

LEGISLATIVE BILL 549

Approved by the Governor May 17, 2011

Introduced by Council, 11.

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

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

Section 1. (1) The Legislature finds that:

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

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

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

(2) It is the intent of the Legislature:

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

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

(c) To ensure that the Game and Parks Commission coordinate and collaborate with partners from other state and federal government agencies, political subdivisions, postsecondary educational institutions, and community organizations and enter into agreements with such partners for the benefit of the program, as appropriate.

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

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

(2) Commission means the Game and Parks Commission.

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

(2) Participants shall be at-risk youth who are at least sixteen years of age and not older than twenty-one years of age, unemployed, and residents of Nebraska. Special effort shall be made to select applicants residing in rural and urban high-poverty areas, as determined by the most recent federal census data.

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

(4) Participants in the Nebraska Youth Conservation Program may be considered temporary employees. This subsection does not apply to crew chiefs

and other administrative and supervisory personnel of the program, all of whom may be employees of the commission or employees of an entity hired by or under contract with the commission or the Department of Labor to administer the program. The program shall not result in displacement of current employees or cause a reduction in current employees' hours or wages and shall be in compliance with applicable federal and state labor and education laws.

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

Sec. 4. The commission may adopt and promulgate rules and regulations to carry out the Nebraska Youth Conservation Program, which rules and regulations may include, but need not be limited to, the application process, the selection process, projects to which participants in the program shall be assigned, and any other matters the commission deems necessary.

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

Sec. 6. The Nebraska Youth Conservation Program Fund is created. The fund shall consist of appropriations by the Legislature and any gifts, grants, bequests, and other contributions to the fund for purposes of the Nebraska Youth Conservation Program. The fund shall be used by the commission to carry out the 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. Within five days after the effective date of this act, the State Treasurer shall transfer \$994,400 from the State Settlement Cash Fund to the Nebraska Youth Conservation Program Fund.

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

59-1608.04 The State Settlement Cash Fund is created. The fund shall be maintained by the Department of Justice and administered by the Attorney General. Except as otherwise provided by law, the fund shall consist of all recoveries received pursuant to the Consumer Protection Act, including any money, funds, securities, or other things of value in the nature of civil damages or other payment, except criminal penalties, whether such recovery is by way of verdict, judgment, compromise, or settlement in or out of court, or other final disposition of any case or controversy, or any other payments received on behalf of the state by the Department of Justice and administered by the Attorney General for the benefit of the state or the general welfare of its citizens, but excluding all funds held in a trust capacity where specific benefits accrue to specific individuals, organizations, or governments. All money in the fund shall be subject to legislative review and shall be appropriated and expended for any allowable legal purposes as determined by the Legislature. The fund shall only be appropriated to a separate and distinct budget program and such appropriations shall only be expended from a separate and distinct budget subprogram and shall not be commingled with any other revenue or expenditure. Transfers may be made from the fund to the General Fund and the State DNA Sample and Data Base Fund at the direction of the Legislature. The fund may be expended for any allowable legal purposes as determined by the Attorney General. To provide necessary financial accountability and management oversight, revenue from individual settlement agreements or other separate sources credited to the State Settlement Cash Fund may be tracked and accounted for within the state accounting system through the use of separate and distinct funds, subfunds, or any other available accounting mechanism specifically approved by the Accounting Administrator for use by the Department of Justice. 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. 9. The Revisor of Statutes shall assign sections 1 to 6 of this act within Chapter 37, article 9.

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

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