

LEGISLATIVE BILL 583

Approved by the Governor May 26, 1973

Introduced by Froud, 12, for the Governor

AN ACT relating to public health; to create funds and specify the source and use; to provide fees and increase fees; to provide for inspections, tests, and examinations; to amend sections 71-513, 71-605.02, 71-612, 71-623, 71-627, 71-634, and 71-4305, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

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

Section 1. There is hereby created in the Department of Health a cash fund to be known as the Department of Health Cash Fund. Such fund shall be used by the Department of Health for the purpose of administering those laws relating to bedding, mobile homes and travel trailers, laboratory services, private water supply and private sewage disposal facilities, and swimming pools administered by the department.

Sec. 2. (1) The Department of Health may by regulation establish fees to partially defray the costs of providing specimen containers, shipping outfits, and related supplies, and fees to partially defray the costs of certain laboratory examinations as requested by individuals, firms, corporations, or governmental agencies in the state. Such examinations shall include chemical or microbiological examinations of various categories of water samples. Fees established for examination of water to ascertain qualities for domestic, culinary, and associated uses shall not exceed the following amounts: (a) Each inorganic chemical assay, five dollars, (b) each organic pollutant, twenty dollars, and (c) bacteriological examination to indicate sanitary quality as coliform density by membrane filter test, or equivalent test, five dollars.

Combinations or groups of tests, as specified by regulation, may be offered at rates less than those set for individual tests.

Fees for examinations of water from lakes, streams, impoundments, or similar sources, from wastewaters, or from ground water for industrial or agricultural purposes may be made at fees established therefor, but not to exceed one and one half times the

limits for examination of domestic waters as provided in this section.

(2) Fees may be established for the examinations of certain categories of biological specimens to partially defray costs of testing. Such categories shall not include any examination for a microbiological organism listed as incitant or causative of any disease subject to report or control measures pursuant to law or departmental regulation. No such fee shall exceed ten dollars.

(3) Fees for provision of certain classes of shipping outfits or specimen containers, when no charge is made for services, may be made as established by regulation to defray no more than the actual cost of materials, labor, and delivery. No such fee shall exceed three dollars per unit.

(4) No such fees shall ever apply to services and examinations provided in order to evaluate or monitor potable water supplies serving the public, except when such examinations exceed such standard frequency and number as established by regulations of the Department of Health.

Sec. 3. The Department of Health may enter into agreements, not exceeding one year in duration, with any other governmental agency relative to the provision of certain laboratory tests and services to the agency. Such services shall be provided as stipulated in the agreement, and for such fee, either lump sum or by the item, as is mutually agreed upon and as complies with the provisions of section 2 of this act.

Sec. 4. All fees collected for laboratory tests and services pursuant to sections 2 and 3 of this act shall be paid into the state treasury and by the State Treasurer credited to the Department of Health Cash Fund, which shall be used to partially defray the costs of labor, operations, supplies, and materials in the operations of the Department of Health.

Sec. 5. The Department of Health shall collect a fee of twenty-five dollars for each inspection of private water supply or private sewage disposal facilities requested of and made by the department in order for the person requesting the inspection to meet the requirements of any federal governmental agency, including, but not limited to, the Farmers Home Administration, the Federal Housing Administration, and the United States Veterans' Administration, that such an inspection be conducted as a condition of applying for or

receiving any type of grant, loan, guarantee, or other type of payment or benefit from such agency to the person applying for or receiving the same. All fees so collected shall be paid into the state treasury and by the State Treasurer credited to the Department of Health Cash Fund.

Sec. 6. That section 71-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-513. Every manufacturer of bedding in the State of Nebraska shall register with the Department of Health, and be assigned by it. a factory number, which shall show on the label attached to each article of bedding. Each factory in the state, where bedding is made, shall be inspected at least once a year, for which inspection a fee of ~~ten~~ twenty-five dollars shall be paid to the state by the owner of the factory inspected, but no owner shall be required to pay fees in excess of twenty fifty dollars for any one calendar year. All fees so collected shall be paid into the state treasury and by the State Treasurer credited to the Department of Health Cash Fund.

Sec. 7. That section 71-605.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-605.02. The Department of Health shall preserve permanently and index all such certificates and shall charge and collect in advance a the ~~fee of--two dollars prescribed in section 71-612,~~ to be paid by the applicant for each certified copy supplied to the applicant for any such record. All fees so collected shall be paid into the state treasury and, by the State Treasurer, shall be credited to the General Bureau of Vital Statistics Fund as provided in section 71-612.

Sec. 8. That section 71-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-612. The Director of Health, as the State Registrar, through the Department of Health shall preserve permanently and index all certificates received. The State--Registrar department shall supply to any applicant for any proper purpose, as defined by regulations of the department, a certified copy of the record of any birth, death, marriage, or divorce registered. The department shall be entitled to charge and collect in advance a fee of two three dollars, to be paid by the applicant for each certified copy supplied to

applicant or for any search made at applicant's request, for any such record, whether or not the record is found on file with the department; provided, the department shall, free of charge, make search for and furnish a certified copy of any record on file with the department, upon the request of the United States Veterans' Administration, or any lawful service organization empowered to represent veterans, if such copy of such record is to be issued for the welfare of any member or veteran of the armed forces of the United States, or in the interests of any member of his family, in connection with a claim growing out of service in the armed forces of the nation, or upon request of the military department of the State of Nebraska; and provided further, the department may, free of charge, make search for and furnish a certified copy of any record on file with the department when in the opinion of the director of vital statistics it would be a hardship for the claimant of old age, survivors or disability benefits under the Social Security Act to pay the fee provided in this section. A strict account shall be kept of all funds received by the department. Such funds shall be paid to the state treasury and by the State Treasurer credited to the General Bureau of Vital Statistics Fund, which is hereby created. The fund shall be used for the purpose of administering the laws relating to vital statistics.

Sec. 9. That section 71-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-623. The Department of Health shall charge and collect a fee of one dollar for each delayed birth certificate filed. Upon request and the payment of ~~an additional fee of two dollars~~ the fee prescribed by section 71-612 for the same, a certified copy of such a certificate may be furnished by the Director of Health through the Bureau of Vital Statistics. All fees so collected shall be paid into the state treasury and, by the State Treasurer credited to the General Bureau of Vital Statistics Fund as provided in section 71-612.

Sec. 10. That section 71-627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-627. The certificate of birth of adopted children shall be filed as other certificates of birth. There shall be a fee of one dollar charged for each certificate filed. All fees so collected shall be paid into the state treasury and shall be credited by the State Treasurer to the General Bureau of Vital Statistics Fund, as provided in section 71-612. Upon request and

the payment of an additional fee of two dollars the fee prescribed by section 71-612 for the same, a certified copy of such a certificate may be furnished by the Director of Health, through the Bureau of Vital Statistics.

Sec. 11. That section 71-634, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-634. The Department of Health shall charge and collect a fee of one dollar for each proceeding had under the provisions of section 71-630 and sections 71-635 to 71-644. The department shall collect a the fee of two dollars prescribed by section 71-612 for a certified copy of the amended record. All fees so collected shall be paid into the state treasury and shall be credited by the State Treasurer to the General Bureau of Vital Statistics Fund as provided in section 71-612.

Sec. 12. That section 71-4305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4305. ~~the owners and operators of swimming pools shall submit such operation and analytical records as may be requested by the Department of Health to determine the sanitary and safety condition of the swimming pool:~~ (1) The Department of Health shall make at least one inspection every year of each swimming pool to determine that such swimming pool complies with the minimum sanitary and safety requirements.

(2) The owner and operator of any swimming pool shall submit such operation and analytical records as may be requested at any time by the Department of Health to determine the sanitary and safety condition of the swimming pool.

(3) The Department of Health may charge the owners or operators of swimming pools an inspection fee for each inspection made under the provisions of this section or section 71-4306. Such fee shall be fifty dollars for inspection of Class A swimming pools and twenty-five dollars for Class F swimming pools. The distinction between Class A and Class F swimming pools shall be prescribed by regulation by the Department of Health. All fees collected under this section shall be deposited in the Department of Health Cash Fund.

Sec. 13. That original sections 71-513, 71-605.02, 71-612, 71-623, 71-627, 71-634, and 71-4305, Reissue Revised Statutes of Nebraska, 1943, are repealed.

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Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.