

SPEAKER BAACK: Time.

SENATOR HALL: The anachronistic overreaching of children brings to mind the satirical rhyme, the golf links lie so near to the mill that almost every day the laboring children can look out and watch the men at play.

SPEAKER BAACK: Thank you, Senator Hall. Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. I rise to oppose this amendment, not on the basis for which Senator Hall offers it because I think, as he recites in the opinion, there is argument to be made that this is an independent...an employee, rather, not an independent contractor, and therefore somebody who might be coverable, but I rise on two bases. First, the case that Senator Hall is reciting, Larson v. Hometown Communications, is still before the Workers' Comp Courts. They had a bifurcated trial. They did handle the legal issues. Senator Hall is reading from the opinion. This is the binding word of the courts. The second part of the case has yet to be handled, which is the amount of benefits, but it's still before a lower court. My point here is that we do not have an authoritative word from the Nebraska Supreme Court. An appeal is almost assured. An appeal is almost assured to the extent that you can predict the future and, in fact, we would be reaching into a lower court's decision, approving it before the body and not awaiting for what the determination of the Supreme court may be, I suppose on the theory that the equity justifies that. The secondary problem is, however, the fact that this being the Select File basis that Senator Hall's bringing us the amendment, what the cost analysis, what the impact would be has not had the opportunity for a public hearing as we normally would. I don't doubt that Senator Hall would be able to make a persuasive case for this piece of public policy and if I were on a committee and heard that public hearing I might well want to support that. At this late juncture, however, I'd just as soon that the bill have, the idea have, its normal order of introduction, justification. I think probably we would be illuminated by what the Supreme Court would have to say on the issue following the appeal, but lastly there's a little more difficult problem than that. Let us imagine that the amendment is offered and defeated. The difficulty is that if the amendment is offered to a vote and the amendment is defeated it now becomes legislative history and