

## LEGISLATIVE BILL 858

Approved by the Governor February 7, 1992

Introduced by Executive Board: Warner, 25, Chairperson

AN ACT relating to state departments and agencies; to amend sections 81-549, 81-550, 81-1120.23, 83-163, 83-1,110, 83-378, and 83-1065, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to this act and substitute correct act or section citations; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 81-549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-549. (1) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the State Fire Marshal may reasonably require to enable him or her to determine whether such person has acted or is acting in compliance with ~~this act~~ the Nebraska Natural Gas Pipeline Safety Act of 1969 and the standards established under ~~this the~~ the act. Each such person shall, upon request of an officer, employee, or agent authorized by the State Fire Marshal, permit such officer, employee, or agent to inspect books, papers, records, and documents relevant to determining whether such person has acted or is acting in compliance with ~~this the~~ the act and the standards established pursuant to ~~this the~~ the act. For purposes of enforcement, ~~of this act,~~ officers, employees, or agents authorized by the State Fire Marshal, upon presenting appropriate credentials to the individual in charge, are authorized (a) to enter upon, at reasonable times, pipeline facilities; and (b) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such facilities. Each such inspection shall be commenced and completed with reasonable promptness.

(2) In the course of the exercise of his or her duties and responsibilities under ~~this the~~ the act, the State Fire Marshal shall wherever practicable employ a practice of spot checking and issuance of certificates of compliance, with respect to persons subject to ~~this~~

the act, to limit costs of enforcement of the safety standards established pursuant to section 81-543.

(3) All information reported to or otherwise obtained by the State Fire Marshal or his or her representative pursuant to subsection (1) of this section, which information contains or relates to a trade secret as referred to in 18 U.S.C. 1905, or otherwise ~~constituting~~ constitutes a trade secret under law, shall be considered confidential for the purpose of such laws, except that such information may be disclosed to other officers or employees concerned with carrying out ~~this~~ the act or when relevant in any proceeding under ~~this~~ the act.

Sec. 2. That section 81-550, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-550. To defray the cost of administering ~~this act; the Nebraska Natural Gas Pipeline Safety Act of 1969,~~ the State Fire Marshal shall on March 1 of each year make an assessment against persons having pipeline facilities in this state subject to the ~~provisions of~~ provisions of this act, which assessment shall be paid within thirty days thereafter.

~~The~~ For the years 1970 and 1971, the assessment against each such person shall ~~not exceed a sum equal to five cents multiplied by be based on~~ the number of meters such person ~~shall have has~~ in service for the retail sale of gas in this state at the end of the calendar year next preceding such assessment. ~~Commencing in the year 1983, and annually thereafter,~~ ~~the~~ The amount of such assessment shall be set by the State Fire Marshal in an amount not to exceed twenty cents multiplied by the number of such meters for each such person.

It shall be the duty of the State Fire Marshal to make timely application each year to the United States Government for the maximum funds to which this state may be entitled from the United States Government for the administration of ~~this~~ the act.

Money received from such assessments and the United States Government for administration of ~~this~~ the act shall be ~~paid remitted~~ to the State Treasurer, and shall be deposited in a separate fund known as credited to the Nebraska Natural Gas Pipeline Safety Fund, which fund is hereby created. Such money ; and shall not be expended for purposes other than for the administration of ~~this~~ the act.

Sec. 3. That section 81-1120.23, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

81-1120.23. There is hereby established a cash fund to be known as the Communications Cash Fund. Appropriations made to the Department of Administrative Services for the purposes of this act sections 81-1120.01 to 81-1120.28 shall be credited to the cash fund. All funds received under this act such sections and all funds received for communications services provided to any agency, department, or other user shall be credited by the division to such cash to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the Communications Cash Fund fund for the communications purposes enumerated in this act such sections. Any money in the fund Communications Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269 72-1276.

Sec. 4. That section 83-163, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-163. In carrying out his or her duties under this act, the The Director of the Division on Alcoholism and Drug Abuse, with the advice of the committee and the approval of the Director of Public Institutions, shall:

(1) Develop comprehensive and integrated statewide plans for alcoholism and drug abuse services;

(2) Establish minimum standards for the operation of any facility or program, providing alcoholism or drug abuse services, funded in whole or in part under the provisions of sections 71-5016 to 71-5040, this act the Division on Alcoholism and Drug Abuse Act, or any other legislation of the federal government or this state specifically designated for alcoholism and drug abuse;

(3) Coordinate the overall state effort of alcoholic and drug abuser rehabilitation;

(4) Establish and maintain appropriate subordinate administrative units within the division;

(5) Recommend to the Director of Public Institutions the appointment of such personnel as he or she deems necessary for the efficient performance of the functions of the division;

(6) Make certification for disbursement, in accordance with law and regulations, of funds available for services under this the act;

(7) Take such other action as he or she deems necessary or appropriate to carry out the purposes of

this the act;

(8) Delegate to any employee of the division such of his or her powers and duties, except the making of regulations and the making of recommendations for the appointment of personnel, as he or she finds necessary to carry out the purposes of this the act; and

(9) Attend all meetings of the committee as an ex officio member without vote.

Sec. 5. That section 83-1,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,110. (1) Every committed offender shall be eligible for release on parole upon completion of his the minimum term less reductions granted in accordance with this act the Nebraska Treatment and Corrections Act. A committed offender shall be eligible for parole prior to the expiration of the minimum term whenever the sentencing judge or his the judge's successor in office shall give his gives approval for the parole of such offender.

(2) Every committed offender sentenced to consecutive terms, whether received at the same time or at any time during the original sentence, shall be eligible for release on parole when he shall have the offender has served the total of the minimum terms, less reductions granted in accordance with the provisions of this act. The maximum terms shall be added to compute the new maximum term; which, less reductions granted in accordance with the provisions of this act, shall determine the date when his discharge from the custody of the state becomes mandatory.

Sec. 6. That section 83-378, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-378. No person shall be liable for the cost of the care, support, maintenance, and treatment of any patient except as provided in this act sections 83-363 to 83-380, but the amounts determined to be due under this act and unpaid at the time of the death of a patient or relative shall constitute a claim against the estate of such patient or relative. The department may accept voluntary payments on behalf of any patient from any person who is not liable for payments, under this act.

Sec. 7. That section 83-1065, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1065. In addition to the rights granted subjects of petitions by any other provisions of this

act provision of the Nebraska Mental Health Commitment Act or regulations governing the facility or program in which such subjects are being detained or treated, subjects in custody or receiving treatment under this the act shall be entitled to the rights provided in sections 83-1066 and 83-1067. Such rights shall be provided by all institutions to which commitment is made under this act and subject to reasonable rules and regulations adopted by the Department of Public Institutions pursuant to the Administrative Procedure Act.

Sec. 8. That original sections 81-549, 81-550, 81-1120.23, 83-163, 83-1,110, 83-378, and 83-1065, Reissue Revised Statutes of Nebraska, 1943, are repealed.