

be able to do it on a time schedule that allows them to go to school, do their homework and so forth. I don't know what kind of system or how this applies with your workmen's comp, whether the newspaper, Senator Moore or Senator Hall, I might ask you, does it make any difference if the newspaper carrier themselves collects the money or if the company does? Is that enter into this? Does this make any difference as far as being under contracting?

SPEAKER BAACK: Senator Hall.

SENATOR HALL: Yes. Yes, Mr. President and members, Senator Hillman, that was one of the criteria that I mentioned in here. In this case, specifically, there was a portion of the accounts that were paid directly to the employer and then there were some that were picked up some of the late accounts that were the responsibility of the carrier to recover.

SENATOR HILLMAN: So under which scenario would they be contract and which would they be employees?

SENATOR HALL: It's very likely, Senator Hillman, that under both they could be employees. The court laid out these 10 criteria that were taken from the...were statements second of agency and said that none of them specifically had to be relied on individually, but as a whole they had to be looked at.

SENATOR HILLMAN: Okay. One of the other things that we had found that was very beneficial as far as our son was concerned in delivering papers was the fact that we had the autonomy to fill in for him. His sisters did this for him if something came up. His mother didn't very often 'cause I don't like to get up that early, but the rest of the family would stand in and if he was ill, if for some reason he couldn't do this. So then my next question is, is what would be required, who would be considered an employee if he would have family members, brothers or sisters, that would fill in and assist this person in...in delivering the papers?

SENATOR HALL: In, Senator Hillman, Mr. President and members, Senator Hillman, the...in this specific case the individual I'm talking about was a substitute carrier. She was someone that had substituted for the carrier who had the route and then ultimately went on a...basically what amounted to a joint venture with the other papergirl. They split the route up.