

March 24, 1981

LB 475

SENATOR DeCAMP: Well, Marge...

SENATOR HIGGINS: I think this is a valid question, John.

SENATOR DeCAMP: I think it is a valid question too, so I am going to short circuit and answer your question real simply. There is a guy named John Goc. He is one of the sharpest young lawyers around and any time...(interruption)

SENATOR HIGGINS: A good issue, I didn't hear you.

SENATOR DeCAMP: John Goc, he always comes up with something that nobody knows about and he just called me and told me to look at Section...Article III, Section 19 of the Constitution and I think it is going to settle the whole issue here pretty quick. It says, the Constitution says that we cannot increase or diminish the salary of any public officer while they are in office. Well the guy is still going to be in office until such time as that decision is rendered so you can pass forty-seven of those amendments like that. They are just going to make the bill itself unconstitutional. So that settles that. In your case, they lock you up with a \$50,000 bond, Marge, you are still going to get your \$400 a month from the Legislature...

SENATOR HIGGINS: But as a private individual...

SENATOR DeCAMP: However, your private business is another matter. If you are locked up and you cannot post bond, obviously you can't perform for your employer.

SENATOR HIGGINS: And then I am found not guilty and I am not going to get compensated for my salary if I am a plumber's helper or whatever, the point is...

SENATOR DeCAMP: You are oversimplifying the matter, Marge. You are saying a \$50,000 bond is going to be posted or put up for example...

SENATOR HIGGINS: No, I do not have the money for it.

SENATOR DeCAMP: Right, I am accepting that fact. The bail and bond system has other federal constitutional provisions too. The bail cannot be unreasonable. It has to be related to the matter and reliability and so on and so forth. You are only going to have a \$50,000 bond if the interests of society so far outweigh things that....

SENATOR HIGGINS: But, John, I spent two years with women in jail who could not post a \$100 bond and 60% of the cases in Douglas County, when they finally came to court, they were