

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 549

Introduced by Council, 11.

Read first time January 19, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game and Parks Commission; to amend
2 section 59-1608.04, Reissue Revised Statutes of Nebraska;
3 to state intent; to create and provide for the Nebraska
4 Youth Conservation Program; to provide duties for the
5 commission; to provide for rules and regulations and a
6 report; to create a fund; to provide for the transfer of
7 funds; to change provisions relating to the State
8 Settlement Cash Fund; to provide a duty for the Revisor
9 of Statutes; to repeal the original section; and to
10 declare an emergency.

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

1 Section 1. (1) The Legislature finds that:

2 (a) Every Nebraska youth should be encouraged to reach
3 his or her full potential, but that many youth require guidance and
4 support to reach their goals and make positive changes in their
5 lives;

6 (b) Conserving and developing natural resources and
7 enhancing and maintaining environmentally important land and water
8 through the employment of Nebraska's at-risk youth is beneficial not
9 only to the youth by providing them with education and employment
10 opportunities but also to the state's economy and environment; and

11 (c) The Nebraska Youth Conservation Program will offer
12 Nebraska a unique opportunity to meet the goals of increasing
13 understanding and appreciation of the environment and helping at-risk
14 youth become productive adults.

15 (2) It is the intent of the Legislature:

16 (a) That Nebraska Youth Conservation Program participants
17 complete their participation in the program having learned good work
18 habits, positive attitudes, and broadened professional horizons;

19 (b) That the program combine academic, environmental, and
20 job skills training with personal growth opportunities in order to
21 develop productive youth who can make substantial contributions as
22 Nebraska workers and citizens; and

23 (c) To ensure that the program is self-sustaining with
24 stable and predictable funding and, in pursuit of that goal, that all
25 state agencies look to the program first to have its participants

1 engage in projects that further the mission of the program.

2 Sec. 2. (1) The Nebraska Youth Conservation Program is
3 created. The purpose of the program is to employ Nebraska's at-risk
4 youth on projects which contribute to conserving or developing
5 natural resources and enhancing and maintaining environmentally
6 important land and water under the jurisdiction of the Game and Parks
7 Commission. The program shall combine academic, environmental, and
8 job skills training with personal growth opportunities for the
9 participants. The commission shall administer and maintain the
10 program.

11 (2) Participants shall be at-risk youth who are (a)
12 sixteen years of age or older and younger than twenty-one years of
13 age, (b) unemployed, and (c) residents of Nebraska. Special effort
14 shall be made to select applicants residing in high-poverty areas,
15 whether urban or rural. For purposes of this section, high-poverty
16 area means an area consisting of one or more contiguous census
17 tracts, as determined by the most recent federal decennial census,
18 which contain a percentage of persons with incomes below the poverty
19 line of greater than thirty percent and all census tracts contiguous
20 to such tract or tracts, as determined by the most recent federal
21 decennial census.

22 (3) Participants shall be paid not less than the minimum
23 wage described in section 48-1203. Participation in the program shall
24 be for a period of six weeks for each participant.

25 (4) Participants in the Nebraska Youth Conservation

1 Program shall not be considered state employees for any purpose,
2 including, but not limited to, the State Employees Collective
3 Bargaining Act, the State Employees Retirement Act, the Employment
4 Security Law, the state employees group health insurance program and
5 any other group insurance available to state employees, vacation
6 leave, sick leave, or any other paid leave program available to state
7 employees, any other benefits offered to state employees based on
8 their status as state employees, hours of work, rates of
9 compensation, leave under the federal Family and Medical Leave Act of
10 1993, or any other purpose. This subsection does not apply to crew
11 chiefs and other administrative and supervisory personnel of the
12 program, all of whom shall be employees of the Game and Parks
13 Commission.

14 (5) For purposes of this section, at-risk youth means a
15 youth who has been impacted directly by substance abuse or physical
16 abuse, has had negative contact with law enforcement, or is not
17 experiencing success in school and is in jeopardy of dropping out.

18 Sec. 3. The Game and Parks Commission may adopt and
19 promulgate rules and regulations to carry out the Nebraska Youth
20 Conservation Program, which rules and regulations may include, but
21 need not be limited to, the application process, the selection
22 process, projects to which participants in the program shall be
23 assigned, and any other matters the commission deems necessary.

24 Sec. 4. On or before December 1, 2012, the Game and Parks
25 Commission shall report to the Legislature on the Nebraska Youth

1 Conservation Program. The report shall include, at a minimum, the
2 number and ages of the participants, the areas in which they reside,
3 the rate of compensation of participants, the number and type of
4 projects in which participants engaged, the significance of those
5 projects to the environment and the economy of the state, and any
6 other matters the commission deems significant for inclusion in the
7 report.

8 Sec. 5. The Nebraska Youth Conservation Program Fund is
9 created. The fund shall consist of appropriations by the Legislature
10 and any gifts, grants, bequests, and other contributions to the fund
11 for purposes of the Nebraska Youth Conservation Program. The fund
12 shall be used by the Game and Parks Commission to carry out the
13 program. Any money in the fund available for investment shall be
14 invested by the state investment officer pursuant to the Nebraska
15 Capital Expansion Act and the Nebraska State Funds Investment Act.

16 Sec. 6. Within five days after the effective date of this
17 act, the State Treasurer shall transfer \$994,400 from the State
18 Settlement Cash Fund to the Nebraska Youth Conservation Program Fund.

19 Sec. 7. Section 59-1608.04, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 59-1608.04 The State Settlement Cash Fund is created. The
22 fund shall be maintained by the Department of Justice and
23 administered by the Attorney General. Except as otherwise provided by
24 law, the fund shall consist of all recoveries received pursuant to
25 the Consumer Protection Act, including any money, funds, securities,

1 or other things of value in the nature of civil damages or other
2 payment, except criminal penalties, whether such recovery is by way
3 of verdict, judgment, compromise, or settlement in or out of court,
4 or other final disposition of any case or controversy, or any other
5 payments received on behalf of the state by the Department of Justice
6 and administered by the Attorney General for the benefit of the state
7 or the general welfare of its citizens, but excluding all funds held
8 in a trust capacity where specific benefits accrue to specific
9 individuals, organizations, or governments. ~~All money in the fund~~
10 ~~shall be subject to legislative review and shall be appropriated and~~
11 ~~expended for any allowable legal purposes as determined by the~~
12 ~~Legislature. The fund shall only be appropriated to a separate and~~
13 ~~distinct budget program and such appropriations shall only be~~
14 ~~expended from a separate and distinct budget subprogram and shall not~~
15 ~~be commingled with any other revenue or expenditure. Transfers may be~~
16 ~~made from the fund to the General Fund and the State DNA Sample and~~
17 ~~Data Base Fund at the direction of the Legislature. The fund may be~~
18 ~~expended for any allowable legal purposes as determined by the~~
19 ~~Attorney General.~~ To provide necessary financial accountability and
20 management oversight, revenue from individual settlement agreements
21 or other separate sources credited to the State Settlement Cash Fund
22 may be tracked and accounted for within the state accounting system
23 through the use of separate and distinct funds, subfunds, or any
24 other available accounting mechanism specifically approved by the
25 Accounting Administrator for use by the Department of Justice. Any

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

4 Sec. 8. The Revisor of Statutes shall assign sections 1
5 to 5 of this act within Chapter 37, article 9.

6 Sec. 9. Original section 59-1608.04, Reissue Revised
7 Statutes of Nebraska, is repealed.

8 Sec. 10. Since an emergency exists, this act takes effect
9 when passed and approved according to law.