Acquire and dispose of personal property in
7 furtherance of the purposes of the trust; ~~and~~

8 (9) Apply for or accept any gift, grant, bequest,
9 royalty, or donation, designate the fund to which it will be
10 credited, and expend the proceeds in furtherance of the purposes of
11 the trust; and

12 (10) (a) Administer agreements with contractors to develop
13 and implement a statewide electronic equipment recycling program;
14 and

15 (b) Issue electronic equipment recycling grants to
16 agencies; and organizations, and persons engaged in the purposes of
17 the program.

18 Sec. 8. (1) The Electronic Equipment Recycling Program
19 Fund is created. The fund shall be administered by the board to
20 carry out the purposes of the Electronic Equipment Recycling
21 Program. The fund shall consist of fees credited pursuant to
22 section 5 of this act. The board may receive gifts, bequests, and
23 any other contributions for credit to the fund.

24 (2) Application for grants under the Electronic Equipment
25 Recycling Program shall be made on a form developed by the
26 contractor containing such information as the board deems
27 necessary. The contractor shall conduct technical reviews of the

1 grant applications and make funding recommendations to the board.
2 The board shall develop a rating system for ranking grant proposals
3 to meet the program's goals and objectives. Each application shall
4 be reviewed and approved by the board for the purposes of creating
5 sustained processes for recovering and recycling scrap electronic
6 equipment, minimizing and eliminating substantial volumes of scrap
7 electronic equipment as waste, public education, and creating jobs.

8 (3) Money in the fund shall be distributed as follows:

9 (a) Except as provided in subdivision (b) of this
10 subsection, not more than seventy percent shall be used to award
11 grants as follows:

12 (i) Not more than twenty percent shall be used to award
13 grants to local governments, not-for-profit charitable
14 organizations, and solid waste facility operators to pay processing
15 and recycling costs assessed by authorized electronic equipment
16 recyclers;

17 (ii) Not more than thirty-five percent shall be used to
18 provide grants to electronic equipment recycling businesses; and

19 (iii) Not more than fifteen percent shall be used to work
20 with local governments and businesses and develop public education
21 programs; and

22 (b) Not more than thirty percent shall be used to
23 administer the Electronic Equipment Recycling Act which shall
24 include the contract for developing and implementing the program.
25 Any money allocated and not spent under this subdivision for
26 administration of the act may at the board's discretion be used for
27 the purposes stated in subdivision (a) of this subsection.

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1 Any unused funds may be carried over to the next fiscal
2 year. Any money in the fund available for investment shall be
3 invested by the state investment officer pursuant to the Nebraska
4 Capital Expansion Act and the Nebraska State Funds Investment Act.

5 Sec. 9. If any section in this act or any part of any
6 section is declared invalid or unconstitutional, the declaration
7 shall not affect the validity or constitutionality of the remaining
8 portions.

9 Sec. 10. Original sections 81-15,167 and 81-15,173,
10 Revised Statutes Supplement, 2002, are repealed.".