

HB1310\_L.003

## HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee\_\_\_\_\_  
DateCommittee on Business Affairs and Labor.

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

HB09-1310 be amended as follows:

- 1 Amend printed bill, page 5, after line 26, insert the following:
- 2           "(4) (a) PRIOR TO ENGAGING THE SERVICES OF AN INDIVIDUAL, AN  
3 EMPLOYER MAY REQUEST A WRITTEN ADVISORY OPINION FROM THE  
4 DIRECTOR CONCERNING WHETHER THE EMPLOYER SHOULD CLASSIFY THE  
5 INDIVIDUAL AS AN EMPLOYEE FOR PURPOSES OF COMPLYING WITH THE  
6 ACT. THE EMPLOYER SHALL PROVIDE THE DIRECTOR WITH INFORMATION  
7 NECESSARY FOR THE DIRECTOR TO ISSUE AN ADVISORY OPINION.
- 8           (b) UPON RECEIPT OF A REQUEST AND PERTINENT INFORMATION  
9 FROM AN EMPLOYER, THE DIRECTOR SHALL ISSUE AN ADVISORY OPINION  
10 TO THE EMPLOYER, INDICATING WHETHER THE EMPLOYER MUST CLASSIFY  
11 THE INDIVIDUAL AS AN EMPLOYEE IN ORDER TO COMPLY WITH THE ACT.  
12 THE DIRECTOR SHALL NOT BE BOUND BY HIS OR HER ADVISORY OPINION IF  
13 HE OR SHE OBTAINS INFORMATION AFTER THE ISSUANCE OF THE ADVISORY  
14 OPINION INDICATING THAT HIS OR HER INITIAL DETERMINATION WAS  
15 ERRONEOUS.
- 16           (c) THE DIRECTOR SHALL PROMULGATE RULES IN ACCORDANCE  
17 WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING THE PROCESS FOR  
18 ISSUING AN ADVISORY OPINION."
- 19 Renumber succeeding subsections accordingly.
- 20 Page 7, line 5, strike "(5)" and substitute "(6)";
- 21 line 23, strike "(5) AND (6)" and substitute "(6) AND (7)";
- 22 line 24, strike "(7)" and substitute "(8)".

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