

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 756

Introduced by Brandt, 32.

Read first time January 05, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health; to amend sections 71-2432,
2 71-2434, and 71-2435, Reissue Revised Statutes of Nebraska, and
3 section 71-2433, Revised Statutes Cumulative Supplement, 2020; to
4 change and eliminate definitions; to change powers and duties
5 relating to reporting and rehabilitation of properties contaminated
6 by methamphetamine, enforcement, and terminations of leases; to
7 remove obsolete language; to harmonize provisions; and to repeal the
8 original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2432, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-2432 For purposes of sections 71-2432 to 71-2435:

4 ~~(1) Clandestine drug lab means any area where glassware, heating~~
5 ~~devices, or other equipment or precursors, solvents, or related articles~~
6 ~~or reagents are used to unlawfully manufacture methamphetamine;~~

7 (1) (2) Contaminated property means an enclosed area of any property
8 or portion thereof intended for human habitation or use which, as a
9 result of the unlawful manufacture of methamphetamine, has been
10 contaminated by chemicals, chemical residue, methamphetamine,
11 methamphetamine residue, or other substances from a clandestine drug lab;

12 (2) (3) Department means the Department of Health and Human
13 Services;

14 (3) (4) Law enforcement agency has the meaning found in section
15 81-1401;

16 (4) (5) Local public health department has the meaning found in
17 section 71-1626;

18 (5) (6) Methamphetamine means methamphetamine, its salts, optical
19 isomers, and salts of its isomers; and

20 (6) (7) Rehabilitate or rehabilitation means all actions necessary
21 to ensure that contaminated property is safe for human habitation or use.

22 Sec. 2. Section 71-2433, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 71-2433 (1)(a) A property owner with knowledge that property of
25 such property owner is a contaminated property of a clandestine drug lab
26 on his or her property shall report such knowledge and location as soon
27 as practicable to the local law enforcement agency or to the Nebraska
28 State Patrol.

29 (b) A law enforcement agency that discovers or is notified of a
30 contaminated property clandestine drug lab in the State of Nebraska shall
31 report the location of such property lab to the local public health

1 ~~department and the owner of such property Nebraska State Patrol~~ within
2 ~~thirty days after making such discovery, except that notice to the owner~~
3 ~~is not required if it was the owner who notified the agency.~~

4 (2) ~~The Such report required by subsection (1) of this section shall~~
5 ~~include the date of discovery of, or receipt of notice regarding, such~~
6 ~~contaminated property lab, the county where the property containing such~~
7 ~~lab is located, and a legal description of the property or other~~
8 ~~description or address of such property sufficient to clearly establish~~
9 ~~its location. As soon as practicable after such discovery, the~~
10 ~~appropriate law enforcement agency shall provide the Nebraska State~~
11 ~~Patrol with a complete list of the chemicals, including methamphetamine,~~
12 ~~its precursors, solvents, and related reagents, found at or removed from~~
13 ~~the location of such lab. Upon receipt, the Nebraska State Patrol shall~~
14 ~~promptly forward a copy of such report and list to the department, the~~
15 ~~Department of Environment and Energy, the municipality or county where~~
16 ~~the lab is located, the director of the local public health department~~
17 ~~serving such municipality or county, and the property owner or owners.~~

18 Sec. 3. Section 71-2434, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-2434 (1) The local public health department serving the
21 municipality or county where a contaminated property ~~clandestine drug lab~~
22 has been discovered shall monitor the rehabilitation of such ~~any~~
23 contaminated property ~~at such location~~ in accordance with standards and
24 procedures established or approved by the department. ~~The department~~
25 ~~shall adopt and promulgate rules and regulations to establish such~~
26 ~~standards and procedures no later than July 15, 2007.~~ Such procedures
27 shall include deadlines for completion of the various stages of
28 rehabilitation and proper disposal of the contaminated property.

29 (2) A local public health department may charge and collect fees
30 from the owner or owners of contaminated property to cover the costs
31 directly associated with monitoring the rehabilitation of the

1 contaminated ~~such~~ property under this section as provided in rules and
2 regulations of the department. A local public health department may
3 contract with other local public health departments or other appropriate
4 entities to assist in the monitoring of such rehabilitation. Upon the
5 completion of such rehabilitation, the local public health department
6 shall release the property for human habitation and commercial or other
7 use in a timely manner.

8 (3) The owner or owners of contaminated property shall not permit
9 the human habitation or use of such property until the rehabilitation of
10 such property has been completed and the property has been released for
11 such habitation or use under this section. An owner who knowingly
12 violates this subsection may be subject to a civil penalty not to exceed
13 one thousand dollars. The local public health department shall enforce
14 this subsection.

15 Sec. 4. Section 71-2435, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 71-2435 Notwithstanding any other provision of law, if contaminated
18 property is being leased ~~property contains a clandestine drug lab~~, an
19 owner may terminate the lease agreement upon three days' written notice
20 for the purpose of rehabilitating the contaminated property in accordance
21 with the rules and regulations adopted and promulgated pursuant to
22 section 71-2434.

23 Sec. 5. Original sections 71-2432, 71-2434, and 71-2435, Reissue
24 Revised Statutes of Nebraska, and section 71-2433, Revised Statutes
25 Cumulative Supplement, 2020, are repealed.