

April 26, 1983

LB 319

SPEAKER NICHOL: Senator DeCamp.

SENATOR DeCAMP: I just agree with everything Senator Vard Johnson said except his conclusion. He says well since the Supreme Court has now said you were right, then you don't need to do anything more in law. It was bureaucrats and refusal to be realistic that got the trouble in the first place. One has to believe now that when they go back to the drawing board they may be tempted to take retribution or have a new interpretation that causes similar problems. So at a very minimum I would say pass 319 into law, and if they want to study it, which I think the committee should, then they can see if any additional changes are needed. But all 319 does now is codify or verify essentially what the court said, which is interesting because my friend Vard was telling us how wrong we were all along.

SPEAKER NICHOL: Senator Higgins.

SENATOR HIGGINS: Mr. Speaker, I would like to ask Senator Vard Johnson if he would yield to a couple of questions please.

SPEAKER BILL NICHOL: Would you respond please?

SENATOR HIGGINS: Senator Johnson, if I understood you right, you said Erspamer Advertising, they were sued or they sued regarding workmen's compensation. Were they sued by one of their salesmen?

SENATOR V. JOHNSON: Yes.

SENATOR HIGGINS: And. . .

SENATOR V. JOHNSON: Yes, they were in effect, yes.

SENATOR HIGGINS: And the Supreme Court came back and said that this sales person who Erspamer probably claimed was an independent contractor did not come under workmen's compensation benefits?

SENATOR V. JOHNSON: Yes, it is unemployment compensation and yes, the Supreme Court said this salesman was not covered.

SENATOR HIGGINS: Okay, thank you, I appreciate that.

SPEAKER NICHOL: Senator Cullan.