

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 759

FINAL READING

Introduced by Brandt, 32.

Read first time January 07, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to law; to amend sections 13-2041, 54-2428,
2 57-1601, 57-1620, 81-1505, 81-1532, 81-1586, 81-1587, 81-15,102,
3 81-15,123, 81-15,124.01, 81-15,124.02, 81-15,196, 81-15,261,
4 81-15,265, 81-15,267, 81-15,268, 81-15,270, 81-15,273, 81-15,274,
5 81-15,275, 81-15,277, 81-15,288, 81-15,289, and 81-15,291, Reissue
6 Revised Statutes of Nebraska, and sections 46-606, 46-1217, 58-712,
7 61-303, 73-813, 81-502, 81-1561, 81-15,262, 81-15,263, 81-15,299,
8 81-15,300, 81-15,313, and 81-15,315, Revised Statutes Supplement,
9 2025; to change provisions relating to the Integrated Solid Waste
10 Management Cash Fund; to change fees for water wells, livestock
11 waste control, pollutant discharge, and hazardous waste regulation;
12 to change the membership of the Water Well Standards and
13 Contractors' Licensing Board; to change penalty and enforcement
14 provisions relating to the Nebraska Geologic Storage of Carbon
15 Dioxide Act; to harmonize references regarding the Department of
16 Water, Energy, and Environment with changes made by Laws 2025,
17 LB317; to provide for entry upon property under the Perkins County
18 Canal Project Act; to create the Water Quality and Quantity Cash
19 Fund; to change provisions relating to the allocation and
20 distribution of funds from the Nebraska Litter Reduction and
21 Recycling Fund; to change and eliminate provisions regarding
22 authority of the Department of Water, Energy, and Environment

1 relating to the regulation of swimming pools, recreation camps, and
2 mobile home parks; to require local governments to regulate swimming
3 pools, recreation camps, and mobile home parks; to eliminate
4 provisions relating to a private water supply and private sewage
5 disposal facilities; to terminate the Environmental Safety Cash
6 Fund; to eliminate obsolete provisions; to harmonize provisions; to
7 provide operative dates; to repeal the original sections; to
8 outright repeal sections 81-15,266, 81-15,269, 81-15,272, 81-15,276,
9 81-15,280, 81-15,281, 81-15,282, 81-15,283, 81-15,284, 81-15,285,
10 81-15,286, 81-15,287, and 81-15,290, Reissue Revised Statutes of
11 Nebraska, and section 81-15,292, Revised Statutes Supplement, 2025;
12 and to declare an emergency.

13 Be it enacted by the people of the State of Nebraska,

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

3 13-2041 There is hereby created the Integrated Solid Waste
4 Management Cash Fund. All fees collected by the department pursuant to
5 this section, fees collected pursuant to subdivision (13)(c) of section
6 81-1505, ~~or~~ fees designated pursuant to section 13-2042, ~~or~~ money
7 forfeited under subsection (21) of section 81-1505 shall be remitted to
8 the State Treasurer for credit to the fund. Forfeited funds may only be
9 used for purposes specified in the underlying financial assurance
10 instrument. Any money in the fund available for investment shall be
11 invested by the state investment officer pursuant to the Nebraska Capital
12 Expansion Act and the Nebraska State Funds Investment Act.

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

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

28 Fees collected pursuant to subdivision (13)(c) of section 81-1505
29 shall be used by the department to implement the rules and regulations
30 adopted and promulgated pursuant to subsection (13) of section 81-1505.
31 ~~The State Treasurer shall transfer one million three hundred eighty-four~~

1 ~~thousand four hundred eighty-four dollars from the Integrated Solid Waste~~
2 ~~Management Cash Fund to the Superfund Cost Share Cash Fund on or before~~
3 ~~June 1, 2006.~~

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

6 46-606 (1) The department shall collect in advance a registration
7 fee of two hundred forty dollars and the fee required by subsection (3)
8 of section 46-1224 for each water well registered under section 46-602
9 except as provided in subsections (2) through (5) of this section.

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

18 (3) For a series of water wells completed for purposes of
19 installation of a ground heat exchanger for a structure for utilizing the
20 geothermal properties of the ground, the department shall collect in
21 advance a fee of two hundred forty dollars for each such series and the
22 fee required by subsection (3) of section 46-1224.

23 (4) For water wells constructed as part of a single site plan for
24 monitoring ground water, obtaining hydrogeologic information, or
25 extracting contaminants from the ground, the department shall collect in
26 advance a registration fee of two hundred forty dollars and the fee
27 required by subsection (3) of section 46-1224 for each of the first five
28 such water wells registered under section 46-602, and for each group of
29 five or fewer such water wells registered thereafter, the department
30 shall collect in advance a registration fee of two hundred forty dollars
31 and the fee required by subsection (3) of section 46-1224. However, if

1 such water wells are a part of remedial action approved by the department
2 pursuant to section 66-1525, 66-1529.02, or 81-15,124, the fee set
3 pursuant to this subsection shall be collected as if only one water well
4 was being registered and the fee required by subsection (3) of section
5 46-1224 shall be collected.

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

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

15 (6) The department shall remit the fees collected to the State
16 Treasurer for credit to the appropriate fund. From the registration fees
17 required by subsections (1) through (5) of this section, the State
18 Treasurer shall credit to the Department of Water, Energy, and
19 Environment Cash Fund the amount determined by the department to be
20 necessary to pay for the costs of processing notices filed pursuant to
21 section 46-230, the costs of water resources update notices required by
22 section 76-2,124, and the direct and indirect costs to carry out sections
23 46-602 and 46-1228 costs for making corrections to water well
24 registration data authorized by subsections (6) and (7) of section 46-602
25 and shall credit the remainder of the registration fees required by
26 subsections (1) through (5) of this section to the Water Well
27 Decommissioning Fund. The State Treasurer shall credit the fees required
28 by subsection (3) of section 46-1224 to the Water Well Standards and
29 Contractors' Licensing Fund.

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

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

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

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

29 54-2428 (1) Any person required to obtain a National Pollutant
30 Discharge Elimination System permit for an animal feeding operation or a
31 construction and operating permit for a livestock waste control facility

1 shall file an application with the department accompanied by the
2 appropriate fees in the manner established by the department. The
3 application fee shall be established by the council with a maximum fee of
4 two hundred dollars. For major modifications to an application or a
5 permit, the fee shall equal the amount of the application fee.

6 (2) On or before March 1, 2006, and each year thereafter, each
7 person who has a National Pollutant Discharge Elimination System permit
8 or who has a large concentrated animal feeding operation, as defined in
9 40 C.F.R. 122 and 123, as such regulations existed on January 1, 2004,
10 and a state operating permit, a construction and operating permit, or a
11 construction approval issued pursuant to the Environmental Protection Act
12 or the Livestock Waste Management Act shall pay a per head annual fee
13 based on the permitted capacity identified in the permit for that
14 facility. The department shall invoice each permittee by February 1,
15 2006, and February 1 of each year thereafter.

16 (3) The initial annual fee shall be: Beef cattle, ten cents per
17 head; veal calves, ten cents per head; dairy cows, fifteen cents per
18 head; swine ~~larger than~~ fifty-five pounds or larger, four dollars per one
19 hundred head or fraction thereof; swine less than fifty-five ~~fifty~~
20 pounds, one dollar per one hundred head or fraction thereof; horses,
21 twenty cents per head; sheep or lambs, one dollar per one hundred head or
22 fraction thereof; turkeys, two dollars per one thousand head or fraction
23 thereof; chickens or ducks with liquid manure facility, three dollars per
24 one thousand head or fraction thereof; and chickens or ducks with other
25 than liquid manure facility, one dollar per one thousand head or fraction
26 thereof. ~~This fee structure may be reviewed in fiscal year 2007-08.~~

27 (4) ~~The Beginning in fiscal year 2007-08,~~ the department shall
28 annually review and adjust the fee structure in this section and section
29 54-2423 to ensure that fees are adequate to meet thirty ~~twenty~~ percent of
30 the program costs from the previous fiscal year. All fees collected under
31 this section and sections 54-2423, 54-2435, and 54-2436 shall be remitted

1 to the State Treasurer for credit to the Livestock Waste Management Cash
2 Fund which is created for the purposes described in the Livestock Waste
3 Management Act. Transfers may be made from the fund to the General Fund
4 at the direction of the Legislature. Any money in the Livestock Waste
5 Management Cash Fund available for investment shall be invested by the
6 state investment officer pursuant to the Nebraska Capital Expansion Act
7 and the Nebraska State Funds Investment Act.

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

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

23 57-1601 Sections 57-1601 to 57-1624 and sections 7 and 8 of this act
24 shall be known and may be cited as the Nebraska Geologic Storage of
25 Carbon Dioxide Act.

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

28 57-1620 (1) Any person who violates any provision of the Nebraska
29 Geologic Storage of Carbon Dioxide Act or any rule, regulation, or order
30 of the commission under the act shall be guilty of a Class II misdemeanor
31 unless another penalty is specifically provided for such violation. Each

1 day that such violation continues shall constitute a separate offense.

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

11 (3) Any person who knowingly and willfully commits any of the
12 following offenses shall be guilty of a Class I misdemeanor and subject
13 to the penalties imposed under section 7 of this act:

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

16 (b) Makes any false statement, representation, or certification in
17 any application, report, plan, or other document required to be filed or
18 maintained by the rules or regulations adopted and promulgated by the
19 commission; or

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

23 ~~(4)~~ (3) Any person who knowingly aids or abets any other person in
24 the violation of any provision of the act or any rule, regulation, or
25 order of the commission under the act shall be subject to the same
26 penalty as that prescribed by the act for the violation by such other
27 person.

28 ~~(5)~~ (4) The penalties provided in this section shall be recoverable
29 by suit filed by the Attorney General in the name and on behalf of the
30 commission, in the district court of the county in which the defendant
31 resides, or in which any defendant resides if there be more than one

1 defendant, or in the district court of any county in which the violation
2 occurred. The payment of any such penalty shall not operate to relieve a
3 person on whom the penalty is imposed from liability to any other person
4 for damages arising out of such violation.

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

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

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

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

13 (d) The history of previous violations;

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

15 (f) Efforts to correct the violation; and

16 (g) Other matters justice requires.

17 **Sec. 7.** (1) In addition to the penalties prescribed in section
18 57-1620 and section 8 of this act, whenever it appears that any person is
19 violating or threatening to violate any provision of the Nebraska
20 Geologic Storage of Carbon Dioxide Act, any rule, regulation, or order of
21 the commission, or any term, condition, or limitation of any permit
22 issued pursuant to such act, rule, regulation, or order, such person may
23 be subject to a civil penalty imposed by the commission. The civil
24 penalty shall be at least two thousand five hundred dollars per day, not
25 to exceed ten thousand dollars per day.

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

28 (a) Assess or recover civil penalties;

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

31 (c) Impose by order such other conditions as the commission

1 determines appropriate.

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

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

17 (5) Whenever the commission intends to impose a civil penalty under
18 this section, the commission shall notify the person in writing (a)
19 setting forth the date, facts, and nature of each violation with which
20 the person is charged, (b) specifically identifying the particular
21 provision or provisions of the section, rule, regulation, order, or
22 permit involved in the violation, and (c) specifying the amount of each
23 penalty which the commission intends to impose. Such written notice shall
24 be sent by registered or certified mail to the last-known address of such
25 person. The notice shall also advise such person of his or her right to a
26 hearing and that failure to pay any civil penalty subsequently imposed by
27 the commission will result in a civil action by the commission to collect
28 such penalty. The person so notified may, within thirty days of receipt
29 of such notice, submit a written request for a hearing to review any
30 penalty to be imposed by the commission. A hearing shall be held in
31 accordance with the Administrative Procedure Act, and any person upon

1 whom a civil penalty is subsequently imposed may appeal such penalty
2 pursuant to such act. On the request of the commission, the Attorney
3 General or county attorney may institute a civil action to collect a
4 penalty imposed pursuant to this section.

5 (6) The commission shall, within thirty days from receipt, remit any
6 collected civil penalty to the State Treasurer for distribution in
7 accordance with Article VII, section 5, of the Constitution of Nebraska.
8 Any civil penalty assessed under this section that remains unpaid for
9 more than sixty days after the issuance of the decision of the commission
10 shall constitute a debt to the state which may be collected in the same
11 manner as a lien foreclosure or sued for and recovered in any proper form
12 of action in the name of the state in the district court of the county in
13 which the person resides or owns property.

14 **Sec. 8.** In addition to the penalties prescribed under section
15 57-1620 and section 7 of this act, whenever it appears to the commission,
16 upon receipt of information that any person is violating or threatening
17 to violate any provision of the Nebraska Geologic Storage of Carbon
18 Dioxide Act by engaging in any unauthorized activity which is endangering
19 or causing damage to public health or the environment, the commission is
20 authorized to restrain immediately and effectively any such person. The
21 commission may restrain such person by its own order, appealable by
22 hearing before the commission, or by suit filed by the Attorney General
23 in the name and on behalf of the commission, in the district court of the
24 county in which the defendant resides, or in which any defendant resides
25 if there be more than one defendant, or in the district court of any
26 county in which the violation occurred. In any such suit the court shall
27 have jurisdiction and authority to issue, without bond or other
28 undertaking, such prohibitory and mandatory injunctions as the facts may
29 warrant.

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

1 58-712 The Department of Economic Development shall not require any
2 new construction project or rental conversion project which receives
3 funding from the Affordable Housing Trust Fund to meet the requirements
4 of section 72-805 related to complying with the International Energy
5 Conservation Code and obtaining approval of building plans and
6 specifications by the Department of Water, Energy, and Environment
7 ~~Environment and Energy~~.

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

10 61-303 (1) The Department of Water, Energy, and Environment shall
11 have the necessary authority to develop, construct, manage, and operate
12 the Perkins County Canal Project consistent with the terms of the South
13 Platte River Compact and pursuant to the Perkins County Canal Project
14 Act. The department's powers under the act shall include: (a) Contracting
15 for services, (b) acquiring permits, (c) acquiring and owning real
16 property, (d) acquiring, holding, and exercising water rights, (e)
17 employing personnel, (f) accepting grants, loans, donations, gifts,
18 bequests, or other contributions from any person or entity, public or
19 private, including any funds made available by any department or agency
20 of the United States, (g) managing and expending such funds as are made
21 available to it from the Perkins County Canal Project Fund, and (h) any
22 other necessary functions consistent with the compact and pursuant to the
23 act in protecting Nebraska's full entitlement to flows of the South
24 Platte River. For purposes of the Perkins County Canal Project Act, the
25 Department of Water, Energy, and Environment is authorized to acquire
26 real estate or access thereto in the name of the State of Nebraska by the
27 use of eminent domain as provided under section 76-725. The department is
28 also authorized to resolve all disputes that may arise, including the
29 initiation or defense of legal actions of any kind, as necessary to
30 achieve the purposes of the act.

31 (2)(a) The department shall have the necessary authority to enter

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

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

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

18 73-813 (1) Subject to review by the Director of Administrative
19 Services, the division shall provide procedures to grant limited
20 exceptions from sections 73-807, 73-815, and 73-816 for:

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

28 (b) Other circumstances or specific contracts when any of the
29 requirements of sections 73-807, 73-815, and 73-816 are not appropriate
30 for or are not compatible with the circumstances or contract. The
31 division shall provide a written rationale which shall be kept on file

1 when granting an exception under this subdivision.

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

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

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

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

13 (d) Grant agreements or cooperative agreements;

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

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

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

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

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

31 (j) Nebraska Investment Council contracts;

1 (k) Contracts under section 57-1503;

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

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

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

11 (o) Contracts for works of art;

12 (p) Contracts for advertising or public announcements;

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

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

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

19 81-502 (1) It shall be the duty of the State Fire Marshal, under
20 authority of the Governor:

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

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

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

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

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

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

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

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

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

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

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

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

3 81-1505 (1) In order to carry out the purposes of the Environmental
4 Protection Act, the Integrated Solid Waste Management Act, and the
5 Livestock Waste Management Act, the council shall adopt and promulgate
6 rules and regulations which shall set standards of air, water, and land
7 quality to be applicable to the air, waters, and land of this state or
8 portions thereof. Such standards of quality shall be such as to protect
9 the public health and welfare. The council shall classify air, water, and
10 land contaminant sources according to levels and types of discharges,
11 emissions, and other characteristics which relate to air, water, and land
12 pollution and may require reporting for any such class or classes. Such
13 classifications and standards made pursuant to this section may be made
14 for application to the state as a whole or to any designated area of the
15 state and shall be made with special reference to effects on health,
16 economic and social factors, and physical effects on property. Such
17 standards and classifications may be amended as determined necessary by
18 the council.

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

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

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

31 (c) The uses which have been made, are being made, or are likely to

1 be made, of such waters for agricultural, transportation, domestic, and
2 industrial consumption, for fishing and aquatic culture, for the disposal
3 of sewage, industrial waste, and other wastes, or other uses within this
4 state and, at the discretion of the council, any such uses in another
5 state on interstate waters flowing through or originating in this state;

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

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

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

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

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

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

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

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

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

30 (i) Area conditions such as suitability of location, geologic
31 formations, topography, industry, agriculture, population density,

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

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

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

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

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

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

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

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

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

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

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

25 (11) In adopting regulations for the issuance of permits under the
26 National Pollutant Discharge Elimination System created by the Clean
27 Water Act, as amended, 33 U.S.C. 1251 et seq., the council shall consider
28 when such permits shall be required and exemptions, application and
29 filing requirements, terms and conditions affecting such permits, notice
30 and public participation, duration and review of such permits, the
31 evaluation provided for under section 81-1517, and monitoring, recording,

1 and reporting under the system.

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

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

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

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

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

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

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

6 (f) Classification of air quality control regions;

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

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

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

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

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

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

31 (j) Provisions for implementation of any emissions trading programs

1 as defined by the department. Such programs shall be consistent with the
2 Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and administered
3 through the operating permit program;

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

6 (l) Provisions for periodic reporting of emissions;

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

10 (n) Time schedules for compliance;

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

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

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

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

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

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

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

31 Such regulations adopted pursuant to this subsection shall in all

1 respects comply with the Environmental Protection Act and the Resource
2 Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq.

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

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

1 ~~General Fund.~~

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

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

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

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

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

30 (c) Submission of construction and operational plans by the
31 applicant for a permit to the department, with approval of such plans

1 before issuance of such permit;

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

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

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

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

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

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

17 (j) The Integrated Solid Waste Management Act.

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

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

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

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

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

24 (20) In addition to such standards as are heretofore authorized, the
25 council shall adopt and promulgate rules and regulations to set standards
26 of performance, effluent standards, pretreatment standards, treatment
27 standards, toxic pollutant standards and limitations, effluent
28 limitations, effluent prohibitions, and quantitative limitations or
29 concentrations which shall in all respects conform with and meet the
30 requirements of the National Pollutant Discharge Elimination System in
31 the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

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

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

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

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

24 (iii) An established escrow account; or

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

29 (c) The director shall determine the amount of the bond, deposit, or
30 escrow account which shall be reasonable and sufficient so the department
31 may, if the permittee or licensee is unable or unwilling to do so and in

1 the event of forfeiture of the bond or other financial responsibility
2 methods, arrange to rectify any improper management technique committed
3 during the term of the permit or license and assure the performance of
4 duties and responsibilities required by the permit or license pursuant to
5 law, rules, and regulations.

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

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

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

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

23 (23) The council may adopt and promulgate rules and regulations for
24 the issuance of permits relating to the discharge of dredged or fill
25 material into the waters of the United States under section 404 of the
26 Clean Water Act, as amended, 33 U.S.C. 1251 et seq., giving consideration
27 to (a) when such permits are required and exemptions, application, and
28 filing requirements, (b) terms and conditions affecting such permits,
29 notice and public participation, and duration, (c) review of such
30 permits, (d) monitoring, recording, and reporting requirements, (e)
31 compensatory mitigation, and (f) such other requirements not inconsistent

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

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

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

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

28 (3) Beginning July 1, 2027, the department shall charge an annual
29 fee to each person who has a National Pollutant Discharge Elimination
30 System permit or who has a pretreatment permit required by rules and
31 regulations adopted and promulgated pursuant to subsection (20) of

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

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

6 81-1532 Sections 81-1501 to 81-1532 and section 14 of this act shall
7 be known and may be cited as the Environmental Protection Act.

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

10 81-1561 (1) The Tax Commissioner shall deduct and withhold from the
11 litter fee collected a fee sufficient to reimburse himself or herself for
12 the cost of collecting and administering the litter fee and shall deposit
13 such collection fee in the Litter Fee Collection Fund which is hereby
14 created. The Litter Fee Collection Fund shall be appropriated to the
15 Department of Revenue. Any money in the Litter Fee Collection Fund
16 available for investment shall be invested by the state investment
17 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
18 State Funds Investment Act.

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

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

30 (i) The distribution of informative materials to elementary and
31 secondary schools;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 81-1586 Department shall mean the Department of Water, Energy, and
10 Environment ~~Environmental Quality~~.

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

13 81-1587 Director shall mean the Director of Water, Energy, and
14 Environment ~~Environmental Quality~~.

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

17 81-15,102 (1) The state shall accept or acquire, by gift, transfer,
18 or purchase, from the licensed facility operator, title to the land and
19 appurtenances used for the disposal of low-level radioactive waste after
20 the expiration of both the operational life and closure period of the
21 facility, if:

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

31 (b) The amendments to the Central Interstate Low-Level Radioactive

1 Waste Compact made by Laws 1991, LB 837, section 4, codified in section
2 71-3521, are in effect and have been ratified by Congress.

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

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

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

30 (4) The state may contract for the management of a disposal site.
31 The contractor shall be subject to licensing by the department and shall

1 be subject to the surety and custodial care funding provisions of section
2 81-15,103.

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

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

12 81-15,123 The State Fire Marshal shall adopt and promulgate rules
13 and regulations governing release, detection, prevention, and correction
14 procedures applicable to all owners and operators as shall be necessary
15 to protect human health, public safety, and the environment. Such rules
16 and regulations may distinguish between types, classes, and ages of
17 tanks. In making such distinctions, the State Fire Marshal shall
18 consider, but not be limited to, location of the tanks, soil and climate
19 conditions, uses of the tanks, history of maintenance, age of the tanks,
20 current industry-recommended practices, national consensus codes,
21 hydrogeology, depth to the ground water, size of the tanks, quantity of
22 regulated substances periodically deposited in or dispensed from the
23 tanks, the technical capability of the owners and operators, and the
24 compatibility of the regulated substance and the materials of which the
25 tank is fabricated. Before adoption, such rules and regulations shall be
26 reviewed and approved by the Director of Water, Energy, and Environment
27 ~~Environment and Energy~~ who shall determine whether the proposed rules and
28 regulations are adequate to protect the environment. Rules and
29 regulations adopted and promulgated pursuant to this section shall
30 include, but not be limited to:

31 (1) Proper procedures and specifications for the construction,

1 design, installation, replacement, or repair of tanks;

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

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

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

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

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

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

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

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

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

30 (7) Financial responsibility requirements, taking into account the
31 financial responsibility requirements established pursuant to 42 U.S.C.

1 6991b(d);

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

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

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

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

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

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

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

22 81-15,124.01 (1) The Environmental Quality Council shall adopt and
23 promulgate rules and regulations consistent with principles of risk-based
24 corrective action governing all phases of remedial action to be taken by
25 owners, operators, and other persons in response to a release or
26 suspected release of a regulated substance from a tank. Such rules and
27 regulations shall include:

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

30 (b) Provisions by which the Department of Water, Energy, and
31 Environment ~~Environment and Energy~~ may determine the cleanup levels to be

1 achieved through soil or water remediation and the applicable limitations
2 for air emissions at the petroleum release site or occurring by reason of
3 such remediation; and

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

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

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

16 81-15,124.02 If necessary in the course of an investigation or
17 inspection or during the remedial action and if the owner of property or
18 the owner's agent has specifically denied the Department of Water,
19 Energy, and Environment ~~Environment and Energy~~ access to the property for
20 such purposes, the department may order the owner or owner's agent to
21 grant access to property for the performance of reasonable steps,
22 including drilling, to determine the source and extent of contamination
23 or for remediation. Access shall be by the department or by a person
24 conducting an investigation, inspection, or remedial action at the
25 direction of the department. All actions taken on the property shall be
26 performed in the least obtrusive manner possible to allow the
27 investigation, inspection, or remedial action to proceed. Upon completion
28 of any such actions, the property shall be restored as nearly as possible
29 to its original condition.

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

1 81-15,196 Director means the Director of Water, Energy, and
2 Environment ~~Environment and Energy~~.

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

5 81-15,261 Sections 81-15,261 to 81-15,291 ~~81-15,292~~ shall be known
6 and may be cited as the Environmental Safety Act.

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

9 81-15,262 The Legislature finds that:

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

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

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

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

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

28 81-15,263 For purposes of the Environmental Safety Act:

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

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

1 and -

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

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

6 81-15,265 (1) The department shall ~~prepare,~~ adopt, and have
7 available minimum sanitary and safety requirements in the form of
8 regulations for the design, construction, equipment, and operation of
9 swimming pools and bather preparation facilities. Such regulations
10 requirements shall include, but not be limited to, provisions for waiver
11 or variance of design standards and the circumstances under which such
12 waiver or variance may be granted. No swimming pool shall be constructed
13 until plans and specifications have been approved by the department.

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

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

21 81-15,267 ~~After January 1, 1970, swimming pools shall have~~
22 ~~equipment and shall be operated so as to comply with the minimum sanitary~~
23 ~~and safety requirements provided in section 81-15,265. After such date no~~
24 ~~swimming pool shall operate until it has received a permit from the~~
25 ~~department. Application for a permit to operate shall be submitted on~~
26 ~~forms provided by the department. Swimming pools constructed prior to~~
27 ~~January 1, 1970, which do not fully comply with the minimum sanitary and~~
28 ~~safety requirements as regards design and construction requirements may~~
29 ~~continue to operate may be continued in use for such period as the~~
30 ~~department may authorize if the equipment and operation of such swimming~~
31 ~~pool comply with the minimum sanitary and safety requirements.~~

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

3 81-15,268 (1) The local government which exercises jurisdiction over
4 a swimming pool shall inspect such ~~department shall make at least one~~
5 ~~inspection every year of each~~ swimming pool to determine that such
6 swimming pool complies with the minimum sanitary and safety requirements
7 established by the local government.

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

11 (3) ~~(2)~~ The owner and operator of any swimming pool shall operate
12 such swimming pool in compliance with minimum sanitary and safety
13 requirements established by the local government which exercises
14 jurisdiction over such swimming pool. The owner or operator of any
15 swimming pool shall retain for three years ~~submit such~~ operation and
16 analytical records ~~as may be requested at any time by the department to~~
17 determine the sanitary and safety condition of the swimming pool and
18 shall make such records available to the local government upon request.

19 (4) ~~(3)~~ The department shall adopt and promulgate rules and
20 regulations which classify swimming pools on the basis of criteria deemed
21 appropriate by the department. The department shall charge engineering
22 firms, swimming pool owners, and other appropriate parties fees
23 established by rules and regulations for the review of plans and
24 specifications of a swimming pool, the issuance of a construction license
25 ~~or permit, the inspection of a swimming pool,~~ and any other services
26 rendered at a rate which defrays no more than the actual cost of the
27 services provided. ~~All fees shall be paid as a condition of annual~~
28 ~~renewal of licensure or of continuance of licensure.~~ Fees collected under
29 this subsection for the review of plans and specifications and the
30 issuance of a construction permit shall be remitted to the State
31 Treasurer for credit to the Engineering Plan Review Cash Fund. ~~All other~~

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

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

12 (6) (5) ~~All rules and regulations adopted prior to the operative~~
13 ~~date of this section July 1, 2021, under sections 81-15,264 to 81-15,270,~~
14 ~~as such sections existed prior to such date, shall continue to be~~
15 ~~effective to the extent not in conflict with the changes made by this~~
16 ~~legislative bill Laws 2021, LB148, until amended or repealed by the~~
17 ~~department.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 81-15,299 There is hereby created the Environmental Safety Cash Fund
23 which shall be used to pay the expenses of the Department of Water,
24 Energy, and Environment related to issuance and renewal of licenses and
25 permits and annual inspections, including sections 81-15,268, 81-15,272,
26 81-15,282, and 81-15,292 as such sections existed prior to the operative
27 date of this section. Any money in the fund available for investment
28 shall be invested by the state investment officer pursuant to the
29 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
30 Act. The State Treasurer shall transfer any money in the Health and Human
31 Services Cash Fund pursuant to sections 81-15,268, 81-15,272, 81-15,282,

1 and 81-15,292, as such sections existed prior to July 1, 2021, to the
2 Environmental Safety Cash Fund on July 1, 2021. The Environmental Safety
3 Cash Fund terminates on December 31, 2026. The State Treasurer shall
4 transfer any money remaining in the fund on such date to the General
5 Fund.

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

8 81-15,300 There is hereby created the Engineering Plan Review Cash
9 Fund which shall be used to pay the expenses of the Department of Water,
10 Energy, and Environment related to engineering reviews of plans and
11 specifications, including those under subsection ~~(4)~~ (3) of section
12 81-15,268 and ~~subsection (2) of section 81-15,282~~. Transfers may be made
13 from the fund to the General Fund at the direction of the Legislature.
14 Any money in the Engineering Plan Review Cash Fund available for
15 investment shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act.

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

20 81-15,313 (1) The Legislature hereby finds and declares that
21 Nebraska is experiencing a persistent and present crisis in regards to
22 affordable quality housing, as evidenced by lower inventory than required
23 to support and sustain a healthy housing market. Housing inventory and
24 availability are critical elements in population attraction and
25 retention, workforce development, economic development, and individual
26 family health and economic self-sufficiency. In addition to housing
27 inventory and the availability of homes, another factor that may hinder
28 population attraction is the quality of homes. One measurement of housing
29 quality is age. As such, Nebraska must streamline and maximize all
30 existing housing, weatherization, and home improvement programs to expand
31 access to affordable quality homes and renovate and modernize existing

1 aging housing inventory to meet modern standards.

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

4 (3) The clearinghouse shall:

5 (a) Establish a hub for information about the availability and
6 application processes of and eligibility for grants, loans, or other
7 programs that fund home weatherization projects, whether administered by
8 the department, other state or local agencies, nonprofit organizations,
9 or the federal government; and

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

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

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

16 81-15,315 For purposes of the Safe Battery Collection and Recycling
17 Act:

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

20 (b) Battery containing product does not include computers, small-
21 scale servers, computer monitors, electronic keyboards and mice,
22 printers, fax machines, scanners, televisions, digital video disc players
23 and recorders, video cassette recorders, digital converter boxes, cable
24 receivers, satellite receivers, portable digital music players, and video
25 game consoles;

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

30 (3)(a) Covered battery means a portable battery or a medium format
31 battery.

1 (b) Covered battery does not include:

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

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

8 (iii) A battery designed to power a motor vehicle, part of a motor
9 vehicle, or a component part of a motor vehicle assembled by, or for, a
10 vehicle manufacturer or franchised dealer, including replacement parts
11 for use in a motor vehicle;

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

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

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

19 (4) Department means the Department of Water, Energy, and
20 Environment ~~Environment and Energy~~;

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) Producer does not include a person that only sells, offers for
28 sale, or distributes for sale a battery containing product if the battery
29 is supplied by another producer that has designated a battery stewardship
30 organization to implement a battery stewardship plan and if the producer
31 certifies this fact in writing to the person that only sells, offers for

1 sale, or distributes for sale the battery containing product;

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

5 (9)(a) Recycling means preparing batteries for use in manufacturing
6 processes or for recovery of usable materials and delivering the
7 materials for use.

8 (b) Recycling does not include:

9 (i) Destruction by incineration or other processes;

10 (ii) Land disposal of recyclable materials; and

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

13 (10) Recycling efficiency rate means the percentage calculated by
14 dividing the weight of components and materials recycled by a battery
15 stewardship organization by the weight of covered batteries collected by
16 the battery stewardship organization; and

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

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

24 **Sec. 43.** Original sections 13-2041, 54-2428, 81-1505, 81-1532,
25 81-1586, 81-1587, 81-15,102, 81-15,123, 81-15,124.01, 81-15,124.02,
26 81-15,196, 81-15,261, 81-15,265, 81-15,267, 81-15,268, 81-15,270,
27 81-15,273, 81-15,274, 81-15,275, 81-15,277, 81-15,288, 81-15,289, and
28 81-15,291, Reissue Revised Statutes of Nebraska, and sections 46-606,
29 46-1217, 58-712, 61-303, 73-813, 81-502, 81-1561, 81-15,262, 81-15,263,
30 81-15,299, 81-15,300, 81-15,313, and 81-15,315, Revised Statutes
31 Supplement, 2025, are repealed.

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

3 **Sec. 45.** The following sections are outright repealed: Sections
4 81-15,266, 81-15,269, 81-15,272, 81-15,276, 81-15,280, 81-15,281,
5 81-15,282, 81-15,283, 81-15,284, 81-15,285, 81-15,286, 81-15,287, and
6 81-15,290, Reissue Revised Statutes of Nebraska, and section 81-15,292,
7 Revised Statutes Supplement, 2025.

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