

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT**  
**LB1045**

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**Hearing Date:** Monday February 22, 2016  
**Committee On:** Business and Labor  
**Introducer:** Ebke  
**One Liner:** Provide for the treatment of certain contractors as independent contractors as prescribed

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**  
**Aye:** 6 Senators Bloomfield, Crawford, Ebke, Harr, Howard, Johnson  
**Nay:**  
**Absent:** 1 Senator Chambers  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**  
Senator Laura Ebke  
Nikhil Shanbhag  
Matt Schaefer  
Jessica Herrmann

**Representing:**  
Introducer  
Instacart  
Uber  
Platte Institute

**Opponents:**  
Ron Kaminski  
  
John Corrigan  
Don Wesely  
Kimberly Bonhart

**Representing:**  
Laborers International Union of North America, Omaha  
Federation of Labor, Omaha and Southwest Iowa  
Building & Construction Trades  
Nebraska AFL-CIO  
Nebraska Association of Trial Attorneys  
United Parcel Service

**Neutral:**  
Ron Sedlacek

**Representing:**  
Nebraska Chamber of Commerce

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**Summary of purpose and/or changes:**

Sec. 1(1) defines qualified marketplace contractor as any person or entity that enters into an agreement with a qualified marketplace platform to use the platform's digital application to provide services to individuals. Qualified marketplace platform is defined as any entity that operates a digital application that facilitates services by contractors to individuals.

Sec. 1(2) treats qualified marketplace contractors as independent contractors if: (a) money paid for services is related to the work performed rather than the number of hours worked; (b) the services provided are found in a written contract; and (c) the contract includes the following provisions:

- \*That the contractor is treated as an independent contractor for all purposes, including taxation, unemployment, and workers' compensation;
  - \*That the contractor is paid based on services provided;
  - \*That the contractor is allowed to work any hours or schedules he/she chooses, but if he/she elects to work specified
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hours, the contract may require him/her to work during the selected hours;

\*That the contractor is free to work in outside employment, including work through other platforms;

\*That the contractor bear his/her own expenses; and

\*That the contract may be terminated without cause by either party at any time upon providing reasonable notice.

Sec. 1(3) For those services performed by a contractor prior to the effective date of LB 1045, the contractor shall be treated as an independent contractor if the same requirements subsection 2 are present.

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Burke Harr, Chairperson