

April 18, 1980

LB 628

that indicated any reason for increasing the fee from \$3.00 per day to \$10.00 per day. Work load or other circumstances were not discussed. It is strictly a compensation to be allowed the sheriff and should be stricken from the bill. In the case of Iler versus Merrick County, 96 Neb. 114, 147 N.W. 118 (1914), it is noted, "A sheriff who elects to serve the county as jailer, by failing to appoint a deputy or jailer and performs those duties himself, is entitled to the compensation provided by this section for the jailer." There is no doubt, as defined by the Supreme Court, that the jailer fee is compensation. Fellow Senators, I ask that you vote against 628 due to it will bring a law suit and according to the research I have been given, it will be declared unconstitutional. Now that I have put this into the record and have brought it to your attention, I withdraw the amendment, Mr. President.

PRESIDENT: All right, the amendment is withdrawn. Senator Chambers, the amendment is withdrawn, but....

SENATOR CHAMBERS: I have a motion. I'll sign it.

PRESIDENT: All right. Is there a motion on the desk?

SENATOR CHAMBERS: I will sign the slip to return LB 628 to Select File for a specific amendment.

PRESIDENT: All right.

SENATOR CHAMBERS: Which is to strike the enacting clause.

PRESIDENT: All right.

SENATOR CHAMBERS: Now, Mr. Chairman, it is necessary for me to use this what I would have to identify as a ruse. This fee is a fee and is not compensation. I simply want that into the record because the county officials have been playing fast and loose not only with this bill but with the truth. They are tight-fisted, stingy and I think bordering on dishonesty. At first they were opposed to the bill, they said, because of the salary schedule. Now the increase in the jailer's fee was there throughout the time that we discussed the bill and they knew, but they are so tight-fisted they do not want a nickel in addition spent on law enforcement with reference to the sheriff's office. This jailer's fee is not compensation and were it to be such, there is no way that the sheriff whose salary has been set by the county board could get this jailer's fee simply by taking on the duties, by taking on more duties