

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1061

Introduced by Louden, 49.

Read first time January 22, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to electronic equipment recycling; to amend
2 sections 81-1504.01 and 81-15,160, Revised Statutes
3 Supplement, 2007; to provide for a fee, rebates, and
4 grants; to provide powers and duties; and to repeal the
5 original sections.

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

1 Section 1. A fee of three dollars is imposed on every
2 item of electronic equipment sold at retail in this state. Such fee
3 shall be collected from the purchaser by the electronic equipment
4 retailer at the time of purchase, and two dollars and fifty cents
5 of the fee shall be remitted by the retailer to the Department of
6 Revenue. Such fees collected by the department shall be remitted to
7 the State Treasurer for credit to the Waste Reduction and Recycling
8 Incentive Fund. The fees imposed by this section shall be collected
9 in the same manner as the sales tax under the Nebraska Revenue Act
10 of 1967, including provisions of the act relating to due dates,
11 interest, penalties, and collection procedures.

12 For purposes of this section and section 2 of this act:

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

20 (2) Computer monitor means a separate video display
21 component of a computer that does not contain a tuner, whether
22 sold separately or together with a computer central processing
23 unit or computer box, and includes a cathode ray tube, liquid
24 crystal display, gas plasma, digital light processing, or other
25 image projection technology;

1 (3) Electronic equipment means a computer, computer
2 monitor, or television; and

3 (4) Television means a stand-alone display system
4 containing a cathode ray tube, liquid crystal display, gas plasma,
5 digital light processing, or other type of display primarily
6 intended to receive video programming via broadcast.

7 Sec. 2. (1) Beginning in 2009, an electronic equipment
8 retailer who accepts electronic equipment for recycling may qualify
9 for an annual rebate of one dollar per item of electronic equipment
10 recycled, subject to the following conditions:

11 (a) The total amount of rebates received by the retailer
12 pursuant to this subsection shall not be greater than the amount of
13 fees remitted pursuant to section 1 of this act the previous year
14 by such retailer;

15 (b) The retailer shall certify the total amount of fees
16 remitted the previous year pursuant to such section;

17 (c) The retailer shall certify the amount of electronic
18 equipment accepted for recycling; and

19 (d) The retailer shall certify that the electronic
20 equipment accepted for recycling was recycled.

21 (2) To receive a rebate under this section, the retailer
22 shall apply to the Department of Environmental Quality, on forms
23 provided by the department, by March 1 of each year, beginning in
24 the year 2009. The retailer shall provide the information required
25 by this section and any other information the department deems

1 necessary.

2 (3) The department shall verify the information on the
3 rebate application and make a final determination of the retailer's
4 eligibility for a rebate within forty-five days after the date the
5 application is received by the department.

6 Sec. 3. The Department of Environmental Quality may adopt
7 and promulgate rules and regulations to carry out sections 1 and 2
8 of this act.

9 Sec. 4. Section 81-1504.01, Revised Statutes Supplement,
10 2007, is amended to read:

11 81-1504.01 The Department of Environmental Quality shall
12 provide the following information to the Governor and to the Clerk
13 of the Legislature by December 1 of each year:

14 (1) A report by type of service or aid provided by the
15 use and distribution of federal funds received by the department.
16 The report shall also include user fees, permit fees, license
17 fees, and application fees authorized by the federal Environmental
18 Protection Agency as follows:

19 (a) Actual expenditure of each grant or authorized fees
20 for the most recently completed state fiscal year, including state
21 matching funds;

22 (b) Current budget and planned use and distribution of
23 each grant and authorized fees for the current state fiscal year,
24 including state matching funds;

25 (c) A summary of the projected funding level of each

1 grant and authorized fees and the impact of federal mandates and
2 regulations upon the future use of each grant and authorized fees;
3 and

4 (d) Program summaries including statistical summaries
5 when applicable for the most recently completed state fiscal year
6 and program activity goals for the current state fiscal year;

7 (2) A summary of regulations of the federal Environmental
8 Protection Agency which the department is required to implement and
9 which do not include federal funding assistance and the possible
10 financial impact to the state and political subdivisions;

11 (3) A report by type of service or aid provided by the
12 use and distribution of state general and cash funds, including
13 user fees, permit fees, license fees, and application fees, to
14 carry out activities that are not funded by federal grants as
15 follows:

16 (a) Actual expenditure of state funds, by agency
17 sections, for the most recently completed state fiscal year,
18 including a breakdown of expenditures by personal services,
19 operations, travel, capital outlay, and consulting and contractual
20 services;

21 (b) Current budget and planned use and distribution of
22 state funds, by agency sections, for the current state fiscal
23 year, including a breakdown of expenditures for personal services,
24 operations, travel, capital outlay, and consulting and contractual
25 services;

1 (c) A summary of projected program funding needs based
2 upon the statutory requirements and public demand for services and
3 the department's assessment of anticipated needs statewide; and

4 (d) Program summaries including statistical summaries
5 when applicable for the most recently completed state fiscal year
6 and program activity goals for the current state fiscal year;

7 (4) A report regarding staff turnover by job class and
8 the department's assessment of its ability to hire and retain
9 qualified staff considering the state's personnel pay plan;

10 (5) A report listing the method used by each new or
11 existing licensee, permittee, or other person who is required by
12 the department to establish proof of financial responsibility; and

13 (6) A report for the previous state fiscal year relating
14 to the purpose of the Nebraska Litter Reduction and Recycling
15 Act and of funds credited to the Nebraska Litter Reduction and
16 Recycling Fund; and -

17 (7) A report for the previous state fiscal year relating
18 to the funds credited to the Waste Reduction and Recycling
19 Incentive Fund pursuant to section 1 of this act.

20 Sec. 5. Section 81-15,160, Revised Statutes Supplement,
21 2007, is amended to read:

22 81-15,160 (1) The Waste Reduction and Recycling Incentive
23 Fund is created. The department shall deduct from the fund amounts
24 sufficient to reimburse itself for its costs of administration
25 of the fund. The fund shall be administered by the Department

1 of Environmental Quality. The fund shall consist of proceeds from
2 the fees imposed pursuant to the Waste Reduction and Recycling
3 Incentive Act.

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

6 (a) Technical and financial assistance to political
7 subdivisions for creation of recycling systems and for modification
8 of present recycling systems;

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

11 (c) Market development for recyclable materials separated
12 by generators, including public education, planning, and technical
13 assistance;

14 (d) Capital assistance for establishing private and
15 public intermediate processing facilities for recyclable materials
16 and facilities using recyclable materials in new products;

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

19 (f) Technical assistance for waste reduction and waste
20 exchange for waste generators;

21 (g) Programs to assist communities and counties to
22 develop and implement household hazardous waste management
23 programs; and

24 (h) Capital assistance for establishing private and
25 public facilities to manufacture combustible waste products and

1 to incinerate combustible waste to generate and recover energy
2 resources, except that no disbursements shall be made under this
3 section for scrap tire processing related to tire-derived fuel.

4 The State Treasurer shall transfer two million one
5 hundred thousand dollars from the Waste Reduction and Recycling
6 Incentive Fund to the General Fund within five days after August
7 16, 2002.

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

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

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

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

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

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

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

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

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

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

1 (4) One million dollars shall be available annually for
2 FY2008-09 and FY2009-10 for electronic recycling activities if
3 acceptable electronic recycling project applications pursuant to
4 sections 1 and 2 of this act are received.

5 ~~(4)~~ (5) Priority for grants made under section 81-15,161
6 shall be given to grant proposals demonstrating a formal
7 public/private partnership except for grants awarded from fees
8 collected under subsection (6) of section 13-2042.

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

21 ~~(6)~~ (7) Any person who stores waste tires in violation
22 of section 13-2033, which storage is the subject of abatement
23 or cleanup, shall be liable to the State of Nebraska for the
24 reimbursement of expenses of such abatement or cleanup paid by the
25 Department of Environmental Quality.

1 ~~(7)~~ (8) The Department of Environmental Quality may
2 receive gifts, bequests, and any other contributions for deposit
3 in the Waste Reduction and Recycling Incentive Fund. Any money in
4 the fund available for investment shall be invested by the state
5 investment officer pursuant to the Nebraska Capital Expansion Act
6 and the Nebraska State Funds Investment Act.

7 Sec. 6. Original sections 81-1504.01 and 81-15,160,
8 Revised Statutes Supplement, 2007, are repealed.