

AMENDMENTS TO LB759

Introduced by Natural Resources.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 13-2041, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-2041 There is hereby created the Integrated Solid Waste
6 Management Cash Fund. All fees collected by the department pursuant to
7 this section, fees collected pursuant to subdivision (13)(c) of section
8 81-1505, ~~or~~ fees designated pursuant to section 13-2042, ~~or~~ money
9 forfeited under subsection (21) of section 81-1505 shall be remitted to
10 the State Treasurer for credit to the fund. Forfeited funds may only be
11 used for purposes specified in the underlying financial assurance
12 instrument. Any money in the fund available for investment shall be
13 invested by the state investment officer pursuant to the Nebraska Capital
14 Expansion Act and the Nebraska State Funds Investment Act.

15 The council shall adopt and promulgate rules and regulations
16 establishing a fee schedule to be paid to the department by persons
17 applying for a permit to operate a facility pursuant to the Integrated
18 Solid Waste Management Act or the Environmental Protection Act. Payment
19 shall be made in full to the department before the application is
20 processed.

21 By October 1 of each year, any person holding a permit under the
22 Integrated Solid Waste Management Act or to operate a solid waste
23 management facility under the Environmental Protection Act shall pay an
24 annual fee in an amount to be determined by the council. The annual fee
25 shall be sufficient to cover the costs of ongoing permit considerations.
26 The fees collected pursuant to this section shall not exceed the amount
27 necessary to pay reasonable costs of administering the permit program

1 pursuant to the Integrated Solid Waste Management Act or the
2 Environmental Protection Act.

3 Fees collected pursuant to subdivision (13)(c) of section 81-1505
4 shall be used by the department to implement the rules and regulations
5 adopted and promulgated pursuant to subsection (13) of section 81-1505.
6 ~~The State Treasurer shall transfer one million three hundred eighty-four~~
7 ~~thousand four hundred eighty-four dollars from the Integrated Solid Waste~~
8 ~~Management Cash Fund to the Superfund Cost Share Cash Fund on or before~~
9 ~~June 1, 2006.~~

10 **Sec. 2.** Section 46-606, Revised Statutes Supplement, 2025, is
11 amended to read:

12 46-606 (1) The department shall collect in advance a registration
13 fee of two hundred ~~forty~~ dollars and the fee required by subsection (3)
14 of section 46-1224 for each water well registered under section 46-602
15 except as provided in subsections (2) through (5) of this section.

16 (2) For water wells permitted pursuant to the Industrial Ground
17 Water Regulatory Act, the department shall collect in advance a
18 registration fee of two hundred ~~forty~~ dollars and the fee required by
19 subsection (3) of section 46-1224 for each of the first ten such water
20 wells registered under section 46-602, and for each group of ten or fewer
21 such water wells registered thereafter, the department shall collect in
22 advance a registration fee of two hundred ~~forty~~ dollars and the fee
23 required by subsection (3) of section 46-1224.

24 (3) For a series of water wells completed for purposes of
25 installation of a ground heat exchanger for a structure for utilizing the
26 geothermal properties of the ground, the department shall collect in
27 advance a fee of two hundred ~~forty~~ dollars for each such series and the
28 fee required by subsection (3) of section 46-1224.

29 (4) For water wells constructed as part of a single site plan for
30 monitoring ground water, obtaining hydrogeologic information, or
31 extracting contaminants from the ground, the department shall collect in

1 advance a registration fee of two hundred ~~forty~~ dollars and the fee
2 required by subsection (3) of section 46-1224 for each of the first five
3 such water wells registered under section 46-602, and for each group of
4 five or fewer such water wells registered thereafter, the department
5 shall collect in advance a registration fee of two hundred ~~forty~~ dollars
6 and the fee required by subsection (3) of section 46-1224. However, if
7 such water wells are a part of remedial action approved by the department
8 pursuant to section 66-1525, 66-1529.02, or 81-15,124, the fee set
9 pursuant to this subsection shall be collected as if only one water well
10 was being registered and the fee required by subsection (3) of section
11 46-1224 shall be collected.

12 (5)(a) For a series of two or more water wells completed and pumped
13 into a common carrier as part of a single site plan for irrigation
14 purposes, the department shall collect in advance a registration fee of
15 two hundred ~~forty~~ dollars and the fee required by subsection (3) of
16 section 46-1224 for each of the first two such wells registered under
17 section 46-602.

18 (b) Any additional water wells which are part of a series registered
19 under this subsection shall not be subject to a new well registration
20 fee.

21 (6) The department shall remit the fees collected to the State
22 Treasurer for credit to the appropriate fund. From the registration fees
23 required by subsections (1) through (5) of this section, the State
24 Treasurer shall credit to the Department of Water, Energy, and
25 Environment Cash Fund the amount determined by the department to be
26 necessary to pay for the costs of processing notices filed pursuant to
27 section 46-230, the costs of water resources update notices required by
28 section 76-2,124, and the direct and indirect costs to carry out sections
29 46-602 and 46-1228 ~~costs for making corrections to water well~~
30 ~~registration data authorized by subsections (6) and (7) of section 46-602~~
31 and shall credit the remainder of the registration fees required by

1 subsections (1) through (5) of this section to the Water Well
2 Decommissioning Fund. The State Treasurer shall credit the fees required
3 by subsection (3) of section 46-1224 to the Water Well Standards and
4 Contractors' Licensing Fund.

5 **Sec. 3.** Section 46-1217, Revised Statutes Supplement, 2025, is
6 amended to read:

7 46-1217 (1) There is hereby created a Water Well Standards and
8 Contractors' Licensing Board. The board shall be composed of ten members,
9 six of whom shall be appointed by the Governor as follows: (a) A licensed
10 water well contractor representing irrigation water well contractors, (b)
11 a licensed water well contractor representing domestic water well
12 contractors, (c) a licensed water well contractor representing municipal
13 and industrial water well contractors, (d) a licensed pump installation
14 contractor, (e) a manufacturer or supplier of water well or pumping
15 equipment, and (f) a holder of a license issued under the Water Well
16 Standards and Contractors' Practice Act employed by a natural resources
17 district. The chief executive officer of the Department of Health and
18 Human Services or his or her designated representative, the Director of
19 Water, Energy, and Environment or his or her designated representative,
20 the Chief Water Officer or his or her designated representative, and the
21 director of the Conservation and Survey Division of the University of
22 Nebraska or his or her designated representative shall also serve as
23 members of the board.

24 (2) Each member shall be a resident of the state. Each industry
25 representative shall have had at least five years of experience in the
26 business of his or her category prior to appointment and shall be
27 actively engaged in such business at the time of appointment and while
28 serving on the board. Each member representing a category subject to
29 licensing under the Water Well Standards and Contractors' Practice Act
30 shall be licensed by the department pursuant to such act. In making
31 appointments, the Governor may consider recommendations made by the trade

1 associations of each category.

2 **Sec. 4.** Section 54-2428, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 54-2428 (1) Any person required to obtain a National Pollutant
5 Discharge Elimination System permit for an animal feeding operation or a
6 construction and operating permit for a livestock waste control facility
7 shall file an application with the department accompanied by the
8 appropriate fees in the manner established by the department. The
9 application fee shall be established by the council with a maximum fee of
10 two hundred dollars. For major modifications to an application or a
11 permit, the fee shall equal the amount of the application fee.

12 (2) On or before March 1, 2006, and each year thereafter, each
13 person who has a National Pollutant Discharge Elimination System permit
14 or who has a large concentrated animal feeding operation, as defined in
15 40 C.F.R. 122 and 123, as such regulations existed on January 1, 2004,
16 and a state operating permit, a construction and operating permit, or a
17 construction approval issued pursuant to the Environmental Protection Act
18 or the Livestock Waste Management Act shall pay a per head annual fee
19 based on the permitted capacity identified in the permit for that
20 facility. The department shall invoice each permittee by February 1,
21 2006, and February 1 of each year thereafter.

22 (3) The initial annual fee shall be: Beef cattle, ten cents per
23 head; veal calves, ten cents per head; dairy cows, fifteen cents per
24 head; swine ~~larger than~~ larger than fifty-five pounds or larger, four dollars per one
25 hundred head or fraction thereof; swine less than fifty-five ~~fifty~~
26 pounds, one dollar per one hundred head or fraction thereof; horses,
27 twenty cents per head; sheep or lambs, one dollar per one hundred head or
28 fraction thereof; turkeys, two dollars per one thousand head or fraction
29 thereof; chickens or ducks with liquid manure facility, three dollars per
30 one thousand head or fraction thereof; and chickens or ducks with other
31 than liquid manure facility, one dollar per one thousand head or fraction

1 ~~thereof. This fee structure may be reviewed in fiscal year 2007-08.~~

2 (4) ~~The Beginning in fiscal year 2007-08,~~ the department shall
3 annually review and adjust the fee structure in this section and section
4 54-2423 to ensure that fees are adequate to meet thirty ~~twenty~~ percent of
5 the program costs from the previous fiscal year. All fees collected under
6 this section and sections 54-2423, 54-2435, and 54-2436 shall be remitted
7 to the State Treasurer for credit to the Livestock Waste Management Cash
8 Fund which is created for the purposes described in the Livestock Waste
9 Management Act. Transfers may be made from the fund to the General Fund
10 at the direction of the Legislature. Any money in the Livestock Waste
11 Management Cash Fund available for investment shall be invested by the
12 state investment officer pursuant to the Nebraska Capital Expansion Act
13 and the Nebraska State Funds Investment Act.

14 (5) On or before January 1 of each year, the department shall submit
15 electronically a report to the Legislature in sufficient detail to
16 document all direct and indirect costs incurred in the previous fiscal
17 year in carrying out the Livestock Waste Management Act, including the
18 number of inspections conducted, the number of animal feeding operations
19 with livestock waste control facilities, the number of animal feeding
20 operations inspected, the size of the livestock waste control facilities,
21 the results of water quality monitoring programs, and other elements
22 relating to carrying out the act. The Appropriations Committee of the
23 Legislature shall review the report in its analysis of executive programs
24 in order to verify that the revenue generated from fees was used solely
25 to offset appropriate and reasonable costs associated with carrying out
26 the act.

27 **Sec. 5.** Section 57-1601, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 57-1601 Sections 57-1601 to 57-1624 and sections 7 and 8 of this act
30 shall be known and may be cited as the Nebraska Geologic Storage of
31 Carbon Dioxide Act.

1 **Sec. 6.** Section 57-1620, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 57-1620 (1) Any person who violates any provision of the Nebraska
4 Geologic Storage of Carbon Dioxide Act or any rule, regulation, or order
5 of the commission under the act shall be guilty of a Class II misdemeanor
6 unless another penalty is specifically provided for such violation. Each
7 day that such violation continues shall constitute a separate offense.

8 (2) If any person, for the purpose of evading the provisions of the
9 act or any rule, regulation, or order of the commission under the act,
10 makes or causes to be made any false entry or statement in a report
11 required by the act or by any such rule, regulation, or order, makes or
12 causes to be made any false entry in any record, account, or memorandum
13 required by the act or by any such rule, regulation, or order, or removes
14 from this state or destroys, mutilates, alters, or falsifies any such
15 record, account, or memorandum, such person shall be guilty of a Class II
16 misdemeanor.

17 (3) Any person who knowingly and willfully commits any of the
18 following offenses shall be guilty of a Class I misdemeanor:

19 (a) Violates any provision of the act or any rule, regulation, or
20 order of the commission;

21 (b) Makes any false statement, representation, or certification in
22 any application, report, plan, or other document required to be filed or
23 maintained by the rules or regulations adopted and promulgated by the
24 commission; or

25 (c) Falsifies, tampers with, or renders inaccurate any monitoring
26 device or method used or required for compliance with any permit or the
27 rules or regulations adopted and promulgated by the commission.

28 (4) ~~(3)~~ Any person who knowingly aids or abets any other person in
29 the violation of any provision of the act or any rule, regulation, or
30 order of the commission under the act shall be subject to the same
31 penalty as that prescribed by the act for the violation by such other

1 person.

2 ~~(5) (4)~~ The penalties provided in this section shall be recoverable
3 by suit filed by the Attorney General in the name and on behalf of the
4 commission, in the district court of the county in which the defendant
5 resides, or in which any defendant resides if there be more than one
6 defendant, or in the district court of any county in which the violation
7 occurred. The payment of any such penalty shall not operate to relieve a
8 person on whom the penalty is imposed from liability to any other person
9 for damages arising out of such violation.

10 ~~(6) (5)~~ In determining the amount of the penalty, the court shall
11 consider:

12 (a) The nature of the violation, including its circumstances and
13 gravity, and the hazard or potential hazard to the public's or a private
14 person's health, safety, and economic welfare;

15 (b) The economic or environmental harm caused by the violation;

16 (c) The economic value or other advantage gained by the person
17 committing the violation;

18 (d) The history of previous violations;

19 (e) The amount necessary to deter future violations;

20 (f) Efforts to correct the violation; and

21 (g) Other matters justice requires.

22 **Sec. 7.** (1) In addition to the penalties prescribed in section
23 57-1620 and section 8 of this act, whenever it appears that any person is
24 violating or threatening to violate any provision of the Nebraska
25 Geologic Storage of Carbon Dioxide Act, any rule, regulation, or order of
26 the commission, or any term, condition, or limitation of any permit
27 issued pursuant to such act, rule, regulation, or order, such person may
28 be subject to a civil penalty imposed by the commission. The civil
29 penalty shall be at least two thousand five hundred dollars per day, not
30 to exceed ten thousand dollars per day.

31 (2) Proceedings before the commission may be instituted upon motion

1 by the commission or by any interested person to:

2 (a) Assess or recover civil penalties;

3 (b) Revoke, suspend, modify, or limit any permit issued by the
4 commission to such person; or

5 (c) Impose by order such other conditions as the commission
6 determines appropriate.

7 (3) The commission shall establish and maintain procedures for
8 receiving and ensuring proper consideration of information received from
9 the public about violations of any provision of the act or any rule,
10 regulation, or order of the commission.

11 (4) No civil penalty shall be imposed until written notice is sent
12 pursuant to subsection (5) of this section and a period of ten days has
13 elapsed in which the person may come into compliance if possible. If any
14 violation is a continuing one, each day a violation continues after such
15 ten-day period shall constitute a separate violation for the purpose of
16 computing the applicable civil penalty and the amount of the penalty
17 shall be based on the severity of the violation. Civil penalties
18 assessed, sought, or agreed upon by the commission under this subsection
19 shall be appropriate to the violation considering the factors listed in
20 subsection (6) of section 57-1620. The commission may compromise,
21 mitigate, or remit such penalties.

22 (5) Whenever the commission intends to impose a civil penalty under
23 this section, the commission shall notify the person in writing (a)
24 setting forth the date, facts, and nature of each violation with which
25 the person is charged, (b) specifically identifying the particular
26 provision or provisions of the section, rule, regulation, order, or
27 permit involved in the violation, and (c) specifying the amount of each
28 penalty which the commission intends to impose. Such written notice shall
29 be sent by registered or certified mail to the last-known address of such
30 person. The notice shall also advise such person of his or her right to a
31 hearing and that failure to pay any civil penalty subsequently imposed by

1 the commission will result in a civil action by the commission to collect
2 such penalty. The person so notified may, within thirty days of receipt
3 of such notice, submit a written request for a hearing to review any
4 penalty to be imposed by the commission. A hearing shall be held in
5 accordance with the Administrative Procedure Act, and any person upon
6 whom a civil penalty is subsequently imposed may appeal such penalty
7 pursuant to such act. On the request of the commission, the Attorney
8 General or county attorney may institute a civil action to collect a
9 penalty imposed pursuant to this section.

10 (6) The commission shall, within thirty days from receipt, remit any
11 collected civil penalty to the State Treasurer for credit to the Carbon
12 Dioxide Storage Facility Administrative Fund. Any civil penalty assessed
13 under this section that remains unpaid for more than sixty days after the
14 issuance of the decision of the commission shall constitute a debt to the
15 state which may be collected in the same manner as a lien foreclosure or
16 sued for and recovered in any proper form of action in the name of the
17 state in the district court of the county in which the person resides or
18 owns property.

19 **Sec. 8.** In addition to the penalties prescribed under section
20 57-1620 and section 7 of this act, the commission, upon receipt of
21 information that any person is violating or threatening to violate any
22 provision of the Nebraska Geologic Storage of Carbon Dioxide Act by
23 engaging in any unauthorized activity which is endangering or causing
24 damage to public health or the environment, is authorized to restrain
25 immediately and effectively any such person. The commission may restrain
26 such person by its own order or by suit filed by the Attorney General in
27 the name and on behalf of the commission, in the district court of the
28 county in which the defendant resides, or in which any defendant resides
29 if there be more than one defendant, or in the district court of any
30 county in which the violation occurred.

31 **Sec. 9.** Section 58-712, Revised Statutes Supplement, 2025, is

1 amended to read:

2 58-712 The Department of Economic Development shall not require any
3 new construction project or rental conversion project which receives
4 funding from the Affordable Housing Trust Fund to meet the requirements
5 of section 72-805 related to complying with the International Energy
6 Conservation Code and obtaining approval of building plans and
7 specifications by the Department of Water, Energy, and Environment
8 ~~Environment and Energy~~.

9 **Sec. 10.** Section 61-303, Revised Statutes Supplement, 2025, is
10 amended to read:

11 61-303 (1) The Department of Water, Energy, and Environment shall
12 have the necessary authority to develop, construct, manage, and operate
13 the Perkins County Canal Project consistent with the terms of the South
14 Platte River Compact and pursuant to the Perkins County Canal Project
15 Act. The department's powers under the act shall include: (a) Contracting
16 for services, (b) acquiring permits, (c) acquiring and owning real
17 property, (d) acquiring, holding, and exercising water rights, (e)
18 employing personnel, (f) accepting grants, loans, donations, gifts,
19 bequests, or other contributions from any person or entity, public or
20 private, including any funds made available by any department or agency
21 of the United States, (g) managing and expending such funds as are made
22 available to it from the Perkins County Canal Project Fund, and (h) any
23 other necessary functions consistent with the compact and pursuant to the
24 act in protecting Nebraska's full entitlement to flows of the South
25 Platte River. For purposes of the Perkins County Canal Project Act, the
26 Department of Water, Energy, and Environment is authorized to acquire
27 real estate or access thereto in the name of the State of Nebraska by the
28 use of eminent domain as provided under section 76-725. The department is
29 also authorized to resolve all disputes that may arise, including the
30 initiation or defense of legal actions of any kind, as necessary to
31 achieve the purposes of the act.

1 (2)(a) The department shall have the necessary authority to enter
2 upon any property, after notifying the owner or occupier of such
3 property, to make surveys, examinations, investigations, studies,
4 geological soil borings, and tests and to acquire other necessary and
5 relevant data in contemplation of (i) establishing the location of the
6 Perkins County Canal Project, (ii) acquiring land, property, permits, and
7 construction materials for the Perkins County Canal Project, or (iii)
8 performing other operations or activities incident to the Perkins County
9 Canal Project and pursuant to the Perkins County Canal Project Act.

10 (b) Entry upon any property pursuant to this section shall not be
11 considered to be a legal trespass and no damages shall be recoverable on
12 that account alone. In the case of any actual or demonstrable damage to
13 the property, the department shall pay the owner of the property the
14 amount of the damages. Upon failure of the owner and the department to
15 agree upon the amount of damages, the owner, in addition to any other
16 available remedy, may file a petition as provided in section 76-705.

17 **Sec. 11.** Section 73-813, Revised Statutes Supplement, 2025, is
18 amended to read:

19 73-813 (1) Subject to review by the Director of Administrative
20 Services, the division shall provide procedures to grant limited
21 exceptions from sections 73-807, 73-815, and 73-816 for:

22 (a) Sole source contracts, emergency contracts, and contracts when
23 the price has been established by the federal General Services
24 Administration or competitively bid by another state or group of states,
25 a group of states and any political subdivision of any other state, a
26 political subdivision of another state, or a cooperative purchasing
27 organization on behalf of a group of states or political subdivisions of
28 other states; and

29 (b) Other circumstances or specific contracts when any of the
30 requirements of sections 73-807, 73-815, and 73-816 are not appropriate
31 for or are not compatible with the circumstances or contract. The

1 division shall provide a written rationale which shall be kept on file
2 when granting an exception under this subdivision.

3 (2) The following types of contracts are not subject to sections
4 73-807, 73-815, 73-816, and 73-817:

5 (a) Contracts for services subject to the Nebraska Consultants'
6 Competitive Negotiation Act;

7 (b) Contracts for services subject to federal law, regulation, or
8 policy or state statute, under which a state agency is required to use a
9 different selection process or to contract with an identified contractor
10 or type of contractor;

11 (c) Contracts for professional legal services and services of expert
12 witnesses, hearing officers, or administrative law judges retained by
13 state agencies for administrative or court proceedings;

14 (d) Grant agreements or cooperative agreements;

15 (e) Contracts with a value of fifteen million dollars or less with
16 direct providers of medical, behavioral, or developmental health
17 services, child care, or child welfare services to an individual;

18 (f) Agreements for services to be performed for a state agency by
19 another state or local government agency or contracts made by a state
20 agency with a local government agency for the direct provision of
21 services to the public;

22 (g) Agreements for services between a state agency and the
23 University of Nebraska, the Nebraska state colleges, the courts, the
24 Legislature, or other officers or state agencies established by the
25 Constitution of Nebraska;

26 (h) Department of Insurance contracts for financial or actuarial
27 examination, for rehabilitation, conservation, reorganization, or
28 liquidation of licensees, and for professional services related to
29 residual pools or excess funds under the agency's control;

30 (i) Department of Transportation contracts for all road and bridge
31 projects;

1 (j) Nebraska Investment Council contracts;

2 (k) Contracts under section 57-1503;

3 (l) Contracts for the erection of, construction of, renovation of,
4 repair of, or addition to any building; for original equipment for any
5 building; for the construction of any road or bridge; or for the
6 performance of any work related to such contracts;

7 (m) Subject to section 83-146, contracts for the purchase or use of
8 the products of the labor of the inmates of any charitable, reformatory,
9 or penal institution of the state;

10 (n) Contracts for leases by the state or a state agency of real
11 property;

12 (o) Contracts for works of art;

13 (p) Contracts for advertising or public announcements;

14 (q) Direct or miscellaneous purchases pursuant to section 73-814;

15 and

16 (r) Department of Water, Energy, and Environment ~~Natural Resources~~
17 contracts for all water infrastructure projects.

18 **Sec. 12.** Section 81-502, Revised Statutes Supplement, 2025, is
19 amended to read:

20 81-502 (1) It shall be the duty of the State Fire Marshal, under
21 authority of the Governor:

22 (a) To enforce all laws of the state relating to the suppression of
23 arson and investigation of the cause, origin, and circumstances of fires;

24 (b) To promote safety and reduce loss by fire; and

25 (c) To make an investigation for fire safety of the premises and
26 facilities of:

27 (i) Liquor establishments for which a license or renewal of a
28 license is sought, upon request of the Nebraska Liquor Control
29 Commission, pursuant to section 53-119.01;

30 (ii) Licensed foster care facilities or applicants for licenses for
31 foster care facilities, upon request by the Department of Health and

1 Human Services, pursuant to section 71-1903;

2 (iii) Upon request of the Department of Health and Human Services,
3 licensed providers of programs or applicants for licenses to provide such
4 programs pursuant to section 71-1913 and licensed residential child-
5 caring agencies or applicants for such licensure pursuant to section
6 71-1934. The State Fire Marshal shall report the results of the
7 investigation to the department within thirty days after receipt of the
8 request from the department;

9 (iv) Licensed hospitals, skilled nursing facilities, intermediate
10 care facilities, or other health care facilities which are licensed under
11 the Health Care Facility Licensure Act or applicants for licenses for
12 such facilities or institutions, upon request by the Department of Health
13 and Human Services, pursuant to section 71-441; and

14 (v) Mobile home parks for which a license or renewal of a license is
15 sought, upon request of a local government ~~the Department of Water,~~
16 ~~Energy, and Environment,~~ pursuant to section 81-15,291.

17 (2) The State Fire Marshal may enter into contracts with private
18 individuals or other agencies, boards, commissions, or governmental
19 bodies for the purpose of carrying out his or her duties and
20 responsibilities pursuant to the Arson Reporting Immunity Act, the
21 Nebraska Natural Gas Pipeline Safety Act of 1969, and sections 81-502 to
22 81-538, 81-5,132 to 81-5,146, and 81-5,151 to 81-5,157.

23 (3) The State Fire Marshal may delegate the authority set forth in
24 this section and section 81-503.01 to qualified local fire prevention
25 personnel. The State Fire Marshal may overrule a decision, act, or policy
26 of the local fire prevention personnel. Such delegation of authority may
27 be revoked by the State Fire Marshal for cause upon thirty days' notice
28 after a hearing.

29 (4) The State Fire Marshal, first assistant fire marshal, and
30 deputies shall have such other powers and perform such other duties as
31 are set forth in sections 81-501.01 to 81-531 and 81-5,151 to 81-5,157

1 and as may be conferred and imposed by law.

2 **Sec. 13.** Section 81-1505, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-1505 (1) In order to carry out the purposes of the Environmental
5 Protection Act, the Integrated Solid Waste Management Act, and the
6 Livestock Waste Management Act, the council shall adopt and promulgate
7 rules and regulations which shall set standards of air, water, and land
8 quality to be applicable to the air, waters, and land of this state or
9 portions thereof. Such standards of quality shall be such as to protect
10 the public health and welfare. The council shall classify air, water, and
11 land contaminant sources according to levels and types of discharges,
12 emissions, and other characteristics which relate to air, water, and land
13 pollution and may require reporting for any such class or classes. Such
14 classifications and standards made pursuant to this section may be made
15 for application to the state as a whole or to any designated area of the
16 state and shall be made with special reference to effects on health,
17 economic and social factors, and physical effects on property. Such
18 standards and classifications may be amended as determined necessary by
19 the council.

20 (2) In adopting the classifications of waters and water quality
21 standards, the primary purpose for such classifications and standards
22 shall be to protect the public health and welfare and the council shall
23 give consideration to:

24 (a) The size, depth, surface area, or underground area covered, the
25 volume, direction, and rate of flow, stream gradient, and temperature of
26 the water;

27 (b) The character of the area affected by such classification or
28 standards, its peculiar suitability for particular purposes, conserving
29 the value of the area, and encouraging the most appropriate use of lands
30 within such area for domestic, agricultural, industrial, recreational,
31 and aquatic life purposes;

1 (c) The uses which have been made, are being made, or are likely to
2 be made, of such waters for agricultural, transportation, domestic, and
3 industrial consumption, for fishing and aquatic culture, for the disposal
4 of sewage, industrial waste, and other wastes, or other uses within this
5 state and, at the discretion of the council, any such uses in another
6 state on interstate waters flowing through or originating in this state;

7 (d) The extent of present pollution or contamination of such waters
8 which has already occurred or resulted from past discharges therein; and

9 (e) Procedures pursuant to section 401 of the Clean Water Act, as
10 amended, 33 U.S.C. 1251 et seq., for certification by the department of
11 activities requiring a federal license or permit which may result in a
12 discharge.

13 (3) In adopting effluent limitations or prohibitions, the council
14 shall give consideration to the type, class, or category of discharges
15 and the quantities, rates, and concentrations of chemical, physical,
16 biological, and other constituents which are discharged from point
17 sources into navigable or other waters of the state, including schedules
18 of compliance, best practicable control technology, and best available
19 control technology.

20 (4) In adopting standards of performance, the council shall give
21 consideration to the discharge of pollutants which reflect the greatest
22 degree of effluent reduction which the council determines to be
23 achievable through application of the best available demonstrated control
24 technology, processes, operating methods, or other alternatives,
25 including, when practicable, a standard permitting no discharge of
26 pollutants.

27 (5) In adopting toxic pollutant standards and limitations, the
28 council shall give consideration to the combinations of pollutants, the
29 toxicity of the pollutant, its persistence, degradability, the usual or
30 potential presence of the affected organisms in any waters, the
31 importance of the affected organisms, and the nature and extent of the

1 effect of the toxic pollutant on such organisms.

2 (6) In adopting pretreatment standards, the council shall give
3 consideration to the prohibitions or limitations to noncompatible
4 pollutants, prohibitions against the passage through a publicly owned
5 treatment works of pollutants which would cause interference with or
6 obstruction to the operation of publicly owned treatment works, damage to
7 such works, and the prevention of the discharge of pollutants therefrom
8 which are inadequately treated.

9 (7) In adopting treatment standards, the council shall give
10 consideration to providing for processes to which wastewater shall be
11 subjected in a publicly owned wastewater treatment works in order to make
12 such wastewater suitable for subsequent use.

13 (8) In adopting regulations pertaining to the disposal of domestic
14 and industrial liquid wastes, the council shall give consideration to the
15 minimum amount of biochemical oxygen demand, suspended solids, or
16 equivalent in the case of industrial wastewaters, which must be removed
17 from the wastewaters and the degree of disinfection necessary to meet
18 water quality standards with respect to construction, installation,
19 change of, alterations in, or additions to any wastewater treatment works
20 or disposal systems, including issuance of permits and proper
21 abandonment, and requirements necessary for proper operation and
22 maintenance thereof.

23 (9)(a) The council shall adopt and promulgate rules and regulations
24 for controlling mineral exploration holes and mineral production and
25 injection wells. The rules and regulations shall include standards for
26 the construction, operation, and abandonment of such holes and wells. The
27 standards shall protect the public health and welfare and air, land,
28 water, and subsurface resources so as to control, minimize, and eliminate
29 hazards to humans, animals, and the environment. Consideration shall be
30 given to:

31 (i) Area conditions such as suitability of location, geologic

1 formations, topography, industry, agriculture, population density,
2 wildlife, fish and other aquatic life, sites of archaeological and
3 historical importance, mineral, land, and water resources, and the
4 existing economic activities of the area including, but not limited to,
5 agriculture, recreation, tourism, and industry;

6 (ii) A site-specific evaluation of the geologic and hydrologic
7 suitability of the site and the injection, disposal, and production
8 zones;

9 (iii) The quality of the existing ground water, the effects of
10 exemption of the aquifer from any existing water quality standards, and
11 requirements for restoration of the aquifer;

12 (iv) Standards for design and use of production facilities, which
13 shall include, but not be limited to, all wells, pumping equipment,
14 surface structures, and associated land required for operation of
15 injection or production wells; and

16 (v) Conditions required for closure, abandonment, or restoration of
17 mineral exploration holes, injection and production wells, and production
18 facilities in order to protect the public health and welfare and air,
19 land, water, and subsurface resources.

20 (b) The council shall establish fees for regulated activities and
21 facilities and for permits for such activities and facilities. The fees
22 shall be sufficient but shall not exceed the amount necessary to pay the
23 department for the direct and indirect costs of evaluating, processing,
24 and monitoring during and after operation of regulated facilities or
25 performance of regulated activities.

26 (c) With respect to mineral production wells, the council shall
27 adopt and promulgate rules and regulations which require restoration of
28 air, land, water, and subsurface resources and require mineral production
29 well permit applications to include a restoration plan for the air, land,
30 water, and subsurface resources affected. Such rules and regulations may
31 provide for issuance of a research and development permit which

1 authorizes construction and operation of a pilot plant by the permittee
2 for the purpose of demonstrating the permittee's ability to inject and
3 restore in a manner which meets the standards required by this subsection
4 and the rules and regulations.

5 The rules and regulations adopted and promulgated may also provide
6 for issuance of a commercial permit after a finding by the department
7 that the injection and restoration procedures authorized by the research
8 and development permit have been successful in demonstrating the
9 applicant's ability to inject and restore in a manner which meets the
10 standards required by this subsection and the rules and regulations.

11 (d) For the purpose of this subsection, unless the context otherwise
12 requires, restoration shall mean the employment, during and after an
13 activity, of procedures reasonably designed to control, minimize, and
14 eliminate hazards to humans, animals, and the environment, to protect the
15 public health and welfare and air, land, water, and subsurface resources,
16 and to return each resource to a quality of use consistent with the uses
17 for which the resource was suitable prior to the activity.

18 (10) In adopting livestock waste control regulations, the council
19 shall consider the discharge of livestock wastes into the waters of the
20 state or onto land not owned by the livestock operator, conditions under
21 which permits for such operations may be issued, including design,
22 location, and proper management of such facilities, protection of ground
23 water from such operations, and revocation, modification, or suspension
24 of such permits for cause and all requirements of the Livestock Waste
25 Management Act.

26 (11) In adopting regulations for the issuance of permits under the
27 National Pollutant Discharge Elimination System created by the Clean
28 Water Act, as amended, 33 U.S.C. 1251 et seq., the council shall consider
29 when such permits shall be required and exemptions, application and
30 filing requirements, terms and conditions affecting such permits, notice
31 and public participation, duration and review of such permits, the

1 evaluation provided for under section 81-1517, and monitoring, recording,
2 and reporting under the system.

3 (12) The council shall adopt and promulgate rules and regulations
4 for air pollution control which shall include:

5 (a) A construction permit program which requires the owner or
6 operator of an air contaminant source to obtain a permit prior to
7 construction. Application fees shall be according to section 81-1505.06;

8 (b) An operating permit program consistent with requirements of the
9 Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and an operating
10 permit program for minor sources of air pollution, which programs shall
11 require permits for both new and existing sources;

12 (c) Provisions for operating permits to be issued after public
13 notice, to be terminated, modified, or revoked for cause, and to be
14 modified to incorporate new requirements;

15 (d) Provisions for applications to be on forms provided by the
16 department and to contain information necessary to make a determination
17 on the appropriateness of issuance or denial. The department shall make a
18 completeness determination in a timely fashion and after such
19 determination shall act on the application within time limits set by the
20 council. Applications for operating permits shall include provisions for
21 certification of compliance by the applicant;

22 (e) Requirements for operating permits which may include such
23 conditions as necessary to protect public health and welfare, including,
24 but not limited to (i) monitoring and reporting requirements on all
25 sources subject to the permit, (ii) payment of annual fees sufficient to
26 pay the reasonable direct and indirect costs of developing and
27 administering the air quality permit program, (iii) retention of records,
28 (iv) compliance with all air quality standards, (v) a permit term of no
29 more than five years from date of issuance, (vi) any applicable schedule
30 of compliance leading to compliance with air quality regulations, (vii)
31 site access to the department for inspection of the facility and records,

1 (viii) emission limits or control technology requirements, (ix) periodic
2 compliance certification, and (x) other conditions necessary to carry out
3 the purposes of the Environmental Protection Act. For purposes of this
4 subsection, control technology shall mean a design, equipment, a work
5 practice, an operational standard which may include a requirement for
6 operator training or certification, or any combination thereof;

7 (f) Classification of air quality control regions;

8 (g) Standards for air quality that may be established based upon
9 protection of public health and welfare, emission limitations established
10 by the United States Environmental Protection Agency, and maximum
11 achievable control technology standards for sources of toxic air
12 pollutants. For purposes of this subdivision, maximum achievable control
13 technology standards shall mean an emission limit or control technology
14 standard which requires the maximum degree of emission reduction that the
15 council, taking into consideration the cost of achieving such emission
16 reduction, any health and environmental impacts not related to air
17 quality, and energy requirements, determines is achievable for new or
18 existing sources in the category or subcategory to which the standard
19 applies through application of measures, processes, methods, systems, or
20 techniques, including, but not limited to, measures which accomplish one
21 or a combination of the following:

22 (i) Reduce the volume of or eliminate emissions of the pollutants
23 through process changes, substitution of materials, or other
24 modifications;

25 (ii) Enclose systems or processes to eliminate emissions; or

26 (iii) Collect, capture, or treat the pollutants when released from a
27 process, stack, storage, or fugitive emission point;

28 (h) Restrictions on open burning and fugitive emissions;

29 (i) Provisions for issuance of general operating permits, after
30 public notice, for sources with similar operating conditions and for
31 revoking such general authority to specific permittees;

1 (j) Provisions for implementation of any emissions trading programs
2 as defined by the department. Such programs shall be consistent with the
3 Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and administered
4 through the operating permit program;

5 (k) A provision that operating permits will not be issued if the
6 Environmental Protection Agency objects in a timely manner;

7 (l) Provisions for periodic reporting of emissions;

8 (m) Limitations on emissions from process operations, fuel-burning
9 equipment, and incinerator emissions and such other restrictions on
10 emissions as are necessary to protect the public health and welfare;

11 (n) Time schedules for compliance;

12 (o) Requirements for owner or operator testing and monitoring of
13 emissions;

14 (p) Control technology requirements when it is not feasible to
15 prescribe or enforce an emission standard; and

16 (q) Procedures and definitions necessary to carry out payment of the
17 annual emission fee set in section 81-1505.04.

18 (13)(a) In adopting regulations for hazardous waste management, the
19 council shall give consideration to generation of hazardous wastes,
20 labeling practices, containers used, treatment, storage, collection,
21 transportation including a manifest system, processing, resource
22 recovery, and disposal of hazardous wastes. It shall consider the
23 permitting, licensing, design and construction, and development and
24 operational plans for hazardous waste treatment, storage, and disposal
25 facilities, and conditions for licensing or permitting of hazardous waste
26 treatment, storage, and disposal areas. It shall consider modification,
27 suspension, or revocation of such licenses and permits, including
28 requirements for waste analysis, site improvements, fire prevention,
29 safety, security, restricted access, and covering and handling of
30 hazardous liquids and materials. Licenses and permits for hazardous
31 waste, treatment, storage, and disposal facilities shall not be issued

1 until certification by the State Fire Marshal as to fire prevention and
2 fire safety has been received by the department. The council shall
3 further consider the need at treatment, storage, or disposal facilities
4 for required equipment, communications and alarms, personnel training,
5 and contingency plans for any emergencies that might arise and for a
6 coordinator during such emergencies.

7 In addition the council shall give consideration to (i) ground water
8 monitoring, (ii) use and management of containers and tanks, (iii)
9 surface impoundments, (iv) waste piles, (v) land treatment, (vi)
10 incinerators, (vii) chemical or biological treatment, (viii) landfills
11 including the surveying thereof, and (ix) special requirements for
12 ignitable, reactive, or incompatible wastes.

13 In considering closure and postclosure of hazardous waste treatment,
14 storage, or disposal facilities, the council shall consider regulations
15 that would result in the owner or operator closing his or her facility so
16 as to minimize the need for future maintenance, and to control, minimize,
17 or eliminate, to the extent necessary to protect humans, animals, and the
18 environment, postclosure escape of hazardous waste, hazardous waste
19 constituents, and leachate to the ground water or surface waters, and to
20 control, minimize, or eliminate, to the extent necessary to protect
21 humans, animals, and the environment, waste decomposition to the
22 atmosphere. In considering corrective action for hazardous waste
23 treatment, storage, or disposal facilities, the council shall consider
24 regulations that would require the owner or operator, or any previous
25 owner or operator with actual knowledge of the presence of hazardous
26 waste at the facility, to undertake corrective action or such other
27 response measures necessary to protect human health or the environment
28 for all releases of hazardous waste or hazardous constituents from any
29 treatment, storage, or disposal facility or any solid waste management
30 unit at such facility regardless of the time at which waste was placed in
31 such unit.

1 Such regulations adopted pursuant to this subsection shall in all
2 respects comply with the Environmental Protection Act and the Resource
3 Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq.

4 (b) In adopting regulations for hazardous waste management, the
5 council shall consider, in addition to criteria in subdivision (a) of
6 this subsection, establishing criteria for (i) identifying hazardous
7 waste including extraction procedures, toxicity, persistence, and
8 degradability in nature, potential for accumulation in tissue,
9 flammability or ignitability, corrosiveness, reactivity, and generation
10 of pressure through decomposition, heat, or other means, and other
11 hazardous characteristics, (ii) listing all materials it deems hazardous
12 and which should be subject to regulation, and (iii) locating treatment,
13 storage, or disposal facilities for such wastes. In adopting criteria for
14 flammability and ignitability of wastes pursuant to subdivision (b)(i) of
15 this subsection, no regulation shall be adopted without the approval of
16 the State Fire Marshal.

17 (c) In adopting regulations for hazardous waste management, the
18 council shall establish a schedule of fees to be paid to the director by
19 hazardous waste generators on the basis of an annual fee, the quantity of
20 hazardous waste generated by weight or volume as reported by the
21 generator to the national hazardous waste manifest system, or a
22 combination thereof; and by licensees or permittees operating hazardous
23 waste processing facilities or disposal areas on the basis of a monetary
24 value per cubic foot or per pound of the hazardous wastes. The fee
25 schedule shall be 7 sufficient but not exceeding the amount necessary for
26 to reimburse the department to pay for the direct and indirect costs of
27 the regulation of hazardous waste management for the costs of monitoring
28 such facilities or areas during and after operation of such facilities or
29 areas. The permittees licensees may assess a cost against persons using
30 the facilities or areas. The director shall remit any money collected
31 from fees paid to him or her to the State Treasurer who shall credit the

1 entire amount thereof to the Integrated Solid Waste Management Cash Fund
2 ~~General Fund~~.

3 (d) In adopting regulations for solid waste disposal, the council
4 shall consider storage, collection, transportation, processing, resource
5 recovery, and disposal of solid waste, developmental and operational
6 plans for solid waste disposal areas, conditions for permitting of solid
7 waste disposal areas, modification, suspension, or revocation of such
8 permits, regulations of operations of disposal areas, including site
9 improvements, fire prevention, ground water protection, safety and
10 restricted access, handling of liquid and hazardous materials, insect and
11 rodent control, salvage operations, and the methods of disposing of
12 accumulations of junk outside of solid waste disposal areas. Such
13 regulations shall in all respects comply with the Environmental
14 Protection Act, the Integrated Solid Waste Management Act, and the
15 Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et
16 seq.

17 (14) In adopting regulations governing discharges or emissions of
18 oil and other hazardous materials into the waters, in the air, or upon
19 the land of the state, the council shall consider the requirements of the
20 Integrated Solid Waste Management Act, methods for prevention of such
21 discharges or emissions, and the responsibility of the discharger or
22 emitter for cleanup, toxicity, degradability, and dispersal
23 characteristics of the substance.

24 (15) In adopting regulations governing composting and composting
25 sites, the council shall give consideration to:

26 (a) Approval of a proposed site by the local governing body,
27 including the zoning authority, if any, prior to issuance of a permit by
28 the department;

29 (b) Issuance of permits by the department for such composting
30 operations, with conditions if necessary;

31 (c) Submission of construction and operational plans by the

1 applicant for a permit to the department, with approval of such plans
2 before issuance of such permit;

3 (d) A term of up to ten years for such permits;

4 (e) Renewal of permits if the operation has been in substantial
5 compliance with composting regulations adopted pursuant to this
6 subsection, permit conditions, and operational plans;

7 (f) Review by the department of materials to be composted, including
8 chemical analysis when found by the department to be necessary;

9 (g) Inspections of such compost sites by the department. Operations
10 out of compliance with composting regulations, permit conditions, or
11 operational plans shall be given a reasonable time for voluntary
12 compliance, and failure to do so within the specified time shall result
13 in a hearing after notice is given, at which time the owner or operator
14 shall appear and show cause why his or her permit should not be revoked;

15 (h) Special permits of the department for demonstration projects not
16 to exceed six months;

17 (i) Exemptions from permits of the department; and

18 (j) The Integrated Solid Waste Management Act.

19 (16) Any person operating or responsible for the operation of air,
20 water, or land contaminant sources of any class for which the rules and
21 regulations of the council require reporting shall make reports
22 containing information as may be required by the department concerning
23 quality and quantity of discharges and emissions, location, size, and
24 height of contaminant outlets, processes employed, fuels used, and the
25 nature and time periods or duration of discharges and emissions, and such
26 other information as is relevant to air, water, or land pollution and is
27 available.

28 (17) Prior to adopting, amending, or repealing standards and
29 classifications of air, water, and land quality and rules and regulations
30 under the Integrated Solid Waste Management Act or the Livestock Waste
31 Management Act, the council shall, after due notice, conduct public

1 hearings thereon. Notice of public hearings shall specify the waters or
2 the area of the state for which standards of air, water, or land are
3 sought to be adopted, amended, or repealed and the time, date, and place
4 of such hearing. Such hearing shall be held in the general area to be
5 affected by such standards. Such notice shall be given in accordance with
6 the Administrative Procedure Act.

7 (18) Standards of quality of the air, water, or land of the state
8 and rules and regulations adopted under the Integrated Solid Waste
9 Management Act or the Livestock Waste Management Act or any amendment or
10 repeal of such standards or rules and regulations shall become effective
11 upon adoption by the council and filing in the office of the Secretary of
12 State. In adopting standards of air, water, and land quality or making
13 any amendment thereof, the council shall specify a reasonable time for
14 persons discharging wastes into the air, water, or land of the state to
15 comply with such standards and upon the expiration of any such period of
16 time may revoke or modify any permit previously issued which authorizes
17 the discharge of wastes into the air, water, or land of this state which
18 results in reducing the quality of such air, water, or land below the
19 standards established therefor by the council.

20 (19) All standards of quality of air, water, or land and all rules
21 and regulations adopted pursuant to law by the council prior to May 29,
22 1981, and applicable to specified air, water, or land are hereby approved
23 and adopted as standards of quality of and rules and regulations for such
24 air, water, or land.

25 (20) In addition to such standards as are heretofore authorized, the
26 council shall adopt and promulgate rules and regulations to set standards
27 of performance, effluent standards, pretreatment standards, treatment
28 standards, toxic pollutant standards and limitations, effluent
29 limitations, effluent prohibitions, and quantitative limitations or
30 concentrations which shall in all respects conform with and meet the
31 requirements of the National Pollutant Discharge Elimination System in

1 the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

2 (21)(a) The council shall adopt and promulgate rules and regulations
3 requiring all new or renewal permit or license applicants regulated under
4 the Environmental Protection Act, the Integrated Solid Waste Management
5 Act, or the Livestock Waste Management Act to establish proof of
6 financial responsibility by providing funds in the event of abandonment,
7 default, or other inability of the permittee or licensee to meet the
8 requirements of its permit or license or other conditions imposed by the
9 department pursuant to the acts. The council may exempt classes of
10 permittees or licensees from the requirements of this subdivision when a
11 finding is made that such exemption will not result in a significant risk
12 to the public health and welfare.

13 (b) Proof of financial responsibility shall include any of the
14 following made payable to or held in trust for the benefit of the state
15 and approved by the department:

16 (i) A surety bond executed by the applicant and a corporate surety
17 licensed to do business in this state;

18 (ii) A deposit of cash, negotiable bonds of the United States or the
19 state, negotiable certificates of deposit, or an irrevocable letter of
20 credit of any bank or other savings institution organized or transacting
21 business in the United States in an amount or which has a market value
22 equal to or greater than the amount of the bonds required for the bonded
23 area under the same terms and conditions upon which surety bonds are
24 deposited;

25 (iii) An established escrow account; or

26 (iv) A bond of the applicant without separate surety upon a
27 satisfactory demonstration to the director that such applicant has the
28 financial means sufficient to self-bond pursuant to bonding requirements
29 adopted by the council consistent with the purposes of this subdivision.

30 (c) The director shall determine the amount of the bond, deposit, or
31 escrow account which shall be reasonable and sufficient so the department

1 may, if the permittee or licensee is unable or unwilling to do so and in
2 the event of forfeiture of the bond or other financial responsibility
3 methods, arrange to rectify any improper management technique committed
4 during the term of the permit or license and assure the performance of
5 duties and responsibilities required by the permit or license pursuant to
6 law, rules, and regulations.

7 (d) In determining the amount of the bond or other method of
8 financial responsibility, the director shall consider the requirements of
9 the permit or license or any conditions specified by the department, the
10 probable difficulty of completing the requirements of such permit,
11 license, or conditions due to such factors as topography, geology of the
12 site, and hydrology, and the prior history of environmental activities of
13 the applicant.

14 This subsection shall apply to hazardous waste treatment, storage,
15 or disposal facilities which have received interim status.

16 (22)(a) The council shall adopt and promulgate rules and regulations
17 no more stringent than the provisions of section 1453 et seq. of the
18 federal Safe Drinking Water Act, as amended, 42 U.S.C. 300j-13 et seq.,
19 for public water system source water assessment programs.

20 (b) The council may adopt and promulgate rules and regulations to
21 implement a source water petition program no more stringent than section
22 1454 et seq. of the federal Safe Drinking Water Act, as amended, 42
23 U.S.C. 300j-14 et seq.

24 (23) The council may adopt and promulgate rules and regulations for
25 the issuance of permits relating to the discharge of dredged or fill
26 material into the waters of the United States under section 404 of the
27 Clean Water Act, as amended, 33 U.S.C. 1251 et seq., giving consideration
28 to (a) when such permits are required and exemptions, application, and
29 filing requirements, (b) terms and conditions affecting such permits,
30 notice and public participation, and duration, (c) review of such
31 permits, (d) monitoring, recording, and reporting requirements, (e)

1 compensatory mitigation, and (f) such other requirements not inconsistent
2 with the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

3 (24) The council may establish fees for applications,
4 determinations, permits, licenses, or similar authorizations for the
5 discharge of dredged and fill material under section 404 of the Clean
6 Water Act, as amended, 33 U.S.C. 1251 et seq., to be collected by the
7 department. The fees shall be sufficient to pay the department for the
8 direct and indirect costs of administering a permitting program under
9 section 404 of the Clean Water Act.

10 **Sec. 14.** (1) The Water Quality and Quantity Cash Fund is created.
11 The department shall remit all fees collected pursuant to this section
12 and money received by the department in the form of gifts, grants,
13 reimbursements, or monetary transfers from any source intended to be used
14 for the purposes of the fund to the State Treasurer for credit to the
15 fund. The fund shall be used to pay the reasonable direct and indirect
16 costs required to develop and administer programs to regulate discharges
17 under section 402 of the Clean Water Act, as amended, 33 U.S.C. 1342 et
18 seq. Any money in the fund available for investment shall be invested by
19 the state investment officer pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act.

21 (2) Beginning July 1, 2027, each application for a National
22 Pollutant Discharge Elimination System permit or a pretreatment permit
23 required by rules and regulations adopted and promulgated pursuant to
24 subsection (20) of section 81-1505 shall be accompanied by an application
25 fee, to be determined by the department. The fee shall not be more than
26 the amount necessary to reimburse the department for administering the
27 applications. An application required under section 54-2428 shall be
28 exempt from the application fee required by this section.

29 (3) Beginning July 1, 2027, the department shall charge an annual
30 fee to each person who has a National Pollutant Discharge Elimination
31 System permit or who has a pretreatment permit required by rules and

1 regulations adopted and promulgated pursuant to subsection (20) of
2 section 81-1505. The fee shall be an amount no more than the actual cost
3 of services provided. A permit issued pursuant to section 54-2428 shall
4 be exempt from the annual fee required by this section.

5 **Sec. 15.** Section 81-1532, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-1532 Sections 81-1501 to 81-1532 and section 14 of this act shall
8 be known and may be cited as the Environmental Protection Act.

9 **Sec. 16.** Section 81-1561, Revised Statutes Supplement, 2025, is
10 amended to read:

11 81-1561 (1) The Tax Commissioner shall deduct and withhold from the
12 litter fee collected a fee sufficient to reimburse himself or herself for
13 the cost of collecting and administering the litter fee and shall deposit
14 such collection fee in the Litter Fee Collection Fund which is hereby
15 created. The Litter Fee Collection Fund shall be appropriated to the
16 Department of Revenue. Any money in the Litter Fee Collection Fund
17 available for investment shall be invested by the state investment
18 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
19 State Funds Investment Act.

20 (2) The Tax Commissioner shall remit the balance of the litter fee
21 collections to the Department of Water, Energy, and Environment. The
22 department shall allocate and distribute funds from the Nebraska Litter
23 Reduction and Recycling Fund ~~in percentage amounts to be determined by~~
24 ~~the council on an annual basis, after a public hearing on a date to be~~
25 ~~determined by the council,~~ for the following activities:

26 (a) Programs of public education, motivation, and participation
27 aimed at creating an ethic conducive to the reduction of litter,
28 establishing an attitude against littering and a desire for a clean
29 environment, and securing greater awareness of and compliance with
30 antilitter laws. Such programs shall include:

31 (i) The distribution of informative materials to elementary and

1 secondary schools;

2 (ii) The purchase and erection of roadside signs;

3 (iii) The organization and operation of cleanup drives conducted by
4 local agencies and organizations using volunteer help;

5 (iv) Grants to state and local government units and agencies and
6 private organizations for developing and conducting antilitter programs;
7 and

8 (v) Any other public information method selected by the department,
9 including the use of media;

10 (b) Cleanup of public highways, waterways, recreation lands, urban
11 areas, and public places within the state, including, but not limited to:

12 (i) Grants to cities and counties for payment of personnel employed
13 in the pickup of litter;

14 (ii) Grants for programs aimed at increasing the use of youth and
15 unemployed persons in seasonal and part-time litter pickup programs and
16 to establish work release and other programs to carry out the purposes of
17 the Nebraska Litter Reduction and Recycling Act;

18 (iii) Grants to public and private agencies and persons to conduct
19 surveys of amounts and composition of litter and rates of littering; and

20 (iv) Grants to public and private agencies and persons for research
21 and development in the fields of litter reduction, removal, and disposal,
22 including the evaluation of behavioral science techniques in litter
23 control and the development of new equipment, and to implement such
24 research and development when appropriate; and

25 (c) New or improved community recycling and source separation
26 programs, including, but not limited to:

27 (i) Expansion of existing and creation of new community recycling
28 centers;

29 (ii) Expansion of existing and creation of new source separation
30 programs;

31 (iii) Research and evaluation of markets for the materials and

1 products recovered in source separation and recycling programs; and
2 (iv) Providing advice and assistance on matters relating to
3 recycling and source separation, including information and consultation
4 on available technology, operating procedures, organizational
5 arrangements, markets for materials and products recovered in recycling
6 and source separation, transportation alternatives, and publicity
7 techniques.

8 **Sec. 17.** Section 81-1586, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 81-1586 Department shall mean the Department of Water, Energy, and
11 Environment ~~Environmental Quality~~.

12 **Sec. 18.** Section 81-1587, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-1587 Director shall mean the Director of Water, Energy, and
15 Environment ~~Environmental Quality~~.

16 **Sec. 19.** Section 81-15,102, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 81-15,102 (1) The state shall accept or acquire, by gift, transfer,
19 or purchase, from the licensed facility operator, title to the land and
20 appurtenances used for the disposal of low-level radioactive waste after
21 the expiration of both the operational life and closure period of the
22 facility, if:

23 (a) Both the Department of Health and Human Services ~~Regulation and~~
24 ~~Licensure~~ and the Department of Water, Energy, and Environment
25 ~~Environmental Quality~~ determine that (i) the requirements for site
26 closure, decommissioning, and decontamination adopted pursuant to rules
27 and regulations of the Department of Health and Human Services ~~Regulation~~
28 ~~and Licensure~~ and the Department of Water, Energy, and Environment
29 ~~Environmental Quality~~ which are allowed under federal law have been met
30 by the licensed facility operator and (ii) such operator is in compliance
31 with all financial requirements; and

1 (b) The amendments to the Central Interstate Low-Level Radioactive
2 Waste Compact made by Laws 1991, LB 837, section 4, codified in section
3 71-3521, are in effect and have been ratified by Congress.

4 The title to the land and appurtenances shall be transferred without
5 cost to the state. Such transfer of title to the state does not relieve
6 the developer, licensed facility operator, or generators of such waste
7 from liability for their actions that occurred whether known or unknown
8 during the design, construction, operation, and closure of the facility.
9 Sites received by gift or transfer shall be subject to approval and
10 acceptance by the Legislature on behalf of the state.

11 (2) The applicant shall notify the Governor and the Legislature
12 before beginning any onsite geological activity, such as soil core
13 sampling, to determine the suitability of a site in the State of Nebraska
14 for use as a facility.

15 (3) Lands and appurtenances which are used for the disposal of low-
16 level radioactive waste shall be acquired and held in fee simple absolute
17 by the licensed facility operator so long as such ownership does not
18 preclude licensure or operation of the facility under federal law and
19 until title to the land and appurtenances is transferred to the state
20 pursuant to subsection (1) of this section. Such lands and appurtenances
21 shall be used exclusively for the disposal of low-level radioactive waste
22 until the department determines that such exclusive use is not required
23 to protect the public health, safety, welfare, or environment. Before
24 such a site is leased for other use, the department shall require and
25 assure that the radioactive waste history of the site be recorded in the
26 permanent land records of the site. Remedial cleanup costs which become
27 necessary during the period of custodial care shall be assessed first to
28 the licensed facility operator, then proportionately against the
29 generators of the radioactive waste and as set out in the Central
30 Interstate Low-Level Radioactive Waste Compact found in section 71-3521.

31 (4) The state may contract for the management of a disposal site.

1 The contractor shall be subject to licensing by the department and shall
2 be subject to the surety and custodial care funding provisions of section
3 81-15,103.

4 (5) If and until licensing of a facility is approved, no further
5 construction contracts shall be let or actual construction begun, other
6 than filling the identified wetland, before the Department of Water,
7 Energy, and Environment ~~Environmental Quality~~ has conducted a six-month
8 public education program to inform the people of the county and the
9 people of the state of the exact characteristics of the facility to be
10 built, which program shall be undertaken forthwith.

11 **Sec. 20.** Section 81-15,123, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 81-15,123 The State Fire Marshal shall adopt and promulgate rules
14 and regulations governing release, detection, prevention, and correction
15 procedures applicable to all owners and operators as shall be necessary
16 to protect human health, public safety, and the environment. Such rules
17 and regulations may distinguish between types, classes, and ages of
18 tanks. In making such distinctions, the State Fire Marshal shall
19 consider, but not be limited to, location of the tanks, soil and climate
20 conditions, uses of the tanks, history of maintenance, age of the tanks,
21 current industry-recommended practices, national consensus codes,
22 hydrogeology, depth to the ground water, size of the tanks, quantity of
23 regulated substances periodically deposited in or dispensed from the
24 tanks, the technical capability of the owners and operators, and the
25 compatibility of the regulated substance and the materials of which the
26 tank is fabricated. Before adoption, such rules and regulations shall be
27 reviewed and approved by the Director of Water, Energy, and Environment
28 ~~Environment and Energy~~ who shall determine whether the proposed rules and
29 regulations are adequate to protect the environment. Rules and
30 regulations adopted and promulgated pursuant to this section shall
31 include, but not be limited to:

1 (1) Proper procedures and specifications for the construction,
2 design, installation, replacement, or repair of tanks;

3 (2) A permit and registration system for all tanks;

4 (3) A program to establish an inspection system for all tanks. Such
5 program shall provide for periodic safety inspections and spot checks of
6 monitoring systems by the State Fire Marshal. A fee schedule may also be
7 developed for the inspection of new tank and piping installations and
8 tank closures in the manner prescribed in section 81-505.01. Such
9 inspection fees shall be remitted by the State Fire Marshal to the State
10 Treasurer for credit to the Underground Storage Tank Fund. No fee shall
11 be charged for the periodic safety inspections and spot checks of
12 monitoring systems by the State Fire Marshal;

13 (4) A monitoring system for all tanks which includes, but is not
14 limited to, the following:

15 (a) An inventory-control procedure for any tank used to hold
16 petroleum products or hazardous substances for resale;

17 (b) An inventory-control procedure for any tank used solely for
18 consumptive onsite purposes and not for resale. Such control procedure
19 shall determine the method of inventory measurement giving consideration
20 to the economic burden created by the procedure. The frequency of
21 inventory measurement for such category of tank shall include at least
22 one measurement every thirty days;

23 (c) Provisions for the prompt reporting of any release of a
24 regulated substance; and

25 (d) A procedure for the proper method of monitoring tanks;

26 (5) A procedure for notifying the State Fire Marshal of temporarily
27 or permanently abandoned tanks;

28 (6) A procedure for removing or making safe any abandoned tanks,
29 except that the State Fire Marshal may dispense with such procedure in
30 special circumstances;

31 (7) Financial responsibility requirements, taking into account the

1 financial responsibility requirements established pursuant to 42 U.S.C.
2 6991b(d);

3 (8) Requirements for maintaining a leak-detection system, an
4 inventory-control system, and a tank-testing or comparable system or
5 method designed to identify releases in a manner consistent with the
6 protection of human health, public safety, and the environment;

7 (9) Requirements for maintaining records of any monitoring or leak-
8 detection system, inventory-control system, or tank-testing or comparable
9 system;

10 (10) Provisions to establish a system for licensing tank
11 installation and removal contractors;

12 (11) Provisions to prohibit delivery to, deposit into, or the
13 acceptance of a regulated substance into, an underground storage tank at
14 a facility which has been identified by the State Fire Marshal to be
15 ineligible for such delivery, deposit, or acceptance; and

16 (12) Effective August 8, 2009, requirements for training and
17 certification of operators.

18 Nothing in this section shall be construed to require a
19 subcontractor working under the direction of a licensed installation or
20 removal contractor to be licensed.

21 **Sec. 21.** Section 81-15,124.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 81-15,124.01 (1) The Environmental Quality Council shall adopt and
24 promulgate rules and regulations consistent with principles of risk-based
25 corrective action governing all phases of remedial action to be taken by
26 owners, operators, and other persons in response to a release or
27 suspected release of a regulated substance from a tank. Such rules and
28 regulations shall include:

29 (a) Provisions governing remedial action to be taken by owners and
30 operators pursuant to section 81-15,124;

31 (b) Provisions by which the Department of Water, Energy, and

1 Environment ~~Environment and Energy~~ may determine the cleanup levels to be
2 achieved through soil or water remediation and the applicable limitations
3 for air emissions at the petroleum release site or occurring by reason of
4 such remediation; and

5 (c) Such other provisions necessary to carry out the Petroleum
6 Products and Hazardous Substances Storage and Handling Act.

7 (2) In developing rules and regulations, the Environmental Quality
8 Council shall take into account risk-based corrective action assessment
9 principles which identify the risks presented to the public health and
10 safety or the environment by each release in a manner that will protect
11 the public health and safety and the environment using, to the extent
12 appropriate, a tiered approach consistent with the American Society for
13 Testing of Materials guidance for risk-based corrective action applicable
14 to petroleum release sites.

15 **Sec. 22.** Section 81-15,124.02, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 81-15,124.02 If necessary in the course of an investigation or
18 inspection or during the remedial action and if the owner of property or
19 the owner's agent has specifically denied the Department of Water,
20 Energy, and Environment ~~Environment and Energy~~ access to the property for
21 such purposes, the department may order the owner or owner's agent to
22 grant access to property for the performance of reasonable steps,
23 including drilling, to determine the source and extent of contamination
24 or for remediation. Access shall be by the department or by a person
25 conducting an investigation, inspection, or remedial action at the
26 direction of the department. All actions taken on the property shall be
27 performed in the least obtrusive manner possible to allow the
28 investigation, inspection, or remedial action to proceed. Upon completion
29 of any such actions, the property shall be restored as nearly as possible
30 to its original condition.

31 **Sec. 23.** Section 81-15,196, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-15,196 Director means the Director of Water, Energy, and
3 Environment ~~Environment and Energy~~.

4 **Sec. 24.** Section 81-15,261, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 81-15,261 Sections 81-15,261 to 81-15,291 ~~81-15,292~~ shall be known
7 and may be cited as the Environmental Safety Act.

8 **Sec. 25.** Section 81-15,262, Revised Statutes Supplement, 2025, is
9 amended to read:

10 81-15,262 The Legislature finds that:

11 (1) Best practices in environmental safety and protection recognize
12 that the regulation of water supply and disposal infrastructure are
13 connected;

14 (2) The proper design, construction, and monitoring of water and
15 wastewater uses is critical for the safety and sustainability of
16 communities in the State of Nebraska;

17 (3) The regulation of mobile homes, recreation camps, and swimming
18 pools provide fundamental environmental safety for persons who use them;
19 and

20 (4) Consolidating the administration of state environmental safety
21 programs and the environmental and water programs of the United States
22 Environmental Protection Agency delegated to the State of Nebraska into
23 the Department of Water, Energy, and Environment will better serve the
24 communities in the State of Nebraska. Experience with the administration
25 of these programs demonstrates that they are carried out most effectively
26 through coordinated partnerships between the state and local governments.

27 **Sec. 26.** Section 81-15,263, Revised Statutes Supplement, 2025, is
28 amended to read:

29 81-15,263 For purposes of the Environmental Safety Act:

30 (1) Department means the Department of Water, Energy, and
31 Environment; ~~and~~

1 (2) Director means the Director of Water, Energy, and Environment;
2 and -

3 (3) Local government means a county, city, or village or a local
4 public health department as defined in section 71-1626.

5 **Sec. 27.** Section 81-15,265, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-15,265 (1) The department shall ~~prepare,~~ adopt ~~,~~ and have
8 available minimum sanitary and safety requirements in the form of
9 regulations for the design, construction, equipment, and operation of
10 swimming pools and bather preparation facilities. Such regulations
11 requirements shall include, but not be limited to, provisions for waiver
12 or variance of design standards and the circumstances under which such
13 waiver or variance may be granted. No swimming pool shall be constructed
14 until plans and specifications have been approved by the department.

15 (2) A local government shall by resolution, ordinance, or regulation
16 adopt and enforce minimum sanitary and safety requirements for the
17 equipment and operation of swimming pools and bather preparation
18 facilities which meet or exceed the minimum requirements adopted by the
19 department pursuant to subsection (1) of this section.

20 **Sec. 28.** Section 81-15,267, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 81-15,267 ~~After January 1, 1970, swimming pools shall have~~
23 ~~equipment and shall be operated so as to comply with the minimum sanitary~~
24 ~~and safety requirements provided in section 81-15,265. After such date no~~
25 ~~swimming pool shall operate until it has received a permit from the~~
26 ~~department. Application for a permit to operate shall be submitted on~~
27 ~~forms provided by the department. Swimming pools constructed prior to~~
28 ~~January 1, 1970, which do not fully comply with the minimum sanitary and~~
29 ~~safety requirements as regards design and construction requirements may~~
30 ~~continue to operate may be continued in use for such period as the~~
31 ~~department may authorize if the equipment and operation of such swimming~~

1 pool comply with the minimum sanitary and safety requirements.

2 **Sec. 29.** Section 81-15,268, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-15,268 (1) The local government which exercises jurisdiction over
5 a swimming pool shall inspect such ~~department shall make at least one~~
6 ~~inspection every year of each~~ swimming pool to determine that such
7 swimming pool complies with the minimum sanitary and safety requirements
8 established by the local government.

9 (2) A local government may establish and collect fees for the
10 inspection of a swimming pool at a rate not more than the actual costs of
11 the inspection.

12 (3) (2) The owner and operator of any swimming pool shall operate
13 such swimming pool in compliance with minimum sanitary and safety
14 requirements established by the local government which exercises
15 jurisdiction over such swimming pool. The owner or operator of any
16 swimming pool shall retain for three years submit such operation and
17 analytical records as may be requested at any time by the department to
18 determine the sanitary and safety condition of the swimming pool and
19 shall make such records available to the local government upon request.

20 (4) (3) The department shall adopt and promulgate rules and
21 regulations which classify swimming pools on the basis of criteria deemed
22 appropriate by the department. The department shall charge engineering
23 firms, swimming pool owners, and other appropriate parties fees
24 established by rules and regulations for the review of plans and
25 specifications of a swimming pool, the issuance of a construction license
26 or permit, ~~the inspection of a swimming pool,~~ and any other services
27 rendered at a rate which defrays no more than the actual cost of the
28 services provided. All fees shall be paid as a condition of annual
29 renewal of licensure or of continuance of licensure. Fees collected under
30 this subsection for the review of plans and specifications and the
31 issuance of a construction permit shall be remitted to the State

1 Treasurer for credit to the Engineering Plan Review Cash Fund. All other
2 fees collected under this subsection shall be remitted to the State
3 Treasurer for credit to the Environmental Safety Cash Fund. The
4 department shall not charge a municipal corporation an inspection fee for
5 an inspection of a swimming pool owned by such municipal corporation.

6 (5) The operator of any swimming pool shall maintain a certificate
7 of competency for swimming pools. The department shall maintain a list of
8 acceptable pool operator competency courses. (4) The department shall
9 establish and collect fees for certificates of competency for swimming
10 pool operators. All fees collected under this subsection shall be
11 remitted to the State Treasurer for credit to the Environmental Safety
12 Cash Fund.

13 (6) (5) All rules and regulations adopted prior to the effective
14 date of this act July 1, 2021, under sections 81-15,264 to 81-15,270, as
15 such sections existed prior to such date, shall continue to be effective
16 to the extent not in conflict with the changes made by this legislative
17 bill Laws 2021, LB148, until amended or repealed by the department.

18 (7) (6) All licenses, permits, or other forms of approval issued
19 prior to the effective date of this act July 1, 2021, in accordance with
20 sections 81-15,264 to 81-15,270, as such sections existed prior to such
21 date, shall remain valid as issued for purposes of the changes made by
22 this legislative bill Laws 2021, LB148, unless revoked or otherwise
23 terminated by law.

24 (8) (7) Any suit, action, or other proceeding, judicial or
25 administrative, which was lawfully commenced prior to the effective date
26 of this act July 1, 2021, under sections 81-15,264 to 81-15,270, as such
27 sections existed prior to such date, shall be subject to the provisions
28 of such sections as they existed prior to the effective date of this act
29 July 1, 2021.

30 **Sec. 30.** Section 81-15,270, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-15,270 Any owner or operator of a swimming pool failing to
2 maintain a certificate of competency as required by section 81-15,268 or
3 failing to comply with the minimum sanitary and safety requirements
4 established by the local government exercising jurisdiction over such
5 swimming pool any of the provisions of sections 81-15,264 to 81-15,270
6 shall be subject to enforcement, penalties, or other remedies as
7 established by such local government. ~~guilty of maintaining a public~~
8 ~~nuisance, and it shall be the duty of the county attorney of the county~~
9 ~~in which such swimming pool is located to act as provided by law for the~~
10 ~~abatement of public nuisances.~~

11 **Sec. 31.** Section 81-15,273, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 81-15,273 The local government which exercises jurisdiction over a
14 recreation camp may make inspections ~~It shall be the duty of the~~
15 ~~department to make at least one annual inspection of such~~ each recreation
16 camp. The local government ~~duly authorized representatives of the~~
17 ~~department~~ shall have the right of entry and access to any such camp at
18 any reasonable time.

19 Where, upon inspection, it is found that there is failure to protect
20 the health and safety of the persons using the camp, or a failure to
21 comply with the minimum health and safety requirements established by the
22 local government which exercises jurisdiction over such recreation camp,
23 such local government ~~camp regulations prescribed by the department, the~~
24 ~~department~~ shall give notice to the camp operator of such failure, which
25 notice shall set forth the reason or reasons for such failure.

26 **Sec. 32.** Section 81-15,274, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-15,274 Operation of a recreation camp (1) ~~A permit~~ may be
29 temporarily suspended by the local government which exercises
30 jurisdiction over such recreation camp ~~department~~ for failure to protect
31 the health and safety of the occupants of the camp or failure to comply

1 with the minimum health and safety requirements established by such local
2 government camp regulations prescribed by the department.

3 ~~(2) A permit may be revoked at any time, after notice and~~
4 ~~opportunity for a fair hearing held by the department, if it is found~~
5 ~~that the camp for which the permit is issued is maintained or operated in~~
6 ~~violation of law or of any regulations applicable to a camp or in~~
7 ~~violation of the conditions stated in the permit. A new permit shall not~~
8 ~~be issued until the department is satisfied that the camp will be~~
9 ~~operated in compliance with the law and regulations.~~

10 **Sec. 33.** Section 81-15,275, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-15,275 A local government may by resolution, ordinance, or
13 regulation adopt minimum health and safety requirements to protect the
14 health and safety of persons in attendance at recreation camps. (1) The
15 ~~department is authorized to and shall formulate, adopt, publish,~~
16 ~~promulgate, and enforce such reasonable rules and regulations as it deems~~
17 ~~necessary to enforce sections 81-15,271 to 81-15,277 and to protect the~~
18 ~~health and welfare of persons in attendance at recreation camps.~~

19 ~~(2) All rules and regulations adopted prior to July 1, 2021, under~~
20 ~~sections 81-15,271 to 81-15,277, as such sections existed prior to such~~
21 ~~date, shall continue to be effective to the extent not in conflict with~~
22 ~~the changes made by Laws 2021, LB148, and until amended or repealed by~~
23 ~~the department.~~

24 ~~(3) All permits or other forms of approval issued prior to July 1,~~
25 ~~2021, in accordance with sections 81-15,271 to 81-15,277, as such~~
26 ~~sections existed prior to such date, shall remain valid as issued for~~
27 ~~purposes of the changes made by Laws 2021, LB148, unless revoked or~~
28 ~~otherwise terminated by law.~~

29 ~~(4) Any suit, action, or other proceeding, judicial or~~
30 ~~administrative, which was lawfully commenced prior to July 1, 2021, under~~
31 ~~sections 81-15,271 to 81-15,277, as such sections existed prior to such~~

1 ~~date, shall be subject to the provisions of such sections as they existed~~
2 ~~prior to July 1, 2021.~~

3 **Sec. 34.** Section 81-15,277, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-15,277 Any person who violates the minimum health and safety
6 requirements of a recreation camp which were established by the local
7 government which exercises jurisdiction over such recreation camp shall
8 be subject to enforcement, penalties, or other remedies as established by
9 such local government. ~~shall violate any of the provisions of sections~~
10 ~~81-15,271 to 81-15,277 or of the regulations or standards adopted and~~
11 ~~promulgated under such sections shall be guilty of a Class V misdemeanor.~~

12 **Sec. 35.** Section 81-15,288, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-15,288 (1) A local government may by resolution, ordinance, or
15 regulation adopt minimum requirements for the establishment, operation,
16 and maintenance of mobile home parks.

17 (2) A local government may ~~(1) The department shall~~ issue licenses
18 for the establishment, operation, and maintenance of mobile home parks
19 which are found to comply with the Uniform Standard Code for Mobile Home
20 Parks and such minimum requirements established by such local government.
21 ~~rules, regulations, and standards as are lawfully adopted and promulgated~~
22 ~~by the department pursuant thereto.~~

23 ~~(2) The department shall deny, refuse renewal of, suspend, or revoke~~
24 ~~licenses or impose a civil penalty not to exceed two thousand dollars per~~
25 ~~day on any of the following grounds:~~

26 ~~(a) Violation of any of the provisions of the code or the rules,~~
27 ~~regulations, and standards lawfully adopted and promulgated pursuant~~
28 ~~thereto;~~

29 ~~(b) Permitting, aiding, or abetting the commission of any unlawful~~
30 ~~act; or~~

31 ~~(c) Conduct or utility or sanitation practices detrimental to the~~

1 ~~health or safety of residents of a mobile home park.~~

2 ~~(3) Should the department determine to deny, refuse renewal of,~~
3 ~~suspend, or revoke a license or impose a civil penalty, it shall send to~~
4 ~~the applicant or licensee, by either certified or registered mail, a~~
5 ~~notice setting forth the specific reasons for the determination.~~

6 ~~(4) The denial, refusal of renewal, suspension, revocation, or~~
7 ~~imposition of a civil penalty shall become final thirty days after the~~
8 ~~mailing of the notice in all cases of failure to pay the required~~
9 ~~licensure fee if not paid by the end of such period, and in all other~~
10 ~~instances unless the applicant or licensee, within such thirty-day~~
11 ~~period, shall give written notice of a desire for a hearing. Thereupon~~
12 ~~the applicant or licensee shall be given opportunity for a formal hearing~~
13 ~~before the department and shall have the right to present evidence on his~~
14 ~~or her own behalf.~~

15 ~~(5) The procedure governing hearings authorized by this section~~
16 ~~shall be in accordance with the Administrative Procedure Act. On the~~
17 ~~basis of the evidence presented, the determination involved shall be~~
18 ~~affirmed or set aside, and a copy of such decision setting forth the~~
19 ~~findings of facts and the specific reasons upon which it is based shall~~
20 ~~be sent by either certified or registered mail to the applicant or~~
21 ~~licensee. The applicant or licensee may appeal such decision, and the~~
22 ~~appeal shall be in accordance with the Administrative Procedure Act.~~

23 ~~(6) The department shall remit any collected civil penalty to the~~
24 ~~State Treasurer for distribution in accordance with Article VII, section~~
25 ~~5, of the Constitution of Nebraska.~~

26 **Sec. 36.** Section 81-15,289, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-15,289 Any person who establishes, conducts, operates, or
29 maintains a mobile home park in violation of the minimum requirements of
30 a mobile home park established by the local government which exercises
31 jurisdiction over such mobile home park shall be subject to enforcement,

1 ~~penalties, or other remedies as established by the local government.~~
2 ~~without first obtaining a license therefor from the department as~~
3 ~~provided in the Uniform Standard Code for Mobile Home Parks shall be~~
4 ~~guilty of a Class IV misdemeanor, and each day such mobile home park~~
5 ~~shall operate without a license after a first conviction shall be~~
6 ~~considered a separate offense.~~ Such person shall also be guilty of
7 maintaining a nuisance pursuant to section 28-1321, and upon conviction
8 thereof, in addition to payment of the fine, such nuisance shall be
9 removed.

10 **Sec. 37.** Section 81-15,291, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-15,291 A local government ~~The department~~ may request the State
13 Fire Marshal to inspect for fire safety any mobile home park which the
14 local government exercises jurisdiction over ~~for which a license or~~
15 ~~renewal of a license is sought,~~ pursuant to section 81-502. The State
16 Fire Marshal shall assess a fee for such inspection pursuant to section
17 81-505.01 and payable by the licensee or applicant for a license. The
18 authority to make such investigations may be delegated to qualified local
19 fire prevention personnel pursuant to section 81-502.

20 **Sec. 38.** Section 81-15,300, Revised Statutes Supplement, 2025, is
21 amended to read:

22 81-15,300 There is hereby created the Engineering Plan Review Cash
23 Fund which shall be used to pay the expenses of the Department of Water,
24 Energy, and Environment related to engineering reviews of plans and
25 specifications, including those under subsection (4) ~~(3)~~ of section
26 81-15,268 ~~and subsection (2) of section 81-15,282.~~ Transfers may be made
27 from the fund to the General Fund at the direction of the Legislature.
28 Any money in the Engineering Plan Review Cash Fund available for
29 investment shall be invested by the state investment officer pursuant to
30 the Nebraska Capital Expansion Act and the Nebraska State Funds
31 Investment Act.

1 **Sec. 39.** Section 81-15,313, Revised Statutes Supplement, 2025, is
2 amended to read:

3 81-15,313 (1) The Legislature hereby finds and declares that
4 Nebraska is experiencing a persistent and present crisis in regards to
5 affordable quality housing, as evidenced by lower inventory than required
6 to support and sustain a healthy housing market. Housing inventory and
7 availability are critical elements in population attraction and
8 retention, workforce development, economic development, and individual
9 family health and economic self-sufficiency. In addition to housing
10 inventory and the availability of homes, another factor that may hinder
11 population attraction is the quality of homes. One measurement of housing
12 quality is age. As such, Nebraska must streamline and maximize all
13 existing housing, weatherization, and home improvement programs to expand
14 access to affordable quality homes and renovate and modernize existing
15 aging housing inventory to meet modern standards.

16 (2) The Home Weatherization Clearinghouse is established within the
17 Department of Water, Energy, and Environment ~~Environment and Energy~~.

18 (3) The clearinghouse shall:

19 (a) Establish a hub for information about the availability and
20 application processes of and eligibility for grants, loans, or other
21 programs that fund home weatherization projects, whether administered by
22 the department, other state or local agencies, nonprofit organizations,
23 or the federal government; and

24 (b) Assist in coordination efforts by state and local agencies to
25 optimize the execution of home weatherization projects.

26 (4) The Department of Water, Energy, and Environment ~~Environment and~~
27 ~~Energy~~ shall utilize existing staff to carry out this section.

28 **Sec. 40.** Section 81-15,315, Revised Statutes Supplement, 2025, is
29 amended to read:

30 81-15,315 For purposes of the Safe Battery Collection and Recycling
31 Act:

1 (1)(a) Battery containing product means a product that contains or
2 is packaged with a covered battery.

3 (b) Battery containing product does not include computers, small-
4 scale servers, computer monitors, electronic keyboards and mice,
5 printers, fax machines, scanners, televisions, digital video disc players
6 and recorders, video cassette recorders, digital converter boxes, cable
7 receivers, satellite receivers, portable digital music players, and video
8 game consoles;

9 (2) Battery stewardship organization means an organization
10 designated by a producer or a group of five or more producers that
11 directly implements a battery stewardship plan approved by the department
12 under section 81-15,317;

13 (3)(a) Covered battery means a portable battery or a medium format
14 battery.

15 (b) Covered battery does not include:

16 (i) A battery that is contained in a medical device regulated under
17 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., and that
18 is not designed or marketed for sale or resale at retail locations for
19 personal use;

20 (ii) A battery that contains an electrolyte as a free liquid or a
21 product that contains such a battery;

22 (iii) A battery designed to power a motor vehicle, part of a motor
23 vehicle, or a component part of a motor vehicle assembled by, or for, a
24 vehicle manufacturer or franchised dealer, including replacement parts
25 for use in a motor vehicle;

26 (iv) A battery in a product that is not intended or designed to be
27 easily removable from the product;

28 (v) A battery or battery containing product that is being recalled
29 for safety reasons; or

30 (vi) A battery or battery containing product offered for resale by a
31 business that, as part of its operations, offers products for resale to

1 other businesses or to consumers;

2 (4) Department means the Department of Water, Energy, and
3 Environment ~~Environment and Energy~~;

4 (5) Medium format battery means any of the following:

5 (a) For batteries that are not capable of being recharged, a battery
6 that weighs more than four and four-tenths pounds but not more than
7 twenty-five pounds; or

8 (b) For rechargeable batteries, a battery that weighs more than
9 eleven pounds or that has a rating of more than three hundred watt-hours,
10 or both, but that does not weigh more than twenty-five pounds or have a
11 rating of more than two thousand watt-hours;

12 (6) Portable battery means any of the following:

13 (a) For batteries that are not capable of being recharged, a battery
14 that weighs no more than four and four-tenths pounds; or

15 (b) For rechargeable batteries, a battery that weighs no more than
16 eleven pounds and that has a rating of no more than three hundred watt-
17 hours;

18 (7)(a) Producer means a person that sells, offers for sale, or
19 distributes for sale a covered battery or battery containing product in
20 or into this state and that is any of the following:

21 (i) If the covered battery or battery containing product is sold
22 under a brand of the battery's or product's manufacturer, the person that
23 manufactures the battery or product;

24 (ii) If the covered battery or battery containing product is sold
25 under a retail brand or under a brand owned by a person other than the
26 battery's or product's manufacturer, the person that owns the brand;

27 (iii) If subdivisions (7)(a)(i) and (ii) of this section do not
28 apply, the person that is the licensee of a brand or trademark under
29 which the covered battery or battery containing product is sold, offered
30 for sale, or distributed for sale in or into this state, regardless of
31 whether the trademark is registered in this state;

1 (iv) If subdivisions (7)(a)(i) through (iii) of this section do not
2 apply to any person within the United States, the person that is the
3 importer of record for the covered battery or battery containing product
4 into the United States for the purpose of selling, offering for sale, or
5 distributing for sale the battery or product in or into this state; or

6 (v) If subdivisions (7)(a)(i) through (iv) of this section do not
7 apply to any person with a commercial presence in this state, the person
8 who first sells, offers for sale, or distributes for sale the covered
9 battery or battery containing product in or into this state.

10 (b) Producer does not include a person that only sells, offers for
11 sale, or distributes for sale a battery containing product if the battery
12 is supplied by another producer that has designated a battery stewardship
13 organization to implement a battery stewardship plan and if the producer
14 certifies this fact in writing to the person that only sells, offers for
15 sale, or distributes for sale the battery containing product;

16 (8) Rechargeable battery means a battery that contains one or more
17 voltaic or galvanic cells electrically connected to produce electric
18 energy and that is designed to be recharged;

19 (9)(a) Recycling means preparing batteries for use in manufacturing
20 processes or for recovery of usable materials and delivering the
21 materials for use.

22 (b) Recycling does not include:

23 (i) Destruction by incineration or other processes;

24 (ii) Land disposal of recyclable materials; and

25 (iii) Reuse, repair, or any other process through which batteries
26 are returned in their original form;

27 (10) Recycling efficiency rate means the percentage calculated by
28 dividing the weight of components and materials recycled by a battery
29 stewardship organization by the weight of covered batteries collected by
30 the battery stewardship organization; and

31 (11) Retailer means a person that sells or offers for sale a covered

1 battery in or into this state.

2 **Sec. 41.** Original sections 13-2041, 54-2428, 57-1601, 57-1620,
3 81-1505, 81-1532, 81-1586, 81-1587, 81-15,102, 81-15,123, 81-15,124.01,
4 81-15,124.02, 81-15,196, 81-15,261, 81-15,265, 81-15,267, 81-15,268,
5 81-15,270, 81-15,273, 81-15,274, 81-15,275, 81-15,277, 81-15,288,
6 81-15,289, and 81-15,291, Reissue Revised Statutes of Nebraska, and
7 sections 46-606, 46-1217, 58-712, 61-303, 73-813, 81-502, 81-1561,
8 81-15,262, 81-15,263, 81-15,300, 81-15,313, and 81-15,315, Revised
9 Statutes Supplement, 2025, are repealed.

10 **Sec. 42.** The following sections are outright repealed: Sections
11 81-15,266, 81-15,269, 81-15,272, 81-15,276, 81-15,280, 81-15,281,
12 81-15,282, 81-15,283, 81-15,284, 81-15,285, 81-15,286, 81-15,287, and
13 81-15,290, Reissue Revised Statutes of Nebraska, and sections 81-15,292
14 and 81-15,299, Revised Statutes Supplement, 2025.