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**Capitol View
Commentary by J.L. Schmidt**

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**Some Want to Strip Autonomy of Lincoln-Lancaster County Health Department**

Remember local control? It seems some state Senators have forgotten, and they’re all Republicans.

State Sen. Rob Clements of Elmwood has offered a bill (LB859) that would strip the Lincoln-Lancaster County Health Department’s authority to issue directed health measures locally to protect the community as it has during the current Pandemic. Because of an increase in COVID-19 cases in Lincoln as a new school year approached last August, the countywide mandate stood alone in Nebraska.

City officials have argued that Lincoln's health department, which has existed since 1889, predates the state law recognizing health departments, granting it more authority to act when public health is at risk.

And since 1997, a provision has existed in state law allowing cities to form joint health departments with counties of more than 200,000 people — a category tailored to the Lincoln-Lancaster County Health Department.

Clements and nine co-sponsors, only one of whom is from Lincoln, introduced the measure which would strip the Lincoln-Lancaster County Health Department of its authority to act independently of the state in issuing directed health measures. Clements said it would put the department on equal footing with the state's 15 other health districts.

Why is that important? I thought Republicans were all about local control.

"I don't think (the Lincoln-Lancaster County Health Department) should be treated any differently than any other health department," said Clements, a Republican whose District 2 now stretches into Lancaster County after lawmakers redrew political boundaries last fall. "There's been a lot of people who didn't care for the decisions made by (the health department)," he added.

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Not the least of whom is Governor Pete Ricketts who refused to issue statewide mandates and has opposed mask mandates.

The measures implemented by the Lincoln-based health department faced a handful of challenges in state and federal court, where business owners argued the department exceeded its authority. Judges have been skeptical of those claims, however, noting state statute gives city-county health departments broad authority to act to prevent the spread of disease.

Outside of Lancaster County, mandates had to be approved by elected officials, usually city councils and county boards, which haven't revisited the issue since mandates were allowed to expire last spring.

In Lancaster County, the mask mandate issued by the health department was allowed to expire Dec. 23.

Clements and Ricketts -- or whoever is pulling the strings -- wants to hold Lincoln and Lancaster County to that same standard for some reason. Lives are being saved by the mask mandate, so why change anything?

Is it politics? Ricketts and Clements and his co-sponsors are all Republicans. Lincoln Mayor Leirion Gaylor Baird is a Democrat.

Mayoral Chief of Staff Jennifer Brinkman said the local health department's response was "critical to making our community one of the safest places in the state throughout the pandemic” and the city opposes “any effort to take away the local control that has helped keep families safe, businesses open, schools in session, and other organizations operating safely."

If this bill undeservedly goes from committee to the full Legislature for debate and is approved by the Legislature and signed by Ricketts, it would make any city-county health department policy related to investigation, vaccination, testing and prevention of communicable diseases subject to approval by the state Department of Health and Human Services.

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All that does is add another layer of bureaucratic delay to the serious business of public health. Not good.

Co-signers, all Republicans in the officially nonpartisan Legislature, are: Joni Albrecht of Thurston; Steve Erdman of Bayard, Mike Groene of North Platte and Steve Halloran of Hastings, all proponents of herd immunity; Suzanne Geist of Lincoln; Ben Hansen of Blair; John Lowe of Kearney; Dave Murman of Glenvil and Julie Slama of Sterling.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*