

May 1, 1979

LB 444

SENATOR MARSH: Yes.

SENATOR DeCAMP: Do you have the emergency clause on this bill? It has the emergency clause, I guess, if adopted.

SENATOR MARSH: Thank you very much.

SPEAKER MARVEL: Senator Kelly, do you wish to speak to the DeCamp amendment?

SENATOR KELLY: Yes, Mr. Speaker, I do. First of all, I requested from the Clerk a copy of the amendment which I can't receive from the Clerk and the explanation that I get from Senator DeCamp is totally unsatisfactory. Certainly we are not only buying a pig in a poke. We are the blind purchaser and the pig is blind also. Senator DeCamp.

SENATOR DeCAMP: Yes.

SENATOR KELLY: The Court of Industrial Relations is not a court. The Court of Industrial Relations makes a finding and they petition to the district court and the district court makes the order and the district court cannot refuse to do it. The point being here is that when we are ordered to do something it should be done through a court, through a court of jurisdiction, a court of law, which the Court of Industrial Relations is not a court of law and I think your amendment is going to do just that and make them a court of law whereby we will be subject completely to them as we would be to a district judge and a legally trained mind such as yours I am sure it did not want to do that but how can I tell. The Clerk won't give me the amendment and you haven't handed them out and here we are.

SENATOR DeCAMP: I am having copies made, Senator Kelly. I will say this, up until this time, and you can check this out, it was assumed, clearly assumed, that the Court of Industrial Relations had this authority, and in fact, in 1972, if you want to go back and check, the Nebraska Supreme Court affirmed the Court of Industrial Relations case in which the CIR had ordered reinstatement of several technical college faculty members who had not been rehired because of union activity. Okay, so they had an interim study of this this summer and I don't know who all was involved in it but I do know from checking the records that in that study held by the Business and Labor Committee, the Business and Labor Committee, and, Senator Maresh, you correct me if I am wrong, the Business and Labor Committee did not look at this particular area because it was assumed