

May 7, 1979

LB 444

required to be given certain rights and safeguards. Whenever certain consequences flow from the actions of an agency regardless of what you call it, then there are certain things that a higher court is going to say that agency must do to accord with due process of law, and when you have proceedings which take the nature...take on the nature of the activities that occur before court and the individuals doing the judging, performing the functions of judges, you can call them whatever you want to, and it's not going to change that much. So I think the first mistake was in trying to change the name of Court of Industrial Relations to Commission, I guess, for Industrial Relations, or whatever they want to say. But it's like me being opposed to narcotics, so everytime the term narcotics appears in any publication including the dictionary, I change the term to flowers, then pretty soon people simply understand that flowers means what narcotics meant all the time, or a rose by a rose....a rose by any other name smells just like whatever a rose smells like to whoever is smelling it. So I think that what the Legislature should do is to totally abolish the Court of Industrial Relations if that is what they are interested in doing. But to change the name of an operation without changing the game is an exercise not in futility but I think semi-duplicity, and I'm opposed to Senator Wesely's amendment, and I'm not accusing you of resorting to duplicity, Senator Wesely, but I'm saying that based on my understanding were I to vote for an amendment like this I would be participating in a charade. Now this may be an issue where reasonable people can differ, but I can only act in accord with what my mind tells me is the correct thing to do. I have followed that since I have been in the Legislature. I must follow it on this issue. I'm of the opinion, and I emphasize -that its my opinion, that people who don't know any better may think that by changing the name of an item they can change what it really is, and the example that I could give you would be where a Legislature was not empowered to do a certain thing by the Constitution of that state, so the Legislature redefined what it was doing so that this particular thing would fall under the definition of something that the Legislature was able to do, and a Supreme Court decision in striking that down made the remark that I told you in the beginning. Simply by redefining a thing the Legislature cannot thereby empower itself to do what it ordinarily or constitutionally cannot do. So I'm opposed to Senator Wesely's amendment and I will vote against it.

SPEAKER MARVEL: Senator Kelly.