

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

January 28, 2004 LB 511, 656

advancement of LB 511, offered by Senator Bromm. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 511.

SENATOR CUDABACK: The motion was successful. LB 511 does advance. Mr. Clerk, next legislative bill.

CLERK: LB 656, Mr. President, by Senator Aguilar. (Read title.) Bill was introduced on January 22 of last year, at that time referred to the Government, Military and Veterans Affairs Committee. Bill was advanced to General File. At this time I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Senator Aguilar, you're recognized to open on advancement of LB 656.

SENATOR AGUILAR: Thank you, Mr. President, members of the body. LB 656 is about the authority, in fact the duty, of county corrections board to build and operate their corrections facility efficiently. Nebraska Statute 23-2809 gives authority to the county board of corrections to contract with any governmental unit through the Interlocal Cooperation Act, and with any individual, firm, partnership, LLC, or corporation to provide goods and services essential to the operation and maintenance of the county jail. So why do we need additional authority? Here's why. In the statute I just quoted, it gives them authority to do this. In some people's opinion, the Private Prison Act makes this issue unclear. So I asked for the Opinion of the Nebraska Attorney General's Office regarding the jurisdiction of the Private Prison Act. The Opinion stated that the act had no jurisdiction over county jail facilities, yet it withheld expressed authority for counties to contract with companies generally referred to as private prison contractors. So the question remains, does the Private Prison Act have jurisdiction at the county level, or do we have the authority to contract with whoever they want already? Hall County is being forced to build a new jail because the facility is old, out of date, and fails to meet jail standards. In fact, they are in the design stages now for a new building. The only way they see