

Nebraska Commission on Problem Gambling
Minutes of the meeting held on July 16, 2013
Omaha State Office Building
1313 Farnam Street, Omaha NE 68102, Room 227

Commissioners attending: Terry Scoville, Teri Teutsch, Ed Hoffman, Mark Canada, Marla Bruder, Paul Leckband

Commissioners abset: Ms. Janelle Holt, Mr. Matthew Anselmo, Ms. Susan Lutz.

Ed Hoffman called the meeting to order at 9:15 am. Hoffman gave an overview of the meeting discussion topics. He mentioned that he would try to secure parking for those attending the next meeting in Omaha.

The commissioners introduced themselves and audience members were allowed to state their names and locations.

Item 1. Review and Approval of Agenda –

Hoffman proposed moving Agenda Items 13 and 14 after Item 7. Because of lack of information from Magellan, Hoffman recommended tabling Item 8.

Action - Teri Teutsch made the motion to approve the agenda as amended. Mark Canada seconded the motion. Roll call – all voted yes; motion passed.

Item 2. Discussion of LB 6 –

Senator Bob Krist gave a history of the development of LB 6. The senator stated that his involvement did not stop after the passage of LB 6. He would continue to monitor the program and provide support if needed. The commission thanked Senator Krist for his work on the bill.

Ms. Sherrie Geier was asked to comment. She mentioned that she started her association with GAP as a staff member. Later, she served on the first commission and has been actively involved for the past 13 years. She currently works for Senator Al Davis but was asked to assist Senator Krist in developing LB 6. They wanted to correct the function of the commission and how consumers were being served. The goal was to restore the original intent of the legislation for problem gambling assistance. A full copy and a summary of LB 6 were provided to meeting attendees (Attachments A & B).

Mr. David Geier was asked to comment. He said he got involved in the development of LB 6 thru a lawsuit involving the way staff at DHHS was handle contracts. It was discovered that DHHS had taken power from the GAP committee and it was decided that, to restore the integrity of the program, GAP must be moved from DHHS.

Item 3. GAP background –

Hoffman introduced Jerry Bauerkemper and asked him to give the commission some history. In 1986, he started to develop assistance for problem gambling. Later on, he was asked to help create a problem gambling treatment program for Nebraska. He has continually been involved in gambling treatment on the local and national level since that time.

GAP history – Bauerkemper gave a Power Point presentation (attachment C). The Gambling Assistance Program was created in 1992 as part of the Nebraska Lottery Act. Nebraska was the first state to certify compulsive gambling counselors. In 2008, the GAP committee powers were increased and those powers are what LB 6 reinstates.

Bauerkemper gave statistics – 3% of adults in Nebraska will experience gambling problems. 50% of adolescents begin gambling at 10 years of age or younger. The average household debt related to gambling is \$74,500, from average household finances of \$41,500.

GAP's traditional purpose: GAP is an administrative commission that utilizes expertise from service providers, and consumers to coordinate activities, manage resources, direct services, and reduce the impact of problem gambling for all Nebraskans.

GAP services: Access to information/services, helpline services, education (outreach, prevention programs, media awareness), treatment of problem gambling (certified counselors).

Bauerkemper said that providing enough counselors was a serious concern and something the commission needs to address. He presented a map of Nebraska that showed areas that needed more service and displayed a list of current providers.

Teri Teutsch asked if Bauerkemper was involved with the Nebraska Council of Compulsive Gambling. Hoffman mentioned that, if selected as interim director, Bauerkemper will take a leave of absence from his position as executive director of NCCG. Bauerkemper stated that he is willing to be an interim director to help the commission move forward, but he has no interest in a permanent position. Hoffman said that Bauerkemper's qualifications and discussion to select him as interim will be addressed later in the agenda.

Bauerkemper mentioned that the commission needs to strongly look at going after federal dollars to help fund GAP.

Bauerkemper stated that Nebraska currently has a program in place called "Play It Safe". The website is off line at the moment and was previously maintained by Snitily Carr, but with some modifications, can become a very effective piece.

Bauerkemper talked about the duties of the executive director – hire/fire staff; responsible for administration of commission duties; prepare report for the Nebraska legislature; manage the budget for GAP; oversee disbursement of funds.

Item 5. New Location, the fund and GAP –

Jerry Bauerkemper's power point (Attachment C) provided funding details. First year budget - \$1,504,770; second year budget - \$1,410,023. Current monies in GAP total \$1,728,975 plus. Not all the current money is authorized by legislature for spending. Quarterly installments are received from the Lottery – 1% of lottery net (approx. \$580,000; includes \$50,000 Charitable gaming; \$200,000 advertising fund).

Ed Hoffman explained that the fiscal year ended June 30th. DHHS said they would allow providers to bill till July 15th. DHHS has withdrawn approximately \$97,000 from the GAP fund to cover their last payments to providers. The remainder should be \$1,728,975 and one of the activities of the commission should be to use those monies for service.

There was discussion on staff allocation – FY-14 \$91,960 and FY 15 \$94,259. He recommended that the commission move on selecting an interim director and support staff immediately. The support staff also needs to be hired immediately. Post the open position for hire right away – post for two weeks and then put an administrative assistant in place.

Doug Ewald stated that office space has already been created and invited the group to tour the facility. The office suite is located on the second floor of the Omaha State Office Building.

Morning Break – 10:35 am to 11:05 am.

Hoffman stated that the current provider contracts ended June 30th. The big picture is that people who need treatment should get it and providers need to be paid.

Item 6. Discussion/Vote on Bylaws -

Paul Leckband asked if there was any change to the bylaws at hand versus what was mailed to the commission members. Hoffman mentioned there were only two typos that were corrected – other than that, no change.

Ed suggested that the bylaws be approved now without change and then, in the future, create a committee to further review and evaluate the bylaws and make recommendations for amendments. He said, in his opinion, the bylaws as they stand give the commission adequate structure to do what they need to do right now and it is his recommendation to adopt the current set with no major change.

The bylaws were reviewed. Sherrie Geier mentioned that the commission terms end in March so that confirmation process could be accomplished by the Legislature in long and short sessions.

Hoffman mentioned that the commission must follow open meeting laws. The agenda must be published 10 days before the meeting date and Roberts Rules of Order will be used for meeting structure. Hoffman asked Sherrie Geier for comments since she was instrumental in putting the bylaws together. She confirmed Hoffman's comment that the bylaws should be adequate for now and recommended further review at a later date.

ACTION - Marla Bruder made the motion to approve the bylaws. Teri Teutsch seconded. Roll call – all voted yes; motion passed.

A copy of the approved bylaws is attached to these minutes (Attachment D).

Item 7. Discussion/Vote in Executive Committee members –

Teri Teutsch made the motion, seconded by Mark Canada, to appoint Ed Hoffman as chairperson of the commission. No additional nominations were presented. Roll call vote – Leckband, Bruder, Canada, Teutsch, and Scoville voted yes. Hoffman abstained. The motion passed.

Ed Hoffman nominated Teri Teutsch as vice chairperson. Teutsch provided information about herself. There were no more nominations.

ACTION - Ed Hoffman made the motion, seconded by Marla Bruder, to appoint Teri Teutsch as vice chairperson. Roll call vote - Leckband, Bruder, Canada, Scoville, and Hoffman voted yes. Teutsch abstained. The motion passed.

Hoffman said Janelle Holt expressed interest in the secretarial position and that he would like to nominate Janelle Holt and Mark Canada as co-secretaries. There were no more nominations. Ed Hoffman made the motion, seconded by Teri Teutsch, to appoint Janelle Holt and Mark Canada as co-secretaries. Roll call vote - Leckband, Bruder, Teutsch, Scoville, and Hoffman voted yes. Canada abstained. The motion passed.

Working Lunch - Hoffman announced a short lunch break at 12:30 pm.

Item 13. Discussion/Vote on 800 number provider - Hoffman asked about the status of the helpline. David Hoppe provided comments on the helpline. Hoppe is currently president of the NCCG, an instructor with Bellevue College, and a mental health counselor. He stated that NCCG has many gambling entities on the board and does not take a stand against gambling but focuses on directing those who need treatment to get it. He presented a hand-out on the summary of NCCG's referrals from the help line to providers for treatment (Attachment E). He said NCCG's main concern was that the people that need help get it and NCCG stands ready to help to that end. NCCG has been providing free 800 service since July 1, 2013.

Hoffman referred to a document submitted by Bauerkemper, outlining his credentials (Attachment F). The last page was a letter from Dave Hoppe confirming that NCCG approves a leave of absence for Jerry Bauerkemper should he be chosen as NCPG interim director.

Hoffman drew attention to the budget line for the helpline and workforce development. There was discussion about the helpline service. Deb Hammond was asked to provide information about the helpline service. She mentioned that, in the past few years, providers received very few referrals from helpline calls, and those who called often received counseling via phone from the helpline operator. Hammond said the phone counseling was not appropriate and not how the helpline was supposed to operate. She mentioned that the past system with NCCG worked very well and that system needs to be reinstated.

Gina Fricke was asked to comment. She confirmed that, before Benzinger, she took a large number of referrals. But, after Benzinger took over the helpline, her referral numbers dropped dramatically and she discovered that Benzinger was providing minimal counseling services before referring clients on to Nebraska providers.

Sherrie Geier mentioned that Benzinger has been providing counseling over the phone without arguably meeting the licensing credentials of Nebraska.

Teri Teutsch asked for information on how the phone service operates. Hoppe said that the phone operators are paid and they are to pass referrals on to counselors. They don't have to be licensed but need skills to help people in crisis and so do receive training.

Chuck Spence talked about the reduction in referrals to his business when Benzinger took over the helpline service. When NCCG handled calls, his agency would receive 6-7 calls per week. After Benzinger took over, he was notified by email about referrals and over a year period only had ten .

Jerry Bauerkemper said NCCG currently has three full time phone operators and they currently are not being paid. He mentioned that the increase in the helpline budget will advance marketing to get the number out to those who need it.

Teri Teutsch asked how much of the budgeted amount would go towards administration. Hoppe said NCCG would use funds to pay for their executive director, who would direct phone staff and do follow up with providers on referrals.

Ed Hoffman recommended that the commission hire NCCG for now to handle the helpline and then enter into an RFP process to get bids for the service. Hoffman said the commission can consider allocating funds for this service as an emergency exists because currently there is no valid contract for the helpline service.

Paul Leckband asked about the process of handling a call. An operator who takes a call transfers it to a provider determined by location and services provided – the operator does not offer counseling.

Dave Hoppe gave the commissioners a letter from Michael Sullivan (Attachment G) attesting to the fact that he has not received one referral after Benzinger took over the helpline. Deb Hammond mentioned that the gamblers who received minimal counseling typically relapse.

Jared Ray asked about the process for helpline referrals. Ray asked for and received permission to present questions being texted to him by his employer, Dr. McNeese of First Step. McNeese asked "who sees the information first and is entrusted in transferring that information to providers." With NCCG, the operator would gather the information, transfer it to a provider, and the NCCG executive director follows up.

Teri Teutsch asked about referring providers in Omaha and Lincoln. NCCG has a list of criteria to ask the gambler to help determine which provider would be best suited for the referral. Once that is established, NCCG would make the warm referral. The next day, there would be follow-up to make sure the gambler made contact. The gambler is given more than one option for counselors. Bauerkemper said the gambler receives the names of all providers and then is directed to the ones who would best serve the client. Dave Hoppe said that to provide that level of service, you can't have a minimum-wage person as an operator – that operator needs certain skills.

Wanda Swanson mentioned that, a number of years ago, she was a volunteer answering helpline phones and, back then, the operators would give the client a full list of referral counselors. Then the client made the choice. Jared Ray said that was McNeese's concern - that a counselor who was answering the helpline would use it to advance their own business. The operator helps the client make contact with the counselor. If the chosen counselor doesn't answer the call, the client chooses another and that contact is tried. Every client who makes a call gets the numbers of all counselors available.

Referring to a contract for providing 800 number services, Dave Geier stated that a standard clause in all contracts allows for cancellation. It's up to the commission to monitor these contracts and make sure the services that are being paid for are being provided.

ACTION - Ed Hoffman made the motion, seconded by Maria Bruder, that the commission approves the contractual proposal on an emergency basis for helpline services. Roll call vote - all voted yes. The motion passed.

Item 14. Workforce Development -

Hoffman asked Deb Hammond to comment. Hammond mentioned that the requirement is 40 CE hours every two years. Providers are currently in the second year of that two year period. The problem is that CE training has not been made available and many providers have not been able to accumulate the hours needed. Hammond suggested that a committee be formed to help address the CE issue and develop adequate training criteria for new counselors. NCCG provided training prior to the State using TAP.

Harlan Vogel stated that the big problem is that the provider's schedule gets filled up fast with client appointments and CE opportunities were not timely provided so providers could plan in advance. He suggested that the commission look at what worked – what wasn't broken – and put that back into place.

David Geier said that certification and training of gambling counselors was deleted from state standards and so it will be up to the commission to create that training and certification. The commission will set standards for qualifications.

Teri Teutsch asked who does the training for NCCG. Dave Hoppe said that NCCG tries to bring in national trainers but there are good resources among the experienced providers in Nebraska. So NCCG will use Nebraska experienced providers for the core training and augment that with national trainers. NCCG will ask Nebraska providers what type of training they would like to receive.

Hoffman asked Dave Hoppe to provide a snapshot of services. Hoppe stated that NCCG ran a training every other month – core training, then advanced training - and that schedule was provided for the upcoming year. NCCG tried to fill the training needed so that providers can meet Nebraska CE requirements. The State would not let NCCG consider internet training in their last RFP and Hoppe felt that was a huge missed service. NCCG would very much like to move forward in providing internet education for the outlying Nebraska areas. Harlan Vogel stated that the cost for training needs to be kept at a reasonable price so providers would not skip training because they could not afford it.

Teri Teutsch wanted to know how much of the contractual rate would go to cover administrative costs. Further discussion was had. Ed Hoffman commented that an Emergency existed as these services were not being provided at the current time and were clearly needed.

Dave Hoppe said Nebraska is way behind in online training and feels that value programs can be developed quickly.

ACTION - Ed Hoffman made the motion, seconded by Paul Leckband, to approve the Nebraska Council on Compulsive Gambling to be the contracting entity for workforce development. Roll call vote - all voted yes. The motion passed.

Item 8. Discussion/Vote on Magellan contract –

Hoffman said there were issues with using Magellan but those services are needed immediately. He suggested that the commission move the Magellan contract discussion to the next meeting, because there is no contractual rate from Magellan yet. He recommended that the Magellan product be investigated by the interim director and that information be provided timely so the commission can move productively through the contract.

Ed Hoffman introduced the claim voucher currently used. The list of rates was discussed.

Hoffman asked if all commissioners were comfortable with moving the Magellan discussion to the next meeting. Everyone was in favor.

Item 9. Discussion/Vote on Ramirez-Evaluation contract - Hoffman introduced Juan Paulo Ramirez and asked him to comment on the data entry system. Ramirez had collected data for GAP in the past and is currently working with the Magellan system.

There was discussion on the State not allowing providers to treat adolescents. Gina Fricke mentioned that DHHS would not allow gambling counselors to provide treatment to adolescents because it was felt that the counselors did not have licensing to do so.

Hoffman asked former Senator Abbie Cornett to introduce herself to the group. Cornett questioned DHHS's stand on treatment of children of gamblers.

Discussion was had regarding helpline trends and call volumes. It was noted for the record that the number of FY10 calls were 162 and by FY13 1st & 2nd quarters was only 42 – a significant reduction since Benzinger took over the helpline service.

It was agreed that , whether Magellan comes on board or not, there was still a vital need for data collection.

Hoffman stated that Terry Scoville would need to leave the meeting soon and, to ensure the commission will have the majority needed to vote on contracts, he recommended that Rameriz's presentation be continued later so the commission could move on to other agenda items. It was agreed to do so.

Item 10. Discussion/Vote Interim Director – Hoffman stated that Jerry Bauerkemper has submitted a resume that all commissioners have received (Attachment F) a requested rate for service. Discussion was had as to Bauerkempers qualifications.

ACTION - Ed Hoffman made the motion, seconded by Terry Canada, that Jerry Bauerkemper be retained as interim director for the Nebraska Commission on Problem Gambling. Roll call vote – all voted yes; motion passed.

Item 11. Disussion/Vote on Provider contracts -

Ed Hoffman presented the provider amounts in the budget. He asked if the commissioners want to vote on the contracts as a whole or one at a time. It was agreed to vote on all the contracts at once. Hoffman read through the provider amounts in the budget and there was discussion on dollars allocated for providers.

ACTION - Ed Hoffman made the motion, seconded by Teri Teutsch, to approve the amounts currently in the budget for the list of providers named. Roll call – all voted yes; motion passed.

Terry Scoville left the meeting in progress at 2:30 pm.

Hoffman re-introduced Juan Paulo Ramirez. He spoke highly of Rameriz and his data collection services. Bauerkemper mentioned that, whether or not the commission has Magellan, data needs to be collected. It is vital that, along with billing, data information is submitted by providers. Ramirez is also able to provide a good data analysis report to the legislature, which will help the commission secure funding for GAP and comply with the requirement of submitting a report to the Governor and Legislature.

Hoffman commented that, since Terry Scoville left the meeting, there is not a super majority to vote on Ramirez's contract. Deb Hammond asked if the executive committee could make an emergency decision on the contract. Hoffman said that, since Terry was at the meeting and now left, the commission does not have the three-fourths majority needed to approve the contract. It was agreed to hold action on Ramirez's contract until he provides additional detail to the commission. Bauerkemper and Ramirez will work together on the contract completion.

Michael Losee was introduced. Losee is the Snitily Carr director of heath care marketing. Hoffman said he felt Snitily Carr provided very good marketing services in the past. He mentioned that Snitily Carr will need to submit an RFP if they want to continue working with GAP. The commission will have to review other applicants for marketing services and prepare RFT criteria.

Deb Hammond asked how to get the Play It Safe website back up. Losee said Snitily Carr feels the site is under ownership of the client and so DHHS should be asked about that. Hoffman said he would talk to Scot Adams/DHHS about it. Bauerkemper said he will tell the contracted service that they need to include separate phones numbers for the website so that prevention clients and crises clients can be handled appropriately.

GAP and NCPG Logos –

Bauerkemper presented a variety of logo recommendations. Hoffman said this was presented for information purposes. Bauerkemper said the DHHS logo needs to come off the GAP documents and asked for a recommendation to use immediately. A temporary logo was discussed.

Item 15. Next Meeting –

Agenda items 8 & 9 (Magellan and Ramirez) will be moved to the next meeting. Other items for the next meeting's agenda were discussed. Hoffman said he had a draft of the provider manual that he will send out to the commissioners.

Bauerkemper stated that the next meeting should be very soon to address the need for staff.

Next week, Bauerkemper will provide each commissioner with electronic data that needs to be signed and sent back so the provider contracts can be processed.

Hoffman asked if the public would like to add any additional comments or had questions:

- Wanda Swanson regarding provider rates and their approval.
- Rhonda Spence said she would be happy to share her billing and data forms with the commission.

The meeting adjourned at 2:55 pm.

LEGISLATIVE BILL 6

Approved by the Governor May 25, 2013

Introduced by Krist, 10.

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

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

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

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

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

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

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

(4) Program means the Gamblers Assistance Program.

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

(2) By July 1, 2013, the Governor shall appoint members of the commission as follows:

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

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

(c) One member with legal expertise;

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

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

(f) One member with data analysis expertise; and

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

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

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

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

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

(3) The commission shall appoint a director of the program, provide

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

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

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

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

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

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

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

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

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

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

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

71-817 The Compulsive Gamblers Assistance Fund is created. The fund shall include revenue transferred from the State Lottery Operation Trust Fund under section 9-812 and the Charitable Gaming Operations Fund under section 9-1,101 and any other revenue received by the division or commission for credit to the fund from any other public or private source, including, but not limited to, appropriations, grants, donations, gifts, devises, bequests, fees, or reimbursements. The ~~division~~ commission shall administer the fund for the treatment of problem gamblers as recommended by the State Committee on Problem Gambling established under section 71-816 and shall spend no more than ten percent of the money appropriated to the fund for administrative costs-~~operation of the Gamblers Assistance Program. The Director of Administrative Services shall draw warrants upon the Compulsive Gamblers Assistance Fund upon the presentation of proper vouchers by the ~~division~~ commission. 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 gambling, to promote the awareness of problem gamblers assistance programs, and to pay the costs and expenses of the Gamblers Assistance Program, including travel.~~ division and the committee with regard to problem gambling. The division shall not provide any direct services to problem gamblers or their families. Funds appropriated from the Compulsive Gamblers Assistance Fund shall not be granted or loaned to or administered by any regional behavioral health authority unless the authority is a direct provider of a problem gamblers assistance program. 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. 7. (1) Except as otherwise provided in subsection (2) of this section, no person acting on behalf of the Division of Behavioral Health of the Department of Health and Human Services or the department shall make expenditures not required by contract obligations entered into before July 1, 2013, until the Gamblers Assistance Program created in section 5 of this act

commences its duties.

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

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

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

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

(2) The Charitable Gaming Operations Fund is hereby created. 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.

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

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

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

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

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

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

Sec. 9. Section 9-812, Reissue Revised Statutes of Nebraska, 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 credited to the State Lottery Operation Trust Fund, which fund is hereby created. All payments of the costs of establishing and maintaining 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.

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

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

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

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

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

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

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

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

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

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

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

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

(d) For fiscal year 2012-13, the Education Innovation Fund shall be allocated as follows: (i) The first forty-five thousand dollars shall be transferred to the Excellence in Teaching Cash Fund to fund the Attracting Excellence to Teaching Program; (ii) the next three million three hundred sixty-five thousand nine hundred sixty-two dollars shall be distributed to school districts as grants pursuant to the Early Childhood Education Grant Program; (iii) the next two million one hundred seventy-five thousand six hundred seventy-three dollars shall be distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability pursuant to section 79-1108.02; (iv) the next one hundred eight thousand one hundred thirty-six dollars shall be used by the department for the development of an integrated early childhood, elementary, secondary, and postsecondary student information system; (v) the next four hundred fifty thousand dollars shall fund the Center for Student Leadership and Extended Learning Act; (vi) the next one hundred fourteen thousand six hundred twenty-nine dollars shall be used by the department to fund the multicultural education program created under section 79-720; (vii) the next one hundred twenty-three thousand four hundred sixty-eight dollars shall be used by the department to employ persons to investigate and prosecute alleged violations as provided in section 79-868; (viii) up to the next one hundred sixty thousand dollars shall be used by the department to implement section 79-759; (ix) the next twenty-seven thousand two hundred dollars shall be used to fund the Interstate Compact on Educational Opportunity for Military Children; (x) the next two hundred thousand dollars shall be used to provide grants to establish bridge programs pursuant to sections 79-1189 to 79-1195; and (xi) the amount remaining shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 79-1336 and 79-1337.

(e) For fiscal year 2013-14, the Education Innovation Fund shall be allocated as follows: (i) The first one million dollars shall be transferred to the Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act; (ii) the next allocation shall be distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability pursuant to section 79-1108.02 in an aggregated amount up to the amount distributed in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (iii) the next allocation shall be used by the State Department of Education for the integrated early childhood, elementary, secondary, and postsecondary student information system in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (iv) the next allocation shall fund the Center for Student Leadership and Extended Learning Act in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (v) the next allocation shall be used by the department to fund the multicultural education program created under section 79-720 in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (vi) the next allocation shall be used by the department to employ persons to investigate and prosecute alleged violations as provided in section 79-868 in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (vii) up to the next one hundred sixty thousand dollars shall be used by the department to implement section 79-759; (viii) the next two hundred thousand dollars shall be used to provide grants to establish bridge programs pursuant to sections 79-1189 to 79-1195; and (ix) the amount remaining shall be allocated, after administrative expenses, for distance education equipment

and incentives pursuant to sections 79-1336 and 79-1337.

(f) For fiscal year 2014-15, the Education Innovation Fund shall be allocated as follows: (i) The first one million dollars shall be transferred to the Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act; (ii) the next allocation shall be distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability pursuant to section 79-1108.02 in an aggregated amount up to the amount distributed in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (iii) the next allocation shall be used by the State Department of Education for the integrated early childhood, elementary, secondary, and postsecondary student information system in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (iv) the next allocation shall fund the Center for Student Leadership and Extended Learning Act in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (v) the next allocation shall be used by the department to fund the multicultural education program created under section 79-720 in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (vi) the next allocation shall be used by the department to employ persons to investigate and prosecute alleged violations as provided in section 79-868 in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (vii) the next two hundred thousand dollars shall be used to provide grants to establish bridge programs pursuant to sections 79-1189 to 79-1195; and (viii) the amount remaining shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 79-1336 and 79-1337.

(g) For fiscal year 2015-16, the Education Innovation Fund shall be allocated as follows: (i) The first one million dollars shall be transferred to the Excellence in Teaching Cash Fund to fund the Excellence in Teaching Act; (ii) the next allocation shall be distributed to local systems as grants for approved accelerated or differentiated curriculum programs for students identified as learners with high ability pursuant to section 79-1108.02 in an aggregated amount up to the amount distributed in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (iii) the next allocation shall be used by the State Department of Education for the integrated early childhood, elementary, secondary, and postsecondary student information system in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (iv) the next allocation shall fund the Center for Student Leadership and Extended Learning Act in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (v) the next allocation shall be used by the department to fund the multicultural education program created under section 79-720 in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; (vi) the next allocation shall be used by the department to employ persons to investigate and prosecute alleged violations as provided in section 79-868 in an aggregated amount up to the amount used in the prior fiscal year for such purposes increased by the basic allowable growth rate pursuant to section 79-1025; and (vii) the amount remaining shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 79-1336 and 79-1337.

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

(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 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.

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

9-831 The division shall spend not less than five percent of the

advertising budget for the state lottery on problem gambling prevention, education, and awareness messages. The division shall coordinate messages developed under this section with the prevention, education, and awareness messages in use on July 14, 2006, by or developed in conjunction with the Compulsive Gamblers Assistance Program established pursuant to section 71-817-5 of this act. For purposes of this section, the advertising budget for the state lottery includes amounts budgeted and spent for advertising, promotions, incentives, public relations, marketing, or contracts for the purchase or lease of goods or services that include advertising, promotions, incentives, public relations, or marketing, but does not include in-kind contributions by media outlets.

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

38-2121 The requirement to be licensed as a mental health practitioner pursuant to the Uniform Credentialing Act in order to engage in mental health practice 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 counselors who are licensed by the Division of Public Health of the Department of Health and Human Services and problem gambling counselors who are certified by the Department of Health and Human Services prior to July 1, 2013, or by the Nebraska Commission on Problem Gambling beginning on July 1, 2013, from practicing their profession. Such exclusion shall include students training and working under the supervision of an individual qualified under section 38-315;

(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 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

(9) 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. 12. Section 71-802, Reissue Revised Statutes of Nebraska, is amended to read:

71-802 The purposes of the Nebraska Behavioral Health Services Act are to: (1) Reorganize statutes relating to the provision of publicly funded behavioral health services; (2) provide for the organization and

administration of the public behavioral health system within the department; (3) rename mental health regions as behavioral health regions; (4) provide for the naming of regional behavioral health authorities and ongoing activities of regional governing boards; (5) reorganize and rename the State Mental Health Planning and Evaluation Council, and the State Alcoholism and Drug Abuse Advisory Committee; and the Nebraska Advisory Commission on Compulsive Gambling; (6) change and add provisions relating to development of community-based behavioral health services and funding for behavioral health services; and (7) authorize the closure of regional centers.

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

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

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

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

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

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

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

(6) Director means the Director of Behavioral Health;

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

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

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

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

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

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

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

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

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

LB 6

Passed by the legislature 48-0-1 on May 21, 2013

(One senator was absent. Later, in the Legislative Journal, he stated intent to vote for LB 6 had he been present.)

Signed into law by the governor on May 25, 2013

A Summary**The Nebraska Commission on Problem Gambling -**

- For administrative purposes only will be housed in the Division of Charitable Gaming in the Department of Revenue. Neither the Division nor the Department will have any authority over the decisions to be made or directions to be given by the Commission. The Commission will be an autonomous unit of state government.
- Commission will have nine members appointed by the governor and confirmed by the legislature. The members will include: **1** with medical or mental health expertise, **1** with banking or finance expertise, **1** with legal expertise, **1** from the field of education, **1** with data analysis expertise, **2** consumers of problem gambling services and **2** residents of Nebraska to represent the public-at-large.
- Members will be appointed for three-year terms, except the initial appointments to be made by July 1, 2013 will be staggered to avoid all terms ending concurrently in the future.
- Commission shall meet at least four times/year but may meet more often as needed. Every member must attend at least two meeting per year, unless excused by a majority of the members, or be removed for failure to participate.
- Commission shall adopt bylaws and appoint officers.
- Commission shall develop guidelines and standards of operation for the Gamblers Assistance Program (GAP), and direct the distribution and disbursement of money in the Compulsive Gamblers Assistance Fund (CGAF).
- Commission shall appoint a director of the GAP, provide for office space and equipment, and support and facilitate the work of the GAP.
- Director may hire, fire and supervise commission and GAP staff.
- Director shall be responsible for duties and administration of the GAP office, and shall report annually on issues related to problem gambling to the General Affairs Committee of the Legislature.
- All records, files and equipment belonging to the State Committee on Problem Gambling on June 30, 2013 will become the property of the Commission on July 1, 2013.
- Commission shall provide for evaluation and approval of provider applications and contracts for treatment and other services funded from the CGAF, and develop standards and guidelines for training and certification of

problem gambling counselors.

□ Commission shall provide for review and use of evaluation data, use of funds for education about and prevention of problem gambling, and creation and implementation of outreach and educational programs about problem gambling for Nebraska residents.

□ Commission may adopt and promulgate rules and regulations, and engage in other activities if finds necessary to carry out its duties.

The Gamblers Assistance Program (GAP) -

□ GAP shall contract with providers of problem gambling services to Nebraska consumers.

□ GAP shall promote public awareness of problem gambling and the availability of treatment services.

□ GAP shall evaluate the existence, scope and consequences of problem gambling in Nebraska through methods determined by the Commission.

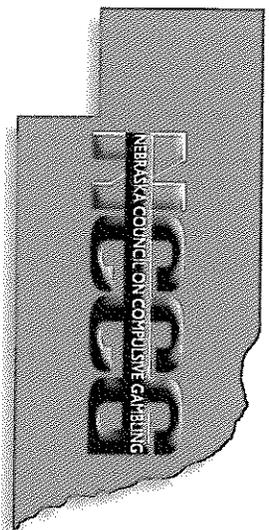
□ GAP shall perform other duties and services as determined by the Commission.

The Compulsive Gamblers Assistance Fund -

□ CGAF shall be moved with the Commission and the GAP.

□ The Commission shall administer CGAF for the operation of the GAP.

□ CGAF shall not be subject to any non-statutory expenditure limitation from any source and shall be available for expenditure to support the duties and activities of the Commission and the GAP.

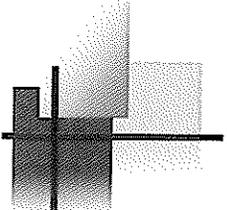


Welcome

GAP

Commission new members and
veterans

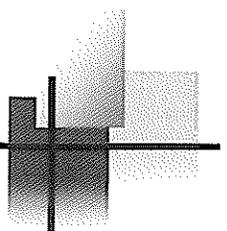




Presentation overview

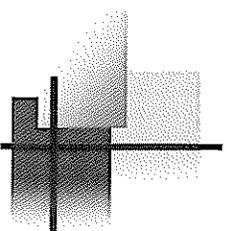
- What is GAP
 - GAP history
 - GAP mission
 - Data
- Where are we now...
 - Services provided
- Where are we going...
 - Program Expansion
 - Expanded gambling initiatives

Where have we been...



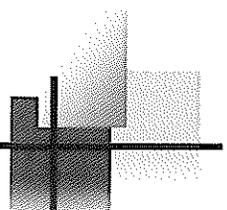
GAP history

- **1992 – Created as part of Nebraska Lottery Act**
- 1995 Transferred to DHHS Alcoholism, Drug Abuse
- 1996 – Funding increase from Charitable Gaming (\$250K)
- 1999 – Begin certifying compulsive gambling counselors first state in union
- **2000 – Funding increase from Lottery**
- 2004 – Behavioral Health Reform Act
 - Changed Commission to Advisory Committee
- 2005 – Legislature awards biennium funding



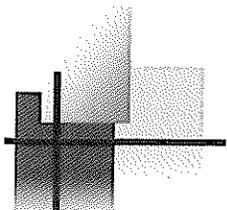
GAP History

- **2008 – Additional gambling related legislation** (committee powers increased)
- **2010 Strategic Plan process**
- **2013 Move from HHS to Independent Commission**



Presence of PG in NE

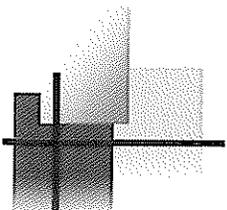
- 3% of adults (42,267) will experience gambling problems each year in Nebraska.
 - ***Estimated annual cost of \$215,561,700***
- 50% of adolescents begin gambling at 10 years of age or younger.
- 11% increase in gambling activities among Nebraska students between 2003 and 2005.
- Nebraska data has shown that there is a synergistic relationship between youth substance abuse, anti-social behavior and gambling that results in highly correlated behavior patterns.



Household debt due to Gambling

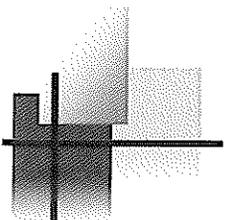
- Average household income of problem gamblers treated by GAP is \$41,900. Average current household debt related to gambling is \$74,500.
- Average household debt related to gambling is almost two times their household income.

Where have we been...



GAP Mission Statement

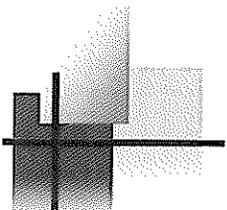
GAP is an administrative commission that utilizes expertise from a *service providers, and consumers* to coordinate activities, manage resources, direct services, and reduce the impact of problem gambling for all Nebraskans



GAP Services

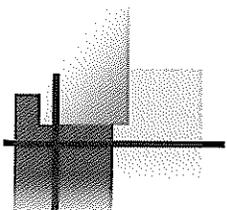
- Access to Information/Services
 - Helpline **1-800-522-4700** and **1-800 GAMBLER**
- Education
 - Outreach
 - Prevention Programs
 - Media Awareness
- Treatment of Problem Gambling
 - Certified Counselors

Where are we now...



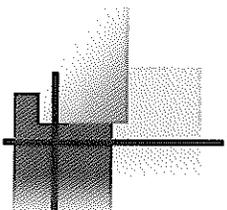
Who are your providers

- **CrossRoads ,Chadron**
- **Susanne J. Huebner, No Platte**
- **Betty Hampton, O'Neill NE**
- **Michael Sullivan, Norfolk**
- **Rebecca Green, Bradshaw / GI**



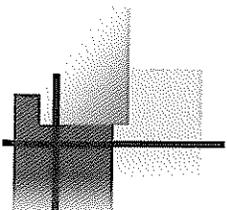
Providers Continued

- **First Step , Lincoln**
- **Choices, Lincoln**
- **Peace & Power Counseling, Omaha**
- **Heartland Family Service, Omaha**
- **Spence Counseling, Omaha**
- **Wanda Swanson, NE City**



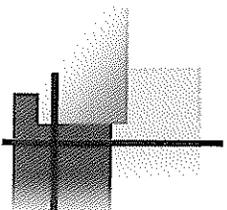
One more Slide

- **NCCG ,Elkhorn (statewide)**
- **Magellan, MIS (projected)**
- **Snitily Carr,Marketing-Outreach State (projected)**



Current Initiatives

- Educate Nebraska on Problem Gambling
 - Public Awareness Campaign
 - Prevention Play it Safe
- Treating Families
- Evaluation Program Services (Juan Paul Ramirez-Projected) (Magellan-Projected)

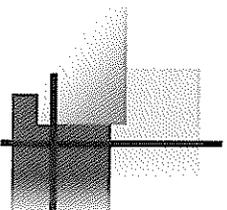


National Impact

- Midwest Conference on Problem Gambling and Substance Abuse

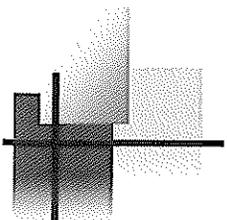
Internet gambling bill

- Member APGSA (state administrators)



Resources

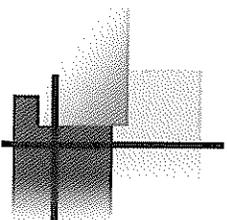
- Nebraska Gamblers Assistance Program
 - Nebraska Council on Compulsive Gambling
 - www.nebraskacouncil.com 402.292.0061
 - 1-800-522-4700
 - National Problem Gambling Awareness
 - www.npgaw.org
- Nebraska Play it safe (website currently down)



LB 6 Summary

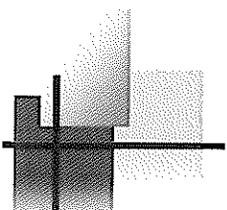
- Housed Dept. of Revenue
- Independent Commission
- Three year terms
- Meet quarterly (minimum)

LB6 Nine Member Commission



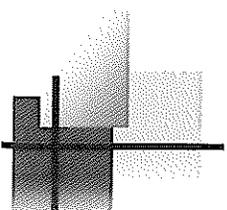
- Nine member Commission

1. 1 Medical
2. 1 Mental Health
3. 1 Educator
4. 1 Banking/Finance
5. 1 Data Analysis
6. 2 Consumers
7. 2 Public at Large



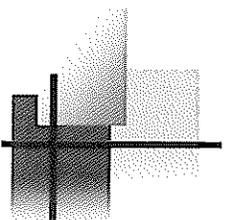
Commission Duties

- Adopt bylaws and appoint officers
- Develop standards of operation
- Direct distribution of funds
- Appoint Director



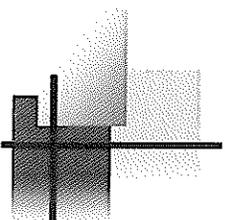
Directors Duties

- Hire /fire staff
- Responsible for administration of commission directives
- Prepare report for NE Legislature
- Manage Budget for GAP



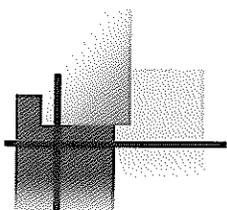
Monies moved to Commission

- First year budget of \$1,504,770
- Second year budget \$1.410,023
- Current monies in GAP fund \$1,7280,975 plus.
- Not all authorized by legislature
- Quarterly installments from Lottery



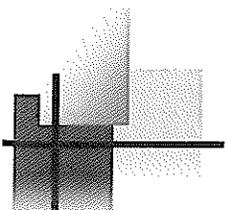
Monies to Commission

- \$500,000 in Sept. each year
- Quarterly installments 1% lottery net
 - Approx \$580,000 Total \$1,080,380
 - Includes \$50,000 Charitable gaming
 - \$200,000 EST 5% advertising funds from lottery
 - Estimated total \$1,280,380
 - \$225,000 Health Care Cash fund



Grand total monies

- Currently in the GAP fund \$ 1,728,975
- All HHS payments taken out of the fund



Staff Allocation from Legislature

- FY 14 \$91,960
- FY 15 \$94,259
- This includes salary and benefits for all staff hired

Charitable Gaming office and supplies allocation

- FY 14 \$8,646
- FY 15 \$3,946
- Includes office space and supplies as negotiated

Nebraska Commission on Problem Gambling DRAFT Bylaws 7/2013**BY-LAWS****Article I – Name of Organization**

The name of the organization shall be the Nebraska Commission on Problem Gambling.

ARTICLE II – PURPOSE

As provided by Neb.Rev.Stat.§9-1004, the purpose of the Nebraska Commission on Problem Gambling (Commission) is to: (1) develop guidelines and standards for the Gamblers Assistance Program (Program), and direct the distribution and disbursement of money in the Compulsive Gambler Assistance Fund; (2) provide for a process for (a) the evaluation and approval of provider applications and contracts for treatment and other services funded from the Compulsive Gamblers Assistance Fund, (b) the review and use of evaluation data, (c) the use and expenditure of funds for education regarding problem gambling and prevention of problem gambling, (d) the creation and implementation of outreach and educational programs regarding problem gambling for Nebraska residents, and (e) develop standards and guidelines for training and certification of problem gambling counselors; (3) appoint a director of the Program and provide for office space and equipment, and support and facilitate the work of the Program; (4) adopt and promulgate rules and regulations and engage in other activities it may find necessary to carry out its duties under sections 9-1001 to 9-1007; and (5) submit a report within sixty days after the end of each fiscal year to the Governor and the Clerk of the Legislature that provides details of the administration of the program and distribution of funds from the Compulsive Gamblers Assistance Fund. The report submitted to the Legislature shall be submitted electronically.

ARTICLE III – DIRECTIVES

As provided by Neb. Rev. Stat. §9-1001, it is the intent of the Legislature that the Compulsive Gamblers Assistance Fund be used primarily for counseling and treatment services for problem gamblers and their families who are residents of Nebraska. 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 gambling, to promote the awareness of gamblers assistance programs, and to pay the costs and expenses of the Gamblers Assistance Program, including travel, as provided by Neb. Rev. Stat. §9-1006.

ARTICLE IV – MEMBERSHIP

Appointments: The Commission shall consist of nine members appointed by the Governor and subject to confirmation by a majority of the members of the Legislature. The appointment of members shall be as follows: one member with medical care or mental health expertise, one member with expertise in banking and finance, one member with legal expertise, one member with expertise in the field of education, one member with data analysis expertise, two members who are consumers of problem gambling services and two members who are residents of the state and are representative of the public at large. The members of the Commission shall have no

Nebraska Commission on Problem Gambling DRAFT Bylaws 7/2013

pecuniary interest either directly or indirectly in a contract with the program providing services to problem gamblers and shall not be employed by the Commission or the Department of Revenue as provided by Neb. Rev. Stat. §9-1003.

Length of Term: The terms of the members shall be for three years, except that the Governor shall designate three of the initial appointees to serve initial terms beginning on July 1, 2013 and ending on March 1, 2014, three of the initial appointees to serve initial terms beginning on July 1, 2013 and ending on March 1, 2015, and three of the initial appointees to serve initial terms beginning on July 1, 2013 and ending on March 1, 2016. The Governor shall appoint members to fill vacancies in the same manner as the original appointments, and such appointees shall serve for the remainder of the unexpired term.

ARTICLE V – VOTING

Quorum: A simple majority of appointed Commission members present at any called meeting shall constitute a quorum. Once established a quorum shall be deemed to continue throughout the meeting. All votes to award funds from the Compulsive Gamblers Assistance Fund and amend Bylaws shall require a two-thirds majority vote of appointed Commission members. All other Commission business shall be conducted by a simple majority vote of those members present.

Conflicts of Interest: A conflict of interest is created through the existence of circumstances whereby the actions of a member may have an effect of direct financial benefit or detriment to the member, a member of his/her family, employer, business associate or a business in which the member owns a substantial interest. A member shall disclose the conflict to the Commission and abstain from voting on issues for which there is a direct conflict. Meeting minutes shall record the name of a member(s) who abstains from voting.

ARTICLE VI – OFFICERS

Selection: The Commission shall appoint one of its members as chairperson of the Commission and other officers as it deems appropriate as provided by Neb. Rev. Stat. §9-1004. Officers of the Commission shall be a chairperson, vice chairperson and secretary. Officers shall be elected biennially. In the event of a vacancy, the Commission shall elect a member to serve the unexpired term of office.

Duties: The duties of the officers shall be:

Chairperson – Preside at all Commission and executive meetings, and perform any other duties designated by the Commission. The Commission shall meet upon the call of the chairperson or a majority of its members to conduct its official business as provided by Neb. Rev. Stat. §9-1001-9-1007.

Vice Chairperson – Shall act for the chairperson in his/her absence.

ARTICLE IX – COMMITTEES

The chairperson may appoint or otherwise establish ad-hoc task forces comprised of Commission and non-Commission members to accomplish a specific task which is relevant to the purpose of the Commission.

ARTICLE X – REPORT

The Commission shall submit a report within sixty days after the end of each fiscal year to the Governor and the Clerk of the Legislature that provides details of the administration of the Program and distribution of funds from the Compulsive Gamblers Assistance Fund. The report submitted to the Legislature shall be submitted electronically as provided by Neb.Rev.Stat.§9-1004.

ARTICLE XI – BYLAWS

The Commission shall adopt bylaws to govern its operation. There shall be a review of the bylaws at least every three years. Proposed amendments to the bylaws shall be established as part of a meeting agenda, and a copy of the proposed change(s) shall be mailed to members within thirty but not less than seven calendar days prior to the meeting at which the vote will take place. A two-thirds majority vote of all Commissioners shall be required to amend the bylaws.

Adopted this 16th Day of July 2013

Chairperson's Signature

NCCG Helpline July 1-15, 2013 Total Calls: 57 Lottery/Casino: 22 Wrong #/Hang Up: 23 Miscellaneous: 4 Legitimate: 8

Date/Time	Caller	Gambler Age	City	M/F	Gambling Activity	Referral Source	Referred From:
7/1 12:31 p.m.	Gambler	35	Omaha	F	Slots	HFS, Spence, Peace Power, C. Charities	Bets Off
7/3 8:24 a.m.	Sister	36	Crete	F	Keno	First Step, Choices	Bets Off
7/3 9:48 p.m.	Gambler	Unk	Omaha	M	Table Games	Spence (return client)	Casino
7/3 5:05 p.m.	Daughter	75	Lincoln	F	Slots	Choices	Internet
7/5 8:33 a.m.	Mother	25	Lincoln	M	Sports/Internet	Choices (return client)	Phone Book
7/5 4:27 p.m.	Gambler	51	Omaha	F	Slots	Spence, Peace Power	Bets Off
7/9 244 p.m.	Son	42	Omaha	M	Table Games	HFS, Spence, Peace Power, C. Charities	Casino
7/9 10:50 a.m.	Daughter	56	Beemer	F	Slots	Choices, Mike Sullivan	Direct Referral Bets Off

2 Miscellaneous calls from Omaha G-12 leader.

1 Miscellaneous call was looking for GA in Lincoln.

ATTACHMENT E

JERRY BAUERKEMPER
 1025 S. 216th
 OMAHA, NEBRASKA 68022
 (402)699-6810

Objectives: To obtain a position combining management skills and innovative programming.

Education: Dana College, Blair, NE (1975-1979), Bachelor of Science Degree in Social Work; Minor in Psychology.

Qualifications: Thirty years of addictions counseling; including 20 years of administration and management.

RELATED MANAGEMENT ACCOMPLISHMENTS

- Development, implementation and supervision of a statewide Compulsive Gambling Program in the State of Nebraska.
- Plan, implement and maintain a yearly operating budget of over \$600,000.
- Hire and supervise a staff of counselors and support staff.
- Provide clinical consultation for various public and private agencies.
- Author of numerous successful governmental and private foundation grants.
- Appointed to the Governors Advisory commission on compulsive Gambling.
- Member of management Team involved in long term planning for \$5,000,000 social service agency.
- Created a Quality Assurance Program for multi-service social service agency.
- Nationally recognized speaker on various aspects of Pathological Gambling.

WORK EXPERIENCE

1998-Present: Executive Director, Nebraska Council on Compulsive Gambling

Duties: Management of statewide, not for profit council, whose mission is to provide training, helpline and public awareness to the citizens of Nebraska in the area of problem gambling. Additional duties include advocating for increased funding for problem gambling treatment and awareness through local, state and federal governmental agencies. Primary grant writer and fund raiser for the agency. Presentations on aspects of problem gambling to various local community groups (i.e. Rotary Clubs, Church groups, Optimists, Junior League, etc.).

Member of the National Council on Problem Gambling. Chair of the Awards Committee and member of Ethics, Helpline, Legislation and Nominations committees.

1997-1998: Iowa Regional Manager, Family Service

Duties: Overall administration of all Iowa based services including Juvenile Justice Program, Social Work Support, Domestic Violence, Mental Health Counseling, Pathological Gambling Counseling, Homeless Programming, In-Home Counseling, etc in 11 counties in Iowa.

1994-1997: Director of Compulsive Gambling Services for the State of Nebraska
Duties: Develop and implement statewide compulsive gambling treatment services for Nebraska. Reports to Division Director, Nebraska Division on Alcoholism, Drug Abuse and Addiction Services and provides leadership for Compulsive Gambling Commission.

1982-1994: Outpatient Treatment Director, Family Service Addiction Services
Duties: Oversee and evaluate adult and adolescent treatment program. Supervise program staff. Hire and conduct performance appraisals for all assigned staff. Oversee utilization of psychiatric, psychological, medical and all other services. Review client records and give written review. Oversee compulsive gambling program. Plan and maintain budget.

1982: Adolescent Chemical Dependency Counselor, Methodist Hospital, Omaha, NE
Duties: Provided inpatient counseling to adolescents with substance abuse problems.

1982: Christus House, Adolescnet Residential Treatment Facility (January through April 1982)
Lead counselor responsible for initial group and education to the adolescents while maintaining treatment team and providing occasional supervision to other treatment counselors.

1980-1982: St. Gabriel's Residential Treatment Center
Duties: Provide inpatient, individual and group counseling to the indigent population requiring chemical dependency treatment.

1979-1980: St. Raphaels Mens Halfway House
Duties: Lead counselor providing individual, group and employment counseling for men needing a long-term transitional facility.

CONTINUING EDUCATION/TRAINING:

- Completed over 4000 hours of compulsive gambling training.
- Provided training in locally and nationwide.
- Participated in creation of the nationally approved Pathological Gambling Counselor Certification Test.

ADDITIONAL ACCOMPLISHMENTS:

- Developed original concept for HALO Program: a pre-school alcohol/drug prevention program currently used throughout the United States.
- Authored the proposal, secured a \$1,000,000 grant and implemented the actual site development of the only homeless transitional housing facility in Council Bluffs, Iowa.

REFERENCES AVAILABLE UPON REQUEST

REFERENCES

Randy Stinchfield, PhD, LP
Department of Psychiatry
University of Minnesota Medical School
Randy.D.Stinchfield@UMN.edu

Candace Peters
Director of Training
Prairielands ATTC
University of Iowa
1207 Westlawn
Iowa City, IA 52242
319-335-5362

Mark Vanderlinden
Program Manager
Iowa Department of Public Health
Office of Problem Gambling Treatment and Prevention
321 E. 12th Street
Des Moines, IA 50319
515-281-8802

Desiree Goetze, MPH, CHS, CPP
Assistance Project Manager
Indiana Problem Awareness Program
Indiana University
Indiana University Research Park
501 N. Morton Ste. 110
Bloomington, IN 47408
812-855-7872

Keith Whyte
Executive Director
National Council on Problem Gambling
730 11th Street NW Ste. 601
Washington, DC 20001
202-547-9204

Deb Hammond
Director
Choices Gambling Treatment Center
127 So 37th Street
Lincoln, NE 68510
402-476-2300
Email: choices934@windstream.net

Ed Hoffman

From: ExNCCGJB@aol.com
Sent: Tuesday, July 02, 2013 9:07 PM
To: Ed Hoffman
Subject: Re: Discussion
Attachments: JERRYBAUERKEMPERResume.doc

ED,

I will take a leave of absence from all NCCG Nebraska services for the duration of the contract with the gambling commission.

I am looking at \$65 per hour 1099 contract. I will be responsible for all taxes.

I will spend an average of 15 to 20 hours per week in performing the required tasks of the gambling commission to set up and initiate the gamblers assistance program.

I will answer the phone from 8-5 Monday through Friday as I will transfer the phone to my cell phone when not in the office.

Attached is my resume

Jerry Bauerkemper



Ed Hoffman and the NCPG committee:

July 12, 2013

The Nebraska Council on Compulsive Gambling (NCCG) is granting Jerry Bauerkemper, Executive Director a leave of absence from all Nebraska duties for a period of three months. This agreement may be extended as needed and at the sole discretion of the Board of Directors of the Nebraska Council

Mr. Bauerkemper will have no interaction with the NCCG or its' staff regarding any Nebraska service other than business conducted for the Nebraska commission on Problem Gambling (NCPG). He will not attend NCCG board meetings or have contact with any board member in anyway not authorized by the Nebraska Commission on Problem Gambling.

Mr. Bauerkemper shall receive no pay derived from any contract developed or engaged in between the NCCG and the NCPG.

All questions shall be referred to the NCCG board of directors and its' president David Hoppe.

Respectfully

David Hoppe, President

Nebraska Council on Compulsive Gambling

MICHAEL SULLIVAN COUNSELING

LICENSED CLINICAL SOCIAL WORKER



COMPULSIVE GAMBLING COUNSELOR

July 15, 2013

To: Ed Hoffman, Gamblers Assistance Program Commission

Dear Mr. Hoffman:

I am writing in reference to two upcoming contracts:

- 1.) The Problem Gamblers Helpline
- 2.) CCGC Provider Trainings.

THE HELPLINE: The Problem Gamblers Helpline has been an important resource for gamblers and family members since at least 1996, when I first started helping problem gamblers and their families. The helpline has successfully provided access to information about problem gambling and a bridge to connect citizens with Gamblers Assistance Program (GAP) treatment providers in Nebraska. Until this last year I have always considered the helpline a valuable asset to our program statewide. It was up until this past year that the Nebraska Council on Compulsive Gambling (NCCG) had the contract with GAP to provide hotline services to the citizens of our state. They lost the contract to a provider who offered a lesser bid.

While I cannot speak to others experience, I can tell you that I have had not a single call from the new helpline provider or from a single consumer who used their service since the new provider took over this past fiscal year. There has been no communication from helpline personnel at all and it is as if there was no awareness of the existence of my agency during this time period. This stands in stark contrast to the many referrals and direct phone links and just regular contact I received while NCCG held the contract for services in previous years. Needless to say, this has been a discouraging turn of events.

PROVIDER TRAININGS: As you know Certified Compulsive Gambling Counselors (CCGC's) seek continuing education in the field of problem gambling, both for their benefit as a clinician and in order to obtain continuing education credits for certification renewal. The research in our field is growing rapidly and new approaches to treatment are surfacing at a fast pace. I personally always look forward to learning what new information is available to increase my level of competence. Sadly, my experience with the sparse and mediocre educational opportunities from the most recently contracted provider for this service has been no less than abysmal.

I offer you a contrast to the years when NCCG provided training. During the years when NCCG had the contract, I received monthly "FYI" correspondence from them, offering current news from the field. Any new person seeking primary training as a Provisionally Certified Gambling

MAILING ADDRESS: P.O. BOX 1815 ♦ NORFOLK, NE 68702-1815 t : 402. 750.7923
OFFICE : THE McMILL BUILDING ♦ SUITE 217 ♦ 125 SOUTH 4TH STREET ♦ NORFOLK, NE 68701

Letter to ED Hoffman //July 15, 2013

Counselor was assured a quality comprehensive foundation from NCCG. In addition, regular quality workshops were scheduled with highly qualified, nationally renowned presenters in the field of problem gambling, for those of us who needed more advanced training. NCCG was on the cutting edge and sought our feedback for trainings. Contrast this with the scarce email notifications from the present provider whose “gambling” trainings were grouped with other types of trainings, offering a muddled and confusing morass of unexceptional training topics and at times inferior trainers (i.e. one former provisional GAP provider, who never completed his certification, but had dropped out of the GAP altogether, was offered the opportunity to provide a training by the contracted provider).

SUMMARY: It was a sad day when training and helpline services changed hands and I am therefore excited at the prospect of having NCCG reapply to provide for the contract to provide these services. NCCG is without peer in quality for training both in the state and nationally. The “Council” as it is known among those who have had a long association with them, and Mr. Bauerkemper its Executive Director, offer a surplus of competence and experience that far exceeds any gain sought by providing a less expensive contract to an unqualified organization who lowers the standard of problem gambling treatment in Nebraska and which has frankly been an unhelpful phantom in my experience.

The new commission has an opportunity to correct a past mistake made by those who chose to award these contracts to a poorer cousin this last year. I urge you Mr. Hoffman and the new commission, to use this opportunity to award the contract for services for training and the problem gambling helpline to the Nebraska Council on Compulsive Gambling and by so doing, to re-establish a standard of quality in these critical aspects of the Nebraska Gamblers Assistance Program.

Thank you for your consideration.

Michael Sullivan

Michael Sullivan
Licensed Clinical Social Worker
Certified Compulsive Gambling Counselor
(402)750-7923