



LPHD statutes 3/7/2016

71-1626. Terms, defined.

For purposes of sections [71-1626](#) to [71-1636](#):

(1) Core public health functions means assessment, policy development, and assurance designed to protect and improve the health of persons within a geographically defined community by (a) emphasizing services to prevent illness, disease, and disability, (b) promoting effective coordination and use of community resources, and (c) extending health services into the community, including public health nursing, disease prevention and control, public health education, and environmental health services;

(2) County, district, or city-county health department means a governmental entity approved by the Department of Health and Human Services as a local full-time public health service which (a) utilizes local, state, federal, and other funds or any combination thereof, (b) employs qualified public health medical, nursing, environmental health, health education, and other essential personnel who work under the direction and supervision of a full-time qualified medical director or of a full-time qualified lay administrator and are assisted at least part time by at least one medical consultant who shall be a licensed physician, and (c) is operated in conformity with the rules, regulations, and policies of the Department of Health and Human Services. The medical director or lay administrator shall be called the health director; and

(3) Local public health department means a county, district, or city-county health department.

Source: Laws 1943, c. 152, § 1, p. 554; R.S.1943, § 71-1626; Laws 1972, LB 1497, § 1; Laws 1994, LB 1223, § 34; Laws 1996, LB 1044, § 568; [Laws 2001, LB 692, § 2](#); [Laws 2004, LB 1005, § 62](#); [Laws 2007, LB296, § 475](#).

71-1626.01. Legislative intent.

It is the intent of the Legislature that all persons residing in the State of Nebraska have access to public health services. It is the intent of the Legislature that local public health departments be established statewide and work collaboratively with local providers and community organizations in



order to assure the full range of public health services as prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. The Legislature declares that each local public health department should be able to carry out core public health functions. Core public health functions include assessment and policy development, prevention of illness and disease, and assurance of services including public health nursing, health education, and environmental health services.

Source: [Laws 2001, LB 692, § 4.](#)

71-1627. Local public health department; health director; other personnel.

A local public health department shall have a health director at its head who is required to give his or her entire time to the duties of the office and such other necessary qualified full or part-time health officers, environmental health specialists, public health nurses, health educators, and clerical assistants as may be necessary to carry on the activities pertinent to the health department.

Source: Laws 1943, c. 152, § 2, p. 554; R.S.1943, § 71-1627; Laws 1972, LB 1497, § 2; Laws 1994, LB 1223, § 35; [Laws 2001, LB 692, § 3.](#)

71-1628. County board; powers.

The county board of any county may (1) make an agreement with the Department of Health and Human Services relative to the expenditure of local, state, federal, and other funds or any combination thereof, available for public health in such county; (2) after notice and public hearing, establish and maintain a single full-time local health department for such 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 and Human Services and may 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 Human Services; or (3) cooperate with any city in the establishment and maintenance of a city-county health department as provided in section [71-1630](#). 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, and such agreement shall be submitted to and approved by the Department of Health and Human Services. A city-county health department shall be administered as provided in the agreement between the county and the city and shall be considered a state-approved, local, full-time public health service.

Source: Laws 1943, c. 152, § 3, p. 554; R.S.1943, § 71-1628; Laws 1949, c. 206, § 1(1), p. 591; Laws 1972, LB 1497, § 3; Laws 1994, LB 1223, § 36; Laws 1996, LB 1044, § 569; Laws 1997, LB 185, § 1; [Laws 2007, LB296, § 476](#).

71-1628.01. County or district health department; termination; procedure.

A county or district health department established under sections [71-1626](#) to [71-1636](#) may be terminated, following a public hearing, by a majority vote of the county board members for any county having a health department or of the majority of county boards having a district health department. A city-county health department may be terminated as provided by the agreement between the county and the city.

Source: Laws 1943, c. 152, § 3, p. 554; R.S.1943, § 71-1628; Laws 1949, c. 206, § 1(2), p. 593; Laws 1994, LB 1223, § 37; Laws 1997, LB 185, § 2.

71-1628.02. Repealed. Laws 2003, LB 412, § 12.

71-1628.03. Repealed. Laws 2003, LB 412, § 12.

71-1628.04. Core public health functions; contract authorized.

(1) Each local public health department shall carry out the core public health functions within its geographically defined community.

(2) Each local public health department shall include the essential elements in carrying out the core public health functions to the extent applicable within its geographically defined community and to the extent funds are available. The essential elements include, but are not limited to, (a) monitoring health status to identify community health problems, (b) diagnosing and investigating health problems and health hazards in the community, (c)



informing, educating, and empowering people about health issues, (d) mobilizing community partnerships to identify and solve health problems, (e) developing policies and rules that support individual and community health efforts, (f) enforcing laws, rules, and regulations that protect public health and the environment and ensure safety, (g) linking people to needed medical and mental health services and assuring the provision of health care when not otherwise available, (h) assuring a competent workforce within the health care industry and the public health departments, (i) evaluating effectiveness, accessibility, and quality of services within the health care industry and the public health departments, and (j) researching to gain new insights and innovative solutions to health problems.

(3) Any department or agency of the State of Nebraska may contract with a local public health department for the performance of public health administration or other functions at the discretion of and under the direction of such state department or agency.

Source: [Laws 2001, LB 692, § 7;](#) [Laws 2004, LB 1005, § 63.](#)

71-1628.05. Report.

Each local public health department shall prepare an annual report regarding the core public health functions carried out by the department in the prior fiscal year. The report shall be submitted to the Department of Health and Human Services by October 1. The Department of Health and Human Services shall compile the reports and submit the results electronically to the Health and Human Services Committee of the Legislature by December 1.

Source: [Laws 2001, LB 692, § 8;](#) [Laws 2005, LB 301, § 35;](#) [Laws 2007, LB296, § 477;](#) [Laws 2012, LB782, § 111.](#)

71-1628.06. Core public health functions; personnel.

The Department of Health and Human Services shall employ two full-time persons with expertise in the public health field to provide technical expertise in carrying out core public health functions and essential elements and coordinate the dissemination of materials to the local public health departments.



Source: [Laws 2001, LB 692, § 9;](#) [Laws 2005, LB 301, § 36;](#) [Laws 2007, LB296, § 478.](#)

71-1628.07. Satellite office of minority health; duties.

(1) The Department of Health and Human Services shall establish a satellite office of minority health in each congressional district to coordinate and administer state policy relating to minority health. Each office shall implement a minority health initiative in counties with a minority population of at least five percent of the total population of the county as determined by the most recent federal decennial census which shall target, but not be limited to, infant mortality, cardiovascular disease, obesity, diabetes, and asthma.

(2) Each office shall prepare an annual report regarding minority health initiatives implemented in the immediately preceding fiscal year. The report shall be submitted to the department by October 1. The department shall submit such reports electronically to the Health and Human Services Committee of the Legislature by December 1.

Source: [Laws 2001, LB 692, § 10;](#) [Laws 2003, LB 412, § 1;](#) [Laws 2005, LB 301, § 37;](#) [Laws 2007, LB296, § 479;](#) [Laws 2012, LB782, § 112.](#)

71-1628.08. County Public Health Aid Program; created; funds; distribution.

(1) The County Public Health Aid Program is created. Aid as appropriated by the Legislature from the Nebraska Health Care Cash Fund shall be distributed in each fiscal year as provided in this section.

(2) Of funds appropriated by the Legislature under subsection (1) of this section, the following amounts shall be distributed to local public health departments established under sections [71-1626](#) to [71-1636](#):

(a) One hundred thousand dollars to each local public health department established by at least three contiguous counties with a total population of at least thirty thousand and not more than fifty thousand persons;

(b) One hundred twenty-five thousand dollars to each local public health department established by a single county with a total population of more than



fifty thousand and not more than one hundred thousand persons, with or without additional counties as part of the department, or by at least three contiguous counties with a total population of more than fifty thousand and not more than one hundred thousand persons; and

(c) One hundred fifty thousand dollars to each local public health department established by one or more counties with a total population of more than one hundred thousand persons.

(3) Any appropriated funds not distributed under subsection (2) of this section shall be allocated among all counties on a per capita basis as determined by the most recent federal decennial census. The funds allocated for each county shall be distributed to the local public health department which is established by such county and receiving funding under subsection (2) of this section. Any funds not distributed under this subsection shall be equally distributed among all local public health departments receiving funding under subsection (2) of this section.

(4) Funds appropriated under this section shall not be used to replace existing county funding to any local public health department. Funding for any local public health department under this section shall be reduced to offset any such replacement.

Source: [Laws 2001, LB 692, § 11](#); [Laws 2003, LB 412, § 2](#); [Laws 2004, LB 1005, § 64](#).

71-1629. County or city-county health department; county board; powers; tax; election; when required.

(1) The county board of a county which has established a county or city-county health department may (a) incur the expenses necessary for the establishment and maintenance of such health department and (b) appropriate and use any unused funds in the general fund belonging to the county for the purposes set forth in sections [71-1626](#) to [71-1636](#).

(2) An annual tax to meet and pay the expenses necessary for the establishment and maintenance of a county or city-county health department may be levied and collected (a) by the county board of a county which has a population of thirty thousand inhabitants or more or (b) by the county board of a county which has a population of less than thirty thousand if the county



board has put the proposition of having such a tax to the electors of the county and imposition of the tax has been approved by a majority of electors voting on the proposition. The election shall be called, proclaimed, held, conducted, and canvassed in 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](#).

Source: Laws 1943, c. 152, § 4, p. 556; R.S.1943, § 71-1629; Laws 1949, c. 206, § 2(1), p. 593; Laws 1953, c. 287, § 68, p. 970; Laws 1967, c. 449, § 1, p. 1393; Laws 1984, LB 783, § 1; Laws 1994, LB 1223, § 38.

71-1629.01. District health department; county board; levy; limitation.

The county boards of the counties which have established a district health department may levy and collect an annual tax of not to exceed eight-tenths of one cent on each one hundred dollars upon the taxable value of all the taxable property in such county as may be necessary to meet the expenditures of such district health department in proportion to which the population of such county bears to the entire population of such district subject to section [77-3443](#).

Source: Laws 1943, c. 152, § 4, p. 556; R.S.1943, § 71-1629; Laws 1949, c. 206, § 2(2), p. 593; Laws 1953, c. 287, § 69, p. 970; Laws 1979, LB 187, § 185; Laws 1992, LB 719A, § 159; Laws 1994, LB 1223, § 39; Laws 1996, LB 1114, § 63.

71-1629.02. Municipalities; powers; levy.

Municipalities located within counties which have established health departments or which join in the establishment of a city-county health department may (1) cooperate in the maintenance of such health departments as health departments for such municipalities, (2) incur the necessary expenses for their proportionate share in the establishment and maintenance of such health departments, and (3) levy and collect an annual tax to meet and pay such expenses.

Source: Laws 1943, c. 152, § 4, p. 556; R.S.1943, § 71-1629; Laws 1949, c. 206, § 2(3), p. 594; Laws 1953, c. 287, § 70, p. 970; Laws 1967, c. 449, § 2, p. 1393; Laws 1984, LB 783, § 2; Laws 1994, LB 1223, § 40.



71-1630. Local boards of health; membership; terms; vacancies; duties.

(1) When a health department has been established by the county board of a county and approved by the Department of Health and Human Services 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) one dentist; (c) one physician; and (d) six public-spirited men or women interested in the health of the community. The physician and dentist shall each serve an initial term of three years. Three public-spirited men or women shall each serve an initial term of three years, and three public-spirited men or women shall each serve an initial term of two years. After the initial terms of office expire, each new appointment shall be for a term of three years. Appointments to fill any vacancies shall be for the unexpired term of the member whose term is being filled by such appointment. A county association or society of dentists or physicians or its managing board may submit each year to the county board a list of three persons of recognized ability in such profession. If such a list is submitted, the county board, in making an appointment for such profession, shall consider the names on the list and may appoint one of the persons so named.

(2) When a district health department has been established by a joint resolution of the county boards of each county in a 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) at least one physician, (c) at least one dentist, and (d) one or more public-spirited men or women interested in the health of the community from each county in the district. One-third of the members shall be appointed for terms of one year, one-third for terms of two years, and one-third for terms of three years. After their terms of office expire, each new appointment shall be for a term of three years. Appointments to fill any vacancies shall be for the unexpired terms. A county association or society of dentists or physicians or its managing board may submit each year to the county boards a list of three persons of recognized ability in such profession. If such a list is submitted, the county boards, in making an appointment for such profession, shall consider the names on the list and may appoint one of the persons so named.

(3) Except as provided in subsection (4) of this section, when the county board of any county and the city council of any city located in such county



have executed an agreement, approved by the Department of Health and Human Services, 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 selected by a majority vote of the city council and the county board, 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, (b) one representative from the city council, (c) one physician, (d) one dentist, and (e) five public-spirited men or women, not employed in the health industry or in the health professions, who are interested in the health of the community. One-third of its members shall be appointed for terms of one year, one-third for terms of two years, and one-third for terms of three years. After their terms of office expire, each new appointment shall be for a period of three years. A county association or society of dentists or physicians or its managing board may submit each year to the city council and the county board a list of three persons of recognized ability in such profession. If such a list is submitted, the city council and the county board, in making an appointment for such profession, shall consider the names on the list and may appoint one of the persons so named.

(4)(a) When the county board of any county having a population of more than two hundred thousand inhabitants and the city council of any city located in such county have executed an agreement, approved by the Department of Health and Human Services, for maintaining a city-county health department on or after January 1, 1997, the city and county shall establish a city-county board of health. The board shall consist of the following members to be appointed by the mayor with the consent of the city council and county board: One representative of the county board, one representative from the city council, one physician, one dentist, and five public-spirited persons who are interested in the health of the community. Three of the members shall be appointed for terms of one year, three for terms of two years, and three for terms of three years. After the initial terms of office expire, each successor member shall be appointed for a term of three years. The physician and dentist members shall be appointed as provided in this subdivision. The mayor shall invite the local county association or society of dentists or physicians or its managing board to timely submit to the mayor a list of three persons of recognized ability in the profession. A list is timely submitted if it is submitted within sixty days after the mayor's invitation. If the list is not timely submitted, the mayor may consider the list timely submitted at any time prior to making an appointment, otherwise the mayor shall appoint a person of recognized ability in the profession. If the list is timely submitted, the mayor shall



consider the names on the list and shall either appoint one of the persons on the list or invite a list of three new names using the process provided in this subdivision.

(b) The board of health shall, immediately after appointment, meet and organize by the election of one of its own members as president and one as vice president. The board members may elect such other officers as they deem necessary and may adopt and promulgate rules for the guidance of the board which are not inconsistent with law or the agreement creating the board. If any board member resigns or ceases to meet the requirements for eligibility on the board, or if there is any other vacancy on the board, the mayor shall appoint another representative to serve for the member's unexpired term subject to consent by a majority vote of both the city council and the county board. Any appointment to fill a vacancy on the board shall be for the unexpired term of the member whose vacancy is being filled.

(c) The board of health shall have the following duties:

(i) Assessment of community health status and available resources for health matters, including collecting and analyzing relevant data and annually reporting and making recommendations on improving public health matters to the mayor, city council, and county board;

(ii) Policy development for proposals before the board of health, the city council, and the county board to support and improve public health, including appointing, with the approval of the mayor, city council, and county board, advisory committees to the board of health to facilitate community development functions and coalition building related to public health and adopting and approving official health department policies consistent with applicable law and approved by the affirmative vote of not less than five board members at a regular meeting of the board in the following areas:

(A) Community health services and health promotion and outreach, specifically including policies related to the following:

(I) Client services and fees;

(II) Standing orders, supervision, screening, and emergency and referral protocols and procedures;

(III) Monitoring and reporting; and



(IV) Communicable disease investigation, immunization, vaccination, testing, and prevention measures, including measures to arrest the progress of communicable diseases;

(B) Environmental health, specifically including policies related to the following:

- (I) Permitting, inspection, and enforcement;
- (II) Monitoring, sampling, and reporting;
- (III) Technical assistance and plan review; and
- (IV) Prevention measures;

(C) Investigating and controlling diseases and injury, specifically including policies related to the following:

- (I) Permitting, inspection, and enforcement;
- (II) Monitoring, sampling, and reporting;
- (III) Technical assistance and plan review; and
- (IV) Prevention measures; and

(D) Other health matters as may be requested by the city council or county board; and

(iii) Assurance that needed services are available through public or private sources in the community, including:

(A) Acting in an advisory capacity to review and recommend changes to ordinances, resolutions, and resource allocations before the city council or county board related to health matters;

(B) Annually reviewing and recommending changes in the proposed budget for resource allocations related to the health department as provided in the city-county agreement; and



(C) Monitoring and reviewing the enforcement of laws and regulations of the board of health, city council, and county board related to public health in the community.

(d) The mayor of the city shall appoint, with the approval of the board of health, city council, and county board, the health director of the health department. The health director shall be a member of the unclassified service of the city under the direction and supervision of the mayor. The health director shall be well-trained in public health work, but he or she need not be a graduate of an accredited medical school. If the health director is not a graduate of an accredited medical school, the health director shall be assisted at least part time by at least one medical consultant who is a licensed physician. The mayor shall submit the health department budget to the city council and county board. The mayor shall also provide budget information to the board of health with sufficient time to allow such board to consider such information. The mayor may enter into contracts and accept grants on behalf of the health department. The mayor may terminate the health director with approval of a majority vote of the city council, the county board, and the board of health. The health director shall:

- (i) Provide administrative supervision of the health department;
- (ii) Make all necessary sanitary and health investigations and inspections;
- (iii) Investigate the existence of any contagious or infectious disease and adopt measures to arrest the progress of the disease;
- (iv) Distribute free, as the local needs may require, all vaccines, drugs, serums, and other preparations obtained from the Department of Health and Human Services or otherwise provided for public health purposes;
- (v) Give professional advice and information to school authorities and other public agencies on all matters pertaining to sanitation and public health;
- (vi) Inform the board of health when the city council or county board is considering proposals related to health matters or has otherwise requested recommendations from the board of health;
- (vii) Inform the board of health of developments in the field of public health and of any need for updating or adding to or deleting from the programs of the health department; and



(viii) Perform duties and functions as otherwise provided by law.

Source: Laws 1943, c. 152, § 5, p. 557; R.S.1943, § 71-1630; Laws 1969, c. 151, § 3, p. 711; Laws 1971, LB 43, § 2; Laws 1972, LB 1497, § 4; Laws 1976, LB 716, § 1; Laws 1978, LB 580, § 1; Laws 1979, LB 198, § 1; Laws 1994, LB 1223, § 41; Laws 1996, LB 1044, § 570; Laws 1997, LB 185, § 3; [Laws 2007, LB296, § 480](#).

71-1630.01. Repealed. Laws 1979, LB 198, § 4.

71-1630.02. Repealed. Laws 1979, LB 198, § 4.

71-1630.03. Repealed. Laws 1979, LB 198, § 4.

71-1631. Local boards of health; meetings; expenses; powers and duties; rules and regulations; pension and retirement plans.

Except as provided in subsection (4) of section [71-1630](#), the board of health of each county, district, or city-county health department 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 set forth in this section. The board may elect such other officers as it may deem necessary and may adopt and promulgate such rules and regulations for its own guidance and for the government of such health department as may be necessary, not inconsistent with sections [71-1626](#) to [71-1636](#). The board of health shall, with the approval of the county board and 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 or she need not be a graduate of an accredited medical school, but if he or she is not such a graduate, he or she shall be assisted at least part time by at least one medical consultant who shall be a licensed physician, (b) qualified in accordance with the state personnel system, and (c) approved by the Department of Health and Human Services;

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

(3) Hold meetings quarterly each year;



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

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

(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 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 with 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 Department of Health and Human Services;

(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, except that such rules and regulations shall have no application within the jurisdictional limits of any city of the metropolitan class and shall not 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 or her 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 and Human Services, 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 and Human Services 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;

(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. Officers and employees of a district health department formed by two or more counties shall be eligible to participate in the county retirement plan unless the district health department establishes an independent pension plan or retirement plan for its officers or employees;

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

(15) In addition to powers conferred elsewhere in the laws of the state and notwithstanding any other law of the state, implement and enforce an air pollution control program under subdivision (23) of section [81-1504](#) or subsection (1) of section [81-1528](#), which program shall be consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include without limitation those involving injunctive relief, civil penalties, criminal fines, and burden of proof. Nothing in this section shall preclude the control of air pollution by resolution, ordinance, or regulation not in actual conflict with the state air pollution control regulations.

Source: Laws 1943, c. 152, § 6, p. 558; R.S.1943, § 71-1631; Laws 1953, c. 249, § 1, p. 852; Laws 1955, c. 275, § 1, p. 871; Laws 1963, c. 401, § 1, p. 1286; Laws 1967, c. 449, § 3, p. 1394; Laws 1969, c. 151, § 5, p. 713; Laws 1972, LB 1497, § 6; Laws 1973, LB 285, § 1; Laws 1979, LB 198, § 2; Laws 1981, LB 204, § 120; Laws 1992, LB 860, § 3; Laws 1992, LB 1257, § 74; Laws 1993, LB 623, § 2; Laws 1996, LB 1011, § 28; Laws 1996, LB 1044, § 571; Laws 1997, LB 185, § 4; [Laws 2006, LB 1019, § 6](#); [Laws 2007, LB296, § 481](#).

71-1631.01. Local boards of health; rules and regulations; violations; penalty.



Any person violating any rule or regulation, authorized by the provisions of either subdivision (7) or (9) of section [71-1631](#), shall be guilty of a Class III misdemeanor, and each day's violation shall be considered a separate offense.

Source: Laws 1955, c. 275, § 2, p. 872; Laws 1969, c. 151, § 7, p. 717; Laws 1977, LB 39, § 161.

71-1631.02. Local boards of health; retirement plan; reports.

(1) Beginning December 31, 1998, and each year thereafter, the health director of a board of health with an independent retirement plan established pursuant to section [71-1631](#) and section 401(a) of the Internal Revenue Code shall file with the Public Employees Retirement Board an annual report on such plan and shall submit copies of such report to the Auditor of Public Accounts. The Auditor of Public Accounts may prepare a review of such report pursuant to section [84-304.02](#) but is not required to do so. The annual report shall be in a form prescribed by the Public Employees Retirement Board and shall contain the following information for each such retirement plan:

- (a) The number of persons participating in the retirement plan;
- (b) The contribution rates of participants in the plan;
- (c) Plan assets and liabilities;
- (d) The names and positions of persons administering the plan;
- (e) The names and positions of persons investing plan assets;
- (f) The form and nature of investments;
- (g) For each independent defined contribution plan, a full description of investment policies and options available to plan participants; and
- (h) For each independent defined benefit plan, the levels of benefits of participants in the plan, the number of members who are eligible for a benefit, and the total present value of such members' benefits, as well as the funding sources which will pay for such benefits.



If an independent plan contains no current active participants, the health director may file in place of such report a statement with the Public Employees Retirement Board indicating the number of retirees still drawing benefits, and the sources and amount of funding for such benefits.

(2) If such retirement plan is a defined benefit plan which was open to new members on January 1, 2004, in addition to the reports required by section [13-2402](#), a board of health with an independent retirement plan established pursuant to section [71-1631](#) shall cause to be prepared an annual report and the health director shall file the same with the Public Employees Retirement Board and the Nebraska Retirement Systems Committee of the Legislature and submit to the Auditor of Public Accounts a copy of such report. The Auditor of Public Accounts may prepare a review of such report pursuant to section [84-304.02](#) but is not required to do so. If the board of health does not submit a copy of the report to the Auditor of Public Accounts within six months after the end of the plan year, the Auditor of Public Accounts may audit, or cause to be audited, the local public health department. All costs of the audit shall be paid by the local public health department. The report shall consist of a full actuarial analysis of each such independent retirement plan established pursuant to section [71-1631](#). The analysis shall be prepared by an independent private organization or public entity employing actuaries who are members in good standing of the American Academy of Actuaries, and which organization or entity has demonstrated expertise to perform this type of analysis and is unrelated to any organization offering investment advice or which provides investment management services to the retirement plan. The report to the Nebraska Retirement Systems Committee shall be submitted electronically.

Source: Laws 1998, LB 1191, § 43; [Laws 1999, LB 795, § 12](#); [Laws 2011, LB474, § 12](#); [Laws 2014, LB759, § 19](#).

71-1632. Health director; powers; duties.

Except as provided in subsection (4) of section [71-1630](#), the health director of a county, district, or city-county health department shall have the power and duty to (1) be the executive officer of the local boards of health; (2) appoint, subject to any applicable county or city civil service laws, rules, or regulations, a properly functioning staff and other personnel as may be necessary, whose qualifications shall conform to the United States Public



Health Standards and whose remuneration shall conform to an established compensation schedule set by such local board of health and which is reviewed and approved annually by such board; (3) review annually, with the local board of health, the proposed budget of the department; (4) organize, with the approval of the local board of health, a citizens' advisory health council that will aid in developing a public health program to meet the particular needs, hazards, and problems of the health district; and (5) organize, with the approval of the local board of health, a medical and dental advisory committee.

Source: Laws 1943, c. 152, § 7, p. 560; R.S.1943, § 71-1632; Laws 1969, c. 572, § 1, p. 2318; Laws 1969, c. 151, § 9, p. 717; Laws 1975, LB 139, § 2; Laws 1979, LB 198, § 3; Laws 1984, LB 783, § 3; Laws 1997, LB 185, § 5.

71-1633. Local boards of health; records required.

The health department of such county, district or city-county, as provided in sections [71-1626](#) to [71-1636](#), shall keep minutes of all the meetings of the health boards, and shall retain the records of everything pertaining to expenses, income, complaints, work done, meetings had, pamphlets printed and distributed, cases handled, and of any other matters pertaining to the work of the board of health.

Source: Laws 1943, c. 152, § 8, p. 560; R.S.1943, § 71-1633.

71-1634. Health department; funds; how disbursed.

(1) No funds shall be disbursed except upon vouchers approved by the director of health and the president of the board of health of a county or district health department. In the absence of the health director, the president and the vice president or, in his or her absence, the secretary are authorized to approve such vouchers before any funds are disbursed. In the absence of the president, the health director and the vice president or, in his or her absence, the secretary are authorized to approve such vouchers before any funds are disbursed. In the absence of both president and health director, the vice president and the secretary are authorized to approve such vouchers before any funds are disbursed.



(2) Funds of a city-county health department shall be disbursed as provided by the agreement between the county and the city.

Source: Laws 1943, c. 152, § 9, p. 560; R.S.1943, § 71-1634; Laws 1953, c. 249, § 2, p. 853; Laws 1967, c. 449, § 4, p. 1395; Laws 1997, LB 185, § 6.

71-1635. Health department; establishment; other health agencies abolished; exception; city-county health department; control by department.

When the county board of any county or counties creates a health department as provided by sections [71-1626](#) to [71-1636](#), every other local, municipal, or county public health agency or department, except city or county hospitals, may be abolished, and such county or district health department may be given full control over all health matters in the county or counties, including all municipalities in the county in conformity with the rules, regulations, and policies of the Department of Health and Human Services. When a city has joined in the establishment of a city-county health department, such city-county health department may be given such control over all health matters in the city as may be provided by agreement between the county and the city with the approval of the Department of Health and Human Services. If the health department in a county or city is changed, any lawful ordinance, resolution, regulation, policy, or procedure relating to any of the functions conferred by sections [71-1626](#) to [71-1636](#) of the former health department shall remain in full force and effect until it is repealed or replaced or until it conflicts with a subsequently enacted measure.

Source: Laws 1943, c. 152, § 10, p. 560; R.S.1943, § 71-1635; Laws 1967, c. 449, § 5, p. 1396; Laws 1996, LB 1044, § 572; Laws 1997, LB 185, § 7; [Laws 2007, LB296, § 482](#).

71-1636. Sections not applicable to school district; exception.

Sections [71-1626](#) to [71-1636](#) do not apply to any school district in the State of Nebraska, except that any school district, upon application to a county, district, or city-county health department formed under such sections, may accept in whole or in part any of the provisions of such sections, by entering into an agreement for that purpose with such health department.



Source: Laws 1943, c. 152, § 11, p. 560; R.S.1943, § 71-1636; [Laws 2004, LB 1005, § 65.](#)