

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 760
Final Reading

Introduced by Schilz, 47.

Read first time January 04, 2012

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Environmental Protection Act; to amend
2 section 81-1503, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to meetings of the
4 Environmental Quality Council and grants; and to repeal
5 the original section.

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

1 Section 1. Section 81-1503, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1503 (1) (a) The Environmental Quality Council is
4 hereby created.

5 (b) Until April 28, 2005, the council shall consist of
6 sixteen members to be appointed by the Governor with the advice and
7 consent of the Legislature as follows:

8 (i) One representative of the food products manufacturing
9 industry;

10 (ii) One representative of conservation;

11 (iii) One representative of the agricultural processing
12 industry;

13 (iv) One representative of the automotive or petroleum
14 industry;

15 (v) One representative of the chemical industry;

16 (vi) One representative of heavy industry;

17 (vii) One representative of the power generating
18 industry;

19 (viii) One representative of agriculture actively engaged
20 in crop production;

21 (ix) One representative of labor;

22 (x) One professional engineer experienced in control of
23 air and water pollution and solid wastes;

24 (xi) One physician knowledgeable in the health aspects of
25 air, water, and land pollution;

- 1 (xii) One representative from county government;
- 2 (xiii) Two representatives from municipal government, one
- 3 of whom shall represent cities other than those of the primary or
- 4 metropolitan class;
- 5 (xiv) One representative of the livestock industry; and
- 6 (xv) One representative of the public at large.
- 7 (c) On and after April 28, 2005, the council shall
- 8 consist of seventeen members to be appointed by the Governor with the
- 9 advice and consent of the Legislature as follows:
- 10 (i) One representative of the food products manufacturing
- 11 industry;
- 12 (ii) One representative of conservation;
- 13 (iii) One representative of the agricultural processing
- 14 industry;
- 15 (iv) One representative of the automotive or petroleum
- 16 industry;
- 17 (v) One representative of the chemical industry;
- 18 (vi) One representative of heavy industry;
- 19 (vii) One representative of the power generating
- 20 industry;
- 21 (viii) One representative of agriculture actively engaged
- 22 in crop production;
- 23 (ix) One representative of labor;
- 24 (x) One professional engineer experienced in control of
- 25 air and water pollution and solid wastes;

1 (xi) One physician knowledgeable in the health aspects of
2 air, water, and land pollution;

3 (xii) One representative from county government;

4 (xiii) Two representatives from municipal government, one
5 of whom shall represent cities other than those of the primary or
6 metropolitan class;

7 (xiv) One representative of the livestock industry;

8 (xv) One representative of minority populations; and

9 (xvi) One biologist.

10 (d)(i) Except as otherwise provided in this subdivision,
11 members of the council serving on April 28, 2005, shall continue to
12 serve on the council as representatives of the entity they were
13 appointed to represent until their current terms of office expire and
14 their successors are appointed and confirmed. The member representing
15 the public at large shall serve until the member representing
16 minority populations is appointed.

17 (ii) The Governor shall appoint members pursuant to
18 subdivisions (1)(c)(xv) and (1)(c)(xvi) of this section within ninety
19 days after April 28, 2005.

20 (2) Members shall serve for terms of four years. All
21 appointments shall be subject to confirmation by the Legislature when
22 initially made. As the term of an appointee to the council expires,
23 the succeeding appointee shall be a representative of the same
24 segment of the public as the previous appointee. In the case of
25 appointees to vacancies occurring from unexpired terms, each

1 successor shall serve out the term of his or her predecessor. Members
2 whose terms have expired shall continue to serve until their
3 successors have been appointed. All members shall be citizens and
4 residents of the State of Nebraska.

5 (3) Members may be removed by the Governor for
6 inefficiency, neglect of duty, or misconduct in office but only after
7 delivering to the member a copy of the charges and affording him or
8 her an opportunity to be publicly heard in person or by counsel, in
9 his or her own defense, upon not less than ten days' notice. Such
10 hearing shall be held before the Governor. When a member is removed,
11 the Governor shall file, in the office of the Secretary of State, a
12 complete statement of all charges made against such member and the
13 findings thereon, together with a complete record of the proceedings.

14 (4) The council shall elect from its members a
15 chairperson and a vice-chairperson, who shall hold office at the
16 pleasure of the council. The vice-chairperson shall serve as
17 chairperson in case of the absence or disability of the chairperson.
18 The director shall serve as secretary of the council and shall keep
19 all records of meetings of and actions taken by the council. He or
20 she shall be promptly advised as to such actions by the chairperson.

21 (5) The members of the council, while engaged in the
22 performance of their official duties, shall receive a per diem of
23 forty dollars while so serving, including travel time. In addition,
24 members of the council shall receive reimbursement for actual and
25 necessary expenses as provided in sections 81-1174 to 81-1177.

1 (6) The council shall hold at least ~~four~~two regular
2 meetings, ~~once each calendar quarter,~~ each year, at a time and place
3 fixed by the council and shall keep a record of its proceedings which
4 shall be open to the public for inspection. Special meetings may be
5 called by the chairperson. Such special meetings must be called by
6 him or her upon receipt of a written request signed by two or more
7 members of the council. Written notice of the time and place of all
8 meetings shall be mailed in advance to the office of each member of
9 the council by the secretary. A majority of the members of the
10 council shall constitute a quorum.

11 (7) The council shall submit to the Governor a list of
12 names from which he or she shall appoint the Director of
13 Environmental Quality who shall be experienced in air, water, and
14 land pollution control and who may be otherwise an employee of state
15 government. The director shall be responsible for administration of
16 the department and all standards, rules, and regulations adopted
17 pursuant to Chapter 81, article 15, the Integrated Solid Waste
18 Management Act, and the Livestock Waste Management Act. All such
19 standards, rules, and regulations shall be adopted by the council
20 after consideration of the recommendations of the director. All
21 grants to political subdivisions under the control of the department
22 shall be made by the director in accordance with priorities
23 established by the council, unless otherwise directed by statute. A
24 majority of the members of the council shall constitute a quorum for
25 the transaction of business. The affirmative vote of a majority of

1 all members of the council shall be necessary for the adoption of
2 standards, rules, and regulations.

3 (8) Before the director enters upon the duties of his or
4 her office, he or she shall take and subscribe to the constitutional
5 oath of office and shall, in addition thereto, swear and affirm that
6 he or she holds no other public office nor any position under any
7 political committee or party, that he or she has not during the two
8 years immediately prior to his or her appointment received a
9 significant portion of his or her income directly or indirectly from
10 permitholders or applicants for a permit under the Environmental
11 Protection Act, and that he or she will not receive such income
12 during his or her term as director, except that such requirements
13 regarding income prior to the term of office shall not apply to
14 employees of any agency of the State of Nebraska or any political
15 subdivision which may be a permitholder under the Environmental
16 Protection Act. Such oath and affirmation shall be filed with the
17 Secretary of State.

18 Sec. 2. Original section 81-1503, Reissue Revised
19 Statutes of Nebraska, is repealed.