

can of worms. Perhaps the presumptions are backwards in this particular case. I suppose in summary I might suggest to you that it is not unreasonable for this legislature to provide that there is no unemployment coverage for workers who are truly independent contractors. No problem there. By its very nature the independent contractor status can not be defined with exactness. No way. That is why we have the ABC test which I have called to your attention. Decisions of this kind are determined on a case by case basis, according to an objective standard, such as the ABC test. Such an objective test, I believe, loses its objective quality when it is restricted by exceptions for factual situations which could not meet the test and do not meet the test. The homeworkers I think are a prime example. They clearly do not meet the independent contractor test. The bill, as amended, if it passes will make the test a joke. Mr. Speaker, I would like to yield whatever time I have remaining to Senator Johnson. Thank you.

SPEAKER NICHOL: You have one minute, Senator Johnson.

SENATOR V. JOHNSON: . . . body, I urge everyone of you to support the amendment offered by Senator Barrett. One of the reasons this has been fought so vigorously is because we do know, we do know that this little issue is one that is subject to reason and rationality. Reason and rationality says, let this issue be treated exactly as Senator Labeledz was treated many years ago with respect to the people that she employed as outside typists. A bureaucrat said to Senator Labeledz, many years ago, those people are your employees. Senator Labeledz said, they are not my employees. Senator Labeledz took that issue to a hearing and she won. All we are saying in the Donnelley situation is look. We have had a bureaucrat make a decision, Disa v. Donnelley, they are now going through the appeals process. Let them go through the process, and let the chips fall where they will. Let us not interject right now, however, and short circuit the process because in doing so we may set a bad precedent for other kinds of workers. Finally, can you in your own mind distinguish the homeworke~~r~~r who is processing market data from the person who goes to the office and processes market data? Is there any rational basis for the distinguishing features of this amendment? Probably not. That is why the Donnelley amendment should be defeated. Allow the administrative process, the court to work its will and its way, and then we will come back and look at this thing carefully, rationally, reasonably and deal with it as it should be dealt with, but not with unconstitutional legislation.