2006

STATE OF NEBRASKA

STATUTES RELATING TO WATER WELL STANDARDS AND CONTRACTORS' LICENSING ACT

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

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STATUTES PERTAINING TO WATER WELL STANDARDS AND CONTRACTORS' LICENSING

46-1201. Act, how cited. Sections 46-1201 to 46-1241 shall be known and may be cited as the Water Well Standards and Contractors' Licensing Act.

Source: Laws 1986, LB 310, § 1; Laws 1991, LB 51, § 18; Laws 1993, LB 131, § 38; Laws 1994, LB 981, § 9; Laws 1996, LB 1241, § 2; Laws 2001, LB 133, § 1. Effective date September 1, 2001.

46-1202. **Purposes of act.** The purposes of the Water Well Standards and Contractors' Licensing Act are to: (1) Provide for the protection of ground water through the licensing and regulation of water well contractors and pump installation contractors and the certification of water well drilling supervisors, pump installation supervisors, water well monitoring technicians, and natural resources ground water technicians in the State of Nebraska; (2) protect the health and general welfare of the citizens of the state; (3) protect ground water resources from potential pollution by providing for proper siting and construction of water wells and proper decommissioning of water wells; and (4) provide data on potential water supplies through well logs which will promote the economic and efficient utilization and management of the water resources of the state.

Source: Laws 1986, LB 310, § 2; Laws 1994, LB 981, § 10; Laws 2001, LB 133, § 2; Laws 2001, LB 667, § 11. Operative date July 1, 2001.

46-1203. Definitions, where found. For purposes of the Water Well Standards and Contractors' Licensing Act, unless the context otherwise requires, the definitions found in sections 46-1204.01 to 46-1216 shall be used.

Source: Laws 1986, LB 310, § 3; Laws 1991, LB 51, § 19; Laws 1993, LB 131, § 39; Laws 1994, LB 981, § 11; Laws 1996, LB 1241, § 3; Laws 2001, LB 133, § 3. Effective date September 1, 2001.

46-1204. Repealed. Laws 1993, LB 131, §65.

46-1204.01. Abandoned water well, defined. Abandoned water well means any water well (1) the use of which has been accomplished or permanently discontinued, (2) which has been decommissioned as described in the rules and regulations of the Department of Health and Human Services Regulation and Licensure, and (3) for which the notice of abandonment required by subsection (2) of section 46-602 has been filed with the Department of Natural Resources by the licensed water well contractor or pump installation contractor who decommissioned the water well or by the water well owner if the owner decommissioned the water well.

Source: Laws 1994, LB 981, § 12; Laws 1996, LB 1044, § 264; Laws 2000, LB 900, § 234; Laws 2001, LB 667, § 12; Laws 2003, LB 245, § 7. Operative date January 1, 2004.

46-1204.02. Active status water well, defined. Active status water well shall mean a water well which is in use and which is not an illegal water well.

Source: Laws 1994, LB 981, §13.

46-1205. Board, defined. Board shall mean the Water Well Standards and Contractors' Licensing Board created in section 46-1217.

Source: Laws 1986, LB 310, §5.

46-1205.01. Certified natural resources ground water technician, defined. Certified natural resources ground water technician means a natural resources ground water technician who has taken a training course, passed an examination based on the training course, and received a certificate from the department indicating that he or she is a certified natural resources ground water technician.

Source: Laws 2001, LB 133, § 4. Effective date September 1, 2001.

46-1206. Construction of water wells, defined. Construction of water wells shall mean and include all acts necessary to make a water well usable for the purpose for which it is intended including, without limitation, the siting of and excavation for the water well and its construction, alteration, or repair, but excluding the installation of pumps and pumping equipment.

Source: Laws 1986, LB 310, §6.

46-1206.01. Decommissioned, defined. Decommissioned, when used in relation to a water well, shall mean the act of filling, sealing, and plugging a water well in accordance with the rules and regulations of the department.

Source: Laws 1994, LB 981, §14.

46-1207. Department, defined. Department shall mean the Department of Health and Human Services Regulation and

Licensure.

Source: Laws 1986, LB 310, §7; Laws 1996, LB 1044, §265. Operative date January 1, 1997.

46-1207.01. Illegal water well, defined; landowner; petition for reclassification; when. (1) Illegal water well shall mean any water well which has not been properly decommissioned and which meets any of the following conditions:

(a) The water well is in such a condition that it cannot be placed in active or inactive status;

(b) Any necessary operating equipment has been removed and the well has not been placed in inactive status;

(c) The water well is in such a state of disrepair that continued use for the purpose for which it was constructed is impractical;

(d) The water well was constructed after October 1, 1986, but not constructed by a licensed water well contractor or by an individual on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode;

(e) The water well poses a health or safety hazard;

(f) The water well is an illegal water well in accordance with section 46-706; or

(g) The water well has been constructed after October 1, 1986, and such well is not in compliance with the standards developed under the Water Well Standards and Contractors' Licensing Act.

(2) Whenever the department classifies a water well as an illegal water well, the landowner may petition the department to reclassify the water well as an active status water well, an inactive status water well, or an abandoned water well.

Source: Laws 1994, LB 981, § 15; Laws 1996, LB 108, § 76; Laws 2004, LB 962, § 98. Operative date July 16, 2004.

46-1207.02. Inactive status water well, defined. Inactive status water well shall mean a water well that is in a good state of repair and for which the owner has provided evidence of intent for future use by maintaining the water well in a manner which meets the following requirements:

(1) The water well does not allow impairment of the water quality in the water well or of the ground water encountered by the water well;

(2) The top of the water well or water well casing has a water-tight welded or threaded cover or some other water-tight means to prevent its removal without the use of equipment or tools to prevent unauthorized access, to prevent a safety hazard to humans and animals, and to prevent illegal disposal of wastes or contaminants into the water well;

(3) All entrances and discharge piping to the water well are effectively sealed to prevent the entrance of contaminants; and

(4) The water well is marked so as to be easily visible and located and is labeled or otherwise marked so as to be easily identified as a water well and the area surrounding the water well is kept clear of brush, debris, and waste material.

Source: Laws 1994, LB 981, § 16; Laws 2004, LB 962, § 99. Operative date July 16, 2004.

46-1208. Installation of pumps and pumping equipment, defined. Installation of pumps and pumping equipment shall mean the procedure employed in the placement and preparation for operation of pumps and pumping equipment at the water well location, including connecting all wiring to the first control and all construction or repair involved in making entrance to the water well, which involves the breaking of the well seal.

Source: Laws 1986, LB 310, § 8; Laws 1993, LB 131, § 40; Laws 2006, LB 508, § 4. Effective date July 14, 2006.

46-1208.01. Person, defined. Person shall mean any: Individual; partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

Source: Laws 1996, LB 1241, §4. Effective date July 19, 1996.

46-1208.02. Natural resources ground water technician, defined. Natural resources ground water technician means any individual employed by a natural resources district and engaged in the inspection of chemigation systems, measuring and recording static water levels, inspection and servicing of flow meters, and water sampling practices and techniques. Natural resources ground water technician does not include: (1) An individual who constructs a water well or installs or repairs pumps or pumping equipment or a water well; (2) a water well monitoring technician; or (3) an individual who carries out the measurement, sampling, or inspection of a water well which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode.

Source: Laws 2001, LB 133, § 5. Effective date September 1, 2001.

46-1209. Pump installation contractor, defined. Pump installation contractor means the principal officer, director, manager, or owner-operator of any business engaged in the installation of pumps and pumping equipment or the decommissioning of water wells. Pump installation contractor does not include: (1) An individual who installs or repairs pumps and pumping equipment for a water well, or who decommissions a driven sandpoint well, which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode; (2) a pump installation supervisor; or (3) an individual who repairs pumps and pumping equipment at a location other than a water well location.

Source: Laws 1986, LB 310, § 9; Laws 2001, LB 667, § 13. Operative date July 1, 2001.

46-1210. Pump installation supervisor, defined. Pump installation supervisor means any individual engaged in the installation of pumps and pumping equipment or the decommissioning of water wells. Such supervisor may have discretionary and supervisory authority over other employees of a pump installation contractor. Pump installation supervisor does not include: (1) An individual who installs or repairs pumps or pumping equipment for a water well, or decommissions a driven sandpoint well, which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode; (2) an individual who repairs pumps and pumping equipment at a location other than a water well location; or (3) any licensed pump installation contractor.

Source: Laws 1986, LB 310, § 10; Laws 2001, LB 667, § 14. Operative date July 1, 2001.

46-1211. Pumps and pumping equipment, defined. Pumps and pumping equipment shall mean any equipment or materials utilized or intended for use in withdrawing or obtaining ground water including, but not limited to, seals, tanks, fittings, and controls.

Source: Laws 1986, LB 310, §11.

46-1212. Water well, defined. Water well shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in section 81-1502 into the underground water reservoir. Water well shall not include any excavation made for obtaining or prospecting for oil or natural gas or for inserting media to repressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Conservation Commission.

Source: Laws 1986, LB 310, § 12; Laws 1993, LB 131, § 41; Laws 2004, LB 962, § 100. Operative date July 16, 2004.

46-1213. Water well contractor, defined. Water well contractor means the principal officer, director, manager, or owner-operator of any business engaged in the construction or decommissioning of water wells. Water well contractor does not include: (1) An individual who constructs a water well, or who decommissions a driven sandpoint well, which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode; or (2) a water well drilling supervisor.

Source: Laws 1986, LB 310, § 13; Laws 2001, LB 667, § 15. Operative date July 1, 2001.

46-1214. Water well drilling supervisor, defined. Water well drilling supervisor means any individual engaged in the construction or decommissioning of water wells. Such supervisor may have discretionary and supervisory authority over other employees of a water well contractor. Water well drilling supervisor does not include: (1) An individual who constructs a water well, or decommissions a driven sandpoint well, which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode; or (2) any licensed water well contractor.

Source: Laws 1986, LB 310, § 14; Laws 2001, LB 667, § 16. Operative date July 1, 2001.

46-1214.01. Water well monitoring technician, defined. Water well monitoring technician means any individual engaged solely in the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment or pumping systems. Water well monitoring technician does not include: (1) An individual who constructs or decommissions a water well or installs or repairs pumps or pumping equipment or a water well; (2) a natural resources ground water technician; or (3) an individual who carries out the measurement, sampling, or inspection of a water well which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode.

Source: Laws 1991, LB 51, § 20; Laws 2001, LB 133, § 6; Laws 2001, LB 667, § 17. Operative date July 1, 2001.

46-1215. Well repairs, defined. Well repairs shall mean any change, replacement, or other alteration of any water well, pump, or pumping equipment or any other activity which requires a breaking or opening of the well seal.

Source: Laws 1986, LB 310, §15.

46-1216. Well seal, defined. Well seal shall mean an arrangement or device used to cap a water well or to establish and maintain a junction between the casing or curbing of a water well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the water well.

Source: Laws 1986, LB 310, §16.

46-1217. Water Well Standards and Contractors' Licensing Board; created; members; qualifications. There is hereby created a Water Well Standards and Contractors' Licensing Board. The board shall be composed of ten members, six of whom

shall be appointed by the Governor as follows: (1) A water well contractor representing irrigation water well contractors, (2) a water well contractor representing domestic water well contractors, (3) a water well contractor representing municipal and industrial water well contractors, (4) a pump installation contractor, (5) a manufacturer or supplier of water well or pumping equipment, and (6) a holder of a license or certificate issued under the Water Well Standards and Contractors' Licensing Act employed by a natural resources district. The Director of Health and Human Services Regulation and Licensure or his or her designated representative, the Director of Environmental Quality or his or her designated representative, the Director of Natural Resources or his or her designated representative, and the director of the Department of Natural Resources, and the director of the Conservation and Survey Division of the University of Nebraska or his or her designated representative shall also serve as members of the board. Each member shall be a resident of the state. Each appointed member of the board shall have had at least five years of experience in the business of his or her category prior to appointment and shall be actively engaged in such business at the time of appointment and while serving on the board. Each member representing a category subject to licensing under the Water Well Standards and Contractors' Licensing Act, with the exception of members initially appointed, shall be licensed by the department pursuant to such act. In making appointments, the Governor may consider recommendations made by the trade associations of each category.

Source: Laws 1986, LB 310, § 17; Laws 1993, LB 3, § 32; Laws 1993, LB 131, § 42; Laws 1996, LB 1044, § 266; Laws 2000, LB 900, § 235; Laws 2006, LB 508, § 5. Effective date July 14, 2006.

46-1218. Board; appointment; when; terms; vacancy. The Governor shall make the first appointments to the board within sixty days after October 1, 1986. Successors to the first appointees to the board shall be appointed for four-year terms. Two of the initial appointees shall serve terms of two years and two of the initial appointees shall serve terms of three years as determined by lot. The term of the remaining initial appointee shall be four years. No appointed member shall be appointed to serve three consecutive full four-year terms. Each appointed member shall hold office until the expiration of his or her term or until a successor has been appointed and qualified. Any vacancy occurring in the appointed board membership, other than by expiration of a term, shall be filled within sixty days by the Governor by appointment from the appropriate category for the unexpired term.

Source: Laws 1986, LB 310, §18.

46-1219. Board; meetings; officers; quorum. The board shall meet within sixty days after the appointment of its members and thereafter at such other times as is deemed necessary or advisable. Special meetings of the board shall be called upon the written request of any three members of the board. The place of all meetings shall be at the offices of the department, unless otherwise determined by the board. At the first meeting of the board, a chairperson and vice-chairperson shall be selected. A majority of the members of the board shall constitute a quorum for the transaction of business. Every act of a majority of the total number of members of the board shall be deemed to be an act of the board.

Source: Laws 1986, LB 310, §19.

46-1219.01. Board members; immunity from liability. Members of the board shall not be liable for damages to any person for slander, libel, defamation of character, breach of any privileged communication, or otherwise for any action taken or recommendation made within the scope of the functions of the board if the member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him or her after a reasonable effort is made to obtain the facts on which such action is taken or recommendation is made.

Source: Laws 1993, LB 131, §44.

46-1220. Board; compensation; expenses. No member of the board shall receive any compensation for his or her services but members shall be entitled to receive their actual and necessary expenses as provided in sections 81-1174 to 81-1177 for state employees.

Source: Laws 1986, LB 310, §20.

46-1221. Board; executive secretary; offices. The department shall designate an individual with the approval of the board to serve as executive secretary of the board, and the department shall furnish such offices and materials as may be necessary for the efficient operation of the board.

Source: Laws 1986, LB 310, §21.

46-1222. Board; adopt rules and regulations. The board shall adopt and promulgate rules and regulations for the administration of its duties under the Water Well Standards and Contractors' Licensing Act, including examinations, water well registration fees, continuing competency requirements, and credentialing fees established and collected as provided in section 71-162.

Source: Laws 1986, LB 310, § 22; Laws 2002, LB 1021, § 1; Laws 2003, LB 242, § 7. Operative date July 1, 2004.

46-1223. Licensure or certification; examination; requirements; fee; hardship licensing. (1) The department with the assistance of the board shall cause examination to be made of applicants for licensure or certification. The board shall determine the type, categories, contents, and required passing grade of examinations to be administered to applicants for licensing or certification. Examinations shall be held at such times and places as the department, with the advice of the board, may determine. The department shall act within ninety days upon all completed applications for licensure or certification.

(2) Examinations for water well monitoring technicians shall be designed and adopted to examine the knowledge of the applicant regarding the minimum standards for water wells and water well pumps, the geological characteristics of the state, measuring ground water levels, and water sampling practices and techniques. Examinations for natural resources ground water technicians shall examine the knowledge of the applicant regarding inspection of chemigation systems, measuring and recording static water levels, inspecting and servicing flow meters, and water sampling practices and techniques. All other examinations shall be designed and adopted to examine the knowledge of the applicant regarding the minimum standards for water wells and water well pumps, the geological characteristics of the state, current drilling or pump installation practices and techniques, and such other knowledge as deemed appropriate by the board. The board may adopt any nationally developed standard examinations as constituting part or all of the Nebraska examinations.

(3) An examinee who fails to pass the initial examination may retake such examination without charge at any regularly scheduled examination held within four months after failing to pass the initial examination, except that when a national standardized examination is utilized which requires the payment of a fee to purchase such examination, the board shall require the applicant to pay the appropriate examination fee whether an initial examination or a retake of an examination is involved.

(4) In cases of hardship, the board may provide and direct that special arrangements for administering examinations be utilized. The board may also provide for temporary hardship licensing without examination due to the death of the current license holder or for other good cause shown.

Source: Laws 1986, LB 310, § 23; Laws 1991, LB 51, § 21; Laws 1993, LB 131, § 43; Laws 2001, LB 133, § 8. Effective date September 1, 2001.

46-1223.01. Department; develop certification program. The department shall develop a certification program that is designed to train individuals to become certified natural resources ground water technicians. Such course shall be developed by the department in consultation with the natural resources districts. Such course shall include inspection of chemigation systems, measuring and recording static water levels, inspecting and servicing flow meters, and taking water samples. Training sessions shall not be less than two hours and shall not exceed eight hours. At the end of the training session, individuals taking the training shall be required to take a written examination.

Source: Laws 2001, LB 133, § 7. Effective date September 1, 2001.

46-1224. Board; set fees; Water Well Standards and Contractors' Licensing Fund; created; use; investment. (1) Except as otherwise provided in subsections (2) through (4) of this section, the board shall set reasonable fees in an amount calculated to recover the costs incurred by the department and the board in administering and carrying out the purposes of the Water Well Standards and Contractors' Licensing Act. Such fees shall be paid to the department and remitted to the State Treasurer for credit to the Water Well Standards and Contractors' Licensing Fund, which fund is hereby created. Such fund shall be used by the department and the board for the purpose of administering the Water Well Standards and Contractors' Licensing Act. Additionally, such fund shall be used to pay any required fee to a contractor which provides the on-line services for registration of water wells. Any discount in the amount paid the state by a credit card, charge card, or debit card company or a third-party merchant bank for such registration fees shall be deducted from the portion of the registration fee collected pursuant to this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) Fees for credentialing individuals under the Water Well Standards and Contractors' Licensing Act shall be established and collected as provided in section 71-162.

(3) The board shall set a fee of not less than twenty-five dollars and not more than forty dollars for each water well which is required to be registered and which is designed and constructed to pump less than fifty gallons per minute and each monitoring and observation well and a fee of not less than forty dollars and not more than eighty dollars for each water well which is required to be registered and which is designed and constructed to pump fifty gallons per minute or more. For water wells permitted pursuant to the Industrial Ground Water Regulatory Act, the fee set pursuant to this subsection shall be collected for each of the first ten such water wells registered, and for each group of ten or fewer such water wells registered thereafter, the fee shall be collected as if only one water well was being registered. For a series of two or more water wells completed and pumped into a common carrier, as defined in section 46-601.01, as part of a single site plan for irrigation purposes, the fee set pursuant to this subsection shall be collected for each of the first two such water wells registered. For a series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground, the fee set pursuant to this subsection shall be collected as if only one water well was being registered. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, the fee

set pursuant to this subsection shall be collected for each of the first five such water wells registered, and for each group of five or fewer such water wells registered thereafter, the fee shall be collected as if only one water well was being registered. The fees shall be remitted to the Director of Natural Resources with the registration form required by section 46-602 and shall be in addition to the fee in section 46-606. The director shall remit the fee to the State Treasurer for credit to the Water Well Standards and Contractors' Licensing Fund.

(4) The board shall set an application fee for a declaratory ruling or variance of not less than fifty dollars and not more than one hundred dollars.

Source: Laws 1986, LB 310, § 24; Laws 1993, LB 131, § 45; Laws 1994, LB 981, § 17; Laws 1994, LB 1066, § 34; Laws 1999, LB 92, § 4; Laws 2000, LB 900, § 236; Laws 2001, LB 667, § 18; Laws 2003, LB 242, § 8. Operative date July 1, 2004.

46-1225. License or certificate renewal; continuing competency required. (1) The board shall adopt and promulgate rules and regulations to establish continuing competency requirements for persons licensed or certified under the Water Well Standards and Contractors' Licensing Act. Continuing education is sufficient to meet continuing competency requirements. Such requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a licensed or certified person may select as an alternative to continuing education.

(2) Each renewal applicant shall, on or before the date of expiration of his or her license or certificate, complete documentation as required by the board that he or she has complied with the continuing competency requirements during the preceding period. Any licensee or certificate holder who has not complied with the continuing competency requirements shall not be issued a renewal license or certificate, unless he or she is exempted from the continuing competency requirements or he or she is unable to comply with the requirements due to circumstances beyond his or her control as determined by the board. Procedures for refusal of renewal of licenses and certificates or reinstatement of licenses and certificates shall be in accordance with section 46-1237.

Source: Laws 1986, LB 310, § 25; Laws 1993, LB 131, § 46; Laws 1996, LB 1044, § 267; Laws 2002, LB 458, § 6; Laws 2002, LB 1021, § 2. Note: The changes made by LB 458 became effective July 20, 2002. The changes made by LB 1021 became operative January 1, 2003.

46-1226. Department; administration of act; adopt rules and regulations; duties. The department shall, with the advice and consent of the board, adopt and promulgate rules and regulations for the administration of the Water Well Standards and Contractors' Licensing Act. The department shall be responsible for the administration and enforcement of such act and any standards, rules, or regulations adopted and promulgated by the department or the board pursuant to such act. The department shall consult with the board in carrying out the departmental duties under such act for (1) conducting examinations, (2) issuing, denying, refusing renewal of, suspending, or revoking licenses or certificates, and (3) collecting fees.

Source: Laws 1986, LB 310, §26.

46-1227. Department; well and equipment standards; adopt rules and regulations. The department, with the advice and consent of the board, shall adopt and promulgate uniform rules and regulations, in accordance with the rules and regulations adopted and promulgated pursuant to sections 46-602 and 81-1505, for the establishment of standards for the (1) construction of water wells, (2) installation of pumps and pumping equipment, and (3) decommissioning water wells. Such rules, regulations, and standards may recognize differing hydrologic and geologic conditions, may recognize differing uses of any developed supplies, and shall be designed to promote efficient methods of operation and prevent water wells from becoming a source of contamination to the aquifer. Such standards shall be applicable whether such activities are carried out by a water well contractor, a pump installation contractor, a water well drilling supervisor, a pump installation supervisor, or any other person. Nothing in this section shall be construed to require that the department adopt, promulgate, or amend rules and regulations for programs in existence on October 1, 1986.

Source: Laws 1986, LB 310, §27; Laws 1993, LB 3, §33; Laws 1994, LB 981, §18.

46-1228. Department; access and inspection; powers. The department shall have (1) authority to inspect water wells constructed, water wells decommissioned, and water well locations, (2) access to water wells and accompanying pumps and pumping equipment at all reasonable times, and (3) power of inspection in regard to the construction and decommissioning of all water wells.

Source: Laws 1986, LB 310, § 28; Laws 2004, LB 962, § 101. Operative date July 16, 2004.

46-1229. License required; application; qualifications. Any person desiring to engage in the construction of water wells, the installation of pumps and pumping equipment, or the decommissioning of water wells shall make initial application for a license to the department. Each such application shall include satisfactory evidence that the applicant is at least the age of majority and is of good moral character. The department shall charge an application fee established as provided in section 71-162 for the filing of such application. The department shall not act upon any application until the application fee for such

license has been paid. A license to engage in the construction or decommissioning of water wells or the installation of pumps and pumping equipment shall be issued to every applicant who demonstrates professional competence by successfully passing the examination prescribed in section 46-1223, pays the appropriate license fee, and otherwise complies with the Water Well Standards and Contractors' Licensing Act and all standards, rules, and regulations adopted and promulgated pursuant to such act. Applicants shall receive licenses for any category or combination of categories for which they have successfully passed the required examination. If the applicant is an individual, the application shall include the applicant's social security number.

Source: Laws 1986, LB 310, § 29; Laws 1997, LB 752, § 122; Laws 2001, LB 667, § 19; Laws 2003, LB 242, § 9. Operative date July 1, 2004.

46-1230. Licensees; proof of insurance. Each applicant for licensing or relicensing as a water well contractor or as a pump installation contractor shall furnish proof to the department that there is in force a policy of public liability and property damage insurance issued to the applicant in an amount established by the department by rules and regulations sufficient to protect the public interest.

Source: Laws 1986, LB 310, §30.

46-1231. Certificate; application; qualifications. Each water well drilling supervisor, pump installation supervisor, natural resources ground water technician, and water well monitoring technician shall make application for a certificate of competence in his or her respective trade. The application shall include the applicant's social security number. Such application shall be made to the department which shall charge an application fee established as provided in section 71-162 for the filing of such application, and the department shall not act upon any application until the application fee for such certificate has been paid. A certificate shall be issued to every applicant who successfully passes the examination for such certificate, pays the appropriate certification fee, and otherwise complies with the Water Well Standards and Contractors' Licensing Act and all standards, rules, and regulations adopted and promulgated pursuant to such act. Any individual employed by a water well contractor or a pump installation contractor who is not deemed to qualify as a water well drilling supervisor or pump installation supervisor may make application for a certificate of competence in his or her respective trade in the same manner as the water well drilling supervisor or the pump installation supervisor.

Source: Laws 1986, LB 310, § 31; Laws 1991, LB 51, § 22; Laws 1997, LB 752, § 123; Laws 2001, LB 133, § 9; Laws 2003, LB 242, § 10. Operative date July 1, 2004.

46-1232. Licenses or certificates; when required; provisional license or certificate; issuance. No licenses or certificates required by the Water Well Standards and Contractors' Licensing Act shall be required until January 1, 1987. Individuals who are engaged as water well contractors, pump installation contractors, water well drilling supervisors, or pump installation supervisors on January 1, 1986, may, prior to January 1, 1987, make application for a provisional license or certificate issued pursuant to the Water Well Standards and Contractors' Licensing Act. The department shall issue a provisional license or certificate to any such applicant without examination if the applicant pays the application fee and the license or certificate fees and submits sufficient evidence, under oath, that he or she was engaged in such activity for at least twelve months prior to January 1, 1987. Any provisional licensee or certificate holder shall be required to take and pass the examination required under section 46-1223 on or before January 1, 1992, to be thereafter renewed.

Source: Laws 1986, LB 310, §32.

46-1233. Water well construction or decommissioning; equipment installation; supervision required. No water well shall be constructed, no pump or pumping equipment shall be installed, and no water well shall be decommissioned by a person engaged in the construction of water wells or installation of pumps and pumping equipment unless the construction, installation, or decommissioning is carried out or supervised by a licensed water well contractor, water well drilling supervisor, pump installation contractor, or pump installation supervisor. For purposes of this section, supervision means the ready availability of the person licensed or certified pursuant to the Water Well Standards and Contractors' Licensing Act for consultation and direction of the activities of any person not licensed or certified who assists in the construction of a water well, the installation of pumps and pumping equipment, or decommissioning of a water well. Contact with the licensed contractor or certified supervisor by telecommunication shall be sufficient to show ready availability.

Source: Laws 1986, LB 310, § 33; Laws 1996, LB 1241, § 5; Laws 2001, LB 667, § 20. Operative date July 1, 2001.

46-1233.01. Water well opening or seal breaking; requirements; exceptions. In addition to the provisions of section 46-1233, the opening of a water well or the breaking of the seal of a water well may be carried out by the owner of the water well or by any of the following in the course of their employment:

(1) A certified water well monitoring technician;

(2) A certified natural resources ground water technician;

(3) A certified operator of a public water system or someone under his or her supervision; or

(4) A state electrical inspector.

Source: Laws 1991, LB 51, § 23; Laws 2001, LB 133, § 10; Laws 2003, LB 31, § 2; Laws 2006, LB 508, § 6. Effective date July 14, 2006.

46-1234. Exploratory wells; agreement to decommission required; failure to plug; effect. Any licensed water well contractor constructing a water well for any customer shall as a part of the agreement include the proper decommissioning of each water well constructed to explore for ground water pursuant to the agreement. Any failure to properly plug any such water well pursuant to such agreement shall subject him or her to suspension, revocation, or refusal of renewal of his or her license.

Source: Laws 1986, LB 310, §34; Laws 1994, LB 981, §19.

46-1235. License or certificate; disciplinary actions; grounds; reinstatement. In cases other than those relating to failure to meet the requirements

for an initial license or an initial certificate, the department may deny, refuse renewal of, suspend, or revoke licenses or certificates or may take other disciplinary action for any of the following acts or offenses:

(1) Practice of fraud or deceit in obtaining a license or certificate;

(2) Violation of the Water Well Standards and Contractors' Licensing Act or any standards, rules, or regulations adopted and promulgated pursuant to such act;

(3) Incompetence or gross negligence in the performance of any activity for which licenses or certificates are issued pursuant to the act;

(4) Conduct or practices detrimental to the health or safety of persons hiring the services of the licensee or certificate holder or of members of the general public;

(5) Practice of the trade fraudulently, beyond the authorized scope, or with manifest incapacity;

(6) Practice of the trade while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or physical disability;

(7) Permitting, aiding, or abetting the practice of the trade or the performance of activities requiring a license or certificate by a person not licensed or certified to do so;

(8) Having had a license or certificate denied, refused renewal, limited, suspended, or revoked or having been disciplined in any other manner by another state or jurisdiction to practice water well construction, water well drilling, water well decommissioning, or pump installation based upon acts by the applicant, licensee, or certificate holder similar to acts described in this section. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license or certificate or the taking of other disciplinary action by another state or jurisdiction shall be conclusive evidence;

(9) Unprofessional conduct as may be defined in rules and regulations of the board with approval of the department;

(10) Practice of the trade while the license or certificate to do so is suspended or practice of the trade in contravention of any limitation placed upon the license or certificate;

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

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

A licensee or certificate holder shall not engage in the practice of the trade after a license or certificate is revoked or during the time for which it is suspended. If a license or certificate is suspended, the suspension shall be for a definite period of time to be fixed by the Director of Regulation and Licensure, and such license or certificate shall be automatically reinstated upon the expiration of such period if the current renewal fee has been paid. If such license or certificate is revoked, such revocation shall be for one year.

Source: Laws 1986, LB 310, § 35; Laws 1993, LB 131, § 47; Laws 1996, LB 1044, § 268; Laws 2001, LB 667, § 21; Laws 2003, LB 245, § 8. Operative date January 1, 2004.

46-1235.01. Licensee or certificate holder; probation; conditions. The authority of the Director of Regulation and Licensure to discipline a licensee or certificate holder by placing him or her on probation pursuant to sections 46-1235 and 46-1237.02 shall include, but not be limited to, the following:

(1) To require the licensee or certificate holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or technical examination, or both, or any or all of such combinations of written, oral, practical, and technical at the option of the director; or

(2) To restrict or limit the extent, scope, or type of practice of the licensee or certificate holder upon consultation with the board.

Source: Laws 1993, LB 131, §48; Laws 1996, LB 1044, §269. Operative date January 1, 1997.

46-1235.02. License or certificate; application for reinstatement; denial; appeal. (1) A person who has been disciplined by means other than suspension or revocation of his or her license or certificate may apply for reinstatement of the license or

certificate at any time.

(2) A person whose certificate or license has been revoked may apply for reinstatement of the license or certificate after a period of not less than one year has elapsed from the date of revocation.

(3) The application for reinstatement shall state such pertinent facts as may be required by the department and shall be accompanied by at least two verified recommendations of the activities of the applicant since the date of the suspension, revocation, or other discipline. The department shall prescribe forms for application for reinstatement. An applicant for reinstatement shall complete the continuing competency requirements in effect at the time of application.

(4) In determining whether to approve an application for reinstatement, the department may (a) investigate and consider the activities of the applicant since the disciplinary action was taken, including, but not limited to, activities prohibited by the Water Well Standards and Contractors' Licensing Act, the act or offense for which disciplinary action was taken, the applicant's conduct while the license or certificate was in good standing, and the applicant's general reputation for truth, professional ability, and good character, (b) require the applicant to take additional training, and (c) require the applicant to pass the examination.

(5) Denial of an application for reinstatement may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 1993, LB 131, § 49; Laws 2002, LB 1021, § 3. Operative date January 1, 2003.

46-1236. Licenses and certificates; expiration; renewal; notice. All licenses and certificates issued pursuant to the Water Well Standards and Contractors' Licensing Act shall expire on December 31 of the year for which issued. A license or certificate may be renewed on or before December 31 of each year upon payment of the annual fee established as provided in section 71-162. If a licensee or certificate holder has not paid for the renewal of his or her license or certificate on or before December 1, he or she shall be notified by certified or registered mail on or before December 15 that the license or certificate will expire. A license or certificate not renewed on or before December 31 or the first working day thereafter shall expire and may not be renewed except as provided in this section. Any licensee or certificate holder who fails to renew his or her license before December 31 shall be given a second notice by certified or registered mail on or before January 15 advising him or her (1) of the failure to renew and (2) that the license or certificate has expired. The department shall suspend action for sixty days following the date of expiration and upon the receipt of the renewal fee, together with the late fee established as provided in section 71-162, within sixty days of expiration, shall renew the license or certificate. An expired license or certificate may not be renewed after the sixty-day period without passing the examination required in section 46-1223.

Source: Laws 1986, LB 310, § 36; Laws 1987, LB 93, § 15; Laws 1993, LB 131, § 50; Laws 2003, LB 242, § 11. Operative date July 1, 2004.

46-1237. License or certificate; disciplinary actions; procedures. If the department proposes to deny, refuse renewal of, suspend, or revoke a license or certificate or otherwise discipline a licensee or certificate holder for any of the reasons enumerated in the Water Well Standards and Contractors' Licensing Act, it shall send to the applicant, licensee, or certificate holder, by certified or registered mail, a notice setting forth the specific reasons for the proposed action. The denial, refusal of renewal, suspension, revocation, or other disciplinary action shall become final thirty days after the mailing of the notice unless the applicant, licensee, or certificate holder, within such period, gives written notice of a desire for a hearing. The applicant, licensee, or certificate holder shall then be given an opportunity for a formal hearing before the department and shall have the right to present evidence on his or her own behalf. On the basis of the evidence presented, the action in question shall be affirmed or set aside, and a copy of the decision setting forth the findings of fact and the specific reasons upon which the decision is based shall be sent by either certified or registered mail to the applicant, licensee, or certificate holder. The decision shall become final thirty days after the copy is mailed unless the applicant, licensee, or certificate holder, within such period, appeals the decision.

Source: Laws 1986, LB 310, §37; Laws 1988, LB 352, §83; Laws 1993, LB 131, §51.

46-1237.01. License or certificate; temporary suspension or limitation. The department may temporarily suspend or limit a license or certificate without notice or hearing if the Director of Regulation and Licensure determines that there is reasonable cause to believe that grounds exist under section 46-1235 for the revocation, suspension, or limitation of the license or certificate and that the licensee's or certificate holder's continuation in practice would constitute an imminent danger to public health and safety. Simultaneously with any such action, the department shall institute proceedings for a hearing on the grounds for revocation, suspension, or limitation. Such hearing shall be held no later than fifteen days from the date of such temporary suspension or limitation. A continuance of the hearing shall be granted by the department upon written request of the licensee or certificate holder, and such a continuance shall not exceed thirty days. An order of temporary suspension or limitation shall take effect when served in person upon the licensee or certificate holder. A temporary suspension or limitation shall not be in effect for a period in excess of one hundred eighty days. At the end of such one-hundred-eighty-day period, the license or certificate shall be reinstated unless the department has revoked, suspended, or limited the license or certificate after notice and hearing.

Source: Laws 1993, LB 131, §52; Laws 1996, LB 1044, §270. Operative date January 1, 1997.

46-1237.02. Proceedings under act; Director of Regulation and Licensure; department; powers; orders authorized; appeal. (1) All proceedings under the Water Well Standards and Contractors' Licensing Act shall be summary in nature and triable as equity actions. Affidavits may be received in evidence at the discretion of the Director of Regulation and Licensure. The department may administer oaths, subpoena witnesses and compel their attendance, and issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as a district court. Depositions may be used by either party.

(2) Upon the completion of any hearing, the director may enter an order to exercise any or all of the following powers irrespective of the petition:

(a) Issue a censure or reprimand against the licensee or certificate holder;

(b) Suspend judgment;

(c) Place the licensee or certificate holder on probation;

(d) Place a limitation on the license or certificate and upon the right of the licensee or certificate holder to practice the trade to such extent, scope, or type of practice, for such time, and under such conditions as are found necessary and proper. The director shall consult with the board in all instances prior to issuing an order of limitation;

(e) Impose a civil penalty under section 46-1240. The amount of the penalty shall be based on the severity of the violation;

(f) Enter an order of suspension;

(g) Enter an order of revocation; or

(h) Dismiss the action.

(3) If a licensee or certificate holder fails to appear, either in person or by counsel, at the time and place designated in a notice, the director, after receiving satisfactory evidence of the truth of the charges, shall order the license or certificate revoked or suspended or shall order any other appropriate disciplinary action.

(4) Any order issued under the act may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 1993, LB 131, §53; Laws 1996, LB 1044, §271. Operative date January 1, 1997.

46-1237.03. Costs of proceedings. If an order issued under the Water Well Standards and Contractors' Licensing Act is adverse to the licensee or certificate holder, the costs shall be charged to him or her as in ordinary civil actions in the district court, but if the department is the unsuccessful party, the costs shall be paid out of any money of the department available for that purpose. Witness fees and costs may be taxed according to the rules prevailing in the district court. All costs accrued at the instance of the department when it is the successful party, which the department certifies cannot be collected from the defendant, shall be paid out of any available funds of the department.

Source: Laws 1993, LB 131, § 54; Laws 2002, LB 458, § 7. Effective date July 20, 2002.

46-1238. License or certificate; when required; action to enjoin activities. Any person who fails to employ or use at least one individual appropriately licensed or certified and available or any person who engages, without a license or certificate for such activities, in the construction of water wells, the installation of pumps and pumping equipment, the decommissioning of water wells, or the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment, pumping systems, or chemigation regulation devices, in addition to the other penalties provided in the Water Well Standards and Contractors' Licensing Act, may be enjoined from continuing such activities.

Source: Laws 1986, LB 310, § 38; Laws 1991, LB 51, § 24; Laws 1996, LB 1241, § 6; Laws 2001, LB 667, § 22; Laws 2006, LB 508, § 7. Effective date July 14, 2006.

46-1239. Unauthorized employment; construction, decommissioning, or installation without license or certificate; criminal penalty; civil penalty. Any person who fails to employ or use at least one individual appropriately licensed or certified and available or any person who engages, without a license or certificate for such activities, in the construction of water wells, the installation of pumps and pumping equipment, or the decommissioning of water wells is guilty of a Class II misdemeanor or subject to a civil penalty of not more than one thousand dollars for each day the violation occurs.

Any civil penalty assessed and unpaid shall constitute a debt to the state which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property. An action to collect a civil penalty shall be brought within two years of the alleged violation providing the basis of the penalty, except that if the cause of action is not discovered and could not be reasonably discovered within the two-year period, the action may be commenced within two years after the date of discovery or after the date of discovery of facts which would reasonably lead to discovery, whichever is earlier. The department shall remit the civil penalty to the State Treasurer, within thirty days after receipt, for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Source: Laws 1986, LB 310, § 39; Laws 1996, LB 1241, § 7; Laws 1997, LB 30, § 5; Laws 2001, LB 667, § 23; Laws 2006, LB 508, § 8. Effective date July 14, 2006.

46-1240. Failure to comply with standards; criminal penalty; civil penalty; action to enjoin. Any person who engages in or any person who employs or uses a person who engages in the construction of water wells, the installation of pumps and pumping equipment, the decommissioning of water wells, or the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment, pumping systems, or chemigation regulation devices or who fails to decommission or decommissions an illegal water well without complying with the standards adopted and promulgated pursuant to the Water Well Standards and Contractors' Licensing Act shall be guilty of a Class III misdemeanor or subject to a civil penalty of not more than five hundred dollars for each day an intentional violation occurs and may be enjoined from continuing such activity, including a mandatory injunction.

Any civil penalty assessed and unpaid shall constitute a debt to the state which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property. An action to collect a civil penalty shall be brought within two years of the alleged violation providing the basis of the penalty, except that if the cause of action is not discovered and could not be reasonably discovered within the two-year period, the action may be commenced within two years after the date of discovery or after the date of discovery of facts which would reasonably lead to discovery, whichever is earlier. The department shall, within thirty days after receipt, remit the civil penalty to the State Treasurer for credit to the permanent school fund.

Source: Laws 1986, LB 310, § 40; Laws 1991, LB 51, § 25; Laws 1993, LB 131, § 55; Laws 1994, LB 981, § 20; Laws 1996, LB 1241, § 8; Laws 1997, LB 30, § 6; Laws 2001, LB 667, § 24. Operative date July 1, 2001.

46-1240.01. False or forged documents; penalty. Any person who files or attempts to file with the department any false or forged diploma or certificate or affidavit of identification or qualification shall be guilty of forgery.

Source: Laws 1993, LB 131, §56.

46-1240.02. Carrying license or certificate by fraud; penalty. Any person who presents to the department a diploma or certificate of which he or she is not the rightful owner for the purpose of procuring a license or certificate, who falsely impersonates anyone to whom a license or certificate has been issued by the department, who falsely holds himself or herself out to be a person licensed or certified by the department, or who aids and abets another who is not licensed or certified to practice any trade for which a license or certificate is required by the Water Well Standards and Contractors' Licensing Act in practicing the trade shall be guilty of a Class IV felony.

Source: Laws 1993, LB 131, §57.

46-1240.03. Department; enforcement of act; investigations; powers and duties. The department shall enforce the Water Well Standards and Contractors' Licensing Act and for that purpose shall make necessary investigations relative thereto. Every licensee or certificate holder and member of the board shall furnish the department such evidence as he or she may have relative to any alleged violation which is being investigated. He or she shall also report to the department the name of every person without a license or certificate that he or she has reason to believe is engaged in practicing any trade for which a license or certificate is required by the act.

Source: Laws 1993, LB 131, §58.

46-1240.04. Acts constituting evidence of engaging in trade. The opening of an office for the practice of any trade for which a license is required by the Water Well Standards and Contractors' Licensing Act, the announcing to the public in any manner the intention to practice such trade, the use of any professional degree or designation or any sign, card, circular, device, or advertisement as a practitioner of any such trade or as a person skilled in the same shall be prima facie evidence of engaging in such trade.

Source: Laws 1993, LB 131, §59.

46-1240.05. Violations; administrative order; emergency; hearing. (1) Whenever the Director of Regulation and Licensure has reason to believe that a violation of any provision of the Water Well Standards and Contractors' Licensing Act or any rule or regulation adopted and promulgated by the department is occurring or has occurred, he or she may cause an administrative order to be served upon the person alleged to be in violation. Such order shall specify the violation and the facts alleged to constitute a violation and shall order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Any such order shall become final unless the person named in the order requests in writing a hearing before the director no later than thirty days after the date such order is served. In lieu of such order, the director may require that the person appear before the director at a time and place specified in the notice and answer the charges. The notice shall be served on the person not less than thirty days before the time set for the hearing.

(2) Whenever the director finds that an emergency exists requiring immediate action to protect the public health and welfare concerning a chemical, material, procedure, or act which is determined by the director to be harmful or potentially harmful to human health, the director may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the director deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such order is directed shall comply immediately and, on written application to the

director, shall be afforded a hearing as soon as possible and not later than ten days after receipt of such application by such affected person. On the basis of such hearing, the director shall continue such order in effect, revoke it, or modify it.

(3) The director shall afford to the alleged violator an opportunity for a hearing before the department.

Source: Laws 1993, LB 131, §60; Laws 1996, LB 1044, §272. Operative date January 1, 1997.

46-1240.06. Variance from rule, regulation, or standard; conditions; injunction. (1) The department may grant a variance from any rule, regulation, or standard adopted and promulgated by the department relating to the construction of water wells upon proof by a licensed water well contractor or owner of a proposed water well satisfactory to the department that the enforcement of the rule, regulation, or standard would create an unreasonable hardship or be unreasonable, impractical, or not feasible under the circumstances. A variance may be under such terms and conditions and for such time as the department may prescribe. The terms and conditions of a variance may include testing, monitoring, reporting, and additional construction or installation requirements.

(2) A variance shall be limited to the construction of a water well to replace an existing water well.

(3) Any person who owns or operates a water well in violation of the terms and conditions of a variance may be enjoined from continuing such activities. The injunction may include an order to properly decommission the water well.

Source: Laws 1993, LB 131, §61; Laws 1994, LB 981, §21.

46-1241. Water well log required; contents. Any owner of a water well or water well contractor who engages in an act of or the business of constructing a water well shall keep and maintain an accurate well log of the construction of each such water well. The well log shall be available to the department for inspection and copying during reasonable hours or the regular business hours of the contractor.

The well log shall include the following information:

(1) Legal description of the water well;

(2) Description and depth of geologic materials encountered;

(3) Depth and diameter or dimension of constructed water well and test hole;

(4) Depth and diameter or dimension of excavated hole if applicable;

(5) Depth of formation stabilizer or gravel pack and size of particles if used;

(6) Depth and thickness of grout or other sealing material if applicable;

(7) Casing information, including length, inside diameter, wall thickness, and type of material if applicable;

(8) Screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable;

(9) Static water level;

(10) Water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable;

(11) Yield of water well in gallons per minute or gallons per hour if applicable;

(12) Signature of water well contractor;

(13) Dates drilling commenced and construction completed;

(14) Intended use of the water well;

(15) Name and address of the owner;

(16) Identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law;

(17) Name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act of any person, other than the owner of the water well, who constructed the water well; and

(18) Other data as the board reasonably requires.

Source: Laws 1986, LB 310, § 41; Laws 1993, LB 131, § 62; Laws 2001, LB 667, § 25. Operative date July 1, 2001.