

LB 154

February 20, 1973

SENATOR STULL: Mr. President and Members of the Legislature. My amendment would take out the ranchers and farm laborers. Now, Senator Carpenter is correct in what he said was reported in the committee hearing that the cost would be \$44.00 a thousand but what wasn't reported was that there is a minimum premium on these policies and according to my information the minimum premium would be \$131.00 a year. Now that would include up to \$2,500.00. In other words, the price is the same for the policy whether you cover a minimum \$300 payroll or on up to \$2,500.00. Now, the farmers and ranchers do want out of this bill and they understand, I think, that if they have an employee working for them that they could be sued and, but their position is that they want to be out from under this and they would take their chances, not being covered.

SPEAKER: Is there any discussion on the amendment? Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and Members of the Legislature, there certainly is. I think the amendment should not be adopted. But again I say, there are more in the Legislature who I think will favor Senator Stull's position than there are those who will look at those who are to be covered by this legislation. I found out how controversial this bill would be after its introduction and after the committee hearing. I didn't realize the opposition was so strong or so widespread but in spite of the opposition and its being widespread, I still have to think in terms of the people who will not be covered by Workmen's Compensation and being able to tell somebody will sue me is not going to deal with the situation of a man or a woman hurt and needing something to sustain him or her. Now, when people are employed by others, they do not become the property of the employer, just like that employee must discharge certain responsibilities, the employer has certain responsibilities to discharge to that employee too and I think one is a reasonable precaution for the welfare of this individual doing work. In Nebraska there is an extremely low minimum wage. Very little has been done to benefit the large numbers of people who do work and must work. There will be a low wage on the one hand, then the same people who support a low wage will be opposed to welfare. Well, there is going to have to be a break in the cycle of poverty somewhere, there's going to have to be a break in the lack of consideration for people who work. They are not in a position to speak for themselves. I don't know if there are many workers represented in the Legislature other than me and there are the men who work, but they don't work as workers in the sense that I do. I'm very sensitive to this whole area and if a ranch worker, I'd like to ask Senator Stull a question if he'd answer? If a ranch worker on a ranch not covered by Workmen's Compensation, I don't know what all work they do on a ranch, but if he got some injury that could befall a ranch worker, what would his recourse be? In terms of replacement of income or a portion of it?

SENATOR STULL: Senator Chambers, I think that he would have the same recourse through the Compensation Court because the statutes are very plain that in case of an injury, he would receive the same amount of payment whether the person is carrying insurance or not carrying it. That's my understanding. Isn't that right? I see Duis doesn't agree with me, perhaps he has more information on this.

SPEAKER: Senator Duis--

SENATOR DUIS: I, I think, Senator Stull, that his recourse is that of, of proving negligence on the part of the person involved and in Workmen's Compensation, it is not necessary to prove negligence on the part of the employer. Actually, this is one of the problems we have with Workmen's Compensation Insurance and I disagree with Senator Chambers. Most of your employers, at least I should hope so, would try to protect their employees.