

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

May 4, 2017  
Date

Committee on State, Veterans, & Military Affairs.

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

HB17-1119 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 14, after line 21 insert:

2 "SECTION 2. In Colorado Revised Statutes, 8-40-301, **amend**  
3 (1); and **add** (10) as follows:

4 **8-40-301. Scope of term "employee" - definition.**

5 (1) (a) "Employee" excludes any person employed by a passenger  
6 tramway area operator, as defined in section 25-5-702 (1), ~~C.R.S.~~, or  
7 other employer, while participating in recreational activity, who at such  
8 time is relieved of and is not performing any duties of employment,  
9 regardless of whether such person is utilizing, by discount or otherwise,  
10 a pass, ticket, license, permit, or other device as an emolument of  
11 employment.

12 (b) (I) "EMPLOYEE" EXCLUDES ANY PERSON EMPLOYED BY AN  
13 OUT-OF-STATE EMPLOYER PERFORMING INCIDENTAL WORK IN COLORADO  
14 WHERE THE EMPLOYEE IS COVERED AT THE TIME OF INJURY UNDER THE  
15 WORKERS' COMPENSATION ACT OF ANOTHER STATE REGARDLESS OF  
16 WHERE THE CONTRACT FOR EMPLOYMENT WAS CREATED.

17 (II) FOR PURPOSES OF THIS SECTION, "INCIDENTAL WORK" MEANS  
18 WORK THAT IS TEMPORARY OR TRANSITORY AND IS PERFORMED  
19 EXCLUSIVELY FOR AN EMPLOYER WITH NO PERMANENT, REGULAR, OR  
20 RECURRING OPERATIONS IN THE STATE OF COLORADO.

21 (III) THIS SECTION ONLY APPLIES TO A WORKERS' COMPENSATION  
22 ACT OF ANOTHER STATE THAT INCLUDES A RECIPROCAL PROVISION  
23 EXEMPTING COLORADO EMPLOYERS FROM LIABILITY UNDER THE OTHER  
24 STATE'S ACT FOR INCIDENTAL WORK."

1 Renumber succeeding sections accordingly.

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