

## LEGISLATIVE BILL 733

Approved by the Governor January 29, 1986

Introduced by Beutler, 28, Chairperson, Executive Board

AN ACT relating to hospital authorities; to amend sections 23-343.80, 23-343.84, 23-343.95, and 23-343.97, Reissue Revised Statutes of Nebraska, 1943; to correct internal references to repealed statutes; to eliminate obsolete provisions relating to the applicability of certain statutes; to harmonize provisions; to repeal the original sections, and also sections 23-343.83 and 23-343.98, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 23-343.80, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.80. Prior to the holding of a hearing on the petitions, ~~except as otherwise provided in section 23-343.83~~, the question of forming the proposed hospital authority shall be submitted to the appropriate local or area health planning agency for its consideration and review; if there has been created, pursuant to state or federal law, such a local or area health planning agency having jurisdiction within the area in which the proposed hospital authority is to be established. Such local or area health planning agency shall within sixty days render its findings and recommendations, if any, and shall be deemed to have approved the formation of the proposed hospital authority if its findings and recommendations have not been rendered within such period of sixty days.

Sec. 2. That section 23-343.84, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.84. Such petitions, written objections, and findings and recommendations filed as provided in sections 23-343.79 ~~to 23-343.82~~ and ~~23-343.80~~, if any, shall be heard by the county board without any unnecessary delay. In making its determination with respect to whether or not a proposed authority should be declared a public corporation of this state, the county board shall ascertain, to its satisfaction, that all of the requirements set forth in

sections 23-343.74 to 23-343.120 have been met or complied with. Should the county board determine that the formation of such authority will be conducive to the public health, convenience, or welfare, it shall declare the authority a public corporation and body politic of this state and shall declare the trustees nominated, or in case of meritorious objection thereto, other suitable trustees who shall be electors residing within the county in which the authority is situated, to be the board of trustees of the authority to serve until their successors are appointed and qualified, except ; ~~PROVIDED~~, that the board of trustees shall not consist of more than fifteen members. In arriving at its determination as to whom should be appointed to initial membership on the board of trustees of an authority, the county board shall give due consideration to each nominee's general reputation in the community, his or her education and experience in areas such as education, medicine, hospital administration, business management, finance, law, engineering, and other fields which might be of benefit to the authority, his or her background in public service activities, the amount of time and energy that he or she might be expected to be able to devote to the affairs of the authority and such other factors as the county board may deem relevant. One or more of the trustees initially appointed shall be consumers of health care services as distinguished from providers of health care services. The county board in appointing the initial trustees shall classify such initial trustees so that approximately one-third of their number shall serve for two years, approximately one-third of their number shall serve for four years, and approximately one-third of their number shall serve for six years, their successors to be thereafter appointed for terms of six years each.

Sec. 3. That section 23-343.95, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.95. Prior to constructing any structure which is to be utilized as a hospital or as a nursing home, as opposed to structures related thereto, the question of constructing such structure shall, except as otherwise provided in section 23-343-98, be submitted to the appropriate local or area health planning agency for its consideration and review, if there has been created, pursuant to state or federal law, such a local or area health planning agency having jurisdiction within the area in which the proposed structure is to be constructed. Such local or area

health planning agency shall within sixty days render its findings and recommendations, if any, and shall be deemed to have approved construction of the proposed structure if its findings and recommendations have not been rendered within such period of sixty days. ~~The~~ ~~7~~ ~~PROVIDED,~~ that the provisions of this section shall not apply to the purchase or other acquisition by an authority of any interest in any existing structure which is to be utilized as a hospital if such structure has been in existence for more than one year.

Sec. 4. That section 23-343.97, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-343.97. ~~Except as otherwise provided in section 23-343-98,~~ ~~the~~ ~~The~~ findings and recommendations, if any, of the appropriate local health planning agency, if any, shall be considered by the board of trustees of the hospital authority in making its determination as to whether or not to proceed with construction of the proposed structure.

Sec. 5. That original sections 23-343.80, 23-343.84, 23-343.95, and 23-343.97, Reissue Revised Statutes of Nebraska, 1943, and also sections 23-343.83 and 23-343.98, Reissue Revised Statutes of Nebraska, 1943, are repealed.