

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 8
DATE 2/17/05
BILL NO. SB12

INFORMATIONAL TESTIMONY
DEPARTMENT OF LABOR & INDUSTRY
DIANA FERRITER
EMPLOYMENT RELATIONS DIVISION

SB12

The department has technical concerns with the proposed language in Section 2(1). The proposed language doesn't clearly provide that the benefits payable to an employee with an occupational disease under Chapter 72 are paid in the same amount and for the same time period as the benefits payable to an injured worker under Chapter 71. The present language does not reference Chapter 71 where the definition of an injured worker is found.

We offer an amendment to lines 2 and 3 on page 3 for consideration of the committee:

- (1) The compensation that is payable to an employee with an occupational disease must be paid in the same amount and for the same time period under this chapter as compensation payable under Chapter 71:

Our other concern is that this bill doesn't amend the definition of "Disablement" found in Section 39-72-102(4) of the occupational disease act. That definition provides that "disability", "total disability" and "totally disabled" are synonymous with "disablement" and the definition of "disablement" is not consistent with the meaning of the various disability benefits found in the workers' compensation act. The committee may want to consider ~~amending~~ *repealing* Section 39-72-102(4). *It may not be needed.*

Thank you and I'm available to answer questions.