

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 148

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

1 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 both water
8 uses is critical for the safety and sustainability of communities in the
9 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 the Department of Environment and
21 Energy.

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

24 ~~71-4301~~ For purposes of sections 4 to 10 of this act ~~71-4301 to~~
25 ~~71-4307~~, unless the context otherwise requires; ~~7~~

26 (1) ~~Swimming~~ swimming pool means any artificial basin of water
27 modified, improved, constructed, or installed solely for the purpose of
28 public swimming, wading, diving, recreation, or instruction; ~~7~~

29 (2) Swimming pool includes, but is not limited to, a pool serving a
30 community, a subdivision, an apartment complex, a condominium, a club, a
31 camp, a school, an institution, a park, a manufactured home park, a

1 hotel, a motel, a recreational area, or a water park; -

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

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

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

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

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

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

31 Sec. 7. Section 71-4304, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~71-3101~~ For purposes of ~~As used in~~ sections 11 to 17 of this act
31 ~~71-3101 to 71-3107~~, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

28 (2) A permit may be revoked at any time, after notice and
29 opportunity for a fair hearing held by the department, if it is found
30 that the camp for which the permit is issued is maintained or operated in
31 violation of law or of any regulations applicable to a camp or in

1 violation of the conditions stated in the permit. A new permit shall not
2 be issued until the department is satisfied that the camp will be
3 operated in compliance with the law and regulations.

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

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

11 (2) All rules and regulations adopted prior to the operative date of
12 this act under sections 11 to 17 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 and until amended
15 or repealed by the department.

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

21 (4) 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 11 to 17 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. 16. Section 71-3106, Reissue Revised Statutes of Nebraska, is
27 amended to read:

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

1 Sec. 17. Section 71-3107, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

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

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

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

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

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

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

1 liability company, company, or other entity on its own premises and used
2 exclusively to house its own labor force; and

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

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

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

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

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

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

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

1 Sec. 21. Section 71-4623, Reissue Revised Statutes of Nebraska, is
2 amended to read:

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

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

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

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

1 credited to the fund pursuant to this section shall be used by the
2 department for the purpose of administering the Uniform Standard Code for
3 Mobile Home Parks.

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

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

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

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

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

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

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

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

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

1 ~~71-4629~~ The department shall adopt, promulgate, and enforce by rules
2 and regulations standards governing utility systems and sanitary
3 conditions for mobile home parks. The department shall not adopt or
4 enforce by rules and regulations any design, construction, or land-use
5 standards for any mobile home park.

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

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

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

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

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

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

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

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

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

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

31 (c) Conduct or utility or sanitation practices detrimental to the

1 health or safety of residents of a mobile home park.

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

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

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

23 (6) The department shall remit any collected civil penalty to the
24 State Treasurer for distribution in accordance with Article VII, section
25 5, of the Constitution of Nebraska.

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

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

1 and each day such mobile home park shall operate without a license after
2 a first conviction shall be considered a separate offense. Such person
3 shall also be guilty of maintaining a nuisance pursuant to section
4 28-1321, and upon conviction thereof, in addition to payment of the fine,
5 such nuisance shall be removed.

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

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

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

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

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

31 ~~71-2622~~ (1) The department ~~Department of Health and Human Services~~

1 shall collect a fee of not less than sixty nor more than one hundred
2 dollars, as determined by regulation, for each inspection of private
3 water supply or private sewage disposal facilities requested of and made
4 by the department in order for the person requesting the inspection to
5 qualify for any type of commercial loan, guarantee, or other type of
6 payment or benefit from any commercial agency or enterprise to the person
7 applying for or receiving the same or to meet the requirements of any
8 federal governmental agency, including, but not limited to, the Rural
9 Development Agency of the United States Department of Agriculture Farmers
10 Home Administration, the Federal Housing Administration, and the United
11 States Department of Veterans Affairs, that such an inspection be
12 conducted as a condition of applying for or receiving any type of grant,
13 loan, guarantee, or other type of payment or benefit from such agency to
14 the person applying for or receiving the same. All fees collected under
15 this subsection shall be remitted to the State Treasurer for credit to
16 the Environmental Safety All fees so collected shall be paid into the
17 state treasury and by the State Treasurer credited to the Health and
18 Human Services Cash Fund.

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

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

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

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

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

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

1 Environment and Energy are hereby recognized, with the Department of
2 Environment and Energy succeeding to all rights and obligations under
3 such contracts. Any cash funds, custodial funds, gifts, trusts, grants,
4 and any appropriations of funds from prior fiscal years available to
5 satisfy obligations incurred under such contracts shall be transferred
6 and appropriated to such department for the payments of such obligations.
7 All documents and records transferred, or copies of the same, may be
8 authenticated or certified by such department for all legal 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 of the Department
20 of Environment and Energy, such law shall be construed as referring to
21 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 38-101, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 38-101 Sections 38-101 to 38-1,145 and the following practice acts
31 shall be known and may be cited as the Uniform Credentialing Act:

- 1 (1) The Advanced Practice Registered Nurse Practice Act;
- 2 (2) The Alcohol and Drug Counseling Practice Act;
- 3 (3) The Athletic Training Practice Act;
- 4 (4) The Audiology and Speech-Language Pathology Practice Act;
- 5 (5) The Certified Nurse Midwifery Practice Act;
- 6 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 7 (7) The Chiropractic Practice Act;
- 8 (8) The Clinical Nurse Specialist Practice Act;
- 9 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
- 10 Body Art Practice Act;
- 11 (10) The Dentistry Practice Act;
- 12 (11) The Dialysis Patient Care Technician Registration Act;
- 13 (12) The Emergency Medical Services Practice Act;
- 14 (13) The Environmental Health Specialists Practice Act;
- 15 (14) The Funeral Directing and Embalming Practice Act;
- 16 (15) The Genetic Counseling Practice Act;
- 17 (16) The Hearing Instrument Specialists Practice Act;
- 18 (17) The Licensed Practical Nurse-Certified Practice Act until
- 19 November 1, 2017;
- 20 (18) The Massage Therapy Practice Act;
- 21 (19) The Medical Nutrition Therapy Practice Act;
- 22 (20) The Medical Radiography Practice Act;
- 23 (21) The Medicine and Surgery Practice Act;
- 24 (22) The Mental Health Practice Act;
- 25 (23) The Nurse Practice Act;
- 26 (24) The Nurse Practitioner Practice Act;
- 27 (25) The Nursing Home Administrator Practice Act;
- 28 (26) The Occupational Therapy Practice Act;
- 29 (27) The Optometry Practice Act;
- 30 (28) The Perfusion Practice Act;
- 31 (29) The Pharmacy Practice Act;

- 1 (30) The Physical Therapy Practice Act;
- 2 (31) The Podiatry Practice Act;
- 3 (32) The Psychology Practice Act;
- 4 (33) The Respiratory Care Practice Act;
- 5 (34) The Surgical First Assistant Practice Act; and
- 6 (35) The Veterinary Medicine and Surgery Practice Act. ~~;~~ and
- 7 ~~(36) The Water Well Standards and Contractors' Practice Act.~~

8 If there is any conflict between any provision of sections 38-101 to
9 38-1,145 and any provision of a practice act, the provision of the
10 practice act shall prevail.

11 ~~The Revisor of Statutes shall assign the Uniform Credentialing Act,~~
12 ~~including the practice acts enumerated in subdivisions (1) through (35)~~
13 ~~of this section, to articles within Chapter 38.~~

14 Sec. 40. Section 38-108, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-108 Board means one of the boards appointed by the State Board of
17 Health pursuant to section 38-158 or appointed by the Governor pursuant
18 to the Emergency Medical Services Practice Act ~~or the Water Well~~
19 ~~Standards and Contractors' Practice Act.~~ For professions for which there
20 is no board established by statute, the duties normally carried out by a
21 board are the responsibility of the department.

22 Sec. 41. Section 38-121, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 38-121 (1) No individual shall engage in the following practices
25 unless such individual has obtained a credential under the Uniform
26 Credentialing Act:

- 27 (a) Acupuncture;
- 28 (b) Advanced practice nursing;
- 29 (c) Alcohol and drug counseling;
- 30 (d) Asbestos abatement, inspection, project design, and training;
- 31 (e) Athletic training;

- 1 (f) Audiology;
- 2 (g) Speech-language pathology;
- 3 (h) Body art;
- 4 (i) Chiropractic;
- 5 (j) Cosmetology;
- 6 (k) Dentistry;
- 7 (l) Dental hygiene;
- 8 (m) Electrology;
- 9 (n) Emergency medical services;
- 10 (o) Esthetics;
- 11 (p) Funeral directing and embalming;
- 12 (q) Genetic counseling;
- 13 (r) Hearing instrument dispensing and fitting;
- 14 (s) Lead-based paint abatement, inspection, project design, and
- 15 training;
- 16 (t) Licensed practical nurse-certified until November 1, 2017;
- 17 (u) Massage therapy;
- 18 (v) Medical nutrition therapy;
- 19 (w) Medical radiography;
- 20 (x) Medicine and surgery;
- 21 (y) Mental health practice;
- 22 (z) Nail technology;
- 23 (aa) Nursing;
- 24 (bb) Nursing home administration;
- 25 (cc) Occupational therapy;
- 26 (dd) Optometry;
- 27 (ee) Osteopathy;
- 28 (ff) Perfusion;
- 29 (gg) Pharmacy;
- 30 (hh) Physical therapy;
- 31 (ii) Podiatry;

- 1 (jj) Psychology;
- 2 (kk) Radon detection, measurement, and mitigation;
- 3 (ll) Respiratory care;
- 4 (mm) Surgical assisting; and
- 5 (nn) Veterinary medicine and surgery. ~~;~~
- 6 ~~(oo) Public water system operation; and~~
- 7 ~~(pp) Constructing or decommissioning water wells and installing~~
- 8 ~~water well pumps and pumping equipment.~~

9 (2) No individual shall hold himself or herself out as any of the
10 following until such individual has obtained a credential under the
11 Uniform Credentialing Act for that purpose:

- 12 (a) Registered environmental health specialist;
- 13 (b) Certified marriage and family therapist;
- 14 (c) Certified professional counselor;
- 15 (d) Social worker; or
- 16 (e) Dialysis patient care technician.

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

- 20 (a) Body art;
- 21 (b) Cosmetology;
- 22 (c) Emergency medical services;
- 23 (d) Esthetics;
- 24 (e) Funeral directing and embalming;
- 25 (f) Massage therapy; or
- 26 (g) Nail technology.

27 Sec. 42. Section 38-151, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 38-151 (1) It is the intent of the Legislature that the revenue to
30 cover the cost of the credentialing system administered by the department
31 is to be derived from General Funds, cash funds, federal funds, gifts,

1 grants, or fees from individuals or businesses seeking credentials except
2 as otherwise provided in section 38-155. The credentialing system
3 includes the totality of the credentialing infrastructure and the process
4 of issuance and renewal of credentials, examinations, inspections,
5 investigations, continuing competency, compliance assurance, the periodic
6 review under section 38-128, and the activities conducted under the
7 Nebraska Regulation of Health Professions Act, for individuals and
8 businesses that provide health services, health-related services, and
9 environmental services.

10 (2) The department shall determine the cost of the credentialing
11 system for such individuals and businesses by calculating the total of
12 the base costs, the variable costs, and any adjustments as provided in
13 sections 38-152 to 38-154.

14 (3) When fees are to be established pursuant to section 38-155 for
15 individuals or businesses ~~other than individuals in the practice of~~
16 ~~constructing or decommissioning water wells and installing water well~~
17 ~~pumps and pumping equipment~~, the department, with the recommendation of
18 the appropriate board if applicable, shall base the fees on the cost of
19 the credentialing system and shall include usual and customary cost
20 increases, a reasonable reserve, and the cost of any new or additional
21 credentialing activities. ~~For individuals in the practice of constructing~~
22 ~~or decommissioning water wells and installing water well pumps and~~
23 ~~pumping equipment, the Water Well Standards and Contractors' Licensing~~
24 ~~Board shall establish the fees as otherwise provided in this subsection.~~
25 All such fees shall be used as provided in section 38-157.

26 (4) In addition to the fees established under section 38-155, each
27 applicant for the initial issuance and renewal of a credential to
28 practice as a physician or an osteopathic physician under the Medicine
29 and Surgery Practice Act shall pay a patient safety fee of fifty dollars
30 and to practice as a physician assistant under the Medicine and Surgery
31 Practice Act shall pay a patient safety fee of twenty dollars, which fee

1 shall be collected biennially with the initial or renewal fee for the
2 credential. Revenue from such fee shall be remitted to the State
3 Treasurer for credit to the Patient Safety Cash Fund. The patient safety
4 fee shall terminate on January 1, 2026, unless extended by the
5 Legislature.

6 Sec. 43. Section 38-155, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 38-155 (1) Subject to subsection (3) of this section, the
9 department, with the recommendation of the appropriate board if
10 applicable, ~~or the Water Well Standards and Contractors' Licensing Board~~
11 ~~as provided in section 38-151,~~ shall adopt and promulgate rules and
12 regulations to establish and collect the fees for the following
13 credentials:

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

15 (i) Licensure, certification, or registration;

16 (ii) Add-on or specialty credentials;

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

18 (iv) Supervisory or collaborative relationship credentials;

19 (b) Applications to renew licenses, certifications, and
20 registrations;

21 (c) Approval of continuing education courses and other methods of
22 continuing competency; and

23 (d) Inspections and reinspections.

24 (2) When a credential will expire within one hundred eighty days
25 after its initial issuance date or its reinstatement date and the initial
26 credentialing or renewal fee is twenty-five dollars or more, the
27 department shall collect twenty-five dollars or one-fourth of the initial
28 credentialing or renewal fee, whichever is greater, for the initial or
29 reinstated credential. The initial or reinstated credential shall be
30 valid until the next subsequent renewal date.

31 (3) All fees for initial credentials under the Uniform Credentialing

1 Act for low-income individuals, military families, and young workers
2 shall be waived except the actual cost of the fingerprinting and criminal
3 background check for an initial license under section 38-131.

4 Sec. 44. Section 38-157, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-157 (1) The Professional and Occupational Credentialing Cash Fund
7 is created. Except as provided in section 71-17,113, the fund shall
8 consist of all fees, gifts, grants, and other money, excluding fines and
9 civil penalties, received or collected by the department under sections
10 38-151 to 38-156 and the Nebraska Regulation of Health Professions Act.

11 (2) The department shall use the fund for the administration and
12 enforcement of such laws regulating the individuals and businesses listed
13 in section 38-121. Transfers may be made from the fund to the General
14 Fund at the direction of the Legislature. The State Treasurer shall
15 transfer any money in the ~~Nebraska Regulation of Health Professions Fund~~
16 ~~on July 19, 2012,~~ to the Professional and Occupational Credentialing Cash
17 Fund for licensing activities under the Water Well Standards and
18 Contractors' Practice Act on the operative date of this act to the Water
19 Well Standards and Contractors' Licensing Fund.

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

24 Sec. 45. Section 38-158, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-158 (1) The State Board of Health shall appoint members to the
27 boards designated in section 38-167 except the Board of Emergency Medical
28 ~~Services and the Water Well Standards and Contractors' Licensing Board.~~

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

1 Sec. 46. Section 38-167, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-167 (1) Boards shall be designated as follows:

4 (a) Board of Advanced Practice Registered Nurses;

5 (b) Board of Alcohol and Drug Counseling;

6 (c) Board of Athletic Training;

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

8 (e) Board of Chiropractic;

9 (f) Board of Cosmetology, Electrology, Esthetics, Nail Technology,
10 and Body Art;

11 (g) Board of Dentistry;

12 (h) Board of Emergency Medical Services;

13 (i) Board of Registered Environmental Health Specialists;

14 (j) Board of Funeral Directing and Embalming;

15 (k) Board of Hearing Instrument Specialists;

16 (l) Board of Massage Therapy;

17 (m) Board of Medical Nutrition Therapy;

18 (n) Board of Medical Radiography;

19 (o) Board of Medicine and Surgery;

20 (p) Board of Mental Health Practice;

21 (q) Board of Nursing;

22 (r) Board of Nursing Home Administration;

23 (s) Board of Occupational Therapy Practice;

24 (t) Board of Optometry;

25 (u) Board of Pharmacy;

26 (v) Board of Physical Therapy;

27 (w) Board of Podiatry;

28 (x) Board of Psychology;

29 (y) Board of Respiratory Care Practice; and

30 (z) Board of Veterinary Medicine and Surgery. ~~;~~ ~~and~~

31 ~~(aa) Water Well Standards and Contractors' Licensing Board.~~

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

6 Sec. 47. Section 38-179, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-179 For purposes of section 38-178, unprofessional conduct means
9 any departure from or failure to conform to the standards of acceptable
10 and prevailing practice of a profession or the ethics of the profession,
11 regardless of whether a person, consumer, or entity is injured, or
12 conduct that is likely to deceive or defraud the public or is detrimental
13 to the public interest, including, but not limited to:

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

16 (2) Division of fees, or agreeing to split or divide the fees,
17 received for professional services with any person for bringing or
18 referring a consumer other than (a) with a partner or employee of the
19 applicant or credential holder or his or her office or clinic, (b) with a
20 landlord of the applicant or credential holder pursuant to a written
21 agreement that provides for payment of rent based on gross receipts, or
22 (c) with a former partner or employee of the applicant or credential
23 holder based on a retirement plan or separation agreement, ~~or (d) by a~~
24 ~~person credentialed pursuant to the Water Well Standards and Contractors'~~
25 ~~Practice Act;~~

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

29 (4) Cheating on or attempting to subvert the credentialing
30 examination;

31 (5) Assisting in the care or treatment of a consumer without the

1 consent of such consumer or his or her legal representative;

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

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

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

10 (9) Commission of any act of sexual abuse, misconduct, or
11 exploitation related to the practice of the profession of the applicant
12 or credential holder;

13 (10) Failure to keep and maintain adequate records of treatment or
14 service;

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

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

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

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

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

29 Nothing in this section shall be construed to exclude determination
30 of additional conduct that is unprofessional by adjudication in
31 individual contested cases.

1 Sec. 48. Section 38-1,107, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1,107 (1) Except as provided in subsection (2) of this section,
4 the department shall provide the Attorney General with a copy of all
5 complaints it receives and advise the Attorney General of investigations
6 it makes which may involve any possible violation of statutes or rules
7 and regulations by a credential holder. The Attorney General shall then
8 determine which, if any, statutes, rules, or regulations the credential
9 holder has violated and the appropriate legal action to take. The
10 Attorney General may (a) elect to file a petition under section 38-186 or
11 not to file a petition, (b) negotiate a voluntary surrender or voluntary
12 limitation pursuant to section 38-1,109, or (c) in cases involving a
13 minor or insubstantial violation, refer the matter to the appropriate
14 board for the opportunity to resolve the matter by recommending to the
15 Attorney General that he or she enter into an assurance of compliance
16 with the credential holder in lieu of filing a petition. An assurance of
17 compliance shall not constitute discipline against a credential holder.

18 (2) This section does not apply to the following professions or
19 businesses: Asbestos abatement, inspection, project design, and training;
20 lead-based paint abatement, inspection, project design, and training;
21 medical radiography; and radon detection, measurement, and mitigation;
22 ~~water system operation; and constructing or decommissioning water wells~~
23 ~~and installing water well pumps and pumping equipment.~~

24 Sec. 49. Section 38-1,115, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1,115 It shall be prima facie evidence of practice without being
27 credentialed when any of the following conditions exist:

- 28 (1) The person admits to engaging in practice;
29 (2) Staffing records or other reports from the employer of the
30 person indicate that the person was engaged in practice;
31 (3) Billing or payment records document the provision of service,

1 care, or treatment by the person;

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

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

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

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

11 Sec. 50. Section 38-1,119, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-1,119 (1) Sections 38-1,119 to 38-1,123 apply to the following
14 professions and businesses: Asbestos abatement, inspection, project
15 design, and training; lead-based paint abatement, inspection, project
16 design, and training; medical radiography; and radon detection,
17 measurement, and mitigation; ~~water system operation; and constructing or~~
18 ~~decommissioning water wells and installing water well pumps and pumping~~
19 ~~equipment.~~

20 (2) If an applicant for an initial credential to practice a
21 profession or operate a business does not meet all of the requirements
22 for the credential, the department shall deny issuance of the credential.
23 If an applicant for an initial credential or a credential holder applying
24 for renewal of the credential has committed any of the acts set out in
25 section 38-178 or 38-182, as applicable, the department may deny issuance
26 or refuse renewal of the credential or may issue or renew the credential
27 subject to any of the terms imposed under section 38-196 in order to
28 protect the public.

29 Sec. 51. Section 38-1,143, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 38-1,143 (1) Except as otherwise provided in subsection (4) of this

1 section, any credential holder under the Uniform Credentialing Act may
2 establish a provider-patient relationship through telehealth.

3 (2) Any credential holder under the Uniform Credentialing Act who is
4 providing a telehealth service to a patient may prescribe the patient a
5 drug if the credential holder is authorized to prescribe under state and
6 federal law.

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

9 (4) This section does not apply to a credential holder under the
10 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
11 Practice Act, the Dialysis Patient Care Technician Registration Act, the
12 Environmental Health Specialists Practice Act, the Funeral Directing and
13 Embalming Practice Act, the Massage Therapy Practice Act, the Medical
14 Radiography Practice Act, the Nursing Home Administrator Practice Act,
15 the Perfusion Practice Act, the Surgical First Assistant Practice Act, or
16 the Veterinary Medicine and Surgery Practice Act, ~~or the Water Well~~
17 ~~Standards and Contractors' Practice Act.~~

18 Sec. 52. Section 46-1201, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 46-1201 Sections 46-1201 to 46-1241 and sections 55 and 56 of this
21 act shall be known and may be cited as the Water Well Standards and
22 Contractors' Practice Act.

23 Sec. 53. Section 46-1204.01, Reissue Revised Statutes of Nebraska,
24 is amended to read:

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

1 who decommissioned the water well or by the water well owner if the owner
2 decommissioned the water well.

3 Sec. 54. Section 46-1207, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 46-1207 Department ~~means shall mean~~ the Department of Environment
6 and Energy Health and Human Services.

7 Sec. 55. No board member shall take any action or make any decision
8 in the discharge of the duties of a member of the board that may
9 constitute a conflict of interest. As soon as a member is aware of a
10 potential conflict or should reasonably be aware of such potential
11 conflict, whichever is sooner, the member shall submit a written
12 statement to the Director of Environment and Energy describing the matter
13 requiring action or decision and the nature of the potential conflict.
14 The member shall take such action as the director shall advise or
15 prescribe to remove the member from influence over the action or decision
16 on the matter. For purposes of this section, conflict of interest
17 includes financial, professional, or personal obligations that may
18 compromise or present the appearance of compromising the judgment of a
19 member in the performance of the duties of a member of the board. The
20 director may establish a definition of conflicts of interest for members
21 of the board and may establish procedures in case such a conflict arises.

22 Sec. 56. (1) Each member of the board shall, in addition to
23 necessary traveling and lodging expenses, receive a per diem for each day
24 actually engaged in the discharge of the duties of a member of the board,
25 including compensation for the time spent in traveling to and from the
26 place of conducting business. Traveling and lodging expenses shall be on
27 the same basis as provided in sections 81-1174 to 81-1177. The
28 compensation per day shall not exceed fifty dollars and shall be
29 determined by the board with the approval of the department.

30 (2) The board may select one or more of its members to attend the
31 annual meeting of the national organization of state boards of water well

1 contractors or other related meetings. Any member so selected shall
2 receive traveling and lodging expenses in attending such meetings on the
3 same basis as provided in sections 81-1174 to 81-1177.

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

8 Sec. 57. Section 46-1224, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

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

28 (2) The board shall set fees for licensing individuals under the
29 Water Well Standards and Contractors' Practice Act for application, for
30 issuance of, and renewal of licenses. The fees shall be waived for
31 initial licenses for low-income individuals, military families, and young

1 ~~workers as those terms are defined in the Uniform Credentialing Act Fees~~
2 ~~for credentialing individuals under the Water Well Standards and~~
3 ~~Contractors' Practice Act shall be established and collected as provided~~
4 ~~in sections 38-151 to 38-157.~~

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

1 collected as if only one water well was being registered. The fees shall
2 be remitted to the Director of Natural Resources with the registration
3 form required by section 46-602 and shall be in addition to the fee in
4 section 46-606. The director shall remit the fee to the State Treasurer
5 for credit to the Water Well Standards and Contractors' Licensing Fund.

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

10 Sec. 58. Section 46-1227.01, Reissue Revised Statutes of Nebraska,
11 is amended to read:

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

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

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

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

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

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

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

1 (8) An individual who owns land and uses it for farming, ranching,
2 or agricultural purposes or as his or her place of abode may, on such
3 land, construct a water well, install a pump in a well, or decommission a
4 driven sandpoint well.

5 Sec. 59. Section 46-1229, Reissue Revised Statutes of Nebraska, is
6 amended to read:

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

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

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

30 (4) All licenses or other forms of approval issued prior to the
31 operative date of this act in accordance with the Uniform Credentialing

1 Act and the Water Well Standards and Contractors' Practice Act shall
2 remain valid as issued for purposes of the changes made by this
3 legislative bill unless revoked or otherwise terminated by law.

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

10 Sec. 60. Section 46-1231, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 46-1231 Each water well drilling supervisor, pump installation
13 supervisor, natural resources ground water technician, and water well
14 monitoring technician shall make application for a license in his or her
15 respective trade. A license shall be issued to every applicant who
16 successfully passes the examination for such license and otherwise
17 complies with ~~the Uniform Credentialing Act,~~ the Water Well Standards and
18 Contractors' Practice Act, and all standards, rules, and regulations
19 adopted and promulgated pursuant to the act ~~such acts~~. Any individual
20 employed by a licensed water well contractor or a licensed pump
21 installation contractor who is not deemed to qualify as a licensed water
22 well drilling supervisor or licensed pump installation supervisor may
23 apply for a license in his or her respective trade in the same manner as
24 the licensed water well drilling supervisor or the licensed pump
25 installation supervisor. ~~A supervisor holding a certificate of competence~~
26 ~~in his or her respective trade on December 1, 2008, shall be deemed to be~~
27 ~~licensed as a supervisor in such trade on such date. A technician holding~~
28 ~~a certificate of competence in his or her respective trade on December 1,~~
29 ~~2008, shall be deemed to be licensed as a technician in such trade on~~
30 ~~such date.~~

31 Sec. 61. Section 46-1235, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 46-1235 In cases other than those relating to failure to meet the
3 requirements for an initial license, the Director of Environment and
4 Energy department may deny, refuse renewal of, suspend, or revoke
5 licenses or may take other disciplinary action following notice and an
6 opportunity for a hearing in accordance with section 38-196 for the
7 grounds found in sections 38-178 and 38-179 and for any of the following
8 acts or offenses:

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

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

13 (3) Failure to exercise reasonable care in the practice of the
14 trade;

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

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

18 (6) ~~(2)~~ Conduct or practices detrimental to the health or safety of
19 persons hiring the services of the licensee or of members of the general
20 public;

21 (7) ~~(3)~~ Practice of the trade while the license to do so is
22 suspended or practice of the trade in contravention of any limitation
23 placed upon the license;

24 (8) ~~(4)~~ Failing to file a water well registration required by
25 subsection (1), (2), (3), (4), or (5) of section 46-602 or failing to
26 file a notice required by subsection (7) of such section; or

27 (9) ~~(5)~~ Failing to file a properly completed notice of abandonment
28 of a water well required by subsection (8) of section 46-602.

29 Sec. 62. Section 46-1238, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 46-1238 Any person who fails to employ or use at least one

1 individual appropriately licensed and available or any person who
2 engages, without a license for such activities, in the construction of
3 water wells, the installation of pumps and pumping equipment, the
4 decommissioning of water wells, or the measuring of ground water levels,
5 the collection of ground water samples from existing water wells, or the
6 inspection of installed water well equipment, pumping systems, or
7 chemigation regulation devices, in addition to the other penalties
8 provided in ~~the Uniform Credentialing Act~~ or the Water Well Standards and
9 Contractors' Practice Act, may be enjoined from continuing such
10 activities.

11 Sec. 63. Section 71-1910, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 71-1910 For purposes of the Child Care Licensing Act, unless the
14 context otherwise requires:

15 (1) Department means the Department of Health and Human Services;
16 and

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

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

1 breaks in the school year, or foster care as defined in section 71-1901.

2 Sec. 64. Section 71-2619, Reissue Revised Statutes of Nebraska, is
3 amended to read:

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

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

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

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

29 (a) Any specimen submitted for radiochemical analysis or
30 characterization;

31 (b) Any material submitted for chemical characterization or

1 quantitation; and

2 (c) Any material submitted for microbiological characterization.

3 (5) Fees may be established by regulation for the examinations of
4 certain categories of biological and clinical specimens to defray no more
5 than the actual costs of testing. Such fees may be charged for
6 examinations pursuant to law or regulation of:

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

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

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

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

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

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

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

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

27 (8) Fees may be established by regulation to defray no more than the
28 actual costs of certifying laboratories, inspecting laboratories, and
29 making laboratory agreements between the department and laboratories
30 other than the Department of Health and Human Services, Division of
31 Public Health, Environmental Laboratory for the purpose of conducting

1 analyses of drinking water as prescribed in section 66 of this act
2 ~~71-5306~~. For each laboratory applying for certification, fees shall
3 include (a) an annual fee not to exceed one thousand eight hundred
4 dollars per laboratory and (b) an inspection fee not to exceed three
5 thousand dollars per certification period for each laboratory located in
6 this state.

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

10 Sec. 65. Section 71-2621, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 71-2621 All fees collected for laboratory tests and services
13 pursuant to sections 71-2619 and 71-2620 and section 66 of this act shall
14 be remitted to the State Treasurer for credit to the Health and Human
15 Services Cash Fund, which shall be used to partially defray the costs of
16 labor, operations, supplies, and materials in the operations of the
17 Department of Health and Human Services, Division of Public Health,
18 Environmental Laboratory.

19 Sec. 66. (1) For purposes of the Nebraska Safe Drinking Water Act,
20 the Director of Public Health of the Department of Health and Human
21 Services may establish and collect fees for making laboratory analyses of
22 water samples pursuant to sections 71-2619 to 71-2621, except that
23 subsection (6) of section 71-2619 shall not apply for purposes of the
24 Nebraska Safe Drinking Water Act. Inspection fees for making other
25 laboratory agreements shall be established and collected pursuant to
26 sections 71-2619 to 71-2621.

27 (2)(a) The director shall certify and enter into authorization
28 agreements with laboratories to perform tests on water that is intended
29 for human consumption, including the tests required by the director for
30 compliance and monitoring purposes. The director shall establish, through
31 rules and regulations, standards for certification. Such standards (i)

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

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

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

1 the department.

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

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

12 Sec. 67. Section 71-5301, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 71-5301 For purposes of the Nebraska Safe Drinking Water Act, unless
15 the context otherwise requires:

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

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

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

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

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

31 (6) Operator means the individual or individuals responsible for the

1 continued performance of the water supply system or any part of such
2 system during assigned duty hours;

3 (7) Owner means any person owning or operating a public water
4 system;

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

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

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

28 (b) Service connection does not include a connection to a system
29 that delivers water by a constructed conveyance other than a pipe if (i)
30 the water is used exclusively for purposes other than residential uses,
31 consisting of drinking, bathing, cooking, and other similar uses, (ii)

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

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

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

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

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

31 (14) Noncommunity water system means a public water system that is

1 not a community water system;~~and~~

2 (15) Nontransient noncommunity water system means a public water
3 system that is not a community water system and that regularly serves at
4 least twenty-five of the same individuals over six months per year; and -

5 (16) Federal Safe Drinking Water Act means the federal Safe Drinking
6 Water Act, 42 U.S.C. 300f et seq., as the act existed on January 1, 2021.

7 Sec. 68. Section 71-5301.01, Reissue Revised Statutes of Nebraska,
8 is amended to read:

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

14 Sec. 69. Section 71-5302, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

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

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

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

30 (a) General knowledge of the medical profession and related
31 scientific fields as to materials and substances which are harmful to

1 humans if ingested through drinking water; and

2 (b) General knowledge of the medical profession and related
3 scientific fields as to the maximum amounts of such harmful materials
4 which may be ingested by human beings, over varying lengths of time,
5 without resultant adverse effects on health.

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

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

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

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

14 (d) Which is not a carrier which conveys passengers in interstate
15 commerce.

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

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

28 Sec. 70. Section 71-5304, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 71-5304 (1) The director shall adopt and promulgate, as necessary,
31 minimum rules and regulations governing the siting, design, construction,

1 alteration, classification, and operation of public water systems to
2 insure that such public water systems shall not contain amounts of
3 chemical, radiological, physical, or bacteriological materials which are
4 determined by the director, pursuant to section 71-5302, to be harmful to
5 the physical health of human beings. In adopting such rules and
6 regulations, the director shall attempt to meet the following objectives:

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

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

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

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

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

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

25 Sec. 71. Section 71-5306, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 71-5306 (1) To carry out the provisions and purposes of the Nebraska
28 Safe Drinking Water Act, the director may:

29 (a) Enter into agreements, contracts, or cooperative arrangements,
30 under such terms as are deemed appropriate, with other state, federal, or
31 interstate agencies or with municipalities, educational institutions,

1 local health departments, or other organizations, entities, or
2 individuals;

3 (b) Require all laboratory analyses to be performed at the
4 Department of Health and Human Services, Division of Public Health,
5 Environmental Laboratory, or at any other certified laboratory which has
6 entered into an agreement for such services with the Department of Health
7 and Human Services pursuant to section 66 of this act ~~department~~
8 ~~therefor, and establish and collect fees for making laboratory analyses~~
9 ~~of water samples pursuant to sections 71-2619 to 71-2621, except that~~
10 ~~subsection (6) of section 71-2619 shall not apply for purposes of the~~
11 ~~Nebraska Safe Drinking Water Act. Inspection fees for making other~~
12 ~~laboratory agreements shall be established and collected pursuant to~~
13 ~~sections 71-2619 to 71-2621;~~

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

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

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

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

31 (g) Assess by regulation a fee for any review of plans and

1 specifications pertaining to a public water system governed by section
2 71-5305 in order to defray no more than the actual cost of the services
3 provided.

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

29 ~~(b) Laboratories shall be allowed to test water samples which are~~
30 ~~not compliance samples by testing methods other than the methods and~~
31 ~~procedures required to be used on compliance samples by rules and~~

1 ~~regulations of the department. For purposes of this section, compliance~~
2 ~~sample means a water sample required under the Nebraska Safe Drinking~~
3 ~~Water Act and rules and regulations of the department to determine~~
4 ~~whether a public water system meets current drinking water standards.~~

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

12 Sec. 72. Section 71-5308, Reissue Revised Statutes of Nebraska, is
13 amended to read:

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

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

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

29 (4) A license shall expire on December 1 of odd-numbered years. The
30 director may renew a license upon application by the licensee, payment of
31 the applicable fees, and a determination by the director that the

1 licensee has complied with the act and the rules and regulations adopted
2 and promulgated under the act.

3 Sec. 73. Section 71-5309, Reissue Revised Statutes of Nebraska, is
4 amended to read:

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

15 (2) The director may require, by rule and regulation, that the
16 applicant for a license successfully pass an examination on the subject
17 of operation of a public water system. The rules and regulations, and any
18 tests so administered, may set out different requirements for public
19 water systems 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 criteria set forth in this section are followed.

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

1 establish requirements for relicensure under the act which are more
2 stringent for applicants whose license is expired or has been revoked or
3 suspended than those for applicants for initial licensure.

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

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

18 Sec. 74. Section 71-5310, Reissue Revised Statutes of Nebraska, is
19 amended to read:

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

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

1 exemption or variance. The director may require the system to provide
2 other appropriate notice necessary to provide adequate notice to persons
3 served by the system.

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

15 Sec. 75. Section 71-5312.01, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 71-5312.01 (1) All rules and regulations adopted prior to the
18 operative date of this act December 1, 2008, under the Nebraska Safe
19 Drinking Water Act shall continue to be effective to the extent not in
20 conflict with the changes made by this legislative bill Laws 2007, LB
21 463.

22 (2) All licenses, certificates, or other forms of approval issued
23 prior to the operative date of this act December 1, 2008, in accordance
24 with the Nebraska Safe Drinking Water Act shall remain valid as issued
25 for purposes of the changes made by this legislative bill Laws 2007, LB
26 463, unless revoked or otherwise terminated by law.

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

1 Sec. 76. Section 81-502, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

6 (3) The State Fire Marshal may delegate the authority set forth in
7 this section and section 81-503.01 to qualified local fire prevention
8 personnel. The State Fire Marshal may overrule a decision, act, or policy
9 of the local fire prevention personnel. When the State Fire Marshal
10 overrules the local personnel, such local personnel may follow the
11 appeals procedure established by sections 81-502.01 to 81-502.03. Such
12 delegation of authority may be revoked by the State Fire Marshal for
13 cause upon thirty days' notice after a hearing.

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

18 Sec. 77. Section 81-2121, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-2121 Nothing in the State Electrical Act shall be construed to:

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

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

1 subdivision and such license issued by the city or political subdivision
2 meets the requirements of the act;

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

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

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

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

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

22 Sec. 78. There is hereby created the Environmental Safety Cash Fund
23 which shall be used to pay the expenses of the Department of Environment
24 and Energy related to issuance and renewal of licenses and permits and
25 annual inspections, including sections 8, 12, 22, and 32 of this act. Any
26 money in the fund available for investment shall be invested by the state
27 investment officer pursuant to the Nebraska Capital Expansion Act and the
28 Nebraska State Funds Investment Act. The State Treasurer shall transfer
29 any money in the Health and Human Services Cash Fund pursuant to sections
30 8, 12, 22, and 32 of this act, as such sections existed prior to the
31 operative date of this act, to the Environmental Safety Cash Fund on July

1 1, 2021.

2 Sec. 79. There is hereby created the Engineering Plan Review Cash
3 Fund which shall be used to pay the expenses of the Department of
4 Environment and Energy related to engineering reviews of plans and
5 specifications, including those under subsection (3) of section 8 of this
6 act and subsection (2) of section 22 of this act. Any money in the fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act. The State Treasurer shall transfer any money
10 in the Health and Human Services Cash Fund pursuant to subsection (3) of
11 section 8 of this act and subsection (2) of section 22 of this act, as
12 such sections existed prior to the operative date of this act, to the
13 Engineering Plan Review Cash Fund on July 1, 2021.

14 Sec. 80. This act becomes operative on July 1, 2021.

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

26 Sec. 82. Since an emergency exists, this act takes effect when
27 passed and approved according to law.