

AMENDMENTS TO LB148

Introduced by Bostelman, 23.

1 1. Insert the following new sections:

2 Sec. 39. Section 2-2626, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 2-2626 The department shall have the following powers, functions,
5 and duties:

6 (1) To administer, implement, and enforce the Pesticide Act and
7 serve as the lead state agency for the regulation of pesticides. The
8 department shall involve the natural resources districts and other state
9 agencies, including the Department of Environment and Energy, ~~or the~~
10 Department of Natural Resources, ~~or the Department of Health and Human~~
11 ~~Services,~~ in matters relating to water quality. Nothing in the act shall
12 be interpreted in any way to affect the powers of any other state agency
13 or of any natural resources district to regulate for ground water quality
14 or surface water quality as otherwise provided by law;

15 (2) To be responsible for the development and implementation of a
16 state management plan and pesticide management plans. The Department of
17 Environment and Energy shall be responsible for the adoption of standards
18 for pesticides in surface water, ~~and ground water, and the Department of~~
19 ~~Health and Human Services shall be responsible for the adoption of~~
20 ~~standards for pesticides in~~ drinking water. These standards shall be
21 established as action levels in the state management plan and pesticide
22 management plans at which prevention and mitigation measures are
23 implemented. Such action levels may be set at or below the maximum
24 contaminant level set for any product as set by the federal agency under
25 the federal Safe Drinking Water Act, 42 U.S.C. 300f et seq., as the act
26 existed on January 1, 2021 ~~2019~~. The Department of Agriculture shall
27 cooperate with and use existing expertise in other state agencies when

1 developing the state management plan and pesticide management plans and
2 shall not hire a hydrologist within the department for such purpose;

3 (3) After notice and public hearing, to adopt and promulgate rules
4 and regulations providing lists of state-limited-use pesticides for the
5 entire state or for a designated area within the state, subject to the
6 following:

7 (a) A pesticide shall be included on a list of state-limited-use
8 pesticides if:

9 (i) The Department of Agriculture determines that the pesticide,
10 when used in accordance with its directions for use, warnings, and
11 cautions and for uses for which it is registered, may without additional
12 regulatory restrictions cause unreasonable adverse effects on humans or
13 the environment, including injury to the applicator or other persons
14 because of acute dermal or inhalation toxicity of the pesticides;

15 (ii) The water quality standards set by the Department of
16 Environment and Energy ~~or the Department of Health and Human Services~~
17 pursuant to this section are exceeded; or

18 (iii) The Department of Agriculture determines that the pesticide
19 requires additional restrictions to meet the requirements of the
20 Pesticide Act, the federal act, or any plan adopted under the Pesticide
21 Act or the federal act;

22 (b) The Department of Agriculture may regulate the specific time,
23 locations, and conditions restricting the use of a state-limited-use
24 pesticide, including allowable quantities or concentrations, and may
25 require that it be purchased or possessed only with permission or under
26 the direct supervision of the department or its designee;

27 (c) The Department of Agriculture may require a person authorized to
28 distribute or use a state-limited-use pesticide to maintain records of
29 the person's distribution or use and may require that the records be kept
30 separate from other business records;

31 (d) The state management plan and pesticide management plans shall

1 be coordinated with the Department of Agriculture and other state agency
2 plans and with other state agencies and with natural resources districts;

3 (e) The state management plan and pesticide management plans may
4 impose progressively more rigorous pesticide management practices as
5 pesticides are detected in ground water or surface water at increasing
6 fractions of the standards adopted by the Department of Environment and
7 Energy ~~or the Department of Health and Human Services~~; and

8 (f) A pesticide management plan may impose progressively more
9 rigorous pesticide management practices to address any unreasonable
10 adverse effect of pesticides on humans or the environment. When
11 appropriate, a pesticide management plan may establish action levels for
12 imposition of such progressively more rigorous management practices based
13 upon measurable indicators of the adverse effect on humans or the
14 environment;

15 (4) To adopt and promulgate such rules and regulations as are
16 necessary for the enforcement and administration of the Pesticide Act.
17 The regulations may include, but not be limited to, regulations providing
18 for:

19 (a) The collection of samples, examination of records, and reporting
20 of information by persons subject to the act;

21 (b) The safe handling, transportation, storage, display,
22 distribution, use, and disposal of pesticides and their containers;

23 (c) Labeling requirements of all pesticides required to be
24 registered under provisions of the act, except that such regulations
25 shall not impose any requirements for federally registered labels
26 contrary to those required pursuant to the federal act;

27 (d) Classes of devices which shall be subject to the Pesticide Act;

28 (e) Reporting and record-keeping requirements for persons
29 distributing or using pesticide products made available under 7 U.S.C.
30 136i-1 of the federal act and for persons required to keep records under
31 the Pesticide Act;

1 (f) Methods to be used in the application of pesticides when the
2 Department of Agriculture finds that such regulations are necessary to
3 carry out the purpose and intent of the Pesticide Act. Such regulations
4 may include methods to be used in the application of a restricted-use
5 pesticide or state-limited-use pesticide, may relate to the time, place,
6 manner, methods, materials, amounts, and concentrations in connection
7 with the use of the pesticide, may restrict or prohibit use of the
8 pesticides in designated areas during specified periods of time, and may
9 provide specific examples and technical interpretations of subdivision
10 (4) of section 2-2646. The regulations shall encompass all reasonable
11 factors which the department deems necessary to prevent damage or injury
12 by drift or misapplication to (i) plants, including forage plants, or
13 adjacent or nearby property, (ii) wildlife in the adjoining or nearby
14 areas, (iii) fish and other aquatic life in waters in reasonable
15 proximity to the area to be treated, (iv) surface water or ground water,
16 and (v) humans, animals, or beneficial insects. In adopting and
17 promulgating such regulations, the department shall give consideration to
18 pertinent research findings and recommendations of other agencies of the
19 state, the federal government, or other reliable sources. The department
20 may, by regulation, require that notice of a proposed use of a pesticide
21 be given to landowners whose property is adjacent to the property to be
22 treated or in the immediate vicinity thereof if the department finds that
23 such notice is necessary to carry out the purpose of the act;

24 (g) State-limited-use pesticides for the state or for designated
25 areas in the state;

26 (h) Establishment of the amount of any fee or fine as directed by
27 the act;

28 (i) Establishment of the components of any state management plan or
29 pesticide management plan;

30 (j) Establishment of categories for licensed pesticide applicators
31 in addition to those established in 40 C.F.R. part 171, as such

1 regulations existed on January 1, 2019; and

2 (k) Establishment of a process for the issuance of permits for
3 emergency-use pesticides made available under 7 U.S.C. 136p of the
4 federal act;

5 (5) To enter any public or private premises at any reasonable time
6 to:

7 (a) Inspect and sample any equipment authorized or required to be
8 inspected under the Pesticide Act or to inspect the premises on which the
9 equipment is kept or stored;

10 (b) Inspect or sample any area exposed or reported to be exposed to
11 a pesticide or where a pesticide use has occurred;

12 (c) Inspect and sample any area where a pesticide is disposed of or
13 stored;

14 (d) Observe the use and application of and sample any pesticide;

15 (e) Inspect and copy any records relating to the distribution or use
16 of any pesticide or the issuance of any license, permit, or registration
17 under the act; or

18 (f) Inspect, examine, or take samples from any application
19 equipment, building, or place owned, controlled, or operated by any
20 person engaging in an activity regulated by the act if, from probable
21 cause, it appears that the application equipment, building, or place
22 contains a pesticide;

23 (6) To sample, inspect, make analysis of, and test any pesticide
24 found within this state;

25 (7) To issue and enforce a written or printed order to stop the
26 sale, removal, or use of a pesticide if the Department of Agriculture has
27 reason to believe that the pesticide or use of the pesticide is in
28 violation of any provision of the act. The department shall present the
29 order to the owner or custodian of the pesticide. The person who receives
30 the order shall not distribute, remove, or use the pesticide until the
31 department determines that the pesticide or its use is in compliance with

1 the act. This subdivision shall not limit the right of the department to
2 proceed as authorized by any other provision of the act;

3 (8)(a) To sue in the name of the director to enjoin any violation of
4 the act. Venue for such action shall be in the county in which the
5 alleged violation occurred, is occurring, or is threatening to occur; and

6 (b) To request the county attorney or the Attorney General to bring
7 suit to enjoin a violation or threatened violation of the act;

8 (9) To impose or levy an administrative fine of not more than five
9 thousand dollars for each violation on any person who has violated any
10 provision, requirement, condition, limitation, or duty imposed by the act
11 or rules and regulations adopted and promulgated pursuant to the act. A
12 violation means each action which violates any separate or distinct
13 provision, requirement, condition, limitation, or duty imposed by the act
14 or rules and regulations adopted and promulgated pursuant to the act;

15 (10) To cause a violation warning letter to be served upon the
16 alleged violator or violators pursuant to the act;

17 (11) To take reasonable measures to assess and collect all fees and
18 fines prescribed by the act and the rules or regulations adopted under
19 the act;

20 (12) To access, inspect, and copy all books, papers, records, bills
21 of lading, invoices, and other information relating to the use,
22 manufacture, repackaging, and distribution of pesticides necessary for
23 the enforcement of the act;

24 (13) To seize, for use as evidence, without formal warrant if
25 probable cause exists, any pesticide which is in violation of the act or
26 is not approved by the Department of Agriculture or which is found to be
27 used or distributed in the violation of the act or the rules and
28 regulations adopted and promulgated under it;

29 (14) To adopt classifications of restricted-use pesticides as
30 determined by the federal agency under the federal act. In addition to
31 the restricted-use pesticides classified by the administrator, the

1 Department of Agriculture may also determine state-limited-use pesticides
2 for the state or for designated areas within the state as provided in
3 subdivision (3) of this section;

4 (15) To receive grants-in-aid from any federal entity, and to enter
5 into cooperative agreements with any federal entity, any agency of this
6 state, any subdivision of this state, any agency of another state, any
7 Indian tribe, or any private person for the purpose of obtaining
8 consistency with or assistance in the implementation of the Pesticide
9 Act. The Department of Agriculture may reimburse any such entity from the
10 Pesticide Administrative Cash Fund for the work performed under the
11 cooperative agreement. The department may delegate its administrative
12 responsibilities under the act to cities of the metropolitan and primary
13 classes if it reasonably believes that such cities can perform the
14 responsibilities in a manner consistent with the act and the rules and
15 regulations adopted and promulgated under it;

16 (16) To prepare and adopt such plans as are necessary to implement
17 any requirements of the federal agency under the federal act;

18 (17) To request the assistance of the Attorney General or the county
19 attorney in the county in which a violation of the Pesticide Act has
20 occurred with the prosecution or enforcement of any violation of the act;

21 (18) To enter into a settlement agreement with any person regarding
22 the disposition of any license, permit, registration, or administrative
23 fine;

24 (19) To issue a cease and desist order pursuant to section 2-2649;

25 (20) To deny an application or cancel, suspend, or modify the
26 registration of a pesticide pursuant to section 2-2632;

27 (21) To issue, cancel, suspend, modify, or place on probation any
28 license or permit issued pursuant to the act; and

29 (22) To make such reports to the federal agency as are required
30 under the federal act.

31 Sec. 40. Section 2-3254, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 2-3254 (1) The board shall hold a hearing upon the question of the
3 desirability and necessity, in the interest of the public health, safety,
4 and welfare, of the establishment of or altering the boundaries of an
5 existing improvement project area and the undertaking of such a project,
6 upon the question of the appropriate boundaries describing affected land,
7 upon the propriety of the petition, and upon all relevant questions
8 regarding such inquiries. When a hearing has been initiated by petition,
9 such hearing shall be held within one hundred twenty days of the filing
10 of such petition. Notice of such hearing shall be published prior thereto
11 once each week for three consecutive weeks in a legal newspaper published
12 or of general circulation in the district. Landowners within the limits
13 of the territory described in the petition and all other interested
14 parties, including any appropriate agencies of state or federal
15 government, shall have the right to be heard. If the board finds, after
16 consultation with such appropriate agencies of state and federal
17 government and after the hearing, that the project conforms with all
18 applicable law and with the district's goals, criteria, and policies, it
19 shall enter its findings in the board's official records and shall, with
20 the aid of such engineers, surveyors, and other assistants as it may have
21 chosen, establish an improvement project area or alter the boundaries of
22 an existing improvement project area, proceed to make detailed plans and
23 cost estimates, determine the total benefits, and carry out the project
24 as provided in subsections (2) and (3) of this section. If the board
25 finds that the project does not so conform, the findings shall be entered
26 in the board's records and copies of such findings shall be furnished to
27 the petitioners and the commission.

28 (2) When any such special project would result in the provision of
29 revenue-producing continuing services, the board shall, prior to
30 commencement of construction of such project, determine, by circulation
31 of petitions or by some other appropriate method, if such project can be

1 reasonably expected to generate sufficient revenue to recover the
2 reimbursable costs thereof. If it is determined that the project cannot
3 be reasonably expected to generate sufficient revenue, the project and
4 all work in connection therewith shall be suspended. If it is determined
5 that the project can be reasonably expected to generate sufficient
6 revenue, the board shall divide the total benefits of the project as
7 provided in sections 2-3252 to 2-3254. If the proposed project involves
8 the supply of water for any beneficial use, all plans and specifications
9 for the project shall be filed with the secretary of the district and the
10 Director of Natural Resources, except that if such project involves a
11 public water system as defined in section 71-5301, the filing of the
12 information shall be with the Department of Environment and Energy Health
13 ~~and Human Services~~ rather than the Director of Natural Resources. No
14 construction of any such special project shall begin until the plans and
15 specifications for such improvement have been approved by the Director of
16 Natural Resources and the Department of Environment and Energy Health
17 ~~Human Services~~, if applicable, except that if such special project
18 involves a public water system as defined in section 71-5301, only the
19 Department of Environment and Energy Health ~~and Human Services~~ shall be
20 required to review such plans and specifications and approve the same if
21 in compliance with the Nebraska Safe Drinking Water Act and departmental
22 rules and regulations adopted and promulgated under the act. All
23 prescribed conditions having been complied with, each landowner within
24 the improvement project area shall, within any limits otherwise
25 prescribed by law, subscribe to a number of benefit units in proportion
26 to the extent he or she desires to participate in the benefits of the
27 special project. As long as the capacity of the district's facilities
28 permit, participating landowners may subscribe to additional units,
29 within any limits otherwise prescribed by law, upon payment of a unit fee
30 for each such unit. The unit fees made and charged pursuant to this
31 section shall be levied and fixed by rules and regulations of the

1 district. The service provided may be withheld during the time such
2 charges levied upon such parcel of land are delinquent and unpaid. Such
3 charges shall be cumulative, and the service provided by the project may
4 be withheld until all delinquent charges for the operation and
5 maintenance of such works of improvement are paid for past years as well
6 as for the current year. All such charges, due and delinquent according
7 to the rules and regulations of such district and unpaid on June 1 after
8 becoming due and delinquent, may be certified by the governing authority
9 of such district to the county clerk of such county in which are situated
10 the lands against which such charges have been levied, and when so
11 certified such charges shall be entered upon the tax list and spread upon
12 the tax roll the same as other special assessment taxes are levied and
13 assessed upon real estate, shall become a lien upon such real estate
14 along with other real estate taxes, and shall be collectible at the same
15 time, in the same manner, and in the same proceeding as other real estate
16 taxes are levied.

17 (3) When the special project would not result in the provision of
18 revenue-producing continuing services, the board shall apportion the
19 benefits thereof accruing to the several tracts of land within the
20 district which will be benefited thereby, on a system of units. The land
21 least benefited shall be apportioned one unit of assessment, and each
22 tract receiving a greater benefit shall be apportioned a greater number
23 of units or fraction thereof, according to the benefits received. Nothing
24 contained in this section shall prevent the district from establishing
25 separate areas within the improvement project area so as to permit future
26 allocation of costs for particular portions of the work to specific
27 subareas. This subarea method of allocation shall not be used in any
28 improvement project area which has heretofore made a final apportionment
29 of units of benefits and shall not thereafter be changed except by
30 compliance with the procedure prescribed in this section.

31 (4) A notice shall be inserted for at least one week in a newspaper

1 published or of general circulation in the improvement project area
2 stating the time when and the place where the directors shall meet for
3 the purpose of hearing all parties interested in the apportionment of
4 benefits by reason of the improvement, at which time and place such
5 parties may appear in person or by counsel or may file written objections
6 thereto. The directors shall then proceed to hear and consider the same
7 and shall make the apportionments fair and just according to benefits
8 received from the improvement. The directors, having completed the
9 apportionment of benefits, shall make a detailed report of the same and
10 file such report with the county clerk. The board of directors shall
11 include in such report a statement of the actual expenses incurred by the
12 district to that time which relate to the proposed project and the actual
13 cost per benefit unit thereof. Thereupon the board of directors shall
14 cause to be published, once each week for three consecutive weeks in a
15 newspaper published or of general circulation in the improvement project
16 area, a notice that the report required in this subsection has been filed
17 and notice shall also be sent to each party appearing to have a direct
18 legal interest in such apportionment, which notice shall include the
19 description of the lands in which each party notified appears to have
20 such interest, the units of benefit assigned to such lands, the amount of
21 actual costs assessable to date to such lands, and the estimated total
22 costs of the project assessable to such lands upon completion thereof, as
23 provided by sections 25-520.01 to 25-520.03. If the owners of record
24 title representing more than fifty percent of the estimated total
25 assessments file with the board within thirty days of the final
26 publication of such notice written objections to the project proposed,
27 such project and work in connection therewith shall be suspended, such
28 project shall not be done in such project area, and all expenses relating
29 to such project incurred by and accrued to the district may, at the
30 direction of the board of directors, be assessed upon the lands which
31 were to have been benefited by the completion of such improvement project

1 in accordance with the apportionment of benefits determined and
2 procedures established in this section. Upon completing the establishment
3 of an improvement project area or altering the boundaries of an existing
4 improvement project area as provided in this subsection and upon
5 determining the reimbursable cost of the project and the period of time
6 over which such cost shall be assessed, the board of directors shall
7 determine the amount of money necessary to raise each year by special
8 assessment within such improvement project area and apportion the same in
9 dollars and cents to each tract benefited according to the apportionment
10 of benefits as determined by this section. The board of directors shall
11 also, from time to time as it deems necessary, order an additional
12 assessment upon the lands and property benefited by the project, using
13 the original apportionment of benefits as a basis to ascertain the
14 assessment to each tract of land benefited, to carry out a reasonable
15 program of operation and maintenance upon the construction or capital
16 improvements involved in such project. The chairperson and secretary
17 shall thereupon return lists of such tracts with the amounts chargeable
18 to each of the county clerks of each county in which assessed lands are
19 located, who shall place the same on duplicate tax lists against the
20 lands and lots so assessed. Such assessments shall be collected and
21 accounted for by the county treasurer at the same time as general real
22 estate taxes, and such assessments shall be and remain a perpetual lien
23 against such real estate until paid. All provisions of law for the sale,
24 redemption, and foreclosure in ordinary tax matters shall apply to such
25 special assessments.

26 Sec. 54. Section 46-602, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 46-602 (1) Each water well completed in this state on or after July
29 1, 2001, excluding test holes and dewatering wells to be used for less
30 than ninety days, shall be registered with the Department of Natural
31 Resources as provided in this section within sixty days after completion

1 of construction of the water well. The licensed water well contractor as
2 defined in section 46-1213 constructing the water well, or the owner of
3 the water well if the owner constructed the water well, shall file the
4 registration on a form made available by the department and shall also
5 file with the department the information from the well log required
6 pursuant to section 46-1241. The department shall, by January 1, 2002,
7 provide licensed water well contractors with the option of filing such
8 registration forms electronically. No signature shall be required on
9 forms filed electronically. The fee required by subsection (3) of section
10 46-1224 shall be the source of funds for any required fee to a contractor
11 which provides the online services for such registration. Any discount in
12 the amount paid the state by a credit card, charge card, or debit card
13 company or a third-party merchant bank for such registration fees shall
14 be deducted from the portion of the registration fee collected pursuant
15 to section 46-1224.

16 (2)(a) If the newly constructed water well is a replacement water
17 well, the registration form shall include (i) the registration number of
18 the water well being replaced, if applicable, and (ii) the date the
19 original water well was decommissioned or a certification that the water
20 well will be decommissioned within one hundred eighty days or a
21 certification that the original water well will be modified and equipped
22 to pump fifty gallons per minute or less and will be used only for
23 livestock, monitoring, observation, or any other nonconsumptive use or de
24 minimis use approved by the applicable natural resources district.

25 (b) For purposes of this section, replacement water well means a
26 water well which is constructed to provide water for the same purpose as
27 the original water well and is operating in accordance with any
28 applicable permit from the department and any applicable rules and
29 regulations of the natural resources district and, if the purpose is for
30 irrigation, the replacement water well delivers water to the same tract
31 of land served by the original water well and (i) replaces a

1 decommissioned water well within one hundred eighty days after the
2 decommissioning of the original water well, (ii) replaces a water well
3 that has not been decommissioned but will not be used after construction
4 of the new water well and the original water well will be decommissioned
5 within one hundred eighty days after such construction, except that in
6 the case of a municipal water well, the original municipal water well may
7 be used after construction of the new water well but shall be
8 decommissioned within one year after completion of the replacement water
9 well, or (iii) the original water well will continue to be used but will
10 be modified and equipped within one hundred eighty days after such
11 construction of the replacement water well to pump fifty gallons per
12 minute or less and will be used only for livestock, monitoring,
13 observation, or any other nonconsumptive or de minimis use approved by
14 the applicable natural resources district.

15 (c) No water well shall be registered as a replacement water well
16 until the Department of Natural Resources has received a properly
17 completed notice of decommissioning for the water well being replaced on
18 a form made available by the department, or properly completed notice,
19 prepared in accordance with subsection (7) of this section, of the
20 modification and equipping of the original water well to pump fifty
21 gallons per minute or less for use only for livestock, monitoring,
22 observation, or any other nonconsumptive or de minimis use approved by
23 the applicable natural resources district. Such notices, as required,
24 shall be completed by (i) the licensed water well contractor as defined
25 in section 46-1213 who decommissions the water well or modifies and
26 equips the water well, (ii) the licensed pump installation contractor as
27 defined in section 46-1209 who decommissions the water well or modifies
28 and equips the water well, or (iii) the owner if the owner decommissions
29 a driven sandpoint well which is on land owned by him or her for farming,
30 ranching, or agricultural purposes or as his or her place of abode. The
31 Department of Environment and Energy ~~Health and Human Services~~ shall, by

1 rule and regulation, determine which contractor or owner shall be
2 responsible for such notice in situations in which more than one
3 contractor or owner may be required to provide notice under this
4 subsection.

5 (3) For a series of two or more water wells completed and pumped
6 into a common carrier as part of a single site plan for irrigation
7 purposes, a registration form and a detailed site plan shall be filed for
8 each water well. The registration form shall include the registration
9 numbers of other water wells included in the series if such water wells
10 are already registered.

11 (4) A series of water wells completed for purposes of installation
12 of a ground heat exchanger for a structure for utilizing the geothermal
13 properties of the ground shall be considered as one water well. One
14 registration form and a detailed site plan shall be filed for each such
15 series.

16 (5) One registration form shall be required along with a detailed
17 site plan which shows the location of each such water well in the site
18 and a log from each such water well for water wells constructed as part
19 of a single site plan for (a) monitoring ground water, obtaining
20 hydrogeologic information, or extracting contaminants from the ground,
21 (b) water wells constructed as part of remedial action approved by the
22 Department of Environment and Energy pursuant to section 66-1525,
23 66-1529.02, or 81-15,124, and (c) water well owners who have a permit
24 issued pursuant to the Industrial Ground Water Regulatory Act and also
25 have an underground injection control permit issued by the Department of
26 Environment and Energy.

27 (6) The Department of Natural Resources shall be notified by the
28 owner of any change in the ownership of a water well required to be
29 registered under this section. Notification shall be in such form and
30 include such evidence of ownership as the Director of Natural Resources
31 by rule and regulation directs. The department shall use such notice to

1 update the registration on file. The department shall not collect a fee
2 for the filing of the notice.

3 (7) The licensed water well contractor or licensed pump installation
4 contractor responsible therefor shall notify the department within sixty
5 days on a form provided by the department of any pump installation or any
6 modifications to the construction of the water well or pump, after the
7 initial registration of the well. For a change of use resulting in
8 modification and equipping of an original water well which is being
9 replaced in accordance with subsection (2) of this section, the licensed
10 water well contractor or licensed pump installation contractor shall
11 notify the department within sixty days on a form provided by the
12 department of the water well and pump modifications and equipping of the
13 original water well. A water well owner shall notify the department
14 within sixty days on a form provided by the department of any other
15 changes or any inaccuracies in recorded water well information,
16 including, but not limited to, changes in use. The department shall not
17 collect a fee for the filing of the notice.

18 (8) Whenever a water well becomes an illegal water well as defined
19 in section 46-706, the owner of the water well shall either correct the
20 deficiency that causes the well to be an illegal water well or shall
21 cause the proper decommissioning of the water well in accordance with
22 rules and regulations adopted pursuant to the Water Well Standards and
23 Contractors' Practice Act. The licensed water well contractor who
24 decommissions the water well, the licensed pump installation contractor
25 who decommissions the water well, or the owner if the owner decommissions
26 a driven sandpoint well which is on land owned by him or her for farming,
27 ranching, or agricultural purposes or as his or her place of abode, shall
28 provide a properly completed notice of decommissioning to the Department
29 of Natural Resources within sixty days. The Department of Environment and
30 Energy Health and Human Services shall, by rule and regulation, determine
31 which contractor or owner shall be responsible for such notice in

1 situations in which more than one contractor or owner may be required to
2 provide notice under this subsection. The Department of Natural Resources
3 shall not collect a fee for the filing of the notice.

4 (9) Except for water wells which are used solely for domestic
5 purposes and were constructed before September 9, 1993, and for test
6 holes and dewatering wells used for less than ninety days, each water
7 well which was completed in this state before July 1, 2001, and which is
8 not registered on that date shall be an illegal water well until it is
9 registered with the Department of Natural Resources. Such registration
10 shall be completed by a licensed water well contractor or by the current
11 owner of the water well, shall be on forms provided by the department,
12 and shall provide as much of the information required by subsections (1)
13 through (5) of this section for registration of a new water well as is
14 possible at the time of registration.

15 (10) Water wells which are or were used solely for injecting any
16 fluid other than water into the underground water reservoir, which were
17 constructed before July 16, 2004, and which have not been properly
18 decommissioned on or before July 16, 2004, shall be registered on or
19 before July 1, 2005.

20 (11) Water wells described in subdivision (1)(b) of section
21 46-601.01 shall be registered with the Department of Natural Resources as
22 provided in subsection (1) of this section within sixty days after the
23 water well is constructed. Water wells described in subdivision (1)(b) of
24 section 46-601.01 which were constructed prior to May 2, 2007, shall be
25 registered within one hundred eighty days after such date.

26 Sec. 55. Section 46-705, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 46-705 Nothing in the Nebraska Ground Water Management and
29 Protection Act shall be construed to limit the powers of the Department
30 of Environment and Energy ~~Health and Human Services~~ provided in the
31 Nebraska Safe Drinking Water Act.

1 Nothing in the Nebraska Ground Water Management and Protection Act
2 relating to the contamination of ground water is intended to limit the
3 powers of the Department of Environment and Energy provided in Chapter
4 81, article 15.

5 Sec. 56. Section 46-1011, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 46-1011 Plans and specifications for any proposed improvement
8 authorized by sections 46-1001 to 46-1020 shall be filed with the
9 director, the Department of Environment and Energy ~~Health and Human~~
10 ~~Services~~, and the secretary of the district. No construction of any such
11 improvement shall begin until the plans and specifications for such
12 improvement have been approved by the director and the Department of
13 Environment and Energy ~~Health and Human Services~~, except that if the
14 improvement involves a public water system as defined in section 71-5301,
15 only the Department of Environment and Energy ~~Health and Human Services~~
16 shall be required to review the plans and specifications for such
17 improvement and approve the same if in compliance with the Nebraska Safe
18 Drinking Water Act Chapter 71, article 53, and departmental regulations
19 adopted thereunder.

20 The total benefits of any such improvement shall be divided into a
21 suitable number of benefit units. Each landowner within the district
22 shall subscribe to a number of such units in proportion to the extent he
23 or she desires to participate in the benefits of the improvements. As
24 long as the capacity of the district's facilities permits, participating
25 members of the district may subscribe to additional units upon payment of
26 a unit fee for each such unit. Owners of land located within the district
27 who are not participating members may subscribe to such units as the
28 board in its discretion may grant, and upon payment of the unit fee for
29 each such unit shall be entitled to the same rights as original
30 participating members. If the capacity of the district's facilities
31 permits, the district may sell water to persons engaged in hauling water

1 and to any political subdivision organized under the laws of the State of
2 Nebraska.

3 2. On page 21, line 5, strike "department" and insert "Department of
4 Environment and Energy"; and in line 31 strike the first "of" and insert
5 "transferred to".

6 3. On page 21, line 27; and page 22, line 19, strike "of" and insert
7 "transferred to".

8 4. Renumber the remaining sections and correct the repealer and
9 internal references accordingly.