

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 1, 2003 LB 210

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of Senator Baker's amendment, Mr. President.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, next amendment to the committee amendments.

ASSISTANT CLERK: Mr. President, Senator Beutler would move to amend with AM1113. (Legislative Journal page 1128.)

SENATOR CUDABACK: Senator Beutler, to open on your amendment, AM1113, to the committee amendments.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, for the good of the state of Nebraska and the good of rural Nebraska, I think we should take a very different view of this matter. What this amendment does is to cut out substantially more farm workers from receiving workers' compensation, which means some of the...an additional number of the poorest people in our society are not going to be protected when they're injured on the job. That's the bottom line of what we're doing here. And this is the only business in the state that is not required to protect their workers. So what this amendment would do would be to basically include farm workers and laborers under the workers' compensation law. Let's go back and talk about what the law is right now. Right now, we're operating under old 1912, 1915 language that says that farm workers and laborers are exempted from workers' compensation. Over decades of interpretation, the courts have looked at that language, and they've come out with a series of interpretations over the years. And I think that the line they've tried to draw, oversimplifying somewhat, is, what was a family farm in the days of 1912 when this was passed, and what's the difference between a farm and a commercial operation? In other words, when does that family farm become truly a commercial operation and it should be treated like a commercial operation? And they've recently come down with a decision that many people didn't like, which basically said that a feedlot operation that was making...that had gross revenues of \$5 million a year, under the circumstances of their operation, were commercial, and they had to pay the people that...they had to cover the people that worked for them with workers' compensation. And so now there's