

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 05-1020

BY REPRESENTATIVE(S) Cerbo, Carroll T., Coleman, Frangas, Green, Madden, Marshall, McGihon, Merrifield, Paccione, Plant, Pommer, and Todd;
also SENATOR(S) Takis, Fitz-Gerald, Hanna, Keller, Tochtrop, Williams, and Tupa.

CONCERNING THE CREATION OF AN ALTERNATIVE BASE PERIOD FOR THE PURPOSE OF QUALIFYING WORKERS FOR UNEMPLOYMENT INSURANCE BENEFITS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 8-70-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-70-103. Definitions. As used in articles 70 to 82 of this title, unless the context otherwise requires:

(1.5) "ALTERNATIVE BASE PERIOD" MEANS THE LAST FOUR COMPLETED CALENDAR QUARTERS IMMEDIATELY PRECEDING THE BENEFIT PERIOD.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 8-73-102 (1), Colorado Revised Statutes, is amended to read:

8-73-102. Weekly benefit amount for total unemployment.

(1) (a) Except as otherwise provided in section 8-73-104 or subsection (2) of this section, each eligible individual who is totally unemployed in any week shall be paid, with respect to such week, benefits at the rate of sixty percent of one-twenty-sixth of the wages paid for insured work during the two consecutive quarters of his OR HER base period in which such total wages were highest, computed to the next lower multiple of one dollar but not more than one-half of the average weekly earnings in all covered industries in Colorado according to the records of the division, as computed by the division in June for the ensuing twelve months beginning July 1, on the basis of the most recent available figures, and not less than twenty-five dollars.

(b) (I) IF AN INDIVIDUAL DOES NOT HAVE SUFFICIENT QUALIFYING WEEKS OR WAGES IN THE BASE PERIOD TO QUALIFY FOR UNEMPLOYMENT INSURANCE BENEFITS, THE INDIVIDUAL SHALL HAVE THE OPTION OF DESIGNATING THAT THE BASE PERIOD SHALL BE THE ALTERNATIVE BASE PERIOD.

(II) IF INFORMATION REGARDING WEEKS AND WAGES FOR THE CALENDAR QUARTER IMMEDIATELY PRECEDING THE BENEFIT PERIOD IS NOT AVAILABLE FROM THE REGULAR QUARTERLY REPORTS OF WAGE INFORMATION, AND THE DIVISION IS NOT ABLE TO OBTAIN THE INFORMATION USING OTHER MEANS PURSUANT TO STATE OR FEDERAL LAW, THE DIVISION MAY BASE THE DETERMINATION OF ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS ON THE AFFIDAVIT OF THE UNEMPLOYED INDIVIDUAL WITH RESPECT TO WEEKS AND WAGES FOR THAT CALENDAR QUARTER. THE INDIVIDUAL SHALL FURNISH PAYROLL DOCUMENTATION, IF AVAILABLE, IN SUPPORT OF THE AFFIDAVIT. A DETERMINATION OF UNEMPLOYMENT INSURANCE BENEFITS BASED ON AN ALTERNATIVE BASE PERIOD SHALL BE ADJUSTED WHEN THE QUARTERLY REPORT OF WAGE INFORMATION FROM THE EMPLOYER IS RECEIVED, IF THAT INFORMATION CAUSES A CHANGE IN THE DETERMINATION.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the employment support fund created in section 8-77-109 (1), Colorado Revised Statutes, to the department of labor and employment, for allocation

to the division of employment and training, for the fiscal year beginning July 1, 2005, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the implementation of this act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2005, the department of labor and employment, division of employment and training, will receive the sum of eighty-three thousand seven hundred fifty-two dollars (\$83,752) in federal funds and 2.0 FTE for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing state appropriation amounts.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or

part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO