

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB1035**

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**Hearing Date:** Wednesday February 03, 2010  
**Committee On:** Government, Military and Veterans Affairs  
**Introducer:** Cook  
**One Liner:** Provide powers for counties, cities, and villages to control and abate public health nuisances

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	6	Senators Avery, Giese, Janssen, Karpisek, Krist, Price
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Pahls
<b>Present Not Voting:</b>	1	Senator Sullivan

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**Proponents:**

Senator Tanya Cook  
Jeff Kuhr  
Kay Oestmann  
Charles Cone  
Gary Krumland

**Representing:**

Introducer  
Friends of Public Health in Nebraska  
Public Health Association in Nebraska  
District Public Health Department  
League of Nebraska Municipalities

**Opponents:**

Bob Hallstrom  
Craig Head

**Representing:**

Nebraska Bankers Association  
Nebraska Farm Bureau Federation

**Neutral:**

Jon Edwards  
Matt Schaefer

**Representing:**

Nebraska Association of County Officials  
Nebraska Veterinary Medicine Association

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**Summary of purpose and/or changes:**

LB 1035 gives counties and municipalities the power to declare as a public health nuisance any condition that interferes with the health or safety of the community by the spreading of infectious diseases. Counties and municipalities may direct the owner or user of the property upon which the nuisance exists to abate the nuisance. If the owner or user refuses, the county or municipality may take steps to abate the nuisance and put a lien upon the property for the expense incurred.

The bill defines several things which constitute a public health nuisance, including: pools of water, animal carcasses, an accumulation of manure or trash, a broken sewer line, animals in unsanitary conditions, buildings damaged by fire, solid or industrial waste, dense smoke, blowing trash, damaged trees, weeds or grass, junkyards and water wells.

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