

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB711

Hearing Date: Thursday January 23, 2014
Committee On: Health and Human Services
Introducer: Watermeier
One Liner: Change provisions relating to contamination of property by clandestine drug labs

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Watermeier, Krist, Howard, Gloor, Crawford, Cook, Campbell
Nay:
Absent:
Present Not Voting:

Proponents: Senator Dan Watermeier Joseph Acierno Kay Oestmann Korby Gilbertson	Representing: District #1 DHHS Friends of Public Health Nebraska Realtors Association
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 711 (Watermeier): relating to public health and welfare; to amend section 71-2433 and 71-2434, Reissue Revised Statutes of Nebraska; to change provisions relating to clandestine drug labs; to provide for a hearing before the Department of Health and Human Services for the property owner; to harmonize provisions; and to repeal the original sections.

The bill provides changes to the process for hearing relating to property where a clandestine drug lab resided. The bill states that (2) a report of a clandestine drug lab made under the new subsection (1) shall be prima facie evidence of contamination of the property. (3) The owner(s) of the property may request an administrative hearing pursuant to the Administrative Procedure Act to be held by the department to dispute a mistake of fact, defined as an error (a) in the report as to ownership of the property, (b) in the determination that the property was the site of a clandestine drug lab, or (c) in the determination that the property needs rehabilitation. (4) The owner(s) may also request a hearing in writing, but the department shall deny any request which is either not postmarked within fifteen calendar days of the request or is not based on a mistake of fact. The hearing shall be held within fifteen calendar days of the department's receipt of its request, and the department shall notify the requesting party of its results within fifteen calendar days of the hearing. (5) The owner(s) shall not permit human habitation or use of the property until the property has been completely rehabilitated and released for habitation, or use under this section or 71-2434. An owner who knowingly violates (5) may be subject to a civil penalty not to exceed one thousand dollars.

Explanation of amendments:

The Committee Amendment clarifies that both owners and "alleged owners" shall have standing to request an administrative hearing under the Administrative Procedure Act regarding contamination of property as a result of a clandestine drug lab.

Additionally, the Committee Amendment adds "mailing", prior to "date of the report" so the requirement for a request for a hearing shall be requested within fifteen calendar days after the mailing date of the report.

Kathy Campbell, Chairperson