

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 180

Introduced by Fischer, 43.

Read first time January 07, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to veterinary medicine and surgery; to amend
2 sections 38-108, 38-158, and 38-3319, Reissue Revised
3 Statutes of Nebraska; to provide for gubernatorial
4 appointment of the Board of Veterinary Medicine and
5 Surgery; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 38-108, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-108 Board means one of the boards appointed by the
4 State Board of Health pursuant to section 38-158 or appointed by the
5 Governor pursuant to the Emergency Medical Services Practice Act, the
6 Veterinary Medicine and Surgery Practice Act, or the Water Well
7 Standards and Contractors' Practice Act. For professions for which
8 there is no board established by statute, the duties normally carried
9 out by a board are the responsibility of the department.

10 Sec. 2. Section 38-158, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 38-158 (1) The State Board of Health shall appoint
13 members to the boards designated in section 38-167 except the Board
14 of Emergency Medical Services, the Board of Veterinary Medicine and
15 Surgery, and the Water Well Standards and Contractors' Licensing
16 Board.

17 (2) Any vacancy in the membership of a board caused by
18 death, resignation, removal, or otherwise shall be filled for the
19 unexpired term in the same manner as original appointments are made.

20 Sec. 3. Section 38-3319, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 38-3319 (1) The board shall have five members appointed
23 by the Governor with the approval of a majority of the Legislature as
24 provided in this section. The appointees may begin to serve
25 immediately following appointment and prior to approval by the

1 Legislature.

2 (2) The board shall consist of five members, including
3 three licensed veterinarians, one licensed veterinary technician, and
4 one public member.

5 (3) Members shall serve five-year terms beginning on
6 December 1 and may serve for any number of such terms. The terms of
7 the members of the board appointed prior to the effective date of
8 this act shall continue until their successors are appointed pursuant
9 to this section. Each member shall hold office until the expiration
10 of his or her term. Any vacancy in membership, other than by
11 expiration of a term, shall be filled within ninety days by the
12 Governor by appointment as provided in subsection (2) of this
13 section.

14 (4) The Governor upon recommendation of the department
15 shall have power to remove from office at any time any member of the
16 board for physical or mental incapacity to carry out the duties of a
17 board member, for continued neglect of duty, for incompetency, for
18 acting beyond the individual member's scope of authority, for
19 malfeasance in office, for any cause for which a professional
20 credential may be suspended or revoked pursuant to the Uniform
21 Credentialing Act, or for a lack of license required by the
22 Veterinary Medicine and Surgery Practice Act.

23 Sec. 4. Original sections 38-108, 38-158, and 38-3319,
24 Reissue Revised Statutes of Nebraska, are repealed.