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LB 692

situation,...

SENATOR CHAMBERS: Yes.

SENATOR BRASHEAR: ...there will be the federal court's application of the state law, yes.

SENATOR CHAMBERS: Now, this case was heard in federal court.

SENATOR BRASHEAR: Yes, it was.

SENATOR CHAMBERS: Can a state be sued in federal court without having given its permission to be sued?

SENATOR BRASHEAR: Well, I think, yes, under...I mean that's a very general statement. Yes, we're sued in federal court all the time. I mean...

SENATOR CHAMBERS: Could the state...

SENATOR BRASHEAR: ...people who are incarcerated sue us, et cetera, et cetera. We get sued.

SENATOR CHAMBERS: Those people are suing because they are alleging a violation of a federal right.

SENATOR BRASHEAR: Correct.

SENATOR CHAMBERS: Is that true?

SENATOR BRASHEAR: That's correct.

SENATOR CHAMBERS: So if there is the violation of a federal right alleged, may a state be sued if it has not waived its sovereign immunity? I don't know the answer. I'm not...

SENATOR BRASHEAR: Only in accordance with the processes we've established, which are the state claims. But in this instance, we have waived it by the federal compacting mechanism that we became a contracting party to.