

January 29, 1992 LB 523

SENATOR BEUTLER: That's the bureaucrats' decision. The court...the court has nothing to say about whether a person gets into the program because that's advisory only, that hearing. You have a completely advisory hearing here.

SENATOR KRISTENSEN: Well, the purpose of that though is for redetermination. That's the reason you have the hearing, in Section 6. That's redetermination of sentencing.

SENATOR BEUTLER: They don't do the redetermination at that point, though.

SENATOR KRISTENSEN: Right, they do not do that...

SENATOR BEUTLER: There is yet another hearing for the redetermination.

SENATOR KRISTENSEN: But that's vital to that process so that you can set them up. I guess my initial determination here is the purpose for the bill is to allow the Department of Public Institutions to make these treatments without...

PRESIDENT MOUL: Time.

SENATOR KRISTENSEN: ...repeated numbers of trips back.

PRESIDENT MOUL: Thank you, Senator Kristensen. Do you wish to speak again on the bill, Senator Kristensen...or amendment, Senator Kristensen?

SENATOR KRISTENSEN: Yes, Madam President, members of the Legislature, to carry out my dialogue with Senator Beutler, the philosophy of this is to not make the system that cumbersome. I think that Section 6 is vital to the mechanism of redetermination. Most members of the Legislature, I think, at this point, are comfortable with the way the bill works in its philosophy. I just see this probably as taking away from that system. I'm curious...I would like...do you have your light pushed on before you close? Okay. Well, then I'm going to have to buy a little time and talk with you and draw that out. What you would like to do with the philosophy of the bill would be to have the court become more involved with making that decision because you feel like they might get railroaded by the Department of Public Institutions. Would that be a fair...