

April 8, 1981

LB 249

I guess we would have to wonder...let me rephrase that, I guess we have to wonder who the Board of Health is accountable to. We have heard that the Board of Health is accountable to the Governor. Some of you may say that the Board of Health is accountable to the people, but I wonder how many of you could name more than one or two members of the Board of Health yourselves. Or how many of you in this body could tell me how many members there are on the Board of Health. I would venture to guess that not many of us could name any of those individuals or could name...could tell us how many individuals are even on that board. And yet, we, as Legislators, are relatively informed in this regard. So it is my contention that the average citizen cannot identify even one member of the Board of Health and, therefore, it is difficult for them to know who to hold accountable for the operation of the significant Department of state government. The Department of Health is a major state agency with major policy and service functions. It has a budget in excess of \$18 million. It has 362 full time equivalent employees. It has five bureaus and twenty-two divisions. The Governor should have authority to effect the operation of such a major state agency. We have also in the course of the debate on 249 on whether or not to make this particular agency a code agency, we have heard the argument that, well, if it's working let's not fix it. And I am not going to stand here today and criticize the operation of the Board of Health or the Department of Health. We are fortunate to have many good state employees working in that department. And we are fortunate to have some very knowledgeable and hard working individuals on the Board of Health. But if you accept the philosophy that if it's working don't fix it, I guess that can also mean that it's adequate and let's not improve upon it. And I believe that we can improve upon the operation of the Department and the Board of Health. I also believe that to a very large extent the middle level bureaucrats within the Department of Health are actually running the Department. I have always had the feeling that the Board of Health itself has not exercised sufficient discretion and control over the operation of the Department. And to research that gut feeling on my part, I went back through the amendments, the minutes of the Board of Health for the last three years and one month. We threw out certain procedural motions, and what we found was that of 216 substantive issues that were raised and motions that were considered by the Board of Health, they approved 214. That indicates to me that the Board of Health is not exercising a great deal of discretion so far as the

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