

**MINUTES OF THE SENATE BUSINESS & LABOR  
STANDING COMMITTEE  
THURSDAY, JANUARY 24, 2008, 8:30 A.M.  
ROOM W015, WEST OFFICE BUILDING  
STATE CAPITOL COMPLEX**

Members Present:        Sen. Kevin VanTassell, Chair  
                              Sen. Wayne Niederhauser  
                              Sen. Carlene Walker  
                              Sen. Gene Davis  
                              Sen. Karen Mayne

Members Absent:        Sen. Dan Eastman  
                              Sen. Bill Hickman

Staff Present:            Allison Nicholson, Policy Analyst  
                              Karen Allred, Committee Secretary

Public Speakers Present: Alan Hennebold, Deputy Commissioner, Utah Labor Commission  
                                  Richard LaJeunesse, Administrative Law Judge, Labor Commission  
                                  Taz Beisinger, Utah Home Builders Association

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair VanTassell called the meeting to order at 8:35 a.m. and announced that **S.B. 136** would not be heard today.

**Approval of Minutes**

**MOTION:** Sen. Mayne moved to approve the minutes of the January 22, 2008 meeting.

The motion passed unanimously with Sens. Niederhauser and Walker absent for the vote.

**1. S.B. 58 Workers' Compensation Related Amendments (M. Dmitrich)**

Sen. Dmitrich introduced the bill and the following amendments were distributed:

1. *Page 1, Lines 20 through 21:*

20 Other Special Clauses:

21            {~~None~~}    **This bill coordinates with S.B. 108, Offset of Workers'  
Compensation and Social Security, to make technical changes.**

2. *Page 4, Lines 112 through 113:*

112           ~~(a)~~ (i) a child under 18 years of age, ~~or over~~ subject to the conditions of  
Subsections

113           (1)(b) and (2) ~~{(c)}~~ (b) ;

3. *Page 5, Lines 124 through 129:*

124           (b) Subsections (1)(a)(i) and (ii) require that:

125           (i) the deceased employee be ~~{:~~

126           ~~(A)}~~ the parent of the child; or

127           ~~{(B)}~~ (ii)(A) the deceased employee be legally bound to support the child;  
and

128           ~~{(ii)}~~ (B) the child be living with the deceased employee at the time of the  
death of the

129           employee.

4. *Page 14, Lines 426 through 427:*

426           court all documents and papers and a transcript of all testimony taken in the matter  
together

427           with the decision of the commissioner or Appeals Board.

**Section 9. S.B. 58 coordinating with S.B. 108 -- Technical amendments.**  
**If this S.B. 58 and S.B. 108, Offset of Workers' Compensation and Social Security,**  
**both pass, it is the intent of the Legislature that the Office of Legislative Research and**  
**General Counsel in preparing the Utah Code database for publication coordinate the**  
**bills as follows:**

**(1) the amendments to Subsection 34A-2-702(5)(b)(i) in this bill supersede the**  
**amendments to that subsection in S.B. 108;**

**(2) the amendments to Subsection 34A-2-702(5)(b)(iii) in S.B. 108 supersede the**  
**amendments to that subsection in this bill;**

**(3) the amendments to Subsections 34A-2-702(5)(b)(iv) and (5)(c)(i) in this bill**  
**supersede the amendments to those subsections in S.B. 108;**

**(4) the amendments to Subsection 34A-2-702(5)(c)(ii) in S.B. 108 supersede the**  
**amendments to that subsection in this bill, except that the introductory phrase in**  
**Subsection 34A-2-702(5)(c)(ii)(A) is deleted and replaced with the following:**  
**"(ii)(A) In determining the annual income of the surviving spouse after the initial**  
**312-week period, there shall be excluded 50% of a federal Social Security death**  
**benefit that the surviving spouse:"; and**

**(5) the amendments to Subsection 34A-2-702(5)(d) and (e) in this bill supersede the**  
**amendments to those subsections in S.B. 108.**

**MOTION:** Sen. Davis moved to adopt the amendments.

The motion passed unanimously with Sen. Walker absent for the vote.

Alan Hennebold, Deputy Commissioner, Utah Labor Commission, explained the bill.

Richard LaJeunesse, Administrative Law Judge, Labor Commission, further clarified the bill.

Taz Beisinger, Utah Home Builders Association, spoke to the bill.

**MOTION:** Sen. Davis moved to pass the bill out favorably as amended.

The motion passed unanimously.

**2. S.B. 68 Workers' Compensation - Death Benefits (K. Mayne)**

Sen. Mayne introduced the bill.

**MOTION:** Sen. Walker moved to pass the bill out favorably.

The motion passed unanimously.

Chair VanTassell announced that **S.B. 108** would not be heard today.

**MOTION:** Sen. Niederhauser moved to adjourn.

The motion passed unanimously.

Chair VanTassell adjourned the meeting at 9:15 a.m.

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Sen. Kevin VanTassell, Committee Chair

Minutes of the Senate Business and Labor Standing Committee  
January 24, 2008  
Page 4