

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

April 4, 2002            LB 861, 876

could exceed that, then begin to access the reimbursement funds. In other words, if they had...if they were at their limit, they had a big case, they had \$50,000 of funds that they had to seek and get, they could go and increase their lid to get that money, and then get reimbursement back from the state. The trouble is, the way that it is worded is that it is only the first time, and so it doesn't allow them ever to do that again if they don't raise it the first time. In effect, that's a clean-up. That was caught by the auditors and by the fiscal people. And so those were recommendations to change that lid. The other thing that occurs in the amendment, and Senator Brashear's committee amendment, you're increasing the fee from \$2 to \$5, for which most of that's going to a variety of worthy legal service providers, like the legal services people who are currently covering about 15 percent of the need. And so this fund that is being increased will cover a great amount of that. A lot of that's going to be immigration and many other areas. What happens is, that if you can't collect the court costs, this is an increase in that area. If you can't collect the court cost, the county, or whoever is prosecuting the case, eats that fee. They have to pay out of their own funds, that filing fee or that fee that would go, and currently it's \$2, when we increase it that's a substantial increase to the counties and the local governments, such as the cities. What this amendment merely says is they'll continue to pay the \$2, they won't pay the increased \$5 fee, the last thing the amendment does. Right now, the Commission on Public Advocacy is subject to the State Personnel System. Other people who are not subject to the State Personnel System are the people who are on the other side of them, and that's the Attorney General's Office, that's the court system, that's all of our personnel here in the Legislature, it's the Public Service Commission, it's the Brand Committee, it's the Secretary of State, it's the Governor, it's the university systems, it's all of those people. What the commission wants to be...have done, and I think is a good idea, is to place them on equal footing with the people who they're on the other side of, and that is the Attorney General's Office. By doing that, obviously their employees become at will. So with that, I would tell you and, Senator Brashear, I understand that this is acceptable to you. I would offer, if you have any questions, I'd be happy to answer them.            LB 861 is