

AMENDMENTS TO LB1053

(Amendments to Standing Committee amendments, AM2806)

Introduced by Hunt, 8.

1 1. Insert the following new section:

2 Sec. 14. Section 71-1631, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-1631 Except as provided in subsection (4) of section 71-1630, the
5 board of health of each county, district, or city-county health
6 department organized under sections 71-1626 to 71-1636 shall, immediately
7 after appointment, meet and organize by the election of one of its own
8 members as president, one as vice president, and another as secretary
9 and, either from its own members or otherwise, a treasurer and shall have
10 the power set forth in this section. The board may elect such other
11 officers as it may deem necessary and may adopt and promulgate such rules
12 and regulations for its own guidance and for the government of such
13 health department as may be necessary, not inconsistent with sections
14 71-1626 to 71-1636. The board of health shall, with the approval of the
15 county board and the municipality, whenever a city is a party in such a
16 city-county health department:

17 (1) Select the health director of such department who shall be (a)
18 well-trained in public health work though he or she need not be a
19 graduate of an accredited medical school, but if he or she is not such a
20 graduate, he or she shall be assisted at least part time by at least one
21 medical consultant who shall be a licensed physician, (b) qualified in
22 accordance with the state personnel system, and (c) approved by the
23 Department of Health and Human Services;

24 (2) Hold an annual meeting each year, at which meeting officers
25 shall be elected for the ensuing year;

26 (3) Hold meetings quarterly each year;

1 (4) Hold special meetings upon a written request signed by two of
2 its members and filed with the secretary;

3 (5) Provide suitable offices, facilities, and equipment for the
4 health director and assistants and their pay and traveling expenses in
5 the performance of their duties, with mileage to be computed at the rate
6 provided in section 81-1176;

7 (6) Publish, on or soon after the second Tuesday in July of each
8 year, in pamphlet form for free distribution, an annual report showing
9 (a) the condition of its trust for each year, (b) the sums of money
10 received from all sources, giving the name of any donor, (c) how all
11 money has been expended and for what purpose, and (d) such other
12 statistics and information with regard to the work of such health
13 department as may be of general interest;

14 (7) Enact rules and regulations, subsequent to public hearing held
15 after due public notice of such hearing by publication at least once in a
16 newspaper having general circulation in the county or district at least
17 ten days prior to such hearing, and enforce the same for the protection
18 of public health and the prevention of communicable diseases within its
19 jurisdiction, subject to the review and approval of such rules and
20 regulations by the Department of Health and Human Services;

21 (8) Make all necessary sanitary and health investigations and
22 inspections;

23 (9) In counties having a population of more than four hundred
24 thousand inhabitants as determined by the most recent federal decennial
25 census, enact rules and regulations for the protection of public health
26 and the prevention of communicable diseases within the district, except
27 that such rules and regulations shall have no application within the
28 jurisdictional limits of any city of the metropolitan class and shall not
29 be in effect until (a) thirty days after the completion of a three-week
30 publication in a legal newspaper, (b) approved by the county attorney
31 with his or her written approval attached thereto, and (c) filed in the

1 office of the county clerk of such county. A county shall comply with
2 this subsection within six months after a determination that the
3 population has reached more than four hundred thousand inhabitants as
4 determined by the most recent federal decennial census;

5 (10) Investigate the existence of any contagious or infectious
6 disease and adopt measures, ~~with the approval of the Department of Health~~
7 ~~and Human Services,~~ to arrest the progress of the same;

8 (11) Distribute free as the local needs may require all vaccines,
9 drugs, serums, and other preparations obtained from the Department of
10 Health and Human Services or purchased for public health purposes by the
11 county board;

12 (12) Upon request, give professional advice and information to all
13 city, village, and school authorities on all matters pertaining to
14 sanitation and public health;

15 (13) Fix the salaries of all employees, including the health
16 director. Such city-county health department may also establish an
17 independent pension plan, retirement plan, or health insurance plan or,
18 by agreement with any participating city or county, provide for the
19 coverage of officers and employees of such city-county health department
20 under such city or county pension plan, retirement plan, or health
21 insurance plan. Officers and employees of a county health department
22 shall be eligible to participate in the county pension plan, retirement
23 plan, or health insurance plan of such county. Officers and employees of
24 a district health department formed by two or more counties shall be
25 eligible to participate in the county retirement plan unless the district
26 health department establishes an independent pension plan or retirement
27 plan for its officers or employees;

28 (14) Establish fees for the costs of all services, including those
29 services for which third-party payment is available; and

30 (15) In addition to powers conferred elsewhere in the laws of the
31 state and notwithstanding any other law of the state, implement and

1 enforce an air pollution control program under subdivision (23) of
2 section 81-1504 or subsection (1) of section 81-1528, which program shall
3 be consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401
4 et seq. Such powers shall include without limitation those involving
5 injunctive relief, civil penalties, criminal fines, and burden of proof.
6 Nothing in this section shall preclude the control of air pollution by
7 resolution, ordinance, or regulation not in actual conflict with the
8 state air pollution control regulations.

9 2. On page 13, line 5, strike "20, and 22" and insert "21, and 23";
10 and in line 11 after "sections" insert "71-1631,".

11 3. Renumber the remaining sections accordingly.