

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 13, 2019

Committee on Business, Labor, & Technology.

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

SB19-188 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 5, strike lines 13 through 18 and substitute:

2 "(2) "COVERED INDIVIDUAL" MEANS AN INDIVIDUAL WHO, DURING
3 THE INDIVIDUAL'S QUALIFYING YEAR HAS:

4 (a) ELECTED COVERAGE UNDER SECTION 8-13.3-313;

5 (b) BEEN EMPLOYED BY AND WORKED FOR ONE OR MORE
6 EMPLOYERS FOR A COMBINED TOTAL OF AT LEAST SIX HUNDRED EIGHTY
7 HOURS; OR

8 (c) IN THE CASE OF AIRLINE FLIGHT CREW MEMBERS, WORKED FOR,
9 OR BEEN PAID BY, ONE OR MORE EMPLOYERS FOR FIVE HUNDRED FOUR
10 HOURS."

11 Page 15, strike lines 9 through 11 and substitute:

12 "(4) (a) THE DIVISION SHALL APPROVE OR DENY A CLAIM FOR
13 BENEFITS WITHIN FOURTEEN DAYS AFTER RECEIVING THE CLAIM.

14 (b) AFTER EXHAUSTING THE ADMINISTRATIVE PROCESS SPECIFIED
15 IN THIS SECTION, A COVERED INDIVIDUAL OR THE EMPLOYEE OF A COVERED
16 INDIVIDUAL MAY APPEAL THE DECISION OF THE DIVISION IN THE MANNER
17 SPECIFIED IN ARTICLE 74 OF THIS TITLE 8."

18 Page 19, after line 3 insert:

19 "(5) THE DIVISION SHALL, IN A TIMELY MANNER, PROVIDE
20 ELECTRONIC DATA TO THE DEPARTMENT OF REVENUE WITH INFORMATION

1 REGARDING TAXPAYERS TO WHOM BENEFITS HAVE BEEN PAID IN
2 ACCORDANCE WITH THIS PART 3, INCLUDING THE BENEFICIARY'S TAX
3 IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER, THE AMOUNT OF
4 BENEFITS PAID, AND THE TAX YEAR IN WHICH BENEFITS WERE RECEIVED."

5 Page 19, line 7, strike "PREMIUMS," and substitute "PREMIUMS AND".

6 Page 19, line 8, strike "(2)(d)," and substitute "(2)(d)."

7 Page 19, strike line 9 and substitute "MONEY IN THE".

8 Page 20, line 1, strike "(2)(a)." and substitute "(2)(a); EXCEPT THAT
9 EMPLOYERS THAT HAVE FOUR OR FEWER EMPLOYEES OR ARE LOCAL
10 GOVERNMENTS, AS DEFINED IN SECTION 29-1-802 (4), SHALL PAY
11 ONE-EIGHTH OF THE PREMIUM AMOUNT; AND EMPLOYERS THAT HAVE FIVE
12 TO TEN EMPLOYEES OR ARE STATE GOVERNMENTS SHALL PAY ONE-FOURTH
13 OF THE PREMIUM AMOUNT."

14 Page 20, strike lines 2 through 6 and substitute "TO WAGES THAT ARE
15 GREATER THAN ONE HUNDRED FORTY PERCENT OF THE AVERAGE WEEKLY
16 WAGE PER EMPLOYEE PER WEEK. PREMIUMS ESTABLISHED IN ACCORDANCE
17 WITH THIS".

18 Page 20, line 20, after "YEAR." add "THE PREMIUMS ESTABLISHED IN
19 ACCORDANCE WITH THIS SUBSECTION (2)(a)(II)(B) SHALL NOT EXCEED
20 NINETY-NINE ONE HUNDREDTHS OF ONE PERCENT OF WAGES PER
21 EMPLOYEE."

22 Page 21, line 4, after "YEAR." add "THE PREMIUMS ESTABLISHED IN
23 ACCORDANCE WITH THIS SUBSECTION (2)(a)(II)(C) SHALL NOT EXCEED
24 NINETY-NINE ONE HUNDREDTHS OF ONE PERCENT OF WAGES PER
25 EMPLOYEE."

26 Page 22, strike lines 20 through 27 and insert:

27 "(5) (a) AN AGGRIEVED INDIVIDUAL MAY BRING A CLAIM AGAINST
28 AN EMPLOYER FOR A VIOLATION OF THIS SECTION.

29 (b) THE CLAIM MAY BE RESOLVED THROUGH MEDIATION IF THE
30 AGGRIEVED INDIVIDUAL AND THE EMPLOYER EACH AGREE.

31 (c) A CLAIM BROUGHT IN ACCORDANCE WITH THIS SECTION MUST
32 BE FILED WITHIN TWO YEARS AFTER THE DATE ON WHICH THE AGGRIEVED

1 INDIVIDUAL KNEW OR SHOULD HAVE KNOWN OF THE VIOLATION.
2 (d) THE DIVISION SHALL RULE ON THE CLAIM WITHIN ONE
3 HUNDRED EIGHTY DAYS AFTER THE CLAIM IS FILED. IF THE DIVISION FINDS
4 THAT AN EMPLOYER HAS VIOLATED THIS SECTION, THE DIVISION MAY
5 PROVIDE THE AGGRIEVED INDIVIDUAL WITH ECONOMIC DAMAGES,
6 LIQUIDATED DAMAGES, ATTORNEY FEES, AND EQUITABLE RELIEF.
7 (e) AN AGGRIEVED INDIVIDUAL SHALL NOT BRING A CIVIL ACTION
8 IN A COURT OF COMPETENT JURISDICTION UNTIL A CLAIM BROUGHT UNDER
9 THIS SECTION IS RESOLVED, MEDIATION IS COMPLETE, OR ONE HUNDRED
10 EIGHTY DAYS ELAPSE FROM THE DATE ON WHICH THE CLAIM WAS FILED."

11 Page 23, strike line 3 and substitute "THE FMLA OR PART 2 OF THIS
12 ARTICLE 13.3. IF A".

13 Page 27, line 20, after "(1)(b);" insert "AND".

14 Page 27, strike lines 22 through 24 and substitute "8-13.3-309 (2)(a)".

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