

April 27, 1981

LB 499

committee amendments.

SPEAKER MARVEL: Senator Haberman, do you wish to speak to the amendment to the committee amendments?

SENATOR HABERMAN: Mr. President, I have a question on the bill in its entirety because of the fiscal statement that is suppose to be with it and may I address the Chair about that?

SPEAKER MARVEL: Yes, go ahead.

SENATOR HABERMAN: I believe the rules say that where there is a fiscal impact the fiscal bill will be attached to the bill. The fiscal note on LB 499 says it would be difficult to make up what the fiscal impact would be due to they do not know how many cases that are going to be filed. However, up above that in the second section, it says commitment programs are now filed with the county or the juvenile courts. Well, now it seems to me, Mr. Speaker, that they now know how many commitments are being filed with the county and the juvenile courts and they can take that figure and give us some sort of a figure as to what the cost is going to be because the cost is going to have to be born by the counties and, therefore, I question the propriety and the accuracy of the fiscal note with this bill and I think we should pass it over until we get a proper fiscal note with the bill.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: I would be happy to respond, Mr. Speaker. Although this is on the merits of the bill itself, over the course of the last five years, there have been roughly twenty-five commitments that would fall under the terms of LB 499. Since we are talking about the bill and its merits right now, let me just say that this replaces an existing set of statute. We are not creating a new program or a new mechanism here but we are replacing one that has been utilized and has incurred costs but has been found to be unconstitutional by the Lancaster County District Court. So that this same function which occurs now but occurs without sufficient due process standards will continue to be utilized without I would expect no greater frequency than what we have had in the last five years and that has been roughly twenty-five commitments throughout the state over the course of the last five years. The impact, I think one can reasonably say, will be minimal. The procedures that will be utilized, by the way, are with one exception similar to what we already have. We do allow for a review at the local county level which is not there now but all the rest of the reviews which are done at Beatrice that are mentioned in the bill are currently done, not only