

November 5, 1981

LB 7

object to the amendment but I think that if Senator Vard Johnson believes it, perhaps some of this could be alleviated. To make it simpler, maybe it ought to be done, not that I want to hamper your amendment, Senator Chambers, but sometime when you add words describing things you add problems too and that immediately kind of bothered me but I don't mean to make a big deal of it.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, last night I was going over this bill and the one thing that really bothered me was the wording in there "participation in a strike", and it really kind of like some of the questions I was going to have this morning was define it and who determines it and so forth. But I think this amendment pretty well addresses my concerns that I had in relation to it. It does give the responsibility to somebody, who determines, you know, who is taking part in a strike. Therefore, I would go ahead and support this amendment. Thank you.

SENATOR CLARK: Senator Chambers, do you wish to close?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Cullan and I would like to get a couple of things into the record. Senator Cullan, first of all is this opinion that you stated to the body your opinion or that of somebody at the Department of Welfare?

SENATOR CULLAN: The opinion was related to me from the Department of Welfare and I have not examined the legal issues and I do not necessarily agree that the opinion of the Department of Welfare is correct. Your analysis and Senator Johnson's sounds very legitimate.

SENATOR CHAMBERS: Thank you. And, members of the Legislature, I will say for the record what I said to Senator Nichol and may not have expressed clearly enough. When you have existing language in a statute which has been the subject of judicial determinations, the court has already construed that language and given it a definite meaning. If we change words in that existing language, then the existing court interpretations may alter also. Since it is clear from court decisions what this language means already, there is no need to change it. The reason the word "strike" was put into this amendment was because the new language of this act uses the word "strike", so we had to make it parallel the provision in LB 7 that we are dealing with. But remember this, the courts have often struck