

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 906

Introduced by Pankonin, 2.

Read first time January 14, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Department of Health and Human Services;
2 to amend sections 71-2619, 71-2620, 71-2621, and 71-5306,
3 Revised Statutes Supplement, 2007; to change provisions
4 relating to laboratories; to harmonize provisions; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2619, Revised Statutes Supplement,
2 2007, is amended to read:

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

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

22 (3) Fees for examinations of water from lakes, streams,
23 impoundments, or similar sources, from wastewaters, or from ground
24 water for industrial or agricultural purposes may be charged in
25 amounts established by regulation but shall not exceed one and

1 one-half times the limits set by regulation for examination of
2 domestic waters.

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

7 (a) Any specimen submitted for radiochemical analysis or
8 characterization;

9 (b) Any material submitted for chemical characterization
10 or quantitation; and

11 (c) Any material submitted for microbiological
12 characterization.

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

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

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

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

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

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

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

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

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

16 (8) Fees may be established by regulation to defray no
17 more than the actual costs of ~~conducting qualifying inspections~~
18 ~~in order to make~~ certifying laboratories, inspecting laboratories,
19 and making laboratory agreements between the department and
20 laboratories other than the Department of Health and Human
21 Services, Division of Public Health, Environmental Laboratory for
22 the purpose of conducting analyses of drinking water as prescribed
23 in section 71-5306. ~~The inspection fees shall be collected on~~
24 ~~an annual schedule from those laboratories which enter into~~
25 ~~an agreement with the department for the purpose of conducting~~

1 ~~laboratory analyses of water. Such fees shall not exceed the~~
2 ~~amount in the following categories: (a) Bacteriological examination~~
3 ~~agreement, one hundred and fifty dollars; (b) inorganic chemical~~
4 ~~analyses agreement, one hundred dollars; (c) heavy metal analyses~~
5 ~~agreement, two hundred dollars; (d) organic chemical analyses~~
6 ~~agreement, two hundred dollars; and (e) radiochemical analyses~~
7 ~~agreement, two hundred dollars. For each laboratory applying~~
8 ~~for certification, fees shall include (a) an annual fee not to~~
9 ~~exceed one thousand eight hundred dollars per laboratory and~~
10 ~~(b) an inspection fee not to exceed three thousand dollars per~~
11 ~~certification period for each laboratory located in this state.~~

12 (9) All fees collected pursuant to this section shall be
13 ~~deposited in the state treasury and credited remitted to the State~~
14 ~~Treasurer for credit~~ to the Health and Human Services Cash Fund.

15 Sec. 2. Section 71-2620, Revised Statutes Supplement,
16 2007, is amended to read:

17 71-2620 The Division of Public Health of the Department
18 of Health and Human Services may enter into agreements, not
19 exceeding one year in duration, with any other governmental agency
20 relative to the provision of certain laboratory tests and services
21 to the agency. Such services shall be provided as stipulated in
22 the agreement and for such fee, either lump sum or by the item,
23 as is mutually agreed upon and as complies with the provisions of
24 section 71-2619. All laboratories performing human genetic testing
25 for clinical diagnosis and treatment purposes shall be accredited

1 by the College of American Pathologists or by any other national
2 accrediting body or public agency which has requirements that are
3 substantially equivalent to or more comprehensive than those of the
4 college.

5 Sec. 3. Section 71-2621, Revised Statutes Supplement,
6 2007, is amended to read:

7 71-2621 All fees collected for laboratory tests and
8 services pursuant to sections 71-2619 and 71-2620 shall be paid
9 into the state treasury and by remitted to the State Treasurer
10 credited for credit to the Health and Human Services Cash Fund,
11 which shall be used to partially defray the costs of labor,
12 operations, supplies, and materials in the operations of the
13 Department of Health and Human Services, Division of Public Health,
14 Environmental Laboratory.

15 Sec. 4. Section 71-5306, Revised Statutes Supplement,
16 2007, is amended to read:

17 71-5306 (1) To carry out the provisions and purposes of
18 the Nebraska Safe Drinking Water Act, the director may:

19 (a) Enter into agreements, contracts, or cooperative
20 arrangements, under such terms as are deemed appropriate,
21 with other state, federal, or interstate agencies or with
22 municipalities, educational institutions, local health departments,
23 or other organizations, entities, or individuals;

24 (b) Require all laboratory analyses to be performed
25 at the Department of Health and Human Services, Division of

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

9 (c) Certify laboratories performing tests on water that
10 is intended for human consumption. The director may establish,
11 through rules and regulations, standards for certification.
12 Such standards may include requirements for staffing, equipment,
13 procedures, and methodology for conducting laboratory tests,
14 quality assurance and quality control procedures, and communication
15 of test results. Such standards shall be consistent with
16 requirements for performing laboratory tests established by
17 the federal Environmental Protection Agency to the extent such
18 requirements are consistent with state law. The director may
19 accept accreditation by a recognized independent accreditation
20 body, public agency, or federal program which has standards
21 that are at least as stringent as those established pursuant to
22 this section. The director may adopt and promulgate rules and
23 regulations which list accreditation bodies, public agencies, and
24 federal programs that may be accepted as evidence that a laboratory
25 meets the standards for certification. Inspection fees and fees for

1 certifying other laboratories shall be established and collected to
2 defray the cost of the inspections and certification as provided
3 in sections 71-2619 to 71-2621;

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

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

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

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

24 (h) Assess by regulation a fee for any review of plans
25 and specifications pertaining to a public water system governed by

1 section 71-5305 in order to defray no more than the actual cost of
2 the services provided.

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

11 Sec. 5. Original sections 71-2619, 71-2620, 71-2621, and
12 71-5306, Revised Statutes Supplement, 2007, are repealed.