

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 760

Introduced by Brandt, 32.

Read first time January 07, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Environmental Safety Act; to amend
2 sections 81-15,261, 81-15,265, 81-15,267, 81-15,268, 81-15,270,
3 81-15,273, 81-15,274, 81-15,275, 81-15,277, 81-15,288, 81-15,289,
4 and 81-15,291, Reissue Revised Statutes of Nebraska, and sections
5 81-502, 81-15,262, 81-15,263, and 81-15,300, Revised Statutes
6 Supplement, 2025; to restate findings; to define a term; to change
7 provisions regarding authority of the Department of Water, Energy,
8 and Environment relating to the regulation of swimming pools,
9 recreation camps, and mobile home parks; to provide authority to
10 counties, cities, and villages to regulate swimming pools,
11 recreation camps, and mobile home parks; to change and eliminate
12 provisions relating to swimming pools, recreation camps, and mobile
13 home parks; to eliminate provisions relating to a private water
14 supply and private sewage disposal facilities; to eliminate the
15 Environmental Safety Cash Fund; to harmonize provisions; to repeal
16 the original sections; and to outright repeal sections 81-15,266,
17 81-15,269, 81-15,272, 81-15,276, 81-15,280, 81-15,281, 81-15,282,
18 81-15,283, 81-15,284, 81-15,285, 81-15,286, 81-15,287, and
19 81-15,290, Reissue Revised Statutes of Nebraska, and sections
20 81-15,292 and 81-15,299, Revised Statutes Supplement, 2025.
21 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 81-502, Revised Statutes Supplement, 2025, is
2 amended to read:

3 81-502 (1) It shall be the duty of the State Fire Marshal, under
4 authority of the Governor:

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

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

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

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

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

16 (iii) Upon request of the Department of Health and Human Services,
17 licensed providers of programs or applicants for licenses to provide such
18 programs pursuant to section 71-1913 and licensed residential child-
19 caring agencies or applicants for such licensure pursuant to section
20 71-1934. The State Fire Marshal shall report the results of the
21 investigation to the department within thirty days after receipt of the
22 request from the department;

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

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

31 (2) The State Fire Marshal may enter into contracts with private

1 individuals or other agencies, boards, commissions, or governmental
2 bodies for the purpose of carrying out his or her duties and
3 responsibilities pursuant to the Arson Reporting Immunity Act, the
4 Nebraska Natural Gas Pipeline Safety Act of 1969, and sections 81-502 to
5 81-538, 81-5,132 to 81-5,146, and 81-5,151 to 81-5,157.

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

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

16 **Sec. 2.** Section 81-15,261, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 81-15,261 Sections 81-15,261 to 81-15,291 81-15,292 shall be known
19 and may be cited as the Environmental Safety Act.

20 **Sec. 3.** Section 81-15,262, Revised Statutes Supplement, 2025, is
21 amended to read:

22 81-15,262 The Legislature finds that:

23 (1) Best practices in environmental safety and protection recognize
24 that the regulation of water supply and disposal infrastructure are
25 connected;

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

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

8 **Sec. 4.** Section 81-15,263, Revised Statutes Supplement, 2025, is
9 amended to read:

10 81-15,263 For purposes of the Environmental Safety Act:

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

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

15 (3) Local government means a county, city, or village in the state.

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

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

26 (2) A local government may by resolution, ordinance, or regulation
27 adopt minimum sanitary and safety requirements for the equipment and
28 operation of swimming pools and bather preparation facilities.

29 **Sec. 6.** Section 81-15,267, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-15,267 After January 1, 1970, swimming pools shall have

1 equipment and shall be operated so as to comply with the minimum sanitary
2 and safety requirements provided in section 81-15,265. After such date no
3 swimming pool shall operate until it has received a permit from the
4 department. Application for a permit to operate shall be submitted on
5 forms provided by the department. Swimming pools constructed prior to
6 January 1, 1970, which do not fully comply with the minimum sanitary and
7 safety requirements as regards design and construction requirements may
8 continue to operate may be continued in use for such period as the
9 department may authorize if the equipment and operation of such swimming
10 pool comply with the minimum sanitary and safety requirements.

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

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

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

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

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

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

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

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

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

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

5 **Sec. 8.** Section 81-15,270, Reissue Revised Statutes of Nebraska, is
6 amended to read:

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

17 **Sec. 9.** Section 81-15,273, Reissue Revised Statutes of Nebraska, is
18 amended to read:

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

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

1 **Sec. 10.** Section 81-15,274, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

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

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

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

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

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

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

9 **Sec. 12.** Section 81-15,277, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 14.** Section 81-15,289, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

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

26 **Sec. 16.** Section 81-15,300, Revised Statutes Supplement, 2025, is
27 amended to read:

28 81-15,300 There is hereby created the Engineering Plan Review Cash
29 Fund which shall be used to pay the expenses of the Department of Water,
30 Energy, and Environment related to engineering reviews of plans and
31 specifications, including those under subsection (2) (3) of section

1 81-15,268 and subsection (2) of section 81-15,282. Transfers may be made
2 from the fund to the General Fund at the direction of the Legislature.
3 Any money in the Engineering Plan Review Cash Fund available for
4 investment shall be invested by the state investment officer pursuant to
5 the Nebraska Capital Expansion Act and the Nebraska State Funds
6 Investment Act.

7 **Sec. 17.** Original sections 81-15,261, 81-15,265, 81-15,267,
8 81-15,268, 81-15,270, 81-15,273, 81-15,274, 81-15,275, 81-15,277,
9 81-15,288, 81-15,289, and 81-15,291, Reissue Revised Statutes of
10 Nebraska, and sections 81-502, 81-15,262, 81-15,263, and 81-15,300,
11 Revised Statutes Supplement, 2025, are repealed.

12 **Sec. 18.** The following sections are outright repealed: Sections
13 81-15,266, 81-15,269, 81-15,272, 81-15,276, 81-15,280, 81-15,281,
14 81-15,282, 81-15,283, 81-15,284, 81-15,285, 81-15,286, 81-15,287, and
15 81-15,290, Reissue Revised Statutes of Nebraska, and sections 81-15,292
16 and 81-15,299, Revised Statutes Supplement, 2025.