

PRESIDENT: Okay, thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. I need a little help, please. Thank you. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of committee amendments.

PRESIDENT: The committee amendments are adopted. I understand we have a couple of amendments but, Senator Hall, would you like to tell us about your bill first?

SENATOR HALL: Thank you, Mr. President. Very briefly, LB 238, as I stated, is a bill that deals with commission-sales individuals who are not direct employees of a wholesaler. Basically these are folks who are on the road, are independent agents who contract with a clothing wholesaler, for example, to sell their line of product and it allows the wholesaler, an individual who is willing to work and present their product around the region, but someone that they do not have to pay benefits for. What they do is they have a contractual arrangement where, based on what they are able to sell for that wholesaler, they are paid a commission. What has happened and why we brought LB 238 to you is that this issue has been before the Business and Labor Committee before. Senator Conway, for a couple of years, the last two years in particular, most recently LB 92 was brought to the Business and Labor Committee and dealt with. It was not dealt with in the same fashion as LB 238. What we do in LB 238 is put the definition in the Wage Payment and Collection Act that commission sales would be something that would fall under this area. It allows for these people who represent the wholesalers but basically have no recourse other than to go to court which can be a very costly item for them because they are independents, they have the ability now through statute to collect basically what is due them. The committee amendments clarify that they can only collect on items that they have actually sold under contract for these wholesalers. Oftentimes what happens is when an independent moves from one wholesaler to another for whatever reason, or when that wholesaler discontinues operating, they have an extremely difficult time collecting their final check. It is not something that happens on a regular basis but it is something that happens frequently and it is not a large sum of money that these individuals are trying to receive. It is money that is due them for a job they perform, but because of the way