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**Capitol View**

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**Lawmakers Should Embrace Fiscal Restraint**

The governor and his director of corrections want to build a new prison, a $230 million prison that wouldn’t be ready for a few years and would cost $34 million a year to operate if it can be staffed.

 More than a few state senators want to look at a planned study of criminal justice reforms and consider other proposals for reducing the huge influx of prisoners into the system. Nebraska currently has the second most overcrowded prison system, behind only Alabama. Proponents have argued that a new 1,600-bed prison is the best solution to that problem.

It's not a new debate. It seems like it has been going on longer than the Huskers have had losing football seasons. It’s a debate that stirs strong emotion among the law-n-order folks versus the more progressive, dare we say unconventional, people who want to look at alternative sentencing and programming to address the issue.

My hat’s off to the Legislature’s Appropriations Committee which has decided to take a wait-and-see position on Gov. Pete Ricketts’ and Corrections Director Scott Frakes’ plan for a new prison, probably in the populous Lincoln-Omaha area.

Committee Chairman Sen. John Stinner of Gering said the budget-setting panel has voted to set aside $115 million in its emerging budget “for the purpose of reducing prison overcrowding.” But members did not actually appropriate the money, which means it cannot be spent. It will be held in the capital construction fund while lawmakers determine how they are going to address the situation. It buys time while awaiting study results.

He said the committee acknowledges something has to be done about a system that has about 1,800 more inmates than the design capacity of 3,535. But committee members have

**For Release Wednesday, March 24, 2021 – Page 2**

been skeptical about the plan, which would be one of the most expensive state construction projects in history.

A tip of the hat is due to all three branches of government who agreed to seek a federal grant for a data-driven study of reforms that could preserve public safety while avoiding the high cost of incarceration.

Judiciary Committee Chairman Sen. Steve Lathrop of Omaha was key in bringing officials from the administrative, judicial and legislative branches together. He has applauded the setting aside of funds.

Appropriations Committee members Sen. Tony Vargas of Omaha and Anna Wishart of Lincoln have both sought assurances that putting aside the money doesn’t tempt the administration to buy a shovel or otherwise move forward on construction. Wishart says she remains hopeful the study will lead to less costly solutions.

The committee has also agreed to commit $10 million to help Gage County pay off a federal court judgment won by the Beatrice Six. A jury had awarded $28.1 million in damages to six people who spent a combined 75 years in prison after being wrongfully convicted of a 1985 murder. Gage County has increased its property tax levy to the maximum level and imposed a sales tax to pay off the judgment, but the county still owes $16.8 million.

Appropriations Committee member Sen. Myron Dorn of Adams, who represents Gage County, had introduced LB103, seeking $2 million a year to help out the county. Fellow committee member Sen. Steve Erdman of Bayard proposed to increase the amount to $5 million a year, with the requirement that Gage County keep its levy at the maximum until the damages are paid. The committee voted unanimously to advance the bill with the higher amount.

Expect the prison construction set-aside to be subjected to heavy lobbying before it shows up in the committee’s budget recommendations, which require approval by the entire Legislature and is subject to veto by the governor. Likewise, the Gage County remedy is also subject to three rounds of floor debate and that same red pen.

**For Release Wednesday, March 24, 2021 – Page 3**

In the meantime, congratulations to all involved for taking steps in the right direction.

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