

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 148**

FINAL READING

Introduced by Bostelman, 23.

Read first time January 08, 2021

Committee: Natural Resources

1 A BILL FOR AN ACT relating to public health and welfare; to amend  
2 sections 2-3254, 38-108, 38-157, 38-158, 38-167, 38-179, 38-1,107,  
3 38-1,115, 38-1,119, 46-1011, 46-1201, 46-1204.01, 46-1207,  
4 46-1227.01, 46-1229, 46-1231, 46-1235, 46-1238, 71-1910, 71-2619,  
5 71-2621, 71-2622, 71-3101, 71-3102, 71-3103, 71-3104, 71-3105,  
6 71-3106, 71-3107, 71-4301, 71-4302, 71-4303, 71-4304, 71-4305,  
7 71-4306, 71-4307, 71-4621, 71-4622, 71-4623, 71-4624, 71-4625,  
8 71-4626, 71-4627, 71-4629, 71-4630, 71-4631, 71-4632, 71-4633,  
9 71-4634, 71-4635, 71-5301, 71-5301.01, 71-5304, 71-5306, 71-5308,  
10 71-5309, 71-5310, 71-5312.01, and 81-2121, Reissue Revised Statutes  
11 of Nebraska, and sections 2-2626, 38-101, 38-121, 38-151, 38-155,  
12 38-1,143, 46-602, 46-705, 46-1224, 71-5302, and 81-502, Revised  
13 Statutes Cumulative Supplement, 2020; to adopt the Environmental  
14 Safety Act; to transfer powers and duties from the Department of  
15 Health and Human Services to the Department of Environment and  
16 Energy; to define and redefine terms; to change provisions relating  
17 to testing of water samples, issuance of licenses and permits, fees,  
18 water well contractors, recreation camps, swimming pools, mobile  
19 home parks, and drinking water; to provide powers and duties  
20 regarding conflicts of interest and expenses of the Water Well  
21 Standards and Contractors' Licensing Board; to create funds; to  
22 harmonize provisions; to provide an operative date; to repeal the

1 original sections; and to declare an emergency.

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

1           Section 1. Sections 1 to 32 of this act shall be known and may be  
2 cited as the Environmental Safety Act.

3           Sec. 2. The Legislature finds that:

4           (1) Best practices in environmental safety and protection recognize  
5 that the regulation of water supply and disposal infrastructure are  
6 connected;

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

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

13          (4) Consolidating the administration of state environmental safety  
14 programs and the environmental and water programs of the United States  
15 Environmental Protection Agency delegated to the State of Nebraska into  
16 the Department of Environment and Energy will better serve the  
17 communities in the State of Nebraska.

18          Sec. 3. For purposes of the Environmental Safety Act:

19          (1) Department means the Department of Environment and Energy; and

20          (2) Director means the Director of Environment and Energy.

21          Sec. 4. Section 71-4301, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23          ~~71-4301~~ For purposes of sections 4 to 10 of this act ~~71-4301~~ to  
24 ~~71-4307~~, unless the context otherwise requires; -

25          (1) ~~Swimming~~ swimming pool means any artificial basin of water  
26 modified, improved, constructed, or installed solely for the purpose of  
27 public swimming, wading, diving, recreation, or instruction; -

28          (2) Swimming pool includes, but is not limited to, a pool serving a  
29 community, a subdivision, an apartment complex, a condominium, a club, a  
30 camp, a school, an institution, a park, a manufactured home park, a  
31 hotel, a motel, a recreational area, or a water park; -

1           (3) Swimming pool includes a spa, hot tub, or whirlpool or similar  
2 device which (a) ~~(1)~~ is designed for recreational use and not to be  
3 drained, cleaned, and refilled after each individual use and (b) ~~(2)~~ may  
4 consist of elements, including, but not limited to, hydrojet circulation,  
5 hot water, cold water, mineral baths, air induction systems, or any  
6 combination thereof; and -

7           (4) Swimming pool does not include an artificial lake, a pool at a  
8 private residence intended only for the use of the owner and guests, or a  
9 pool operated exclusively for medical treatment, physical therapy, water  
10 rescue training, or training of divers.

11           Sec. 5. Section 71-4302, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           ~~71-4302~~ The department ~~Department of Health and Human Services~~ shall  
14 prepare, adopt, and have available ~~printed~~ minimum sanitary and safety  
15 requirements in the form of regulations for the design, construction,  
16 equipment, and operation of swimming pools and bather preparation  
17 facilities. Such requirements shall include, but not be limited to,  
18 provisions for waiver or variance of design standards and the  
19 circumstances under which such waiver or variance may be granted.

20           Sec. 6. Section 71-4303, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           ~~71-4303~~ No swimming pool shall be constructed after January 1, 1970,  
23 unless and until plans, specifications, and any additional information  
24 relative to such pool as may be requested by the department ~~Department of~~  
25 ~~Health and Human Services~~ shall have been submitted to the ~~such~~  
26 department and after review by the ~~such~~ department found to comply with  
27 the minimum sanitary and safety requirements provided in section 5 ~~of~~  
28 this act ~~71-4302~~ and a permit for the construction of the pool issued by  
29 the ~~such~~ department.

30           Sec. 7. Section 71-4304, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           ~~71-4304~~ After January 1, 1970, swimming pools shall have equipment  
2 and shall be operated so as to comply with the minimum sanitary and  
3 safety requirements provided in section 5 of this act ~~71-4302~~. After such  
4 date no swimming pool shall operate until it has received a permit from  
5 the department ~~Department of Health and Human Services~~. Application for a  
6 permit to operate shall be submitted on forms provided by the ~~such~~  
7 department. Swimming pools constructed prior to January 1, 1970, which do  
8 not fully comply with the minimum sanitary and safety requirements as  
9 regards design and construction may be continued in use for such period  
10 as the department may authorize if the equipment and operation of such  
11 swimming pool comply with the minimum sanitary and safety requirements.

12           Sec. 8. Section 71-4305, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           ~~71-4305~~ (1) The department ~~Department of Health and Human Services~~  
15 shall make at least one inspection every year of each swimming pool to  
16 determine that such swimming pool complies with the minimum sanitary and  
17 safety requirements.

18           (2) The owner and operator of any swimming pool shall submit such  
19 operation and analytical records as may be requested at any time by the  
20 department to determine the sanitary and safety condition of the swimming  
21 pool.

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

1 and specifications shall be remitted to the State Treasurer for credit to  
2 the Engineering Plan Review Cash Fund. All other fees collected under  
3 this subsection shall be remitted to the State Treasurer for credit to  
4 the Environmental Safety Health and Human Services Cash Fund. The  
5 department shall not charge a municipal corporation an inspection fee for  
6 an inspection of a swimming pool owned by such municipal corporation.

7 (4) The department shall establish and collect fees for certificates  
8 of competency for swimming pool operators as provided in sections 38-151  
9 to 38-157. All fees collected under this subsection shall be remitted to  
10 the State Treasurer for credit to the Environmental Safety Cash Fund.

11 (5) All rules and regulations adopted prior to the operative date of  
12 this act under sections 4 to 10 of this act, as such sections existed  
13 prior to such date, shall continue to be effective to the extent not in  
14 conflict with the changes made by this legislative bill until amended or  
15 repealed by the department.

16 (6) All licenses, permits, or other forms of approval issued prior  
17 to the operative date of this act in accordance with sections 4 to 10 of  
18 this act, as such sections existed prior to such date, shall remain valid  
19 as issued for purposes of the changes made by this legislative bill  
20 unless revoked or otherwise terminated by law.

21 (7) Any suit, action, or other proceeding, judicial or  
22 administrative, which was lawfully commenced prior to the operative date  
23 of this act under sections 4 to 10 of this act, as such sections existed  
24 prior to such date, shall be subject to the provisions of such sections  
25 as they existed prior to the operative date of this act.

26 Sec. 9. Section 71-4306, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 ~~71-4306~~ Whenever any duly authorized representative of the  
29 department finds ~~Department of Health and Human Services shall find~~ that  
30 a swimming pool is being constructed, equipped, or operated in violation  
31 of any of the provisions of sections 4 to 10 of this act ~~71-4301 to~~

1 ~~71-4307~~, the department may grant such time as in its opinion may  
2 reasonably be necessary for changing the construction or providing for  
3 the proper operation of the swimming pool to meet the provisions of  
4 sections 4 to 10 of this act ~~71-4301 to 71-4307~~. If and when the duly  
5 authorized representative of the department upon inspection and  
6 investigation of a swimming pool considers that the conditions are such  
7 as to warrant prompt closing of such swimming pool until the provisions  
8 of sections 4 to 10 of this act ~~71-4301 to 71-4307~~ are complied with, the  
9 representative of the department ~~he or she~~ shall notify the owner or  
10 operator of the swimming pool to prohibit any person from using the  
11 swimming pool and upon such notification to the sheriff and the county  
12 attorney of the county in which such pool is located, ~~it shall be the~~  
13 ~~duty of~~ such county attorney and sheriff shall cause to see that the  
14 notice of the representative of the department to ~~shall~~ be enforced. If  
15 and when the owner or operator of the pool has, in the opinion of the  
16 department, met the provisions of sections 4 to 10 of this act ~~71-4301 to~~  
17 ~~71-4307~~, the department may in writing authorize the use again of such  
18 swimming pool.

19 Sec. 10. Section 71-4307, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 ~~71-4307~~ Any owner or operator of a swimming pool failing to comply  
22 with any of the provisions of sections 4 to 10 of this act ~~71-4301 to~~  
23 ~~71-4307~~ shall be guilty of maintaining a public nuisance, and it shall be  
24 the duty of the county attorney of the county in which such swimming pool  
25 is located to act as provided by law for the abatement of public  
26 nuisances.

27 Sec. 11. Section 71-3101, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 ~~71-3101~~ For purposes of ~~As used in~~ sections 11 to 17 of this act  
30 ~~71-3101 to 71-3107~~, unless the context otherwise requires:

31 (1) Recreation camp means ~~shall mean~~ one or more temporary or

1 permanent tents, buildings, structures, or site pads, together with the  
2 tract of land appertaining thereto, established or maintained for more  
3 than a consecutive forty-eight-hour period as living quarters or sites  
4 used for purposes of sleeping or the preparation and the serving of food  
5 extending beyond the limits of a family group for children or adults, or  
6 both, for recreation, education, or vacation purposes, and including  
7 facilities located on either privately or publicly owned lands except  
8 hotels or inns; and

9 (2) Person means ~~shall mean~~ any individual or group of individuals,  
10 association, partnership, limited liability company, or corporation. ~~;~~  
11 and

12 ~~(3) Department shall mean the Department of Health and Human~~  
13 ~~Services.~~

14 Sec. 12. Section 71-3102, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 ~~71-3102~~ Before any person shall directly or indirectly operate a  
17 recreation camp he or she shall make an application to the department and  
18 receive a valid permit for the operation of such camp. Application for  
19 such a permit shall be made at least thirty days prior to the proposed  
20 operation of the camp and shall be on forms supplied by the department  
21 upon request. The application shall be in such form and contain such  
22 information as the department may deem necessary to its determination  
23 that the recreation camp will be operated and maintained in such a manner  
24 as to protect and preserve the health and safety of the persons using the  
25 camp and shall be accompanied by an annual fee. The department may  
26 establish fees by regulation to defray the actual costs of issuing the  
27 permit, conducting inspections, and other expenses incurred by the  
28 department in carrying out this section. ~~If the applicant is an~~  
29 ~~individual, the application shall include the applicant's social security~~  
30 ~~number.~~ ~~Where~~ a person operates or is seeking to operate more than one  
31 recreation camp, a separate application shall be made for each camp. Such



1 a permit shall not be transferable or assignable. A permit ~~It~~ shall  
2 expire on March 31 of the following year after ~~one year from the date of~~  
3 its issuance, upon a change of operator of the camp, or upon revocation.  
4 If the department finds, after investigation, that the camp or the  
5 proposed operation thereof conforms, or will conform, to the minimum  
6 standards for recreation camps, a permit on a form prescribed by the  
7 department shall be issued for operation of the camp. All fees shall be  
8 remitted to the State Treasurer for credit to the Environmental Safety  
9 ~~Health and Human Services~~ Cash Fund.

10 Sec. 13. Section 71-3103, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 ~~71-3103~~ It shall be the duty of the department to make at least one  
13 annual inspection of each recreation camp. The duly authorized  
14 representatives of the department shall have the right of entry and  
15 access to any such camp at any reasonable time.

16 Where, upon inspection, it is found that there is failure to protect  
17 the health and safety of the persons using the camp, or a failure to  
18 comply with the camp regulations prescribed by the department, the  
19 department shall give notice to the camp operator of such failure, which  
20 notice shall set forth the reason or reasons for such failure.

21 Sec. 14. Section 71-3104, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 ~~71-3104~~ (1) A permit may be temporarily suspended by the department  
24 for failure to protect the health and safety of the occupants of the camp  
25 or failure to comply with the camp regulations prescribed by the  
26 department.

27 (2) A permit may be revoked at any time, after notice and  
28 opportunity for a fair hearing held by the department, if it is found  
29 that the camp for which the permit is issued is maintained or operated in  
30 violation of law or of any regulations applicable to a camp or in  
31 violation of the conditions stated in the permit. A new permit shall not

1 be issued until the department is satisfied that the camp will be  
2 operated in compliance with the law and regulations.

3 Sec. 15. Section 71-3105, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 ~~71-3105~~ (1) The department is authorized to and shall formulate,  
6 adopt, publish, promulgate, and enforce such reasonable rules and  
7 regulations as it deems necessary to enforce ~~the provisions of sections~~  
8 11 to 17 of this act ~~71-3101 to 71-3107~~ and to protect the health and  
9 welfare of persons in attendance at recreation camps.

10 (2) All rules and regulations adopted prior to the operative date of  
11 this act under sections 11 to 17 of this act, as such sections existed  
12 prior to such date, shall continue to be effective to the extent not in  
13 conflict with the changes made by this legislative bill and until amended  
14 or repealed by the department.

15 (3) All permits or other forms of approval issued prior to the  
16 operative date of this act in accordance with sections 11 to 17 of this  
17 act, as such sections existed prior to such date, shall remain valid as  
18 issued for purposes of the changes made by this legislative bill unless  
19 revoked or otherwise terminated by law.

20 (4) Any suit, action, or other proceeding, judicial or  
21 administrative, which was lawfully commenced prior to the operative date  
22 of this act under sections 11 to 17 of this act, as such sections existed  
23 prior to such date, shall be subject to the provisions of such sections  
24 as they existed prior to the operative date of this act.

25 Sec. 16. Section 71-3106, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 ~~71-3106~~ Properly prepared plans for all recreation camps which are  
28 hereafter constructed, reconstructed, or extensively altered shall be  
29 submitted to the department before such work is begun. Signed approval  
30 shall be obtained from the department.

31 Sec. 17. Section 71-3107, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~71-3107~~ Any person who shall violate any of the provisions of  
3 sections 11 to 17 of this act ~~71-3101 to 71-3107~~ or of the regulations or  
4 standards adopted and promulgated under such sections ~~hereunder~~ shall be  
5 guilty of a Class V misdemeanor.

6 Sec. 18. Section 71-4634, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 ~~71-4634~~ Sections 18 to 31 of this act ~~71-4621 to 71-4634~~ shall be  
9 known and may be cited as the Uniform Standard Code for Mobile Home  
10 Parks.

11 Sec. 19. Section 71-4621, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 ~~71-4621~~ As used in the Uniform Standard Code for Mobile Home Parks,  
14 unless the context otherwise requires:

15 (1) Mobile home means a movable or portable dwelling constructed to  
16 be towed on its own chassis, connected to utilities, and designed with or  
17 without a permanent foundation for year-round living. It may consist of  
18 one or more units that can be telescoped when towed and expanded later  
19 for additional capacity, or of two or more units, separately towable but  
20 designed to be joined into one integral unit. Mobile home includes a  
21 manufactured home as defined in section 71-4603;

22 (2) Mobile home lot means a designated portion of a mobile home park  
23 designed for the accommodation of one mobile home and its accessory  
24 buildings or structures for the exclusive use of the occupants;

25 (3) Mobile home park means a parcel or contiguous parcels of land  
26 which have been so designated and improved that it contains two or more  
27 mobile home lots available to the general public for the placement  
28 thereon of mobile homes for occupancy. The term mobile home park shall  
29 not be construed to include mobile homes, buildings, tents, or other  
30 structures temporarily maintained by any individual, corporation, limited  
31 liability company, company, or other entity on its own premises and used

1 exclusively to house its own labor force; and

2 ~~(4) Department means the Department of Health and Human Services;~~  
3 ~~and~~

4 (4) ~~(5)~~ Person means any individual, firm, partnership, limited  
5 liability company, corporation, company, association, joint-stock company  
6 or association, political subdivision, governmental agency, or other  
7 legal entity, and includes any trustee, receiver, assignee, or other  
8 legal representative thereof.

9 Sec. 20. Section 71-4622, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 ~~71-4622~~ (1) No person shall establish, conduct, operate, or  
12 maintain a mobile home park within this state without first obtaining an  
13 annual license therefor from the department. Such license shall be issued  
14 for the calendar year applied for and shall expire at midnight on  
15 December 31 of such year.

16 (2) All licenses, permits, or other forms of approval issued prior  
17 to the operative date of this act in accordance with the Uniform Standard  
18 Code for Mobile Home Parks shall remain valid as issued for purposes of  
19 the changes made by this legislative bill unless revoked or otherwise  
20 terminated by law.

21 (3) All rules and regulations adopted prior to the operative date of  
22 this act under the Uniform Standard Code for Mobile Home Parks shall  
23 continue to be effective to the extent not in conflict with the changes  
24 made by this legislative bill and until amended or repealed by the  
25 department.

26 (4) Any suit, action, or other proceeding, judicial or  
27 administrative, which was lawfully commenced prior to the operative date  
28 of this act under the Uniform Standard Code for Mobile Home Parks shall  
29 be subject to the provisions of the code as they existed prior to the  
30 operative date of this act.

31 Sec. 21. Section 71-4623, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~71-4623~~ The application for such annual license to conduct, operate,  
3 and maintain a mobile home park shall be submitted in writing or by  
4 electronic format and shall include the full name and address of the  
5 applicant or applicants, the names and addresses of the partners if the  
6 applicant is a partnership, the names and addresses of the members if the  
7 applicant is a limited liability company, or the names and addresses of  
8 the officers if the applicant is a corporation, and the current or most  
9 recent occupation of the applicant at the time of the filing of the  
10 application, and such other pertinent data as the department may require  
11 by regulation. ~~If the applicant is an individual, the application shall~~  
12 ~~include the applicant's social security number.~~

13 Sec. 22. Section 71-4624, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 ~~71-4624~~ (1) The application for the first or initial annual license  
16 shall be submitted with the requirements mentioned in section 21 of this  
17 act ~~71-4623~~ accompanied by the appropriate fees. The department by  
18 regulation shall charge engineering firms, mobile home park owners and  
19 operators, and other appropriate parties fees established by regulation  
20 for the review of plans and specifications of a mobile home park, the  
21 issuance of a license or permit, the inspection of a mobile home park,  
22 and any other services rendered at a rate which defrays no more than the  
23 actual costs of the services provided. All fees shall be paid as a  
24 condition of annual renewal of licensure or of continuance of licensure.

25 (2) Fees collected by the department under this section for the  
26 review of plans and specifications shall be remitted to the State  
27 Treasurer for credit to the Engineering Plan Review Cash Fund. All other  
28 fees collected by the department under the Uniform Standard Code for  
29 Mobile Home Parks shall be remitted to the State Treasurer for credit to  
30 the Environmental Safety Health and Human Services Cash Fund. Money  
31 credited to the fund pursuant to this section shall be used by the

1 department for the purpose of administering the Uniform Standard Code for  
2 Mobile Home Parks.

3 (3) When any application is received, the department shall cause the  
4 mobile home park and appurtenances to be inspected by representatives of  
5 the department. When such inspection has been made and the department  
6 finds that all of the provisions of the Uniform Standard Code for Mobile  
7 Home Parks and the rules, regulations, and standards of the department  
8 have been met by the applicant, the department shall issue an annual  
9 license. Inspection by the department or its authorized representatives  
10 at any time of a mobile home park shall be a condition of continued  
11 licensure.

12 Sec. 23. Section 71-4625, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 ~~71-4625~~ No person shall construct, expand, remodel, or make  
15 alterations to the sanitary facilities in a mobile home park within this  
16 state without first obtaining a permit therefor from the department,  
17 except that no such permit shall be required in the making of minor  
18 repairs or in matters of general maintenance. The application for such  
19 permit shall be made to the department in such manner as may be  
20 prescribed by regulations of the department, which shall require the  
21 applicant to supply plans and specifications and otherwise provide a  
22 description of the nature, type, location, and extent of the sanitary  
23 facilities contemplated. When the application has been approved, the  
24 department shall issue a permit to the applicant to construct, expand,  
25 remodel, or make alterations to sanitary facilities, including water and  
26 sewage disposal, upon a mobile home park and the appurtenances thereto  
27 according to the plans and specifications and other data submitted with  
28 the approved application. No approval of plans and specifications and  
29 issuance of a permit to construct, expand, remodel, or make alterations  
30 upon a mobile home park and the appurtenances thereto by the department  
31 shall be made unless such park is in compliance with the Uniform Standard

1 ~~Code for Mobile Home Parks provisions of sections 71-4621 to 71-4634 and~~  
2 the rules, regulations, and standards of the department. Such a permit  
3 does not relieve the applicant from obtaining building permits when  
4 located within a municipality or county having a building code or from  
5 complying with any other municipal or county resolution, ordinance, or  
6 regulation applicable thereto, and not in conflict with the Uniform  
7 Standard Code for Mobile Home Parks sections 71-4621 to 71-4634.

8 Sec. 24. Section 71-4626, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 ~~71-4626~~ If the application for a permit to construct, expand,  
11 remodel, or make alterations upon a mobile home park and the  
12 appurtenances thereto, pursuant to section 23 of this act 71-4625, is  
13 denied by the department, it shall so state in writing, giving the  
14 reasons for denying the application. If the objection can be corrected,  
15 the applicant may amend his or her application and resubmit it for  
16 approval. No such permit shall be denied except after due notice and  
17 opportunity for a hearing before the department pursuant to the  
18 Administrative Procedure Act. Any denial of such permit may be appealed,  
19 and the appeal shall be in accordance with the Administrative Procedure  
20 Act.

21 Sec. 25. Section 71-4627, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 ~~71-4627~~ When the department has approved an application for a permit  
24 to construct, expand, remodel, or make alterations upon a mobile home  
25 park or appurtenances thereto, pursuant to section 23 of this act  
26 ~~71-4625~~, or a license to establish, conduct, operate, or maintain a  
27 mobile home park, it shall retain the original and keep a file thereof.  
28 One copy shall be returned to the applicant or his or her agent.

29 Sec. 26. Section 71-4629, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 ~~71-4629~~ The department shall adopt, promulgate, and enforce by rules

1 and regulations standards governing utility systems and sanitary  
2 conditions for mobile home parks. The department shall not adopt or  
3 enforce by rules and regulations any design, construction, or land-use  
4 standards for any mobile home park.

5 Sec. 27. Section 71-4630, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 ~~71-4630~~ (1) The Uniform Standard Code for Mobile Home Parks shall  
8 not apply to any mobile home park located within the jurisdiction of any  
9 city, village, or county which provides for the regulation of mobile home  
10 parks by resolution, ordinance, or regulation which at a minimum is not  
11 less stringent than the then current standards and specifications, and  
12 all subsequent revisions and amendments thereto, approved, adopted, and  
13 promulgated by the department, as such standards and specifications apply  
14 to mobile home parks. No such resolution, ordinance, or regulation shall  
15 become effective until a certificate of exemption has been issued by the  
16 department. Such certificate of exemption shall be available for  
17 inspection in the office of the city or county clerk as the case may be.

18 (2) If the department shall determine at any time after the issuance  
19 of such a certificate of exemption that such a resolution, ordinance, or  
20 regulation is being enforced in a manner contrary to or inconsistent with  
21 the standards mentioned in subsection (1) of this section or is otherwise  
22 being improperly enforced in any city, village, or county holding a  
23 certificate of exemption, the department may revoke the certificate of  
24 exemption and the Uniform Standard Code for Mobile Home Parks shall apply  
25 in such city, village, or county until such standards are met and  
26 enforced and a new certificate is issued.

27 (3) Any city, village, or county desiring a certificate of exemption  
28 shall make application for such certificate by filing a petition for a  
29 certificate of exemption with the department. The department shall  
30 promptly investigate such petition. If the recommendation of the  
31 department is against the granting of a certificate of exemption and the



1 applicant requests that a formal hearing be held, a formal hearing shall  
2 be held on the questions of whether (a) the resolution, ordinance, or  
3 regulation is at a minimum as stringent as the standards mentioned in  
4 subsection (1) of this section, (b) the resolution, ordinance, or  
5 regulation is being enforced in a manner contrary to or inconsistent with  
6 such standards or is otherwise being improperly enforced, and (c)  
7 adequate provisions have been made for enforcement. The burden of proof  
8 thereof shall be upon the applicant. A like formal hearing shall be held  
9 upon any proposed revocation of a certificate of exemption upon the  
10 request of the holder thereof. The procedure governing hearings  
11 authorized by this subsection shall be in accordance with the  
12 Administrative Procedure Act. The decision to deny or revoke a  
13 certificate of exemption may be appealed, and the appeal shall be in  
14 accordance with the Administrative Procedure Act.

15 Sec. 28. Section 71-4631, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 ~~71-4631~~ (1) The department shall issue licenses for the  
18 establishment, operation, and maintenance of mobile home parks which are  
19 found to comply with the Uniform Standard Code for Mobile Home Parks and  
20 such rules, regulations, and standards as are lawfully adopted and  
21 promulgated by the department pursuant thereto.

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

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

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

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

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

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

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

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

25 Sec. 29. Section 71-4632, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 ~~71-4632~~ Any person who establishes, conducts, operates, or maintains  
28 a mobile home park without first obtaining a license therefor from the  
29 department as provided in the Uniform Standard Code for Mobile Home Parks  
30 ~~sections 71-4621 to 71-4634~~ shall be guilty of a Class IV misdemeanor,  
31 and each day such mobile home park shall operate without a license after

1 a first conviction shall be considered a separate offense. Such person  
2 shall also be guilty of maintaining a nuisance pursuant to section  
3 28-1321, and upon conviction thereof, in addition to payment of the fine,  
4 such nuisance shall be removed.

5 Sec. 30. Section 71-4633, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 ~~71-4633~~ The department may, in accordance with the laws governing  
8 injunctions and other process, maintain an action in the name of the  
9 state against any person for establishing, conducting, operating, or  
10 maintaining any mobile home park without first having a license therefor  
11 from the department as provided in the Uniform Standard Code for Mobile  
12 Home Parks ~~sections 71-4621 to 71-4634~~. In charging any defendant in a  
13 complaint in such action, it shall be sufficient to charge that such  
14 defendant did, upon a certain day and in a certain county, establish,  
15 conduct, operate, or maintain a mobile home park without having a license  
16 to do so without averring any further or more particular facts concerning  
17 the same.

18 Sec. 31. Section 71-4635, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 ~~71-4635~~ The department ~~Department of Health and Human Services~~ may  
21 request the State Fire Marshal to inspect for fire safety any mobile home  
22 park for which a license or renewal of a license is sought, pursuant to  
23 section 81-502. The State Fire Marshal shall assess a fee for such  
24 inspection pursuant to section 81-505.01 and payable by the licensee or  
25 applicant for a license. The authority to make such investigations may be  
26 delegated to qualified local fire prevention personnel pursuant to  
27 section 81-502.

28 Sec. 32. Section 71-2622, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 ~~71-2622~~ (1) The department ~~Department of Health and Human Services~~  
31 shall collect a fee of not less than sixty nor more than one hundred

1 dollars, as determined by regulation, for each inspection of private  
2 water supply or private sewage disposal facilities requested of and made  
3 by the department in order for the person requesting the inspection to  
4 qualify for any type of commercial loan, guarantee, or other type of  
5 payment or benefit from any commercial agency or enterprise to the person  
6 applying for or receiving the same or to meet the requirements of any  
7 federal governmental agency, including, but not limited to, the Rural  
8 Development Agency of the United States Department of Agriculture Farmers  
9 Home Administration, the Federal Housing Administration, and the United  
10 States Department of Veterans Affairs, that such an inspection be  
11 conducted as a condition of applying for or receiving any type of grant,  
12 loan, guarantee, or other type of payment or benefit from such agency to  
13 the person applying for or receiving the same. All fees collected under  
14 this subsection shall be remitted to the State Treasurer for credit to  
15 the Environmental Safety ~~All fees so collected shall be paid into the~~  
16 ~~state treasury and by the State Treasurer credited to the Health and~~  
17 ~~Human Services Cash Fund.~~

18 (2) The Director of Environment and Energy shall adopt and  
19 promulgate rules and regulations determining the fee required pursuant to  
20 this section.

21 (3) All rules and regulations adopted and promulgated prior to the  
22 operative date of this act under this section shall continue to be  
23 effective to the extent not in conflict with the changes made by this  
24 legislative bill until amended or repealed by the department.

25 Sec. 33. On and after July 1, 2021, positions of employment in the  
26 Department of Health and Human Services related to the powers, duties,  
27 and functions transferred to the Department of Environment and Energy  
28 pursuant to this legislative bill are transferred to the Department of  
29 Environment and Energy. For purposes of the transition, employees of the  
30 Department of Health and Human Services shall be considered employees of  
31 the Department of Environment and Energy and shall retain their rights

1 under the state personnel system or pertinent bargaining agreement, and  
2 their service shall be deemed continuous. This section does not grant  
3 employees any new rights or benefits not otherwise provided by law or  
4 bargaining agreement or preclude the Department of Environment and Energy  
5 or the Director of Environment and Energy from exercising any of the  
6 prerogatives of management set forth in section 81-1311 or as otherwise  
7 provided by law. This section is not an amendment to or substitute for  
8 the provisions of any existing bargaining agreements.

9       Sec. 34. Any appropriation and salary limit provided in any  
10 legislative bill enacted by the One Hundred Seventh Legislature, First  
11 Session, to Agency No. 25, Department of Health and Human Services,  
12 regarding the powers, duties, and functions transferred to the Department  
13 of Environment and Energy by this legislative bill, shall be reduced, and  
14 any such amounts are hereby appropriated to Program No. 513,  
15 Administration, in Agency No. 84, Department of Environment and Energy.  
16 Any financial obligations of the Department of Health and Human Services  
17 regarding the powers, duties, and functions transferred to the Department  
18 of Environment and Energy that remain unpaid as of June 30, 2021, and  
19 that are subsequently certified as valid encumbrances to the accounting  
20 division of the Department of Administrative Services pursuant to  
21 sections 81-138.01 to 81-138.04, shall be paid by the Department of  
22 Environment and Energy from the unexpended balance of appropriations  
23 existing in such program classification on June 30, 2021.

24       Sec. 35. On and after July 1, 2021, whenever the Department of  
25 Health and Human Services is referred to or designated by any contract or  
26 other document in connection with the duties and functions transferred to  
27 the Department of Environment and Energy, such reference or designation  
28 shall apply to the Department of Environment and Energy. All contracts  
29 entered into by the Department of Health and Human Services prior to July  
30 1, 2021, in connection with the duties and functions transferred to the  
31 Department of Environment and Energy are hereby recognized, with the

1 Department of Environment and Energy succeeding to all rights and  
2 obligations under such contracts. Any cash funds, custodial funds, gifts,  
3 trusts, grants, and any appropriations of funds from prior fiscal years  
4 available to satisfy obligations incurred under such contracts shall be  
5 transferred and appropriated to such department for the payments of such  
6 obligations. All documents and records transferred, or copies of the  
7 same, may be authenticated or certified by such department for all legal  
8 purposes.

9       Sec. 36. No suit, action, or other proceeding, judicial or  
10 administrative, lawfully commenced prior to July 1, 2021, or which could  
11 have been commenced prior to that date, by or against the Department of  
12 Health and Human Services, or the director or any employee thereof in  
13 such director's or employee's official capacity or in relation to the  
14 discharge of such person's official duties, shall abate by reason of the  
15 transfer of duties and functions from the Department of Health and Human  
16 Services to the Department of Environment and Energy.

17       Sec. 37. On and after July 1, 2021, unless otherwise specified,  
18 whenever any provision of law refers to the Department of Health and  
19 Human Services in connection with duties and functions transferred to the  
20 Department of Environment and Energy, such law shall be construed as  
21 referring to the Department of Environment and Energy.

22       Sec. 38. On July 1, 2021, all items of property, real and personal,  
23 including office furniture and fixtures, books, documents, and records of  
24 the Department of Health and Human Services pertaining to the duties and  
25 functions transferred to the Department of Environment and Energy  
26 pursuant to this legislative bill shall become the property of such  
27 department.

28       Sec. 39. Section 2-2626, Revised Statutes Cumulative Supplement,  
29 2020, is amended to read:

30       2-2626 The department shall have the following powers, functions,  
31 and duties:

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

10 (2) To be responsible for the development and implementation of a  
11 state management plan and pesticide management plans. The Department of  
12 Environment and Energy shall be responsible for the adoption of standards  
13 for pesticides in surface water, ~~and ground water,~~ and ~~the Department of~~  
14 ~~Health and Human Services shall be responsible for the adoption of~~  
15 ~~standards for pesticides in drinking water.~~ These standards shall be  
16 established as action levels in the state management plan and pesticide  
17 management plans at which prevention and mitigation measures are  
18 implemented. Such action levels may be set at or below the maximum  
19 contaminant level set for any product as set by the federal agency under  
20 the federal Safe Drinking Water Act, 42 U.S.C. 300f et seq., as the act  
21 existed on January 1, 2021 ~~2019~~. The Department of Agriculture shall  
22 cooperate with and use existing expertise in other state agencies when  
23 developing the state management plan and pesticide management plans and  
24 shall not hire a hydrologist within the department for such purpose;

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

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

31 (i) The Department of Agriculture determines that the pesticide,

1 when used in accordance with its directions for use, warnings, and  
2 cautions and for uses for which it is registered, may without additional  
3 regulatory restrictions cause unreasonable adverse effects on humans or  
4 the environment, including injury to the applicator or other persons  
5 because of acute dermal or inhalation toxicity of the pesticides;

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

9 (iii) The Department of Agriculture determines that the pesticide  
10 requires additional restrictions to meet the requirements of the  
11 Pesticide Act, the federal act, or any plan adopted under the Pesticide  
12 Act or the federal act;

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

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

22 (d) The state management plan and pesticide management plans shall  
23 be coordinated with the Department of Agriculture and other state agency  
24 plans and with other state agencies and with natural resources districts;

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

30 (f) A pesticide management plan may impose progressively more  
31 rigorous pesticide management practices to address any unreasonable



1 adverse effect of pesticides on humans or the environment. When  
2 appropriate, a pesticide management plan may establish action levels for  
3 imposition of such progressively more rigorous management practices based  
4 upon measurable indicators of the adverse effect on humans or the  
5 environment;

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

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

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

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

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

19 (e) Reporting and record-keeping requirements for persons  
20 distributing or using pesticide products made available under 7 U.S.C.  
21 136i-1 of the federal act and for persons required to keep records under  
22 the Pesticide Act;

23 (f) Methods to be used in the application of pesticides when the  
24 Department of Agriculture finds that such regulations are necessary to  
25 carry out the purpose and intent of the Pesticide Act. Such regulations  
26 may include methods to be used in the application of a restricted-use  
27 pesticide or state-limited-use pesticide, may relate to the time, place,  
28 manner, methods, materials, amounts, and concentrations in connection  
29 with the use of the pesticide, may restrict or prohibit use of the  
30 pesticides in designated areas during specified periods of time, and may  
31 provide specific examples and technical interpretations of subdivision

1 (4) of section 2-2646. The regulations shall encompass all reasonable  
2 factors which the department deems necessary to prevent damage or injury  
3 by drift or misapplication to (i) plants, including forage plants, or  
4 adjacent or nearby property, (ii) wildlife in the adjoining or nearby  
5 areas, (iii) fish and other aquatic life in waters in reasonable  
6 proximity to the area to be treated, (iv) surface water or ground water,  
7 and (v) humans, animals, or beneficial insects. In adopting and  
8 promulgating such regulations, the department shall give consideration to  
9 pertinent research findings and recommendations of other agencies of the  
10 state, the federal government, or other reliable sources. The department  
11 may, by regulation, require that notice of a proposed use of a pesticide  
12 be given to landowners whose property is adjacent to the property to be  
13 treated or in the immediate vicinity thereof if the department finds that  
14 such notice is necessary to carry out the purpose of the act;

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

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

19 (i) Establishment of the components of any state management plan or  
20 pesticide management plan;

21 (j) Establishment of categories for licensed pesticide applicators  
22 in addition to those established in 40 C.F.R. part 171, as such  
23 regulations existed on January 1, 2019; and

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

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

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

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

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

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

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

9 (f) Inspect, examine, or take samples from any application  
10 equipment, building, or place owned, controlled, or operated by any  
11 person engaging in an activity regulated by the act if, from probable  
12 cause, it appears that the application equipment, building, or place  
13 contains a pesticide;

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

16 (7) To issue and enforce a written or printed order to stop the  
17 sale, removal, or use of a pesticide if the Department of Agriculture has  
18 reason to believe that the pesticide or use of the pesticide is in  
19 violation of any provision of the act. The department shall present the  
20 order to the owner or custodian of the pesticide. The person who receives  
21 the order shall not distribute, remove, or use the pesticide until the  
22 department determines that the pesticide or its use is in compliance with  
23 the act. This subdivision shall not limit the right of the department to  
24 proceed as authorized by any other provision of the act;

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

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

30 (9) To impose or levy an administrative fine of not more than five  
31 thousand dollars for each violation on any person who has violated any

1 provision, requirement, condition, limitation, or duty imposed by the act  
2 or rules and regulations adopted and promulgated pursuant to the act. A  
3 violation means each action which violates any separate or distinct  
4 provision, requirement, condition, limitation, or duty imposed by the act  
5 or rules and regulations adopted and promulgated pursuant to the act;

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

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

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

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

20 (14) To adopt classifications of restricted-use pesticides as  
21 determined by the federal agency under the federal act. In addition to  
22 the restricted-use pesticides classified by the administrator, the  
23 Department of Agriculture may also determine state-limited-use pesticides  
24 for the state or for designated areas within the state as provided in  
25 subdivision (3) of this section;

26 (15) To receive grants-in-aid from any federal entity, and to enter  
27 into cooperative agreements with any federal entity, any agency of this  
28 state, any subdivision of this state, any agency of another state, any  
29 Indian tribe, or any private person for the purpose of obtaining  
30 consistency with or assistance in the implementation of the Pesticide  
31 Act. The Department of Agriculture may reimburse any such entity from the

1 Pesticide Administrative Cash Fund for the work performed under the  
2 cooperative agreement. The department may delegate its administrative  
3 responsibilities under the act to cities of the metropolitan and primary  
4 classes if it reasonably believes that such cities can perform the  
5 responsibilities in a manner consistent with the act and the rules and  
6 regulations adopted and promulgated under it;

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

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

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

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

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

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

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

22 Sec. 40. Section 2-3254, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 2-3254 (1) The board shall hold a hearing upon the question of the  
25 desirability and necessity, in the interest of the public health, safety,  
26 and welfare, of the establishment of or altering the boundaries of an  
27 existing improvement project area and the undertaking of such a project,  
28 upon the question of the appropriate boundaries describing affected land,  
29 upon the propriety of the petition, and upon all relevant questions  
30 regarding such inquiries. When a hearing has been initiated by petition,  
31 such hearing shall be held within one hundred twenty days of the filing

1 of such petition. Notice of such hearing shall be published prior thereto  
2 once each week for three consecutive weeks in a legal newspaper published  
3 or of general circulation in the district. Landowners within the limits  
4 of the territory described in the petition and all other interested  
5 parties, including any appropriate agencies of state or federal  
6 government, shall have the right to be heard. If the board finds, after  
7 consultation with such appropriate agencies of state and federal  
8 government and after the hearing, that the project conforms with all  
9 applicable law and with the district's goals, criteria, and policies, it  
10 shall enter its findings in the board's official records and shall, with  
11 the aid of such engineers, surveyors, and other assistants as it may have  
12 chosen, establish an improvement project area or alter the boundaries of  
13 an existing improvement project area, proceed to make detailed plans and  
14 cost estimates, determine the total benefits, and carry out the project  
15 as provided in subsections (2) and (3) of this section. If the board  
16 finds that the project does not so conform, the findings shall be entered  
17 in the board's records and copies of such findings shall be furnished to  
18 the petitioners and the commission.

19 (2) When any such special project would result in the provision of  
20 revenue-producing continuing services, the board shall, prior to  
21 commencement of construction of such project, determine, by circulation  
22 of petitions or by some other appropriate method, if such project can be  
23 reasonably expected to generate sufficient revenue to recover the  
24 reimbursable costs thereof. If it is determined that the project cannot  
25 be reasonably expected to generate sufficient revenue, the project and  
26 all work in connection therewith shall be suspended. If it is determined  
27 that the project can be reasonably expected to generate sufficient  
28 revenue, the board shall divide the total benefits of the project as  
29 provided in sections 2-3252 to 2-3254. If the proposed project involves  
30 the supply of water for any beneficial use, all plans and specifications  
31 for the project shall be filed with the secretary of the district and the

1 Director of Natural Resources, except that if such project involves a  
2 public water system as defined in section 71-5301, the filing of the  
3 information shall be with the Department of Environment and Energy Health  
4 ~~and Human Services~~ rather than the Director of Natural Resources. No  
5 construction of any such special project shall begin until the plans and  
6 specifications for such improvement have been approved by the Director of  
7 Natural Resources and the Department of Environment and Energy Health ~~and~~  
8 ~~Human Services~~, if applicable, except that if such special project  
9 involves a public water system as defined in section 71-5301, only the  
10 Department of Environment and Energy Health ~~and Human Services~~ shall be  
11 required to review such plans and specifications and approve the same if  
12 in compliance with the Nebraska Safe Drinking Water Act and departmental  
13 rules and regulations adopted and promulgated under the act. All  
14 prescribed conditions having been complied with, each landowner within  
15 the improvement project area shall, within any limits otherwise  
16 prescribed by law, subscribe to a number of benefit units in proportion  
17 to the extent he or she desires to participate in the benefits of the  
18 special project. As long as the capacity of the district's facilities  
19 permit, participating landowners may subscribe to additional units,  
20 within any limits otherwise prescribed by law, upon payment of a unit fee  
21 for each such unit. The unit fees made and charged pursuant to this  
22 section shall be levied and fixed by rules and regulations of the  
23 district. The service provided may be withheld during the time such  
24 charges levied upon such parcel of land are delinquent and unpaid. Such  
25 charges shall be cumulative, and the service provided by the project may  
26 be withheld until all delinquent charges for the operation and  
27 maintenance of such works of improvement are paid for past years as well  
28 as for the current year. All such charges, due and delinquent according  
29 to the rules and regulations of such district and unpaid on June 1 after  
30 becoming due and delinquent, may be certified by the governing authority  
31 of such district to the county clerk of such county in which are situated

1 the lands against which such charges have been levied, and when so  
2 certified such charges shall be entered upon the tax list and spread upon  
3 the tax roll the same as other special assessment taxes are levied and  
4 assessed upon real estate, shall become a lien upon such real estate  
5 along with other real estate taxes, and shall be collectible at the same  
6 time, in the same manner, and in the same proceeding as other real estate  
7 taxes are levied.

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

22 (4) A notice shall be inserted for at least one week in a newspaper  
23 published or of general circulation in the improvement project area  
24 stating the time when and the place where the directors shall meet for  
25 the purpose of hearing all parties interested in the apportionment of  
26 benefits by reason of the improvement, at which time and place such  
27 parties may appear in person or by counsel or may file written objections  
28 thereto. The directors shall then proceed to hear and consider the same  
29 and shall make the apportionments fair and just according to benefits  
30 received from the improvement. The directors, having completed the  
31 apportionment of benefits, shall make a detailed report of the same and



1 file such report with the county clerk. The board of directors shall  
2 include in such report a statement of the actual expenses incurred by the  
3 district to that time which relate to the proposed project and the actual  
4 cost per benefit unit thereof. Thereupon the board of directors shall  
5 cause to be published, once each week for three consecutive weeks in a  
6 newspaper published or of general circulation in the improvement project  
7 area, a notice that the report required in this subsection has been filed  
8 and notice shall also be sent to each party appearing to have a direct  
9 legal interest in such apportionment, which notice shall include the  
10 description of the lands in which each party notified appears to have  
11 such interest, the units of benefit assigned to such lands, the amount of  
12 actual costs assessable to date to such lands, and the estimated total  
13 costs of the project assessable to such lands upon completion thereof, as  
14 provided by sections 25-520.01 to 25-520.03. If the owners of record  
15 title representing more than fifty percent of the estimated total  
16 assessments file with the board within thirty days of the final  
17 publication of such notice written objections to the project proposed,  
18 such project and work in connection therewith shall be suspended, such  
19 project shall not be done in such project area, and all expenses relating  
20 to such project incurred by and accrued to the district may, at the  
21 direction of the board of directors, be assessed upon the lands which  
22 were to have been benefited by the completion of such improvement project  
23 in accordance with the apportionment of benefits determined and  
24 procedures established in this section. Upon completing the establishment  
25 of an improvement project area or altering the boundaries of an existing  
26 improvement project area as provided in this subsection and upon  
27 determining the reimbursable cost of the project and the period of time  
28 over which such cost shall be assessed, the board of directors shall  
29 determine the amount of money necessary to raise each year by special  
30 assessment within such improvement project area and apportion the same in  
31 dollars and cents to each tract benefited according to the apportionment

1 of benefits as determined by this section. The board of directors shall  
2 also, from time to time as it deems necessary, order an additional  
3 assessment upon the lands and property benefited by the project, using  
4 the original apportionment of benefits as a basis to ascertain the  
5 assessment to each tract of land benefited, to carry out a reasonable  
6 program of operation and maintenance upon the construction or capital  
7 improvements involved in such project. The chairperson and secretary  
8 shall thereupon return lists of such tracts with the amounts chargeable  
9 to each of the county clerks of each county in which assessed lands are  
10 located, who shall place the same on duplicate tax lists against the  
11 lands and lots so assessed. Such assessments shall be collected and  
12 accounted for by the county treasurer at the same time as general real  
13 estate taxes, and such assessments shall be and remain a perpetual lien  
14 against such real estate until paid. All provisions of law for the sale,  
15 redemption, and foreclosure in ordinary tax matters shall apply to such  
16 special assessments.

17 Sec. 41. Section 38-101, Revised Statutes Cumulative Supplement,  
18 2020, is amended to read:

19 38-101 Sections 38-101 to 38-1,145 and the following practice acts  
20 shall be known and may be cited as the Uniform Credentialing Act:

- 21 (1) The Advanced Practice Registered Nurse Practice Act;
- 22 (2) The Alcohol and Drug Counseling Practice Act;
- 23 (3) The Athletic Training Practice Act;
- 24 (4) The Audiology and Speech-Language Pathology Practice Act;
- 25 (5) The Certified Nurse Midwifery Practice Act;
- 26 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 27 (7) The Chiropractic Practice Act;
- 28 (8) The Clinical Nurse Specialist Practice Act;
- 29 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and  
30 Body Art Practice Act;
- 31 (10) The Dentistry Practice Act;

- 1 (11) The Dialysis Patient Care Technician Registration Act;
- 2 (12) The Emergency Medical Services Practice Act;
- 3 (13) The Environmental Health Specialists Practice Act;
- 4 (14) The Funeral Directing and Embalming Practice Act;
- 5 (15) The Genetic Counseling Practice Act;
- 6 (16) The Hearing Instrument Specialists Practice Act;
- 7 (17) The Licensed Practical Nurse-Certified Practice Act until
- 8 November 1, 2017;
- 9 (18) The Massage Therapy Practice Act;
- 10 (19) The Medical Nutrition Therapy Practice Act;
- 11 (20) The Medical Radiography Practice Act;
- 12 (21) The Medicine and Surgery Practice Act;
- 13 (22) The Mental Health Practice Act;
- 14 (23) The Nurse Practice Act;
- 15 (24) The Nurse Practitioner Practice Act;
- 16 (25) The Nursing Home Administrator Practice Act;
- 17 (26) The Occupational Therapy Practice Act;
- 18 (27) The Optometry Practice Act;
- 19 (28) The Perfusion Practice Act;
- 20 (29) The Pharmacy Practice Act;
- 21 (30) The Physical Therapy Practice Act;
- 22 (31) The Podiatry Practice Act;
- 23 (32) The Psychology Practice Act;
- 24 (33) The Respiratory Care Practice Act;
- 25 (34) The Surgical First Assistant Practice Act; and
- 26 (35) The Veterinary Medicine and Surgery Practice Act. ~~;~~ and
- 27 ~~(36) The Water Well Standards and Contractors' Practice Act.~~

28 If there is any conflict between any provision of sections 38-101 to  
29 38-1,145 and any provision of a practice act, the provision of the  
30 practice act shall prevail.

31 ~~The Revisor of Statutes shall assign the Uniform Credentialing Act,~~

1 ~~including the practice acts enumerated in subdivisions (1) through (35)~~  
2 ~~of this section, to articles within Chapter 38.~~

3       Sec. 42. Section 38-108, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5       38-108 Board means one of the boards appointed by the State Board of  
6 Health pursuant to section 38-158 or appointed by the Governor pursuant  
7 to the Emergency Medical Services Practice Act ~~or the Water Well~~  
8 ~~Standards and Contractors' Practice Act~~. For professions for which there  
9 is no board established by statute, the duties normally carried out by a  
10 board are the responsibility of the department.

11       Sec. 43. Section 38-121, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:

13       38-121 (1) No individual shall engage in the following practices  
14 unless such individual has obtained a credential under the Uniform  
15 Credentialing Act:

- 16       (a) Acupuncture;
- 17       (b) Advanced practice nursing;
- 18       (c) Alcohol and drug counseling;
- 19       (d) Asbestos abatement, inspection, project design, and training;
- 20       (e) Athletic training;
- 21       (f) Audiology;
- 22       (g) Speech-language pathology;
- 23       (h) Body art;
- 24       (i) Chiropractic;
- 25       (j) Cosmetology;
- 26       (k) Dentistry;
- 27       (l) Dental hygiene;
- 28       (m) Electrology;
- 29       (n) Emergency medical services;
- 30       (o) Esthetics;
- 31       (p) Funeral directing and embalming;

- 1 (q) Genetic counseling;
- 2 (r) Hearing instrument dispensing and fitting;
- 3 (s) Lead-based paint abatement, inspection, project design, and
- 4 training;
- 5 (t) Licensed practical nurse-certified until November 1, 2017;
- 6 (u) Massage therapy;
- 7 (v) Medical nutrition therapy;
- 8 (w) Medical radiography;
- 9 (x) Medicine and surgery;
- 10 (y) Mental health practice;
- 11 (z) Nail technology;
- 12 (aa) Nursing;
- 13 (bb) Nursing home administration;
- 14 (cc) Occupational therapy;
- 15 (dd) Optometry;
- 16 (ee) Osteopathy;
- 17 (ff) Perfusion;
- 18 (gg) Pharmacy;
- 19 (hh) Physical therapy;
- 20 (ii) Podiatry;
- 21 (jj) Psychology;
- 22 (kk) Radon detection, measurement, and mitigation;
- 23 (ll) Respiratory care;
- 24 (mm) Surgical assisting; and
- 25 (nn) Veterinary medicine and surgery. ÷
- 26 ~~(oo) Public water system operation; and~~
- 27 ~~(pp) Constructing or decommissioning water wells and installing~~
- 28 ~~water well pumps and pumping equipment.~~
- 29 (2) No individual shall hold himself or herself out as any of the
- 30 following until such individual has obtained a credential under the
- 31 Uniform Credentialing Act for that purpose:

- 1 (a) Registered environmental health specialist;
- 2 (b) Certified marriage and family therapist;
- 3 (c) Certified professional counselor;
- 4 (d) Social worker; or
- 5 (e) Dialysis patient care technician.

6 (3) No business shall operate for the provision of any of the  
7 following services unless such business has obtained a credential under  
8 the Uniform Credentialing Act:

- 9 (a) Body art;
- 10 (b) Cosmetology;
- 11 (c) Emergency medical services;
- 12 (d) Esthetics;
- 13 (e) Funeral directing and embalming;
- 14 (f) Massage therapy; or
- 15 (g) Nail technology.

16 Sec. 44. Section 38-151, Revised Statutes Cumulative Supplement,  
17 2020, is amended to read:

18 38-151 (1) It is the intent of the Legislature that the revenue to  
19 cover the cost of the credentialing system administered by the department  
20 is to be derived from General Funds, cash funds, federal funds, gifts,  
21 grants, or fees from individuals or businesses seeking credentials except  
22 as otherwise provided in section 38-155. The credentialing system  
23 includes the totality of the credentialing infrastructure and the process  
24 of issuance and renewal of credentials, examinations, inspections,  
25 investigations, continuing competency, compliance assurance, the periodic  
26 review under section 38-128, and the activities conducted under the  
27 Nebraska Regulation of Health Professions Act, for individuals and  
28 businesses that provide health services, health-related services, and  
29 environmental services.

30 (2) The department shall determine the cost of the credentialing  
31 system for such individuals and businesses by calculating the total of

1 the base costs, the variable costs, and any adjustments as provided in  
2 sections 38-152 to 38-154.

3 (3) When fees are to be established pursuant to section 38-155 for  
4 individuals or businesses ~~other than individuals in the practice of~~  
5 ~~constructing or decommissioning water wells and installing water well~~  
6 ~~pumps and pumping equipment~~, the department, with the recommendation of  
7 the appropriate board if applicable, shall base the fees on the cost of  
8 the credentialing system and shall include usual and customary cost  
9 increases, a reasonable reserve, and the cost of any new or additional  
10 credentialing activities. ~~For individuals in the practice of constructing~~  
11 ~~or decommissioning water wells and installing water well pumps and~~  
12 ~~pumping equipment, the Water Well Standards and Contractors' Licensing~~  
13 ~~Board shall establish the fees as otherwise provided in this subsection.~~  
14 All such fees shall be used as provided in section 38-157.

15 (4) In addition to the fees established under section 38-155, each  
16 applicant for the initial issuance and renewal of a credential to  
17 practice as a physician or an osteopathic physician under the Medicine  
18 and Surgery Practice Act shall pay a patient safety fee of fifty dollars  
19 and to practice as a physician assistant under the Medicine and Surgery  
20 Practice Act shall pay a patient safety fee of twenty dollars, which fee  
21 shall be collected biennially with the initial or renewal fee for the  
22 credential. Revenue from such fee shall be remitted to the State  
23 Treasurer for credit to the Patient Safety Cash Fund. The patient safety  
24 fee shall terminate on January 1, 2026, unless extended by the  
25 Legislature.

26 Sec. 45. Section 38-155, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28 38-155 (1) Subject to subsection (3) of this section, the  
29 department, with the recommendation of the appropriate board if  
30 applicable, ~~or the Water Well Standards and Contractors' Licensing Board~~  
31 ~~as provided in section 38-151~~, shall adopt and promulgate rules and

1 regulations to establish and collect the fees for the following  
2 credentials:

3 (a) Initial credentials, which include, but are not limited to:

4 (i) Licensure, certification, or registration;

5 (ii) Add-on or specialty credentials;

6 (iii) Temporary, provisional, or training credentials; and

7 (iv) Supervisory or collaborative relationship credentials;

8 (b) Applications to renew licenses, certifications, and  
9 registrations;

10 (c) Approval of continuing education courses and other methods of  
11 continuing competency; and

12 (d) Inspections and reinspections.

13 (2) When a credential will expire within one hundred eighty days  
14 after its initial issuance date or its reinstatement date and the initial  
15 credentialing or renewal fee is twenty-five dollars or more, the  
16 department shall collect twenty-five dollars or one-fourth of the initial  
17 credentialing or renewal fee, whichever is greater, for the initial or  
18 reinstated credential. The initial or reinstated credential shall be  
19 valid until the next subsequent renewal date.

20 (3) All fees for initial credentials under the Uniform Credentialing  
21 Act for low-income individuals, military families, and young workers  
22 shall be waived except the actual cost of the fingerprinting and criminal  
23 background check for an initial license under section 38-131.

24 Sec. 46. Section 38-157, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 38-157 (1) The Professional and Occupational Credentialing Cash Fund  
27 is created. Except as provided in section 71-17,113, the fund shall  
28 consist of all fees, gifts, grants, and other money, excluding fines and  
29 civil penalties, received or collected by the department under sections  
30 38-151 to 38-156 and the Nebraska Regulation of Health Professions Act.

31 (2) The department shall use the fund for the administration and



1 enforcement of such laws regulating the individuals and businesses listed  
2 in section 38-121. Transfers may be made from the fund to the General  
3 Fund at the direction of the Legislature. The State Treasurer shall  
4 transfer any money in the ~~Nebraska Regulation of Health Professions Fund~~  
5 ~~on July 19, 2012, to the Professional and Occupational Credentialing Cash~~  
6 Fund for licensing activities under the Water Well Standards and  
7 Contractors' Practice Act on the operative date of this act to the Water  
8 Well Standards and Contractors' Licensing Fund.

9 (3) Any money in the Professional and Occupational Credentialing  
10 Cash Fund available for investment shall be invested by the state  
11 investment officer pursuant to the Nebraska Capital Expansion Act and the  
12 Nebraska State Funds Investment Act.

13 Sec. 47. Section 38-158, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 38-158 (1) The State Board of Health shall appoint members to the  
16 boards designated in section 38-167 except the Board of Emergency Medical  
17 Services ~~and the Water Well Standards and Contractors' Licensing Board.~~

18 (2) Any vacancy in the membership of a board caused by death,  
19 resignation, removal, or otherwise shall be filled for the unexpired term  
20 in the same manner as original appointments are made.

21 Sec. 48. Section 38-167, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 38-167 (1) Boards shall be designated as follows:

24 (a) Board of Advanced Practice Registered Nurses;

25 (b) Board of Alcohol and Drug Counseling;

26 (c) Board of Athletic Training;

27 (d) Board of Audiology and Speech-Language Pathology;

28 (e) Board of Chiropractic;

29 (f) Board of Cosmetology, Electrology, Esthetics, Nail Technology,  
30 and Body Art;

31 (g) Board of Dentistry;

- 1 (h) Board of Emergency Medical Services;
- 2 (i) Board of Registered Environmental Health Specialists;
- 3 (j) Board of Funeral Directing and Embalming;
- 4 (k) Board of Hearing Instrument Specialists;
- 5 (l) Board of Massage Therapy;
- 6 (m) Board of Medical Nutrition Therapy;
- 7 (n) Board of Medical Radiography;
- 8 (o) Board of Medicine and Surgery;
- 9 (p) Board of Mental Health Practice;
- 10 (q) Board of Nursing;
- 11 (r) Board of Nursing Home Administration;
- 12 (s) Board of Occupational Therapy Practice;
- 13 (t) Board of Optometry;
- 14 (u) Board of Pharmacy;
- 15 (v) Board of Physical Therapy;
- 16 (w) Board of Podiatry;
- 17 (x) Board of Psychology;
- 18 (y) Board of Respiratory Care Practice; and
- 19 (z) Board of Veterinary Medicine and Surgery.  ~~; and~~
- 20 ~~(aa) Water Well Standards and Contractors' Licensing Board.~~

21 (2) Any change made by the Legislature of the names of boards listed  
22 in this section shall not change the membership of such boards or affect  
23 the validity of any action taken by or the status of any action pending  
24 before any of such boards. Any such board newly named by the Legislature  
25 shall be the direct and only successor to the board as previously named.

26 Sec. 49. Section 38-179, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 38-179 For purposes of section 38-178, unprofessional conduct means  
29 any departure from or failure to conform to the standards of acceptable  
30 and prevailing practice of a profession or the ethics of the profession,  
31 regardless of whether a person, consumer, or entity is injured, or

1 conduct that is likely to deceive or defraud the public or is detrimental  
2 to the public interest, including, but not limited to:

3 (1) Receipt of fees on the assurance that an incurable disease can  
4 be permanently cured;

5 (2) Division of fees, or agreeing to split or divide the fees,  
6 received for professional services with any person for bringing or  
7 referring a consumer other than (a) with a partner or employee of the  
8 applicant or credential holder or his or her office or clinic, (b) with a  
9 landlord of the applicant or credential holder pursuant to a written  
10 agreement that provides for payment of rent based on gross receipts, or  
11 (c) with a former partner or employee of the applicant or credential  
12 holder based on a retirement plan or separation agreement, ~~or (d) by a~~  
13 ~~person credentialed pursuant to the Water Well Standards and Contractors'~~  
14 ~~Practice Act;~~

15 (3) Obtaining any fee for professional services by fraud, deceit, or  
16 misrepresentation, including, but not limited to, falsification of third-  
17 party claim documents;

18 (4) Cheating on or attempting to subvert the credentialing  
19 examination;

20 (5) Assisting in the care or treatment of a consumer without the  
21 consent of such consumer or his or her legal representative;

22 (6) Use of any letters, words, or terms, either as a prefix, affix,  
23 or suffix, on stationery, in advertisements, or otherwise, indicating  
24 that such person is entitled to practice a profession for which he or she  
25 is not credentialed;

26 (7) Performing, procuring, or aiding and abetting in the performance  
27 or procurement of a criminal abortion;

28 (8) Knowingly disclosing confidential information except as  
29 otherwise permitted by law;

30 (9) Commission of any act of sexual abuse, misconduct, or  
31 exploitation related to the practice of the profession of the applicant

1 or credential holder;

2 (10) Failure to keep and maintain adequate records of treatment or  
3 service;

4 (11) Prescribing, administering, distributing, dispensing, giving,  
5 or selling any controlled substance or other drug recognized as addictive  
6 or dangerous for other than a medically accepted therapeutic purpose;

7 (12) Prescribing any controlled substance to (a) oneself or (b)  
8 except in the case of a medical emergency (i) one's spouse, (ii) one's  
9 child, (iii) one's parent, (iv) one's sibling, or (v) any other person  
10 living in the same household as the prescriber;

11 (13) Failure to comply with any federal, state, or municipal law,  
12 ordinance, rule, or regulation that pertains to the applicable  
13 profession;

14 (14) Disruptive behavior, whether verbal or physical, which  
15 interferes with consumer care or could reasonably be expected to  
16 interfere with such care; and

17 (15) Such other acts as may be defined in rules and regulations.

18 Nothing in this section shall be construed to exclude determination  
19 of additional conduct that is unprofessional by adjudication in  
20 individual contested cases.

21 Sec. 50. Section 38-1,107, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 38-1,107 (1) Except as provided in subsection (2) of this section,  
24 the department shall provide the Attorney General with a copy of all  
25 complaints it receives and advise the Attorney General of investigations  
26 it makes which may involve any possible violation of statutes or rules  
27 and regulations by a credential holder. The Attorney General shall then  
28 determine which, if any, statutes, rules, or regulations the credential  
29 holder has violated and the appropriate legal action to take. The  
30 Attorney General may (a) elect to file a petition under section 38-186 or  
31 not to file a petition, (b) negotiate a voluntary surrender or voluntary

1 limitation pursuant to section 38-1,109, or (c) in cases involving a  
2 minor or insubstantial violation, refer the matter to the appropriate  
3 board for the opportunity to resolve the matter by recommending to the  
4 Attorney General that he or she enter into an assurance of compliance  
5 with the credential holder in lieu of filing a petition. An assurance of  
6 compliance shall not constitute discipline against a credential holder.

7 (2) This section does not apply to the following professions or  
8 businesses: Asbestos abatement, inspection, project design, and training;  
9 lead-based paint abatement, inspection, project design, and training;  
10 medical radiography; and radon detection, measurement, and mitigation;  
11 ~~water system operation; and constructing or decommissioning water wells~~  
12 ~~and installing water well pumps and pumping equipment.~~

13 Sec. 51. Section 38-1,115, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 38-1,115 It shall be prima facie evidence of practice without being  
16 credentialed when any of the following conditions exist:

17 (1) The person admits to engaging in practice;

18 (2) Staffing records or other reports from the employer of the  
19 person indicate that the person was engaged in practice;

20 (3) Billing or payment records document the provision of service,  
21 care, or treatment by the person;

22 (4) Service, care, or treatment records document the provision of  
23 service, care, or treatment by the person;

24 (5) Appointment records indicate that the person was engaged in  
25 practice;

26 (6) Government ~~Water well registrations or other government~~ records  
27 indicate that the person was engaged in practice; and

28 (7) The person opens a business or practice site and announces or  
29 advertises that the business or site is open to provide service, care, or  
30 treatment.

31 Sec. 52. Section 38-1,119, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-1,119 (1) Sections 38-1,119 to 38-1,123 apply to the following  
3 professions and businesses: Asbestos abatement, inspection, project  
4 design, and training; lead-based paint abatement, inspection, project  
5 design, and training; medical radiography; and radon detection,  
6 measurement, and mitigation; ~~water system operation; and constructing or  
7 decommissioning water wells and installing water well pumps and pumping  
8 equipment.~~

9 (2) If an applicant for an initial credential to practice a  
10 profession or operate a business does not meet all of the requirements  
11 for the credential, the department shall deny issuance of the credential.  
12 If an applicant for an initial credential or a credential holder applying  
13 for renewal of the credential has committed any of the acts set out in  
14 section 38-178 or 38-182, as applicable, the department may deny issuance  
15 or refuse renewal of the credential or may issue or renew the credential  
16 subject to any of the terms imposed under section 38-196 in order to  
17 protect the public.

18 Sec. 53. Section 38-1,143, Revised Statutes Cumulative Supplement,  
19 2020, is amended to read:

20 38-1,143 (1) Except as otherwise provided in subsection (4) of this  
21 section, any credential holder under the Uniform Credentialing Act may  
22 establish a provider-patient relationship through telehealth.

23 (2) Any credential holder under the Uniform Credentialing Act who is  
24 providing a telehealth service to a patient may prescribe the patient a  
25 drug if the credential holder is authorized to prescribe under state and  
26 federal law.

27 (3) The department may adopt and promulgate rules and regulations  
28 pursuant to section 38-126 that are consistent with this section.

29 (4) This section does not apply to a credential holder under the  
30 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
31 Practice Act, the Dialysis Patient Care Technician Registration Act, the

1 Environmental Health Specialists Practice Act, the Funeral Directing and  
2 Embalming Practice Act, the Massage Therapy Practice Act, the Medical  
3 Radiography Practice Act, the Nursing Home Administrator Practice Act,  
4 the Perfusion Practice Act, the Surgical First Assistant Practice Act, or  
5 the Veterinary Medicine and Surgery Practice Act, ~~or the Water Well~~  
6 ~~Standards and Contractors' Practice Act.~~

7 Sec. 54. Section 46-602, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 46-602 (1) Each water well completed in this state on or after July  
10 1, 2001, excluding test holes and dewatering wells to be used for less  
11 than ninety days, shall be registered with the Department of Natural  
12 Resources as provided in this section within sixty days after completion  
13 of construction of the water well. The licensed water well contractor as  
14 defined in section 46-1213 constructing the water well, or the owner of  
15 the water well if the owner constructed the water well, shall file the  
16 registration on a form made available by the department and shall also  
17 file with the department the information from the well log required  
18 pursuant to section 46-1241. The department shall, by January 1, 2002,  
19 provide licensed water well contractors with the option of filing such  
20 registration forms electronically. No signature shall be required on  
21 forms filed electronically. The fee required by subsection (3) of section  
22 46-1224 shall be the source of funds for any required fee to a contractor  
23 which provides the online services for such registration. Any discount in  
24 the amount paid the state by a credit card, charge card, or debit card  
25 company or a third-party merchant bank for such registration fees shall  
26 be deducted from the portion of the registration fee collected pursuant  
27 to section 46-1224.

28 (2)(a) If the newly constructed water well is a replacement water  
29 well, the registration form shall include (i) the registration number of  
30 the water well being replaced, if applicable, and (ii) the date the  
31 original water well was decommissioned or a certification that the water

1 well will be decommissioned within one hundred eighty days or a  
2 certification that the original water well will be modified and equipped  
3 to pump fifty gallons per minute or less and will be used only for  
4 livestock, monitoring, observation, or any other nonconsumptive use or de  
5 minimis use approved by the applicable natural resources district.

6 (b) For purposes of this section, replacement water well means a  
7 water well which is constructed to provide water for the same purpose as  
8 the original water well and is operating in accordance with any  
9 applicable permit from the department and any applicable rules and  
10 regulations of the natural resources district and, if the purpose is for  
11 irrigation, the replacement water well delivers water to the same tract  
12 of land served by the original water well and (i) replaces a  
13 decommissioned water well within one hundred eighty days after the  
14 decommissioning of the original water well, (ii) replaces a water well  
15 that has not been decommissioned but will not be used after construction  
16 of the new water well and the original water well will be decommissioned  
17 within one hundred eighty days after such construction, except that in  
18 the case of a municipal water well, the original municipal water well may  
19 be used after construction of the new water well but shall be  
20 decommissioned within one year after completion of the replacement water  
21 well, or (iii) the original water well will continue to be used but will  
22 be modified and equipped within one hundred eighty days after such  
23 construction of the replacement water well to pump fifty gallons per  
24 minute or less and will be used only for livestock, monitoring,  
25 observation, or any other nonconsumptive or de minimis use approved by  
26 the applicable natural resources district.

27 (c) No water well shall be registered as a replacement water well  
28 until the Department of Natural Resources has received a properly  
29 completed notice of decommissioning for the water well being replaced on  
30 a form made available by the department, or properly completed notice,  
31 prepared in accordance with subsection (7) of this section, of the



1 modification and equipping of the original water well to pump fifty  
2 gallons per minute or less for use only for livestock, monitoring,  
3 observation, or any other nonconsumptive or de minimis use approved by  
4 the applicable natural resources district. Such notices, as required,  
5 shall be completed by (i) the licensed water well contractor as defined  
6 in section 46-1213 who decommissions the water well or modifies and  
7 equips the water well, (ii) the licensed pump installation contractor as  
8 defined in section 46-1209 who decommissions the water well or modifies  
9 and equips the water well, or (iii) the owner if the owner decommissions  
10 a driven sandpoint well which is on land owned by him or her for farming,  
11 ranching, or agricultural purposes or as his or her place of abode. The  
12 Department of Environment and Energy ~~Health and Human Services~~ shall, by  
13 rule and regulation, determine which contractor or owner shall be  
14 responsible for such notice in situations in which more than one  
15 contractor or owner may be required to provide notice under this  
16 subsection.

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

23 (4) A series of water wells completed for purposes of installation  
24 of a ground heat exchanger for a structure for utilizing the geothermal  
25 properties of the ground shall be considered as one water well. One  
26 registration form and a detailed site plan shall be filed for each such  
27 series.

28 (5) One registration form shall be required along with a detailed  
29 site plan which shows the location of each such water well in the site  
30 and a log from each such water well for water wells constructed as part  
31 of a single site plan for (a) monitoring ground water, obtaining

1 hydrogeologic information, or extracting contaminants from the ground,  
2 (b) water wells constructed as part of remedial action approved by the  
3 Department of Environment and Energy pursuant to section 66-1525,  
4 66-1529.02, or 81-15,124, and (c) water well owners who have a permit  
5 issued pursuant to the Industrial Ground Water Regulatory Act and also  
6 have an underground injection control permit issued by the Department of  
7 Environment and Energy.

8 (6) The Department of Natural Resources shall be notified by the  
9 owner of any change in the ownership of a water well required to be  
10 registered under this section. Notification shall be in such form and  
11 include such evidence of ownership as the Director of Natural Resources  
12 by rule and regulation directs. The department shall use such notice to  
13 update the registration on file. The department shall not collect a fee  
14 for the filing of the notice.

15 (7) The licensed water well contractor or licensed pump installation  
16 contractor responsible therefor shall notify the department within sixty  
17 days on a form provided by the department of any pump installation or any  
18 modifications to the construction of the water well or pump, after the  
19 initial registration of the well. For a change of use resulting in  
20 modification and equipping of an original water well which is being  
21 replaced in accordance with subsection (2) of this section, the licensed  
22 water well contractor or licensed pump installation contractor shall  
23 notify the department within sixty days on a form provided by the  
24 department of the water well and pump modifications and equipping of the  
25 original water well. A water well owner shall notify the department  
26 within sixty days on a form provided by the department of any other  
27 changes or any inaccuracies in recorded water well information,  
28 including, but not limited to, changes in use. The department shall not  
29 collect a fee for the filing of the notice.

30 (8) Whenever a water well becomes an illegal water well as defined  
31 in section 46-706, the owner of the water well shall either correct the

1 deficiency that causes the well to be an illegal water well or shall  
2 cause the proper decommissioning of the water well in accordance with  
3 rules and regulations adopted pursuant to the Water Well Standards and  
4 Contractors' Practice Act. The licensed water well contractor who  
5 decommissions the water well, the licensed pump installation contractor  
6 who decommissions the water well, or the owner if the owner decommissions  
7 a driven sandpoint well which is on land owned by him or her for farming,  
8 ranching, or agricultural purposes or as his or her place of abode, shall  
9 provide a properly completed notice of decommissioning to the Department  
10 of Natural Resources within sixty days. The Department of Environment and  
11 Energy Health and Human Services shall, by rule and regulation, determine  
12 which contractor or owner shall be responsible for such notice in  
13 situations in which more than one contractor or owner may be required to  
14 provide notice under this subsection. The Department of Natural Resources  
15 shall not collect a fee for the filing of the notice.

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

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

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

7 Sec. 55. Section 46-705, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 46-705 Nothing in the Nebraska Ground Water Management and  
10 Protection Act shall be construed to limit the powers of the Department  
11 of Environment and Energy Health and Human Services provided in the  
12 Nebraska Safe Drinking Water Act.

13 Nothing in the Nebraska Ground Water Management and Protection Act  
14 relating to the contamination of ground water is intended to limit the  
15 powers of the Department of Environment and Energy provided in Chapter  
16 81, article 15.

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

19 46-1011 Plans and specifications for any proposed improvement  
20 authorized by sections 46-1001 to 46-1020 shall be filed with the  
21 director, the Department of Environment and Energy Health and Human  
22 Services, and the secretary of the district. No construction of any such  
23 improvement shall begin until the plans and specifications for such  
24 improvement have been approved by the director and the Department of  
25 Environment and Energy Health and Human Services, except that if the  
26 improvement involves a public water system as defined in section 71-5301,  
27 only the Department of Environment and Energy Health and Human Services  
28 shall be required to review the plans and specifications for such  
29 improvement and approve the same if in compliance with the Nebraska Safe  
30 Drinking Water Act Chapter 71, article 53, and departmental regulations  
31 adopted thereunder.

1           The total benefits of any such improvement shall be divided into a  
2   suitable number of benefit units. Each landowner within the district  
3   shall subscribe to a number of such units in proportion to the extent he  
4   or she desires to participate in the benefits of the improvements. As  
5   long as the capacity of the district's facilities permits, participating  
6   members of the district may subscribe to additional units upon payment of  
7   a unit fee for each such unit. Owners of land located within the district  
8   who are not participating members may subscribe to such units as the  
9   board in its discretion may grant, and upon payment of the unit fee for  
10  each such unit shall be entitled to the same rights as original  
11  participating members. If the capacity of the district's facilities  
12  permits, the district may sell water to persons engaged in hauling water  
13  and to any political subdivision organized under the laws of the State of  
14  Nebraska.

15           Sec. 57. Section 46-1201, Reissue Revised Statutes of Nebraska, is  
16  amended to read:

17           46-1201 Sections 46-1201 to 46-1241 and sections 60 and 61 of this  
18 act shall be known and may be cited as the Water Well Standards and  
19 Contractors' Practice Act.

20           Sec. 58. Section 46-1204.01, Reissue Revised Statutes of Nebraska,  
21  is amended to read:

22           46-1204.01 Abandoned water well means any water well (1) the use of  
23  which has been accomplished or permanently discontinued, (2) which has  
24  been decommissioned as described in the rules and regulations of the  
25  Department of Environment and Energy ~~Health and Human Services~~, and (3)  
26  for which the notice of abandonment required by subsection (2) of section  
27  46-602 has been filed with the Department of Natural Resources by the  
28  licensed water well contractor or licensed pump installation contractor  
29  who decommissioned the water well or by the water well owner if the owner  
30  decommissioned the water well.

31           Sec. 59. Section 46-1207, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 46-1207 Department means shall mean the Department of Environment  
3 and Energy Health and Human Services.

4 Sec. 60. No board member shall take any action or make any decision  
5 in the discharge of the duties of a member of the board that may  
6 constitute a conflict of interest. As soon as a member is aware of a  
7 potential conflict or should reasonably be aware of such potential  
8 conflict, whichever is sooner, the member shall submit a written  
9 statement to the Director of Environment and Energy describing the matter  
10 requiring action or decision and the nature of the potential conflict.  
11 The member shall take such action as the director shall advise or  
12 prescribe to remove the member from influence over the action or decision  
13 on the matter. For purposes of this section, conflict of interest  
14 includes financial, professional, or personal obligations that may  
15 compromise or present the appearance of compromising the judgment of a  
16 member in the performance of the duties of a member of the board. The  
17 director may establish a definition of conflicts of interest for members  
18 of the board and may establish procedures in case such a conflict arises.

19 Sec. 61. (1) Each member of the board shall, in addition to  
20 necessary traveling and lodging expenses, receive a per diem for each day  
21 actually engaged in the discharge of the duties of a member of the board,  
22 including compensation for the time spent in traveling to and from the  
23 place of conducting business. Traveling and lodging expenses shall be on  
24 the same basis as provided in sections 81-1174 to 81-1177. The  
25 compensation per day shall not exceed fifty dollars and shall be  
26 determined by the board with the approval of the department.

27 (2) The board may select one or more of its members to attend the  
28 annual meeting of the national organization of state boards of water well  
29 contractors or other related meetings. Any member so selected shall  
30 receive traveling and lodging expenses in attending such meetings on the  
31 same basis as provided in sections 81-1174 to 81-1177.

1       (3) The department shall be responsible for the general  
2 administration of the activities of the board. The cost of operation and  
3 administration of the board shall be paid from the General Fund and the  
4 Water Well Standards and Contractors' Licensing Fund.

5       Sec. 62. Section 46-1224, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7       46-1224 (1) Except as otherwise provided in subsections (3) and (2)  
8 ~~through~~ (4) of this section, the board shall set reasonable fees in an  
9 amount calculated to recover the costs incurred by the department and the  
10 board in administering and carrying out the purposes of the Water Well  
11 Standards and Contractors' Practice Act. Such fees shall be paid to the  
12 department and remitted to the State Treasurer for credit to the Water  
13 Well Standards and Contractors' Licensing Fund, which fund is hereby  
14 created. Such fund shall be used by the department and the board for the  
15 purpose of administering the Water Well Standards and Contractors'  
16 Practice Act. Additionally, such fund shall be used to pay any required  
17 fee to a contractor which provides the online services for registration  
18 of water wells. Any discount in the amount paid the state by a credit  
19 card, charge card, or debit card company or a third-party merchant bank  
20 for such registration fees shall be deducted from the portion of the  
21 registration fee collected pursuant to this section. Any money in the  
22 fund available for investment shall be invested by the state investment  
23 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
24 State Funds Investment Act.

25       (2) The board shall set fees for licensing individuals under the  
26 Water Well Standards and Contractors' Practice Act for application for,  
27 issuance of, and renewal of licenses. The fees shall be waived for  
28 initial licenses for low-income individuals, military families, and young  
29 workers as those terms are defined in the Uniform Credentialing Act Fees  
30 ~~for credentialing individuals under the Water Well Standards and~~  
31 ~~Contractors' Practice Act shall be established and collected as provided~~

1 ~~in sections 38-151 to 38-157.~~

2 (3) The board shall set a fee of not less than twenty-five dollars  
3 and not more than forty dollars for each water well which is required to  
4 be registered and which is designed and constructed to pump fifty gallons  
5 per minute or less and each monitoring and observation well and a fee of  
6 not less than forty dollars and not more than eighty dollars for each  
7 water well which is required to be registered and which is designed and  
8 constructed to pump more than fifty gallons per minute. For water wells  
9 permitted pursuant to the Industrial Ground Water Regulatory Act, the fee  
10 set pursuant to this subsection shall be collected for each of the first  
11 ten such water wells registered, and for each group of ten or fewer such  
12 water wells registered thereafter, the fee shall be collected as if only  
13 one water well was being registered. For a series of two or more water  
14 wells completed and pumped into a common carrier, as defined in section  
15 46-601.01, as part of a single site plan for irrigation purposes, the fee  
16 set pursuant to this subsection shall be collected for each of the first  
17 two such water wells registered. For a series of water wells completed  
18 for purposes of installation of a ground heat exchanger for a structure  
19 for utilizing the geothermal properties of the ground, the fee set  
20 pursuant to this subsection shall be collected as if only one water well  
21 was being registered. For water wells constructed as part of a single  
22 site plan for monitoring ground water, obtaining hydrogeologic  
23 information, or extracting contaminants from the ground and for water  
24 wells constructed as part of remedial action approved by the Department  
25 of Environment and Energy pursuant to section 66-1525, 66-1529.02, or  
26 81-15,124, the fee set pursuant to this subsection shall be collected for  
27 each of the first five such water wells registered, and for each group of  
28 five or fewer such water wells registered thereafter, the fee shall be  
29 collected as if only one water well was being registered. The fees shall  
30 be remitted to the Director of Natural Resources with the registration  
31 form required by section 46-602 and shall be in addition to the fee in



1 section 46-606. The director shall remit the fee to the State Treasurer  
2 for credit to the Water Well Standards and Contractors' Licensing Fund.

3 (4) The board shall set an application fee for a declaratory ruling  
4 or variance of not less than fifty dollars and not more than one hundred  
5 dollars. The fee shall be remitted to the State Treasurer for credit to  
6 the Water Well Standards and Contractors' Licensing Fund.

7 Sec. 63. Section 46-1227.01, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9 46-1227.01 (1) All water well construction and monitoring, pump and  
10 pumping equipment installation and repair, and decommissioning shall be  
11 accomplished following the standards developed under the Water Well  
12 Standards and Contractors' Practice Act.

13 (2) A licensed water well contractor may have supervisory authority  
14 over all employees.

15 (3) A licensed water well drilling supervisor shall work under the  
16 supervision of a licensed water well contractor and may have supervisory  
17 authority over nonlicensed ~~noncredentialed~~ employees.

18 (4) A licensed pump installation contractor may have supervisory  
19 authority over all employees.

20 (5) A licensed pump installation supervisor shall work under the  
21 supervision of a licensed pump installation contractor and may have  
22 supervisory authority over nonlicensed ~~noncredentialed~~ employees.

23 (6) A licensed water well monitoring technician may work  
24 independently and shall not have supervisory authority.

25 (7) A licensed natural resources ground water technician employed by  
26 a natural resources district may work independently and shall not have  
27 supervisory authority over any licensed or nonlicensed ~~credentialed or~~  
28 ~~noncredentialed~~ persons.

29 (8) An individual who owns land and uses it for farming, ranching,  
30 or agricultural purposes or as his or her place of abode may, on such  
31 land, construct a water well, install a pump in a well, or decommission a

1 driven sandpoint well.

2 Sec. 64. Section 46-1229, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 46-1229 (1) Any person desiring to engage in the construction of  
5 water wells, the installation of pumps and pumping equipment, or the  
6 decommissioning of water wells shall make initial application for a  
7 license to the department in accordance with rules and regulations  
8 adopted and promulgated pursuant to the Water Well Standards and  
9 Contractors' Practice Act section ~~38-130~~. A license to engage in the  
10 construction or decommissioning of water wells or the installation of  
11 pumps and pumping equipment shall be issued to every applicant who  
12 demonstrates professional competence by successfully passing the  
13 examination prescribed in section 46-1223 and otherwise complies with ~~the~~  
14 ~~Uniform Credentialing Act,~~ the Water Well Standards and Contractors'  
15 Practice Act, and all standards, rules, and regulations adopted and  
16 promulgated pursuant to the act such acts. Applicants shall receive  
17 licenses for any category or combination of categories for which they  
18 have successfully passed the required examination.

19 (2) The department, with the approval of the board, shall adopt and  
20 promulgate rules and regulations governing application for and issuance  
21 and renewal of licenses required pursuant to this section and fees  
22 pursuant to section 46-1224.

23 (3) All rules and regulations adopted prior to the operative date of  
24 this act under the Uniform Credentialing Act and the Water Well Standards  
25 and Contractors' Practice Act shall continue to be effective to the  
26 extent not in conflict with the changes made by this legislative bill.

27 (4) All licenses or other forms of approval issued prior to the  
28 operative date of this act in accordance with the Uniform Credentialing  
29 Act and the Water Well Standards and Contractors' Practice Act shall  
30 remain valid as issued for purposes of the changes made by this  
31 legislative bill unless revoked or otherwise terminated by law.

1        (5) Any suit, action, or other proceeding, judicial or  
2 administrative, which was lawfully commenced prior to the operative date  
3 of this act under the Uniform Credentialing Act and the Water Well  
4 Standards and Contractors' Practice Act shall be subject to the  
5 provisions of the acts as they existed prior to the operative date of  
6 this act.

7        Sec. 65. Section 46-1231, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9        46-1231 Each water well drilling supervisor, pump installation  
10 supervisor, natural resources ground water technician, and water well  
11 monitoring technician shall make application for a license in his or her  
12 respective trade. A license shall be issued to every applicant who  
13 successfully passes the examination for such license and otherwise  
14 complies with ~~the Uniform Credentialing Act,~~ the Water Well Standards and  
15 Contractors' Practice Act, and all standards, rules, and regulations  
16 adopted and promulgated pursuant to the act ~~such acts~~. Any individual  
17 employed by a licensed water well contractor or a licensed pump  
18 installation contractor who is not deemed to qualify as a licensed water  
19 well drilling supervisor or licensed pump installation supervisor may  
20 apply for a license in his or her respective trade in the same manner as  
21 the licensed water well drilling supervisor or the licensed pump  
22 installation supervisor. ~~A supervisor holding a certificate of competence~~  
23 ~~in his or her respective trade on December 1, 2008, shall be deemed to be~~  
24 ~~licensed as a supervisor in such trade on such date. A technician holding~~  
25 ~~a certificate of competence in his or her respective trade on December 1,~~  
26 ~~2008, shall be deemed to be licensed as a technician in such trade on~~  
27 ~~such date.~~

28        Sec. 66. Section 46-1235, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30        46-1235 In cases other than those relating to failure to meet the  
31 requirements for an initial license, the Director of Environment and

1 ~~Energy department~~ may deny, refuse renewal of, suspend, or revoke  
2 licenses or may take other disciplinary action following notice and an  
3 opportunity for a hearing in accordance with section 38-196 for the  
4 grounds found in sections ~~38-178 and 38-179~~ and for any of the following  
5 acts or offenses:

6 (1) Violation of the Water Well Standards and Contractors' Practice  
7 Act or any standards, rules, or regulations adopted and promulgated  
8 pursuant to such act;

9 (2) Fraud or deception by the applicant or licensee;

10 (3) Failure to exercise reasonable care in the practice of the  
11 trade;

12 (4) Inability to properly perform the practice of the trade;

13 (5) Failure to comply with continuing education requirements for  
14 licensure under the act;

15 (6) (2) Conduct or practices detrimental to the health or safety of  
16 persons hiring the services of the licensee or of members of the general  
17 public;

18 (7) (3) Practice of the trade while the license to do so is  
19 suspended or practice of the trade in contravention of any limitation  
20 placed upon the license;

21 (8) (4) Failing to file a water well registration required by  
22 subsection (1), (2), (3), (4), or (5) of section 46-602 or failing to  
23 file a notice required by subsection (7) of such section; or

24 (9) (5) Failing to file a properly completed notice of abandonment  
25 of a water well required by subsection (8) of section 46-602.

26 Sec. 67. Section 46-1238, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 46-1238 Any person who fails to employ or use at least one  
29 individual appropriately licensed and available or any person who  
30 engages, without a license for such activities, in the construction of  
31 water wells, the installation of pumps and pumping equipment, the

1 decommissioning of water wells, or the measuring of ground water levels,  
2 the collection of ground water samples from existing water wells, or the  
3 inspection of installed water well equipment, pumping systems, or  
4 chemigation regulation devices, in addition to the other penalties  
5 provided in ~~the Uniform Credentialing Act~~ or the Water Well Standards and  
6 Contractors' Practice Act, may be enjoined from continuing such  
7 activities.

8       Sec. 68. Section 71-1910, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10       71-1910 For purposes of the Child Care Licensing Act, unless the  
11 context otherwise requires:

12       (1) Department means the Department of Health and Human Services;  
13 and

14       (2)(a) Program means the provision of services in lieu of parental  
15 supervision for children under thirteen years of age for compensation,  
16 either directly or indirectly, on the average of less than twelve hours  
17 per day, but more than two hours per week, and includes any employer-  
18 sponsored child care, family child care home, child care center, school-  
19 age child care program, school-age services pursuant to section 79-1104,  
20 or preschool or nursery school.

21       (b) Program does not include casual care at irregular intervals, a  
22 recreation camp as defined in section 11 of this act ~~71-3101~~, a  
23 recreation facility, center, or program operated by a political or  
24 governmental subdivision pursuant to the authority provided in section  
25 13-304, classes or services provided by a religious organization other  
26 than child care or a preschool or nursery school, a preschool program  
27 conducted in a school approved pursuant to section 79-318, services  
28 provided only to school-age children during the summer and other extended  
29 breaks in the school year, or foster care as defined in section 71-1901.

30       Sec. 69. Section 71-2619, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           71-2619 (1) The Department of Health and Human Services may by  
2 regulation establish fees to defray the costs of providing specimen  
3 containers, shipping outfits, and related supplies and fees to defray the  
4 costs of certain laboratory examinations as requested by individuals,  
5 firms, corporations, or governmental agencies in the state. Fees for the  
6 provision of certain classes of shipping outfits or specimen containers  
7 shall be no more than the actual cost of materials, labor, and delivery.  
8 Fees for the provision of shipping outfits may be made when no charge is  
9 made for service.

10           (2) Fees may be established by regulation for chemical or  
11 microbiological examinations of various categories of water samples. Fees  
12 established for examination of water to ascertain qualities for domestic,  
13 culinary, and associated uses shall be set to defray no more than the  
14 actual cost of the tests in the following categories: (a) Inorganic  
15 chemical assays; (b) organic pollutants; and (c) bacteriological  
16 examination to indicate sanitary quality as coliform density by membrane  
17 filter test or equivalent test.

18           (3) Fees for examinations of water from lakes, streams,  
19 impoundments, or similar sources, from wastewaters, or from ground water  
20 for industrial or agricultural purposes may be charged in amounts  
21 established by regulation but shall not exceed one and one-half times the  
22 limits set by regulation for examination of domestic waters.

23           (4) Fees may be established by regulation for chemical or  
24 microbiological examinations of various categories of samples to defray  
25 no more than the actual cost of testing. Such fees may be charged for:

26           (a) Any specimen submitted for radiochemical analysis or  
27 characterization;

28           (b) Any material submitted for chemical characterization or  
29 quantitation; and

30           (c) Any material submitted for microbiological characterization.

31           (5) Fees may be established by regulation for the examinations of

1 certain categories of biological and clinical specimens to defray no more  
2 than the actual costs of testing. Such fees may be charged for  
3 examinations pursuant to law or regulation of:

4 (a) Any specimen submitted for chemical examination for assessment  
5 of health status or functional impairment;

6 (b) Any specimen submitted for microbiological examination which is  
7 not related to direct human contact with the microbiological agent; and

8 (c) A specimen submitted for microbiological examination or  
9 procedure by an individual, firm, corporation, or governmental unit other  
10 than the department.

11 (6) The department shall not charge fees for tests that include  
12 microbiological isolation, identification examination, or other  
13 laboratory examination for the following:

14 (a) A contagious disease when the department is authorized by law or  
15 regulation to directly supervise the prevention, control, or surveillance  
16 of such contagious disease;

17 (b) Any emergency when the health of the people of any part of the  
18 state is menaced or exposed pursuant to section 71-502; and

19 (c) When adopting or enforcing special quarantine and sanitary  
20 regulations authorized by the department.

21 (7) Combinations of different tests or groups of tests submitted  
22 together may be offered at rates less than those set for individual tests  
23 as allowed in this section and shall defray the actual costs.

24 (8) Fees may be established by regulation to defray no more than the  
25 actual costs of certifying laboratories, inspecting laboratories, and  
26 making laboratory agreements between the department and laboratories  
27 other than the Department of Health and Human Services, Division of  
28 Public Health, Environmental Laboratory for the purpose of conducting  
29 analyses of drinking water as prescribed in section 71 of this act  
30 ~~71-5306~~. For each laboratory applying for certification, fees shall  
31 include (a) an annual fee not to exceed one thousand eight hundred

1 dollars per laboratory and (b) an inspection fee not to exceed three  
2 thousand dollars per certification period for each laboratory located in  
3 this state.

4 (9) All fees collected pursuant to this section shall be remitted to  
5 the State Treasurer for credit to the Health and Human Services Cash  
6 Fund.

7 Sec. 70. Section 71-2621, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 71-2621 All fees collected for laboratory tests and services  
10 pursuant to sections 71-2619 and 71-2620 and section 71 of this act shall  
11 be remitted to the State Treasurer for credit to the Health and Human  
12 Services Cash Fund, which shall be used to partially defray the costs of  
13 labor, operations, supplies, and materials in the operations of the  
14 Department of Health and Human Services, Division of Public Health,  
15 Environmental Laboratory.

16 Sec. 71. (1) For purposes of the Nebraska Safe Drinking Water Act,  
17 the Director of Public Health of the Department of Health and Human  
18 Services may establish and collect fees for making laboratory analyses of  
19 water samples pursuant to sections 71-2619 to 71-2621, except that  
20 subsection (6) of section 71-2619 shall not apply for purposes of the  
21 Nebraska Safe Drinking Water Act. Inspection fees for making other  
22 laboratory agreements shall be established and collected pursuant to  
23 sections 71-2619 to 71-2621.

24 (2)(a) The Director of Public Health of the Department of Health and  
25 Human Services shall certify and enter into authorization agreements with  
26 laboratories to perform tests on water that is intended for human  
27 consumption, including the tests required by the director for compliance  
28 and monitoring purposes. The director shall establish, through rules and  
29 regulations, standards for certification. Such standards (i) may include  
30 requirements for staffing, equipment, procedures, and methodology for  
31 conducting laboratory tests, quality assurance and quality control



1 procedures, and communication of test results, (ii) shall provide for  
2 certification of independent laboratories to test samples provided by  
3 public water systems for all acute toxins for which the department tests  
4 such samples, including, but not limited to, coliform, nitrates,  
5 inorganic chemicals, organic chemicals, radionuclides, and any other  
6 acute toxins for which the department tests such samples, and (iii) shall  
7 be consistent with requirements for performing laboratory tests  
8 established by the United States Environmental Protection Agency to the  
9 extent such requirements are consistent with state law. The director may  
10 accept accreditation by a recognized independent accreditation body,  
11 public agency, or federal program which has standards that are at least  
12 as stringent as those established pursuant to this section. The director  
13 may adopt and promulgate rules and regulations which list accreditation  
14 bodies, public agencies, and federal programs that may be accepted as  
15 evidence that a laboratory meets the standards for certification.  
16 Inspection fees and fees for certifying other laboratories shall be  
17 established and collected to defray the cost of the inspections and  
18 certification as provided in sections 71-2619 to 71-2621.

19 (b) Laboratories shall be allowed to test water samples which are  
20 not compliance samples by testing methods other than the methods and  
21 procedures required to be used on compliance samples by rules and  
22 regulations of the department. For purposes of this section, compliance  
23 sample means a water sample required under the Nebraska Safe Drinking  
24 Water Act and rules and regulations of the department to determine  
25 whether a public water system meets current drinking water standards.

26 (3) All rules and regulations adopted prior to the operative date of  
27 this act under subdivision (1)(b) or subsection (2) of section 71-5306  
28 shall continue to be effective to the extent not in conflict with the  
29 changes made by this legislative bill and until amended or repealed by  
30 the department.

31 (4) All certifications, agreements, or other forms of approval

1 issued prior to the operative date of this act in accordance with  
2 subdivision (1)(b) or subsection (2) of section 71-5306 shall remain  
3 valid as issued for purposes of the changes made by this legislative bill  
4 unless revoked or otherwise terminated by law.

5 (5) Any suit, action, or other proceeding, judicial or  
6 administrative, which was lawfully commenced prior to the operative date  
7 of this act under subdivision (1)(b) or subsection (2) of section 71-5306  
8 shall be subject to the provisions of such section as they existed prior  
9 to the operative date of this act.

10 Sec. 72. Section 71-5301, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-5301 For purposes of the Nebraska Safe Drinking Water Act, unless  
13 the context otherwise requires:

14 (1) Council means the Advisory Council on Public Water Supply;

15 (2) Department means ~~the Division of Public Health of the Department~~  
16 ~~of Environment and Energy Health and Human Services;~~

17 (3) Director means the Director of Environment and Energy Public  
18 ~~Health of the Division of Public Health~~ or his or her authorized  
19 representative;

20 (4) Designated agent means any political subdivision or corporate  
21 entity having the demonstrated capability and authority to carry out in  
22 whole or in part the Nebraska Safe Drinking Water Act and with which the  
23 director has consummated a legal and binding contract covering  
24 specifically delegated responsibilities;

25 (5) Major construction, extension, or alteration means those  
26 structural changes that affect the source of supply, treatment processes,  
27 or transmission of water to service areas but does not include the  
28 extension of service mains within established service areas;

29 (6) Operator means the individual or individuals responsible for the  
30 continued performance of the water supply system or any part of such  
31 system during assigned duty hours;

1           (7) Owner means any person owning or operating a public water  
2 system;

3           (8) Person means any individual, corporation, firm, partnership,  
4 limited liability company, association, company, trust, estate, public or  
5 private institution, group, agency, political subdivision, or other  
6 entity or any legal successor, representative, agent, or agency of any of  
7 such entities;

8           (9) Water supply system means all sources of water and their  
9 surroundings under the control of one owner and includes all structures,  
10 conduits, and appurtenances by means of which such water is collected,  
11 treated, stored, or delivered except service pipes between street mains  
12 and buildings and the plumbing within or in connection with the buildings  
13 served;

14           (10)(a) Public water system means a system for providing the public  
15 with water for human consumption through pipes or other constructed  
16 conveyances, if such system has at least fifteen service connections or  
17 regularly serves an average of at least twenty-five individuals daily at  
18 least sixty days per year. Public water system includes (i) any  
19 collection, treatment, storage, and distribution facilities under control  
20 of the operator of such system and used primarily in connection with such  
21 system and (ii) any collection or pretreatment storage facilities not  
22 under such control which are used primarily in connection with such  
23 system. Public water system does not include a special irrigation  
24 district. A public water system is either a community water system or a  
25 noncommunity water system.

26           (b) Service connection does not include a connection to a system  
27 that delivers water by a constructed conveyance other than a pipe if (i)  
28 the water is used exclusively for purposes other than residential uses,  
29 consisting of drinking, bathing, cooking, and other similar uses, (ii)  
30 the department determines that alternative water to achieve the  
31 equivalent level of public health protection provided by the Nebraska

1 Safe Drinking Water Act and rules and regulations under the act is  
2 provided for residential or similar uses for drinking and cooking, or  
3 (iii) the department determines that the water provided for residential  
4 or similar uses for drinking, cooking, and bathing is centrally treated  
5 or treated at the point of entry by the provider, a pass-through entity,  
6 or the user to achieve the equivalent level of protection provided by the  
7 Nebraska Safe Drinking Water Act and the rules and regulations under the  
8 act.

9 (c) Special irrigation district means an irrigation district in  
10 existence prior to May 18, 1994, that provides primarily agricultural  
11 service through a piped water system with only incidental residential or  
12 similar use if the system or the residential or similar users of the  
13 system comply with exclusion provisions of subdivision (b)(ii) or (iii)  
14 of this subdivision;

15 (11) Drinking water standards means rules and regulations adopted  
16 and promulgated pursuant to section 71-5302 which (a) establish maximum  
17 levels for harmful materials which, in the judgment of the director, may  
18 have an adverse effect on the health of persons and (b) apply only to  
19 public water systems;

20 (12) Lead free means (a) not containing more than two-tenths percent  
21 lead when used with respect to solder and flux and (b) not containing  
22 more than a weighted average of twenty-five hundredths percent lead when  
23 used with respect to the wetted surfaces of pipes, pipe fittings,  
24 plumbing fittings, and fixtures;

25 (13) Community water system means a public water system that (a)  
26 serves at least fifteen service connections used by year-round residents  
27 of the area served by the system or (b) regularly serves at least twenty-  
28 five year-round residents;

29 (14) Noncommunity water system means a public water system that is  
30 not a community water system;~~and~~

31 (15) Nontransient noncommunity water system means a public water

1 system that is not a community water system and that regularly serves at  
2 least twenty-five of the same individuals over six months per year; and -  
3 (16) Federal Safe Drinking Water Act means the federal Safe Drinking  
4 Water Act, 42 U.S.C. 300f et seq., as the act existed on January 1, 2021.

5 Sec. 73. Section 71-5301.01, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7 71-5301.01 The director may adopt and promulgate rules and  
8 regulations regarding the use of lead-free materials in public water  
9 systems in compliance with standards established in accordance with the  
10 federal Safe Drinking Water Act 42 U.S.C. 300g, as such section existed  
11 on January 1, 2016.

12 Sec. 74. Section 71-5302, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:

14 71-5302 (1) The director shall adopt and promulgate necessary  
15 minimum drinking water standards, in the form of rules and regulations,  
16 to insure that drinking water supplied to consumers through all public  
17 water systems shall not contain amounts of chemical, radiological,  
18 physical, or bacteriological material determined by the director to be  
19 harmful to human health.

20 (2) The director may adopt and promulgate rules and regulations to  
21 require the monitoring of drinking water supplied to consumers through  
22 public water systems for chemical, radiological, physical, or  
23 bacteriological material determined by the director to be potentially  
24 harmful to human health.

25 (3) In determining what materials are harmful or potentially harmful  
26 to human health and in setting maximum levels for such harmful materials,  
27 the director shall be guided by:

28 (a) General knowledge of the medical profession and related  
29 scientific fields as to materials and substances which are harmful to  
30 humans if ingested through drinking water; and

31 (b) General knowledge of the medical profession and related

1 scientific fields as to the maximum amounts of such harmful materials  
2 which may be ingested by human beings, over varying lengths of time,  
3 without resultant adverse effects on health.

4 (4) Subject to section 71-5310, state drinking water standards shall  
5 apply to each public water system in the state, except that such  
6 standards shall not apply to a public water system:

7 (a) Which consists only of distribution and storage facilities and  
8 does not have any collection and treatment facilities;

9 (b) Which obtains all of its water from, but is not owned or  
10 operated by, a public water system to which such standards apply;

11 (c) Which does not sell water to any person; and

12 (d) Which is not a carrier which conveys passengers in interstate  
13 commerce.

14 (5) The director may adopt alternative monitoring requirements for  
15 public water systems in accordance with section 1418 of the federal Safe  
16 Drinking Water Act, ~~as such section existed on May 22, 2001.~~

17 (6) The director may adopt a system for the ranking of safe drinking  
18 water projects with known needs or for which loan applications have been  
19 received by the director ~~or the Department of Environment and Energy~~. In  
20 establishing the ranking system the director shall consider, among other  
21 things, the risk to human health, compliance with the federal Safe  
22 Drinking Water Act, ~~as the act existed on May 22, 2001,~~ and assistance to  
23 systems most in need based upon affordability criteria adopted by the  
24 director. This priority system shall be reviewed annually by the  
25 director.

26 Sec. 75. Section 71-5304, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 71-5304 (1) The director shall adopt and promulgate, as necessary,  
29 minimum rules and regulations governing the siting, design, construction,  
30 alteration, classification, and operation of public water systems to  
31 insure that such public water systems shall not contain amounts of

1 chemical, radiological, physical, or bacteriological materials which are  
2 determined by the director, pursuant to section 71-5302, to be harmful to  
3 the physical health of human beings. In adopting such rules and  
4 regulations, the director shall attempt to meet the following objectives:

5 (a) Insure that facilities are physically separated, to the greatest  
6 extent possible, from water or land areas which contain high levels of  
7 materials which are harmful to humans;

8 (b) Insure that such facilities, and all parts thereof, are  
9 physically sealed so that leakage of harmful materials into the public  
10 water system itself from sources outside the system shall not occur;

11 (c) Insure that all materials which are used in the construction of  
12 a system shall not place harmful materials into the public water system;

13 (d) Insure that all chemicals or other substances used to treat and  
14 purify water are free from harmful materials; and

15 (e) Insure, to the greatest extent possible, that such rules and  
16 regulations will allow uninterrupted and efficient operation of public  
17 water systems.

18 (2) The rules and regulations may contain differences and  
19 distinctions based on one or more of the following: Physical size of the  
20 facilities, number of persons served, system classification, source of  
21 water, treatment technique and purpose, and distribution complexity, so  
22 long as the objectives of this section are met.

23 Sec. 76. Section 71-5306, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 71-5306 (1) To carry out the provisions and purposes of the Nebraska  
26 Safe Drinking Water Act, the director may:

27 (a) Enter into agreements, contracts, or cooperative arrangements,  
28 under such terms as are deemed appropriate, with other state, federal, or  
29 interstate agencies or with municipalities, educational institutions,  
30 local health departments, or other organizations, entities, or  
31 individuals;

1 (b) Require all laboratory analyses to be performed at the  
2 Department of Health and Human Services, Division of Public Health,  
3 Environmental Laboratory, or at any other certified laboratory which has  
4 entered into an agreement for such services with the Department of Health  
5 and Human Services pursuant to section 71 of this act ~~department~~  
6 ~~therefor, and establish and collect fees for making laboratory analyses~~  
7 ~~of water samples pursuant to sections 71-2619 to 71-2621, except that~~  
8 ~~subsection (6) of section 71-2619 shall not apply for purposes of the~~  
9 ~~Nebraska Safe Drinking Water Act. Inspection fees for making other~~  
10 ~~laboratory agreements shall be established and collected pursuant to~~  
11 ~~sections 71-2619 to 71-2621;~~

12 (c) Receive financial and technical assistance from an agency of the  
13 federal government or from any other public or private agency;

14 (d) Enter the premises of a public water system at any time for the  
15 purpose of conducting monitoring, making inspections, or collecting water  
16 samples for analysis;

17 (e) Delegate those responsibilities and duties as deemed appropriate  
18 for the purpose of administering the requirements of the Nebraska Safe  
19 Drinking Water Act, including entering into agreements with designated  
20 agents which shall perform specifically delegated responsibilities and  
21 possess specifically delegated powers;

22 (f) Require the owner and operator of a public water system to  
23 establish and maintain records, make reports, and provide information as  
24 the department may reasonably require by regulation to enable it to  
25 determine whether such owner or operator has acted or is acting in  
26 compliance with the Nebraska Safe Drinking Water Act and rules and  
27 regulations adopted pursuant thereto. The department or its designated  
28 agent shall have access at all times to such records and reports; and

29 (g) Assess by regulation a fee for any review of plans and  
30 specifications pertaining to a public water system governed by section  
31 71-5305 in order to defray no more than the actual cost of the services



1 provided.

2 ~~(2)(a) The director shall certify and enter into authorization~~  
3 ~~agreements with laboratories to perform tests on water that is intended~~  
4 ~~for human consumption, including the tests required by the director for~~  
5 ~~compliance and monitoring purposes. The director shall establish, through~~  
6 ~~rules and regulations, standards for certification. Such standards (i)~~  
7 ~~may include requirements for staffing, equipment, procedures, and~~  
8 ~~methodology for conducting laboratory tests, quality assurance and~~  
9 ~~quality control procedures, and communication of test results, (ii) shall~~  
10 ~~provide for certification of independent laboratories to test samples~~  
11 ~~provided by public water systems for all acute toxins for which the~~  
12 ~~department tests such samples, including, but not limited to, coliform,~~  
13 ~~nitrites, inorganic chemicals, organic chemicals, radionuclides, and any~~  
14 ~~other acute toxins for which the department tests such samples, and (iii)~~  
15 ~~shall be consistent with requirements for performing laboratory tests~~  
16 ~~established by the United States Environmental Protection Agency to the~~  
17 ~~extent such requirements are consistent with state law. The director may~~  
18 ~~accept accreditation by a recognized independent accreditation body,~~  
19 ~~public agency, or federal program which has standards that are at least~~  
20 ~~as stringent as those established pursuant to this section. The director~~  
21 ~~may adopt and promulgate rules and regulations which list accreditation~~  
22 ~~bodies, public agencies, and federal programs that may be accepted as~~  
23 ~~evidence that a laboratory meets the standards for certification.~~  
24 ~~Inspection fees and fees for certifying other laboratories shall be~~  
25 ~~established and collected to defray the cost of the inspections and~~  
26 ~~certification as provided in sections 71-2619 to 71-2621.~~

27 ~~(b) Laboratories shall be allowed to test water samples which are~~  
28 ~~not compliance samples by testing methods other than the methods and~~  
29 ~~procedures required to be used on compliance samples by rules and~~  
30 ~~regulations of the department. For purposes of this section, compliance~~  
31 ~~sample means a water sample required under the Nebraska Safe Drinking~~

1 ~~Water Act and rules and regulations of the department to determine~~  
2 ~~whether a public water system meets current drinking water standards.~~

3       (2) (3) All fees collected by the department pursuant to this  
4 section shall be remitted to the State Treasurer for credit to the Safe  
5 Drinking Water Act Cash Fund, which is hereby created. Such fund shall be  
6 used by the department for the purpose of administering the Nebraska Safe  
7 Drinking Water Act. Any money in the fund available for investment shall  
8 be invested by the state investment officer pursuant to the Nebraska  
9 Capital Expansion Act and the Nebraska State Funds Investment Act.

10       Sec. 77. Section 71-5308, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12       71-5308   (1) An applicant shall submit an application and the  
13 applicable fees ~~Application~~ for a license to act as a licensed operator  
14 of a public water system to the department ~~shall be made as provided in~~  
15 ~~the Uniform Credentialing Act.~~

16       (2) The director shall adopt and promulgate rules and regulations to  
17 establish and collect fees to cover all reasonable and necessary costs of  
18 licensing activities, including a reasonable reserve. If an application  
19 for a license is denied or withdrawn, the department may retain a portion  
20 of the fee to cover the costs of the application process. The fees shall  
21 be waived for initial licenses for low-income individuals, military  
22 families, and young workers as those terms are defined in the Uniform  
23 Credentialing Act.

24       (3) The director shall remit fees collected under the Nebraska Safe  
25 Drinking Water Act to the State Treasurer for credit to the Safe Drinking  
26 Water Act Cash Fund.

27       (4) A license shall expire on December 31 of odd-numbered years. The  
28 director may renew a license upon application by the licensee, payment of  
29 the applicable fees, and a determination by the director that the  
30 licensee has complied with the act and the rules and regulations adopted  
31 and promulgated under the act.

1           Sec. 78. Section 71-5309, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           71-5309 (1) The director shall adopt and promulgate, as minimum  
4 necessary, minimum rules and regulations governing the qualifications of  
5 operators of public water systems. In adopting such rules and  
6 regulations, the director shall give consideration to the levels of  
7 training and experience which are required, in the opinion of the  
8 director, to insure to the greatest extent possible that the public water  
9 systems shall be operated in such a manner that (a) maximum efficiency  
10 can be attained, (b) interruptions in service will not occur, (c)  
11 chemical treatment of the water will be adequate to maintain purity and  
12 safety, and (d) harmful materials will not enter the public water system.

13           (2) The director may require, by rule and regulation, that the  
14 applicant for a license successfully pass an examination on the subject  
15 of operation of a public water system. The rules and regulations, and any  
16 tests so administered, may set out different requirements for public  
17 water systems based on one or more of the following: Physical size of the  
18 facilities, number of persons served, system classification, source of  
19 water, treatment technique and purpose, and distribution complexity, so  
20 long as the criteria set forth in this section are followed.

21           (3) An applicant for a license as a public water system operator  
22 under the Nebraska Safe Drinking Water Act who previously held a license  
23 or certification as a public water system operator under the act and  
24 whose license or certification expired two years or more prior to the  
25 date of application shall take the examination required to be taken by an  
26 applicant for an initial license under the act. The department's review  
27 of the application for licensure by an applicant under this subsection  
28 shall include the results of such examination and the applicant's  
29 experience and training. The department may by rules and regulations  
30 establish requirements for relicensure under the act which are more  
31 stringent for applicants whose license is expired or has been revoked or

1 suspended than those for applicants for initial licensure.

2 (4) The director may adopt and promulgate rules and regulations as  
3 necessary to establish procedures for licensing, including, but not  
4 limited to, issuance of temporary or emergency licenses, reinstatement of  
5 licenses, and reciprocal licensure agreements with other states.

6 (5) The director may deny, revoke, or suspend a license after notice  
7 and an opportunity for a hearing. Grounds for denial, revocation, or  
8 suspension include, but are not limited to, (a) fraud or deception by the  
9 applicant or licensee, (b) failure to use reasonable care in the  
10 performance of licensed activities, (c) inability of the applicant or  
11 licensee to perform licensed activities properly, (d) failure to maintain  
12 the minimum requirements for licensure or operation established by the  
13 act or the rules and regulations adopted and promulgated under the act,  
14 or (e) any other violation of the act or the rules and regulations  
15 adopted and promulgated under the act.

16 Sec. 79. Section 71-5310, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 71-5310 (1) The director, with the approval of the council, may  
19 authorize variances or exemptions from the drinking water standards  
20 issued pursuant to section 71-5302 under conditions and in such manner as  
21 they deem necessary and desirable. Such variances or exemptions shall be  
22 permitted under conditions and in a manner which are not less stringent  
23 than the conditions under, and the manner in which, variances and  
24 exemptions may be granted under the federal Safe Drinking Water Act—  
25 ~~the act existed on July 20, 2002.~~

26 (2) Prior to granting a variance or an exemption, the director shall  
27 provide notice, in a newspaper of general circulation serving the area  
28 served by the public water system, of the proposed exemption or variance  
29 and that interested persons may request a public hearing on the proposed  
30 exemption or variance. The director may require the system to provide  
31 other appropriate notice necessary to provide adequate notice to persons

1 served by the system.

2 (3) If a public hearing is requested, the director shall set a time  
3 and place for the hearing and such hearing shall be held before the  
4 department prior to the variance or exemption being issued. Frivolous and  
5 insubstantial requests for a hearing may be denied by the director. An  
6 exemption or variance shall be conditioned on monitoring, testing,  
7 analyzing, or other requirements to insure the protection of the public  
8 health. A variance or an exemption granted shall include a schedule of  
9 compliance under which the public water system is required to meet each  
10 contaminant level or treatment technique requirement for which a variance  
11 or an exemption is granted within a reasonable time as specified by the  
12 director with the approval of the council.

13 Sec. 80. Section 71-5312.01, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15 71-5312.01 (1) All rules and regulations adopted prior to the  
16 operative date of this act December 1, 2008, under the Nebraska Safe  
17 Drinking Water Act shall continue to be effective to the extent not in  
18 conflict with the changes made by this legislative bill Laws 2007, LB  
19 463.

20 (2) All licenses, certificates, or other forms of approval issued  
21 prior to the operative date of this act December 1, 2008, in accordance  
22 with the Nebraska Safe Drinking Water Act shall remain valid as issued  
23 for purposes of the changes made by this legislative bill Laws 2007, LB  
24 463, unless revoked or otherwise terminated by law.

25 (3) Any suit, action, or other proceeding, judicial or  
26 administrative, which was lawfully commenced prior to the operative date  
27 of this act December 1, 2008, under the Nebraska Safe Drinking Water Act  
28 shall be subject to the provisions of the act as they existed prior to  
29 the operative date of this act December 1, 2008.

30 Sec. 81. Section 81-502, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

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

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

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

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

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

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

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

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

26           (v) Mobile home parks for which a license or renewal of a license is  
27 sought, upon request of the Department of Environment and Energy Health  
28 ~~and Human Services~~, pursuant to section 31 of this act ~~71-4635~~.

29           (2) The State Fire Marshal may enter into contracts with private  
30 individuals or other agencies, boards, commissions, or governmental  
31 bodies for the purpose of carrying out his or her duties and

1 responsibilities pursuant to the Arson Reporting Immunity Act, the  
2 Nebraska Natural Gas Pipeline Safety Act of 1969, and sections 81-502 to  
3 81-538, 81-5,132 to 81-5,146, and 81-5,151 to 81-5,157.

4 (3) The State Fire Marshal may delegate the authority set forth in  
5 this section and section 81-503.01 to qualified local fire prevention  
6 personnel. The State Fire Marshal may overrule a decision, act, or policy  
7 of the local fire prevention personnel. When the State Fire Marshal  
8 overrules the local personnel, such local personnel may follow the  
9 appeals procedure established by sections 81-502.01 to 81-502.03. Such  
10 delegation of authority may be revoked by the State Fire Marshal for  
11 cause upon thirty days' notice 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. 82. Section 81-2121, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 81-2121 Nothing in the State Electrical Act shall be construed to:

19 (1) Require employees of municipal corporations, public power  
20 districts, public power and irrigation districts, electric membership or  
21 cooperative associations, public utility corporations, railroads,  
22 telephone or telegraph companies, or commercial or industrial companies  
23 performing manufacturing, installation, and repair work for such employer  
24 to hold licenses while acting within the scope of their employment;

25 (2) Require any person doing work for which a license would  
26 otherwise be required under the act to hold a license issued under the  
27 act if he or she is the holder of a valid license issued by any city or  
28 other political subdivision, so long as he or she makes electrical  
29 installations only in the jurisdictional limits of such city or political  
30 subdivision and such license issued by the city or political subdivision  
31 meets the requirements of the act;

1 (3) Cover the installation, maintenance, repair, or alteration of  
2 vertical transportation or passenger conveyors, elevators, moving walks,  
3 dumbwaiters, stagelifts, manlifts, or appurtenances thereto beyond the  
4 terminals of the controllers. The licensing of elevator contractors or  
5 constructors shall not be considered a part of the licensing requirements  
6 of the act;

7 (4) Require a license of any person who engages any electrical  
8 appliance where approved electrical outlets are already installed;

9 (5) Prohibit an owner of property from performing work on his or her  
10 principal residence, if such residence is not larger than a single-family  
11 dwelling, or farm property, excluding commercial or industrial  
12 installations or installations in public-use buildings or facilities, or  
13 require such owner to be licensed under the act;

14 (6) Require that any person be a member of a labor union in order to  
15 be licensed; or

16 (7) Prohibit a pump installation contractor or pump installation  
17 supervisor licensed ~~credentialed~~ under the Water Well Standards and  
18 Contractors' Practice Act from wiring pumps and pumping equipment at a  
19 water well location to the first control.

20 Sec. 83. There is hereby created the Environmental Safety Cash Fund  
21 which shall be used to pay the expenses of the Department of Environment  
22 and Energy related to issuance and renewal of licenses and permits and  
23 annual inspections, including sections 8, 12, 22, and 32 of this act. Any  
24 money in the fund available for investment shall be invested by the state  
25 investment officer pursuant to the Nebraska Capital Expansion Act and the  
26 Nebraska State Funds Investment Act. The State Treasurer shall transfer  
27 any money in the Health and Human Services Cash Fund pursuant to sections  
28 8, 12, 22, and 32 of this act, as such sections existed prior to the  
29 operative date of this act, to the Environmental Safety Cash Fund on July  
30 1, 2021.

31 Sec. 84. There is hereby created the Engineering Plan Review Cash



1 Fund which shall be used to pay the expenses of the Department of  
2 Environment and Energy related to engineering reviews of plans and  
3 specifications, including those under subsection (3) of section 8 of this  
4 act and subsection (2) of section 22 of this act. Any money in the fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
7 State Funds Investment Act. The State Treasurer shall transfer any money  
8 in the Health and Human Services Cash Fund pursuant to subsection (3) of  
9 section 8 of this act and subsection (2) of section 22 of this act, as  
10 such sections existed prior to the operative date of this act, to the  
11 Engineering Plan Review Cash Fund on July 1, 2021.

12       Sec. 85. This act becomes operative on July 1, 2021.

13       Sec. 86. Original sections 2-3254, 38-108, 38-157, 38-158, 38-167,  
14 38-179, 38-1,107, 38-1,115, 38-1,119, 46-1011, 46-1201, 46-1204.01,  
15 46-1207, 46-1227.01, 46-1229, 46-1231, 46-1235, 46-1238, 71-1910,  
16 71-2619, 71-2621, 71-2622, 71-3101, 71-3102, 71-3103, 71-3104, 71-3105,  
17 71-3106, 71-3107, 71-4301, 71-4302, 71-4303, 71-4304, 71-4305, 71-4306,  
18 71-4307, 71-4621, 71-4622, 71-4623, 71-4624, 71-4625, 71-4626, 71-4627,  
19 71-4629, 71-4630, 71-4631, 71-4632, 71-4633, 71-4634, 71-4635, 71-5301,  
20 71-5301.01, 71-5304, 71-5306, 71-5308, 71-5309, 71-5310, 71-5312.01, and  
21 81-2121, Reissue Revised Statutes of Nebraska, and sections 2-2626,  
22 38-101, 38-121, 38-151, 38-155, 38-1,143, 46-602, 46-705, 46-1224,  
23 71-5302, and 81-502, Revised Statutes Cumulative Supplement, 2020, are  
24 repealed.

25       Sec. 87. Since an emergency exists, this act takes effect when  
26 passed and approved according to law.