

**ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026**  
**COMMITTEE STATEMENT**  
**LB759**

---

**Hearing Date:** Wednesday January 21, 2026  
**Committee On:** Natural Resources  
**Introducer:** Brandt  
**One Liner:** Change provisions relating to water wells, the Department of Water, Energy, and Environment, the Perkins County Canal Project Act, and the Nebraska Litter Reduction and Recycling Fund

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

---

**Vote Results:**

<b>Aye:</b>	7	Senators Brandt, Clouse, DeKay, Hughes, Juarez, Moser, Raybould
<b>Nay:</b>	1	Senator Conrad
<b>Absent:</b>		
<b>Present Not Voting:</b>		

---

**Testimony:**

**Proponents:**

Senator Tom Brandt  
Jesse Bradley

**Representing:**

Opening Presenter  
Department of Water, Energy, and Environment

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

---

**Summary of purpose and/or changes:**

LB 759, introduced by Senator Brandt, is primarily a Department of Water, Energy, and Environment (DWEE) cleanup bill that amends several sections of law in order to update and harmonize the statutes with the 2025 DWEE merger and name change.

LB759 also grants the DWEE the authority to enter upon land to investigate, examine, and study in order to determine the site location of the Perkins County Canal Project. Entry for this purpose is not a trespass and there cannot be any damages for this action alone. For any actual demonstrable damages, the DWEE and the property owner can agree on an amount to be paid to the property owner by the DWEE.

LB759 also changes the procedure of allocating and distributing the Nebraska Litter Reduction and Recycling Fund to no longer require a public hearing before the Environmental Quality Council can determine a percentage amount of funds collected for the council's annual disbursement to DWEE for activities, grants, and programs provided for by statute.



## Section-by-Section Summary

Sec. 1. Amends Section 46-1217 (1) regarding water well standards and the Water Well Standards and Contractors' Licensing Board to add the Chief Water Officer or his or her designated representative to the composition of the Board.

Sec. 2. Amends Section 58-712 to update the name of the department to the Department of Water, Energy, and Environment (DWEE).

Sec. 3. Amends Section 61-303 to grant authority for the DWEE to enter upon any property to make surveys, examinations, investigations, studies, geological soil boring, and tests and to acquire other necessary and relevant data in contemplation of establishing the location of the Perkins County Canal Project; clarifies that entry for these purposes is not a legal trespass, and no damages shall be recoverable on that account alone.

Sec. 4. Amends Section 73-813 (2) to update the name of the department to the DWEE.

Sec. 5. Amends Section 81-1561(2) (Litter Fee Collection Fund) to eliminate a requirement that the Environmental Quality Council hold a public hearing before the council determines the percentage amount of its annual disbursement to the DWEE.

Sec. 6. - 14. Amend Sections 81-1586, 81-1587, 81-15,102, 81-15,123, 81-15,124.01, 81-15,124.02, 81-15,196, 81-15,313 and 81-15,315 to update the department name to the DWEE.

Sec. 15 Repealer.

---

### Explanation of amendments:

The committee adopted Standing Committee amendment AM1939 to LB759, which combines LB759 as amended by AM1839, LB760 as amended by AM1840, LB761 as amended by AM1741, and LB1076 as amended by AM1886.

LB759 (Sections 3, 9, 10, 11, 16, 39, and 40 of AM1939)

LB759 as amended, makes changes to update the name of DWEE as changed in the 2025 merger. As amended, LB759 also requires that, prior to accessing land for purposes of investigating, evaluating, or studying a contemplated siting location for the Perkins County Canal project, DWEE must give notice to a landowner whose property will be accessed for those purposes.

LB760 (Sections 12, and 17-38 of AM1939)

LB 760 as amended amends sections 81-502, 71-15,261, 81-15,262, 81-15,263, 81-15,267, 81-268, 81-15,270, 81-15,273, 81-15,274, 81-275, 81-15,277, 81-288, 81-15,289, 81-15,291, and 81-15,300 to make changes that shift rulemaking authority, inspections, permit requests, violations, enforcement measures, and penalties for swimming pools, mobile home parks, and recreation camps under the Environmental Safety Act from DWEE to the local government entity with jurisdiction. Local government is defined as a county, city, or village or a local public health department. In setting health and safety standards governing these areas, the local government must meet or exceed the minimum sanitary and safety requirements adopted and made available to it by DWEE. The Environmental Safety Cash Fund is eliminated. The fund was created to cover the costs incurred by DWEE for the duties that are now shifted from DWEE to local government. Local governments are authorized to set, collect, and enforce fees to cover their costs.

Testifiers on LB760:

Proponents:



Senator Tom Brandt , Opening Presenter  
Jesse Bradley, Department of Water, Energy, and Environment

Opponents: None

Neutral:

Jeremy Eschliman, Nebraska Association of Local Health Directors  
Brock Hanisch, Nebraska Environmental Health Associations  
Scott Holmes, Self

Committee vote to attach LB760:

Yes: 7 Brandt, Clouse, DeKay, Hughes, Juarez, Moser, Raybould;

No: 1 Conrad;

Absent: 0;

Present Not Voting: 0;

LB761 (Sections 1, 2, 4, 13, 14, and 15 of AM1939)

LB761 as amended changes the use of the Integrated Solid Waste Management Cash Fund and the Department of Water, Energy, and Environment (DWEE) Cash Fund; implements new or increased existing fees related to four DWEE programs. The affected programs are water well registrations, livestock facility permitting, hazardous waste management under the federal Resource Conservation and Recovery Act (RCRA), and permitted activities under the federal National Pollutant Discharge Elimination System (NPDES). Fee amounts and transfers to the Integrated Solid Waste Management Cash Fund and the DWEE Cash Fund are amended.

The water well registration fee is increased from \$40 to \$200. Water well permits under the Industrial Ground Water Regulatory Act are increased from \$40 to \$200. The tiered initial annual fee for swine less than fifty pounds and larger than fifty-five pounds is changed to a fee for swine less than fifty-five pounds and a fee for swine fifty-five pounds or larger. The department's annual review and adjustment of the fee structure is changed from ensuring fees adequate to meet twenty percent of the previous fiscal year's programs costs to thirty percent of those costs.

Section 81-1505 is amended to require that a fee schedule for fees paid by hazardous waste generators be based on an annual fee determined by the quantity of hazardous waste generated by weight or volume, or both. The fund to be credited by the fees is changed from the General Fund to the Integrated Solid Waste Management Cash Fund to be used to pay for the direct and indirect costs of the regulation of hazardous waste management.

The Water Quality and Quantity Cash Fund is created by a new provision to be included in the Environmental Protection Act to receive gifts, grants, reimbursements or monetary transfers from any source that are intended to be used to pay the reasonable direct and indirect costs required to develop and administer programs to regulate discharges under section 402 of the federal Clean Water Act. Beginning July 1, 2027, the fee for a National Pollutant Discharge Elimination System application and annual permit requirements from licensees or permittees operating hazardous waste processing facilities or disposal areas, along with rules and regulations to be set by DWEE in an amount no more than the actual cost of services provided, are credited to the Integrated Solid Waste Management Fund and must be used to implement the rules and regulations adopted for hazardous waste management.

Testifiers on LB761:

Proponents:

Senator Tom Brandt , Opening Presenter  
Jesse Bradley, Department of Water, Energy, and Environment

Opponents:



Lash Chaffin, League of Nebraska Municipalities

Neutral:

Sam Drinnin, Nebraska Cattlemen

Seth Mitchell, Nebraska Pork Producers Association

Committee vote to attach LB761:

Yes: 7 Brandt, Clouse, DeKay, Hughes, Juarez, Moser, Raybould;

No: 1 Conrad;

Absent: 0;

Present Not Voting: 0;

LB1076 (Sections 5, 6, 7, and 8 of AM1939)

LB1076 as amended codifies the Oil and Gas Conservation Commission's (commission) authority to take administrative action and impose penalty sanctions when violations occur or are threatened to include a provision that any person who knowingly and willfully violates any provision of the act or any rule, regulation, or order of the commission, commits fraud and is guilty of a Class I misdemeanor and may be subject to a civil penalty of at \$2,500 to \$10,000 per day imposed by the commission. This bill also allows for proceedings by the commission or the individual; establishes procedural guidelines and considerations for enforcement, proceedings, notice requirements and allowable hearings; provides that funds received under the sections be credited to the Carbon Dioxide Storage Facility Administrative Fund; and authorizes restraining orders issued by the commission or obtained through judicial proceedings to be brought by the Attorney General upon the commission receiving information that any person is violating or threatening to violate and provisions of the act by engaging in any unauthorized activity which is endangering or causing damage to public health or to the environment.

Testifiers on LB1076:

Proponents:

Senator Tom Brandt , Opening Presenter

Stan Belieu, Nebraska Oil and Gas Conservation Commission

Anthony Leiding, Renewable Fuels Nebraska, Nebraska Corn Growers Association, Nebraska Farm Bureau

Opponents: None

Neutral: None

Committee vote to attach LB1076:

Yes: 7 Brandt, Clouse, DeKay, Hughes, Juarez, Moser, Raybould;

No: 1 Conrad;

Absent: 0;

Present Not Voting: 0;

---

Section by Section Summary:

Sec. 1. Amends section 13-2041 to include fees in the Integrated Solid Waste Management Cash Fund (Fund) that are collected from hazardous waste generators annually on the basis of the quantity of hazardous waste generated by weight or volume or a combination of both as reported by the generator to the national hazardous waste manifest system. Fees collected under this provision are to be used for the direct and indirect costs of regulating hazardous waste management. Eliminates an obsolete required transfer from the Fund to the Superfund Cost Share Cash Fund. (LB 761)



Sec. 2. Amends section 46-606 to increase from \$40 to \$200 water well registration and permit fees for all water wells, including those required by the Industrial Ground Water Regulatory Act, wells for geothermal heat projects, and single site plan wells for monitoring and for irrigation. Directs fees collected to be used by DWEE for the direct and indirect costs to carry out water well registration and permitting under section 46-602 and water well inspections, including those related to construction and decommissioning under section 46-1228. (LB 761)

Sec. 3. Amends section 46-1217 to add the Chief Water Officer or his or her designated representative to the Water Well Standards and Contractor's Licensing Board. (LB 759)

Sec. 4. Amends section 54-2428 to modify fees for swine to be assessed based upon those "fifty-five pounds or larger" rather than those "larger than fifty-five pounds" for permits for animal feeding operation or livestock waste control facilities. (LB 761)

Sec. 5. Amends section 57-1601 to expand the Nebraska Geologic Storage of Carbon Dioxide Act to include new sections 7 and 8 of this amendment. (LB 1076)

Sec. 6. Amends section 57-1620 to add a Class II misdemeanor for knowing and willful violation of the rules, making a false statement, representation, or certification in an application, report, plan, or other document required to be filed or maintained by the rules of the Nebraska Geological Storage of Carbon Dioxide Act, or falsifying, tampering with, or rendering inaccurate any monitoring device or method used or required for compliance with any permit or rules. Amended to comply with federal rule requirements. (LB 1076)

Sec. 7. Adds new provision to the Nebraska Geological Storage of Carbon Dioxide Act to authorize a civil penalty of \$2,500 to \$10,000 per day for any person violating or threatening to violate any rule, regulation, order, or any term, condition, or limitation of any permit issued pursuant to the Act, and authorizing the Nebraska Oil and Gas Conservation commission or any interested party to institute proceedings before the commission to assess or recover civil penalties, to revoke, suspend, modify, or limit any permit issued by the commission, or to impose by order such other conditions as the commission determines is appropriate. Requires written notice and a ten-day period to come into compliance before any penalties are imposed. Penalties assessed and unpaid after sixty-one days are considered a debt to the state. Penalties collected are to be credited to the Carbon Dioxide Storage Facility Administrative Fund. (LB 1076)

Sec. 8. Grants the Nebraska Oil and Gas Conservation commission authority to establish procedures, and notice requirements; specifies the procedure for receiving and overseeing reported violations; authorizes the commission to assess and collect penalties; and provides for issuance of a restraining order or for the Attorney General to file suit in district court for threatened or continued violations of the Act. (LB 1076)

Sec. 9. Amends section 58-712 to update the name of the department to DWEE. (LB 759)

Sec. 10. Amends section 61-303 to authorize the DWEE to legally enter any premises, after notifying the owner or occupier of the property, to survey, or make examinations, investigations, studies, geological soil borings, or tests and to acquire other necessary and relevant data in considering and determining the site location for the Perkins County Canal project. Allows for recovery by the property owner for actual or demonstrated damages.(LB 759)

Sec. 11. Amends section 73-813 to update the name of the department to DWEE. (LB 759)

Sec. 12. Amends section 81-502 to direct that Mobile home park licenses or renewed licenses shall be requested by a local government rather than by DWEE. (LB 760)



Sec. 13. Amends section 81-1505(13)(c) to direct the Environmental Quality Council to adopt regulations to collect an annual fee from hazardous waste generators on the basis of the quantity of hazardous waste generated by weight or volume or both as reported by the generator to the national hazardous waste manifest system; to direct that the fee schedule must be sufficient but not exceed the amount necessary for the department to pay for the direct and indirect costs of the regulation of hazardous waste management; and to authorize the permittee to assess a cost against persons using the facilities and direct that any fees collected be credited to the Integrated Solid Waste Management Cash Fund rather than to the General Fund.(LB 761)

Sec. 14. A new section that creates the Water Quality and Quantity Cash Fund; directs that, beginning July 1, 2027, each application for a National Pollutant Discharge Elimination System permit or pretreatment permit required shall be accompanied by an application fee to be determined by the department in an amount not more than that necessary to reimburse the department for administering the application; and directs the department to charge an annual fee to each person who has a National Pollutant Discharge Elimination System permit or a pretreatment permit required by rules under this bill.(LB 761)

Sec. 15. Amends section 81-1532 to direct that the provisions created with the Water Quality and Quantity Cash Fund (section 14 of AM1939) be included as part of the Environmental Protection Act. (LB 761)

Sec. 16. Amends section 81-1561 to eliminate the pre-decision hearing requirement before a percentage amount for annual disbursement of collected funds from the Nebraska Litter Reduction and Recycling Act can be determined by the Environmental Quality Council. (LB 759)

Sec. 17-23. Amend sections 81-1586, 81-1587, 81-15,102, 81-15,123, 81-15,124, 81-15,124.02, and section 81-15,196 to update the name change to DWEE. (LB 760)

Sec. 24. Amends section 81-15,261 to include section 81-15,291 in, and to delete section 81-15,292 from, the Environmental Safety Act. (LB 760)

Sec. 25. Amends section 81-262 to add to legislative findings that experience with the administration of the affected environmental safety programs is most effectively carried out through coordinated partnerships between the state and local governments. (LB 760)

Sec. 26. Amends section 81-15,263 (of the Environment Safety Act) to add definition of local government to mean county, city, or village or a local public health department. (LB 760)

Sec. 27. Amends section 81-15,265 to state that no swimming pool shall be constructed until plans and specifications have been approved by the DWEE and directs local government to adopt and enforce minimum sanitary and safety requirements for equipment and operation of swimming pools and bather preparation facilities which meet or exceed the minimum requirements adopted by DWEE. (LB 760)

Sec. 28. Amends section 81-15,267 to transfer swimming pool oversight from the state to local government. (LB 760)

Sec. 29. Amends section 81-15,268 to transfer enforcement of swimming pool compliance with the minimum sanitary and safety requirements to a local government entity that has jurisdiction; authorizes the local government to establish and collect fees for inspection of a swimming pool and requires that any owner and operator of any swimming pool shall operate the pool in compliance with minimum sanitary and safety requirements established by the local government that exercises jurisdiction; and requires that operation records must be retained for three years



and shall be made available to the local government upon request. (LB 760)

Sec. 30. Amends section 81-15,270 to authorize penalties or other remedies for failure of an owner or operator of a swimming pool to maintain a certificate of competency or for failure to comply with the minimum sanitary and safety standards established and enforced by the local government with jurisdiction. (LB 760)

Sec. 31. Amends section 81-15,273 to authorize a local government with jurisdiction to make inspections and grants the right of entry and access to recreation camps to the local government with jurisdiction to make and enforce minimum health and safety standards. (LB 760)

Sec. 32. Amends section 81-15,274 to authorize the local government with jurisdiction to temporarily suspend the operation of a recreation camp for failure to protect with the minimum health and safety requirements established by the local government. (LB 760)

Sec. 33. Amends section 81-15,275 to authorize a local government to adopt minimum health and safety requirements to protect persons in attendance at recreation camps. (LB 760)

Sec. 34. Amends section 81-15,277 to prohibit persons from violating minimum requirements of a recreation camp that are set by local government. (LB 760)

Sec. 35. Amends section 81-15,288 to transfer from the state to local government rulemaking authority and determination of minimum standards for operation and maintenance of mobile home parks. (LB 760)

Sec. 36. Amends section 81-15,289 to prohibit persons from violating minimum requirements of mobile home parks that are set by local government. (LB 760)

Sec. 37. Amends section 81-15,291 to authorize a local government to request the State Fire Marshall to inspect for fire safety any mobile home park over which the local government exercises jurisdiction. (LB 760)

Sec. 38. Amends section 81-15,300 to delete mobile home inspection costs under section 81-15,282, which is outright repealed by this bill, to be paid from the Engineering Plan Review Cash Fund. (LB 760)

Sec. 39. Amends section 81-15,313 to update the name of the DWEE. (LB 759)

Sec. 40. Amends section 81-15,315 to update the name of the DWEE in the Safe Battery Collection and Recycling Act. (LB 759)

Sec. 41. Repealer.

Sec. 42. Outright repeal of sections 81-15,266 (swimming pools construction permits), 81-15,269 (swimming pool inspections), 81-15,272 (recreation camp permits), 81-15,276 (recreation camp plan submissions to the state), 81-15,280 (mobile home park licensing), 81-15,281 (mobile home park licensing), 81-15,282 (mobile home park licensing), 81-15,283 (mobile home park sanitary facilities permits), 81-15,284 (mobile home park sanitary facilities, permit denial procedures), 81-15,285 (mobile home park build or remodel license or permit record retention), 81-15,286 (mobile home parks utility system and sanitary conditions standards), 81-15,287 (Uniform Standard Code for Mobile Home Parks) and section 81-15,290 (mobile home park operation without a license, action by department).



---

Tom Brandt, Chairperson

