

May 1, 1979

LB 444

CLERK: Roll call vote continued. (See page 1766, Legislative Journal.) 23 ayes, 11 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate does not cease. The Call is raised. The Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. Speaker, members of the Nebraska Legislature, this appears to be, oh, just a fun type of amendment. That is not the case. I believe the Court of Industrial Relations is one of the more misunderstood administrative agencies in the State of Nebraska. We recognize in our Legislature Senator John DeCamp as one of our leaders and this is true in many, many ways and rarely do we expect Senator DeCamp to lead us into confusion and misinformation until it comes to the Court of Industrial Relations. Because with his legal training, he would think of the Court of Industrial Relations emotionally and every other way as a court and he did this morning in the explaining of an amendment to an amendment and it took twenty-five minutes of floor time. An excellent explanation from Senator Landis explaining what that amendment was is that the court order must come from the district court. The Court of Industrial Relations is not a court and it cannot issue a court order to mandate that anybody do anything. It can put out its findings and its order to an employer, public employer in this state, of what they shall do. Now they might just as well do it because the district judge will find them in contempt of the district court if they don't. That is all well understood. It would be easier understood and it would be recognizable by all concerned if this was as it is a commission that arbitrates labor disputes for public employees and utilities or monopolies in this state. Appeal from this commission goes directly to the Supreme Court the same as from a district court. See the ability to confuse those two. We can take this lightly but you can bet that the Court of Industrial Relations will be lobbying this very minute and the Nebraska State Education Association will be lobbying this very minute very strongly to leave this as a Court of Industrial Relations to maintain the confusion, maintain the confusion that this is a court of record and it isn't any such thing at all. There is nothing in the statutes, as an example, that states that you have to be an attorney to be a "judge" of the Court of Industrial Relations but the confusion that exists in a Court of Industrial Relations is that it takes the same requirements to be a judge of the Court of Industrial Relations as it does to be a district judge and there isn't any truth and matter of fact