

LEGISLATIVE BILL 1497

Approved by the Governor April 8, 1972

Introduced by Public Health and Welfare Committee, Thomas C. Kennedy, 21st District

AN ACT to amend sections 71-1626 to 71-1628, Reissue Revised Statutes of Nebraska, 1943, sections 71-1630.02 and 71-1631, Revised Statutes Supplement, 1969, and section 71-1630, Revised Statutes Supplement, 1971, relating to public health; to provide for organization of county, district and city-county health departments; to provide the qualifications for directors; to provide for selection of boards of health; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-1626, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1626. Approved local full-time public health service means a full-time service utilizing local, state, federal and other funds, or any combination thereof, employing qualified medical, nursing and other essential personnel, working under the direction and supervision of a full-time qualified medical director or of a full-time qualified lay administrator, well-trained in public health work and assisted at least part-time by at least one medical consultant who shall be a licensed physician, and conducted in conformity with the rules, regulations and policies of the Department of Health, ~~of--the--State of Nebraska.~~ Such medical director or lay administrator shall be called a health director.

Sec. 2. That section 71-1627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1627. Any county or group of counties may establish a county or district health department with a medical director or lay administrator, well-trained in public health work and assisted at least part-time by at least one medical consultant who shall be a licensed physician, at its head, who shall be required to give his entire time to the duties of his office, and such other necessary qualified full-time full or part-time medical health officers and such sanitary inspectors, public health nurses, and clerical assistants as may be

necessary to carry on the activities pertinent to a county or district health department; Provided, however, any county having a population of less than sixty thirty thousand inhabitants shall not establish a county health department, or be a part of a district health department, unless the agreement whereby such county or district health department is provided for shall be approved by a majority of the legal voters of the county or proposed district voting upon the ratification and approval of such agreement, as hereinafter provided in this act.

Sec. 3. That section 71-1628, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1628. The county board of any county may (1) make an agreement with the Department of Health of the state relative to the expenditure of local, state, federal, and other funds, or any of such funds, available for public health in their county; (2) establish and maintain a single full-time local health department for their county and any other counties, which combine for that purpose, and pursuant to such combination or agreement, such counties may cooperate with one another and the Department of Health of the state, and contribute to a joint fund in carrying out the purpose and intent of sections 71-1626 to 71-1636; the duration and nature of such agreement shall be evidenced by the resolutions of the county boards of such counties and such agreement shall be submitted to and approved by the Department of Health; and (3) cooperate with any city which has an established department of health in the establishment and maintenance of a city-county health department. The duration and nature of such an agreement shall be evidenced by resolutions of the city council of the city and the county board participating. Such agreement shall be submitted to and approved by the Department of Health. No such agreement shall be final and binding upon any county having a population of less than sixty thirty thousand inhabitants unless and until a regular or special election, as herein provided, has been held as a referendum thereon in the county where the county health department, or in the counties where the district health department, is sought to be established, and a majority of all the qualified electors voting thereon shall vote in favor of the ratification and approval of such agreement. The proposed agreement shall be submitted to the electors of the county or district in which it is sought to establish such county or district health department at a special election to be called for that purpose by the county commissioners of the county or counties participating in such agreement, or at a general election, to be held not less than thirty nor more than

ninety days after the approval of such agreement by the Department of Health. The election shall be called, proclaimed, held, conducted, and canvassed after the manner of general or special elections held for the submission of propositions to the voters of a county as provided in sections 23-126 and 23-128. The proposition to be submitted to the electors shall be stated on the ballot substantially as follows:

Shall the agreement for the establishment of a county (or district) health department, which agreement is on file in the office of the county clerk of County, Nebraska, be ratified and approved?
 Yes
 No

Sec. 4. That section 71-1630, Revised Statutes Supplement, 1971, be amended to read as follows:

71-1630. (1) When a health department has been established by the county board of such a county and approved by the Department of Health of the State of Nebraska as a county health department, the county board of such county shall appoint a board of health, which shall consist of the following members: (a) One member of the county board, (b) the county clerk or superintendent, who shall be appointed by the county board of commissioners or supervisors, ~~(c) a representative of the county dental society chosen from a list of three names submitted by the county dental society,~~ (d) a representative of the county medical society, chosen from a list of three names submitted by the county medical society, and ~~(d) (e) two five~~ public-spirited men or women interested in the health of the community. ~~The representative representatives of the county dental society and the county medical society shall be appointed for a period of three years and one two of the two five said public-spirited men or women interested in the health of the community for a period of two years and the other others for a period of three years. After their terms of office expire, each new appointment shall be for a period of three years. No person shall be reappointed to said board of health until two years or more have elapsed from the expiration of a prior term on said board. Appointments to fill any vacancies shall be for the unexpired term of the member whose term is being filled by such appointment.~~

(2) By a joint resolution of the county boards of each county in the district health department, the county boards of such district shall meet and establish a district board of health with due consideration for a fair and equitable representation from the entire area to

be served. The district board of health shall consist of the following members: (a) One member of each county board in the district, (b) one physician from each county chosen from a list of three names submitted by the medical society of each county in the district, or if any county does not have a medical society, a physician chosen from a list of three physicians residing and practicing in such district, submitted by the district medical society, (c) the county superintendent or clerk from each county in the district, (d) one dentist from each county, chosen from a list of three names submitted by each county dental society in the district, or if any county has no dental society, a dentist chosen from a list of three dentists residing and practicing in the district, submitted by the district dental society, and ~~(d)~~ (e) one or more public-spirited men or women interested in the health of the community from each county in the district; one-third of whom shall be appointed for a term of one year, one-third for a period of two years and one-third for a period of three years, and after their terms of office shall expire, each new appointment shall be for a period of three years. No person shall be reappointed to said board of health until two years or more have elapsed from expiration of a prior term on said board. Appointments to fill any vacancies shall be for the unexpired terms.

(3) When the county board of any such county and the city council of any city located therein, except a city of the primary class, have drawn up an agreement, approved by the Department of Health, for maintaining a city-county health department, the city and county shall establish a city-county board of health. It shall consist of the following members, with due consideration to be given in an endeavor to secure a fair and equitable representation from the entire area to be served: (a) One representative of the county board to be chosen by the county board, (b) one representative from the city council to be chosen by the city council, (c) one representative from the county medical society, chosen from a list of three names submitted by the county medical society to the city council and county board and selected by a majority vote of the city council and county board, (d) one representative from the county dental society, chosen from a list of three names submitted by the county dental society to the city council and county board and selected by a majority vote of the city council and county board, and (e) three public-spirited men or women interested in the health of the community, to be chosen by the majority vote of the city council and county board. One-third of its members shall be appointed for a term of one year, one-third for a period of two years and one-third for a period of three

years. After their terms of office shall expire, each new appointment shall be for a period of three years. No person shall be reappointed to the board of health until two years or more have elapsed from the expiration of a prior term on said board. Appointments to fill any vacancies shall be for the unexpired term of the member whose term is being filled by such appointment.

Sec. 5. That section 71-1630.02, Revised Statutes Supplement, 1969, be amended to read as follows:

71-1630.02. The board of health of a city-county health department established by a county and a city of the primary class shall, immediately after appointment, meet and organize by the election of one of its own members as president, one as vice president, and another as secretary and, either from its own members or otherwise, a treasurer. It may elect such other officers, as it may deem necessary, and make and adopt such rules for its own guidance and for the government of such health department as may be necessary, not inconsistent with Chapter 71, article 16. It shall, with the approval of the municipality and the board of county commissioners, (1) select the health director of such department, who shall be (a) a graduate of an accredited medical school, (b) well-trained well-trained in public health work, (c) qualified in accordance with the merit system regulations of the state, and (d) approved by the Department of Health; (2) hold an annual meeting, at which meeting officers shall be elected for the ensuing year; (3) hold meetings quarterly of each year; (4) hold special meetings upon a written request signed by two of its members and filed with the secretary; (5) make provision for suitable offices, facilities, and equipment for the health director and assistants and their pay and traveling expenses in the performance of their duties; (6) publish in pamphlet form for free distribution, an annual report showing (a) the condition of its trust for each year, (b) the sums of money received from all sources, giving the name of any donor, (c) how all money has been expended and for what purpose, and (d) such other statistics and information in regard to the work of such health department as may be of general interest; (7) enforce and observe the rules, regulations, and orders of the Department of Health and all laws of the State of Nebraska pertaining to the preservation of health, except as otherwise provided in sections 71-1626 to 71-1636; (8) make all necessary sanitary and health investigations and inspections; (9) investigate the existence of any contagious or infectious disease and adopt measures, with the approval of the Department of Health, to arrest the progress of the same; (10) distribute free, as the local needs may require, all vaccines, drugs, serums, and other

preparations obtained from the Department of Health or purchased for public health purposes by the county board; (11) upon request, give professional advice and information to all city, village, and school authorities on all matters pertaining to sanitation and public health; and (12) fix the salaries of all employees, including the health director. Such city-county health department may by agreement with the city or with the county, provide for the coverage of the officers and employees of such city-county health department under the city or county pension plan or retirement plan, or health insurance plan.

Sec. 6. That section 71-1631, Revised Statutes Supplement, 1969, be amended to read as follows:

71-1631. The board of health of each county, district, or city-county health department, except a department established by a county and a city of the primary class, organized under sections 71-1626 to 71-1636 shall, immediately after appointment, meet and organize by the election of one of its own members as president, one as vice president, and another as secretary and, either from its own members or otherwise, a treasurer and shall have the power herein set forth. It may elect such other officers, as it may deem necessary, and make and adopt such rules for its own guidance and for the government of such health department as may be necessary, not inconsistent with said sections. It shall, with the approval of the municipality, whenever a city is a party in such a city-county health department (1) select the health director of such department, who shall be (a) well-trained in public health work though he need not be a graduate of an accredited medical school, but if he is not such a graduate, he shall be assisted at least part-time by at least one medical consultant who shall be a licensed physician, except that in any department of which a city of the metropolitan class is a part, the health director shall be such a graduate, ~~(b) well-trained-in-public-health-work,~~ ~~(c)~~ (b) qualified in accordance with the merit system regulations of the state, and ~~(d)~~ (c) approved by the Department of Health; (2) hold an annual meeting in July of each year, at which meeting officers shall be elected for the ensuing year; (3) hold meetings quarterly in October, January, and April of each year; all such meetings shall be held on or before the tenth day of the month on a date fixed at the preceding quarterly meeting; (4) hold special meetings upon a written request signed by two of its members and filed with the secretary; (5) make provision for suitable offices, facilities, and equipment for the health director and assistants and their pay and traveling expenses in the performance of their duties; (6) publish,

on or soon after the second Tuesday in July of each year, in pamphlet form for free distribution, an annual report showing (a) the condition of its trust on the first day of July of that year, (b) the sums of money received from all sources, giving the name of any donor, (c) how all money has been expended and for what purpose, and (d) such other statistics and information in regard to the work of such health department as may be of general interest; (7) enact rules and regulations, subsequent to public hearing held after due public notice of such hearing by publication at least once in a newspaper having general circulation in the county or district at least ten days prior to such hearing, and enforce the same for the protection of public health and the prevention of communicable diseases within its jurisdiction, subject to the review and approval of such rules and regulations by the State Board of Health; (8) make all necessary sanitary and health investigations and inspections; (9) in counties having a population of more than three hundred thousand inhabitants, enact rules and regulations for the protection of public health and the prevention of communicable diseases within the district; Provided, that such rules and regulations shall have no application within the jurisdictional limits of any city of the metropolitan class, nor be in effect until (a) thirty days after the completion of a three-week publication in a legal newspaper, (b) approved by the county attorney with his written approval attached thereto, and (c) filed in the office of the county clerk of such county; (10) investigate the existence of any contagious or infectious disease and adopt measures, with the approval of the Department of Health, to arrest the progress of the same; (11) distribute free, as the local needs may require, all vaccines, drugs, serums, and other preparations obtained from the Department of Health or purchased for public health purposes by the county board; (12) upon request, give professional advice and information to all city, village, and school authorities on all matters pertaining to sanitation and public health; and (13) fix the salaries of all employees, including the health director. Such city-county health department may also establish an independent pension plan, retirement plan, or health insurance plan, or by agreement with any participating city or county, provide for the coverage of officers and employees of such city-county health department under such city or county pension plan, retirement plan, or health insurance plan. Officers and employees of a county health department shall be eligible to participate in the county pension plan, retirement plan, or health insurance plan of such county.

Sec. 7. That original sections 71-1626 to 71-1628, Reissue Revised Statutes of Nebraska, 1943, sections 71-1630.02 and 71-1631, Revised Statutes Supplement, 1969, and section 71-1630, Revised Statutes Supplement, 1971, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.