

May 7, 1979

LB 444

SENATOR KELLY: Mr. Speaker and members of the Legislature, Senator Landis has just outlined one of the most important reasons why we should continue to call this a commission and why we should change judges to commissioners, because he referred to the fact that in order to be a "judge" on a Commission of Industrial Relations, you must be a trained attorney, and that is false. There's nothing in the statutes of any kind that says that, and in the state of Nebraska judges come under the Missouri Plan. They're appointed and they stay there until they're removed by the voters. Now how do you get to be a "judge" on the Court of Industrial Relations? You get appointed by the Governor and confirmed by the Legislature. That hasn't got anything to do with the judiciary and Senator Landis, you do not have to be an attorney in any way in order to be a commissioner on the Commission of Industrial Relations. The only relationship between the Court of Industrial Relations and a judge thereof is the similarity of a district court name and a district court judge. There is no other similarity of any kind, and they do not judge as judges judge. They're arbitrators. They set and they get the facts together and they use the rules of the district court for evidence, the point being that they cannot go out on their own and investigate. They can only take the evidence that comes to them. Not so. The Court of Industrial Relations does have the power to investigate on its own, which a district court does not have, yet the Court of Industrial Relations now the Commission of Industrial Relations cannot enforce its orders. Its orders can only be enforced by the district court. We have not given to what will be the commissioners the prerogatives and the authorities of a judiciary judge, and this Legislature at no time has ever intended to give to the members of the Court of Industrial Relations the power and the prestige and the responsibilities of a district judgeship. It's not there, it's not intended and we should do away with the charade that the Commission of Industrial Relations is a court and that a commissioner of the Commission of Industrial Relations is a judge. Neither is true. Both are... they just border on being fraudulent, because even a person as well trained as Senator Landis and Senator DeCamp, both misunderstand the terms that are used, namely the court, namely the judges. I strongly urge your support of Senator Wesely's amendment.

SPEAKER MARVEL: Senator Wesely, do you wish to....there are other lights on, the Chair is in the middle as far as discussion is concerned. Everybody whose light's on has