

PRESIDENT ROBAK: Thank you, Senator Chambers. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President, members of the Legislature, and I rise not necessarily to speak to the bracket motion, but to speak about LB 507 which was passed in 1993. And Senator Chambers probably beat me to my quote. I also looked through there and read that transcript. I think that transcript is replete with many, many references to the purposes of that piece of legislation and I think people need to understand and I look around the floor, there are probably a number of senators who weren't here when LB 507 was passed. But that bill just didn't come out of the thin air. That bill had several references and several recommendations, in fact, two different studies by this state under two different administrations, one Republican, one Democrat, both recommended the same thing, that pieces of legislation like 507 are essential. If you're going to deal with prison overcrowding, if you're going to do with other fiscal matters relating to incarceration, if you're going to get a handle on those things, you've got to pass pieces of legislation such as 507. Now, does LB 371 fall under LB 507? There's only one way to know. There's only one way to know because 507, the application of 507 has never been tried. We don't know what the answer to that is. There will be a case some day, and, Senator Lindsay, I don't know if it's going to be some of the ones that you exhibited to us or not. My guess is that it may be too late to challenge some of those. There may be some that because of that will go back and try that challenge, but the answer is, at some time a court is going to interpret what 507 has. The Attorney General's Opinion that he issued at the time, and if you remember the setting when 507 was passed, the day that we were going to vote on 507, the Attorney General put down a hastily written opinion that said, whoa, you can't do that and the bill was taken off the agenda to give people time to look at that. And that hastily written opinion basically said, look, 507 is not a good law, and then it kind of went silent. But it did talk about binding future legislatures and I think it's very clear that that piece of legislation does not bind future legislatures. It's similar to other things that we do in this body and that is place certain requirements before a piece of legislation can be passed or should be passed and one of those are the provisions of 507 in terms of looking at the average impact on inmate populations, the per diem costs for medical and per diem cost of keeping an inmate that you need to do. That is a requirement. The other thing I suppose, and this