

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 08-1000.01 Kate Meyer

SENATE BILL 08-204

SENATE SPONSORSHIP

Veiga,

HOUSE SPONSORSHIP

Carroll T.,

Senate Committees
Business, Labor and Technology

House Committees
Business Affairs and Labor

A BILL FOR AN ACT

101 **CONCERNING AN EXCEPTION TO THE REQUIREMENT THAT DECISIONS**
102 **BE ISSUED ON EVERY CLAIM SUBMITTED FOR UNEMPLOYMENT**
103 **BENEFITS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates an exception to the requirement that deputies of the division of employment and training in the department of labor and employment issue decisions on all claims for unemployment benefits to excuse decisions when the claimant has not filed a continued claim for benefits.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unam ended
April 8, 2008

HOUSE
Am ended 2nd Reading
April 7, 2008

SENATE
3rd Reading Unam ended
March 24, 2008

SENATE
2nd Reading Unam ended
March 20, 2008

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 8-74-102 (1), Colorado Revised Statutes, is
3 amended to read:

4 **8-74-102. Deputy's decision.** (1) Upon receipt of a claim, the
5 division shall notify any other interested parties of the claim by mail or
6 electronic means in accordance with such rules as the director of the
7 division may promulgate. Such interested parties shall be afforded twelve
8 calendar days after the date of such notice of the claim to present any
9 information pertinent to the claim by mail, telephone, or electronic means
10 in accordance with such rules as the director of the division may
11 promulgate. Such information shall be received by the division within
12 twelve calendar days after said date. If the twelfth calendar day falls on
13 a weekend or a state holiday, such date shall be moved to the first
14 working day immediately following such weekend or holiday. The
15 interested party may present information out of time only if good cause
16 is shown. A deputy to be designated by the director of the division shall
17 promptly examine all materials submitted. Whenever information
18 submitted is not clearly adequate to substantiate a decision, the deputy
19 shall promptly seek the necessary information. If it is necessary to obtain
20 information by mail from any source, the information shall be received by
21 the division no later than seven calendar days after the date of the request
22 for information. On the basis of the deputy's review, the deputy shall
23 determine the validity of the claim and, if valid, when payment shall
24 commence, the amount payable, and the duration of payment. The deputy
25 shall issue a decision in all cases, even if the claimant has insufficient
26 qualifying wages, unless the interested employer did not receive notice of

1 the claim, except when the separation from employment is due to a lack
2 of work and no alleged disqualifying circumstances are indicated, OR
3 UNLESS THE CLAIMANT DID NOT FILE A CONTINUED CLAIM. The deputy's
4 decision shall set forth findings of fact, conclusions of law, and an order.
5 The division shall promptly provide all interested parties with copies of
6 the deputy's decision.

7 **SECTION 2. Effective date - applicability.** (1) This act shall
8 take effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly that is
10 allowed for submitting a referendum petition pursuant to article V,
11 section 1 (3) of the state constitution, (August 6, 2008, if adjournment
12 sine die is on May 7, 2008); except that, if a referendum petition is filed
13 against this act or an item, section, or part of this act within such period,
14 then the act, item, section, or part, if approved by the people, shall take
15 effect on the date of the official declaration of the vote thereon by
16 proclamation of the governor.

17 (2) The provisions of this act shall apply to claims received by the
18 division of employment and training on or after the applicable effective
19 date of this act.