

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 19

FINAL READING

Introduced by Krist, 10.

Read first time January 08, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to
2 amend section 71-5306, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to certification of laboratories as
4 prescribed; and to repeal the original section.

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

1 Section 1. Section 71-5306, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-5306 (1) To carry out the provisions and purposes of the Nebraska
4 Safe Drinking Water Act, the director may:

5 (a) Enter into agreements, contracts, or cooperative arrangements,
6 under such terms as are deemed appropriate, with other state, federal, or
7 interstate agencies or with municipalities, educational institutions,
8 local health departments, or other organizations, entities, or
9 individuals;

10 (b) Require all laboratory analyses to be performed at the
11 Department of Health and Human Services, Division of Public Health,
12 Environmental Laboratory, or at any other certified laboratory which has
13 entered into an agreement with the department therefor, and establish and
14 collect fees for making laboratory analyses of water samples pursuant to
15 sections 71-2619 to 71-2621, except that subsection (6) of section
16 71-2619 shall not apply for purposes of the Nebraska Safe Drinking Water
17 Act. Inspection fees for making other laboratory agreements shall be
18 established and collected pursuant to sections 71-2619 to 71-2621;

19 ~~(c) Certify laboratories performing tests on water that is intended~~
20 ~~for human consumption. The director may establish, through rules and~~
21 ~~regulations, standards for certification. Such standards may include~~
22 ~~requirements for staffing, equipment, procedures, and methodology for~~
23 ~~conducting laboratory tests, quality assurance and quality control~~
24 ~~procedures, and communication of test results. Such standards shall be~~
25 ~~consistent with requirements for performing laboratory tests established~~
26 ~~by the federal Environmental Protection Agency to the extent such~~
27 ~~requirements are consistent with state law. The director may accept~~
28 ~~accreditation by a recognized independent accreditation body, public~~
29 ~~agency, or federal program which has standards that are at least as~~
30 ~~stringent as those established pursuant to this section. The director may~~
31 ~~adopt and promulgate rules and regulations which list accreditation~~

~~1 bodies, public agencies, and federal programs that may be accepted as
2 evidence that a laboratory meets the standards for certification.
3 Inspection fees and fees for certifying other laboratories shall be
4 established and collected to defray the cost of the inspections and
5 certification as provided in sections 71-2619 to 71-2621;~~

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

8 (d e) Enter the premises of a public water system at any time for
9 the purpose of conducting monitoring, making inspections, or collecting
10 water samples for analysis;

11 (e f) Delegate those responsibilities and duties as deemed
12 appropriate for the purpose of administering the requirements of the
13 Nebraska Safe Drinking Water Act, including entering into agreements with
14 designated agents which shall perform specifically delegated
15 responsibilities and possess specifically delegated powers;

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

23 (g h) Assess by regulation a fee for any review of plans and
24 specifications pertaining to a public water system governed by section
25 71-5305 in order to defray no more than the actual cost of the services
26 provided.

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 nitrites, 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 2) All such fees collected by the department pursuant to this
29 section shall be remitted to the State Treasurer for credit to the Safe
30 Drinking Water Act Cash Fund, which is hereby created. Such fund shall be
31 used by the department for the purpose of administering the Nebraska Safe

1 Drinking Water Act. Any money in the fund available for investment shall
2 be invested by the state investment officer pursuant to the Nebraska
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4 Sec. 2. Original section 71-5306, Reissue Revised Statutes of
5 Nebraska, is repealed.