

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 6
 Final Reading

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, 71-804, and 71-817, Reissue Revised Statutes of
 3 Nebraska; to create a commission and a program; to change
 4 provisions relating to a fund; to provide powers and
 5 duties as prescribed; to harmonize provisions; to
 6 eliminate a committee; to provide operative dates; to
 7 repeal the original sections; to outright repeal section
 8 71-816, Revised Statutes Cumulative Supplement, 2012; and
 9 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 from a list of at least four persons with
3 medical care or mental health expertise submitted by the General
4 Affairs Committee of the Legislature;

5 (b) One member from a list of at least four persons with
6 expertise in banking and finance submitted by the General Affairs
7 Committee of the Legislature;

8 (c) One member from a list of at least four persons with
9 legal expertise submitted by the General Affairs Committee of the
10 Legislature;

11 (d) One member from a list of at least four persons with
12 expertise in the field of education submitted by the General Affairs
13 Committee of the Legislature;

14 (e) One member from a list of four consumers of problem
15 gambling services submitted by the General Affairs Committee of the
16 Legislature;

17 (f) One member from a list of four consumers of problem
18 gambling services submitted by the General Affairs Committee of the
19 Legislature;

20 (g) One member from a list of at least four persons with
21 data analysis expertise submitted by the General Affairs Committee of
22 the Legislature;

23 (h) One member from a list of at least four persons who
24 are residents of the state and are representative of the public at
25 large submitted by the General Affairs Committee of the Legislature;

1 and

2 (i) One member from a list of at least four persons who
3 are residents of the state and are representative of the public at
4 large submitted by the General Affairs Committee of the Legislature.

5 (3) The General Affairs Committee of the Legislature
6 shall hold a confirmation hearing for the appointees, and the
7 appointments shall be subject to confirmation by a majority of the
8 members of the Legislature, except that the initial members and
9 members appointed while the Legislature is not in session shall serve
10 until the next session of the Legislature, at which time the General
11 Affairs Committee shall hold a confirmation hearing for such
12 appointments and a majority of the members of the Legislature shall
13 approve or disapprove of the appointments.

14 (4) The terms of the members shall be for three years,
15 except that the Governor shall designate three of the initial
16 appointees to serve initial terms beginning on July 1, 2013, and
17 ending on March 1, 2014, three of the initial appointees to serve
18 initial terms beginning on July 1, 2013, and ending on March 1, 2015,
19 and three of the initial appointees to serve initial terms beginning
20 on July 1, 2013, and ending on March 1, 2016. The General Affairs
21 Committee shall submit the list of four persons for each position to
22 be filled within thirty days after the operative date of this section
23 for initial appointments, within thirty days after receiving notice
24 of a vacancy, or by February 1 for terms ending the following March
25 1. The Governor shall make the applicable appointment within thirty

1 days after receiving the list. The Governor shall appoint members to
2 fill vacancies in the same manner as the initial appointments, and
3 such appointees shall serve for the remainder of the unexpired term.

4 (5) Beginning July 1, 2013, the commission shall adopt
5 bylaws governing its operation and the commission shall meet at least
6 four times each calendar year and may meet more often on the call of
7 the chairperson. Each member shall attend at least two meetings each
8 calendar year and shall be subject to removal for failure to attend
9 at least two meetings unless excused by a majority of the members of
10 the commission. Meetings of the commission are subject to the Open
11 Meetings Act.

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

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

20 (3) The commission shall appoint a director of the
21 program, provide for office space and equipment, and support and
22 facilitate the work of the program. The director may hire, terminate,
23 and supervise commission and program staff, shall be responsible for
24 the duties of the office and the administration of the program, and
25 shall provide an annual report to the General Affairs Committee of

1 the Legislature which includes issues and policy concerns that relate
2 to problem gambling in Nebraska. All documents, files, and records
3 belonging to the State Committee on Problem Gambling on July 1, 2013,
4 shall become the property of the commission on such date.

5 (4) The commission shall by rule and regulation (a)
6 provide for a process for the evaluation and approval of provider
7 applications and contracts for treatment and other services funded
8 from the Compulsive Gamblers Assistance Fund and (b) develop
9 standards and guidelines for training and certification of problem
10 gambling counselors.

11 (5) The commission shall provide for (a) the review and
12 use of evaluation data, (b) the use and expenditure of funds for
13 education regarding problem gambling and prevention of problem
14 gambling, and (c) the creation and implementation of outreach and
15 educational programs regarding problem gambling for Nebraska
16 residents.

17 (6) The commission may engage in other activities it
18 finds necessary to carry out its duties under sections 1 to 7 of this
19 act.

20 (7) The commission shall submit a report within sixty
21 days after the end of each fiscal year to the Governor and the Clerk
22 of the Legislature that provides details of the administration of the
23 program and distribution of funds from the Compulsive Gamblers
24 Assistance Fund. The report submitted to the Legislature shall be
25 submitted electronically.

1 Sec. 5. The Gamblers Assistance Program is created. The
2 program shall:

3 (1) Contract with providers of treatment services to
4 Nebraska consumers;

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

7 (3) Evaluate the existence and scope of problem gambling
8 in Nebraska and its consequences through means and methods determined
9 by the commission; and

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

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

14 ~~71-817~~ The Compulsive Gamblers Assistance Fund is
15 created. The fund shall include revenue transferred from the State
16 Lottery Operation Trust Fund under section 9-812 and the Charitable
17 Gaming Operations Fund under section 9-1,101 and any other revenue
18 received by the division for credit to the fund from any other public
19 or private source, including, but not limited to, appropriations,
20 grants, donations, gifts, devises, bequests, fees, or reimbursements.
21 The ~~division~~commission shall administer the fund for the ~~treatment~~
22 ~~of problem gamblers as recommended by the State Committee on Problem~~
23 ~~Gambling established under section 71-816 and shall spend no more~~
24 ~~than ten percent of the money appropriated to the fund for~~
25 ~~administrative costs.~~operation of the Gamblers Assistance Program.

1 The Director of Administrative Services shall draw warrants upon the
2 Compulsive Gamblers Assistance Fund upon the presentation of proper
3 vouchers by the ~~division.~~commission. Money from the Compulsive
4 Gamblers Assistance Fund shall be used exclusively for the purpose of
5 providing assistance to agencies, groups, organizations, and
6 individuals that provide education, assistance, and counseling to
7 individuals and families experiencing difficulty as a result of
8 problem gambling, to promote the awareness of problem gamblers
9 assistance programs, and to pay the costs and expenses of the
10 Gamblers Assistance Program, including travel. ~~division and the~~
11 ~~committee with regard to problem gambling. The division shall not~~
12 ~~provide any direct services to problem gamblers or their families.~~
13 ~~Funds appropriated from the Compulsive Gamblers Assistance Fund shall~~
14 ~~not be granted or loaned to or administered by any regional~~
15 ~~behavioral health authority unless the authority is a direct provider~~
16 ~~of a problem gamblers assistance program. Any money in the fund~~
17 available for investment shall be invested by the state investment
18 officer pursuant to the Nebraska Capital Expansion Act and the
19 Nebraska State Funds Investment Act.

20 Sec. 7. (1) Except as otherwise provided in subsection
21 (2) of this section, no person acting on behalf of the Division of
22 Behavioral Health of the Department of Health and Human Services or
23 the department shall make expenditures not required by contract
24 obligations entered into before July 1, 2013, until the Gamblers
25 Assistance Program created in section 5 of this act commences its

1 duties.

2 (2) Any contract between the State of Nebraska and a
3 provider of problem gambling services in existence on July 1, 2013,
4 shall remain in full force and effect and is binding and effective
5 upon the parties to the contract until the contract is terminated
6 upon thirty days' notice or renegotiated by the commission.

7 (3) The Compulsive Gamblers Assistance Fund shall not be
8 subject to any nonstatutory expenditure limitation from any source
9 and shall be available for expenditure as provided in sections 1 to 6
10 of this act.

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

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

24 (2) The Charitable Gaming Operations Fund is hereby
25 created. Any money in the fund available for investment shall be

1 invested by the state investment officer pursuant to the Nebraska
2 Capital Expansion Act and the Nebraska State Funds Investment Act.

3 (3)(a) Forty percent of the taxes collected pursuant to
4 sections 9-239, 9-344, 9-429, and 9-648 shall be available to the
5 Charitable Gaming Division for administering and enforcing the acts
6 listed in subsection (1) of this section and providing administrative
7 support for the Nebraska Commission on Problem Gambling. The
8 remaining sixty percent shall be transferred to the General Fund. Any
9 portion of the forty percent not used by the division in the
10 administration and enforcement of such acts and section shall be
11 distributed as provided in this subsection.

12 (b) On or before November 1 each year, the State
13 Treasurer shall transfer fifty thousand dollars from the Charitable
14 Gaming Operations Fund to the Compulsive Gamblers Assistance Fund,
15 except that no transfer shall occur if the Charitable Gaming
16 Operations Fund contains less than fifty thousand dollars.

17 (c) Any money remaining in the Charitable Gaming
18 Operations Fund after the transfer pursuant to subdivision (b) of
19 this subsection not used by the Charitable Gaming Division in its
20 administration and enforcement duties pursuant to this section may be
21 transferred to the General Fund at the direction of the Legislature.

22 (4) The Tax Commissioner shall employ investigators who
23 shall be vested with the authority and power of a law enforcement
24 officer to carry out the laws of this state administered by the Tax
25 Commissioner or the Department of Revenue and to enforce sections

1 28-1101 to 28-1117 relating to possession of a gambling device. For
2 purposes of enforcing sections 28-1101 to 28-1117, the authority of
3 the investigators shall be limited to investigating possession of a
4 gambling device, notifying local law enforcement authorities, and
5 reporting suspected violations to the county attorney for
6 prosecution.

7 (5) The Charitable Gaming Division may charge a fee for
8 publications and listings it produces. The fee shall not exceed the
9 cost of publication and distribution of such items. The division may
10 also charge a fee for making a copy of any record in its possession
11 equal to the actual cost per page. The division shall remit the fees
12 to the State Treasurer for credit to the Charitable Gaming Operations
13 Fund.

14 (6) For administrative purposes only, the Nebraska
15 Commission on Problem Gambling shall be located within the Charitable
16 Gaming Division. The division shall provide office space, furniture,
17 equipment, and stationery and other necessary supplies for the
18 commission. Commission staff shall be appointed, supervised, and
19 terminated by the director of the Gamblers Assistance Program
20 pursuant to section 4 of this act.

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

23 9-812 (1) All money received from the operation of
24 lottery games conducted pursuant to the State Lottery Act in Nebraska
25 shall be credited to the State Lottery Operation Trust Fund, which

1 fund is hereby created. All payments of the costs of establishing and
2 maintaining the lottery games shall be made from the State Lottery
3 Operation Cash Fund. In accordance with legislative appropriations,
4 money for payments for expenses of the division shall be transferred
5 from the State Lottery Operation Trust Fund to the State Lottery
6 Operation Cash Fund, which fund is hereby created. All money
7 necessary for the payment of lottery prizes shall be transferred from
8 the State Lottery Operation Trust Fund to the State Lottery Prize
9 Trust Fund, which fund is hereby created. The amount used for the
10 payment of lottery prizes shall not be less than forty percent of the
11 dollar amount of the lottery tickets which have been sold.

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

1 (3) Of the money available to be transferred to the
2 Education Innovation Fund, the Nebraska Opportunity Grant Fund, the
3 Nebraska Environmental Trust Fund, the Nebraska State Fair Board, and
4 the Compulsive Gamblers Assistance Fund:

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

8 (b) Nineteen and three-fourths percent of the money
9 remaining after the payment of prizes and operating expenses and the
10 initial transfer to the Compulsive Gamblers Assistance Fund shall be
11 transferred to the Education Innovation Fund;

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

16 (d) Forty-four and one-half percent of the money
17 remaining after the payment of prizes and operating expenses and the
18 initial transfer to the Compulsive Gamblers Assistance Fund shall be
19 transferred to the Nebraska Environmental Trust Fund to be used as
20 provided in the Nebraska Environmental Trust Act;

21 (e) Ten percent of the money remaining after the payment
22 of prizes and operating expenses and the initial transfer to the
23 Compulsive Gamblers Assistance Fund shall be transferred to the
24 Nebraska State Fair Board if the most populous city within the county
25 in which the fair is located provides matching funds equivalent to

1 ten percent of the funds available for transfer. Such matching funds
2 may be obtained from the city and any other private or public entity,
3 except that no portion of such matching funds shall be provided by
4 the state. If the Nebraska State Fair ceases operations, ten percent
5 of the money remaining after the payment of prizes and operating
6 expenses and the initial transfer to the Compulsive Gamblers
7 Assistance Fund shall be transferred to the General Fund; and

8 (f) One percent of the money remaining after the payment
9 of prizes and operating expenses and the initial transfer to the
10 Compulsive Gamblers Assistance Fund shall be transferred to the
11 Compulsive Gamblers Assistance Fund to be used as provided in section
12 ~~71-817. 6~~ of this act.

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

16 (b) For fiscal year 2010-11, the Education Innovation
17 Fund shall be allocated as follows: The first one million dollars
18 shall be transferred to the Excellence in Teaching Cash Fund to fund
19 the Excellence in Teaching Act, and the amount remaining in the
20 Education Innovation Fund shall be allocated, after administrative
21 expenses, for distance education equipment and incentives pursuant to
22 sections 79-1336 and 79-1337.

23 (c) For fiscal year 2011-12, the Education Innovation
24 Fund shall be allocated as follows: (i) The first two hundred twenty-
25 five thousand dollars shall be transferred to the Excellence in

1 Teaching Cash Fund to fund the Attracting Excellence to Teaching
2 Program; (ii) the next three million three hundred sixty-five
3 thousand nine hundred sixty-two dollars shall be distributed to
4 school districts as grants pursuant to the Early Childhood Education
5 Grant Program; (iii) the next two million one hundred seventy-five
6 thousand six hundred seventy-three dollars shall be distributed to
7 local systems as grants for approved accelerated or differentiated
8 curriculum programs for students identified as learners with high
9 ability pursuant to section 79-1108.02; (iv) the next four hundred
10 ninety-one thousand five hundred forty-one dollars shall be used by
11 the State Department of Education for the development of an
12 integrated early childhood, elementary, secondary, and postsecondary
13 student information system; (v) the next four hundred fifty thousand
14 dollars shall fund the Center for Student Leadership and Extended
15 Learning Act; (vi) the next one hundred fourteen thousand six hundred
16 twenty-nine dollars shall fund the multicultural education program
17 created under section 79-720; (vii) the next one hundred twenty-three
18 thousand four hundred sixty-eight dollars shall be used by the
19 department to employ persons to investigate and prosecute alleged
20 violations as provided in section 79-868; (viii) up to the next one
21 hundred sixty thousand dollars shall be used by the department to
22 implement section 79-759; and (ix) the amount remaining shall be
23 allocated, after administrative expenses, for distance education
24 equipment and incentives pursuant to sections 79-1336 and 79-1337.

25 (d) For fiscal year 2012-13, the Education Innovation

1 Fund shall be allocated as follows: (i) The first forty-five thousand
2 dollars shall be transferred to the Excellence in Teaching Cash Fund
3 to fund the Attracting Excellence to Teaching Program; (ii) the next
4 three million three hundred sixty-five thousand nine hundred sixty-
5 two dollars shall be distributed to school districts as grants
6 pursuant to the Early Childhood Education Grant Program; (iii) the
7 next two million one hundred seventy-five thousand six hundred
8 seventy-three dollars shall be distributed to local systems as grants
9 for approved accelerated or differentiated curriculum programs for
10 students identified as learners with high ability pursuant to section
11 79-1108.02; (iv) the next one hundred eight thousand one hundred
12 thirty-six dollars shall be used by the department for the
13 development of an integrated early childhood, elementary, secondary,
14 and postsecondary student information system; (v) the next four
15 hundred fifty thousand dollars shall fund the Center for Student
16 Leadership and Extended Learning Act; (vi) the next one hundred
17 fourteen thousand six hundred twenty-nine dollars shall be used by
18 the department to fund the multicultural education program created
19 under section 79-720; (vii) the next one hundred twenty-three
20 thousand four hundred sixty-eight dollars shall be used by the
21 department to employ persons to investigate and prosecute alleged
22 violations as provided in section 79-868; (viii) up to the next one
23 hundred sixty thousand dollars shall be used by the department to
24 implement section 79-759; (ix) the next twenty-seven thousand two
25 hundred dollars shall be used to fund the Interstate Compact on

1 Educational Opportunity for Military Children; (x) the next two
2 hundred thousand dollars shall be used to provide grants to establish
3 bridge programs pursuant to sections 79-1189 to 79-1195; and (xi) the
4 amount remaining shall be allocated, after administrative expenses,
5 for distance education equipment and incentives pursuant to sections
6 79-1336 and 79-1337.

7 (e) For fiscal year 2013-14, the Education Innovation
8 Fund shall be allocated as follows: (i) The first one million dollars
9 shall be transferred to the Excellence in Teaching Cash Fund to fund
10 the Excellence in Teaching Act; (ii) the next allocation shall be
11 distributed to local systems as grants for approved accelerated or
12 differentiated curriculum programs for students identified as
13 learners with high ability pursuant to section 79-1108.02 in an
14 aggregated amount up to the amount distributed in the prior fiscal
15 year for such purposes increased by the basic allowable growth rate
16 pursuant to section 79-1025; (iii) the next allocation shall be used
17 by the State Department of Education for the integrated early
18 childhood, elementary, secondary, and postsecondary student
19 information system in an aggregated amount up to the amount used in
20 the prior fiscal year for such purposes increased by the basic
21 allowable growth rate pursuant to section 79-1025; (iv) the next
22 allocation shall fund the Center for Student Leadership and Extended
23 Learning Act in an aggregated amount up to the amount used in the
24 prior fiscal year for such purposes increased by the basic allowable
25 growth rate pursuant to section 79-1025; (v) the next allocation

1 shall be used by the department to fund the multicultural education
2 program created under section 79-720 in an aggregated amount up to
3 the amount used in the prior fiscal year for such purposes increased
4 by the basic allowable growth rate pursuant to section 79-1025; (vi)
5 the next allocation shall be used by the department to employ persons
6 to investigate and prosecute alleged violations as provided in
7 section 79-868 in an aggregated amount up to the amount used in the
8 prior fiscal year for such purposes increased by the basic allowable
9 growth rate pursuant to section 79-1025; (vii) up to the next one
10 hundred sixty thousand dollars shall be used by the department to
11 implement section 79-759; (viii) the next two hundred thousand
12 dollars shall be used to provide grants to establish bridge programs
13 pursuant to sections 79-1189 to 79-1195; and (ix) the amount
14 remaining shall be allocated, after administrative expenses, for
15 distance education equipment and incentives pursuant to sections
16 79-1336 and 79-1337.

17 (f) For fiscal year 2014-15, the Education Innovation
18 Fund shall be allocated as follows: (i) The first one million dollars
19 shall be transferred to the Excellence in Teaching Cash Fund to fund
20 the Excellence in Teaching Act; (ii) the next allocation shall be
21 distributed to local systems as grants for approved accelerated or
22 differentiated curriculum programs for students identified as
23 learners with high ability pursuant to section 79-1108.02 in an
24 aggregated amount up to the amount distributed in the prior fiscal
25 year for such purposes increased by the basic allowable growth rate

1 pursuant to section 79-1025; (iii) the next allocation shall be used
2 by the State Department of Education for the integrated early
3 childhood, elementary, secondary, and postsecondary student
4 information system in an aggregated amount up to the amount used in
5 the prior fiscal year for such purposes increased by the basic
6 allowable growth rate pursuant to section 79-1025; (iv) the next
7 allocation shall fund the Center for Student Leadership and Extended
8 Learning Act in an aggregated amount up to the amount used in the
9 prior fiscal year for such purposes increased by the basic allowable
10 growth rate pursuant to section 79-1025; (v) the next allocation
11 shall be used by the department to fund the multicultural education
12 program created under section 79-720 in an aggregated amount up to
13 the amount used in the prior fiscal year for such purposes increased
14 by the basic allowable growth rate pursuant to section 79-1025; (vi)
15 the next allocation shall be used by the department to employ persons
16 to investigate and prosecute alleged violations as provided in
17 section 79-868 in an aggregated amount up to the amount used in the
18 prior fiscal year for such purposes increased by the basic allowable
19 growth rate pursuant to section 79-1025; (vii) the next two hundred
20 thousand dollars shall be used to provide grants to establish bridge
21 programs pursuant to sections 79-1189 to 79-1195; and (viii) 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 (g) For fiscal year 2015-16, 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; and (vii) the amount
3 remaining shall be allocated, after administrative expenses, for
4 distance education equipment and incentives pursuant to sections
5 79-1336 and 79-1337.

6 (h) For fiscal year 2016-17 and each fiscal year
7 thereafter, the Education Innovation Fund shall be allocated, after
8 administrative expenses, for education purposes as provided by the
9 Legislature.

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

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

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

22 9-831 The division shall spend not less than five percent
23 of the advertising budget for the state lottery on problem gambling
24 prevention, education, and awareness messages. The division shall
25 coordinate messages developed under this section with the prevention,

1 education, and awareness messages in use on July 14, 2006, by or
2 developed in conjunction with the ~~Compulsive~~ Gamblers Assistance
3 Program established pursuant to section ~~71-817.5~~ of this act. For
4 purposes of this section, the advertising budget for the state
5 lottery includes amounts budgeted and spent for advertising,
6 promotions, incentives, public relations, marketing, or contracts for
7 the purchase or lease of goods or services that include advertising,
8 promotions, incentives, public relations, or marketing, but does not
9 include in-kind contributions by media outlets.

10 Sec. 11. Section 71-804, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-804 For purposes of the Nebraska Behavioral Health
13 Services Act:

14 (1) Behavioral health disorder means mental illness or
15 alcoholism, drug abuse, ~~problem gambling,~~ or other addictive
16 disorder;

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

19 (3) Behavioral health services means services, including,
20 but not limited to, consumer-provided services, support services,
21 inpatient and outpatient services, and residential and nonresidential
22 services, provided for the prevention, diagnosis, and treatment of
23 behavioral health disorders and the rehabilitation and recovery of
24 persons with such disorders;

25 (4) Community-based behavioral health services or

1 community-based services means behavioral health services that are
2 not provided at a regional center;

3 (5) Department means the Department of Health and Human
4 Services;

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

6 (7) Division means the Division of Behavioral Health of
7 the department;

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

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

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

18 (11) Regional center behavioral health services or
19 regional center services means behavioral health services provided at
20 a regional center.

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

24 Sec. 13. Original sections 9-1,101, 9-812, 9-831, 71-804,
25 and 71-817, Reissue Revised Statutes of Nebraska, are repealed.

1 Sec. 14. The following section is outright repealed:
2 Section 71-816, Revised Statutes Cumulative Supplement, 2012.

3 Sec. 15. Since an emergency exists, this act takes effect
4 when passed and approved according to law.