

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

May 29, 2001

LB 85

federal or...federal prisoners or other states' prisoners in a private prison in Nebraska. Why? Because the testimony before the committee was very significant in terms of...and you can well imagine this, that if another jurisdiction is going to export a...let's say a convicted felon to a private prison in a foreign jurisdiction, and that's a lawyer's term of art, a state not their own, you can well imagine that they might send those people who are most inclined to violence and such things. That would subject Nebraska employees of the private prison company to that danger. If there were an escape of a prisoner from a foreign jurisdiction, it's our feeling on the committee that Nebraska, as well as the private prison contractor or owner, could have liability and responsibility for the conduct of an escaped prisoner. So, all of this is meant to demonstrate to you...

PRESIDENT MAURSTAD: One minute.

SENATOR BRASHEAR: ...that the committee endeavored to be thorough, to think about the larger picture. I believe we are stepping in at the appropriate time before we have a private prison, and exercising appropriate jurisdiction for and on behalf of the people of the state of Nebraska, such that we can anticipate and deal with problems which might be encountered. I would urge the adoption of Senator Schimek's AM2208. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. Mr. Clerk.

CLERK: Mr. President, Senator Wickersham would move to amend Senator Schimek's amendment. (FA289, Legislative Journal page 2279.)

PRESIDENT MAURSTAD: Senator Wickersham, you're recognized to open on your amendment to AM2208 to LB 85.

SENATOR WICKERSHAM: Mr. President, this is a...this is a simple amendment, it simply strikes Section 5. Section 5 is a one-sentence provision, it says, "A private prison contractor shall not accept or house federal inmates or inmates from another state", "shall not accept or house federal inmates or