

March 19, 1979

LB 108, 369

with respect to you be violated. We will just simply allow that to be the effect on other people, on constituencies that are spread out throughout the state with little political power and little political impact, and therefore, since we have limited the concept we can support the bill. No distinction was made between the University of Nebraska by Senator Lewis and the state colleges or the tech colleges. There was very little distinction and yet we all agreed to that prospect, that we certainly shouldn't apply LB 108 to the University of Nebraska. Twenty five votes told us so but twenty five votes, I don't think, will ever be rounded up with a good reason as to why we should apply it to Chadron State. I guess I do want to say that I have learned something about LB 108 and I learned something about the decision by the Court of Industrial Relations. I have learned that this decision is wrong. I have done a lot of research and I think Dean Kratz made an error in his judgment when he wrote this decision. Now he did not decide the facts wrong and he did not apply the wrong legal test and he did not reach conclusions that were not warranted by information but what Dean Kratz erred in doing was when he finished the opinion, he didn't walk over to the second floor of the Executive Building and have it approved. What we have in LB 108 is the rewriting of court decisions by Justice Bringelson, Justice Noren and Chief Justice Schimek because what we really have in operation here is the legislative and political reworking of what our actually legal and factual issues best left to courts. Now if LB 369, the "fair share" bill had been reported out onto this floor, there were a number of Senators who are already saying to me, you can't let that bill go out there. You are coercing employees. I think that is a sound argument. I listened to that argument. Apparently those same Senators are in support of LB 108 which is in effect, a coercion of employees who wish to bargain on their own, not under the auspices of NSEA and this bill is a coercion of employees. The shoe is on a different foot this time and apparently we can support it under this guise whereas if LB 369 had come out, there would have been all kinds of uproar on this floor about coercing employees. I want to lastly state that I think LB 108 is a mistake because the existing legal test applied by our Supreme Court is adequate. LB 108 is a pernicious doctrine. It is a pernicious doctrine that coerces employees whose legitimate interests have been protected by the court and lastly