

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
Date

May 2, 2022

Committee on Appropriations.

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

SB22-161 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend the Business, Labor, and Technology Committee Report, dated
- 2 April 20, 2022, page 4, lines 1 and 2, strike "DIVISION OR COURT, AS
- 3 APPLICABLE," and substitute "COURT".
- 4 Page 4 of the report, line 2, after "COSTS" insert "AND ATTORNEY FEES".
- 5 Page 4 of the report, line 3, strike "THE ADMINISTRATIVE CLAIM OR" and
- 6 substitute "A".
- 7 Page 4 of the report, lines 4 and 5, strike "OR AN ADMINISTRATIVE CLAIM
- 8 OR" and substitute "TO OR".
- 9 Page 4 of the report, line 5, strike "SENT TO OR".
- 10 Page 4 of the report, line 9, strike "TENDER:" and substitute "TENDER
- 11 ULTIMATELY".
- 12 Page 4 of the report, strike lines 10 through 14.
- 13 Page 4 of the report, line 15, strike "(B) ULTIMATELY".
- 14 Page 5 of the report, line 14, strike ""Section 6 of this act takes" and
- 15 substitute ""Sections 6, 7, 8, and 9 of this act take".
- 16 Page 5 of the report, line 17, strike "section 6 of this act takes" and
- 17 substitute "sections 6, 7, 8, and 9 of this act take".
- 18 Amend printed bill, page 10, strike line 22 and substitute: "employer:

1 (I) The court, IN A CIVIL ACTION, may award the".

2 Page 10 of the bill, strike line 24 and substitute "CIVIL action; AND

3 (II) THE DIVISION, IN AN ADMINISTRATIVE CLAIM, MAY AWARD THE  
4 EMPLOYEE REASONABLE COSTS INCURRED IN THE ADMINISTRATIVE CLAIM  
5 AND MAY ALSO AWARD ATTORNEY FEES TO AN EMPLOYEE WHO RECOVERS  
6 MORE THAN FIVE THOUSAND DOLLARS IN UNPAID WAGES IN THE  
7 ADMINISTRATIVE CLAIM.

8 (c) If an employer fails or refuses to".

9 Page 11 of the bill, line 12, strike "(A) BEFORE JANUARY 1, 2023, the"  
10 and substitute "The".

11 Page 11 of the bill, strike lines 16 through 19.

12 Page 12 of the bill, strike lines 13 through 21 and substitute:

13 "(2) (a) (I) If one or more employees files a wage complaint with  
14 the division claiming unpaid wages or compensation of seven thousand  
15 five hundred dollars or less per employee, exclusive of penalties and  
16 fines, the division shall investigate the wage complaint. THE DIVISION  
17 MAY INVESTIGATE ANY WAGE COMPLAINT MADE ON BEHALF OF A GROUP  
18 OF SIMILARLY SITUATED EMPLOYEES. IF THE DIVISION DECLINES TO  
19 INVESTIGATE A GROUP COMPLAINT, SIMILARLY SITUATED EMPLOYEES MAY  
20 CONSENT IN WRITING TO PARTICIPATE AS PARTIES TO THAT COMPLAINT,  
21 AND THE DIVISION MAY PURSUE A DIRECT INVESTIGATION INFORMED BY  
22 AND CONCURRENT WITH THAT COMPLAINT. The division shall initiate the  
23 administrative procedure by sending a notice of complaint to the  
24 employer by mail or electronic means in accordance with rules as the  
25 director may promulgate when the complaint states a claim for relief. The  
26 notice of the complaint must include:".

27 Page 22 of the bill, lines 21 and 22, strike "SIX MONTHS," and substitute  
28 "TWELVE MONTHS, BEGINNING JANUARY 1, 2024,".

29 Page 36 of the bill, before line 21, insert:

30 **"SECTION 24. Appropriation.** (1) For the 2022-23 state fiscal  
31 year, \$504,419 is appropriated to the department of labor and  
32 employment. This appropriation is from the general fund. To implement  
33 this act, the department may use this appropriation as follows:

34 (a) \$473,369 for use by division of labor standards and statistics  
35 for program costs related to labor standards, which amount is based on an

1 assumption that the subdivision will require an additional 4.8 FTE; and  
2 (b) \$31,050 for the purchase of legal services.

3 (2) For the 2022-23 state fiscal year, \$31,050 is appropriated to  
4 the department of law. This appropriation is from reappropriated funds  
5 received from the department of labor and employment under subsection  
6 (1)(b) of this section and is based on an assumption that the department  
7 of law will require an additional 0.2 FTE. To implement this act, the  
8 department of law may use this appropriation to provide legal services for  
9 the department of labor and employment.

10 (3) For the 2022-23 state fiscal year, \$95,200 is appropriated to the  
11 department of law for use by consumer protection. This appropriation is  
12 from the general fund and is based on an assumption that the department  
13 will require an additional 0.8 FTE. To implement this act, the department  
14 may use this appropriation for consumer protection and antitrust."

15 Renumber succeeding section accordingly.

16 Page 1 of the bill, line 103, strike "RELATIONSHIP." and substitute  
17 "RELATIONSHIP, AND, IN CONNECTION THEREWITH, MAKING AN  
18 APPROPRIATION."

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