

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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April 12, 2005 LB 70, 480, 542A, 548

have any reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 548 to Select File with Enrollment and Review amendments. Confirmation report from Education. New A bill. (Read LB 542A by title for the first time.) And amendments to be printed: Senator Jensen to LB 70. That's all that I had, Mr. President. (Legislative Journal pages 1170-1173.)

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors introduced.) On with discussion of AM1052 to the Health and Human Services Committee amendments, Senator Chambers.

SENATOR CHAMBERS: Mr. President, friends all, when Senator Bourne was talking about a consistent state policy, he did get it backward. Let me analogize to the federal government, because he mentioned how the federal government will do things on roads programs and so forth. When you're building a road, you want wherever that road goes to be treated the same way by that road throughout its length. You don't want to say that at this point the road is three feet wide, at the next point it's six inches wide. There are certain minimum standards the road must meet, and they're going to have to be met throughout. The U.S. Constitution lays out rights which no state may abridge. However--and this has been stated by the Nebraska Supreme Court, state supreme courts throughout this country, recognized by the U.S. Supreme Court--the protections in the U.S. Constitution are minimum. They must be accorded, and may not be breached. However, a state is free to provide a greater degree of protection to its citizens with reference to any right contained in the U.S. Constitution than is provided in the U.S. Constitution. Senator Schimek did a good job of explaining to my young colleague, "Sonny" (laugh), the difference between that slavish consistency, which is the hobgoblin of small minds, by showing that there are nuances, sometimes not so subtle, which will explain differences in conduct. What a person decides to do with reference to personal safety within his or her vehicle is, in my opinion, that person's prerogative. If that person wants to drive a vehicle with bad brakes, which would endanger others on the highway, and it's found out, that person should be called to account. I have not said the state