

one thing and one thing only, and that is to ensure that the rule that was followed for 30 to 35 years in Nebraska would be returned to and that we would continue to have the Nebraska Appeals Tribunal under the direct administrative control and authority of the Commissioner of Labor. If you read our existing Employment Security Law, Chapter 48, I think a fair minded reading of that chapter would indicate that that is the intention of the Legislature when it passed the bill. That was the practice for 35 years. Last year by an administrative change in the Department of Labor this Appeals Tribunal was placed under the general counsel on the organization chart of the department, which means then that administrative practices such as vacations, promotions, allocations of resources, desks, rooms, those kinds of things, went through the general counsel's office before it went to the Commissioner. The Appeals Tribunal has always been meant to be an impartial body that had to weigh the judicial decision of unemployment compensation claims. The general counsel's office appears before the Tribunal in some cases. They advise other departments on the testimony to be given to the Tribunal and ultimately they also appeal decisions that the Tribunal makes to the District Court. Since they serve both as an input and output of this judicial body, it seems to compromise the impartiality of the body to place it under the administrative control of somebody who is going to be before the court in essence, and for that reason LB 410 seeks to return the Tribunal under the direct administrative control of the Commissioner. For all of its language, LB 410 comes down to three simple lines and you will find them on the white page and it is the second line 25, about three-quarters of the way down the page. It says, the Commissioner and no other agency employee shall exercise in the administrative direction of the Tribunal except as hereinafter provided, and hereinafter provided includes the chief administrative law judge, so that the day to day operation is run by the law judge. If there is an administrative problem it goes directly to the Commissioner, but nothing in between. That is the case that we operated under for 30 years and I think it has always proved to be good. I think to include another layer of bureaucracy between those two, to inject the general counsel is to inject a potential for impartiality...I'm sorry, for partiality in what should be a completely free and independent decision by a judge. I would like to substantiate that position by reading to you a letter from a man who many in this body know personally and many others know by reputation, Attorney General Clarence Meyer, the Republican Attorney General for this state for a number of years. Prior to serving as an