



Ninety-Seventh Legislature - Second Session - 2002  
**Introducer's Statement of Intent**  
**LB 861**

---

**Chairperson:** Senator Kermit A. Brashear  
**Committee:** Judiciary  
**Date of Hearing:** January 31, 2002

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

In 2001, LB 335 was passed which established a system whereby the Nebraska Commission on Public Advocacy would establish standards for county indigent defense systems and a mechanism for state reimbursement to counties that choose to meet those standards. Money was appropriated to fund the reimbursement and it authorized the Commission to pay the reimbursement from the County Revenue Assistance Fund. LB 659 was also passed which created the DNA Testing Act. General funds were appropriated to the Nebraska Commission on Public Advocacy to pay the costs of such testing from the County Revenue Assistance Fund. That fund is a cash fund to be used by the Commission in paying part of its annual operating expenses, reducing the need for general funds. Since a cash fund cannot receive general fund dollars changes were necessary for the Commission to carry out its mandated purpose for both LB 335 and LB 659. Part of LB 861 is to correct the fund language. It is important that these changes be made or the Commission will run out of money from the cash fund by using that fund to pay for general fund dollar expenses for standards and testing.

LB 335 required counties to provide the Commission with estimates of how much money they intend to seek for reimbursement the following fiscal year. The purpose of this requirement was to allow the Commission a tool to aid in its yearly preparation of its budget request. The current date does not accomplish this objective, and LB 861 amends the date so the intended objective can be accomplished.

LB 335 places lid restrictions on counties who seek and receive reimbursement. The current language only allows counties to increase its budget once to cover costs necessary to qualify for reimbursement. There may be situations where counties will implement these legal services over a period of time, not all at once. LB 861 allows the counties to budget money above the total of restricted funds in any year so that it can continue to develop new plans to qualify for indigent defense services reimbursement.

LB 861 exempts the Commission from being subject to the State Personnel System. The Commission has been having trouble in compensating its employees commensurate with their skills. The Commission is seeking salary parity with other comparable agencies and staff. The only agency where the staff is comparable is in the Attorney General's office. The Commission has tried to raise salaries consistent with similarly situated attorneys and staff in that office, but due to restrictions of State Personnel, parity cannot be accomplished. The Commission is a small agency which deals with very serious legal matters. If an employee needs to be replaced, the Commission must act swiftly, and by exempting the Commission from State Personnel, employees become "at will."

**Principal Introducer:**

---

**Senator Doug Kristensen**