

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 454**

Introduced by Haar, 21.

Read first time January 22, 2013

Committee:

A BILL

1 FOR AN ACT relating to recycling; to amend section 13-2039, Reissue  
2 Revised Statutes of Nebraska, and sections 81-1504.01 and  
3 81-15,160, Revised Statutes Cumulative Supplement, 2012;  
4 to adopt the Electronics Extended Producer Responsibility  
5 and Job Creation Act; to prohibit landfill disposal of  
6 certain electronic equipment as prescribed; to provide  
7 for reports and for grants from the Waste Reduction and  
8 Recycling Incentive Fund; to provide duties for the  
9 Director of Environmental Quality; to harmonize  
10 provisions; to provide severability; to repeal the  
11 original sections; and to declare an emergency.

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

1           Section 1. Sections 1 to 14 of this act shall be known  
2 and may be cited as the Electronics Extended Producer Responsibility  
3 and Job Creation Act.

4           Sec. 2. The purpose of the Electronics Extended Producer  
5 Responsibility and Job Creation Act is to establish a comprehensive  
6 electronics recycling system that ensures the safe, environmentally  
7 sound management of covered electronic equipment and encourages the  
8 design of electronic devices that are recyclable and less toxic, and  
9 creates jobs in collection, handling, and recycling of covered  
10 electronic equipment.

11           Sec. 3. For purposes of the Electronics Extended Producer  
12 Responsibility and Job Creation Act:

13           (1) Cathode ray tube means a vacuum tube or picture tube  
14 used to convert an electronic signal into a visual image;

15           (2) Computer means a desktop, portable or laptop,  
16 electronic, magnetic, optical, electrochemical, or other high-speed  
17 data processing device which is capable of performing logical,  
18 arithmetic, or storage functions and includes, but is not limited to,  
19 any cable, cord, or wiring permanently affixed to or incorporated  
20 into such product and may include both a computer central processing  
21 unit and a monitor. Computer does not include an automated typewriter  
22 or typesetter, a portable handheld calculator, a portable digital  
23 assistant, a mobile or cellular telephone, or other similar device;

24           (3) Consumer means a person located in the state who owns  
25 or uses covered electronic equipment. Consumer does not include an

1 entity involved in a wholesale transaction between a manufacturer and  
2 retailer;

3 (4)(a) Covered electronic equipment means a computer,  
4 monitor, video display device, television, computer peripheral,  
5 portable digital video disc player, small electronic equipment, or  
6 small-scale server.

7 (b) Covered electronic equipment does not include:

8 (i) A device that is a part of a motor vehicle or any  
9 component part of a motor vehicle assembled by or for a vehicle  
10 manufacturer or franchise dealer, including replacement parts for use  
11 in a motor vehicle;

12 (ii) A device that is functionally or physically a part  
13 of a larger piece of equipment that is designed or intended for use  
14 in an industrial, commercial, governmental, or medical setting,  
15 including diagnostic, monitoring, or control equipment;

16 (iii) A device that is contained within a clothes washer,  
17 clothes dryer, refrigerator, combination refrigerator and freezer,  
18 microwave oven, conventional oven or range, dishwasher, room air  
19 conditioner, dehumidifier, or air purifier; or

20 (iv) A telephone of any type unless it contains a video  
21 display area greater than nine inches measured diagonally or any  
22 hand-held device used to access commercial mobile radio service as  
23 referenced in 47 C.F.R. 20.9, as such regulation existed on January  
24 1, 2013;

25 (5) Department means the Department of Environmental

1 Quality;

2 (6) Electronic waste means covered electronic equipment  
3 which has been discarded or is no longer wanted by its owner or which  
4 for any other reason enters the waste collection, recovery,  
5 treatment, processing, or recycling system;

6 (7) Electronic waste collection site means a facility at  
7 a fixed or temporary site at which electronic waste is accepted from  
8 consumers and temporarily stored for more than five days in a  
9 calendar year before such waste is transported to an electronic waste  
10 consolidation facility or electronic waste recycling facility.  
11 Electronic waste collection site includes, but is not limited to, a  
12 dedicated site and facility for the acceptance of electronic waste,  
13 retail stores and outlets, municipal or private electronic waste  
14 collection sites, and not-for-profit donation sites that have agreed  
15 to accept electronic waste;

16 (8) Electronic waste consolidation facility means a  
17 facility that receives and stores electronic waste for the purpose of  
18 organizing, categorizing, or consolidating items of electronic waste  
19 before such waste is transported to an electronic waste recycling  
20 facility. Electronic waste consolidation facility includes, but is  
21 not limited to, a facility of a broker acting as an intermediary  
22 between electronic waste buyers and sellers and a regional center at  
23 which electronic waste is organized, categorized, or consolidated  
24 after being transported to such centers from electronic waste  
25 collection sites or other electronic waste consolidation facilities;

1           (9) Electronic waste recycling facility means a facility  
2 at which electronic waste is recycled;

3           (10) Label means a marker on the surface of covered  
4 electronic equipment conveying information which is permanent and can  
5 be attached, printed, engraved, or incorporated in any other  
6 permanent way that is obvious and visible to users of the covered  
7 electronic equipment;

8           (11) Manufacturer means a person who:

9           (a) Assembles or substantially assembles covered  
10 electronic equipment for sale in the state;

11           (b) Manufactures covered electronic equipment under its  
12 own brand name or under any other brand name for sale in the state;

13           (c) Sells, under its own brand name, covered electronic  
14 equipment sold in the state;

15           (d) Owns a brand name that it licenses to another person  
16 for use on covered electronic equipment sold in the state;

17           (e) Imports covered electronic equipment for sale in the  
18 state; or

19           (f) Manufactures covered electronic equipment for sale in  
20 the state without affixing a brand name.

21           Manufacturer does not mean a person who assembles or  
22 substantially assembles and sells fewer than one thousand units of  
23 covered electronic equipment annually in this state or whose primary  
24 business is the sale of covered electronic equipment which is  
25 comprised primarily of rebuilt, refurbished, or used components.

1           If more than one person is a manufacturer of a brand of  
2 covered electronic equipment, any such person may assume  
3 responsibility for obligations of a manufacturer of that brand under  
4 the act. If none of such persons assumes responsibility for the  
5 obligations of a manufacturer under the act, any and all such persons  
6 jointly and severally may be considered to be the responsible  
7 manufacturer of that brand for purposes of the act;

8           (12) Manufacturer's brand means a manufacturer's name,  
9 brand name, or brand label and all manufacturer's names, a brand name  
10 or brand label for which the manufacturer has a legal right or  
11 interest and includes names, brand names, and brand labels of a  
12 company that has been acquired by the manufacturer or in which the  
13 manufacturer asserts a legal interest such as trademark, license,  
14 service mark, or patent;

15           (13) Monitor means a video display component of a  
16 computer that does not contain a tuner, whether sold separately or  
17 together with a computer central processing unit or computer box, and  
18 includes a cathode ray tube, liquid crystal display, gas plasma,  
19 digital light processing, or other image projection technology having  
20 a viewable area greater than four inches when measured diagonally,  
21 and its case, interior wires, and circuitry;

22           (14) Person means any individual, business entity,  
23 partnership, company, corporation, not-for-profit corporation,  
24 association, governmental entity, public benefit corporation, public  
25 authority, firm, organization, or any other group of individuals, or

1 any officer or employee or agent thereof;

2 (15) Recycle means to separate, dismantle, or process the  
3 materials, components, or commodities contained in electronic waste  
4 for the purpose of preparing the materials, components, or  
5 commodities for use or reuse in new products or components thereof  
6 but not for energy recovery or energy generation by means of  
7 combustion, gasification, pyrolysis, or other means. Recycle includes  
8 the manual and mechanical separation of electronic waste to recover  
9 materials, components, or commodities contained therein for the  
10 purpose of use or reuse and changing the physical or chemical  
11 composition of electronic waste to segregate components for purposes  
12 of using or reusing those components;

13 (16) Retailer means a person who sells covered electronic  
14 equipment to a person in the state through any means. Retailer does  
15 not include a person who sells or offers for sale fewer than ten  
16 items of covered electronic equipment during a calendar year;

17 (17) Reuse means the use of electronic waste that is  
18 tested and certified to be in good working order and which was  
19 removed from the waste stream for use for the same purpose for which  
20 it was manufactured, including the continued use of whole systems or  
21 components;

22 (18) Sell or sale means any transfer for consideration,  
23 from a manufacturer or retailer to a person, of title or the right to  
24 use property, including, but not limited to, transactions conducted  
25 through retail sales outlets, catalogs, mail, the telephone, the

1 Internet, or any electronic means. Sell or sale includes transfer of  
2 new products or used products that may have been refurbished by the  
3 manufacturer or a manufacturer-approved party offered for sale by a  
4 manufacturer or retailer. Sell or sale does not include: (a)  
5 Consumer-to-consumer secondhand transfer; (b) the transfer of used  
6 covered electronic equipment or a lease of covered electronic  
7 equipment; or (c) wholesale transactions among a manufacturer,  
8 wholesaler, and retailer;

9 (19) Small electronic equipment means any portable  
10 digital music player that has memory capability and is battery-  
11 powered, a video cassette recorder, digital video disc player,  
12 digital video recorder, digital converter box, cable or satellite  
13 receiver, or an electronic or video game console, and includes any  
14 cable, cord, or wiring permanently affixed to or incorporated into  
15 any such product;

16 (20) Small-scale server means a computer that typically  
17 uses desktop components in a desktop form but is designed primarily  
18 to be a storage host for other computers and is: (a) Designed in a  
19 pedestal, tower, or other form similar to that of a desktop computer  
20 such that all data processing, storage, and network interfacing is  
21 contained within one box or product; (b) intended to be operational  
22 twenty-four hours per day and seven days per week with extremely low  
23 unscheduled down time; (c) capable of operating in a simultaneous  
24 multi-user environment serving several users through networked client  
25 units; and (d) designed for an industry accepted operating system for



1 home or low-end server applications;

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

10 (22) Video display device means a device that has an  
11 output surface having a viewable area greater than four inches when  
12 measured diagonally that displays moving graphical images or a visual  
13 representation of image sequences or pictures and shows a number of  
14 quickly changing images on a screen in fast succession to create the  
15 illusion of motion, including, but not limited to, a device that is  
16 an integral part of the display that cannot be easily removed from  
17 the display by the consumer and that produces the moving image on the  
18 screen and includes technology using a cathode ray tube, liquid  
19 crystal display, gas plasma, digital light processing, or other image  
20 projection technology.

21 Sec. 4. (1)(a) Beginning July 1, 2015, a manufacturer of  
22 covered electronic equipment must accept for collection, handling,  
23 and recycling or reuse electronic waste of which it is the  
24 manufacturer. Such waste shall count toward the amount of electronic  
25 waste required to be accepted pursuant to subsection (4) of this

1 section.

2 (b) Beginning July 1, 2015, a manufacturer of covered  
3 electronic equipment must accept for collection, handling, and  
4 recycling or reuse one piece of electronic waste of any  
5 manufacturer's brand if offered by a consumer with the purchase of  
6 covered electronic equipment of the same type by a consumer. Such  
7 waste shall count toward the amount of the electronic waste required  
8 to be accepted pursuant to subsection (4) of this section.

9 (2) Beginning July 1, 2015, a manufacturer must accept  
10 for collection, handling, and recycling or reuse the manufacturer's  
11 acceptance standard as specified in subsection (4) of this section.

12 (3) The statewide recycling or reuse goal shall be as  
13 follows:

14 (a) For the period July 1, 2015, through December 31,  
15 2015, the statewide recycling or reuse goal for electronic waste  
16 shall be the product of the latest population estimate for the state,  
17 as published by the United States Department of Commerce, Bureau of  
18 the Census, multiplied by two pounds;

19 (b) For 2016, the statewide recycling or reuse goal for  
20 all electronic waste shall be the product of the latest population  
21 estimate for the state, as published by the United States Department  
22 of Commerce, Bureau of the Census, multiplied by four pounds;

23 (c) For 2017, the statewide recycling or reuse goal for  
24 all electronic waste shall be the product of the latest population  
25 estimate for the state, as published by the United States Department

1 of Commerce, Bureau of the Census, multiplied by five pounds;

2 (d) For 2018 and each year thereafter, the statewide  
3 recycling or reuse goal for all electronic waste is the product of  
4 the base weight multiplied by the goal attainment percentage; and

5 (e) For the purposes of this section: (i) Base weight  
6 means the greater of: (A) The average weight of all electronic waste  
7 collected for recycling or reuse during the previous three calendar  
8 years as reported by manufacturers to the department pursuant to  
9 subdivision (2)(b) of section 11 of this act; or (B) the three-year  
10 average of the sum of all electronic waste collected for recycling or  
11 reuse during the previous three calendar years based on information  
12 reported by electronic waste consolidation facilities and electronic  
13 waste recycling facilities to the department pursuant to subdivisions  
14 (2)(b) and (3)(b) of section 9 of this act; and (ii) goal attainment  
15 percentage means: (A) Ninety percent if the base weight is less than  
16 ninety percent of the statewide recycling or reuse goal for the  
17 previous calendar year; (B) ninety-five percent if the base weight is  
18 ninety percent or greater, but does not exceed ninety-five percent of  
19 the statewide recycling or reuse goal for the previous calendar year;  
20 (C) one hundred percent if the base weight is ninety-five percent or  
21 greater but does not exceed one hundred five percent of the statewide  
22 recycling or reuse goal for the previous calendar year; (D) one  
23 hundred five percent if the base weight is one hundred five percent  
24 or greater but does not exceed one hundred ten percent of the  
25 statewide recycling or reuse goal for the previous calendar year; and

1 (E) one hundred ten percent if the base weight is one hundred ten  
2 percent or greater of the statewide recycling or reuse goal for the  
3 previous calendar year.

4 (4) The manufacturer acceptance standard shall be as  
5 follows:

6 (a) For the period July 1, 2015, through December 31,  
7 2015, and annually thereafter, each manufacturer's acceptance  
8 standard shall be the product of the statewide recycling or reuse  
9 goal under subsection (3) of this section, as appropriate, multiplied  
10 by that manufacturer's market share determined pursuant to  
11 subdivision (b) of this subsection;

12 (b) Each manufacturer's market share of electronic waste  
13 shall be determined by the department based on the manufacturer's  
14 percentage share of the total weight of covered electronic equipment  
15 sold as determined by the best available information, including, but  
16 not limited to, state sales data reported by weight. Beginning July  
17 1, 2015, and every calendar year thereafter, the department shall  
18 provide each manufacturer with a determination of its market share of  
19 electronic waste which shall be the quotient of the total weight of  
20 the manufacturer's covered electronic equipment sold to persons in  
21 this state based on the average annual retail sales during the  
22 preceding three calendar years, as reported under sections 5 and 11  
23 of this act divided by the total weight of all manufacturer's covered  
24 electronic equipment sold to persons in this state based on the  
25 average annual retail sales during the preceding three calendar

1 years, as reported under sections 5 and 11 of this act; and

2 (c) As an incentive to provide electronics collection  
3 services in rural areas of the state, electronics collected outside  
4 counties with a population of more than one hundred thousand  
5 inhabitants shall have the total weight of covered electronic  
6 equipment collected from consumers calculated at 1.25 times their  
7 actual weight.

8 (5) In the absence of a waiver granted by the department  
9 pursuant to section 10 of this act, beginning in 2017, a manufacturer  
10 that fails to meet its manufacturer's acceptance standard for the  
11 previous calendar year as described in subsection (4) of this section  
12 shall be subject to a recycling surcharge, determined as follows:

13 (a) If a manufacturer accepts at least ninety percent but  
14 less than one hundred percent of its manufacturer's acceptance  
15 standard as required by subsection (4) of this section, the surcharge  
16 shall be thirty cents multiplied by the number of additional pounds  
17 of electronic waste that should have been accepted by such  
18 manufacturer;

19 (b) If a manufacturer accepts at least fifty percent but  
20 less than ninety percent of its manufacturer's acceptance standard as  
21 required by subsection (4) of this section, the surcharge shall be  
22 forty cents multiplied by the number of additional pounds of  
23 electronic waste that should have been accepted by such manufacturer;  
24 and

25 (c) If a manufacturer accepts less than fifty percent of

1 its manufacturer's acceptance standard as required by subsection (4)  
2 of this section, the surcharge shall be fifty cents multiplied by the  
3 number of additional pounds of electronic waste that should have been  
4 accepted by such manufacturer.

5 (6) The recycling surcharge shall be paid to the  
6 department with the annual report required pursuant to section 11 of  
7 this act.

8 (7) On and after January 1, 2018, if a manufacturer  
9 accepts more than its manufacturer's acceptance standard as required  
10 by subsection (4) of this section, the excess weight may be used as  
11 electronic waste acceptance credits and may be sold, traded, or  
12 banked for a period no longer than three calendar years following the  
13 year in which the credits were earned, except that no more than  
14 twenty-five percent of a manufacturer's obligation for any calendar  
15 year may be met with recycling credits generated in a prior calendar  
16 year.

17 Sec. 5. (1) A manufacturer shall submit a one-time  
18 registration on a form prescribed by the department to the department  
19 by July 1, 2015, along with a registration fee based on the number of  
20 units of covered electronic equipment sold in this state by the  
21 manufacturer in the previous calendar year. Such fee shall be:

22 (a) Five hundred dollars for sales of one thousand  
23 through two thousand four hundred ninety-nine units;

24 (b) One thousand dollars for sales of two thousand five  
25 hundred through four thousand nine hundred ninety-nine units;

1           (c) Two thousand five hundred dollars for sales of five  
2 thousand through nine thousand nine hundred ninety-nine units; and

3           (d) Five thousand dollars for sales of ten thousand or  
4 more units. The department may require such form to be filed  
5 electronically.

6           (2) Such registration shall include:

7           (a) The manufacturer's name, address, and telephone  
8 number;

9           (b) The name and title of an officer, director, or other  
10 individual designated as the manufacturer's contact for purposes of  
11 the Electronics Extended Producer Responsibility and Job Creation  
12 Act;

13           (c) A list identifying the manufacturer's brands;

14           (d) A general description of the manner in which the  
15 manufacturer will comply with section 4 of this act, including  
16 specific information on the manufacturer's electronic waste  
17 acceptance program in the state and a current list of locations  
18 within the state where consumers may return electronic waste;

19           (e) Sales data reported by weight for the manufacturer's  
20 covered electronic equipment sold in this state for the previous  
21 three calendar years, categorized by type to the extent known. If the  
22 manufacturer cannot provide accurate state sales data, it shall  
23 explain why such data cannot be provided and estimate state sales  
24 data, estimated by (i) dividing the manufacturer's national sales  
25 data by weight by the national population according to the most

1 recent decennial census and multiplying the result by the population  
2 of the state according to the most recent decennial census or (ii)  
3 another method approved by the department;

4 (f) A statement disclosing whether (i) any covered  
5 electronic equipment sold in this state exceeds the maximum  
6 concentration values established for lead, mercury, cadmium,  
7 hexavalent chromium, polybrominated biphenyls, and polybrominated  
8 diphenyl ethers under the restriction of hazardous substances  
9 directive pursuant to 2002/95/EC of the European Parliament and  
10 Council and any amendments thereto and if so, a listing of any  
11 covered electronic equipment that is not in compliance with such  
12 directive or (ii) the manufacturer has received an exemption from one  
13 or more of such maximum concentration values that has been approved  
14 and published by the European Parliament and Council; and

15 (g) Any other information the department may require.

16 (3) A manufacturer's registration is effective upon  
17 acceptance by the department and shall be updated within thirty days  
18 after any material change to the information required by subsection  
19 (1) of this section.

20 (4) Any person who becomes a manufacturer on or after  
21 January 1, 2015, shall register with the department prior to selling  
22 or offering for sale in this state any covered electronic equipment,  
23 and shall comply with the requirements of the act.

24 (5) Beginning July 1, 2015, a manufacturer shall not sell  
25 or offer for sale electronic equipment in the state unless the



1 manufacturer has registered with the department and maintains an  
2 electronic waste acceptance program through which the manufacturer,  
3 either directly or through an agent or designee, accepts electronic  
4 waste from consumers in the state for recycling. The manufacturer  
5 shall ensure that retailers are notified of such registration.

6 (6) An electronic waste acceptance program shall include,  
7 but need not be limited to:

8 (a) Collection, handling, and recycling or reuse of  
9 electronic waste pursuant to section 4 of this act in a manner  
10 convenient to consumers. The following acceptance methods shall be  
11 considered convenient to consumers: (i) Mail-back or ship-back return  
12 programs; (ii) collection or acceptance events conducted by the  
13 manufacturer or the manufacturer's agent or designee, including  
14 events conducted through local governments or private parties; (iii)  
15 fixed acceptance locations such as dedicated acceptance sites  
16 operated by the manufacturer or its agent or designee; (iv)  
17 agreements with local governments, retail stores, sales outlets and  
18 not-for-profit organizations which have agreed to provide facilities  
19 for the collection of electronic waste; (v) community collection  
20 events; or (vi) any combination of these or other acceptance methods  
21 which effectively provide for the acceptance of electronic waste for  
22 recycling or reuse through means that are available and reasonably  
23 convenient to consumers in the state. The department may establish  
24 additional requirements to ensure convenient collection from  
25 consumers;

1           (b) Information on how consumers can destroy all data on  
2 any electronic waste, either through physical destruction of the hard  
3 drive or through data wiping;

4           (c) A public education program to inform consumers about  
5 the manufacturer's electronic waste acceptance program, including,  
6 but not limited to: (i) An Internet web site and a toll-free  
7 telephone number and written information included in the product  
8 manual for, or at the time of sale of, covered electronic equipment  
9 that provides sufficient information to allow a consumer of covered  
10 electronic equipment to learn how to return the covered electronic  
11 equipment for recycling or reuse, and in the case of manufacturers of  
12 computers, hard drives and other covered electronic equipment that  
13 have internal memory on which personal or other confidential data can  
14 be stored, such web site shall provide instructions for how consumers  
15 can destroy such data before surrendering the products for recycling  
16 or reuse and (ii) electronic public service announcements, printed  
17 advertisements, billboards, direct mail pieces focused  
18 geographically, and press releases distributed statewide; and

19           (d) Any other information as required by the department  
20 in accordance with rules and regulations adopted and promulgated by  
21 the department.

22           (7) A manufacturer shall maintain records demonstrating  
23 compliance with this section and make them available for audit and  
24 inspection by the department for a period of three years.

25           (8) A manufacturer may satisfy the electronic waste

1 collection requirements of this section by agreeing to participate in  
2 a collective electronic waste acceptance program with other  
3 manufacturers. Any such collective electronic waste acceptance  
4 program must meet the same requirements as those required for an  
5 individual manufacturer. Any collective electronic waste acceptance  
6 program shall include a list of manufacturers participating in such  
7 program along with other identifying information required by the  
8 department. A collective electronic waste acceptance program shall  
9 submit a registration to the department along with a one-time  
10 registration fee of ten thousand dollars.

11 (9) A manufacturer shall be responsible for all costs  
12 associated with implementation of an electronic waste acceptance  
13 program. The manufacturer shall not charge consumers for the  
14 collection, handling, and recycling and reuse of electronic waste,  
15 except that such prohibition shall not apply to a charge on business  
16 consumers, to charges for premium services, or to a manufacturer's  
17 contract with a consumer for the collection, handling, recycling, or  
18 reuse of electronic waste that was entered into prior to the  
19 effective date of this act.

20 For purposes of this subsection, (a) business consumer  
21 means a for-profit entity which has fifty or more full-time employees  
22 or a not-for-profit corporation with seventy-five or more full-time  
23 employees, but does not include a not-for-profit corporation  
24 designated under section 501(c)(3) of the Internal Revenue Code and  
25 (b) premium services means equipment and data security services,

1 refurbishment for reuse by the consumer, and other custom services as  
2 may be determined by the department.

3           Sec. 6. (1) At the location of sale of covered electronic  
4 equipment, a retailer shall provide purchasers of covered electronic  
5 equipment with information, if any, about opportunities for the  
6 return of electronic waste that has been provided to the retailer by  
7 a manufacturer.

8           (2) Beginning July 1, 2015, no retailer shall sell or  
9 offer for sale in the state any covered electronic equipment unless  
10 the manufacturer and the manufacturer's brands are registered with  
11 the department pursuant to section 5 of this act. If the retailer  
12 purchased covered electronic equipment from a manufacturer who fails  
13 to register by January 1, 2015, or prior to the date the manufacturer  
14 withdrew its registration or its registration was revoked by the  
15 department, the retailer may continue to sell the covered electronic  
16 equipment for one hundred eighty days after July 1, 2015, or the date  
17 the registration was withdrawn or revoked.

18           Sec. 7. On and after July 1, 2015, a manufacturer may not  
19 offer for sale in the state or deliver to retailers for subsequent  
20 sale covered electronic equipment unless it has a visible, permanent  
21 label clearly identifying the manufacturer of the covered electronic  
22 equipment.

23           Sec. 8. (1) On and after July 1, 2015, no manufacturer,  
24 retailer, or owner or operator of an electronic waste collection  
25 site, electronic waste consolidation facility, or electronic waste

1 recycling facility in the state shall dispose of electronic waste at  
2 a solid waste management facility or hazardous waste management  
3 facility or place electronic waste for collection which is intended  
4 for disposal at a solid waste management facility or hazardous waste  
5 management facility.

6 (2) On and after January 1, 2016, no person except an  
7 individual or household shall place or dispose of any electronic  
8 waste in any solid waste management facility, or place electronic  
9 waste for collection which is intended for disposal at a solid waste  
10 management facility or hazardous waste management facility in this  
11 state. Persons engaged in the collection of solid waste for delivery  
12 to a solid waste management facility shall provide written  
13 information to users of such facility on the proper methods for the  
14 recycling of electronic waste.

15 (3) On and after January 1, 2019, no individual or  
16 household shall place or dispose of any electronic waste in any solid  
17 waste management facility or place electronic waste for collection  
18 which is intended for disposal at a solid waste management facility  
19 or hazardous waste management facility in this state.

20 (4) On and after January 1, 2016, an owner or operator of  
21 a solid waste management facility or hazardous waste management  
22 facility shall educate users of such facility on the proper methods  
23 for the management of electronic waste. Such education shall include:

24 (a) Providing written information to users of such  
25 facility on the proper methods for recycling of electronic waste; and

1           (b) Posting in conspicuous locations at such facility  
2 signs stating that electronic waste may not be disposed of at the  
3 facility.

4           Sec. 9. (1)(a) On or before January 1, 2015, each person  
5 who owns or operates an electronic waste collection site in the state  
6 shall notify the department on a form prescribed by the department.  
7 The department may require such form to be filed electronically. The  
8 notification shall include: (i) The name, address, and telephone  
9 number of the owners and the operators of the electronic waste  
10 collection site; and (ii) the name, address, and telephone number of  
11 the electronic waste collection site. Any person who commences the  
12 operation of an electronic waste collection site on or after January  
13 1, 2015, shall notify the department at least thirty days prior to  
14 receiving any electronic waste at such collection site. In the case  
15 of collection sites operated by a retailer, a single notification  
16 listing the name, address, and telephone number of the individual  
17 collection sites may be submitted covering all its collection sites.

18           (b) Each person who owns or operates an electronic waste  
19 collection site in the state shall (i) collect electronic waste from  
20 consumers in an enclosed van, truck, or other collection vehicle  
21 approved by the department if a collection service is provided, (ii)  
22 manage electronic waste in a manner that complies with all applicable  
23 laws, rules, and regulations, (iii) store electronic waste in a fully  
24 enclosed building with a roof, floor, and walls or in a secure  
25 container that is constructed and maintained to minimize breakage of

1 electronic waste and to prevent releases of hazardous materials to  
2 the environment, and (iv) remove electronic waste from the site  
3 within one year of receipt, (v) ship electronic waste to a registered  
4 electronic waste consolidation or recycling facility, and (vi)  
5 maintain records demonstrating compliance with this requirement.

6 (2)(a) On or before January 1, 2015, each person who  
7 operates an electronic waste consolidation facility in the state  
8 shall register with the department on a form prescribed by the  
9 department. The department may require such form to be filed  
10 electronically. The registration shall include: (i) The name,  
11 address, and telephone number of the owner and the operator of the  
12 facility; and (ii) the name, address, and telephone number of the  
13 electronic waste consolidation facility. Any person who commences the  
14 operation of an electronic waste consolidation facility on or after  
15 January 1, 2015, shall register with the department at least thirty  
16 days prior to receiving any electronic waste. A registration is  
17 effective upon acceptance by the department. Any registration  
18 required by this subsection shall be accompanied by a one-time  
19 registration fee of two hundred fifty dollars.

20 (b) Each person operating an electronic waste  
21 consolidation facility shall:

22 (i) Manage electronic waste in a manner that complies  
23 with all applicable laws, rules, and regulations;

24 (ii) Store electronic waste in a fully enclosed building  
25 with a roof, floor, and walls or in a secure container that is

1 constructed and maintained to minimize breakage of electronic waste  
2 and to prevent releases of hazardous materials to the environment;

3 (iii) Have a means to control entry at all times to the  
4 active portion of the facility;

5 (iv) Inform all employees who handle or have  
6 responsibility for managing electronic waste about the proper  
7 handling and emergency procedures appropriate to the type or types of  
8 electronic waste handled at the facility;

9 (v) Remove electronic waste from the site within one year  
10 of receipt and maintain records demonstrating compliance with this  
11 requirement; and

12 (vi) Maintain the records required by subdivisions (2)  
13 (a), (2)(b)(v), and (2)(c) of this section onsite and make them  
14 available for audit and inspection by the department for a period of  
15 three years.

16 (c) On March 1, 2016, for the period of July 1, 2015,  
17 through December 31, 2015, and on each March 1 thereafter for the  
18 preceding calendar year, each person operating an electronic waste  
19 consolidation facility shall submit to the department an annual  
20 report on a form prescribed by the department. The department may  
21 require annual reports to be filed electronically. Annual reports  
22 shall include, but not be limited to, the following information: (i)  
23 The name and address of each electronic waste collection site from  
24 which the consolidation facility received electronic waste during the  
25 reporting period, along with the quantity, by weight, of electronic



1 waste received from each collection site; (ii) the name and address  
2 of each person to whom the electronic waste consolidation facility  
3 sent electronic waste during the reporting period, along with the  
4 quantity, by weight, of electronic waste that was sent to each such  
5 person; (iii) the weight of electronic waste collected on behalf of  
6 or pursuant to an agreement with each manufacturer during the  
7 reporting period; and (iv) a certification by the owner or operator  
8 of the electronic waste consolidation facility that such facility has  
9 complied with the requirements of the Electronics Extended Producer  
10 Responsibility and Job Creation Act and all other applicable laws,  
11 rules, and regulations. All quantities of electronic waste reported  
12 by the electronic waste consolidation facility must separately  
13 include electronic waste generated by Nebraska consumers and  
14 electronic waste received from or shipped outside the state.

15 (d) A person operating an electronic waste consolidation  
16 facility shall not engage in electronic waste recycling unless such  
17 person is also registered as an electronic waste recycling facility  
18 and complies with the requirements of this section that are  
19 applicable to each type of facility.

20 (e) A person operating an electronic waste consolidation  
21 facility may accept electronic waste in the same manner as an  
22 electronic waste collection site if such person complies with the  
23 requirements of this section that are applicable to electronic waste  
24 collection sites.

25 (3)(a) On or before January 1, 2015, each person

1 operating an electronic waste recycling facility in the state shall  
2 register with the department on a form prescribed by the department.  
3 The department may require such form to be filed electronically. The  
4 registration shall include the name, address, and telephone number of  
5 the owner and the operator of the facility and the name, address, and  
6 telephone number of the electronic waste recycling facility. Any  
7 person who commences the operation of an electronic waste recycling  
8 facility on or after January 1, 2015, shall register with the  
9 department at least thirty days prior to receiving any electronic  
10 waste. A registration is effective upon acceptance by the department.  
11 Any registration required by this subsection shall be accompanied by  
12 a one-time registration fee of two hundred fifty dollars.

13 (b) On March 1, 2016, for the period of July 1, 2015,  
14 through December 31, 2015, and on each March 1 thereafter for the  
15 preceding calendar year, each person operating an electronic waste  
16 recycling facility shall submit to the department an annual report on  
17 a form prescribed by the department. The department may require  
18 annual reports to be filed electronically. Such reports shall  
19 include, but not be limited to, the following information: (i) The  
20 quantity, by weight, of electronic waste received from consumers in  
21 the state; (ii) the name and address of each electronic waste  
22 collection site and electronic waste consolidation facility from  
23 which electronic waste was received during the reporting period,  
24 along with the quantity, by weight, of electronic waste received from  
25 each person; (iii) the name and address of each person to whom the

1 facility sent electronic waste or component materials during the  
2 reporting period, along with the quantity, by weight, of electronic  
3 waste or component materials thereof sent to each such person; (iv)  
4 the weight of electronic waste collected on behalf of or pursuant to  
5 an agreement with each manufacturer during the reporting period; and  
6 (v) a certification by the owner or operator of the facility that  
7 such facility has complied with the requirements of the Electronics  
8 Extended Producer Responsibility and Job Creation Act and all other  
9 applicable laws, rules, and regulations. All quantities of electronic  
10 waste reported by the electronic waste recycling facility must  
11 separately include electronic waste generated by Nebraska consumers  
12 and electronic waste received from or shipped outside the state.

13 (c) Each person operating an electronic waste recycling  
14 facility shall:

15 (i) Manage and recycle electronic waste in a manner that  
16 complies with all applicable laws, rules, and regulations;

17 (ii) Follow best management practices similar to national  
18 environmental standards such as the Institute of Scrap Recycling  
19 Industries Responsible Recycling/Recycling Industry Operating  
20 Standards, the e-Stewards Standard for Responsible Recycling and  
21 Reuse of Electronic Equipment, or another comparable recycling or  
22 disposal standard developed and administered by a national  
23 accrediting organization, the State of Nebraska, or the United  
24 States;

25 (iii) Store electronic waste in a fully enclosed building

1 with a roof, floor, and walls or in a secure container that is  
2 constructed and maintained to minimize breakage of electronic waste  
3 and to prevent releases of hazardous materials to the environment;

4 (iv) Have a means to control entry, at all times, through  
5 gates or other entrances to the active portion of the facility;

6 (v) Inform all employees who handle or have  
7 responsibility for managing electronic waste about proper handling  
8 and emergency procedures appropriate to the type or types of  
9 electronic waste handled at the facility;

10 (vi) Remove electronic waste from the site within one  
11 year of receipt and maintain records demonstrating compliance with  
12 this subdivision; and

13 (vii) Maintain the records required by subdivisions (3)  
14 (a), (3)(b), and (3)(c)(vi) of this section on site and make them  
15 available for audit and inspection by the department for a period of  
16 three years.

17 (d) A person operating an electronic waste recycling  
18 facility may also operate such facility as an electronic waste  
19 consolidation facility if such person complies with the requirements  
20 of this section that are applicable to each type of facility. If a  
21 facility is operated for both purposes, only one registration fee is  
22 required.

23 (e) A person operating an electronic waste recycling  
24 facility may accept electronic waste in the same manner as an  
25 electronic waste collection site if such person complies with the

1 requirements of this section that are applicable to electronic waste  
2 collection sites.

3 (4) Except to the extent otherwise required by law, no  
4 manufacturer or person operating an electronic waste collection site,  
5 electronic waste consolidation facility, or electronic waste  
6 recycling facility shall have any responsibility or liability for any  
7 data in any form stored on electronic waste surrendered for recycling  
8 or reuse unless such person misuses or knowingly and intentionally or  
9 with gross negligence discloses the data. This subsection does not  
10 prohibit any such person from entering into agreements that provide  
11 for the destruction of data on covered electronic equipment.

12 Sec. 10. (1) The department shall (a) maintain a list of  
13 manufacturers who are registered pursuant to section 5 of this act,  
14 (b) maintain a list of each such manufacturer's brands, and (c) post  
15 such lists on the department's web site.

16 (2) The department may waive the recycling surcharge  
17 payable by a manufacturer under section 4 of this act when the  
18 manufacturer demonstrates in an application to the department it was  
19 unable to accept the weight of electronic waste required by such  
20 section of this act despite the manufacturer's best efforts. The  
21 application shall be made with the annual report required by section  
22 11 of this act. The application shall include such information as the  
23 department requires. A waiver provided pursuant to this subsection  
24 does not relieve a manufacturer from the obligation to comply with  
25 any provision of the Electronics Extended Producer Responsibility and

1 Job Creation Act not specifically addressed in such waiver.

2 (3) The department shall establish public education  
3 performance standards and requirements for manufacturers to ensure  
4 that a comprehensive and consistent statewide education effort is in  
5 place to inform the public on proper handling and disposal  
6 requirements for covered electronic equipment.

7 (4) The department shall post manufacturers' annual  
8 reports submitted to the department pursuant to section 11 of this  
9 act on the department's web site.

10 Sec. 11. (1) Beginning March 1, 2016, for the period of  
11 July 1, 2015, through December 31, 2015, and each calendar year  
12 thereafter, a manufacturer that offers covered electronic equipment  
13 for sale in this state shall submit a report to the department on a  
14 form prescribed by the department that includes the following:

15 (a) Sales data reported by weight for the manufacturer's  
16 covered electronic equipment sold in this state for the previous  
17 three calendar years, categorized by type to the extent known. If the  
18 manufacturer cannot provide accurate state sales data, it shall  
19 explain why such data cannot be provided and estimate sales data,  
20 estimated by (i) dividing its national sales data by weight by the  
21 national population according to the most recent decennial census and  
22 multiplying the result by the population of the state or (ii) another  
23 method approved by the department;

24 (b) The quantity, by weight, of electronic waste  
25 collected for recycling or reuse in this state, categorized by the

1 type of covered electronic equipment collected during the reporting  
2 period, the methods used to accept the electronic waste, the  
3 approximate weight of electronic waste accepted by each method used  
4 to the extent known, and the quantity of electronic waste accepted in  
5 rural areas of the state pursuant to subdivision (4)(c) of section 4  
6 of this act;

7 (c) All quantities of electronic waste reported by the  
8 manufacturer shall separately include electronic waste generated by  
9 Nebraska consumers and electronic waste received from or shipped  
10 outside the state as follows: (i) The quantity, by weight, of  
11 electronic waste received directly from consumers in the state  
12 through a mail-back or ship-back program; (ii) the name and address  
13 of each electronic waste collection site, electronic waste  
14 consolidation facility, and electronic waste recycling facility at  
15 which electronic waste from consumers was received on behalf of the  
16 manufacturer during the reporting period, along with the quantity, by  
17 weight, of electronic waste received; and (iii) the name and address  
18 of each person to whom the manufacturer sent electronic waste or  
19 component materials during the reporting period, along with the  
20 quantity, by weight, of electronic waste or component materials  
21 thereof sent to each such person;

22 (d) The number of electronic waste acceptance credits  
23 purchased, sold, banked, and traded during the reporting period, the  
24 average price of credits sold or purchased, the number of electronic  
25 waste acceptance credits used to meet the requirements of section 4

1 of this act, and from whom they were purchased and to whom they were  
2 sold or traded, and the number of electronic waste acceptance credits  
3 retained as of the date of the report;

4 (e) The amount of any recycling surcharge owed for the  
5 reporting period, with sufficient information to demonstrate the  
6 basis for the calculation of the surcharge;

7 (f) The names and locations of electronic waste recycling  
8 facilities utilized by the manufacturer and entities to which  
9 electronic waste is sent for reuse, whether within the state or  
10 outside the state, including details on the methods of recycling or  
11 reuse of electronic waste, any disassembly or physical recovery  
12 operation used, and the environmental management measures implemented  
13 by such recycling facility or entity;

14 (g) Information detailing the acceptance methods made  
15 available to consumers in municipalities which have a population of  
16 greater than ten thousand and in each county of the state to meet the  
17 requirements of section 5 of this act;

18 (h) A brief description of its public education program,  
19 including the number of visits to its web site and calls to the toll-  
20 free telephone number provided by the manufacturer as required by  
21 section 5 of this act;

22 (i) Any other information required by the department; and

23 (j) A signature by an officer, director, or other  
24 individual affirming the accuracy of the report.

25 (2) The department may require such annual reports to be



1 filed electronically.

2 (3) The report shall be accompanied by an annual  
3 reporting fee of two thousand seven hundred fifty dollars, and any  
4 recycling surcharge imposed pursuant to section 4 of this act.

5 (4) The department shall submit a report on  
6 implementation of the Electronics Extended Producer Responsibility  
7 and Job Creation Act to the Governor and to the Legislature by July  
8 1, 2016, and every two years thereafter. The report shall include, at  
9 a minimum, an evaluation of:

10 (a) The electronic waste stream in the state;

11 (b) Recycling and reuse rates in the state for covered  
12 electronic equipment;

13 (c) A discussion of compliance and enforcement related to  
14 the requirements of the act;

15 (d) Recommendations for any changes to the act; and

16 (e) A discussion of opportunities for business  
17 development in the state related to the acceptance, collection,  
18 handling, and recycling or reuse of electronic equipment in this  
19 state.

20 Sec. 12. All fees remitted pursuant to the Electronics  
21 Extended Producer Responsibility and Job Creation Act, after  
22 deducting the department's administrative costs, shall be remitted to  
23 the State Treasurer for credit to the Waste Reduction and Recycling  
24 Incentive Fund and used pursuant to subsection (6) of section  
25 81-15,160 first to pay the costs of the department in administering

1 the act with the remainder used to award grants for creation and  
2 retention of jobs in the electronics recycling industry, education  
3 and information about electronics recycling, infrastructure  
4 development, and the collection, transportation, and recycling of  
5 covered electronic equipment. Any unused fees shall be carried over  
6 and available for grants in the following year. Grants awarded under  
7 this section may be awarded to either public or private entities and  
8 shall be equally distributed among the congressional districts as  
9 such districts existed on January 1, 2015.

10           Sec. 13. The Environmental Quality Council may adopt and  
11 promulgate rules and regulations necessary to carry out the  
12 Electronics Extended Producer Responsibility and Job Creation Act. At  
13 a minimum, such rules and regulations shall include standards for  
14 reuse, electronic waste acceptance credits, waivers of the recycling  
15 surcharge, and acceptable alternative methods for the determination  
16 of state sales data. The department shall administer and enforce the  
17 act.

18           Sec. 14. (1) Any manufacturer or any owner or operator of  
19 an electronic waste collection site, electronic waste consolidation  
20 facility, or electronic waste recycling facility who violates any  
21 provision of or fails to perform any duty imposed by the Electronics  
22 Extended Producer Responsibility and Job Creation Act shall be liable  
23 for an administrative penalty not to exceed two hundred fifty dollars  
24 for each violation.

25           (2) Any manufacturer or any person operating an

1 electronic waste collection site, an electronic waste consolidation  
2 facility, or an electronic waste recycling facility who fails to  
3 submit any report, registration, fee, or surcharge to the department  
4 as required by the act shall be liable for an administrative penalty  
5 not to exceed one thousand dollars for each day such report,  
6 registration, fee, or surcharge is not submitted.

7 (3) Any retailer who violates any provision of the act or  
8 fails to perform any duty imposed by the act shall be liable for an  
9 administrative penalty for each violation not to exceed two hundred  
10 fifty dollars for the first violation, five hundred dollars for the  
11 second violation, and one thousand dollars for the third and  
12 subsequent violations within a twelve-month period.

13 (4) Administrative penalties under this section may be  
14 assessed by the director after a hearing or opportunity to be heard  
15 or by a court in any action or proceeding brought pursuant to this  
16 section, and, in addition thereto, such person may by similar process  
17 be enjoined from continuing such violation.

18 (5) All administrative penalties collected pursuant to  
19 this section shall be remitted to the State Treasurer for credit to  
20 the Waste Reduction and Recycling Incentive Fund created pursuant to  
21 section 81-15,160.

22 Sec. 15. Section 13-2039, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 13-2039 (1)(a) A landfill may accept yard waste without  
25 condition from December 1 through March 31 of each year.

1                   (b) A landfill may accept yard waste year-round if such  
2 yard waste:

3                   (i) Will be used for the production and recovery of  
4 methane gas for use as fuel (A) with the approval of the department  
5 and (B) at a landfill operating as a solid waste management facility  
6 with a permit issued pursuant to the department's rules and  
7 regulations; or

8                   (ii) Has been separated at its source from other solid  
9 waste and will be used for the purpose of soil conditioning or  
10 composting.

11                   (c) State and local governmental entities responsible for  
12 the maintenance of public lands shall give preference to the use of  
13 composted materials in all land maintenance activities. This section  
14 does not prohibit the use of yard waste as land cover or as soil-  
15 conditioning material.

16                   (2) Land disposal of lead-acid batteries and waste oil is  
17 prohibited.

18                   (3)(a) Land disposal of waste tires in any form is  
19 prohibited except tires that are nonrecyclable. For purposes of this  
20 subsection, nonrecyclable tire means a press-on solid tire, a solid  
21 pneumatic shaped tire, or a foam pneumatic tire.

22                   (b) On and after September 1, 2003, placing or causing  
23 the placement or disposal of scrap tires in any form into the waters  
24 of the state is prohibited except as provided in section 13-2033.

25                   (c) Tires are not considered disposed if they are (i)

1 processed into crumb rubber form and reused or recycled in  
2 manufactured products such as, but not limited to, products used for  
3 schools, playgrounds, and residential, lawn, and garden applications,  
4 (ii) used as safety barriers for race courses for motorized vehicles,  
5 on the condition that the tires are bolted together and properly  
6 wrapped, and not in loose, compressed, or baled form, (iii) used as  
7 tire-derived fuel, (iv) retreaded, (v) processed into chip or shred  
8 form and used as drainage media in landfill construction or septic  
9 drain fields, (vi) used as a raw material in steelmaking, or (vii)  
10 processed into shred form and used as an alternative daily cover in a  
11 landfill or for a civil engineering project if such project is  
12 designed and constructed in compliance with the Engineers and  
13 Architects Regulation Act and prior approval for such project is  
14 obtained from the department by the tire shredder and the end user,  
15 except that departmental approval is not necessary for a tire project  
16 involving three thousand five hundred or fewer passenger tire  
17 equivalents of waste tires if the department receives notification of  
18 the project not later than thirty days prior to any construction on  
19 such project. The notification shall contain the name and address of  
20 the tire shredder and end user, the location of the project, a  
21 description of the type of project, the number of passenger tire  
22 equivalents of waste tires to be used, and any additional information  
23 the council determines is necessary to accomplish the purposes of the  
24 Integrated Solid Waste Management Act.

25 A race sponsor using tires as safety barriers pursuant to

1 subdivision (3)(c)(ii) of this section prior to October 1, 2006,  
2 shall file an approved tire disposal plan with the department on or  
3 before January 1, 2007. A race sponsor using tires as safety barriers  
4 on or after October 1, 2006, shall file an approved tire disposal  
5 plan with the department prior to the sponsor's first such use of  
6 tires. An approved tire disposal plan shall provide for the disposal  
7 of tires which cease to be used as safety barriers in accordance with  
8 subsection (3) of section 13-2033, and any such race sponsor who  
9 ceases to use tires as safety barriers or whose facility ceases  
10 operation shall dispose of such tires in accordance with his or her  
11 approved tire disposal plan. Any modification to an approved tire  
12 disposal plan shall be submitted to and approved by the department  
13 prior to implementation of such modified plan. An approved tire  
14 disposal plan shall continue in effect as long as such sponsor uses  
15 tires as safety barriers.

16 (4) Land disposal of discarded household appliances is  
17 prohibited.

18 (5) Land disposal of unregulated hazardous wastes, except  
19 household hazardous wastes, which are exempt from the regulations  
20 under the Environmental Protection Act is prohibited unless such  
21 disposal occurs at a licensed hazardous waste disposal facility.

22 (6) On and after July 1, 2019, a person may not dispose  
23 of any electronic waste as defined in section 3 of this act. On or  
24 before July 1, 2018, the department shall report to the Legislature  
25 on the development of the electronics recycling industry in Nebraska.

1                   ~~(6)~~(7) For purposes of this section, land disposal shall  
2 include, but not be limited to, incineration at a landfill.

3                   Sec. 16. Section 81-1504.01, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5                   81-1504.01 The Department of Environmental Quality shall  
6 provide the following information to the Governor and to the Clerk of  
7 the Legislature by December 1 of each year:

8                   (1) A report by type of service or aid provided by the  
9 use and distribution of federal funds received by the department. The  
10 report shall also include user fees, permit fees, license fees, and  
11 application fees authorized by the federal Environmental Protection  
12 Agency as follows:

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

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

19                   (c) A summary of the projected funding level of each  
20 grant and authorized fees and the impact of federal mandates and  
21 regulations upon the future use of each grant and authorized fees;  
22 and

23                   (d) Program summaries including statistical summaries  
24 when applicable for the most recently completed state fiscal year and  
25 program activity goals for the current state fiscal year;

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

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

9           (a) Actual expenditure of state funds, by agency  
10 sections, for the most recently completed state fiscal year,  
11 including a breakdown of expenditures by personal services,  
12 operations, travel, capital outlay, and consulting and contractual  
13 services;

14           (b) Current budget and planned use and distribution of  
15 state funds, by agency sections, for the current state fiscal year,  
16 including a breakdown of expenditures for personal services,  
17 operations, travel, capital outlay, and consulting and contractual  
18 services;

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

22           (d) Program summaries including statistical summaries  
23 when applicable for the most recently completed state fiscal year and  
24 program activity goals for the current state fiscal year;

25           (4) A report regarding staff turnover by job class and



1 the department's assessment of its ability to hire and retain  
2 qualified staff considering the state's personnel pay plan;

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

6 (6) A report for the previous state fiscal year relating  
7 to the purpose of the Nebraska Litter Reduction and Recycling Act and  
8 of funds credited to the Nebraska Litter Reduction and Recycling  
9 Fund; and -

10 (7) A report for the previous fiscal year relating to the  
11 funds credited to the Waste Reduction and Recycling Incentive Fund  
12 pursuant to section 12 of this act.

13 The reports and summaries submitted to the Clerk of the  
14 Legislature shall be submitted electronically.

15 Sec. 17. Section 81-15,160, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:

17 81-15,160 (1) The Waste Reduction and Recycling Incentive  
18 Fund is created. The department shall deduct from the fund amounts  
19 sufficient to reimburse itself for its costs of administration of the  
20 fund. The fund shall be administered by the Department of  
21 Environmental Quality. The fund shall consist of proceeds from the  
22 fees imposed pursuant to the Waste Reduction and Recycling Incentive  
23 Act and the Electronics Extended Producer Responsibility and Job  
24 Creation Act.

25 (2) The fund may be used for purposes which include, but

1 are not limited to:

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

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

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

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

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

15 (f) Technical assistance for waste reduction and waste  
16 exchange for waste generators;

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

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

24 (i) Grants for reimbursement of costs to cities of the  
25 second class, villages, and counties of five thousand or fewer

1 population for the deconstruction of abandoned buildings. Eligible  
2 deconstruction costs will be related to the recovery and processing  
3 of recyclable or reusable material from the abandoned buildings.

4 (3) Grants up to one million dollars annually shall be  
5 available until June 30, 2014, for new scrap tire projects only, if  
6 acceptable scrap tire project applications are received. Eligible  
7 categories of disbursement under section 81-15,161 may include, but  
8 are not limited to:

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

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

22 (c) Participation in the capital costs of building,  
23 equipment, and other capital improvement needs or startup costs for  
24 scrap tire processing or manufacturing of tire-derived product, with  
25 disbursements not to exceed fifty percent of such costs or five

1 hundred thousand dollars, whichever is less;

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

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

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

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

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

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

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

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

13                  (6) Fees collected under the Electronics Extended  
14                  Producer Responsibility and Job Creation Act, after the costs to the  
15                  department of administering the act are paid, shall be awarded by the  
16                  Department of Environmental Quality for creation and retention of  
17                  jobs in the electronics recycling industry, education and information  
18                  about electronics recycling, infrastructure development, and the  
19                  collection, transportation, and recycling of electronic devices.

20                  ~~(6)~~(7) Any person who stores waste tires in violation of  
21                  section 13-2033, which storage is the subject of abatement or  
22                  cleanup, shall be liable to the State of Nebraska for the  
23                  reimbursement of expenses of such abatement or cleanup paid by the  
24                  Department of Environmental Quality.

25                  ~~(7)~~(8) The Department of Environmental Quality may

1 receive gifts, bequests, and any other contributions for deposit in  
2 the Waste Reduction and Recycling Incentive Fund. Transfers may be  
3 made from the fund to the General Fund at the direction of the  
4 Legislature. Any money in the Waste Reduction and Recycling Incentive  
5 Fund available for investment shall be invested by the state  
6 investment officer pursuant to the Nebraska Capital Expansion Act and  
7 the Nebraska State Funds Investment Act.

8           Sec. 18. If any section in this act or any part of any  
9 section is declared invalid or unconstitutional, the declaration  
10 shall not affect the validity or constitutionality of the remaining  
11 portions.

12           Sec. 19. Original section 13-2039, Reissue Revised  
13 Statutes of Nebraska, and sections 81-1504.01 and 81-15,160, Revised  
14 Statutes Cumulative Supplement, 2012, are repealed.

15           Sec. 20. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.