

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 11-0406.01 Chuck Brackney

SENATE BILL 11-010

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Priola,

Senate Committees

Business, Labor and Technology

House Committees

Economic and Business Development

A BILL FOR AN ACT

101 **CONCERNING THE TRADE READJUSTMENT ALLOWANCE PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill conforms Colorado law regarding the payment of unemployment benefits during approved training to the requirements of the federal "Trade Act of 1974", as amended, by prohibiting the denial of benefits because the eligible individual:

- ! Left temporary work engaged in during a break or delay in the training; or
- ! Left on-the-job training within 30 days after starting the

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
Am ended 2nd Reading
March 11, 2011

SENATE
3rd Reading Unam ended
February 21, 2011

SENATE
2nd Reading Unam ended
February 18, 2011

training because it did not satisfy federal law requirements.

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

2 **SECTION 1.** 8-73-113 (1), Colorado Revised Statutes, is
3 amended to read:

4 **8-73-113. Benefits payable during approved training.**

5 (1) Notwithstanding any other provisions of articles 70 to 82 of this title,
6 THE DIVISION SHALL NOT DENY BENEFITS FOR ANY WEEK TO an otherwise
7 eligible individual ~~shall not be denied benefits for any week~~ because: ~~he~~

8 (a) THE INDIVIDUAL is in training approved under section 236 (a)
9 (1) of the federal "Trade Act of 1974", PUB.L. 93-618, CODIFIED AT 19
10 U.S.C. SEC. 2296 (a) (1), as amended; ~~nor shall such individual be denied~~
11 ~~benefits by reason of leaving~~

12 (b) THE INDIVIDUAL LEFT work to ~~enter such~~ ENROLL IN THE
13 training, ~~provided~~ AS LONG AS the work left is not suitable employment;
14 ~~or because~~

15 (c) ~~Of the application to any such week in training~~ of provisions
16 ~~in this law~~ OF ARTICLES 70 TO 82 OF THIS TITLE relating to availability for
17 work, active search for work, or refusal to accept work TO ANY WEEK IN
18 WHICH THE INDIVIDUAL IS ENROLLED IN THE TRAINING;

19 (d) THE INDIVIDUAL LEFT WORK THAT HE OR SHE ENGAGED IN ON
20 A TEMPORARY BASIS DURING A BREAK IN THE TRAINING OR A DELAY IN THE
21 COMMENCEMENT OF THE TRAINING; OR

22 (e) THE INDIVIDUAL LEFT ON-THE-JOB TRAINING NOT LATER THAN
23 THIRTY DAYS AFTER COMMENCING THE TRAINING BECAUSE THE TRAINING
24 DID NOT MEET THE REQUIREMENTS OF 19 U.S.C. SEC. 2296 (c) (1) (B) OF
25 THE FEDERAL "TRADE ACT OF 1974", AS AMENDED.

1 **SECTION 2.** 8-75-101 (10) and (11) (a), Colorado Revised
2 Statutes, are amended to read:

3 **8-75-101. Definitions.** As used in this part 1, unless the context
4 otherwise requires:

5 (10) There is an "off" indicator for a week if, for the period
6 consisting of such week and the immediately preceding twelve weeks,
7 either: ~~sub-subparagraph (A) or (B) of subparagraph (I) of paragraph (a)~~
8 ~~of subsection (11) of this section was not satisfied, and subparagraph (II)~~
9 ~~of paragraph (a) of subsection (11) of this section was not satisfied.~~

10 (a) ~~SUB-SUBPARAGRAPH (A) OR (C) OF SUBPARAGRAPH (I) OF~~
11 ~~PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED,~~
12 ~~AND SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS~~
13 ~~SECTION WAS NOT SATISFIED; OR~~

14 (b) ~~SUB-SUBPARAGRAPH (B) OR (C) OF SUBPARAGRAPH (I) OF~~
15 ~~PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED,~~
16 ~~AND SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS~~
17 ~~SECTION WAS NOT SATISFIED.~~

18 (11) (a) There is an "on" indicator for a week if the rate of insured
19 unemployment under articles 70 to 82 of this title for the period
20 consisting of such week and the immediately preceding twelve weeks:

21 (I) (A) Equaled or exceeded one hundred twenty percent of the
22 average of such rates for the corresponding thirteen-week period ending
23 in each of the preceding two calendar years; ~~and~~ OR

24 (B) EQUALED OR EXCEEDED ONE HUNDRED TWENTY PERCENT OF
25 THE AVERAGE OF SUCH RATES FOR THE CORRESPONDING THIRTEEN-WEEK
26 PERIOD ENDING IN EACH OF THE PRECEDING THREE CALENDAR YEARS WITH
27 RESPECT TO WEEKS BEGINNING ON OR AFTER DECEMBER 17, 2010, AND
28 ENDING DECEMBER 31, 2011, OR WHILE PUB.L. 111-312 AND ANY

1 AMENDMENTS THERETO ARE IN EFFECT; AND

2 ~~(B)~~ (C) Equaled or exceeded five percent; or

3 (II) Equaled or exceeded six percent.

4 **SECTION 3.** 8-75-108 (1), Colorado Revised Statutes, is
5 amended to read:

6 **8-75-108. Total unemployment rate extended benefits.**

7 (1) With respect to weeks of unemployment beginning on or after March
8 22, 2009, and ending ~~on December 5, 2009,~~ or four weeks before the last
9 week for which federal sharing is authorized by section 2005 (a) of
10 Pub.L. 111-5 and any amendments thereto, whichever is later:

11 (a) There is an "on" indicator for a week of TUR extended
12 benefits, in the amount determined pursuant to sections 8-75-104 and
13 8-75-105, if ~~all of the following applies~~ SUBPARAGRAPHS (I) AND (II) OF
14 THIS PARAGRAPH (a) APPLY OR IF SUBPARAGRAPHS (I) AND (III) OF THIS
15 PARAGRAPH (a) APPLY:

16 (I) The seasonally adjusted TUR, as determined by the United
17 States secretary of labor, for the most recent three months for which data
18 for all states is published, equals or exceeds six and one-half percent; ~~and~~

19 (II) The average TUR in the state equals or exceeds one hundred
20 ten percent of the TUR for either or both of the corresponding
21 three-month periods in the two preceding calendar years;

22 (III) ~~WITH RESPECT TO WEEKS BEGINNING ON OR AFTER DECEMBER~~
23 ~~17, 2010, AND ENDING DECEMBER 31, 2011, OR WHILE PUB.L. 111-312~~
24 ~~AND ANY AMENDMENTS THERETO ARE IN EFFECT, THE AVERAGE TUR IN~~
25 ~~THE STATE EQUALS OR EXCEEDS ONE HUNDRED TEN PERCENT OF THE TUR~~
26 ~~FOR ALL OR ANY OF THE CORRESPONDING THREE-MONTH PERIODS IN THE~~
27 ~~THREE PRECEDING CALENDAR YEARS;~~

28 (b) There is an "off" indicator for weeks of TUR extended

1 benefits if any of the following applies:

2 (I) The TUR falls below six and one-half percent; or

3 (II) The requirements described in subparagraph (II) OR (III) of
4 paragraph (a) of this subsection (1) are not satisfied.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.