

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 861**

Introduced by Hughes, 44.

Read first time January 09, 2020

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act;
- 2 to amend sections 13-2001, 13-2003, 13-2017, and 13-2023, Reissue
- 3 Revised Statutes of Nebraska; to define terms; to change provisions
- 4 related to state policy and to the regulation of the sale or
- 5 marketing of consumer merchandise and containers by a county,
- 6 municipality, or agency; to harmonize provisions; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2001, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 13-2001 Sections 13-2001 to 13-2043 and sections 3 and 4 of this act  
4 shall be known and may be cited as the Integrated Solid Waste Management  
5 Act.

6 Sec. 2. Section 13-2003, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 13-2003 For purposes of the Integrated Solid Waste Management Act,  
9 the definitions found in sections 13-2004 to 13-2016.01 and sections 3  
10 and 4 of this act shall be used.

11 Sec. 3. Consumer merchandise means merchandise offered for sale or  
12 lease, or provided with a sale or lease, primarily but not exclusively  
13 for personal, family, or household purposes, and includes any container  
14 used for consuming, carrying, or transporting such merchandise.

15 Sec. 4. Container means a bag, cup, package, container, bottle, or  
16 other packaging that is (1) designed to be either reusable or single-use,  
17 (2) made of cloth, paper, plastic, including foamed or expanded plastic,  
18 cardboard, corrugated material, aluminum, glass, or postconsumer recycled  
19 or similar material or substrates, including coated, laminated, or  
20 multilayer substrates, and (3) designed for consuming, protecting, or  
21 transporting merchandise, food, or beverages from or at a food service or  
22 retail facility.

23 Sec. 5. Section 13-2017, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 13-2017 It is the policy of this state:

26 (1) To encourage the development of integrated solid waste  
27 management programs, including waste volume reduction and recycling  
28 programs and education, at the local governmental level through  
29 incentives, technical assistance, grants, and other practical measures;

30 (2) To support and encourage the development of new uses and markets  
31 for recycled goods, placing emphasis on the development in Nebraska of

1 businesses relating to waste reduction and recycling;

2 (3) To provide education concerning the components of integrated  
3 solid waste management, at the elementary level through the high school  
4 level and through community organizations, to enhance the success of  
5 local programs requiring public involvement;~~and~~

6 (4) To support and encourage manufacturing methods which are  
7 environmentally sustainable, technologically safe, and ecologically sound  
8 and which enhance waste reduction by creating products which have longer  
9 usage life and which are adaptable to secondary uses through processes  
10 such as pyrolysis or biomass, require less input material, and decrease  
11 resource consumption; and -

12 (5) To encourage uniform regulation of consumer merchandise and  
13 containers in order to avoid the burden on retailers of having to comply  
14 with varying regulatory policies in multiple jurisdictions.

15 Sec. 6. Section 13-2023, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 13-2023 (1) A county, municipality, or agency may, by ordinance or  
18 resolution, adopt regulations governing collection, source separation,  
19 storage, transportation, transfer, processing, treatment, and disposal of  
20 solid waste within its solid waste jurisdiction area as necessary to  
21 protect the public health and welfare and the environment. Regulations  
22 authorized by this section shall be equal to or more stringent than the  
23 provisions of the Integrated Solid Waste Management Act and rules and  
24 regulations adopted and promulgated by the council as authorized by the  
25 act. Any person who violates any such regulation shall be subject to a  
26 noncompliance fee not to exceed five hundred dollars.

27 (2) A county, municipality, or agency shall not adopt, enforce, or  
28 otherwise administer an ordinance or resolution that prohibits the use of  
29 or that sets standards, fees, or requirements regarding the sale, use, or  
30 marketing of consumer merchandise and containers. This subsection shall  
31 not apply to county, municipality, or agency recycling or solid waste

1 collection programs.

2       Sec. 7. Original sections 13-2001, 13-2003, 13-2017, and 13-2023,

3 Reissue Revised Statutes of Nebraska, are repealed.