

AMENDMENTS TO LB1355

(Amendments to Standing Committee amendments, AM2559)

Introduced by Vargas, 7.

1 1. Strike sections 6, 10, 12, and 17 and insert the following new
2 sections:

3 Sec. 6. Section 71-2485, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 71-2485 Sections 71-2485 to 71-2490 and sections 9 and 13 to 17 of
6 this act shall be known and may be cited as the Opioid Prevention and
7 Treatment Act.

8 Sec. 10. Section 71-2488, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 71-2488 Any funds appropriated from the Opioid Cash Fund or
11 distributed from the Nebraska Opioid Recovery Trust Fund under the Opioid
12 Prevention and Treatment Act shall not be considered ongoing entitlements
13 or an obligation on the part of the State of Nebraska. The department's
14 administrative cost for the awarding of grants under the act shall not
15 exceed an amount equal to ten percent of the grants awarded. Any funds
16 appropriated or distributed under the Opioid Prevention and Treatment Act
17 act shall be spent in accordance with the Opioid Prevention and Treatment
18 Act and the terms of any verdict, judgment, compromise, or settlement in
19 or out of court, of any case or controversy brought by the Attorney
20 General pursuant to the Consumer Protection Act or the Uniform Deceptive
21 Trade Practices Act.

22 Sec. 12. Section 71-2490, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 71-2490 (1) The Nebraska Opioid Recovery Trust Fund is created. The
25 fund shall include all recoveries received on behalf of the state by the
26 Department of Justice pursuant to the Consumer Protection Act or the

1 Uniform Deceptive Trade Practices Act related to the advertising of
2 opioids. The fund shall include any money, payments, or other things of
3 value in the nature of civil damages or other payment, except criminal
4 penalties, whether such recovery is by way of verdict, judgment,
5 compromise, or settlement in or out of court, of any case or controversy
6 pursuant to such acts. The Department of Justice shall remit any such
7 revenue to the State Treasurer for credit to the Nebraska Opioid Recovery
8 Trust Fund.

9 (2) Any funds appropriated, expended, or distributed from the
10 Nebraska Opioid Recovery Trust Fund shall be spent in accordance with the
11 terms of any verdict, judgment, compromise, or settlement in or out of
12 court, of any case or controversy brought by the Attorney General
13 pursuant to the Consumer Protection Act or the Uniform Deceptive Trade
14 Practices Act. Subject to the terms and conditions of such litigation or
15 settlement, money from the Nebraska Opioid Recovery Trust Fund shall be
16 transferred to the Opioid Cash Fund as provided in section 13 of this
17 act.

18 (3) The Nebraska Opioid Recovery Trust Fund ~~fund~~ shall exclude funds
19 held in a trust capacity where specific benefits accrue to specific
20 individuals, organizations, political subdivisions, or governments. Such
21 excluded funds shall be deposited in the State Settlement Trust Fund
22 pursuant to section 59-1608.05.

23 (4) Any money in the Nebraska Opioid Recovery Trust Fund available
24 for investment shall be invested by the state investment officer pursuant
25 to the Nebraska Capital Expansion Act and the Nebraska State Funds
26 Investment Act.

27 Sec. 13. (1) The Opioid Cash Fund is created. The State Treasurer
28 shall transfer seven million dollars on or before every July 15 from the
29 Nebraska Opioid Recovery Trust Fund to the Opioid Cash Fund, except that
30 such amount shall be reduced by the amount of the unobligated balance in
31 the Opioid Cash Fund at the time the transfer is made. The state

1 investment officer shall advise the State Treasurer on the amounts to be
2 transferred from the Nebraska Opioid Recovery Trust Fund in order to
3 sustain such transfers in perpetuity. The state investment officer shall
4 report electronically to the Legislature on or before October 1 of every
5 even-numbered year on the sustainability of such transfers. Except as
6 otherwise provided by law, no more than the amounts specified in this
7 subsection may be appropriated or transferred from the Opioid Cash Fund
8 in any fiscal year.

9 (2) Any money in the Opioid Cash Fund available for investment shall
10 be invested by the state investment officer pursuant to the Nebraska
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 (3) It is the intent of the Legislature to annually appropriate from
13 the Opioid Cash Fund beginning in FY2024-25:

14 (a) Three million five hundred thousand dollars to the department to
15 award grants under the Opioid Prevention and Treatment Act;

16 (b) One million dollars to the Nebraska State Patrol for purposes of
17 sections 15 and 16 of this act; and

18 (c) Two million five hundred thousand dollars to the department for
19 disbursement to regional behavioral health authorities for behavioral
20 health regions established pursuant to section 71-807 for opioid
21 prevention and harm reduction under the Opioid Prevention and Treatment
22 Act as follows:

23 (i) Five and four-hundred-seventy-six thousandths percent to region
24 1;

25 (ii) Five and one-hundred-twelve thousandths percent to region 2;

26 (iii) Ten and eight thousand nine hundred eighty-two ten-thousandths
27 percent to region 3;

28 (iv) Eight and five thousand eight hundred thirty-three ten-
29 thousandths percent to region 4;

30 (v) Twenty-five and seven thousand four hundred twenty-one ten-
31 thousandths percent to region 5; and

1 (vi) Forty-four and one thousand eight hundred sixty-nine ten-
2 thousandths percent to region 6.

3 Sec. 18. Sections 2, 3, 4, 5, and 20 of this act become operative
4 three calendar months after the adjournment of this legislative session.
5 The other sections of this act become operative on their effective date.

6 Sec. 19. Original section 28-429, Reissue Revised Statutes of
7 Nebraska, and sections 71-2485, 71-2486, 71-2487, 71-2488, 71-2489, and
8 71-2490, Revised Statutes Cumulative Supplement, 2022, are repealed.

9 Sec. 20. Original sections 38-1201 and 38-1225, Revised Statutes
10 Cumulative Supplement, 2022, are repealed.

11 Sec. 21. Since an emergency exists, this act takes effect when
12 passed and approved according to law.