

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

REREVISED

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

LLS NO. 05-0457.01 Karen Woods

HOUSE BILL 05-1020

HOUSE SPONSORSHIP

Cerbo,

SENATE SPONSORSHIP

Takis,

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

Business, Labor and Technology
Appropriations

A BILL FOR AN ACT

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

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 alternative base period for the purpose of qualifying workers for unemployment insurance benefits. Defines alternative base period as the last 4 completed quarters preceding the benefits period. Allows the division of employment and training to base a determination of eligibility for unemployment insurance benefits on the affidavit of 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.

SENATE
3rd Reading Unamended
May 2, 2005

SENATE
2nd Reading Unamended
April 29, 2005

HOUSE
3rd Reading Unamended
March 10, 2005

HOUSE
Amended 2nd Reading
March 8, 2005

unemployed person for the quarter immediately preceding the benefit period.

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

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

4 **8-70-103. Definitions.** As used in articles 70 to 82 of this title,
5 unless the context otherwise requires:

6 (1.5) "ALTERNATIVE BASE PERIOD" MEANS THE LAST FOUR
7 COMPLETED CALENDAR QUARTERS IMMEDIATELY PRECEDING THE BENEFIT
8 PERIOD.

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

11 **8-73-102. Weekly benefit amount for total unemployment.**

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

23 (b) (I) IF AN INDIVIDUAL DOES NOT HAVE SUFFICIENT QUALIFYING
24 WEEKS OR WAGES IN THE BASE PERIOD TO QUALIFY FOR UNEMPLOYMENT
25 INSURANCE BENEFITS, THE INDIVIDUAL SHALL HAVE THE OPTION OF

1 DESIGNATING THAT THE BASE PERIOD SHALL BE THE ALTERNATIVE BASE
2 PERIOD.

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

17 **SECTION 3. Appropriation.** In addition to any other
18 appropriation, there is hereby appropriated, out of any moneys in the
19 employment support fund created in section 8-77-109 (1), Colorado
20 Revised Statutes, to the department of labor and employment, for
21 allocation to the division of employment and training, for the fiscal year
22 beginning July 1, 2005, the sum of two hundred fifty thousand dollars
23 (\$250,000), or so much thereof as may be necessary, for the
24 implementation of this act. In addition to said appropriation, the general
25 assembly anticipates that, for the fiscal year beginning July 1, 2005, the
26 department of labor and employment, division of employment and
27 training, will receive the sum of eighty-three thousand seven hundred

1 fifty-two dollars (\$83,752) in federal funds and 2.0 FTE for the
2 implementation of this act. Although the federal funds are not
3 appropriated in this act, they are noted for the purpose of indicating the
4 assumptions used relative to these funds in developing state appropriation
5 amounts.

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