

February 23, 1996 LB 1248

SENATOR BERNARD-STEVENS: Senator Vrtiska.

SENATOR VRTISKA: Yes.

SENATOR CHAMBERS: Because for one thing, I want everybody to know we're not talking just about natural disasters, we're talking about man-made problems. But anyway, would you say that carrying on prosecutions of criminal cases are abnormal for a county to do? Are those abnormal or normal things for a county to do?

SENATOR VRTISKA: Those are normal things that counties do.

SENATOR CHAMBERS: So how could the cost of a criminal case be considered an abnormal expense?

SENATOR VRTISKA: I think...to respond to you, Senator Chambers, is because the number of times that appeals were made and the cost that was incurred in those subsequent series of appeals.

SENATOR CHAMBERS: But that's not abnormal. Those are normal. Normal means that which occurs in the course of events, in the ordinary course of events.

SENATOR VRTISKA: You're right, but I think when I speak about abnormal, when it's a county that is not any well suited to absorb these kinds of costs, then it becomes an abnormal cost, in my opinion.

SENATOR CHAMBERS: Well, you...see, there's a difference between an abnormal cost and one which is high. A high cost is not abnormal. It's abnormal if it's outside the course or routine of things that a county is to do. But to go on with it, in addition to the cost being abnormal, it has to be incurred as a result of legal mandates imposed on local governments by the state. What legal mandate from the state required Richardson County to seek the death penalty? And see when the county attorney acts, he's acting for the county.

SENATOR VRTISKA: Well, I just have to respond by saying that the county board is the ones that control the county funds, and they don't have any control over what the courts, the county attorney, or anybody else does in that county. If the county