

AMENDMENTS TO LB759

Introduced by Brandt, 32.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new 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 and subject  
19 to the penalties imposed under section 7 of this act:

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

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

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

29           (4) {3} Any person who knowingly aids or abets any other person in  
30 the violation of any provision of the act or any rule, regulation, or  
31 order of the commission under the act shall be subject to the same

1 penalty as that prescribed by the act for the violation by such other  
2 person.

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

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

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

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

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

19 (d) The history of previous violations;

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

21 (f) Efforts to correct the violation; and

22 (g) Other matters justice requires.

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

1           (2) Proceedings before the commission may be instituted upon motion  
2 by the commission or by any interested person to:

3           (a) Assess or recover civil penalties;

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

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

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

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

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

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

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

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

1 county in which the violation occurred. In any such suit the court shall  
2 have jurisdiction and authority to issue, without bond or other  
3 undertaking, such prohibitory and mandatory injunctions as the facts may  
4 warrant.

5 **Sec. 9.** Section 58-712, Revised Statutes Supplement, 2025, is  
6 amended to read:

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

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

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

1 real estate or access thereto in the name of the State of Nebraska by the  
2 use of eminent domain as provided under section 76-725. The department is  
3 also authorized to resolve all disputes that may arise, including the  
4 initiation or defense of legal actions of any kind, as necessary to  
5 achieve the purposes of the act.

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

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

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

24 73-813 (1) Subject to review by the Director of Administrative  
25 Services, the division shall provide procedures to grant limited  
26 exceptions from sections 73-807, 73-815, and 73-816 for:

27 (a) Sole source contracts, emergency contracts, and contracts when  
28 the price has been established by the federal General Services  
29 Administration or competitively bid by another state or group of states,  
30 a group of states and any political subdivision of any other state, a  
31 political subdivision of another state, or a cooperative purchasing

1 organization on behalf of a group of states or political subdivisions of  
2 other states; and

3 (b) Other circumstances or specific contracts when any of the  
4 requirements of sections 73-807, 73-815, and 73-816 are not appropriate  
5 for or are not compatible with the circumstances or contract. The  
6 division shall provide a written rationale which shall be kept on file  
7 when granting an exception under this subdivision.

8 (2) The following types of contracts are not subject to sections  
9 73-807, 73-815, 73-816, and 73-817:

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

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

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

19 (d) Grant agreements or cooperative agreements;

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

23 (f) Agreements for services to be performed for a state agency by  
24 another state or local government agency or contracts made by a state  
25 agency with a local government agency for the direct provision of  
26 services to the public;

27 (g) Agreements for services between a state agency and the  
28 University of Nebraska, the Nebraska state colleges, the courts, the  
29 Legislature, or other officers or state agencies established by the  
30 Constitution of Nebraska;

31 (h) Department of Insurance contracts for financial or actuarial

1 examination, for rehabilitation, conservation, reorganization, or  
2 liquidation of licensees, and for professional services related to  
3 residual pools or excess funds under the agency's control;

4 (i) Department of Transportation contracts for all road and bridge  
5 projects;

6 (j) Nebraska Investment Council contracts;

7 (k) Contracts under section 57-1503;

8 (l) Contracts for the erection of, construction of, renovation of,  
9 repair of, or addition to any building; for original equipment for any  
10 building; for the construction of any road or bridge; or for the  
11 performance of any work related to such contracts;

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

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

17 (o) Contracts for works of art;

18 (p) Contracts for advertising or public announcements;

19 (q) Direct or miscellaneous purchases pursuant to section 73-814;  
20 and

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

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

25 81-502 (1) It shall be the duty of the State Fire Marshal, under  
26 authority of the Governor:

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

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

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

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

4 (ii) Licensed foster care facilities or applicants for licenses for  
5 foster care facilities, upon request by the Department of Health and  
6 Human Services, pursuant to section 71-1903;

7 (iii) Upon request of the Department of Health and Human Services,  
8 licensed providers of programs or applicants for licenses to provide such  
9 programs pursuant to section 71-1913 and licensed residential child-  
10 caring agencies or applicants for such licensure pursuant to section  
11 71-1934. The State Fire Marshal shall report the results of the  
12 investigation to the department within thirty days after receipt of the  
13 request from the department;

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

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

22 (2) The State Fire Marshal may enter into contracts with private  
23 individuals or other agencies, boards, commissions, or governmental  
24 bodies for the purpose of carrying out his or her duties and  
25 responsibilities pursuant to the Arson Reporting Immunity Act, the  
26 Nebraska Natural Gas Pipeline Safety Act of 1969, and sections 81-502 to  
27 81-538, 81-5,132 to 81-5,146, and 81-5,151 to 81-5,157.

28 (3) The State Fire Marshal may delegate the authority set forth in  
29 this section and section 81-503.01 to qualified local fire prevention  
30 personnel. The State Fire Marshal may overrule a decision, act, or policy  
31 of the local fire prevention personnel. Such delegation of authority may

1 be revoked by the State Fire Marshal for cause upon thirty days' notice  
2 after a hearing.

3 (4) The State Fire Marshal, first assistant fire marshal, and  
4 deputies shall have such other powers and perform such other duties as  
5 are set forth in sections 81-501.01 to 81-531 and 81-5,151 to 81-5,157  
6 and as may be conferred and imposed by law.

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

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

25 (2) In adopting the classifications of waters and water quality  
26 standards, the primary purpose for such classifications and standards  
27 shall be to protect the public health and welfare and the council shall  
28 give consideration to:

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

1 (b) The character of the area affected by such classification or  
2 standards, its peculiar suitability for particular purposes, conserving  
3 the value of the area, and encouraging the most appropriate use of lands  
4 within such area for domestic, agricultural, industrial, recreational,  
5 and aquatic life purposes;

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

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

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

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

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

1 (5) In adopting toxic pollutant standards and limitations, the  
2 council shall give consideration to the combinations of pollutants, the  
3 toxicity of the pollutant, its persistence, degradability, the usual or  
4 potential presence of the affected organisms in any waters, the  
5 importance of the affected organisms, and the nature and extent of the  
6 effect of the toxic pollutant on such organisms.

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

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

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

28 (9)(a) The council shall adopt and promulgate rules and regulations  
29 for controlling mineral exploration holes and mineral production and  
30 injection wells. The rules and regulations shall include standards for  
31 the construction, operation, and abandonment of such holes and wells. The

1 standards shall protect the public health and welfare and air, land,  
2 water, and subsurface resources so as to control, minimize, and eliminate  
3 hazards to humans, animals, and the environment. Consideration shall be  
4 given to:

5 (i) Area conditions such as suitability of location, geologic  
6 formations, topography, industry, agriculture, population density,  
7 wildlife, fish and other aquatic life, sites of archaeological and  
8 historical importance, mineral, land, and water resources, and the  
9 existing economic activities of the area including, but not limited to,  
10 agriculture, recreation, tourism, and industry;

11 (ii) A site-specific evaluation of the geologic and hydrologic  
12 suitability of the site and the injection, disposal, and production  
13 zones;

14 (iii) The quality of the existing ground water, the effects of  
15 exemption of the aquifer from any existing water quality standards, and  
16 requirements for restoration of the aquifer;

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

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

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

31 (c) With respect to mineral production wells, the council shall

1 adopt and promulgate rules and regulations which require restoration of  
2 air, land, water, and subsurface resources and require mineral production  
3 well permit applications to include a restoration plan for the air, land,  
4 water, and subsurface resources affected. Such rules and regulations may  
5 provide for issuance of a research and development permit which  
6 authorizes construction and operation of a pilot plant by the permittee  
7 for the purpose of demonstrating the permittee's ability to inject and  
8 restore in a manner which meets the standards required by this subsection  
9 and the rules and regulations.

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

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

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

31 (11) In adopting regulations for the issuance of permits under the

1 National Pollutant Discharge Elimination System created by the Clean  
2 Water Act, as amended, 33 U.S.C. 1251 et seq., the council shall consider  
3 when such permits shall be required and exemptions, application and  
4 filing requirements, terms and conditions affecting such permits, notice  
5 and public participation, duration and review of such permits, the  
6 evaluation provided for under section 81-1517, and monitoring, recording,  
7 and reporting under the system.

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

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

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

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

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

27 (e) Requirements for operating permits which may include such  
28 conditions as necessary to protect public health and welfare, including,  
29 but not limited to (i) monitoring and reporting requirements on all  
30 sources subject to the permit, (ii) payment of annual fees sufficient to  
31 pay the reasonable direct and indirect costs of developing and

1 administering the air quality permit program, (iii) retention of records,  
2 (iv) compliance with all air quality standards, (v) a permit term of no  
3 more than five years from date of issuance, (vi) any applicable schedule  
4 of compliance leading to compliance with air quality regulations, (vii)  
5 site access to the department for inspection of the facility and records,  
6 (viii) emission limits or control technology requirements, (ix) periodic  
7 compliance certification, and (x) other conditions necessary to carry out  
8 the purposes of the Environmental Protection Act. For purposes of this  
9 subsection, control technology shall mean a design, equipment, a work  
10 practice, an operational standard which may include a requirement for  
11 operator training or certification, or any combination thereof;

12 (f) Classification of air quality control regions;

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

27 (i) Reduce the volume of or eliminate emissions of the pollutants  
28 through process changes, substitution of materials, or other  
29 modifications;

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

31 (iii) Collect, capture, or treat the pollutants when released from a

1 process, stack, storage, or fugitive emission point;

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

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

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

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

12 (l) Provisions for periodic reporting of emissions;

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

16 (n) Time schedules for compliance;

17 (o) Requirements for owner or operator testing and monitoring of  
18 emissions;

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

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

23 (13)(a) In adopting regulations for hazardous waste management, the  
24 council shall give consideration to generation of hazardous wastes,  
25 labeling practices, containers used, treatment, storage, collection,  
26 transportation including a manifest system, processing, resource  
27 recovery, and disposal of hazardous wastes. It shall consider the  
28 permitting, licensing, design and construction, and development and  
29 operational plans for hazardous waste treatment, storage, and disposal  
30 facilities, and conditions for licensing or permitting of hazardous waste  
31 treatment, storage, and disposal areas. It shall consider modification,

1 suspension, or revocation of such licenses and permits, including  
2 requirements for waste analysis, site improvements, fire prevention,  
3 safety, security, restricted access, and covering and handling of  
4 hazardous liquids and materials. Licenses and permits for hazardous  
5 waste, treatment, storage, and disposal facilities shall not be issued  
6 until certification by the State Fire Marshal as to fire prevention and  
7 fire safety has been received by the department. The council shall  
8 further consider the need at treatment, storage, or disposal facilities  
9 for required equipment, communications and alarms, personnel training,  
10 and contingency plans for any emergencies that might arise and for a  
11 coordinator during such emergencies.

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

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

1 response measures necessary to protect human health or the environment  
2 for all releases of hazardous waste or hazardous constituents from any  
3 treatment, storage, or disposal facility or any solid waste management  
4 unit at such facility regardless of the time at which waste was placed in  
5 such unit.

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

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

22 (c) In adopting regulations for hazardous waste management, the  
23 council shall establish a schedule of fees to be paid to the director by  
24 hazardous waste generators on the basis of an annual fee, the quantity of  
25 hazardous waste generated by weight or volume as reported by the  
26 generator to the national hazardous waste manifest system, or a  
27 combination thereof; and by licensees or permittees operating hazardous  
28 waste processing facilities or disposal areas on the basis of a monetary  
29 value per cubic foot or per pound of the hazardous wastes. The fee  
30 schedule shall be 7 sufficient but not exceeding the amount necessary for  
31 to reimburse the department to pay for the direct and indirect costs of

1 ~~the regulation of hazardous waste management for the costs of monitoring~~  
2 ~~such facilities or areas during and after operation of such facilities or~~  
3 ~~areas.~~ The permittees ~~licensees~~ may assess a cost against persons using  
4 the facilities or areas. The director shall remit any money collected  
5 from fees paid to him or her to the State Treasurer who shall credit the  
6 entire amount thereof to the Integrated Solid Waste Management Cash Fund  
7 ~~General Fund.~~

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

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

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

31 (a) Approval of a proposed site by the local governing body,

1 including the zoning authority, if any, prior to issuance of a permit by  
2 the department;

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

5 (c) Submission of construction and operational plans by the  
6 applicant for a permit to the department, with approval of such plans  
7 before issuance of such permit;

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

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

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

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

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

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

23 (j) The Integrated Solid Waste Management Act.

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

1 available.

2 (17) Prior to adopting, amending, or repealing standards and  
3 classifications of air, water, and land quality and rules and regulations  
4 under the Integrated Solid Waste Management Act or the Livestock Waste  
5 Management Act, the council shall, after due notice, conduct public  
6 hearings thereon. Notice of public hearings shall specify the waters or  
7 the area of the state for which standards of air, water, or land are  
8 sought to be adopted, amended, or repealed and the time, date, and place  
9 of such hearing. Such hearing shall be held in the general area to be  
10 affected by such standards. Such notice shall be given in accordance with  
11 the Administrative Procedure Act.

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

25 (19) All standards of quality of air, water, or land and all rules  
26 and regulations adopted pursuant to law by the council prior to May 29,  
27 1981, and applicable to specified air, water, or land are hereby approved  
28 and adopted as standards of quality of and rules and regulations for such  
29 air, water, or land.

30 (20) In addition to such standards as are heretofore authorized, the  
31 council shall adopt and promulgate rules and regulations to set standards

1 of performance, effluent standards, pretreatment standards, treatment  
2 standards, toxic pollutant standards and limitations, effluent  
3 limitations, effluent prohibitions, and quantitative limitations or  
4 concentrations which shall in all respects conform with and meet the  
5 requirements of the National Pollutant Discharge Elimination System in  
6 the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

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

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

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

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

30 (iii) An established escrow account; or

31 (iv) A bond of the applicant without separate surety upon a

1 satisfactory demonstration to the director that such applicant has the  
2 financial means sufficient to self-bond pursuant to bonding requirements  
3 adopted by the council consistent with the purposes of this subdivision.

4 (c) The director shall determine the amount of the bond, deposit, or  
5 escrow account which shall be reasonable and sufficient so the department  
6 may, if the permittee or licensee is unable or unwilling to do so and in  
7 the event of forfeiture of the bond or other financial responsibility  
8 methods, arrange to rectify any improper management technique committed  
9 during the term of the permit or license and assure the performance of  
10 duties and responsibilities required by the permit or license pursuant to  
11 law, rules, and regulations.

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

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

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

25 (b) The council may adopt and promulgate rules and regulations to  
26 implement a source water petition program no more stringent than section  
27 1454 et seq. of the federal Safe Drinking Water Act, as amended, 42  
28 U.S.C. 300j-14 et seq.

29 (23) The council may adopt and promulgate rules and regulations for  
30 the issuance of permits relating to the discharge of dredged or fill  
31 material into the waters of the United States under section 404 of the

1 Clean Water Act, as amended, 33 U.S.C. 1251 et seq., giving consideration  
2 to (a) when such permits are required and exemptions, application, and  
3 filing requirements, (b) terms and conditions affecting such permits,  
4 notice and public participation, and duration, (c) review of such  
5 permits, (d) monitoring, recording, and reporting requirements, (e)  
6 compensatory mitigation, and (f) such other requirements not inconsistent  
7 with the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

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

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

26 (2) Beginning July 1, 2027, each application for a National  
27 Pollutant Discharge Elimination System permit or a pretreatment permit  
28 required by rules and regulations adopted and promulgated pursuant to  
29 subsection (20) of section 81-1505 shall be accompanied by an application  
30 fee, to be determined by the department. The fee shall not be more than  
31 the amount necessary to reimburse the department for administering the

1 applications. An application required under section 54-2428 shall be  
2 exempt from the application fee required by this section.

3 (3) Beginning July 1, 2027, the department shall charge an annual  
4 fee to each person who has a National Pollutant Discharge Elimination  
5 System permit or who has a pretreatment permit required by rules and  
6 regulations adopted and promulgated pursuant to subsection (20) of  
7 section 81-1505. The fee shall be an amount no more than the actual cost  
8 of services provided. A permit issued pursuant to section 54-2428 shall  
9 be exempt from the annual fee required by this section.

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

12 81-1532 Sections 81-1501 to 81-1532 and section 14 of this act shall  
13 be known and may be cited as the Environmental Protection Act.

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

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

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

31 (a) Programs of public education, motivation, and participation

1 aimed at creating an ethic conducive to the reduction of litter,  
2 establishing an attitude against littering and a desire for a clean  
3 environment, and securing greater awareness of and compliance with  
4 antilitter laws. Such programs shall include:

5 (i) The distribution of informative materials to elementary and  
6 secondary schools;

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

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

10 (iv) Grants to state and local government units and agencies and  
11 private organizations for developing and conducting antilitter programs;  
12 and

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

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

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

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

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

25 (iv) Grants to public and private agencies and persons for research  
26 and development in the fields of litter reduction, removal, and disposal,  
27 including the evaluation of behavioral science techniques in litter  
28 control and the development of new equipment, and to implement such  
29 research and development when appropriate; and

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

1 (i) Expansion of existing and creation of new community recycling  
2 centers;

3 (ii) Expansion of existing and creation of new source separation  
4 programs;

5 (iii) Research and evaluation of markets for the materials and  
6 products recovered in source separation and recycling programs; and

7 (iv) Providing advice and assistance on matters relating to  
8 recycling and source separation, including information and consultation  
9 on available technology, operating procedures, organizational  
10 arrangements, markets for materials and products recovered in recycling  
11 and source separation, transportation alternatives, and publicity  
12 techniques.

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

15 81-1586 Department shall mean the Department of Water, Energy, and  
16 Environment ~~Environmental Quality~~.

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

19 81-1587 Director shall mean the Director of Water, Energy, and  
20 Environment ~~Environmental Quality~~.

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

23 81-15,102 (1) The state shall accept or acquire, by gift, transfer,  
24 or purchase, from the licensed facility operator, title to the land and  
25 appurtenances used for the disposal of low-level radioactive waste after  
26 the expiration of both the operational life and closure period of the  
27 facility, if:

28 (a) Both the Department of Health and Human Services ~~Regulation and~~  
29 ~~Licensure~~ and the Department of Water, Energy, and Environment  
30 ~~Environmental Quality~~ determine that (i) the requirements for site  
31 closure, decommissioning, and decontamination adopted pursuant to rules

1 and regulations of the Department of Health and Human Services ~~Regulation~~  
2 ~~and Licensure~~ and the Department of Water, Energy, and Environment  
3 ~~Environmental Quality~~ which are allowed under federal law have been met  
4 by the licensed facility operator and (ii) such operator is in compliance  
5 with all financial requirements; and

6 (b) The amendments to the Central Interstate Low-Level Radioactive  
7 Waste Compact made by Laws 1991, LB 837, section 4, codified in section  
8 71-3521, are in effect and have been ratified by Congress.

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

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

20 (3) Lands and appurtenances which are used for the disposal of low-  
21 level radioactive waste shall be acquired and held in fee simple absolute  
22 by the licensed facility operator so long as such ownership does not  
23 preclude licensure or operation of the facility under federal law and  
24 until title to the land and appurtenances is transferred to the state  
25 pursuant to subsection (1) of this section. Such lands and appurtenances  
26 shall be used exclusively for the disposal of low-level radioactive waste  
27 until the department determines that such exclusive use is not required  
28 to protect the public health, safety, welfare, or environment. Before  
29 such a site is leased for other use, the department shall require and  
30 assure that the radioactive waste history of the site be recorded in the  
31 permanent land records of the site. Remedial cleanup costs which become

1 necessary during the period of custodial care shall be assessed first to  
2 the licensed facility operator, then proportionately against the  
3 generators of the radioactive waste and as set out in the Central  
4 Interstate Low-Level Radioactive Waste Compact found in section 71-3521.

5 (4) The state may contract for the management of a disposal site.  
6 The contractor shall be subject to licensing by the department and shall  
7 be subject to the surety and custodial care funding provisions of section  
8 81-15,103.

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

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

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

1 reviewed and approved by the Director of Water, Energy, and Environment  
2 ~~Environment and Energy~~ who shall determine whether the proposed rules and  
3 regulations are adequate to protect the environment. Rules and  
4 regulations adopted and promulgated pursuant to this section shall  
5 include, but not be limited to:

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

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

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

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

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

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

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

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

31 (5) A procedure for notifying the State Fire Marshal of temporarily

1 or permanently abandoned tanks;

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

5 (7) Financial responsibility requirements, taking into account the  
6 financial responsibility requirements established pursuant to 42 U.S.C.  
7 6991b(d);

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

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

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

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

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

23 Nothing in this section shall be construed to require a  
24 subcontractor working under the direction of a licensed installation or  
25 removal contractor to be licensed.

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

28 81-15,124.01 (1) The Environmental Quality Council shall adopt and  
29 promulgate rules and regulations consistent with principles of risk-based  
30 corrective action governing all phases of remedial action to be taken by  
31 owners, operators, and other persons in response to a release or

1 suspected release of a regulated substance from a tank. Such rules and  
2 regulations shall include:

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

5 (b) Provisions by which the Department of Water, Energy, and  
6 Environment ~~Environment and Energy~~ may determine the cleanup levels to be  
7 achieved through soil or water remediation and the applicable limitations  
8 for air emissions at the petroleum release site or occurring by reason of  
9 such remediation; and

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

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

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

22 81-15,124.02 If necessary in the course of an investigation or  
23 inspection or during the remedial action and if the owner of property or  
24 the owner's agent has specifically denied the Department of Water,  
25 Energy, and Environment ~~Environment and Energy~~ access to the property for  
26 such purposes, the department may order the owner or owner's agent to  
27 grant access to property for the performance of reasonable steps,  
28 including drilling, to determine the source and extent of contamination  
29 or for remediation. Access shall be by the department or by a person  
30 conducting an investigation, inspection, or remedial action at the  
31 direction of the department. All actions taken on the property shall be

1 performed in the least obtrusive manner possible to allow the  
2 investigation, inspection, or remedial action to proceed. Upon completion  
3 of any such actions, the property shall be restored as nearly as possible  
4 to its original condition.

5 **Sec. 23.** Section 81-15,196, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 81-15,196 Director means the Director of Water, Energy, and  
8 Environment ~~Environment and Energy~~.

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

11 81-15,261 Sections 81-15,261 to 81-15,291 ~~81-15,292~~ shall be known  
12 and may be cited as the Environmental Safety Act.

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

15 81-15,262 The Legislature finds that:

16 (1) Best practices in environmental safety and protection recognize  
17 that the regulation of water supply and disposal infrastructure are  
18 connected;

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

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

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

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

3           81-15,263 For purposes of the Environmental Safety Act:

4           (1) Department means the Department of Water, Energy, and  
5 Environment; ~~and~~

6           (2) Director means the Director of Water, Energy, and Environment;  
7 ~~and~~ -

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

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

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

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

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

27           81-15,267 ~~After January 1, 1970, swimming pools shall have~~  
28 ~~equipment and shall be operated so as to comply with the minimum sanitary~~  
29 ~~and safety requirements provided in section 81-15,265. After such date no~~  
30 ~~swimming pool shall operate until it has received a permit from the~~  
31 ~~department. Application for a permit to operate shall be submitted on~~

1 ~~forms provided by the department.~~ Swimming pools constructed prior to  
2 January 1, 1970, which do not fully comply with the ~~minimum sanitary and~~  
3 ~~safety requirements as regards design and construction~~ requirements may  
4 continue to operate may be continued in use for such period as the  
5 ~~department may authorize~~ if the equipment and operation of such swimming  
6 pool comply with the minimum sanitary and safety requirements.

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

9 81-15,268 (1) The local government which exercises jurisdiction over  
10 a swimming pool shall inspect such department shall make at least one  
11 ~~inspection every year of each~~ swimming pool to determine that such  
12 swimming pool complies with the minimum sanitary and safety requirements  
13 established by the local government.

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

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

25 (4) (3) The department shall adopt and promulgate rules and  
26 regulations which classify swimming pools on the basis of criteria deemed  
27 appropriate by the department. The department shall charge engineering  
28 firms, swimming pool owners, and other appropriate parties fees  
29 established by rules and regulations for the review of plans and  
30 specifications of a swimming pool, the issuance of a construction license  
31 or permit, the inspection of a swimming pool, and any other services

1 rendered at a rate which defrays no more than the actual cost of the  
2 services provided. ~~All fees shall be paid as a condition of annual~~  
3 ~~renewal of licensure or of continuance of licensure.~~ Fees collected under  
4 this subsection for the review of plans and specifications and the  
5 issuance of a construction permit shall be remitted to the State  
6 Treasurer for credit to the Engineering Plan Review Cash Fund. ~~All other~~  
7 ~~fees collected under this subsection shall be remitted to the State~~  
8 ~~Treasurer for credit to the Environmental Safety Cash Fund.~~ The  
9 department shall not charge a municipal corporation an inspection fee for  
10 an inspection of a swimming pool owned by such municipal corporation.

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

18 (6) (5) All rules and regulations adopted prior to the operative  
19 date of this section July 1, 2021, under sections 81-15,264 to 81-15,270,  
20 as such sections existed prior to such date, shall continue to be  
21 effective to the extent not in conflict with the changes made by this  
22 legislative bill ~~Laws 2021, LB148,~~ until amended or repealed by the  
23 department.

24 (7) (6) All licenses, permits, or other forms of approval issued  
25 prior to the operative date of this section July 1, 2021, in accordance  
26 with sections 81-15,264 to 81-15,270, as such sections existed prior to  
27 such date, shall remain valid as issued for purposes of the changes made  
28 by this legislative bill ~~Laws 2021, LB148,~~ unless revoked or otherwise  
29 terminated by law.

30 (8) (7) Any suit, action, or other proceeding, judicial or  
31 administrative, which was lawfully commenced prior to the operative date

1 ~~of this section July 1, 2021~~, under sections 81-15,264 to 81-15,270, as  
2 such sections existed prior to such date, shall be subject to the  
3 provisions of such sections as they existed prior to the operative date  
4 of this section July 1, 2021.

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

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

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

19 81-15,273 The local government which exercises jurisdiction over a  
20 recreation camp may make inspections ~~It shall be the duty of the~~  
21 ~~department to make at least one annual inspection of such~~ each recreation  
22 camp. The local government duly authorized representatives of the  
23 ~~department~~ shall have the right of entry and access to any such camp at  
24 any reasonable time.

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

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

3           81-15,274 Operation of a recreation camp ~~(1)~~ A permit may be  
4 temporarily suspended by the local government which exercises  
5 jurisdiction over such recreation camp department for failure to protect  
6 the health and safety of the occupants of the camp or failure to comply  
7 with the minimum health and safety requirements established by such local  
8 government camp regulations prescribed by the department.

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

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

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

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

30           ~~(3) All permits or other forms of approval issued prior to July 1,~~  
31 ~~2021, in accordance with sections 81-15,271 to 81-15,277, as such~~

1 ~~sections existed prior to such date, shall remain valid as issued for~~  
2 ~~purposes of the changes made by Laws 2021, LB148, unless revoked or~~  
3 ~~otherwise terminated by law.~~

4 ~~(4) Any suit, action, or other proceeding, judicial or~~  
5 ~~administrative, which was lawfully commenced prior to July 1, 2021, under~~  
6 ~~sections 81-15,271 to 81-15,277, as such sections existed prior to such~~  
7 ~~date, shall be subject to the provisions of such sections as they existed~~  
8 ~~prior to July 1, 2021.~~

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

11 81-15,277 Any person who violates the minimum health and safety  
12 requirements of a recreation camp which were established by the local  
13 government which exercises jurisdiction over such recreation camp shall  
14 be subject to enforcement, penalties, or other remedies as established by  
15 such local government. ~~shall violate any of the provisions of sections~~  
16 ~~81-15,271 to 81-15,277 or of the regulations or standards adopted and~~  
17 ~~promulgated under such sections shall be guilty of a Class V misdemeanor.~~

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

20 81-15,288 (1) A local government may by resolution, ordinance, or  
21 regulation adopt minimum requirements for the establishment, operation,  
22 and maintenance of mobile home parks.

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

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

1           ~~(a) Violation of any of the provisions of the code or the rules,~~  
2 ~~regulations, and standards lawfully adopted and promulgated pursuant~~  
3 ~~thereto;~~

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

6           ~~(c) Conduct or utility or sanitation practices detrimental to the~~  
7 ~~health or safety of residents of a mobile home park.~~

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

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

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

29           ~~(6) The department shall remit any collected civil penalty to the~~  
30 ~~State Treasurer for distribution in accordance with Article VII, section~~  
31 ~~5, of the Constitution of Nebraska.~~

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

3           81-15,289 Any person who establishes, conducts, operates, or  
4 maintains a mobile home park in violation of the minimum requirements of  
5 a mobile home park established by the local government which exercises  
6 jurisdiction over such mobile home park shall be subject to enforcement,  
7 penalties, or other remedies as established by the local government.  
8 ~~without first obtaining a license therefor from the department as~~  
9 ~~provided in the Uniform Standard Code for Mobile Home Parks shall be~~  
10 ~~guilty of a Class IV misdemeanor, and each day such mobile home park~~  
11 ~~shall operate without a license after a first conviction shall be~~  
12 ~~considered a separate offense.~~ Such person shall also be guilty of  
13 maintaining a nuisance pursuant to section 28-1321, and upon conviction  
14 thereof, in addition to payment of the fine, such nuisance shall be  
15 removed.

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

18           81-15,291 A local government ~~The department~~ may request the State  
19 Fire Marshal to inspect for fire safety any mobile home park which the  
20 local government exercises jurisdiction over ~~for which a license or~~  
21 ~~renewal of a license is sought,~~ pursuant to section 81-502. The State  
22 Fire Marshal shall assess a fee for such inspection pursuant to section  
23 81-505.01 and payable by the licensee or applicant for a license. The  
24 authority to make such investigations may be delegated to qualified local  
25 fire prevention personnel pursuant to section 81-502.

26           **Sec. 38.** Section 81-15,299, Revised Statutes Supplement, 2025, is  
27 amended to read:

28           81-15,299 There is hereby created the Environmental Safety Cash Fund  
29 which shall be used to pay the expenses of the Department of Water,  
30 Energy, and Environment related to issuance and renewal of licenses and  
31 permits and annual inspections, including sections 81-15,268, 81-15,272,

1 81-15,282, and 81-15,292 as such sections existed prior to the operative  
2 date of this section. Any money in the fund available for investment  
3 shall be invested by the state investment officer pursuant to the  
4 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
5 Act. The State Treasurer shall transfer any money in the Health and Human  
6 Services Cash Fund pursuant to sections 81-15,268, 81-15,272, 81-15,282,  
7 and 81-15,292, as such sections existed prior to July 1, 2021, to the  
8 Environmental Safety Cash Fund on July 1, 2021. The Environmental Safety  
9 Cash Fund terminates on December 31, 2026. The State Treasurer shall  
10 transfer any money remaining in the fund on such date to the General  
11 Fund.

12 **Sec. 39.** Section 81-15,300, Revised Statutes Supplement, 2025, is  
13 amended to read:

14 81-15,300 There is hereby created the Engineering Plan Review Cash  
15 Fund which shall be used to pay the expenses of the Department of Water,  
16 Energy, and Environment related to engineering reviews of plans and  
17 specifications, including those under subsection ~~(4)~~ ~~(3)~~ of section  
18 81-15,268 and ~~subsection (2) of section 81-15,282.~~ Transfers may be made  
19 from the fund to the General Fund at the direction of the Legislature.  
20 Any money in the Engineering Plan Review Cash Fund available for  
21 investment shall be invested by the state investment officer pursuant to  
22 the Nebraska Capital Expansion Act and the Nebraska State Funds  
23 Investment Act.

24 **Sec. 40.** Section 81-15,313, Revised Statutes Supplement, 2025, is  
25 amended to read:

26 81-15,313 (1) The Legislature hereby finds and declares that  
27 Nebraska is experiencing a persistent and present crisis in regards to  
28 affordable quality housing, as evidenced by lower inventory than required  
29 to support and sustain a healthy housing market. Housing inventory and  
30 availability are critical elements in population attraction and  
31 retention, workforce development, economic development, and individual

1 family health and economic self-sufficiency. In addition to housing  
2 inventory and the availability of homes, another factor that may hinder  
3 population attraction is the quality of homes. One measurement of housing  
4 quality is age. As such, Nebraska must streamline and maximize all  
5 existing housing, weatherization, and home improvement programs to expand  
6 access to affordable quality homes and renovate and modernize existing  
7 aging housing inventory to meet modern standards.

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

10 (3) The clearinghouse shall:

11 (a) Establish a hub for information about the availability and  
12 application processes of and eligibility for grants, loans, or other  
13 programs that fund home weatherization projects, whether administered by  
14 the department, other state or local agencies, nonprofit organizations,  
15 or the federal government; and

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

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

20 **Sec. 41.** Section 81-15,315, Revised Statutes Supplement, 2025, is  
21 amended to read:

22 81-15,315 For purposes of the Safe Battery Collection and Recycling  
23 Act:

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

26 (b) Battery containing product does not include computers, small-  
27 scale servers, computer monitors, electronic keyboards and mice,  
28 printers, fax machines, scanners, televisions, digital video disc players  
29 and recorders, video cassette recorders, digital converter boxes, cable  
30 receivers, satellite receivers, portable digital music players, and video  
31 game consoles;

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

5 (3)(a) Covered battery means a portable battery or a medium format  
6 battery.

7 (b) Covered battery does not include:

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

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

14 (iii) A battery designed to power a motor vehicle, part of a motor  
15 vehicle, or a component part of a motor vehicle assembled by, or for, a  
16 vehicle manufacturer or franchised dealer, including replacement parts  
17 for use in a motor vehicle;

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

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

22 (vi) A battery or battery containing product offered for resale by a  
23 business that, as part of its operations, offers products for resale to  
24 other businesses or to consumers;

25 (4) Department means the Department of Water, Energy, and  
26 Environment ~~Environment and Energy~~;

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

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

31 (b) For rechargeable batteries, a battery that weighs more than

1 eleven pounds or that has a rating of more than three hundred watt-hours,  
2 or both, but that does not weigh more than twenty-five pounds or have a  
3 rating of more than two thousand watt-hours;

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

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

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

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

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

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

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

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

29 (v) If subdivisions (7)(a)(i) through (iv) of this section do not  
30 apply to any person with a commercial presence in this state, the person  
31 who first sells, offers for sale, or distributes for sale the covered

1 battery or battery containing product in or into this state.

2 (b) Producer does not include a person that only sells, offers for  
3 sale, or distributes for sale a battery containing product if the battery  
4 is supplied by another producer that has designated a battery stewardship  
5 organization to implement a battery stewardship plan and if the producer  
6 certifies this fact in writing to the person that only sells, offers for  
7 sale, or distributes for sale the battery containing product;

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

11 (9)(a) Recycling means preparing batteries for use in manufacturing  
12 processes or for recovery of usable materials and delivering the  
13 materials for use.

14 (b) Recycling does not include:

15 (i) Destruction by incineration or other processes;

16 (ii) Land disposal of recyclable materials; and

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

19 (10) Recycling efficiency rate means the percentage calculated by  
20 dividing the weight of components and materials recycled by a battery  
21 stewardship organization by the weight of covered batteries collected by  
22 the battery stewardship organization; and

23 (11) Retailer means a person that sells or offers for sale a covered  
24 battery in or into this state.

25 **Sec. 42.** Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17,  
26 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,  
27 36, 37, 38, 39, 40, 41, 43, and 45 of this act become operative three  
28 calendar months after the adjournment of this legislative session. The  
29 other sections of this act become operative on their effective date.

30 **Sec. 43.** Original sections 13-2041, 54-2428, 81-1505, 81-1532,  
31 81-1586, 81-1587, 81-15,102, 81-15,123, 81-15,124.01, 81-15,124.02,

1 81-15,196, 81-15,261, 81-15,265, 81-15,267, 81-15,268, 81-15,270,  
2 81-15,273, 81-15,274, 81-15,275, 81-15,277, 81-15,288, 81-15,289, and  
3 81-15,291, Reissue Revised Statutes of Nebraska, and sections 46-606,  
4 46-1217, 58-712, 61-303, 73-813, 81-502, 81-1561, 81-15,262, 81-15,263,  
5 81-15,299, 81-15,300, 81-15,313, and 81-15,315, Revised Statutes  
6 Supplement, 2025, are repealed.

7 **Sec. 44.** Original sections 57-1601 and 57-1620, Reissue Revised  
8 Statutes of Nebraska, are repealed.

9 **Sec. 45.** The following sections are outright repealed: Sections  
10 81-15,266, 81-15,269, 81-15,272, 81-15,276, 81-15,280, 81-15,281,  
11 81-15,282, 81-15,283, 81-15,284, 81-15,285, 81-15,286, 81-15,287, and  
12 81-15,290, Reissue Revised Statutes of Nebraska, and section 81-15,292,  
13 Revised Statutes Supplement, 2025.

14 **Sec. 46.** Since an emergency exists, this act takes effect when  
15 passed and approved according to law.