

AMENDMENTS TO LB 190

(Amendments to E & R amendments, ER8149)

Introduced by Avery, 28.

1 1. Insert the following new section:

2 Sec. 6. Section 59-1608.04, Revised Statutes Cumulative
3 Supplement, 2008, as amended by section 34, Legislative Bill 3, One
4 Hundred First Legislature, First Special Session, 2009, is amended
5 to read:

6 59-1608.04 The State Settlement Cash Fund is created.
7 The fund shall be maintained by the Department of Justice and
8 administered by the Attorney General. Except as otherwise provided
9 by law, the fund shall consist of all recoveries received pursuant
10 to the Consumer Protection Act, including any money, funds,
11 securities, or other things of value in the nature of civil
12 damages or other payment, except criminal penalties, whether such
13 recovery is by way of verdict, judgment, compromise, or settlement
14 in or out of court, or other final disposition of any case or
15 controversy, or any other payments received on behalf of the state
16 by the Department of Justice and administered by the Attorney
17 General for the benefit of the state or the general welfare of its
18 citizens, but excluding all funds held in a trust capacity where
19 specific benefits accrue to specific individuals, organizations, or
20 governments. All money in the fund shall be subject to legislative
21 review and shall be appropriated and expended for any allowable
22 legal purposes as determined by the Legislature. The fund shall

1 only be appropriated to a separate and distinct budget program
2 and such appropriations shall only be expended from a separate
3 and distinct budget subprogram and shall not be commingled with
4 any other revenue or expenditure. Transfers may be made from the
5 fund to the General Fund and the State DNA Sample and Data Base
6 Fund at the direction of the Legislature. To provide necessary
7 financial accountability and management oversight, revenue from
8 individual settlement agreements or other separate sources credited
9 to the State Settlement Cash Fund may be tracked and accounted
10 for within the state accounting system through the use of separate
11 and distinct funds, subfunds, or any other available accounting
12 mechanism specifically approved by the Accounting Administrator for
13 use by the Department of Justice. Any money in the fund available
14 for investment shall be invested by the state investment officer
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 2. On page 6, line 4, after the last comma insert "and
18 section 59-1608.04, Revised Statutes Cumulative Supplement, 2008,
19 as amended by section 34, Legislative Bill 3, One Hundred First
20 Legislature, First Special Session, 2009,".

21 3. Renumber the remaining section accordingly.