

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1049**

Final Reading

Introduced by Cornett, 45.

Read first time January 18, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to scrap metal recycling; to amend sections  
2 69-401, 69-404, 69-407, 69-408, and 69-409, Reissue  
3 Revised Statutes of Nebraska; to redefine a term; to  
4 provide requirements for the purchase of certain  
5 regulated metals property; to change provisions relating  
6 to a payment for purchase of copper; to harmonize  
7 provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 69-401, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           69-401 For purposes of sections 69-401 to 69-409 and  
4 section 2 of this act:

5           (1) Regulated metals property means catalytic converters,  
6 all nonferrous metal except gold and silver, manhole covers, sewer  
7 grates, or metal beer kegs, including those kegs made of stainless  
8 steel; and

9           (2) Secondary metals recycler means any person, firm, or  
10 corporation in this state that:

11           (a) Is engaged in the business of gathering or obtaining  
12 regulated metals property that has served its original economic  
13 purpose; or

14           (b) Is in the business of or has facilities for  
15 performing the manufacturing process by which regulated metals  
16 property is converted into raw material products consisting of  
17 prepared grades and having an existing or potential economic value by  
18 methods including, but not limited to, processing, sorting, cutting,  
19 classifying, cleaning, baling, wrapping, shredding, shearing, or  
20 changing the physical form or chemical content of the metals, but not  
21 including the exclusive use of hand tools.

22           Sec. 2. No secondary metals recycler shall purchase or  
23 receive any manhole cover or sewer grate except from (1) an  
24 authorized representative of the political subdivision that owns the  
25 manhole cover or sewer grate as is evidenced by the stamping or

1 engraving on the cover or grate or (2) a third party who has a  
2 legitimate bill-of-sale, letter of authorization, or similar approval  
3 from the political subdivision evidencing the third party's right to  
4 possess and sell the cover or grate. Payment for a manhole cover or  
5 sewer grate shall be by draft or check and sent by United States  
6 mail, postage prepaid, to the official address of the finance  
7 department of such political subdivision or to the third-party  
8 seller. Such draft or check shall be made payable only to the  
9 political subdivision or to the third-party seller.

10           Sec. 3. Section 69-404, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           69-404 No secondary metals recycler shall purchase  
13 regulated metals property for cash consideration unless the purchase  
14 total is not more than twenty-five dollars. Purchases made from the  
15 same person within a four-hour period shall be considered a single  
16 transaction. Payment shall be made payable only to the individual  
17 named on the identification presented pursuant to section 69-402.  
18 Payment for copper and catalytic converters shall be by check, and if  
19 the purchase total for copper is more than one hundred dollars, the  
20 check shall be sent by United States mail, postage prepaid.

21           Sec. 4. Section 69-407, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           69-407 Sections 69-401 to 69-409 and section 2 of this  
24 act do not apply to:

25           (1) Purchases of regulated metals property from a

1 manufacturing, industrial, or other commercial vendor that generates  
2 or sells regulated metals property in the ordinary course of its  
3 business;

4 (2) The collection or purchase of regulated metals  
5 property in the form of beverage or food cans; or

6 (3) Recycling or neighborhood cleanup programs contracted  
7 or sponsored by the state or any political subdivision.

8 Sec. 5. Section 69-408, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 69-408 Any person violating any of the provisions of  
11 sections 69-401 to 69-409 and section 2 of this act is guilty of a  
12 Class II misdemeanor.

13 Sec. 6. Section 69-409, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 69-409 Nothing in sections 69-401 to 69-409 and section 2  
16 of this act shall be construed to abrogate or affect the provisions  
17 of any lawful rule, regulation, resolution, ordinance, or statute  
18 which is more restrictive than sections 69-401 to 69-409 and section  
19 2 of this act.

20 Sec. 7. Original sections 69-401, 69-404, 69-407, 69-408,  
21 and 69-409, Reissue Revised Statutes of Nebraska, are repealed.