

LEGISLATURE OF NEBRASKA
 ONE HUNDRED SECOND LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 549

Final Reading

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 Game and Parks Commission
24 coordinate and collaborate with partners from other state and federal
25 government agencies, political subdivisions, postsecondary

1 educational institutions, and community organizations and enter into
2 agreements with such partners for the benefit of the program, as
3 appropriate.

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

5 (1) At-risk youth means a youth who has a barrier to
6 successful employment, demonstrates low income by living in a
7 household with income that falls below the federal poverty guidelines
8 or by receiving public assistance, has been impacted directly by
9 substance abuse or physical abuse, has had negative contact with law
10 enforcement, or is not experiencing success in school and is in
11 jeopardy of dropping out; and

12 (2) Commission means the Game and Parks Commission.

13 Sec. 3. (1) The Nebraska Youth Conservation Program is
14 created. The purpose of the program is to employ Nebraska's at-risk
15 youth on projects which contribute to conserving or developing
16 natural resources and enhancing and maintaining environmentally
17 important land and water under the jurisdiction of the commission.
18 The program shall combine academic, environmental, and job skills
19 training with personal growth opportunities for the participants. The
20 commission may administer and maintain the program, directly or by
21 means of contractual arrangement with an experienced service provider
22 or the Department of Labor.

23 (2) Participants shall be at-risk youth who are at least
24 sixteen years of age and not older than twenty-one years of age,
25 unemployed, and residents of Nebraska. Special effort shall be made

1 to select applicants residing in rural and urban high-poverty areas,
2 as determined by the most recent federal census data.

3 (3) Participants shall be paid not less than the minimum
4 wage described in section 48-1203. Participation in the program shall
5 be for a period of six weeks for each participant. Participants and
6 program supervisory personnel may be provided meals during the six-
7 week work period. Protective clothing items shall be provided to
8 participants and supervisory personnel as work conditions warrant.

9 (4) Participants in the Nebraska Youth Conservation
10 Program may be considered temporary employees. This subsection does
11 not apply to crew chiefs and other administrative and supervisory
12 personnel of the program, all of whom may be employees of the
13 commission or employees of an entity hired by or under contract with
14 the commission or the Department of Labor to administer the program.
15 The program shall not result in displacement of current employees or
16 cause a reduction in current employees' hours or wages and shall be
17 in compliance with applicable federal and state labor and education
18 laws.

19 (5) The commission may coordinate with federal, state,
20 and local programs that provide job training and placement services
21 and education opportunities for participants after completing the
22 program.

23 Sec. 4. The commission may adopt and promulgate rules and
24 regulations to carry out the Nebraska Youth Conservation Program,
25 which rules and regulations may include, but need not be limited to,

1 the application process, the selection process, projects to which
2 participants in the program shall be assigned, and any other matters
3 the commission deems necessary.

4 Sec. 5. On or before December 1, 2012, the commission
5 shall report to the Legislature on the Nebraska Youth Conservation
6 Program. The report shall include, at a minimum, the number and ages
7 of the participants, the areas in which they reside, the rate of
8 compensation of participants, the number and type of projects in
9 which participants engaged, the significance of those projects to the
10 environment and the economy of the state, and any other matters the
11 commission deems significant for inclusion in the report.

12 Sec. 6. The Nebraska Youth Conservation Program Fund is
13 created. The fund shall consist of appropriations by the Legislature
14 and any gifts, grants, bequests, and other contributions to the fund
15 for purposes of the Nebraska Youth Conservation Program. The fund
16 shall be used by the commission to carry out the program. Any money
17 in the fund available for investment shall be invested by the state
18 investment officer pursuant to the Nebraska Capital Expansion Act and
19 the Nebraska State Funds Investment Act.

20 Sec. 7. Within five days after the effective date of this
21 act, the State Treasurer shall transfer \$994,400 from the State
22 Settlement Cash Fund to the Nebraska Youth Conservation Program Fund.

23 Sec. 8. Section 59-1608.04, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 59-1608.04 The State Settlement Cash Fund is created. The

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

1 may be tracked and accounted for within the state accounting system
2 through the use of separate and distinct funds, subfunds, or any
3 other available accounting mechanism specifically approved by the
4 Accounting Administrator for use by the Department of Justice. Any
5 money in the fund available for investment shall be invested by the
6 state investment officer pursuant to the Nebraska Capital Expansion
7 Act and the Nebraska State Funds Investment Act.

8 Sec. 9. The Revisor of Statutes shall assign sections 1
9 to 6 of this act within Chapter 37, article 9.

10 Sec. 10. Original section 59-1608.04, Reissue Revised
11 Statutes of Nebraska, is repealed.

12 Sec. 11. Since an emergency exists, this act takes effect
13 when passed and approved according to law.