

Bill History: At IIAN’s request, LB 276 was introduced by Business & Labor Committee Chairman Burke Harr of Omaha, **to address the growing problem of independent contractors who do not insure themselves for workers compensation.** Based on input from IIAN members last year, a member task force chaired by Steve Mason of Lincoln, worked over the past summer and fall to research and develop bill language.

Hearing Testimony: On Monday, February 23, 2015, IIAN members Tom Farrell, Andy Bassett, and Gale Squier, along with IIAN Legislative Representative Jim Cavanaugh, testified in the Business and Labor Committee in **support of LB276** (Harr – Exempt certified independent contractors from the Nebraska Workers' Compensation Act). Also testifying in support were the PIA, the Nebraska Home Builders Association and the Nebraska Chamber of Commerce. Several letters of support from insurance companies were also submitted. Testifying opposed were the AFL-CIO, NATA, and the Nebraska Trucking Association.

Advanced To General File: After weeks of negotiation on a final committee amendment, and grassroots support from IIAN members, on April 9 the Business & Labor Committee advanced LB 276 to General File on a unanimous 6-0 vote. In a compromise, the bill was amended to apply only to construction work.

Carried Over To 2016 Session: Since it is not named a “Priority” bill, LB 276 was carried over to the 2016 session for consideration by the full legislature. In the interim, IIAN will work with senators and stakeholders on possible improvements.

Bill Points (including committee amendment AM972):

- Certification would be regulated by the Nebraska Workers’ Compensation Court
- Includes 11 points for the administrator of the Court to consider for determination of whether an applicant is qualified to be certified
- Original certification will be in effect for two years; renewal application must be filed
- Certification may be revoked during term by independent contractor or Court administrator. Names grounds for revocation.
- Includes an appeal procedure for applications which are denied/revoked
- Any person who provides false information on an application, and any person who requires an employee to provide false information, is guilty of a Class IV misdemeanor
- A certified independent contractor may elect to be covered under the Workers’ Compensation Act at any time (automatically terminates certification)
- Failure to apply or denial/revocation of certification will not create a presumption that the applicant is an “employee” for purposes of the Workers’ Compensation Act