

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB861

Hearing Date: Wednesday February 12, 2020
Committee On: Natural Resources
Introducer: Hughes
One Liner: Change provisions of the Integrated Solid Waste Management Act with respect to consumer merchandise and containers

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Moser, Hughes, Halloran, Gragert, Geist, Bostelman, Albrecht
Nay:		
Absent:		
Present Not Voting:	1	Senator Quick

Oral Testimony:

Proponents:

Senator Dan Hughes
Jim Otto

Dale Gubbels
Kathy Siefken
Tim Keigher

Ron Sedlacek

Dustin Antonello
Blair MacDonald

Opponents:

Michael J. O'Hara
Lash Chaffin
Megan Jackson

Neutral:

Representing:

Introducer
Nebraska Retail Federation and Nebraska Restaurant Association
Firstar Fiber, Inc
Nebraska Grocery Industry Association
Nebraska Petroleum Marketers and Convenience Store Association
Nebraska Chamber of Commerce, Nebraska Omaha Chamber of Commerce, Lincoln Chamber of Commerce, National Federation of Independent Businesses of Nebraska
Lincoln Independent Businesses
Nebraska Beverage Association

Representing:

Sierra Club - Nebraska Chapter
League of Nebraska Municipalities
Nebraska Recycling Council

Representing:

Summary of purpose and/or changes:

LB 861 would amend the Integrated Solid Waste Management Act to help ensure uniform regulation of consumer merchandise and containers, and to encourage recycling and secondary use processes. The purpose of LB861 is to address the regulatory burden retailers could experience if cities, counties, and agencies were allowed to enforce a patchwork of various regulations for consumer merchandise and containers.

Section 1 updates section 13-2001 to refer to newly added sections

Section 2 updates section 13-2003 to refer to newly added sections

Section 3 amends section 13-2003 to add a definition for "consumer merchandise" to the Integrated Solid Waste Management Act.

Section 4 amends section 13-2003 to add a definition for "container" to the Integrated Solid Waste Management Act.

Section 5 inserts language to section 13-2017 to express a state policy of encouraging recycling and secondary use processes, specifically pyrolysis and biomass, and to encourage uniform statewide regulation of consumer merchandise and containers.

Section 6 amends section 13-2023 to prohibit counties, municipalities, and agencies from adopting, enforcing, or otherwise administering ordinances prohibiting the use of or setting standards, fees, or requirements for consumer merchandise or containers other than those laid out in the Integrated Solid Waste Management Act. This section does not apply to county, municipality, or agency recycling or solid waste collection programs.

Section 7 repeals the original sections.

Explanation of amendments:

The committee considered and adopted an amendment that accomplishes the following:

AM 2672 would eliminate all references in the bill to "consumer merchandise" to clarify the bill is only meant to apply to regulations involving the sale, use, or marketing containers, not to regulations involving the merchandise contained within the containers. It would also clarify that counties, municipalities, and agencies cannot not use any provision of the bill to independently ban the sale, use, or marketing of containers. Finally, it explicitly adds cans and pouches to the definition of "container" and clarifies other language in the bill.

Dan Hughes, Chairperson