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FLOOR DEBATE

March 31, 2005 LB 4
 LR 61-64

LR 61, LR 62, LR 63, and LR 64. Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, just to give a hint, one state cannot bind another state when that other state has not agreed to be bound. So if Senator Howard and I enter a contract, we cannot by entering into the contract bind Senator Thompson. If this is a proposal...and I'm not going to tell you all what it is. This is an important bill. If this is a proposal which would purport to say that 35 states can bind 15 states to something those 15 states do not agree to, those 35 states are purporting to do something that they don't have the power under the U.S. Constitution to do. There are limits to what the federal government can do in terms of encroaching on the powers of states. So states which have less power than the federal government are not going to be able to do to other states, in terms of depriving them of their discretion, that the federal government cannot do. But that's a side issue. If in fact 15 states choose not to participate in this compact, and they happen to be the states doing what Senator Thompson says this new compact is designed to present...prevent, but if under the existing compact that all 50 states belong to those negative acts can be taken, there is nothing to prevent those 15 states from doing what they want to do. Their laws are not going to be governed by what a compact with other states will have determined. When it comes to the welfare of children--and that's what a bill like this deals with--I'm not too quick to agree to go along with it when it provides convenience for the bureaucracies. If the states are squabbling about which one is to pay for a child, given that child's status, I'm not sure that adopting a compact is going to be the way to approach that issue so that equity will result to the children. The Constitution of Nebraska prohibits anybody from being transported out of this state into another state as a punishment for violation of the law. There were some groups--and I think it might have been the Department of Corrections helping to push it--who wanted to get a law passed that would allow inmates, against their will, to be put into other states. And when I pointed out what the constitution says, that effort was scrapped. This constitution that I talk about so often is the organic or basic law of this state. And its purpose is to ensure the rights of all of the people in this