

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 4, 2014  
Date

Committee on Finance.

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

SB14-005 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend the Judiciary Committee Report, dated January 22, 2014, page 1,  
2 line 19, strike "action," and substitute "~~action~~ PROCEEDING, INCLUDING A  
3 CIVIL ACTION OR AN ADMINISTRATIVE PROCEDURE UNDER SECTIONS  
4 8-4-111 AND 8-4-111.5,".

5 Page 2 of the Committee Report, strike lines 2 through 4 and substitute  
6 "~~compensation are not mailed to the place of receipt specified in a~~  
7 ~~demand for payment and postmarked within fourteen days after the~~  
8 ~~receipt of such demand~~ IS NOT PAID WITHIN FOURTEEN DAYS AFTER THE  
9 WRITTEN DEMAND IS SENT IN THE MANNER SET FORTH IN PARAGRAPH (d)  
10 OF THIS SUBSECTION (3), the employer shall be liable to the employee for  
11 the wages or".

12 Page 2, of the Committee Report, strike lines 9 through 17 and substitute:  
13 "Page 8, strike line 27 and substitute "~~of this subsection (3)~~. THE  
14 EMPLOYER SHALL SEND OR DELIVER PAYMENT, BY CHECK, DRAFT, OR  
15 VOUCHER IN THE EMPLOYEE'S NAME, TO THE EMPLOYEE AT THE ADDRESS  
16 CONTAINED IN THE WRITTEN DEMAND; OR MAKE THE PAYMENT BY DIRECT  
17 DEPOSIT AUTHORIZED UNDER SECTION 8-4-102 (2) IF THE EMPLOYEE HAS  
18 NOT REVOKED THE AUTHORIZATION. THE EMPLOYER MAY, BUT IS NOT  
19 REQUIRED TO, MAKE THE PAYMENT BY DIRECT DEPOSIT TO AN ACCOUNT  
20 SPECIFIED BY THE EMPLOYEE IN THE DEMAND, EVEN IF THE EMPLOYEE HAS  
21 NOT PREVIOUSLY AUTHORIZED DIRECT DEPOSIT OF THE EMPLOYEE'S  
22 COMPENSATION, OR MAKE THE PAYMENT BY ANOTHER METHOD

1 REQUESTED BY THE EMPLOYEE IN THE DEMAND, IF APPLICABLE. IF THE  
2 EMPLOYEE HAS NOT PREVIOUSLY AUTHORIZED DIRECT DEPOSIT OF  
3 COMPENSATION AND THE DEMAND DOES NOT STATE AN ADDRESS TO  
4 WHICH THE PAYMENT SHOULD BE MAILED, THE EMPLOYER SHALL MAKE  
5 THE PAYMENT AS FOLLOWS:

6 (a) TO THE EMPLOYEE'S LAST-KNOWN ADDRESS ACCORDING TO  
7 THE RECORDS OF THE EMPLOYER; OR

8 (b) IF APPLICABLE AND IF THE EMPLOYER SO ELECTS, AS  
9 OTHERWISE REQUESTED BY THE EMPLOYEE IN THE DEMAND."

10 Page 9, strike lines 1 through 6."

11 Page 3 of the Committee Report, after line 4 insert:

12 "Page 11, strike line 11 and substitute "DAYS AFTER THE NOTICE OF  
13 COMPLAINT IS SENT UNLESS THE"."

14 Page 3 of the Committee Report, strike lines 5 through 7.

15 Page 3 of the Committee Report, after line 18, insert:

16 "Page 13, strike lines 2 through 4 and substitute:

17 "(5) THE DIVISION'S NOTICE TO THE EMPLOYER OF A COMPLAINT  
18 FILED PURSUANT TO SUBSECTION (2) OF THIS SECTION SATISFIES THE  
19 REQUIREMENT OF A WRITTEN DEMAND AS DESCRIBED IN SECTION 8-4-109  
20 (3) (a)"."

21 Page 3 of the Committee Report, line 26, strike "COURT".

22 Page 3 of the Committee Report, line 27, strike "ANY" and substitute "A".

23 Page 4 of the Committee Report, strike lines 2 through 22 and substitute:

24 ""**SECTION 9. Effective date.** (1) Sections 1, 5, 6, 9, and 10 of  
25 this act take effect upon passage.

26 (2) The remaining sections of this act take effect January 1, 2015.

27 **SECTION 10. Safety clause.** The general assembly hereby finds,  
28 determines, and declares that this act is necessary for the immediate  
29 preservation of the public peace, health, and safety."."

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