

AMENDMENTS TO LB811

(Amendments to Standing Committee amendments, AM2400)

Introduced by Watermeier

1 1. Insert the following new sections:

2 Sec. 4. Section 71-2433, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-2433 (1) A property owner with knowledge of a
5 clandestine drug lab on his or her property shall report such
6 knowledge and location as soon as practicable to the local
7 law enforcement agency or to the Nebraska State Patrol. A law
8 enforcement agency that discovers a clandestine drug lab in the
9 State of Nebraska shall report the location of such lab to
10 the Nebraska State Patrol within thirty days after making such
11 discovery. Such report shall include the date of discovery of such
12 lab, the county where the property containing such lab is located,
13 and a legal description of the property or other description
14 or address of such property sufficient to clearly establish
15 its location. As soon as practicable after such discovery, the
16 appropriate law enforcement agency shall provide the Nebraska
17 State Patrol with a complete list of the chemicals, including
18 methamphetamine, its precursors, solvents, and related reagents,
19 found at or removed from the location of such lab. Upon receipt,
20 the Nebraska State Patrol shall promptly forward a copy of such
21 report and list to the department, the Department of Environmental
22 Quality, the municipality or county where the lab is located,

1 the director of the local public health department serving such
2 municipality or county, and the property owner or owners.

3 (2) It shall be prima facie evidence of contamination of
4 the property if a clandestine drug lab has been reported under
5 subsection (1) of this section.

6 (3) The owner or owners or alleged owner or owners of
7 the property may request an administrative hearing pursuant to the
8 Administrative Procedure Act before the department to dispute a
9 mistake of fact. A mistake of fact is:

10 (a) An error in the report as to the ownership of the
11 property;

12 (b) An error in the determination that the property was
13 the site of a clandestine drug lab; or

14 (c) An error in the determination that the property needs
15 rehabilitation.

16 (4) The owner or owners or alleged owner or owners of
17 the property may send a written request for a hearing to the
18 department. The request must be postmarked within fifteen calendar
19 days after the mailing date of the report. If the request for a
20 hearing is not postmarked within fifteen calendar days after the
21 mailing date of the report, or the request is not based on a
22 mistake of fact, the department shall deny the request. The hearing
23 shall be held within fifteen calendar days after the date of the
24 receipt of the hearing request. The department shall notify the
25 requesting party of the hearing results within fifteen calendar
26 days after the hearing.

27 (5) The owner or owners of contaminated property shall

1 not permit the human habitation or use of such property until the
2 rehabilitation of such property has been completed and the property
3 has been released for such habitation or use under this section or
4 section 71-2434. An owner who knowingly violates this subsection
5 may be subject to a civil penalty not to exceed one thousand
6 dollars.

7 Sec. 5. Section 71-2434, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-2434 (1) The local public health department serving
10 the municipality or county where a clandestine drug lab has been
11 discovered shall monitor the rehabilitation of any contaminated
12 property at such location in accordance with standards and
13 procedures established or approved by the department. The
14 department shall adopt and promulgate rules and regulations to
15 establish such standards and procedures, ~~no later than July 15,~~
16 ~~2007.~~ Such procedures shall include deadlines for completion of
17 the various stages of rehabilitation and proper disposal of the
18 contaminated property.

19 (2) A local public health department may charge and
20 collect fees from the owner or owners of contaminated property
21 to cover the costs directly associated with monitoring the
22 rehabilitation of such property under this section as provided
23 in rules and regulations of the department. A local public health
24 department may contract with other local public health departments
25 or other appropriate entities to assist in the monitoring of such
26 rehabilitation. Upon the completion of such rehabilitation, the
27 local public health department shall release the property for human

1 habitation and commercial or other use in a timely manner.

2 ~~(3) The owner or owners of contaminated property shall~~
3 ~~not permit the human habitation or use of such property until the~~
4 ~~rehabilitation of such property has been completed and the property~~
5 ~~has been released for such habitation or use under this section.~~
6 ~~An owner who knowingly violates this subsection may be subject to~~
7 ~~a civil penalty not to exceed one thousand dollars. The department~~
8 ~~shall enforce this subsection.~~

9 2. Renumber the remaining section and correct the
10 repealer accordingly.