

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-0855.01 Kristen Forrestal x4217

SENATE BILL 20-097

SENATE SPONSORSHIP

Holbert, Gonzales, Hill, Smallwood, Tate, Williams A.

HOUSE SPONSORSHIP

Van Winkle, Snyder

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE TREATMENT OF A MARIJUANA-LICENSEE-OWNED**
102 **BUSINESS THAT PROVIDES EMPLOYMENT SERVICES TO A**
103 **COMMONLY CONTROLLED MARIJUANA BUSINESS AS A SINGLE**
104 **EMPLOYING UNIT.**

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://leg.colorado.gov>.)

Current law states that a common paymaster is not a single employing unit for purposes of considering the services performed by another employing unit subject to a single or common payroll. The bill

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

SENATE
3rd Reading Unamended
February 19, 2020

SENATE
2nd Reading Unamended
February 18, 2020

creates an exception for an employee leasing company or other employing entity that is owned by one or more persons who have a medical or retail marijuana license and who own at least 50% of an entity that shares the employee leasing company's services. The employee leasing company or other employing entity is not considered a common paymaster for the purposes of the "Colorado Employment Security Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-70-114, **amend** (1)
3 as follows:

4 **8-70-114. Employing unit - definitions - rules - employee**
5 **leasing company certification fund.** (1) (a) "Employing unit" means
6 any individual or type of organization, including any partnership, limited
7 liability partnership, limited liability company, limited liability limited
8 partnership, association, trust, estate, joint stock company, insurance
9 company, or corporation, whether domestic or foreign, or the receiver,
10 trustee in bankruptcy, trustee or successor ~~thereof~~ OF THE TRUSTEE, or
11 legal representative of a deceased person, ~~who~~ THAT employs one or more
12 individuals performing services within this state. All individuals
13 performing services within this state for any employing unit that
14 maintains two or more separate establishments within this state shall be
15 deemed to be employed by a single employing unit for all the purposes of
16 articles 70 to 82 of this ~~title~~ TITLE 8. Each individual employed to perform
17 or to assist in performing the work of any agent or employee of an
18 employing unit shall be deemed to be employed by such employing unit
19 for all the purposes of articles 70 to 82 of this ~~title~~ TITLE 8, whether such
20 individual was hired or paid directly by such employing unit or by the
21 agent or employee if the employing unit had actual or constructive
22 knowledge of the work.

1 (b) Nothing in this section shall be construed to mean that a
2 common paymaster, AS DEFINED BY 26 CFR 31.3121(s)-1 (2)(i), may be
3 considered a single employing unit for purposes of considering the
4 services performed by another employing unit subject to a single or
5 common payroll.

6 (c) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS
7 SECTION, AN "EMPLOYING UNIT" INCLUDES AN EMPLOYEE LEASING
8 COMPANY OR OTHER EMPLOYING ENTITY THAT IS OWNED BY ONE OR MORE
9 PERSONS LICENSED PURSUANT TO ARTICLE 10 OF TITLE 44 AND THAT OWN
10 AT LEAST FIFTY PERCENT OF AN ENTITY THAT SHARES THE EMPLOYEE
11 LEASING COMPANY'S SERVICES. SUCH EMPLOYEE LEASING COMPANY OR
12 OTHER EMPLOYING ENTITY IS NOT A COMMON PAYMASTER FOR THE
13 PURPOSES OF ARTICLES 70 TO 82 OF THIS TITLE 8.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.