

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

April 5, 2004

LB 391

SENATOR BOURNE: Thank you, Mr. President, members. I rise in support of the amendment, in that it makes clear something that I find extremely unclear. And while there is a genuine...or a general rule against retroactivity of legislation--if legislation is passed today, generally it cannot be operated on or be enacted upon retroactively; it's generally prospectively only. So I think to a certain extent, Senator Erdman's amendment is kind of a belt and suspenders approach. But it does add some clarity to a very, in my mind, unclear situation. My concern is this, is that we have this comprehensive rewrite of the age of majority. And while it seems on its face a very simple concept to go from 19 to 18, I'll bet there are 100 instances, if this goes through, that we haven't even contemplated here. I had a constituent that I spoke with this morning. And she has a disabled child. Well, the child...I guess how it works now is, when that child turns 19, shortly before the nineteenth birthday, the parents go to a lawyer, pay their own money, and ask that they be named the guardian of that disabled child. And so what my constituent said is that her child is now 18, and they go do...they have to do this before the child is 19. Well, what would happen if the law is passed? And I do see there is an extended effective date, or a delayed effective date of January 1, 2005. But that would accelerate all these guardianship hearings and papers and that that's required. Now again, I will grant you that there is a delayed effective date, which makes it better. But I'm not sure a six-month delayed date is enough. I would think we should delay it till January...or excuse me, July 1 of 2005. But my...what I'm suggesting is, there are numerous...I don't know if they're unintended, but probably unanticipated consequences of going through...going forward with the bill. You know, another thing, it's kind of easy to say, well, it just makes sense to reduce it from 19 to 18, because most states do that. But if you look at the fiscal note, it's \$2.9 million in the first year...well actually, \$3.1 million; and then it looks like a little over \$6 million on an ongoing basis. Somebody's ox is being gored to that tune. Now is that kids that are guardians of the state that all of a sudden aren't going to receive payments? And if they aren't going to receive payments, should they? And if they don't, is six months' notice sufficient? I don't even...I don't know. But it seems to me that while it...oh, it's a catchy