

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 11, 2017  
Date

Committee on Business Affairs and Labor.

After consideration on the merits, the Committee recommends the following:

HB17-1307 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, strike lines 21 and 22 and substitute:

2           "(8) "EMPLOYEE" MEANS ANY PERSON, INCLUDING A MIGRATORY  
3 LABORER, PERFORMING LABOR OR SERVICES FOR THE BENEFIT OF AN  
4 EMPLOYER IN WHICH THE EMPLOYER MAY COMMAND WHEN, WHERE, AND  
5 HOWMUCH LABOR OR SERVICES SHALL BE PERFORMED. FOR THE PURPOSES  
6 OF THIS PART 3, AN INDIVIDUAL PRIMARILY FREE FROM CONTROL AND  
7 DIRECTION IN THE PERFORMANCE OF THE SERVICE, BOTH UNDER HIS OR  
8 HER CONTRACT FOR THE PERFORMANCE OF SERVICE AND IN FACT, AND  
9 WHO IS CUSTOMARILY ENGAGED IN AN INDEPENDENT TRADE, OCCUPATION,  
10 PROFESSION, OR BUSINESS RELATED TO THE SERVICE PERFORMED IS NOT  
11 AN "EMPLOYEE".".

12 Page 6, lines 13 and 14, strike "AND SOLVENCY SURCHARGE".

13 Page 14, after line 17 insert:

14           "(c) THE DEPARTMENT SHALL DETERMINE THE NOMINAL AND  
15 REASONABLE ASSISTANCE TO BE PROVIDED TO EMPLOYERS TO OFFSET THE  
16 INITIAL COSTS OF CREATING THE PAYROLL DEDUCTION FOR ITS  
17 EMPLOYEES. THE DEPARTMENT SHALL PROVIDE EMPLOYERS THE NOMINAL  
18 AND REASONABLE ASSISTANCE FROM THE FUND.".

19 Page 14, line 26, strike "THIRTY" and substitute "NINETY".

1 Page 17, line 27, after "FACT." add "A COVERED INDIVIDUAL WHO  
2 WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION  
3 REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO REPORT A  
4 MATERIAL FACT COMMITS A MISDEMEANOR AND SHALL BE PUNISHED BY  
5 A FINE OF ONE THOUSAND DOLLARS."

6 Page 20, after line 18 insert:

7 **"8-13.3-318. Preparation for the "Family and Medical Leave**  
8 **Insurance Act" - repeal of part - notice to revisor of statutes - repeal.**

9 (1) THIS PART 3 IS REPEALED IF THE DEPARTMENT FAILS TO MEET THE  
10 REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION. NOT LATER THAN  
11 JUNE 15, 2018, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL  
12 NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE DEPARTMENT IS  
13 UNABLE TO COMPLY WITH SUBSECTION (2) OF THIS SECTION BY E-MAILING  
14 THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS PART 3 IS  
15 REPEALED UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE  
16 DEPARTMENT FAILED TO MEET THE REQUIREMENTS OF SUBSECTION (2) OF  
17 THIS SECTION OR UPON THE DATE OF THE NOTICE TO THE REVISOR OF  
18 STATUTES IF THE NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

19 (2)(a) THE DEPARTMENT SHALL CONVENE A GROUP OF INTERESTED  
20 PARTIES TO PREPARE FOR THE CREATION OF THE "FAMLI ACT" CREATED  
21 IN THIS PART 3. NOT LATER THAN JUNE 1, 2018, THE DEPARTMENT SHALL:

22 (I) STUDY THE UNITED STATES DEPARTMENT OF LABOR'S OPEN  
23 SOURCE CODE AND OTHER LOW-COST ALTERNATIVES; AND

24 (II) DEVELOP A PLAN FOR THE ISSUANCE OF REVENUE BONDS BY  
25 THE DIVISION.

26 (b) THE DEPARTMENT MAY ACCEPT GIFTS, GRANTS, AND  
27 DONATIONS TO FULFILL THE REQUIREMENTS OF THIS SUBSECTION (2).

28 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019."

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