

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 217**

Introduced by Hughes, 24.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive
- 2 Fund; to amend section 81-15,160, Revised Statutes Cumulative
- 3 Supplement, 2022; to extend the sunset date for new scrap tire
- 4 projects; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-15,160, Revised Statutes Cumulative  
2 Supplement, 2022, is amended to read:

3           81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is  
4 created. The department shall deduct from the fund amounts sufficient to  
5 reimburse itself for its costs of administration of the fund. The fund  
6 shall be administered by the department. The fund shall consist of  
7 proceeds from the fees imposed pursuant to the Waste Reduction and  
8 Recycling Incentive Act.

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

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

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

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

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

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

24           (f) Technical assistance for waste reduction and waste exchange for  
25 waste generators;

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

28           (h) Capital assistance for establishing private and public  
29 facilities to manufacture combustible waste products and to incinerate  
30 combustible waste to generate and recover energy resources, except that  
31 no disbursements shall be made under this section for scrap tire

1 processing related to tire-derived fuel; and

2 (i) Grants for reimbursement of costs to cities of the first class,  
3 cities of the second class, villages, and counties of five thousand or  
4 fewer population for the deconstruction of abandoned buildings. Eligible  
5 deconstruction costs will be related to the recovery and processing of  
6 recyclable or reusable material from the abandoned buildings.

7 (3) Grants up to one million five hundred thousand dollars annually  
8 shall be available until June 30, ~~2029~~ 2024, for new scrap tire projects  
9 only, if acceptable scrap tire project applications are received.  
10 Eligible categories of disbursement under section 81-15,161 may include,  
11 but are not limited to:

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

15 (b) Reimbursement for the purchase of tire-derived product which  
16 utilizes a minimum of twenty-five percent recycled tire content, with  
17 disbursements not to exceed twenty-five percent of the product's retail  
18 cost;

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

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

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

31 (f) Cost-sharing for the processing of scrap tires, with

1 disbursements not to exceed twenty dollars per ton or two hundred fifty  
2 thousand dollars, whichever is less, to any person annually;

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

7 (h) Disbursement to a political subdivision up to one hundred  
8 percent of costs incurred in cleaning up scrap tire collection and  
9 disposal sites; and

10 (i) Costs related to the study provided in section 81-15,159.01.

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

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

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

28 (6) Any person who stores waste tires in violation of section  
29 13-2033, which storage is the subject of abatement or cleanup, shall be  
30 liable to the State of Nebraska for the reimbursement of expenses of such  
31 abatement or cleanup paid by the department.

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

8           Sec. 2. Original section 81-15,160, Revised Statutes Cumulative  
9 Supplement, 2022, is repealed.