

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

April 1, 2003

LB 210

statutes, versus those that are not required to be covered. I'd also like to say that last year and this year, we've had a tremendous amount of help from the Business and Labor Committee, the chair this year, Senator Vrtiska, and the chair last year, Senator Connealy, who worked on the bill a lot, and Laurie Lage, the committee counsel, who has put in a tremendous amount of work on the bill. And for that I am greatly appreciative. The bill is a legislative response that I feel we need to have in response to a Nebraska Supreme Court Case that came down in July of 2002, Larsen v. D B Feedyards. And to quote a little bit of the case...I guess I think that's instructive for us...the court indicated that there was a need for statutory improvement to our statutes in this area. The court noted that there is much confusion, and that the courts are essentially making decisions of liability or nonliability on a case-by-case basis. The...a couple of the justices' dissenting opinions argued that the compensation law in this area in Nebraska is lamentable, and needs legislative clarification as soon as possible. Justice Gerrard suggested that the Legislature needs to act quickly and definitely on this matter, as it is the appropriate entity for public policy making. They even mention that it appears that in the case that I just described, the employer liability turns not on whose ox was gored, but on whose steer was roped. In this particular case, the farmer-feeder was feeding cattle of his own, as well as those of others. And it happened that when the accident occurred, the employee was roping a steer that belonged to someone else. And that was a major point in the majority opinion discussion. And the dissenting judge says that that exemplifies the state of the law. So I think it is terribly important that we act this year in this area, and carry our our responsibilities, which have been very clearly pointed out to us. There are many different ways you could approach this definition and the need to have a definite line. And let me say that I'll be very brief in giving an overview of what we finally wound up doing after a good deal of advice from the committee and input from many people. We decided that we needed to hang our hat on a definition of what agricultural work is, by looking at the Initiative 300 definition, which is in our constitution. And that is what is in the bill...in the committee amendment and in the bill, actually. On page 4 of the committee amendment, the definition of an agricultural operation is directly out of