

LEGISLATIVE BILL 249

Approved by the Governor May 1, 1981

Introduced by Cullan, 49

AN ACT relating to the Department of Health; to amend sections 71-2609, 71-2610, 81-102, 81-108, and 81-109, Reissue Revised Statutes of Nebraska, 1943; to provide for appointment of the Director of Health; to change duties and authority of the director and the State Board of Health; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also sections 71-2604, 71-2608, and 71-2612 to 71-2616, Reissue Revised Statutes of Nebraska, 1943, and section 71-2611, Revised Statutes Supplement, 1980.

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

Section 1. That section 71-2609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2609. The Director of Health shall (1) be a graduate of a recognized school of medicine, (2) be licensed to practice his or her profession in the State of Nebraska, and (3) have some special training in public health work. ~~7-and-(4)-have-such-other-qualifications-as the-State-Board-of-Health-shall-prescribe.~~

Sec. 2. That section 71-2610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2610. The State Board of Health shall ~~have power-and-duty-to~~ advise the department regarding:

(1) ~~Adopt-rules~~ Rules and regulations for the government of the Department of Health;

(2) ~~Determine-the~~ The policies of the Department of Health;

(3) ~~Study-health~~ Health needs for the state;

(4) ~~Carry-on-an~~ An educational health program throughout the state; and

(5) ~~Formulate--plans~~ Plans of organization or reorganization of the Department of Health.

All funds rendered available by law, including funds already collected for such purposes, may be used by the board department in administering and effecting such purposes.

Sec. 3. (1) The State Board of Health shall have the power and duty to:

(a) Adopt and promulgate rules and regulations for the government of the Bureau of Examining Boards of the Department of Health; and

(b) Determine the policies of the Bureau of Examining Boards of the Department of Health.

(2) All funds rendered available by law, including funds collected for such purposes prior to the effective date of this act, may be used by the board in administering and effecting such purposes.

Sec. 4. That section 81-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-102. The Governor shall appoint heads for the various departments, subject to confirmation by a majority vote of the members elected to the Legislature. Such appointments shall be submitted to the Legislature within sixty calendar days following the first Thursday after the first Tuesday in each odd-numbered year. The officers shall be designated as follows: (1) The Director of Agriculture for the Department of Agriculture; (2) the Commissioner of Labor for the Department of Labor; (3) ~~the members-of-the--State--Board~~ Director of Health for the Department of Health; (4) the Director-State Engineer for the Department of Roads; (5) the Director of Water Resources for the Department of Water Resources; (6) the Director of Banking and Finance for the Department of Banking and Finance; (7) the Director of Insurance for the Department of Insurance; (8) the Director of Motor Vehicles for the Department of Motor Vehicles; (9) the Director of Public Welfare for the Department of Public Welfare; (10) the Director of Public Institutions for the Department of Public Institutions; (11) the Director of Administrative Services for the Department of Administrative Services; (12) the Director of Correctional Services for the Department of Correctional Services; and (13) the Director of Economic Development for the Department of Economic Development. Whoever shall be so nominated by the Governor and shall fail to receive the number of votes requisite for confirmation, shall not be subject to nomination or appointment for this or any other

appointive state office requiring confirmation by the Legislature during the period for which his or her appointment was sought. In case of a vacancy in any of such offices during the recess of the Legislature, the Governor shall make a temporary appointment until the next meeting of the Legislature, when he or she shall nominate some person to fill such office. Any person so nominated who is confirmed by the Legislature, shall hold his or her office during the remainder of the term if a specific term has been provided by law, otherwise during the pleasure of the Governor subject to the provisions of this section; Provided, any such officers may be removed by the Governor pursuant to Article IV of the Constitution of Nebraska.

Sec. 5. That section 81-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-108. Each head of one of the departments referred to in section 81-101, ~~except when such head of a department is a board or commission~~, and each appointee in each department shall (1) devote his or her entire time to the duties of his or her office and (2) hold no other office or position of profit. No appointee in any of the departments shall be a relative of any of the heads of departments created by section 81-101.

Sec. 6. That section 81-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-109. Each head of a department, ~~except when such head of a department is a board or commission~~, shall serve without term.

Sec. 7. Whenever the words State Board of Health appear in the statutes, other than the sections of this act, after the effective date of this act, they shall be construed to mean and apply to the Department of Health. The Revisor of Statutes is authorized and directed to substitute the words Department of Health for State Board of Health in accordance with this act.

Sec. 8. That original sections 71-2609, 71-2610, 81-102, 81-108, and 81-109, Reissue Revised Statutes of Nebraska, 1943, and also sections 71-2604, 71-2608, and 71-2612 to 71-2616, Reissue Revised Statutes of Nebraska, 1943, and section 71-2611, Revised Statutes Supplement, 1980, are repealed.