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March 23, 2006 LB 1060

SPEAKER BRASHEAR: That's correct.

SENATOR CUDABACK: Any objection? So ordered.

CLERK: Senator Brashear, AM2877. (Legislative Journal
pages 1142-1143.)

SENATOR CUDABACK: Senator Brashear, to open on AM2877.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. AM2877 relates to the issue of county jail reimbursement for maintaining state prisoners in county jails. It does not, I repeat not, have an impact on this year's budget, and only deals with stating intent language. We have debated on this floor on many occasions the question of the appropriate reimbursement for county jails that house state prisoners. Although we have a policy that the counties ought to be reimbursed, we have never fully funded the amount necessary to do so, and this issue has been with us year after year after year. At the moment, there is a statutory cap on the amount that will be reimbursed of \$3.9 million. Even with the cap in place, we have not always appropriated the full amount up to the cap. LB 1060 does currently appropriate the full amount of the \$3.9 million cap for the coming fiscal year. AM2877 does not relate to funding for the current biennium, as I indicated. Instead, it is primarily a means by which to gather data for use in future appropriations. The manner in which the jail reimbursement program works now is that when the money runs out, which it will every year, then the Department of Correctional Services informs the counties that the money is gone, that it has been expended, and the counties stop filing their claims for reimbursement. Therefore, we do not have a full year of "experience" with which to determine the right amount to appropriate in any future year. This amendment would set forth intent language that would ask the department to continue to seek and collect claims from the counties for two full fiscal years. Once we have that full year data, then it requires the department to request the full amount necessary to reimburse the counties for the ensuing year or years. Since the cap is not binding on future Legislatures, this amendment will help future bodies get past the fixation on the cap and look at the real data, which we have not had up to