

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

June 6, 2020

Committee on Finance.

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

HB20-1415 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, strike line 12 and substitute:
 - 2 "(3) "PRINCIPAL" MEANS:
 - 3 (a) AN "EMPLOYER" AS".
- 4 Page 2, strike lines 14 and 15 and substitute "U.S.C. SEC. 203 (d);".
- 5 Page 2, line 16, strike "(I)" and substitute "(b)".
- 6 Page 3, line 2, strike "(II)" and substitute "(c)".
- 7 Page 3, strike lines 5 through 7 and substitute:
 - 8 "(d) AN ENTITY THAT CONTRACTS WITH FIVE OR MORE
 - 9 INDEPENDENT CONTRACTORS IN THE STATE EACH YEAR."
- 10 Page 3, strike lines 13 through 27 and substitute:
 - 11 "(5) "WORKER" MEANS:
 - 12 (a) AN EMPLOYEE AS DEFINED IN SECTION 8-4-101 (5); OR
 - 13 (b) A PERSON WHO WORKS FOR AN ENTITY THAT CONTRACTS WITH
 - 14 FIVE OR MORE INDEPENDENT CONTRACTORS IN THE STATE EACH YEAR."
- 15 Page 5, line 15, strike "(a)".

- 1 Page 5, line 17, strike "(I)" and substitute "(a)".
- 2 Page 5, line 18, strike "(II)" and substitute "(b)".
- 3 Page 5, strike lines 20 through 24.
- 4 Page 6, line 9, after "8-14.4-105;" insert "OR".
- 5 Page 6, line 11, strike "8-14.4-106; OR" and substitute "8-14.4-106."
- 6 Page 6, strike lines 12 and 13.
- 7 Page 6, line 17, strike "AN" and substitute "WITHIN TWO YEARS AFTER AN
- 8 ALLEGED VIOLATION OF THIS ARTICLE 14.4, AN".
- 9 Page 6, line 18, after "AGGRIEVED INDIVIDUAL" insert "OR
- 10 WHISTLEBLOWER".
- 11 Page 6, line 22, after "AGGRIEVED INDIVIDUAL" insert "OR
- 12 WHISTLEBLOWER".
- 13 Page 6, line 26, after "INDIVIDUAL" insert "OR WHISTLEBLOWER".
- 14 Page 7, line 4, after "AGGRIEVED INDIVIDUAL" insert "OR
- 15 WHISTLEBLOWER".
- 16 Page 7, line 10, strike "INDIVIDUALS;" and substitute "INDIVIDUALS AND
- 17 WHISTLEBLOWERS;".
- 18 Page 7, line 11, after "AGGRIEVED INDIVIDUAL" insert "OR
- 19 WHISTLEBLOWER".
- 20 Page 7, line 19, after "MAY" insert "AWARD REASONABLE ATTORNEY FEES
- 21 AND".
- 22 Page 7, line 25, strike "RATE OF".
- 23 Page 8, line 10, strike "WHO HAS EXHAUSTED" and substitute "MAY,
- 24 WITHIN NINETY DAYS AFTER EXHAUSTING".

1 Page 8, line 11, strike "8-14.4-105 MAY" and substitute 8-14.4-105,".

2 Page 10, after line 6 insert:

3 "(5) THE COURT SHALL AWARD REASONABLE ATTORNEY FEES TO
4 A PLAINTIFF WHO PREVAILS IN AN ACTION BROUGHT PURSUANT TO THIS
5 SECTION."

6 Page 10, line 15, after "SECTION." add "THE STATE MAY INTERVENE IN THE
7 ACTION TO PROSECUTE IN ITS OWN NAME."

8 Page 10, line 22, strike "VIOLATION." and substitute "VIOLATION, AND FOR
9 APPROPRIATE INJUNCTIVE AND EQUITABLE RELIEF. THE COURT SHALL
10 AWARD THE WHISTLEBLOWER REASONABLE ATTORNEY FEES. THE
11 ATTORNEY FEES ARE NOT SUBJECT TO THE DISTRIBUTION SPECIFIED IN
12 SUBSECTION (3) OF THIS SECTION."

13 Page 10, line 27, strike "WHISTLEBLOWER." and substitute "FIRST
14 WHISTLEBLOWER WHO FILED THE ACTION."

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