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**Capitol View
Commentary by J.L. Schmidt**

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**Water, Prisons and Taxes on the Table as Lawmakers Forge Ahead in Second Half**

A canal, a new prison and tax cuts are taking prominent spots on the agenda for the second half of the Nebraska Legislature’s current session.

Governor Pete Ricketts wants $500 million to upgrade a 100-year-old water pact with Colorado and build a canal to divert water from the South Platte River into Nebraska. He’d like another $270 million to build a new prison to replace the aging one in Lincoln and he wants to give millions back to Nebraska taxpayers because the state is flush with funds right now.

That’s the short version. But a look at the details reveals a more complicated picture. Let’s unpack.

Proponents of Rickett’s plan think that finally constructing the abandoned Perkins County Canal near Julesburg, Colorado, into Nebraska and developing a reservoir system to store the water would guarantee an additional 500 cubic feet per second along the South Platte River during the winter.

Opponents say the money would be consumed by lawyers and a guaranteed lengthy court battle before an ounce of extra water is ever realized. Colorado’s former ag commissioner told Omaha’s KETV that he is confused by Nebraska’s sudden desire.

Don Ament said farmers in the lower Platte in his state are fighting the same battle with urban growth, but “Denver (upstream) can't take that water away from me as farmer. We're doing a better job getting that water down the river to Nebraska than trying to run it through some canal.”

Ament said Colorado, Nebraska and Wyoming are also obligated under Federal agreements to provide flows to protect habitat for endangered species near Kearney and Grand Island. "This is going to amount to a lot of money to our lawyers and not improving the management of water," he said.

**For Release Wednesday, March 16, 2022 – Page 2**

As for the prison, the existing Nebraska State Penitentiary in Lincoln was built in 1869. Remodeling would cost more than building new. Yet, critics want to explore other avenues of reform before building. I agree.

In an op-ed piece in the *Nebraska Examiner* online, former state Senator and one- term U.S. Representative Brad Ashford of Omaha weighs in. As former chair of the Legislature’s Judiciary Committee, Ashford knows the subject and the pitfalls.

“Constructing a new facility without accompanying programs would be useless. It is folly to think that a new facility meant only to house inmates will solve anything.  We need to center our approach on mental health — before, during and after incarceration.  Mental health includes behavioral health and substance abuse. Additional programs which require our attention include job reentry, housing and family reunification.

“And let’s not allow a new facility to be an add-on. If the new facility is built, the current dilapidated facility must be demolished. The tax burden would increase substantially if both facilities were in use, and we do not want to travel down the road of incarcerating more of our fellow Nebraskans,” he wrote.

I agree.

To that end, current Judiciary Chair Sen. Steve Lathrop of Omaha has shepherded a bill (LB896) through the first round of debate. It would require the Nebraska Department of Correctional Services to use an independent contractor or academic institution to evaluate programs funded by the department.

Under the bill, nonclinical treatment and structured programs would be evaluated on a regular basis and clinical treatment programs would be evaluated every three years. When applicable, evaluations would include a cost-benefit analysis, ratings of effectiveness in reducing recidivism and the availability and timeliness of programs.

Lathrop said individuals sent to NDCS are expected to be rehabilitated, and part of that comes from programming, which needs to be evaluated to ensure evidence-based best practices are used and that they are accessible to the inmate population.

**For Release Wednesday, March 16, 2022 – Page 3**

That’s a start.

On the fiscal side, Appropriations Committee Chairman Sen. John Stinner of Gering said even if a new prison is built, it isn’t projected to solve the state's overcrowding problem.

"So we're going to spend $275 million of taxpayer money and at the end of eight years we're going to need another 1,300 beds? That means if I'm going to plan for 20 years ... we probably need $1 billion. Is that what we want to do with taxpayer money? Something has to happen here,” Stinner said.

He said the state needs to come up with better solutions, because "throwing taxpayer dollars at prison cells isn't an efficient way — or a good way — to use tax dollars."

Former state ombudsman Marshall Lux said the right answer for Nebraska is to do two things: Sentencing reform to reduce the system’s population in the future; and prison reform to reduce the number of people being held in maximum-security facilities. Instead, he said the state should add morecommunity-custody beds as an alternative placement for non-violent offenders.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*