

First Extraordinary Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20B-0024.01 Kristen Forrestal x4217

HOUSE BILL 20B-1012

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HOUSE SPONSORSHIP

Larson, Carver, Champion, Geitner, Holtorf, Humphrey, Liston, McKean, Pelton, Will

SENATE SPONSORSHIP

(None),

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House Committees  
Finance

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE IMPLEMENTATION OF LEGISLATION ENACTED IN THE  
102 SECOND REGULAR SESSION OF THE SEVENTY-SECOND GENERAL  
103 ASSEMBLY.

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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>.)*

Senate Bill 20-205, enacted in 2020, required each employer with 16 or more employees to provide paid sick leave to employees beginning January 1, 2021, and every employer to provide paid sick leave beginning January 1, 2022. This bill delays each of these requirements by one calendar year.

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.

The amount of wages paid to an individual employee on which an employer is required to pay premiums into the unemployment compensation fund is scheduled to increase in the calendar year beginning January 1, 2021, and each year thereafter pursuant to Senate Bill 20-207, enacted in 2020. This bill delays the first increase until the calendar year beginning January 1, 2022, and delays each subsequent increase thereafter by one year.

Senate Bill 20-207 also prohibited the division of unemployment insurance in the department of labor and employment from assessing a solvency surcharge against employers to be paid into the unemployment compensation fund for the calendar years 2021 and 2022. This bill extends this prohibition through the calendar year 2023.

Senate Bill 20-215, enacted in 2020, required that the health insurance affordability enterprise assess and collect fees from health insurance carriers each year starting in 2022. This bill delays the assessment and collection of the fees by one calendar year.

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

2           **SECTION 1.** In Colorado Revised Statutes, 8-13.3-403, **amend**  
3 (1)(b) and (1)(c) as follows:

4           **8-13.3-403. Paid sick leave - accrual - carry forward to**  
5 **subsequent year - comparable leave provided by employer - no**  
6 **payment for unused leave - rules - repeal.** (1) (b) Effective January 1,  
7 ~~2021~~ 2022, each employer with sixteen or more employees shall provide  
8 each employee paid sick leave as provided in this section. This subsection  
9 (1)(b) is repealed, effective January 1, ~~2022~~ 2023.

10           (c) Effective January 1, ~~2022~~ 2023, each employer shall provide  
11 each employee paid sick leave as provided in this section.

12           **SECTION 2.** In Colorado Revised Statutes, 8-13.3-411, **amend**  
13 (4)(b) as follows:

14           **8-13.3-411. Enforcement - judicial review of director's actions**  
15 **- repeal.** (4) (b) (I) Beginning January 1, ~~2021~~ 2022, an employer with  
16 sixteen or more employees who violates this part 4 is liable for back pay

1 and any other relief as provided by section 8-5-104 (2)(a) and (2)(b). This  
2 subsection (4)(b)(I) is repealed, effective January 1, ~~2022~~ 2023.

3 (II) Beginning January 1, ~~2022~~ 2023, an employer who violates  
4 this part 4 is liable for back pay and any other relief as provided by  
5 section 8-5-104 (2)(a) and (2)(b).

6 **SECTION 3.** In Colorado Revised Statutes, 8-70-103, **amend as**  
7 **it will become effective January 1, 2021,** (6.5)(a) as follows:

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

10 (6.5) (a) "Chargeable wages" means those wages paid to an  
11 individual employee during a calendar year on which the employer of that  
12 employee is required to pay premiums as provided by article 76 of this  
13 title 8, including all wages subject to a tax under federal law, which  
14 imposes a tax against which credit may be taken for premiums required  
15 to be paid into the unemployment compensation fund. For each calendar  
16 year, chargeable wages is as follows:

17 (I) For the calendar year beginning January 1, ~~2021~~ 2022, the first  
18 thirteen thousand six hundred dollars paid to an individual;

19 (II) For the calendar year beginning January 1, ~~2022~~ 2023, the  
20 first seventeen thousand dollars paid to an individual;

21 (III) For the calendar year beginning January 1, ~~2023~~ 2024, the  
22 first twenty thousand four hundred dollars paid to an individual;

23 (IV) For the calendar year beginning January 1, ~~2024~~ 2025, the  
24 first twenty-three thousand eight hundred dollars paid to an individual;

25 (V) For the calendar year beginning January 1, ~~2025~~ 2026, the  
26 first twenty-seven thousand two hundred dollars paid to an individual;

27 and

1 (VI) For the calendar year beginning January 1, ~~2026~~ 2027, and  
2 each calendar year thereafter, the first thirty thousand six hundred dollars  
3 paid to an individual, adjusted by the change in the average weekly  
4 earnings prescribed in section 8-73-102, rounded to the nearest one  
5 hundred dollars.

6 **SECTION 4.** In Colorado Revised Statutes, 8-76-102.5, **amend**  
7 (7)(c) as follows:

8 **8-76-102.5. Rates effective upon fund solvency - repeal of**  
9 **prior rates - solvency surcharge - definitions - repeal.**

10 (7) (c) (I) Notwithstanding subsection (7)(a) of this section, for the  
11 calendar years 2021, ~~and~~ 2022, AND 2023, the division shall not assess a  
12 solvency surcharge on any employer.

13 (II) This subsection (7)(c) is repealed, effective January 1, ~~2023~~  
14 2024.

15 **SECTION 5.** In Colorado Revised Statutes, 10-16-1205, **amend**  
16 (1)(a)(I) introductory portion, (1)(a)(II), (2)(b) introductory portion,  
17 (2)(b)(III)(A), (2)(c) introductory portion, and (2)(d)(I) introductory  
18 portion as follows:

19 **10-16-1205. Health insurance affordability fee - special**  
20 **assessment on hospitals - allocation of revenues.** (1) (a) (I) Starting in  
21 the ~~2021~~ 2022 calendar year, the enterprise shall assess and collect from  
22 carriers, by July 15 each year, a health insurance affordability fee. The fee  
23 amount is based on the following percentages of premiums collected by  
24 the following carriers in the immediately preceding calendar year on  
25 health benefit plans issued in the state:

26 (II) For the ~~2022 and 2023~~ 2023 AND 2024 calendar years, the  
27 enterprise shall assess and collect from hospitals a special assessment of

1 twenty million dollars per year, subject to subsection (5) of this section.  
2 The enterprise shall not collect the special assessment for the ~~2022~~ 2023  
3 calendar year before October 1, ~~2022~~ 2023.

4 (2) (b) The enterprise shall allocate the revenues collected in ~~2021~~  
5 2022, and any other money deposited in the fund in ~~2021~~ 2022, as  
6 follows:

7 (III) Of any remaining balance in the fund after deducting the  
8 allocations specified in subsections (2)(b)(I) and (2)(b)(II) of this section:

9 (A) Up to one percent of the total amount of revenues collected  
10 or deposited into the fund in ~~2021~~ 2022, but not more than one million  
11 five hundred thousand dollars, for implementation costs and consumer  
12 enrollment, outreach, and education activities regarding health care  
13 coverage as described in subsection (1)(b)(V) of this section; and

14 (c) The enterprise shall allocate the revenues collected in ~~2022~~  
15 2023, and any other money deposited in the fund in ~~2022~~ 2023, as  
16 follows:

17 (d) (I) The enterprise shall allocate the revenues collected in ~~2023~~  
18 2024 and each year thereafter, and any other money deposited in the fund  
19 in ~~2023~~ 2024 and each year thereafter, in the following amounts and order  
20 of priority:

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