

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 759**

Introduced by Brandt, 32.

Read first time January 07, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Department of Water, Energy, and  
2 Environment; to amend sections 81-1586, 81-1587, 81-15,102,  
3 81-15,123, 81-15,124.01, 81-15,124.02, and 81-15,196, Reissue  
4 Revised Statutes of Nebraska, and sections 46-1217, 58-712, 61-303,  
5 73-813, 81-1561, 81-15,313, and 81-15,315, Revised Statutes  
6 Supplement, 2025; to change the composition of the Water Well  
7 Standards and Contractors' Licensing Board; to harmonize references  
8 regarding the department with changes made by Laws 2025, LB317; to  
9 provide authority relating to the Perkins County Canal Project Act;  
10 to provide a remedy; to redefine terms; to change provisions  
11 relating to the allocation and distribution of funds from the  
12 Nebraska Litter Reduction and Recycling Fund; to harmonize  
13 provisions; and to repeal the original sections.  
14 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 46-1217, Revised Statutes Supplement, 2025, is  
2 amended to read:

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

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

29           **Sec. 2.** Section 58-712, Revised Statutes Supplement, 2025, is  
30 amended to read:

31           58-712 The Department of Economic Development shall not require any

1 new construction project or rental conversion project which receives  
2 funding from the Affordable Housing Trust Fund to meet the requirements  
3 of section 72-805 related to complying with the International Energy  
4 Conservation Code and obtaining approval of building plans and  
5 specifications by the Department of Water, Energy, and Environment  
6 ~~Environment and Energy~~.

7 **Sec. 3.** Section 61-303, Revised Statutes Supplement, 2025, is  
8 amended to read:

9 61-303 (1) The Department of Water, Energy, and Environment shall  
10 have the necessary authority to develop, construct, manage, and operate  
11 the Perkins County Canal Project consistent with the terms of the South  
12 Platte River Compact and pursuant to the Perkins County Canal Project  
13 Act. The department's powers under the act shall include: (a) Contracting  
14 for services, (b) acquiring permits, (c) acquiring and owning real  
15 property, (d) acquiring, holding, and exercising water rights, (e)  
16 employing personnel, (f) accepting grants, loans, donations, gifts,  
17 bequests, or other contributions from any person or entity, public or  
18 private, including any funds made available by any department or agency  
19 of the United States, (g) managing and expending such funds as are made  
20 available to it from the Perkins County Canal Project Fund, and (h) any  
21 other necessary functions consistent with the compact and pursuant to the  
22 act in protecting Nebraska's full entitlement to flows of the South  
23 Platte River. For purposes of the Perkins County Canal Project Act, the  
24 Department of Water, Energy, and Environment is authorized to acquire  
25 real estate or access thereto in the name of the State of Nebraska by the  
26 use of eminent domain as provided under section 76-725. The department is  
27 also authorized to resolve all disputes that may arise, including the  
28 initiation or defense of legal actions of any kind, as necessary to  
29 achieve the purposes of the act.

30 (2)(a) The department shall have the necessary authority to enter  
31 upon any property to make surveys, examinations, investigations, studies,

1 geological soil borings, and tests and to acquire other necessary and  
2 relevant data in contemplation of (i) establishing the location of the  
3 Perkins County Canal Project, (ii) acquiring land, property, permits, and  
4 construction materials for the Perkins County Canal Project, or (iii)  
5 performing other operations or activities incident to the Perkins County  
6 Canal Project and pursuant to the Perkins County Canal Project Act.

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

14 **Sec. 4.** Section 73-813, Revised Statutes Supplement, 2025, is  
15 amended to read:

16 73-813 (1) Subject to review by the Director of Administrative  
17 Services, the division shall provide procedures to grant limited  
18 exceptions from sections 73-807, 73-815, and 73-816 for:

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

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

31 (2) The following types of contracts are not subject to sections

1 73-807, 73-815, 73-816, and 73-817:

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

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

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

11 (d) Grant agreements or cooperative agreements;

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

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

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

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

27 (i) Department of Transportation contracts for all road and bridge  
28 projects;

29 (j) Nebraska Investment Council contracts;

30 (k) Contracts under section 57-1503;

31 (l) Contracts for the erection of, construction of, renovation of,

1 repair of, or addition to any building; for original equipment for any  
2 building; for the construction of any road or bridge; or for the  
3 performance of any work related to such contracts;

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

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

9 (o) Contracts for works of art;

10 (p) Contracts for advertising or public announcements;

11 (q) Direct or miscellaneous purchases pursuant to section 73-814;  
12 and

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

15 **Sec. 5.** Section 81-1561, Revised Statutes Supplement, 2025, is  
16 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) New or improved community recycling and source separation

1 programs, including, but not limited to:

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

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

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

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

14 **Sec. 6.** Section 81-1586, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

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

18 **Sec. 7.** Section 81-1587, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

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

22 **Sec. 8.** Section 81-15,102, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

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

29 (a) Both the Department of Health and Human Services ~~Regulation and~~  
30 ~~Licensure~~ and the Department of Water, Energy, and Environment  
31 ~~Environmental Quality~~ determine that (i) the requirements for site



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

7 (b) The amendments to the Central Interstate Low-Level Radioactive  
8 Waste Compact made by Laws 1991, LB 837, section 4, codified in section  
9 71-3521, are in effect and have been ratified by Congress.

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

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

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

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

6 (4) The state may contract for the management of a disposal site.  
7 The contractor shall be subject to licensing by the department and shall  
8 be subject to the surety and custodial care funding provisions of section  
9 81-15,103.

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

17 **Sec. 9.** Section 81-15,123, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

6           (7) Financial responsibility requirements, taking into account the  
7 financial responsibility requirements established pursuant to 42 U.S.C.  
8 6991b(d);

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

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

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

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

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

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

27           **Sec. 10.** Section 81-15,124.01, Reissue Revised Statutes of Nebraska,  
28 is amended to read:

29           81-15,124.01 (1) The Environmental Quality Council shall adopt and  
30 promulgate rules and regulations consistent with principles of risk-based  
31 corrective action governing all phases of remedial action to be taken by

1 owners, operators, and other persons in response to a release or  
2 suspected release of a regulated substance from a tank. Such rules and  
3 regulations shall include:

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

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

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

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

21 **Sec. 11.** Section 81-15,124.02, Reissue Revised Statutes of Nebraska,  
22 is amended to read:

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

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

6 **Sec. 12.** Section 81-15,196, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

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

10 **Sec. 13.** Section 81-15,313, Revised Statutes Supplement, 2025, is  
11 amended to read:

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

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

27 (3) The clearinghouse shall:

28 (a) Establish a hub for information about the availability and  
29 application processes of and eligibility for grants, loans, or other  
30 programs that fund home weatherization projects, whether administered by  
31 the department, other state or local agencies, nonprofit organizations,

1 or the federal government; and

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

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

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

8 81-15,315 For purposes of the Safe Battery Collection and Recycling  
9 Act:

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

12 (b) Battery containing product does not include computers, small-  
13 scale servers, computer monitors, electronic keyboards and mice,  
14 printers, fax machines, scanners, televisions, digital video disc players  
15 and recorders, video cassette recorders, digital converter boxes, cable  
16 receivers, satellite receivers, portable digital music players, and video  
17 game consoles;

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

22 (3)(a) Covered battery means a portable battery or a medium format  
23 battery.

24 (b) Covered battery does not include:

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

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

31 (iii) A battery designed to power a motor vehicle, part of a motor

1 vehicle, or a component part of a motor vehicle assembled by, or for, a  
2 vehicle manufacturer or franchised dealer, including replacement parts  
3 for use in a motor vehicle;

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

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

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

11 (4) Department means the Department of Water, Energy, and  
12 Environment ~~Environment and Energy~~;

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

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

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

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

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

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

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

30 (i) If the covered battery or battery containing product is sold  
31 under a brand of the battery's or product's manufacturer, the person that



1 manufactures the battery or product;

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

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

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

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

19 (b) Producer does not include a person that only sells, offers for  
20 sale, or distributes for sale a battery containing product if the battery  
21 is supplied by another producer that has designated a battery stewardship  
22 organization to implement a battery stewardship plan and if the producer  
23 certifies this fact in writing to the person that only sells, offers for  
24 sale, or distributes for sale the battery containing product;

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

28 (9)(a) Recycling means preparing batteries for use in manufacturing  
29 processes or for recovery of usable materials and delivering the  
30 materials for use.

31 (b) Recycling does not include:

- 1           (i) Destruction by incineration or other processes;  
2           (ii) Land disposal of recyclable materials; and  
3           (iii) Reuse, repair, or any other process through which batteries  
4 are returned in their original form;

5           (10) Recycling efficiency rate means the percentage calculated by  
6 dividing the weight of components and materials recycled by a battery  
7 stewardship organization by the weight of covered batteries collected by  
8 the battery stewardship organization; and

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

11           **Sec. 15.** Original sections 81-1586, 81-1587, 81-15,102, 81-15,123,  
12 81-15,124.01, 81-15,124.02, and 81-15,196, Reissue Revised Statutes of  
13 Nebraska, and sections 46-1217, 58-712, 61-303, 73-813, 81-1561,  
14 81-15,313, and 81-15,315, Revised Statutes Supplement, 2025, are  
15 repealed.