

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 6**

Final Reading

(Second)

Introduced by Krist, 10.

Read first time January 10, 2013

Committee: General Affairs

A BILL

1 FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-812,  
2 9-831, 38-2121, 71-802, 71-804, and 71-817, Reissue  
3 Revised Statutes of Nebraska; to create a commission and  
4 a program; to change provisions relating to a fund; to  
5 provide powers and duties as prescribed; to harmonize  
6 provisions; to eliminate a committee; to provide  
7 operative dates; to repeal the original sections; to  
8 outright repeal section 71-816, Revised Statutes  
9 Cumulative Supplement, 2012; and to declare an emergency.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Legislature finds that the main sources of  
2 funding for assistance to problem gamblers are the Charitable Gaming  
3 Operations Fund as provided in section 9-1,101 and the State Lottery  
4 Operation Trust Fund as provided in section 9-812. It is the intent  
5 of the Legislature that such funding be used primarily for counseling  
6 and treatment services for problem gamblers and their families who  
7 are residents of Nebraska.

8           Sec. 2. For purposes of sections 1 to 7 of this act:

9           (1) Commission means the Nebraska Commission on Problem  
10 Gambling;

11           (2) Division means the Charitable Gaming Division of the  
12 Department of Revenue;

13           (3) Problem gambling means maladaptive gambling behavior  
14 that disrupts personal, family, or vocational pursuits; and

15           (4) Program means the Gamblers Assistance Program.

16           Sec. 3. (1) The Nebraska Commission on Problem Gambling  
17 is created. For administrative purposes only, the commission shall be  
18 within the division. The commission shall have nine members appointed  
19 by the Governor as provided in this section, subject to confirmation  
20 by a majority of the members of the Legislature. The members of the  
21 commission shall have no pecuniary interest, either directly or  
22 indirectly, in a contract with the program providing services to  
23 problem gamblers and shall not be employed by the commission or the  
24 Department of Revenue.

25           (2) By July 1, 2013, the Governor shall appoint members

1 of the commission as follows:

2 (a) One member with medical care or mental health  
3 expertise;

4 (b) One member with expertise in banking and finance;

5 (c) One member with legal expertise;

6 (d) One member with expertise in the field of education;

7 (e) Two members who are consumers of problem gambling  
8 services;

9 (f) One member with data analysis expertise; and

10 (g) Two members who are residents of the state and are  
11 representative of the public at large.

12 (3) The terms of the members shall be for three years,  
13 except that the Governor shall designate three of the initial  
14 appointees to serve initial terms beginning on July 1, 2013, and  
15 ending on March 1, 2014, three of the initial appointees to serve  
16 initial terms beginning on July 1, 2013, and ending on March 1, 2015,  
17 and three of the initial appointees to serve initial terms beginning  
18 on July 1, 2013, and ending on March 1, 2016. The Governor shall  
19 appoint members to fill vacancies in the same manner as the original  
20 appointments, and such appointees shall serve for the remainder of  
21 the unexpired term.

22 (4) Beginning July 1, 2013, the commission shall adopt  
23 bylaws governing its operation and the commission shall meet at least  
24 four times each calendar year and may meet more often on the call of  
25 the chairperson. Each member shall attend at least two meetings each

1 calendar year and shall be subject to removal for failure to attend  
2 at least two meetings unless excused by a majority of the members of  
3 the commission. Meetings of the commission are subject to the Open  
4 Meetings Act.

5           Sec. 4. (1) The commission shall appoint one of its  
6 members as chairperson and such other officers as it deems  
7 appropriate. Members shall be reimbursed for their actual and  
8 necessary expenses in carrying out their duties as members of the  
9 commission as provided in sections 81-1174 to 81-1177.

10           (2) The commission shall develop guidelines and standards  
11 for the operation of the program and shall direct the distribution  
12 and disbursement of money in the Compulsive Gamblers Assistance Fund.

13           (3) The commission shall appoint a director of the  
14 program, provide for office space and equipment, and support and  
15 facilitate the work of the program. The director may hire, terminate,  
16 and supervise commission and program staff, shall be responsible for  
17 the duties of the office and the administration of the program, and  
18 shall electronically provide an annual report to the General Affairs  
19 Committee of the Legislature which includes issues and policy  
20 concerns that relate to problem gambling in Nebraska. All documents,  
21 files, equipment, effects, and records belonging to the State  
22 Committee on Problem Gambling on June 30, 2013, shall become the  
23 property of the commission on July 1, 2013.

24           (4) The commission shall (a) provide for a process for  
25 the evaluation and approval of provider applications and contracts

1 for treatment and other services funded from the Compulsive Gamblers  
2 Assistance Fund and (b) develop standards and guidelines for training  
3 and certification of problem gambling counselors.

4 (5) The commission shall provide for (a) the review and  
5 use of evaluation data, (b) the use and expenditure of funds for  
6 education regarding problem gambling and prevention of problem  
7 gambling, and (c) the creation and implementation of outreach and  
8 educational programs regarding problem gambling for Nebraska  
9 residents.

10 (6) The commission may adopt and promulgate rules and  
11 regulations and engage in other activities it finds necessary to  
12 carry out its duties under sections 1 to 7 of this act.

13 (7) The commission shall submit a report within sixty  
14 days after the end of each fiscal year to the Governor and the Clerk  
15 of the Legislature that provides details of the administration of the  
16 program and distribution of funds from the Compulsive Gamblers  
17 Assistance Fund. The report submitted to the Legislature shall be  
18 submitted electronically.

19 Sec. 5. The Gamblers Assistance Program is created. The  
20 program shall:

21 (1) Contract with providers of problem gambling treatment  
22 services to Nebraska consumers;

23 (2) Promote public awareness of the existence of problem  
24 gambling and the availability of treatment services;

25 (3) Evaluate the existence and scope of problem gambling

1 in Nebraska and its consequences through means and methods determined  
2 by the commission; and

3 (4) Perform such other duties and provide such other  
4 services as the commission determines.

5 Sec. 6. Section 71-817, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 ~~71-817~~ The Compulsive Gamblers Assistance Fund is  
8 created. The fund shall include revenue transferred from the State  
9 Lottery Operation Trust Fund under section 9-812 and the Charitable  
10 Gaming Operations Fund under section 9-1,101 and any other revenue  
11 received by the division or commission for credit to the fund from  
12 any other public or private source, including, but not limited to,  
13 appropriations, grants, donations, gifts, devises, bequests, fees, or  
14 reimbursements. The ~~division~~ commission shall administer the fund for  
15 the ~~treatment of problem gamblers as recommended by the State~~  
16 ~~Committee on Problem Gambling established under section 71-816 and~~  
17 ~~shall spend no more than ten percent of the money appropriated to the~~  
18 ~~fund for administrative costs.~~ operation of the Gamblers Assistance  
19 Program. The Director of Administrative Services shall draw warrants  
20 upon the Compulsive Gamblers Assistance Fund upon the presentation of  
21 proper vouchers by the ~~division.~~ commission. Money from the  
22 Compulsive Gamblers Assistance Fund shall be used exclusively for the  
23 purpose of providing assistance to agencies, groups, organizations,  
24 and individuals that provide education, assistance, and counseling to  
25 individuals and families experiencing difficulty as a result of

1 problem gambling, to promote the awareness of problem gamblers  
2 assistance programs, and to pay the costs and expenses of the  
3 Gamblers Assistance Program, including travel. division and the  
4 committee with regard to problem gambling. The division shall not  
5 provide any direct services to problem gamblers or their families.  
6 Funds appropriated from the Compulsive Gamblers Assistance Fund shall  
7 not be granted or loaned to or administered by any regional  
8 behavioral health authority unless the authority is a direct provider  
9 of a problem gamblers assistance program. Any money in the fund  
10 available for investment shall be invested by the state investment  
11 officer pursuant to the Nebraska Capital Expansion Act and the  
12 Nebraska State Funds Investment Act.

13           Sec. 7. (1) Except as otherwise provided in subsection  
14 (2) of this section, no person acting on behalf of the Division of  
15 Behavioral Health of the Department of Health and Human Services or  
16 the department shall make expenditures not required by contract  
17 obligations entered into before July 1, 2013, until the Gamblers  
18 Assistance Program created in section 5 of this act commences its  
19 duties.

20           (2) Any contract between the State of Nebraska and a  
21 provider of problem gambling services in existence on July 1, 2013,  
22 shall remain in full force and effect and is binding and effective  
23 upon the parties to the contract until the contract is terminated  
24 according to its terms or renegotiated by the commission.

25           (3) The Compulsive Gamblers Assistance Fund shall not be

1 subject to any nonstatutory expenditure limitation from any source  
2 and shall be available for expenditure as provided in sections 1 to 6  
3 of this act.

4           Sec. 8. Section 9-1,101, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           9-1,101 (1) The Nebraska Bingo Act, the Nebraska County  
7 and City Lottery Act, the Nebraska Lottery and Raffle Act, the  
8 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and  
9 Raffle Act, and section 9-701 shall be administered and enforced by  
10 the Charitable Gaming Division of the Department of Revenue, which  
11 division is hereby created. The Department of Revenue shall make  
12 annual reports to the Governor, Legislature, Auditor of Public  
13 Accounts, and Attorney General on all tax revenue received, expenses  
14 incurred, and other activities relating to the administration and  
15 enforcement of such acts. The report submitted to the Legislature  
16 shall be submitted electronically.

17           (2) The Charitable Gaming Operations Fund is hereby  
18 created. Any money in the fund available for investment shall be  
19 invested by the state investment officer pursuant to the Nebraska  
20 Capital Expansion Act and the Nebraska State Funds Investment Act.

21           (3)(a) Forty percent of the taxes collected pursuant to  
22 sections 9-239, 9-344, 9-429, and 9-648 shall be available to the  
23 Charitable Gaming Division for administering and enforcing the acts  
24 listed in subsection (1) of this section and providing administrative  
25 support for the Nebraska Commission on Problem Gambling. The

1 remaining sixty percent shall be transferred to the General Fund. Any  
2 portion of the forty percent not used by the division in the  
3 administration and enforcement of such acts and section shall be  
4 distributed as provided in this subsection.

5 (b) On or before November 1 each year, the State  
6 Treasurer shall transfer fifty thousand dollars from the Charitable  
7 Gaming Operations Fund to the Compulsive Gamblers Assistance Fund,  
8 except that no transfer shall occur if the Charitable Gaming  
9 Operations Fund contains less than fifty thousand dollars.

10 (c) Any money remaining in the Charitable Gaming  
11 Operations Fund after the transfer pursuant to subdivision (b) of  
12 this subsection not used by the Charitable Gaming Division in its  
13 administration and enforcement duties pursuant to this section may be  
14 transferred to the General Fund at the direction of the Legislature.

15 (4) The Tax Commissioner shall employ investigators who  
16 shall be vested with the authority and power of a law enforcement  
17 officer to carry out the laws of this state administered by the Tax  
18 Commissioner or the Department of Revenue and to enforce sections  
19 28-1101 to 28-1117 relating to possession of a gambling device. For  
20 purposes of enforcing sections 28-1101 to 28-1117, the authority of  
21 the investigators shall be limited to investigating possession of a  
22 gambling device, notifying local law enforcement authorities, and  
23 reporting suspected violations to the county attorney for  
24 prosecution.

25 (5) The Charitable Gaming Division may charge a fee for

1 publications and listings it produces. The fee shall not exceed the  
2 cost of publication and distribution of such items. The division may  
3 also charge a fee for making a copy of any record in its possession  
4 equal to the actual cost per page. The division shall remit the fees  
5 to the State Treasurer for credit to the Charitable Gaming Operations  
6 Fund.

7 (6) For administrative purposes only, the Nebraska  
8 Commission on Problem Gambling shall be located within the Charitable  
9 Gaming Division. The division shall provide office space, furniture,  
10 equipment, and stationery and other necessary supplies for the  
11 commission. Commission staff shall be appointed, supervised, and  
12 terminated by the director of the Gamblers Assistance Program  
13 pursuant to section 4 of this act.

14 Sec. 9. Section 9-812, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 9-812 (1) All money received from the operation of  
17 lottery games conducted pursuant to the State Lottery Act in Nebraska  
18 shall be credited to the State Lottery Operation Trust Fund, which  
19 fund is hereby created. All payments of the costs of establishing and  
20 maintaining the lottery games shall be made from the State Lottery  
21 Operation Cash Fund. In accordance with legislative appropriations,  
22 money for payments for expenses of the division shall be transferred  
23 from the State Lottery Operation Trust Fund to the State Lottery  
24 Operation Cash Fund, which fund is hereby created. All money  
25 necessary for the payment of lottery prizes shall be transferred from

1 the State Lottery Operation Trust Fund to the State Lottery Prize  
2 Trust Fund, which fund is hereby created. The amount used for the  
3 payment of lottery prizes shall not be less than forty percent of the  
4 dollar amount of the lottery tickets which have been sold.

5 (2) Beginning October 1, 2003, a portion of the dollar  
6 amount of the lottery tickets which have been sold on an annualized  
7 basis shall be transferred from the State Lottery Operation Trust  
8 Fund to the Education Innovation Fund, the Nebraska Opportunity Grant  
9 Fund, the Nebraska Environmental Trust Fund, the Nebraska State Fair  
10 Board, and the Compulsive Gamblers Assistance Fund. The dollar amount  
11 transferred pursuant to this subsection shall equal the greater of  
12 (a) the dollar amount transferred to the funds in fiscal year 2002-03  
13 or (b) any amount which constitutes at least twenty-two percent and  
14 no more than twenty-five percent of the dollar amount of the lottery  
15 tickets which have been sold on an annualized basis. To the extent  
16 that funds are available, the Tax Commissioner and director may  
17 authorize a transfer exceeding twenty-five percent of the dollar  
18 amount of the lottery tickets sold on an annualized basis.

19 (3) Of the money available to be transferred to the  
20 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the  
21 Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and  
22 the Compulsive Gamblers Assistance Fund:

23 (a) The first five hundred thousand dollars shall be  
24 transferred to the Compulsive Gamblers Assistance Fund to be used as  
25 provided in section ~~71-817~~; 6 of this act;

1                   (b) Nineteen and three-fourths percent of the money  
2 remaining after the payment of prizes and operating expenses and the  
3 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
4 transferred to the Education Innovation Fund;

5                   (c) Twenty-four and three-fourths percent of the money  
6 remaining after the payment of prizes and operating expenses and the  
7 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
8 transferred to the Nebraska Opportunity Grant Fund;

9                   (d) Forty-four and one-half percent of the money  
10 remaining after the payment of prizes and operating expenses and the  
11 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
12 transferred to the Nebraska Environmental Trust Fund to be used as  
13 provided in the Nebraska Environmental Trust Act;

14                   (e) Ten percent of the money remaining after the payment  
15 of prizes and operating expenses and the initial transfer to the  
16 Compulsive Gamblers Assistance Fund shall be transferred to the  
17 Nebraska State Fair Board if the most populous city within the county  
18 in which the fair is located provides matching funds equivalent to  
19 ten percent of the funds available for transfer. Such matching funds  
20 may be obtained from the city and any other private or public entity,  
21 except that no portion of such matching funds shall be provided by  
22 the state. If the Nebraska State Fair ceases operations, ten percent  
23 of the money remaining after the payment of prizes and operating  
24 expenses and the initial transfer to the Compulsive Gamblers  
25 Assistance Fund shall be transferred to the General Fund; and

1                   (f) One percent of the money remaining after the payment  
2 of prizes and operating expenses and the initial transfer to the  
3 Compulsive Gamblers Assistance Fund shall be transferred to the  
4 Compulsive Gamblers Assistance Fund to be used as provided in section  
5 ~~71-817.~~ 6 of this act.

6                   (4)(a) The Education Innovation Fund is created. At least  
7 seventy-five percent of the lottery proceeds allocated to the  
8 Education Innovation Fund shall be available for disbursement.

9                   (b) For fiscal year 2010-11, the Education Innovation  
10 Fund shall be allocated as follows: The first one million dollars  
11 shall be transferred to the Excellence in Teaching Cash Fund to fund  
12 the Excellence in Teaching Act, and the amount remaining in the  
13 Education Innovation Fund shall be allocated, after administrative  
14 expenses, for distance education equipment and incentives pursuant to  
15 sections 79-1336 and 79-1337.

16                   (c) For fiscal year 2011-12, the Education Innovation  
17 Fund shall be allocated as follows: (i) The first two hundred twenty-  
18 five thousand dollars shall be transferred to the Excellence in  
19 Teaching Cash Fund to fund the Attracting Excellence to Teaching  
20 Program; (ii) the next three million three hundred sixty-five  
21 thousand nine hundred sixty-two dollars shall be distributed to  
22 school districts as grants pursuant to the Early Childhood Education  
23 Grant Program; (iii) the next two million one hundred seventy-five  
24 thousand six hundred seventy-three dollars shall be distributed to  
25 local systems as grants for approved accelerated or differentiated

1 curriculum programs for students identified as learners with high  
2 ability pursuant to section 79-1108.02; (iv) the next four hundred  
3 ninety-one thousand five hundred forty-one dollars shall be used by  
4 the State Department of Education for the development of an  
5 integrated early childhood, elementary, secondary, and postsecondary  
6 student information system; (v) the next four hundred fifty thousand  
7 dollars shall fund the Center for Student Leadership and Extended  
8 Learning Act; (vi) the next one hundred fourteen thousand six hundred  
9 twenty-nine dollars shall fund the multicultural education program  
10 created under section 79-720; (vii) the next one hundred twenty-three  
11 thousand four hundred sixty-eight dollars shall be used by the  
12 department to employ persons to investigate and prosecute alleged  
13 violations as provided in section 79-868; (viii) up to the next one  
14 hundred sixty thousand dollars shall be used by the department to  
15 implement section 79-759; and (ix) the amount remaining shall be  
16 allocated, after administrative expenses, for distance education  
17 equipment and incentives pursuant to sections 79-1336 and 79-1337.

18 (d) For fiscal year 2012-13, the Education Innovation  
19 Fund shall be allocated as follows: (i) The first forty-five thousand  
20 dollars shall be transferred to the Excellence in Teaching Cash Fund  
21 to fund the Attracting Excellence to Teaching Program; (ii) the next  
22 three million three hundred sixty-five thousand nine hundred sixty-  
23 two dollars shall be distributed to school districts as grants  
24 pursuant to the Early Childhood Education Grant Program; (iii) the  
25 next two million one hundred seventy-five thousand six hundred

1 seventy-three dollars shall be distributed to local systems as grants  
2 for approved accelerated or differentiated curriculum programs for  
3 students identified as learners with high ability pursuant to section  
4 79-1108.02; (iv) the next one hundred eight thousand one hundred  
5 thirty-six dollars shall be used by the department for the  
6 development of an integrated early childhood, elementary, secondary,  
7 and postsecondary student information system; (v) the next four  
8 hundred fifty thousand dollars shall fund the Center for Student  
9 Leadership and Extended Learning Act; (vi) the next one hundred  
10 fourteen thousand six hundred twenty-nine dollars shall be used by  
11 the department to fund the multicultural education program created  
12 under section 79-720; (vii) the next one hundred twenty-three  
13 thousand four hundred sixty-eight dollars shall be used by the  
14 department to employ persons to investigate and prosecute alleged  
15 violations as provided in section 79-868; (viii) up to the next one  
16 hundred sixty thousand dollars shall be used by the department to  
17 implement section 79-759; (ix) the next twenty-seven thousand two  
18 hundred dollars shall be used to fund the Interstate Compact on  
19 Educational Opportunity for Military Children; (x) the next two  
20 hundred thousand dollars shall be used to provide grants to establish  
21 bridge programs pursuant to sections 79-1189 to 79-1195; and (xi) the  
22 amount remaining shall be allocated, after administrative expenses,  
23 for distance education equipment and incentives pursuant to sections  
24 79-1336 and 79-1337.

25 (e) For fiscal year 2013-14, the Education Innovation

1 Fund shall be allocated as follows: (i) The first one million dollars  
2 shall be transferred to the Excellence in Teaching Cash Fund to fund  
3 the Excellence in Teaching Act; (ii) the next allocation shall be  
4 distributed to local systems as grants for approved accelerated or  
5 differentiated curriculum programs for students identified as  
6 learners with high ability pursuant to section 79-1108.02 in an  
7 aggregated amount up to the amount distributed in the prior fiscal  
8 year for such purposes increased by the basic allowable growth rate  
9 pursuant to section 79-1025; (iii) the next allocation shall be used  
10 by the State Department of Education for the integrated early  
11 childhood, elementary, secondary, and postsecondary student  
12 information system in an aggregated amount up to the amount used in  
13 the prior fiscal year for such purposes increased by the basic  
14 allowable growth rate pursuant to section 79-1025; (iv) the next  
15 allocation shall fund the Center for Student Leadership and Extended  
16 Learning Act in an aggregated amount up to the amount used in the  
17 prior fiscal year for such purposes increased by the basic allowable  
18 growth rate pursuant to section 79-1025; (v) the next allocation  
19 shall be used by the department to fund the multicultural education  
20 program created under section 79-720 in an aggregated amount up to  
21 the amount used in the prior fiscal year for such purposes increased  
22 by the basic allowable growth rate pursuant to section 79-1025; (vi)  
23 the next allocation shall be used by the department to employ persons  
24 to investigate and prosecute alleged violations as provided in  
25 section 79-868 in an aggregated amount up to the amount used in the

1 prior fiscal year for such purposes increased by the basic allowable  
2 growth rate pursuant to section 79-1025; (vii) up to the next one  
3 hundred sixty thousand dollars shall be used by the department to  
4 implement section 79-759; (viii) the next two hundred thousand  
5 dollars shall be used to provide grants to establish bridge programs  
6 pursuant to sections 79-1189 to 79-1195; and (ix) the amount  
7 remaining shall be allocated, after administrative expenses, for  
8 distance education equipment and incentives pursuant to sections  
9 79-1336 and 79-1337.

10 (f) For fiscal year 2014-15, the Education Innovation  
11 Fund shall be allocated as follows: (i) The first one million dollars  
12 shall be transferred to the Excellence in Teaching Cash Fund to fund  
13 the Excellence in Teaching Act; (ii) the next allocation shall be  
14 distributed to local systems as grants for approved accelerated or  
15 differentiated curriculum programs for students identified as  
16 learners with high ability pursuant to section 79-1108.02 in an  
17 aggregated amount up to the amount distributed in the prior fiscal  
18 year for such purposes increased by the basic allowable growth rate  
19 pursuant to section 79-1025; (iii) the next allocation shall be used  
20 by the State Department of Education for the integrated early  
21 childhood, elementary, secondary, and postsecondary student  
22 information system in an aggregated amount up to the amount used in  
23 the prior fiscal year for such purposes increased by the basic  
24 allowable growth rate pursuant to section 79-1025; (iv) the next  
25 allocation shall fund the Center for Student Leadership and Extended

1 Learning Act in an aggregated amount up to the amount used in the  
2 prior fiscal year for such purposes increased by the basic allowable  
3 growth rate pursuant to section 79-1025; (v) the next allocation  
4 shall be used by the department to fund the multicultural education  
5 program created under section 79-720 in an aggregated amount up to  
6 the amount used in the prior fiscal year for such purposes increased  
7 by the basic allowable growth rate pursuant to section 79-1025; (vi)  
8 the next allocation shall be used by the department to employ persons  
9 to investigate and prosecute alleged violations as provided in  
10 section 79-868 in an aggregated amount up to the amount used in the  
11 prior fiscal year for such purposes increased by the basic allowable  
12 growth rate pursuant to section 79-1025; (vii) the next two hundred  
13 thousand dollars shall be used to provide grants to establish bridge  
14 programs pursuant to sections 79-1189 to 79-1195; and (viii) the  
15 amount remaining shall be allocated, after administrative expenses,  
16 for distance education equipment and incentives pursuant to sections  
17 79-1336 and 79-1337.

18 (g) For fiscal year 2015-16, the Education Innovation  
19 Fund shall be allocated as follows: (i) The first one million dollars  
20 shall be transferred to the Excellence in Teaching Cash Fund to fund  
21 the Excellence in Teaching Act; (ii) the next allocation shall be  
22 distributed to local systems as grants for approved accelerated or  
23 differentiated curriculum programs for students identified as  
24 learners with high ability pursuant to section 79-1108.02 in an  
25 aggregated amount up to the amount distributed in the prior fiscal

1 year for such purposes increased by the basic allowable growth rate  
2 pursuant to section 79-1025; (iii) the next allocation shall be used  
3 by the State Department of Education for the integrated early  
4 childhood, elementary, secondary, and postsecondary student  
5 information system in an aggregated amount up to the amount used in  
6 the prior fiscal year for such purposes increased by the basic  
7 allowable growth rate pursuant to section 79-1025; (iv) the next  
8 allocation shall fund the Center for Student Leadership and Extended  
9 Learning Act in an aggregated amount up to the amount used in the  
10 prior fiscal year for such purposes increased by the basic allowable  
11 growth rate pursuant to section 79-1025; (v) the next allocation  
12 shall be used by the department to fund the multicultural education  
13 program created under section 79-720 in an aggregated amount up to  
14 the amount used in the prior fiscal year for such purposes increased  
15 by the basic allowable growth rate pursuant to section 79-1025; (vi)  
16 the next allocation shall be used by the department to employ persons  
17 to investigate and prosecute alleged violations as provided in  
18 section 79-868 in an aggregated amount up to the amount used in the  
19 prior fiscal year for such purposes increased by the basic allowable  
20 growth rate pursuant to section 79-1025; and (vii) the amount  
21 remaining shall be allocated, after administrative expenses, for  
22 distance education equipment and incentives pursuant to sections  
23 79-1336 and 79-1337.

24 (h) For fiscal year 2016-17 and each fiscal year  
25 thereafter, the Education Innovation Fund shall be allocated, after

1 administrative expenses, for education purposes as provided by the  
2 Legislature.

3 (5) Any money in the State Lottery Operation Trust Fund,  
4 the State Lottery Operation Cash Fund, the State Lottery Prize Trust  
5 Fund, or the Education Innovation Fund available for investment shall  
6 be invested by the state investment officer pursuant to the Nebraska  
7 Capital Expansion Act and the Nebraska State Funds Investment Act.

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

13 Sec. 10. Section 9-831, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 9-831 The division shall spend not less than five percent  
16 of the advertising budget for the state lottery on problem gambling  
17 prevention, education, and awareness messages. The division shall  
18 coordinate messages developed under this section with the prevention,  
19 education, and awareness messages in use ~~on July 14, 2006,~~ by or  
20 developed in conjunction with the ~~Compulsive~~ Gamblers Assistance  
21 Program established pursuant to section ~~71-817.5~~ of this act. For  
22 purposes of this section, the advertising budget for the state  
23 lottery includes amounts budgeted and spent for advertising,  
24 promotions, incentives, public relations, marketing, or contracts for  
25 the purchase or lease of goods or services that include advertising,

1 promotions, incentives, public relations, or marketing, but does not  
2 include in-kind contributions by media outlets.

3 Sec. 11. Section 38-2121, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 38-2121 The requirement to be licensed as a mental health  
6 practitioner pursuant to the Uniform Credentialing Act in order to  
7 engage in mental health practice shall not be construed to prevent:

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

12 (2) Alcohol and drug counselors who are licensed by the  
13 Division of Public Health of the Department of Health and Human  
14 Services and problem gambling counselors who are certified by the  
15 Department of Health and Human Services prior to July 1, 2013, or by  
16 the Nebraska Commission on Problem Gambling beginning on July 1,  
17 2013, from practicing their profession. Such exclusion shall include  
18 students training and working under the supervision of an individual  
19 qualified under section 38-315;

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

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

7                   (5) The delivery of mental health services by:

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

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

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

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

1 practitioners or their services as mental health practice;

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

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

14 Sec. 12. Section 71-802, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 71-802 The purposes of the Nebraska Behavioral Health  
17 Services Act are to: (1) Reorganize statutes relating to the  
18 provision of publicly funded behavioral health services; (2) provide  
19 for the organization and administration of the public behavioral  
20 health system within the department; (3) rename mental health regions  
21 as behavioral health regions; (4) provide for the naming of regional  
22 behavioral health authorities and ongoing activities of regional  
23 governing boards; (5) reorganize and rename the State Mental Health  
24 Planning and Evaluation Council, and the State Alcoholism and Drug  
25 Abuse Advisory Committee; ~~and the Nebraska Advisory Commission on~~

1 ~~Compulsive Gambling;~~ (6) change and add provisions relating to  
2 development of community-based behavioral health services and funding  
3 for behavioral health services; and (7) authorize the closure of  
4 regional centers.

5           Sec. 13. Section 71-804, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           71-804 For purposes of the Nebraska Behavioral Health  
8 Services Act:

9           (1) Behavioral health disorder means mental illness or  
10 alcoholism, drug abuse, ~~problem gambling,~~ or other addictive  
11 disorder;

12           (2) Behavioral health region means a behavioral health  
13 region established in section 71-807;

14           (3) Behavioral health services means services, including,  
15 but not limited to, consumer-provided services, support services,  
16 inpatient and outpatient services, and residential and nonresidential  
17 services, provided for the prevention, diagnosis, and treatment of  
18 behavioral health disorders and the rehabilitation and recovery of  
19 persons with such disorders;

20           (4) Community-based behavioral health services or  
21 community-based services means behavioral health services that are  
22 not provided at a regional center;

23           (5) Department means the Department of Health and Human  
24 Services;

25           (6) Director means the Director of Behavioral Health;

1           (7) Division means the Division of Behavioral Health of  
2 the department;

3           (8) Medical assistance program means the program  
4 established pursuant to the Medical Assistance Act;

5           (9) Public behavioral health system means the statewide  
6 array of behavioral health services for children and adults provided  
7 by the public sector or private sector and supported in whole or in  
8 part with funding received and administered by the department,  
9 including behavioral health services provided under the medical  
10 assistance program;

11           (10) Regional center means one of the state hospitals for  
12 the mentally ill designated in section 83-305; and

13           (11) Regional center behavioral health services or  
14 regional center services means behavioral health services provided at  
15 a regional center.

16           Sec. 14. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15,  
17 and 16 of this act become operative on July 1, 2013. The other  
18 sections of this act become operative on their effective date.

19           Sec. 15. Original sections 9-1,101, 9-812, 9-831,  
20 38-2121, 71-802, 71-804, and 71-817, Reissue Revised Statutes of  
21 Nebraska, are repealed.

22           Sec. 16. The following section is outright repealed:  
23 Section 71-816, Revised Statutes Cumulative Supplement, 2012.

24           Sec. 17. Since an emergency exists, this act takes effect  
25 when passed and approved according to law.