

LEGISLATIVE BILL 275

Approved by the Governor June 1, 1995

Introduced by Pedersen, 39

AN ACT relating to compulsive disorders; to amend sections 42-917, 44-773, 44-774, 71-5016, 71-5018, 71-5019, 71-5039, 83-158.01 to 83-160, 83-163 to 83-165, 83-167 to 83-169, and 83-1006, Reissue Revised Statutes of Nebraska, and sections 9-804.02 to 9-804.05, 9-812, and 71-1,312, Revised Statutes Supplement, 1994; to rename the Division on Alcoholism and Drug Abuse and the Division on Alcoholism and Drug Abuse Act; to eliminate the Division on Compulsive Gambling; to transfer an advisory commission and a fund; to change and transfer powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 9-804.01, Revised Statutes Supplement, 1994; and to declare an emergency.

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

Section 1. Section 9-812, Revised Statutes Supplement, 1994, is amended to read:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount equal to the initial appropriation to the State Lottery Operation Trust Fund with interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted. After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section sections 14 to 17 of this act.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the

allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood and parent education which emphasizes child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time;

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom; and

(p) Approved programs or services under sections 79-4001 to 79-4004.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

~~(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 9-804.01 to 9-804.05.~~

~~(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, or the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any money in the State Lottery Operation Revolving Fund on April 20, 1994, shall be transferred to the State Lottery Operation Cash Fund on such date.~~

~~(5) (6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.~~

Sec. 2. Section 42-917, Reissue Revised Statutes of Nebraska, is amended to read:

42-917. The delivery of all services provided for under sections 42-901 to 42-927 the Protection from Domestic Abuse Act shall be done in cooperation with existing public, and private, state, and local programs whenever possible to avoid duplication of services. Special effort shall be taken to coordinate programs with the Department of Labor, the Nebraska Commission on the Status of Women, the State Department of Education, the Division on Alcoholism and Drug Abuse of Alcoholism, Drug Abuse, and Addiction Services of the Department of Public Institutions, the Department of Health, the Department of Public Institutions, other appropriate agencies, community service agencies, and private sources.

Sec. 3. Section 44-773, Reissue Revised Statutes of Nebraska, is amended to read:

44-773. Outpatient program shall refer to a program which is not required to be licensed by the Department of Health as an alcoholic treatment center, but which is certified, as defined in section 44-774, by the Division on Alcoholism of the Department of Public Institutions pursuant to section 83-163, to provide specified services to persons suffering from the disease of alcoholism.

Sec. 4. Section 44-774, Reissue Revised Statutes of Nebraska, is amended to read:

44-774. Certified shall mean approved to render specific types or levels of care to the person suffering from the disease of alcoholism by the Division on Alcoholism of Alcoholism, Drug Abuse, and Addiction Services of the Department of Public Institutions.

Sec. 5. Section 71-1,312, Revised Statutes Supplement, 1994, is amended to read:

71-1,312. After September 1, 1995, no person shall engage in mental health practice or hold himself or herself out as a mental health practitioner unless he or she is licensed for such purpose pursuant to the Uniform Licensing Law, except that this section shall not be construed to prevent:

(1) Qualified members of other professions who are licensed, certified, or registered by this state from practice of any mental health activity consistent with the scope of practice of their respective professions;

(2) Alcohol, and drug abuse, and compulsive gambling counselors who are certified by the Division of Alcoholism, Drug Abuse, and Addiction Services on Alcoholism and Drug Abuse of the Department of Public Institutions

from practicing their profession. Such exclusion shall include students training and working under the supervision of a certified alcohol and drug abuse counselor to become certified;

(3) Any person employed by an agency, bureau, or division of the federal government from discharging his or her official duties, except that if such person engages in mental health practice in this state outside the scope of such official duty or represents himself or herself as a licensed mental health practitioner, he or she shall be licensed;

(4) Teaching or the conduct of research related to mental health services or consultation with organizations or institutions if such teaching, research, or consultation does not involve the delivery or supervision of mental health services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services;

(5) The delivery of mental health services by:

(a) Students, interns, or residents whose activities constitute a part of the course of study for medicine, psychology, nursing, school psychology, social work, clinical social work, counseling, marriage and family therapy, or other health care or mental health service professions; or

(b) Individuals seeking to fulfill postgraduate requirements for licensure when those individuals are supervised by a licensed professional consistent with the applicable regulations of the appropriate professional board;

(6) Duly recognized members of the clergy from providing mental health services in the course of their ministerial duties and consistent with the codes of ethics of their profession if they do not represent themselves to be mental health practitioners;

(7) The incidental exchange of advice or support by persons who do not represent themselves as engaging in mental health practice, including participation in self-help groups when the leaders of such groups receive no compensation for their participation and do not represent themselves as mental health practitioners or their services as mental health practice;

(8) Any person employed by an agency or department of the State of Nebraska from discharging official duties within such agency or department during the six years immediately following September 1, 1994, except that no person shall represent himself or herself as a licensed mental health practitioner unless he or she holds such a license;

(9) Any person providing emergency crisis intervention or referral services or limited services supporting a service plan developed by and delivered under the supervision of a licensed mental health practitioner, licensed physician, or a psychologist licensed to engage in the practice of psychology if such persons are not represented as being licensed mental health practitioners or their services are not represented as mental health practice; or

(10) Staff employed in a program designated by an agency of state government to provide rehabilitation and support services to individuals with mental illness from completing a rehabilitation assessment or preparing, implementing, and evaluating an individual rehabilitation plan.

Sec. 6. Section 71-5016, Reissue Revised Statutes of Nebraska, is amended to read:

71-5016. For purposes of sections 42-917, 71-5002, 71-5003, 71-5016 to 71-5041, ~~83-158.01 to 83-160, 83-161-02, 83-163 to 83-169, 83-1009, and 83-1009.01~~ and the Alcoholism, Drug Abuse, and Addiction Services Act, unless the context otherwise requires, the definitions found in sections 71-5017 to 71-5020 shall be used.

Sec. 7. Section 71-5018, Reissue Revised Statutes of Nebraska, is amended to read:

71-5018. Director shall mean the Director of the Division ~~on Alcoholism and Drug Abuse of Alcoholism, Drug Abuse, and Addiction Services~~ of the Department of Public Institutions.

Sec. 8. Section 71-5019, Reissue Revised Statutes of Nebraska, is amended to read:

71-5019. Division shall mean the Division ~~on Alcoholism and Drug Abuse of Alcoholism, Drug Abuse, and Addiction Services~~ of the Department of Public Institutions.

Sec. 9. Section 71-5039, Reissue Revised Statutes of Nebraska, is amended to read:

71-5039. Nothing in sections 71-5016 to 71-5040, 83-1009, and 83-1009.01 shall be deemed to prevent or prohibit the director from carrying out the duties required by ~~sections 83-159 to 83-169~~ the Alcoholism, Drug Abuse, and Addiction Services Act. Nothing in sections 71-5016 to 71-5040, 83-1009, and 83-1009.01 shall be deemed to have modified or repealed any

portion of the Nebraska Comprehensive Community Mental Health Services Act.

Sec. 10. Section 83-158.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-158.01. This act Sections 83-158.01 to 83-169 and sections 14 to 17 and 23 of this act shall be known and may be cited as the Division on Alcoholism and Drug Abuse Alcoholism, Drug Abuse, and Addiction Services Act.

Sec. 11. Section 83-159, Reissue Revised Statutes of Nebraska, is amended to read:

83-159. As used in this act For purposes of the Alcoholism, Drug Abuse, and Addiction Services Act and sections 71-5016 to 71-5041, unless the context otherwise requires:

(1) Alcoholic shall mean any person who habitually uses alcoholic beverages to the extent that he or she has lost the power of self-control with respect to the use of such beverages or who is chronically or habitually under the influence of alcoholic beverages and endangers the health, morals, safety, or welfare of himself or herself or any other persons or group of persons;

(2) Drug abuser shall mean any person who uses any controlled substance or drugs so as to endanger the public morals, health, safety, or welfare or who is so addicted to the use of such as to have lost the power of self-control with reference to his or her addiction;

(3) Compulsive gambler shall mean any person who is unable to resist impulses to gamble and gambling behavior that compromises, disrupts, or damages personal, family, or vocational pursuits;

(4) Alcoholism shall mean the habitual use of alcoholic beverages to the extent that the user loses the power of self-control with respect to such use or the condition of being chronically or habitually under the influence of alcoholic beverages to an extent that endangers the health, morals, safety, or welfare of the user or any other person;

(5) ~~(4)~~ Drug abuse shall mean any use of any controlled substance or drug so as to endanger the public morals, health, safety, or welfare or to the extent that the user loses the power of self-control with respect to such use;

~~(6)~~ (6) Compulsive gambling shall mean a chronic and progressive failure to resist impulses to gamble and gambling behavior that compromises, disrupts, or damages personal, family, or vocational pursuits;

(7) Commission shall mean the Nebraska Advisory Commission on Compulsive Gambling;

(8) Committee shall mean the State Alcoholism and Drug Abuse Advisory Committee created in section 71-5024;

(9) ~~(6)~~ Division shall mean the Division of Alcoholism, Drug Abuse, and Addiction Services on Alcoholism and Drug Abuse of the Department of Public Institutions;

(10) ~~(7)~~ Director shall mean the Director of the Division on Alcoholism and Drug Abuse of Alcoholism, Drug Abuse, and Addiction Services;

(11) ~~(8)~~ Drug shall mean:

(a) Any article recognized in the official United States Pharmacopoeia or official Homeopathic Pharmacopoeia;

(b) Any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Any substance other than food intended to affect, or actually affecting, the structure or any function of the body or mind of man or animals; or

(d) Any substance intended for use as a component of any article specified in subdivision (a), (b), or (c) of this subdivision, but does not include devices of the article's components, parts, or accessories;

(12) ~~(9)~~ Controlled substance shall mean any substance within the meaning of sections 28-404 and 28-405; and

(13) ~~(10)~~ Department shall mean the Department of Public Institutions.

Sec. 12. Section 83-160, Reissue Revised Statutes of Nebraska, is amended to read:

83-160. There is hereby created the Division of Alcoholism, Drug Abuse, and Addiction Services on Alcoholism and Drug Abuse, which shall be a division of the Department of Public Institutions. The division shall consist of a director, to be appointed by the Director of Public Institutions, and such additional employees as may be necessary to carry out this act the Alcoholism, Drug Abuse, and Addiction Services Act and sections 71-5016 to 71-5041.

Sec. 13. Section 83-163, Reissue Revised Statutes of Nebraska, is amended to read:

83-163. The Director of the Division on Alcoholism and Drug Abuse director, with the advice of the committee and the commission and the approval of the Director of Public Institutions, shall:

- (1) Develop comprehensive and integrated statewide plans for alcoholism, and drug abuse, compulsive gambling, and other addiction services;
- (2) Establish minimum standards for the operation of any facility or program, providing alcoholism, or drug abuse, compulsive gambling, or other addiction services, funded in whole or in part under sections 71-5016 to 71-5040, the Division on Alcoholism and Drug Abuse Alcoholism, Drug Abuse, and Addiction Services Act, or any other legislation of the federal government or this state specifically designated for alcoholism, and drug abuse, compulsive gambling, or other compulsive disorders resulting from addiction;
- (3) Coordinate the overall state effort of alcoholic and drug abuser rehabilitation of alcoholics, drug abusers, compulsive gamblers, and individuals with other compulsive disorders resulting from addiction;
- (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 the act;
- (7) Take such other action as he or she deems necessary or appropriate to carry out the purposes of 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 the act; and
- (9) Attend all meetings of the committee as an ex officio member without vote.

Sec. 14. Section 9-804.02, Revised Statutes Supplement, 1994, is amended to read:

~~9-804.02.~~ The Nebraska Advisory Commission on Compulsive Gambling is hereby created. The commission shall advise and provide recommendations to the ~~Director of the Division on Compulsive Gambling~~ director with regard to matters relating to problem or pathological gambling to assist him or her in the performance of his or her duties. The commission shall evaluate agencies, groups, organizations, and individuals that have applied to the ~~Division on Compulsive Gambling~~ division to receive funds from the Compulsive Gamblers Assistance Fund and shall make recommendations to the ~~Director of the Division on Compulsive Gambling~~ director concerning disbursements from the fund.

Sec. 15. Section 9-804.03, Revised Statutes Supplement, 1994, is amended to read:

~~9-804.03.~~ (1) The Nebraska Advisory Commission on Compulsive Gambling shall consist of eleven members to be appointed by the Governor with the approval of a majority of the Legislature. Three of the initial appointees shall serve for a four-year term, three of the initial appointees shall serve for a three-year term, three of the initial appointees shall serve for a two-year term, and two of the initial appointees shall serve for a one-year term. As the terms of initial appointees expire, their successors and all future members of the commission shall be appointed to serve four-year terms. Members of the commission shall be selected by the Governor so as to achieve a reasonable balance of representation from all geographic areas of the state. Individuals appointed to the commission shall possess some experience, expertise, or knowledge of the causes, treatment, or prevention of problem or pathological gambling, the providing of services to assist affected individuals and their families, or the education of the public to increase its awareness of the disorders and available gamblers assistance programs.

(2) The members of the commission shall receive no pay for their service on the commission but shall be reimbursed from the Compulsive Gamblers Assistance Fund for the actual and necessary expenses incurred in carrying out their duties as provided in sections 81-1174 to 81-1177.

(3) The members of the commission shall select from their number a chairperson to serve for a one-year term. The chairperson shall serve as the principal liaison between the ~~Director of the Division on Compulsive Gambling~~ director and the commission. The ~~Director of the Division on Compulsive Gambling~~ director shall call the members of the commission together for meetings at least four times in each calendar year and shall prepare and distribute to members of the commission all relevant materials necessary to enable the commission to review and evaluate requests for funds and to make recommendations to the ~~Director of the Division on Compulsive Gambling~~ director.

(4) Upon receiving the written approval of the ~~Director of the Division on Compulsive Gambling~~ director, the chairperson may appoint and utilize a task force of commission members and nonmembers to report to the

commission on specific areas relevant to the problem of compulsive gambling.

(5) The commission shall evaluate the requests submitted to it by the Director of the Division on Compulsive Gambling director from the various agencies, groups, organizations, and individuals that are seeking funding from such fund to provide education, assistance, and counseling to individuals and families experiencing difficulties as the result of problem or pathological gambling and shall recommend to the Director of the Division on Compulsive Gambling director funding for those which have demonstrated their capacity to efficiently and effectively provide the necessary services. The commission may also recommend funding for the purpose of promoting public awareness of the availability of qualified assistance programs.

Sec. 16. Section 9-804.04, Revised Statutes Supplement, 1994, is amended to read:

9-804.04- The Director of the Division on Compulsive Gambling director shall be responsible for:

(1) Establishing standards for the types of agencies, groups, organizations, and individuals that will be eligible to receive funding from the Compulsive Gamblers Assistance Fund;

(2) Establishing standards for the types of activities which will be eligible for funding;

(3) Developing standards for the appropriate documentation of past performance of such agencies, groups, organizations, and individuals and the activities which they have conducted;

(4) Requesting and receiving applications for funding;

(5) Distributing appropriate materials regarding such applications to the Nebraska Advisory Commission on Compulsive Gambling;

(6) Evaluating the recommendations of the commission and certifying to the Department of Administrative Services appropriate vouchers for the disbursement of funds from such fund to those agencies, groups, organizations, and individuals for the providing of services to problem or pathological gamblers and their families in conformity with subsection (5) of section ~~9-804.03~~ 15 of this act;

(7) Requesting and receiving from the recipients of such funding appropriate documentation of the manner in which funds from such fund have been expended, including audits; and

(8) Taking such other and further action as may be necessary and appropriate to carry out the provisions of subsection (5) of section ~~9-804.03~~ 15 of this act.

Sec. 17. Section 9-804.05, Revised Statutes Supplement, 1994, is amended to read:

9-804.05- The State Treasurer is hereby designated as the custodian of the Compulsive Gamblers Assistance Fund and is authorized to provide for the proper custody of funds therein is created. The division shall administer the fund for the treatment of compulsive gamblers as recommended by the commission and shall spend no more than fifty thousand dollars of the money appropriated to the fund for administrative costs. In addition to money transferred to the fund from the State Lottery Operation Trust Fund under section 9-812, the State Treasurer department is authorized to accept for deposit in the Compulsive Gamblers Assistance Fund funds, donations, gifts, devises, or bequests from any federal, state, local, public, or private source to be used by the division in the exercise of this authority under and Division on Compulsive Gambling in the performance of its duties and in carrying out the provisions of the State Lottery Alcoholism, Drug Abuse, and Addiction Services Act which relate to compulsive gambling. The Director of Administrative Services shall draw warrants upon the Compulsive Gamblers Assistance Fund upon the presentation of proper vouchers by the Division on Compulsive Gambling division. Money from the Compulsive Gamblers Assistance Fund shall be used exclusively for the purpose of providing assistance to agencies, groups, organizations, and individuals that provide education, assistance, and counseling to individuals and families experiencing difficulty as a result of problem or pathological gambling, to promote the awareness of gamblers assistance programs, and to pay the costs and expenses of the Division on Compulsive Gambling and the Nebraska Advisory Commission on Compulsive Gambling division and the commission with regard to compulsive gambling. Neither the Director of the Division on Compulsive Gambling nor the Division on Compulsive Gambling director of the division nor the division shall provide any direct services to problem or pathological gamblers or their families. Funds appropriated from the Compulsive Gamblers Assistance Fund shall not be granted or loaned to or administered by any of the mental health regional governing boards created pursuant to the Nebraska Comprehensive Community Mental Health Services Act unless the mental health region is a direct provider of services dealing with the treatment of compulsive gambling.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 18. Section 83-164, Reissue Revised Statutes of Nebraska, is amended to read:

83-164. The division, with the advice of the committee and the commission, is authorized to:

(1) Study alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction and their problems, including methods and facilities available for the care, custody, detention, treatment, employment, and vocational rehabilitation of resident alcoholics, and drug dependent users abusers, compulsive gamblers, and individuals with other compulsive disorders resulting from addiction;

(2) Promote meetings and programs for the discussion of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction or any of their aspects, disseminate information on the subject of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction for the guidance and assistance of individuals, courts, and public and private agencies for the prevention of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction, and inform and educate the general public on problems of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction and their prevention and treatment, to the end that alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction may be prevented and that persons suffering from alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction may be disposed to seek available treatment;

(3) Promote or establish cooperative relationships with courts, hospitals and clinics, medical, social, and welfare agencies, public health authorities, law enforcement agencies, educational and research organizations, vocational rehabilitation agencies, federal and state agencies, and drug abuse and other related groups and encourage coordination of their programs and services which may relate to alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(4) Promote, evaluate, or conduct research on alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(5) Promote the establishment and operation of public clinics and other public alcoholism and drug abuse treatment facilities in local communities of the state;

(6) Provide consultation services to public and private agencies and groups;

(7) Cooperate with and assist political subdivisions of the state, educational institutions, religious organizations, and other organized groups dealing with problems associated with alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(8) Train personnel for work in the field of alcoholism and drug abuse and set and enforce certification standards for such personnel;

(9) Establish minimum standards and training requirements for individuals providing services for compulsive gambling and other compulsive disorders resulting from addiction, with standards and requirements for compulsive gambling to be based on any generally recognized national standards, including the criteria used by the National Council on Problem Gambling;

(10) Promote or conduct educational, training, and preventive programs on alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction in tax-supported schools of the elementary, secondary, university, and graduate levels;

(11) ~~(10)~~ Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the division of his or her own volition for advice or guidance respecting alcoholism, or drug abuse, compulsive gambling, or other compulsive disorders resulting from addiction, including persons under the age of nineteen;

(12) ~~(11)~~ Establish, from time to time, policies governing the acceptance, care, and treatment of alcoholics, and drug abusers, compulsive gamblers, and individuals with other compulsive disorders resulting from addiction and adopt such rules as may be necessary to regulate the conduct and stay of all patients of the division;

(13) ~~(12)~~ Employ such personnel as may be necessary to carry out the purposes of this act the Alcoholism, Drug Abuse, and Addiction Services Act; and

(13) Promulgate such (14) Adopt and promulgate rules, regulations, and standards as are necessary to carry out the provisions of this act. In adopting such rules, regulations, and standards, the director shall be governed by the provisions of the Administrative Procedure Act. Any rules, regulations, and standards shall be adopted only after consultation with the committee.

Sec. 19. Section 83-165, Reissue Revised Statutes of Nebraska, is amended to read:

83-165. The division may cooperate and make agreements with private, state, local, or federal agencies for providing services relating to the treatment and rehabilitation of alcoholics, and drug abusers, compulsive gamblers, and individuals with other compulsive disorders resulting from addiction, the reduction and prevention of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction, and the carrying out of the purposes of this act the Alcoholism, Drug Abuse, and Addiction Services Act. It may accept for training under its direction such medical, technical, and clinical personnel as may be necessary.

Sec. 20. Section 83-167, Reissue Revised Statutes of Nebraska, is amended to read:

83-167. The division shall:

(1) Cooperate with the federal government in carrying out the purposes of any federal acts pertaining to alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction and any federal programs in which alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction are included. The division is authorized to may adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for the treatment and rehabilitation of alcoholics and drug abusers and for the reduction and prevention of alcoholism and drug abuse, and to may comply with such conditions as may be necessary to secure the full benefits of such federal acts and appropriations;

(2) Serve as the primary state alcoholism, and drug abuse, compulsive gambling, and other addiction services agency;

(3) Direct the disbursement and administer the use of all funds provided by the federal government or this state which are earmarked for alcoholism, and drug abuse, compulsive gambling, and other addiction disorders prevention, diagnosis, evaluation, treatment, education, guidance counseling, vocational adjustment, and rehabilitation of alcoholics, and drug abusers, compulsive gamblers, and individuals with other compulsive disorders resulting from addiction, and related alcoholism, and drug abuse, compulsive gambling, and other addiction programs and services, and which are not specifically appropriated to another state agency;

(4) Evaluate research and studies concerning alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(5) Coordinate and cooperate with all governmental and private agencies providing information and services concerning alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction on the local, state, and national level;

(6) Hold hearings to gather expert testimony;

(7) Conduct studies of the extent of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction in schools, colleges, universities, and communities;

(8) Visit and inspect existing rehabilitation facilities throughout the state;

(9) Obtain information from other states regarding their programs to control alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction and evaluate these programs;

(10) Handle the publicity, correspondence, and public relations of alcoholism, and drug abuse, compulsive gambling, and other addiction services matters;

(11) Exercise such other powers as are necessary to carry on the work of the division in the area of alcohol and drug abuse areas of alcoholism, drug abuse, compulsive gambling, and other addiction services and perform such other duties relating to the control of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction as are prescribed by law;

(12) Develop comprehensive programs for the prevention, control, and abatement of alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction, the rehabilitation and treatment of alcoholics, drug abusers, compulsive gamblers, and individuals

with other compulsive disorders resulting from addiction, and education concerning alcoholism, and drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(13) Accept and administer loans and grants from the federal government and from other public or private sources, and such loans and grants shall not be expended for purposes other than those for which they were provided;

(14) Exercise all powers necessary to carry out the purposes of this act Alcoholism, Drug Abuse, and Addiction Services Act; and

(15) Employ, compensate, and prescribe the powers and duties of the officers, employees, and consultants that may be necessary for the performance of the duties prescribed in this the act.

Sec. 21. Section 83-168, Reissue Revised Statutes of Nebraska, is amended to read:

83-168. The division may accept funds, fees, donations, gifts, services, devises, or bequests of real or personal property from any source, federal, state, public, or private, to be used by the division in the performance of its powers and duties and in carrying out the provisions of this act Alcoholism, Drug Abuse, and Addiction Services Act.

Sec. 22. Section 83-169, Reissue Revised Statutes of Nebraska, is amended to read:

83-169. The State Treasurer is hereby designated as the custodian of all funds received by the state from appropriations made by the Congress of the United States or from other sources, public or private, for the purpose of carrying out any state or federal act pertaining to alcoholism, or drug abuse, compulsive gambling, or other addiction services, except for funds deposited in the Compulsive Gamblers Assistance Fund. The State Treasurer is authorized to receive and provide for the proper custody of such funds and establish such special funds and accounts as may be necessary to comply with the terms of any state or federal acts. The Director of Administrative Services shall draw warrants upon such funds upon presentation of proper vouchers by the division. In the event federal funds are available to the State of Nebraska for alcoholism, and drug abuse, compulsive gambling, or other addiction programs, the division is authorized to comply with such requirements as may be necessary to obtain the maximum amount of federal funds and the most advantageous proportion possible insofar as this may be done without violating other provisions of the laws and Constitution of the State of Nebraska. Any money in such special funds and accounts available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259 Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 23. The Nebraska Advisory Commission on Compulsive Gambling is hereby transferred from the Department of Revenue to the Department of Public Institutions as provided in this section, such transfer to be effective on July 1, 1995. All members of the commission on that date shall continue to serve in office for the balance of their terms as provided by law following the transfer. All furniture, equipment, books, files, records, or other property of any sort used by the commission or the Division on Compulsive Gambling in the performance of its duties under the provisions of sections 9-804.01 to 9-804.05 as such sections existed immediately prior to July 1, 1995, shall be transferred and delivered to the Director of Public Institutions on July 1, 1995. Effective on July 1, 1995, the Department of Public Institutions shall assume the obligations of the performance of all contracts or agreements formally and lawfully entered into by the commission or the Division on Compulsive Gambling of the Department of Revenue pursuant to its powers and duties under the provisions of sections 9-804.01 to 9-804.05 as such sections existed immediately prior to July 1, 1995.

Sec. 24. Section 83-1006, Reissue Revised Statutes of Nebraska, is amended to read:

83-1006. Mental health center shall mean a facility which provides services as defined in sections 71-5001 to 71-5041 and ~~83-158-01 to 83-169~~ the Alcoholism, Drug Abuse, and Addiction Services Act.

Sec. 25. Sections 1 to 22, 24, 26, and 27 of this act become operative on July 1, 1995. The other sections of this act become operative on their effective date.

Sec. 26. Original sections 42-917, 44-773, 44-774, 71-5016, 71-5018, 71-5019, 71-5039, 83-158.01 to 83-160, 83-163 to 83-165, 83-167 to 83-169, and 83-1006, Reissue Revised Statutes of Nebraska, and sections 9-804.02 to 9-804.05, 9-812, and 71-1,312, Revised Statutes Supplement, 1994, are repealed.

Sec. 27. The following section is outright repealed: Section 9-804.01, Revised Statutes Supplement, 1994.

Sec. 28. Since an emergency exists, this act takes effect when passed and approved according to law.