

AMENDMENTS TO LB 986

Introduced by Natural Resources.

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

3 Section 1. Sections 1 to 11 of this act shall be known
4 and may be cited as the Electronics Recycling Act.

5 Sec. 2. The purpose of the Electronics Recycling Act is
6 to establish a comprehensive electronic device recycling system
7 that ensures the safe and environmentally sound management of
8 electronic devices and encourages the design of electronic devices
9 that are recyclable and less toxic.

10 Sec. 3. For purposes of the Electronics Recycling Act:

11 (1) Computer means a desktop, portable or laptop,
12 electronic, magnetic, optical, electrochemical, or other high-speed
13 data processing device which is capable of performing logical,
14 arithmetic, or storage functions, and includes, but is not limited
15 to, a computer central processing unit and a monitor. Computer
16 does not include an automated typewriter or typesetter, a portable
17 handheld calculator, a portable digital assistant, or other similar
18 device;

19 (2) Department means the Department of Environmental
20 Quality;

21 (3) (a) Electronic device means a computer, video display
22 device, or television; and

23 (b) Electronic device does not include:

1 (i) An electronic device that is a part of a motor
2 vehicle or any component part of a motor vehicle assembled by
3 or for a vehicle manufacturer or franchise dealer, including
4 replacement parts for use in a motor vehicle;

5 (ii) An electronic device that is functionally or
6 physically a part of a larger piece of equipment designed and
7 intended for use in an industrial, commercial, or medical setting,
8 including diagnostic, monitoring, or control equipment;

9 (iii) An electronic device that is contained within
10 a clothes washer, clothes dryer, refrigerator, refrigerator and
11 freezer, microwave oven, conventional oven or range, dishwasher,
12 room air conditioner, dehumidifier, or air purifier; or

13 (iv) A telephone of any type unless it contains a video
14 display area greater than nine inches measured diagonally;

15 (4) Manufacturer means a person who:

16 (a) Sells electronic devices under its own brand or label
17 for sale in the United States;

18 (b) Sells electronic devices in this state without
19 affixing a brand or label onto such device;

20 (c) Resells in this state under its own brand or label
21 electronic devices manufactured by another firm or entity, unless
22 the firm or entity which manufactured the electronic devices sold
23 under the brand or label of the reseller meets the registration
24 requirements of the act;

25 (d) Imports electronic devices into the United States. If
26 the company from whom an importer purchases the electronic device
27 has a presence or assets in the United States, that company shall

1 be deemed to be the manufacturer; or

2 (e) Manufactures electronic devices, supplies them to any
3 person within a distribution network that includes wholesalers or
4 retailers in this state, and benefits from the sale in this state
5 of such electronic devices through the distribution network;

6 (5) Monitor means a separate video display component of
7 a computer that does not contain a tuner, whether sold separately
8 or together with a computer central processing unit or computer
9 box, and includes a cathode ray tube, liquid crystal display,
10 gas plasma, digital light processing, or other image projection
11 technology greater than four inches when measured diagonally, and
12 its case, interior wires, and circuitry;

13 (6) Recycling means any process by which an electronic
14 device that would otherwise have become solid waste or hazardous
15 waste is collected, separated, and processed to be returned to
16 use in the form of raw materials or products or is refurbished or
17 donated for reuse;

18 (7) Television means a stand-alone display system
19 containing a cathode ray tube, liquid crystal display, gas plasma,
20 digital light processing, or other type of display primarily
21 intended to receive video programming via broadcast, having a
22 viewable area greater than four inches when measured diagonally,
23 able to adhere to standard consumer video requirements, and having
24 the capability of selecting different broadcast channels and
25 support sound capability; and

26 (8) Video display device means a device that has an
27 output surface having a viewable area greater than four inches

1 when measured diagonally that displays moving graphical images or
2 a visual representation of image sequences or pictures and shows a
3 number of quickly changing images on a screen in fast succession
4 to create the illusion of motion, including, but not limited to,
5 a device that is an integral part of the display that cannot be
6 easily removed from the display by the consumer and that produces
7 the moving image on the screen and includes technology using a
8 cathode ray tube, liquid crystal display, gas plasma, digital light
9 processing, or other image projection technology.

10 Sec. 4. Beginning July 1, 2009, no manufacturer shall
11 offer for sale in this state a new electronic device if the
12 manufacturer is not in compliance with the Electronics Recycling
13 Act.

14 Sec. 5. (1) On or before January 31, 2009, and each
15 January 31 thereafter, a manufacturer shall register and certify
16 with the department the number of electronic devices sold in this
17 state by the manufacturer in the previous calendar year.

18 (2) On or before January 31, 2010, and each January 31
19 thereafter, a manufacturer may certify the number of electronic
20 devices recycled from this state by the manufacturer in the
21 previous calendar year. The manufacturer or group of manufacturers
22 may recycle electronic devices from any manufacturer to meet the
23 fifty percent requirement in subsection (2) of section 6 of this
24 act.

25 Sec. 6. (1) On or before January 31, 2009, and each
26 January 31 thereafter, a manufacturer shall remit to the department
27 a recycling fee equal to two dollars per electronic device sold in

1 this state by the manufacturer in the previous calendar year and
2 the following registration fee based on the number of electronic
3 devices sold in this state by the manufacturer in the previous
4 calendar year:

5 (a) One thousand dollars for sales of five hundred to one
6 thousand electronic devices;

7 (b) Five thousand dollars for sales of more than one
8 thousand to two thousand five hundred electronic devices; or

9 (c) Seven thousand five hundred dollars for sales of more
10 than two thousand five hundred electronic devices.

11 (2) Beginning January 1, 2010, the recycling fee shall
12 be fifty percent of the required recycling fee prescribed in
13 subsection (1) of this section if the manufacturer or group of
14 manufacturers has certified that it has recycled a minimum of fifty
15 percent of the number of electronic devices sold in this state in
16 the previous calendar year as described in section 5 of this act.

17 Sec. 7. The department shall:

18 (1) Collect the fees as prescribed in section 6 of this
19 act and remit such fees to the State Treasurer for credit to the
20 Waste Reduction and Recycling Incentive Fund; and

21 (2) Exercise all powers necessary and appropriate to
22 carry out the Electronics Recycling Act.

23 Sec. 8. No manufacturer shall charge a fee for the
24 collection, transportation, or recycling of an electronic device at
25 the time and place of collection for recycling.

26 Sec. 9. It is the intent of the Legislature that the
27 Electronics Recycling Act cover all aspects of infrastructure

1 development and the collection, transportation, and recycling of
2 electronic devices. If a federal program is adopted to collect,
3 transport, and recycle electronic devices which is at least
4 as stringent as the Electronics Recycling Act, the Electronics
5 Recycling Act shall terminate.

6 Sec. 10. All fees remitted pursuant to the Electronics
7 Recycling Act, after deducting costs of program administration,
8 shall be used pursuant to subsection (6) of section 81-15,160 to
9 award grants for infrastructure development and the collection,
10 transportation, and recycling of electronic devices. Any unused
11 fees shall be carried over and available for grants in the
12 following year.

13 Sec. 11. The Environmental Quality Council may adopt
14 and promulgate rules and regulations to carry out the Electronics
15 Recycling Act.

16 Sec. 12. Section 81-15,160, Revised Statutes Supplement,
17 2007, is amended to read:

18 81-15,160 (1) The Waste Reduction and Recycling Incentive
19 Fund is created. The department shall deduct from the fund amounts
20 sufficient to reimburse itself for its costs of administration
21 of the fund. The fund shall be administered by the Department
22 of Environmental Quality. The fund shall consist of proceeds from
23 the fees imposed pursuant to the Waste Reduction and Recycling
24 Incentive Act.

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

27 (a) Technical and financial assistance to political

1 subdivisions for creation of recycling systems and for modification
2 of present recycling systems;

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

5 (c) Market development for recyclable materials separated
6 by generators, including public education, planning, and technical
7 assistance;

8 (d) Capital assistance for establishing private and
9 public intermediate processing facilities for recyclable materials
10 and facilities using recyclable materials in new products;

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

13 (f) Technical assistance for waste reduction and waste
14 exchange for waste generators;

15 (g) Programs to assist communities and counties to
16 develop and implement household hazardous waste management
17 programs; and

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

23 ~~The State Treasurer shall transfer two million one~~
24 ~~hundred thousand dollars from the Waste Reduction and Recycling~~
25 ~~Incentive Fund to the General Fund within five days after August~~
26 ~~16, 2002.~~

27 (3) Grants up to one million dollars annually shall be

1 available until June 30, 2009, for new scrap tire projects only, if
2 acceptable scrap tire project applications are received. Eligible
3 categories of disbursement under section 81-15,161 may include, but
4 are not limited to:

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

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

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

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

27 (e) Cost-sharing for the manufacturing of tire-derived

1 product, with disbursements not to exceed twenty dollars per ton
2 or two hundred fifty thousand dollars, whichever is less, to any
3 person annually;

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

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

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

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

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

20 (5) Grants awarded from fees collected under subsection
21 (6) of section 13-2042 may be renewed for up to a five-year
22 grant period. Such applications shall include an updated integrated
23 solid waste management plan pursuant to section 13-2032. Annual
24 disbursements are subject to available funds and the grantee
25 meeting established grant conditions. Priority for such grants
26 shall be given to grant proposals showing regional participation
27 and programs which address the first integrated solid waste

1 management hierarchy as stated in section 13-2018 which shall
2 include toxicity reduction. Disbursements for any one year shall
3 not exceed fifty percent of the total fees collected after rebates
4 under subsection (6) of section 13-2042 during that year.

5 (6) Grants shall be awarded from fees collected under the
6 Electronics Recycling Act.

7 ~~(6)~~ (7) Any person who stores waste tires in violation
8 of section 13-2033, which storage is the subject of abatement
9 or cleanup, shall be liable to the State of Nebraska for the
10 reimbursement of expenses of such abatement or cleanup paid by the
11 Department of Environmental Quality.

12 ~~(7)~~ (8) The Department of Environmental Quality may
13 receive gifts, bequests, and any other contributions for deposit
14 in the Waste Reduction and Recycling Incentive Fund. Any money in
15 the fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act
17 and the Nebraska State Funds Investment Act.

18 Sec. 13. If any section in this act or any part of any
19 section is declared invalid or unconstitutional, the declaration
20 shall not affect the validity or constitutionality of the remaining
21 portions.

22 Sec. 14. Original section 81-15,160, Revised Statutes
23 Supplement, 2007, is repealed.