

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

May 13, 2003

LB 407

going to not put those fees, which are in the nature of fines, if you're not going to give those to the schools then you, in fact, have to use them for the benefit of the parolees and probationers who are paying those fees. So that you'll recall and we had dialogue on the floor pointing out that that \$2.5 million a year and \$5 million per biennium will be utilized for programming the...

SENATOR CUDABACK: One minute.

SENATOR BRASHEAR: ...probationer and parolee fees through the community corrections system, and that's why we devised that schematic. If we were to take that \$5 million and put it in the General Fund and reserve \$2.5 million, as Senator Erdman does, in the second year of the biennium from the General Fund earmarked for probation, we are circumventing that particular constitutional limitation and I think creating serious problems for ourselves. We are also, in effect, damaging, to the extent of \$3 million and \$6 million, per year and for the biennium, our Probation Department at a time when we are trying to utilize probation as the much less expensive alternative to maximum security incarceration. So I hope I have summarized...there's some bills and there's some language and enabling legislation missing from the amendment, so if it's the will of the...

SENATOR CUDABACK: Time.

SENATOR BRASHEAR: ...body to go forward with this, we need to start doing amendments to the amendment, which I think we have all resisted up till now...

SENATOR CUDABACK: Time, Senator Brashear.

SENATOR BRASHEAR: ...but will nevertheless take us where we've been on other bills, amendment after amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. We're discussing AM1763, offered by Senator Erdman to LB 407. Further discussion, Senator Hartnett, followed by 16 others.

SENATOR HARTNETT: Mr. President, members of the body, Senator