

## LEGISLATIVE BILL 495

Approved by the Governor June 10, 1997

Introduced by Beutler, 28; at the request of the Governor

AN ACT relating to solid waste; to amend sections 28-523, 81-15,158.01, 81-15,159.01, 81-15,159.02, 81-15,160, 81-15,161, 81-15,162.02, and 81-15,162.07, Reissue Revised Statutes of Nebraska, and sections 13-2020, 13-2042, 39-310, 39-311, and 81-15,161.01, Revised Statutes Supplement, 1996; to change provisions relating to rates and charges and provide for disbursements under the Integrated Solid Waste Management Act; to change littering and solid waste penalties; to change and eliminate provisions relating to scrap tires; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-15,162.03 to 81-15,162.06, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 13-2020, Revised Statutes Supplement, 1996, is amended to read:

13-2020. (1) Effective October 1, 1993, each county and municipality shall provide or contract for facilities and systems as necessary for the safe and sanitary disposal of solid waste generated within its solid waste jurisdiction area. Such disposal shall comply with rules and regulations adopted and promulgated by the council for integrated solid waste management programs.

(2) A county, municipality, or agency may jointly own, operate, or own and operate with any person any facility or system and may enter into cooperative agreements as necessary and appropriate for the ownership, operation, or ownership and operation of any facility or system.

(3) A county, municipality, or agency may, either alone or in combination with any other county, municipality, or agency, contract with any person to provide any service, facility, or system required by the Integrated Solid Waste Management Act.

(4) The governing body of a county, municipality, or agency may make all necessary rules and regulations governing the use, operation, and control of a facility or system. Such governing body may establish just and equitable rates or charges to be paid to it for the use of such facility or system by each person whose premises are served by the facility or system, including charges for late payments, except that no city of the metropolitan class shall impose any rate or charge upon individual residences unless a majority of those voting in a regular or special election vote affirmatively to approve or authorize establishment of such a rate or charge. For purposes of the charges authorized by this section, the premises are served if solid waste collection service is available to the premises or if a community solid waste drop-off location is provided, unless the person who would otherwise be subject to such rates or charges proves to the governing body of the county, municipality, or agency that his or her solid waste was lawfully collected and hauled to a permitted facility. Such proof shall be provided by a receipt from a permitted facility, a statement from a licensed hauler, or other documentation acceptable to the governing body of the county, municipality, or agency. If the service charge so established is not paid when due, such sum may be recovered by the county, municipality, or agency in a civil action or, following notice by regular United States mail to the last-known address of the property owner of record and an opportunity for a hearing, may be certified by the governing body of the county, municipality, or agency to the county treasurer and assessed against the premises served and collected or returned in the same manner as other taxes are certified, assessed, collected, and returned.

(5) If the county, municipality, or agency enters into a contract with a person to provide a facility or system, such contract may authorize the person to charge the owners of premises served such a service rate therefor as the governing body determines to be just and reasonable or the county, municipality, or agency may pay therefor out of its general fund or the proceeds of any tax levy applicable to the purposes of such contract or assess the owners of the premises served a reasonable charge therefor to be collected as provided in this section and paid into a fund to be used to defray such contract charges.

Sec. 2. Section 13-2042, Revised Statutes Supplement, 1996, is amended to read:

13-2042. (1) A disposal fee of one dollar and twenty-five cents is imposed for each six cubic yards of uncompacted solid waste, one dollar and twenty-five cents for each three cubic yards of compacted solid waste, or one dollar and twenty-five cents per ton of solid waste disposed of at landfills regulated by the department. Each operator of a landfill disposal facility shall make the fee payment quarterly. The fee shall be paid quarterly to the department on or before the forty-fifth day following the end of each quarter. For purposes of this section, landfill shall have the same definition as municipal solid waste landfill unit in 40 C.F.R. part 258, subpart A, section 258.2.

(2) The department shall exempt a landfill operator from the disposal fee imposed by this section for solid waste that is disposed pursuant to a contract shown to have been in effect on or before December 15, 1991, if such contract requires the landfill operator to dispose of solid waste without a mechanism for a price increase for a period of not less than one year. Such exemption shall terminate at the earlier of the following dates: (a) The date such contract allows for a price increase; (b) the expiration of such contract; or (c) July 1, 1994.

(3) Each fee payment shall be accompanied by a form prepared and furnished by the department and completed by the permit holder. The form shall state the total volume of solid waste disposed of at that facility during the payment period and shall provide any other information deemed necessary by the department. The form shall be signed by the permit holder.

(4) If a permit holder fails to make a timely payment of the fee, he or she shall pay interest on the unpaid amount at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

(5) This section shall not apply to a site used solely for the reclamation of land through the introduction of landscaping rubble or inert material.

(6) Fifty percent of the total of such fees collected in each quarter shall be remitted to the State Treasurer for credit to the Integrated Solid Waste Management Cash Fund and shall be used by the department to cover the direct and indirect costs of regulating and monitoring facilities during and after operation of facilities or performance of regulated activities under the Integrated Solid Waste Management Act. Of the amount credited to the Integrated Solid Waste Management Cash Fund, the department may disburse amounts to political subdivisions for costs incurred in response to and remediation of any solid waste disposed of or abandoned at dump-sites or discrete locations along public roadways or ditches and on any contiguous area affected by such disposal or abandonment. Such reimbursement shall be by application to the department on forms prescribed by the department. The department shall prepare and make available a schedule of eligible costs and application procedures which may include a requirement of a demonstration of preventive measures to be taken to discourage future dumping. The department may not disburse to political subdivisions an amount which in the aggregate exceeds five percent of total revenue from the disposal fees collected pursuant to this section in the preceding fiscal year. These disbursements shall be made on a fiscal-year basis, and applications received after funds for this purpose have been exhausted may be eligible during the next fiscal year but are not an obligation of the state. Any eligible costs incurred by a political subdivision which are not funded due to a lack of funds shall not be considered an obligation of the state. In disbursing funds under this section, the director shall make efforts to ensure equal geographic distribution throughout the state and may deny reimbursements in order to accomplish this goal.

(7) The remaining fifty percent of the total of such fees collected per quarter shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. For purposes of determining the total fees collected, any amount of fees rebated pursuant to section 13-2042.01 shall be included as if the fees had not been rebated, and the amount of the fees rebated pursuant to such section shall be deducted from the amount to be credited to the Waste Reduction and Recycling Incentive Fund.

(8) The council shall adopt and promulgate rules and regulations for the distribution of grants under subsection (7) of this section from the proceeds of the fees imposed by this section to counties, municipalities, and agencies for the purposes of planning and implementing facilities and systems to further the goals of the Integrated Solid Waste Management Act. The fees collected pursuant to this section shall not be used as grant proceeds to fund landfill closure site assessments, closure, monitoring, or investigative or corrective action costs for existing landfills or landfills already closed prior to July 15, 1992. The rules and regulations shall base the awarding of grants on a project's reflection of the integrated solid waste management

policy and hierarchy established in section 13-2018, the proposed amount of local matching funds, and community need.

Sec. 3. Section 28-523, Reissue Revised Statutes of Nebraska, is amended to read:

28-523. (1) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

(a) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(b) The litter is placed in a receptacle or container installed on such property for such purpose.

(2) The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this subsection shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or watercraft commits the offense of littering.

(4) A person who commits the offense of littering shall be guilty of a Class ~~V~~ III misdemeanor. A person convicted of the offense of littering for the second time shall be guilty of a Class ~~IV~~ II misdemeanor. A person convicted of the offense of littering for the third or a subsequent time shall be guilty of a Class ~~III~~ I misdemeanor.

Sec. 4. Section 39-310, Revised Statutes Supplement, 1996, is amended to read:

39-310. Any person who deposits any wood, stone, or other kind of material on any part of any lawful public road in this state, inside of the ditches of such road, or outside of the ditches but so near thereto as to cause the banks thereof to break into the same, causes the accumulation of rubbish, or causes any kind of obstruction, shall be guilty of (1) a Class ~~III~~ III misdemeanor for the first offense, (2) a Class II misdemeanor for the second offense, and (3) a Class I misdemeanor for the third or subsequent offense.

Sec. 5. Section 39-311, Revised Statutes Supplement, 1996, is amended to read:

39-311. (1) No person shall throw or deposit upon any highway:

(a) Any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such highway; or

(b) Any burning material.

(2) Any person who deposits or permits to be deposited upon any highway any destructive or injurious material shall immediately remove such or cause it to be removed.

(3) Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle.

(4) The Department of Roads or a local authority as defined in section 60-628 may procure and place at reasonable intervals on the side of highways under its respective jurisdiction appropriate signs showing the penalty for violating this section. Such signs shall be of such size and design as to be easily read by persons on such highways, but the absence of such a sign shall not excuse a violation of this section.

(5) It shall be the duty of all Nebraska State Patrol officers, conservation officers, deputy conservation officers, sheriffs, deputy sheriffs, and other law enforcement officers to enforce this section and to make prompt investigation of any violations of this section reported by any person.

(6) Any person who violates any provision of this section shall be guilty of (a) a Class ~~V~~ III misdemeanor for the first offense, (b) a Class II misdemeanor for the second offense, and (c) a Class I misdemeanor for the third or subsequent offense.

Sec. 6. Section 81-15,158.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,158.01. Sections 81-15,158.01 to 81-15,165 and section 14 of this act shall be known and may be cited as the Waste Reduction and Recycling Incentive Act.

Sec. 7. Section 81-15,159.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,159.01. (1) The Legislature further finds and declares that:

(a) The number of scrap tires existing in the state and the number of scrap tires generated each year has created a serious environmental threat to the citizens of Nebraska; and

(b) Scrap tires can be recycled or processed for many uses and this recycling and processing should be encouraged and assisted by the state since recycling and reduction of scrap tires is an important component of Nebraska's overall waste management system.

(2) It is the intent of the Legislature to facilitate the recycling and reduction of scrap tires. The state can encourage this by funding grants ~~and loans~~ to promote programs or projects that will benefit the general public by reducing the number of scrap tires in Nebraska.

Sec. 8. Section 81-15,159.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,159.02. For purposes of the Waste Reduction and Recycling Incentive Act:

(1) Collection site ~~shall mean means~~ a site used for the temporary storage of more than one hundred scrap tires;

(2) Council ~~shall mean means~~ the Environmental Quality Council;

(3) Department ~~shall mean means~~ the Department of Environmental Quality;

(4) Director ~~shall mean means~~ the Director of Environmental Quality;

(5) Manufacturing process ~~shall mean means~~ a process that uses the resources contained in scrap tires to create a new rubber-based product but ~~shall does~~ not include the recovery of energy from scrap tires;

(6) Scrap tire ~~shall mean means~~ a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect;

(7) Tire ~~shall mean means~~ any tire made of rubber or other resilient material and normally used on any vehicle listed in section 81-15,162;

(8) Tire collector ~~shall mean means~~ a person, business, or other entity who owns or operates a collection site;

(9) Tire-derived product ~~shall mean means~~ the usable materials ~~product~~ produced from the chemical or physical processing of a scrap tire. ~~Tire-derived product does not include crumb rubber or chipped tires not intended for a direct end use and does not include baled tires or tire-derived fuel;~~

(10) Tire hauler ~~shall mean means~~ a person, business, or other entity engaged in the business of picking up and transporting scrap tires for storage, processing, or disposal but ~~shall does~~ not include an entity the involvement of which with scrap tires is incidental to hauling refuse, rubbish, or garbage as those terms are defined in section 81-1502;

(11) Tire processing ~~shall mean means~~ the chemical or physical alteration of a scrap tire, for the purpose of producing tire-derived products, ~~including fuel, from scrap tires;~~

(12) Tire processing facility ~~shall mean means~~ a facility used for tire processing;

(13) Tire processor ~~shall mean means~~ a person, business, or other entity engaged in tire processing; and

(14) Tire retailer ~~shall mean means~~ a person, business, or other entity which engages in the retail sale of tires in any quantity for any use or purpose by the purchaser other than for resale.

Sec. 9. Section 81-15,160, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,160. (1) ~~There is hereby created a The Waste Reduction and Recycling Incentive Fund is created. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to sections 81-15,159 to 81-15,165, and from loan repayments under section 81-15,162.06.~~

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

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

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

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

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

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

(f) Technical assistance for waste reduction and waste exchange for

waste generators;

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

(h) Incentive grants to political subdivisions to assist and encourage the closure of landfills operating without a permit, the regional consolidation of solid waste disposal facilities operating with a permit, and the use of transfer stations. Grants awarded for programs involving land disposal shall include provisions for waste reduction and recycling; and

(i) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources.

(3) No grant shall be made under section 81-15,161 to a political subdivision which operates a landfill operating without a permit unless the grant will be used to meet permit standards and the landfill is issued a permit within two years after the award of the grant.

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals that will be used for the recycling of tires or tire waste reduction, except that on or before June 30, 1999, grant proposals that will be used for the recycling of tires or tire waste reduction shall be submitted and considered under sections 81-15,162-02 to 81-15,162-05 section 81-15,162,02 and shall not be funded from the Waste Reduction and Recycling Incentive Fund.

(5) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 10. Section 81-15,161, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,161. (1) Allocations from the Waste Reduction and Recycling Incentive Fund and from the Scrap Tire Reduction and Recycling Incentive Fund may be made as grants to a political subdivision or other entity or organization, public, private, or nonprofit, ~~or as loans as provided in section 81-15,162-05~~ when it is found that the proposed program, project, or study appears to benefit the general public, to further the goals of waste reduction and recycling, and to be consistent with proper waste management practices. Each application for a grant ~~or loan~~ under the Waste Reduction and Recycling Incentive Act shall be filed with the department in a manner and form prescribed by the department.

(2) The council shall adopt guidelines for the determination of eligibility of public, private, and nonprofit entities, organizations, or persons to receive funds pursuant to the Waste Reduction and Recycling Incentive Act and for the determination of qualification and suitability of plans submitted by such entities, organizations, and persons consistent with the act.

(3) An application for a grant ~~or loan~~ shall: (a) Describe the nature and purpose of the proposed program, project, or study; (b) set forth or be accompanied by a plan for development of the proposed program, project, or study, together with engineering, economic, and financial feasibility data and information and such estimated costs of construction or implementation as may be required by the department; (c) state whether money other than that for which the application is made will be used to help in meeting program, project, or study costs and whether such money is available or has been sought for this purpose; (d) when appropriate, state that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands; (e) show that the applicant possesses all necessary authority to undertake or participate in the proposed program, project, or study; and (f) demonstrate the probable environmental and ecological consequences that may result from the proposed program or project. Upon receipt of an application the director shall evaluate and investigate all aspects of the proposed program, project, or study and the proposed schedule for the development and completion of such program, project, or study and determine the eligibility of the program, project, or study for funding. As a part of his or her investigation, the director shall consider whether the plan for development of the program, project, or study is satisfactory. If the director determines that the plan is unsatisfactory or that the application does not contain adequate information upon which to make determinations, the director shall return the application to the applicant and may make recommendations to the applicant which the director considers necessary to make the plan or the application satisfactory.

(4) The director shall within a reasonable time, not to exceed six months, after receipt of such application approve or reject grant funding for

the program, project, or study. The director shall indicate what form of allocation he or she deems appropriate. Funds for grants or loans from the Scrap Tire Reduction and Recycling Incentive Fund shall be allocated as provided in section 81-15,162.02. The grant shall be for a specific dollar amount of funds, and the funds shall be used only for the purpose specified in the grant. Subject to sections 81-15,162.02 to 81-15,162.06 section 81-15,162.02, the director may set any terms for the administration of the funds as he or she deems necessary and any penalties to be imposed upon the recipient if it fails to comply with any requirements of the grant.

(5) It is the intent of the Legislature that allocations from the Waste Reduction and Recycling Incentive Fund and the Scrap Tire Reduction and Recycling Incentive Fund shall be made in an equitable manner which maximizes the benefits of the funds. When awarding grants, the director shall balance the needs of: (a) All geographic areas of the state; (b) all sizes and classes of communities; and (c) all manner and scale of programs, projects, and studies. The director shall also give consideration to eligible programs, projects, and studies which would specifically employ disabled or handicapped persons.

(6) The council shall adopt and promulgate rules and regulations to carry out the Waste Reduction and Recycling Incentive Act, except for disbursements under section 81-15,162.02 which shall be determined by the director.

(7) The director, when making disbursements under section 81-15,162.02, shall do so in a manner which (a) is consistent with the categories established in such section and (b) provides funding to projects which most effectively carry out the purposes of such section.

Sec. 11. Section 81-15,161.01, Revised Statutes Supplement, 1996, is amended to read:

81-15,161.01. (1) There is hereby created the The Scrap Tire Reduction and Recycling Incentive Fund is created. The fund shall to be administered by the department. The fund shall consist of the proceeds from the fees imposed pursuant to section 81-15,162.01 and, before July 1, 1999, proceeds from the fees imposed pursuant to section 81-15,162, and from loan repayments under section 81-15,162.05. The department may receive gifts, bequests, and any other contributions for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) Money in the fund may be used for the development of a statewide program to facilitate the elimination of health and safety hazards caused by scrap tires and collection sites, including, but not limited to: Collection site abatement; the collection, management, and cleanup of scrap tires; regulation of permitted tire processors, tire collectors, collection sites, and tire haulers; research and studies to determine the technical and economic feasibility of uses of tire-derived products and to promote the production of such products; market development of tire-derived products, including planning and technical assistance; public education on scrap tire management; and grants and loans to achieve these goals. It is not the intent of the Legislature that the state bear the responsibility to achieve these goals, but it is the intent of the Legislature that the state provide assistance, financial and otherwise, to political subdivisions and other entities, public, private, and nonprofit, to enable them to achieve these goals.

Sec. 12. Section 81-15,162.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,162.02. (1) The department shall deduct and withhold from the Scrap Tire Reduction and Recycling Incentive Fund an amount sufficient to reimburse itself for its costs of administration of the fund.

(2) The department may disburse to any person a percentage of costs incurred in cleaning up collection sites existing on the effective date of this act if such cleanup is complete no later than June 1, 1999. If the cleanup is completed by August 31, 1998, the disbursement may be up to one hundred percent of the costs. The remaining cleanups under this section completed by June 1, 1999, may receive disbursements of up to seventy percent of the costs. All disbursements under this subsection are subject to availability of money in the fund.

(3) Other eligible categories of disbursement which may be made from the fund to any person who applies to the department under subsection (4) of this section are:

(a) Studies to determine economic and technical feasibility of uses of scrap tire or tire-derived scrap tire product, with disbursements of up to one hundred percent of the cost of the study, depending on factors set out in subsection (4) of this section;

(b) Reimbursement for the purchase of tire-derived products which utilize a minimum of twenty-five percent recycled tire content, with disbursements not exceeding twenty-five percent of the product's retail cost;

(c) Participation in the capital costs of buildings, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived products, with disbursements not exceeding fifty percent of the costs or five hundred thousand dollars, whichever is less;

(d) Participation in the capital costs of equipment, buildings, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not exceeding fifty percent of such costs;

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

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

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

(4) The department shall develop an application form to be used by applicants for disbursement for cleanup costs as described in subsection (2) of this section or for disbursement of funds under subsection (3) of this section. The department shall prepare and distribute a schedule of eligible activities, conditions of funding, and application procedures, including any matching requirements, for disbursements made under this section. Decisions by the director on recipients of funding shall be made in a manner which furthers the purposes of recycling and reducing the number of scrap tires in Nebraska. In order to further the purposes of section 81-15.159.01, the director shall give preference to projects which utilize scrap tires generated in Nebraska.

(5) The director may deny any application which he or she determines (a) is not in conformance with this section, (b) does not reflect reasonable costs for the type of project proposed, (c) contains inaccurate, incomplete, or misleading information in the application, or (d) would require the expenditure of funds beyond the fund's unobligated balance or any other reason which the director determines is necessary to properly administer this section.

No disbursements may be made under this section for scrap tire processing related to tire-derived fuel. The director may provide partial funding to any applicant for any of the reasons set out in this subsection.

(6) All disbursements made under this section shall be formalized by a written agreement between the department and all recipients of the disbursement. The agreement may include but need not be limited to, the following conditions designed to protect the fund and ensure completion of the project: (a) Mechanics of funding disbursement; (b) any bidding requirements; (c) completion timelines for any deliverables; (d) record-keeping and reporting requirements; (e) security interest and insurance requirements on equipment; (f) forfeiture and repayment of funds; and (g) other conditions necessary or desirable to carry out this section. After the department has done so, it shall allocate money from the fund in percentage amounts to be determined by the council on an annual basis; after a public hearing on a date to be determined by the council, except that the allocation percentages for the first grant or loan period after July 16, 1994, shall be as follows: (1) Ten percent of the funds to be disbursed in the grant or loan allocation period to grants authorized in section 81-15.162.04; (2) fifty percent of the funds to be disbursed in the grant or loan allocation period to loans authorized in section 81-15.162.05; and (3) forty percent of the funds to be disbursed in the grant or loan allocation period to aid in the abatement of existing collection sites or establishment of collection sites as authorized in section 81-15.162.03. Such grants or loans shall be made for programs, projects, or studies which are consistent with the statewide scrap tire program developed pursuant to section 81-15.161.01. If sufficient eligible and approved applications are not received in any one of the categories listed in this section in a grant or loan period, the department shall apply the funds remaining in such category to another category that does have sufficient eligible and approved applications.

Sec. 13. Section 81-15.162.07, Reissue Revised Statutes of Nebraska, is amended to read:

81-15.162.07. The department shall require periodic reports to be filed by grant and loan recipients to enable the department to review and

follow up on actions taken by grant and loan recipients to ensure that the purposes of the Waste Reduction and Recycling Incentive Act are achieved.

Sec. 14. If the Scrap Tire Reduction and Recycling Incentive Fund is insufficient for any reason to make reimbursements or grants under section 81-15,162.02, the maximum amount that the fund shall be required to reimburse or grant is the amount in the fund. The State of Nebraska is not liable for any reimbursement or grant if the fund contains insufficient money to make such payment.

Sec. 15. Original sections 28-523, 81-15,158.01, 81-15,159.01, 81-15,159.02, 81-15,160, 81-15,161, 81-15,162.02, and 81-15,162.07, Reissue Revised Statutes of Nebraska, and sections 13-2020, 13-2042, 39-310, 39-311, and 81-15,161.01, Revised Statutes Supplement, 1996, are repealed.

Sec. 16. The following sections are outright repealed: Sections 81-15,162.03 to 81-15,162.06, Reissue Revised Statutes of Nebraska.

Sec. 17. Since an emergency exists, this act takes effect when passed and approved according to law.