

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 341

Introduced by Stinner, 48.

Read first time January 13, 2021

Committee: Appropriations

- 1 A BILL FOR AN ACT relating to the State Settlement Cash Fund; to amend
- 2 section 59-1608.04, Revised Statutes Cumulative Supplement, 2020; to
- 3 provide for annual transfers to the General Fund; to eliminate
- 4 obsolete provisions; to repeal the original section; and to declare
- 5 an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 59-1608.04, Revised Statutes Cumulative
2 Supplement, 2020, is amended to read:

3 59-1608.04 (1) The State Settlement Cash Fund is created. The fund
4 shall be maintained by the Department of Justice and administered by the
5 Attorney General.

6 (2) Except as otherwise provided by law, the fund shall consist of
7 all recoveries received pursuant to the Consumer Protection Act,
8 including any money, funds, securities, or other things of value in the
9 nature of civil damages or other payment, except criminal penalties,
10 whether such recovery is by way of verdict, judgment, compromise, or
11 settlement in or out of court, or other final disposition of any case or
12 controversy, or any other payments received on behalf of the state by the
13 Department of Justice and administered by the Attorney General for the
14 benefit of the state or the general welfare of its citizens, but
15 excluding all funds held in a trust capacity where specific benefits
16 accrue to specific individuals, organizations, or governments.

17 (3) The fund may be expended for any allowable legal purposes as
18 determined by the Attorney General. The State Treasurer shall transfer
19 any unobligated or unencumbered balance in excess of five million dollars
20 from the State Settlement Cash Fund to the General Fund on June 30, 2021,
21 and each June 30 every year thereafter. Other transfers ~~Transfers~~ from
22 the State Settlement Cash Fund may be made at the direction of the
23 Legislature to the Nebraska Capital Construction Fund, the Legal
24 Education for Public Service and Rural Practice Loan Repayment Assistance
25 Fund, and the General Fund.

26 (4) To provide necessary financial accountability and management
27 oversight, revenue from individual settlement agreements or other
28 separate sources credited to the State Settlement Cash Fund may be
29 tracked and accounted for within the state accounting system through the
30 use of separate and distinct funds, subfunds, or any other available
31 accounting mechanism specifically approved by the Accounting

1 Administrator for use by the Department of Justice. Any money in the fund
2 available for investment shall be invested by the state investment
3 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
4 State Funds Investment Act.

5 ~~(2) The State Treasurer shall transfer two million five hundred~~
6 ~~thousand dollars from the State Settlement Cash Fund to the Nebraska~~
7 ~~Capital Construction Fund on July 1, 2013, or as soon thereafter as~~
8 ~~administratively possible.~~

9 ~~(3) The State Treasurer shall transfer eight hundred seventy-six~~
10 ~~thousand nine hundred ninety-eight dollars from the State Settlement Cash~~
11 ~~Fund to the General Fund on or before June 30, 2018, on such dates and in~~
12 ~~such amounts as directed by the budget administrator of the budget~~
13 ~~division of the Department of Administrative Services.~~

14 ~~(4) The State Treasurer shall transfer one million seven hundred~~
15 ~~fifty-six thousand six hundred thirty-nine dollars from the State~~
16 ~~Settlement Cash Fund to the General Fund on or before June 30, 2019, on~~
17 ~~such dates and in such amounts as directed by the budget administrator of~~
18 ~~the budget division of the Department of Administrative Services.~~

19 ~~(5) The State Treasurer shall transfer one hundred twenty-five~~
20 ~~thousand dollars from the State Settlement Cash Fund to the Legal~~
21 ~~Education for Public Service and Rural Practice Loan Repayment Assistance~~
22 ~~Fund on or before April 30, 2018, on such dates and in such amounts as~~
23 ~~directed by the budget administrator of the budget division of the~~
24 ~~Department of Administrative Services.~~

25 ~~(6) The State Treasurer shall transfer one hundred fifty thousand~~
26 ~~dollars from the State Settlement Cash Fund to the Legal Education for~~
27 ~~Public Service and Rural Practice Loan Repayment Assistance Fund on or~~
28 ~~before July 9, 2018, on such dates and in such amounts as directed by the~~
29 ~~budget administrator of the budget division of the Department of~~
30 ~~Administrative Services.~~

31 Sec. 2. Original section 59-1608.04, Revised Statutes Cumulative

1 Supplement, 2020, is repealed.

2 Sec. 3. Since an emergency exists, this act takes effect when
3 passed and approved according to law.