

May 1, 1979

LB 444

SENATOR KELLY: Yes, I know he has closed, Mr. President.

SPEAKER MARVEL: Okay, go ahead.

SENATOR KELLY: My question to Senator DeCamp would be, can the Court of Industrial Relations with this amendment enforce its own order or must that order be enforced by the district court, that is my question?

SENATOR DeCAMP: Okay, I thought I said that but maybe I didn't make it clear enough. They can't enforce the order. They can give the order. The district court has to enforce it.

SENATOR KELLY: Thank you very much.

SENATOR DeCAMP: And I am not changing that. Isn't that right?

SPEAKER MARVEL: The motion is the DeCamp amendment to the committee amendments. All those in favor of the adoption of the DeCamp amendment to the committee amendments vote aye, opposed no. Record.

CLERK: 26 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. What is the next amendment?

CLERK: Mr. President, Senator Murphy moves to amend the committee amendments by adding a new section: Read Murphy amendment offered on page 1766, Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Murphy.

SENATOR MURPHY: Very briefly, ladies and gentlemen, for the seven years I have been here, this argument has gone on and on about the misconception, the distinction between a court and the commission. Now section 801 very specifically said there is hereby created a commission. Now we do not call the Public Service Commission a court and there is no reason to continue with this misnomer. There is none of the selection procedures for the so-called judges of this court conform with the selection procedures for other judges. They are appointed solely by the Governor to the commission just as other commissions are appointed and I do quite honestly believe that we can drop this misnomer, call this a commission and eliminate all the debate that we repeatedly get into about this issue of a court and its effect as a court. It is a commission. It was initially