

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 22-1015.01 Yelana Love x2295

SENATE BILL 22-234

SENATE SPONSORSHIP

Hansen and Rankin, Bridges, Buckner, Donovan, Fenberg, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Priola, Rodriguez, Story, Zenzinger

HOUSE SPONSORSHIP

Ortiz and Snyder,

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING UNEMPLOYMENT COMPENSATION.**

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>.)

Sections 1, 7, and 9 of the bill amend the existing authority of the division of unemployment insurance (division) to issue bonds by:

- Clarifying that the division may issue the bonds through the state treasurer; and
- Granting the division the authority to levy bond assessments.

Current law provides a temporary increase in partial unemployment benefits. **Section 2** makes this temporary increase

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.

HOUSE
Amended 2nd Reading
May 6, 2022

SENATE
3rd Reading Unamended
May 5, 2022

SENATE
Amended 2nd Reading
May 4, 2022

permanent.

Section 3 repeals the requirement that an individual wait at least one week before becoming eligible for unemployment compensation. This repeal will take effect when the unemployment compensation fund reaches a balance of at least \$1 billion.

Section 4 requires the division to study how to implement a dependent allowance for individuals receiving unemployment compensation.

Sections 4 and 10 require the department of labor and employment to award grants to one or more third-party administrators for the purpose of providing recovery benefits to eligible individuals. The grants to the third-party administrators and the recovery benefits are funded through .00035 of the premium each employer is required to submit to the division. An individual is eligible to receive recovery benefits if the individual, regardless of the individual's immigration status:

- Separated from employment through no fault of the individual;
- Received income from employment during a qualified base period or alternative base period;
- Attests that the individual is not currently receiving any state-administered wage replacement assistance;
- Is not eligible for state-administered wage replacement assistance for reasons related to the individual's authorization to work; and
- Has a pay stub or form W-2 to verify the individual's employment and wage withholding.

Section 5 requires an employer to provide an employee with certain information about unemployment compensation upon the employee's separation from employment.

Section 6 extends the hold on an employer's solvency surcharge through calendar year 2023.

Sections 8 and 12 require the state treasurer to transfer \$600 million to a newly created fund. The transfer is from money received by the state through the federal "American Rescue Plan Act of 2021". The money in the fund may be used only to repay the outstanding balance of federal advances provided to the state through the unemployment insurance trust fund and interest owed on the advances.

Current law requires an individual to repay the division for overpaid unemployment compensation benefits unless the division finds that repayment would be inequitable. **Section 11** sets forth factors that the division must consider in determining whether repayment would be inequitable.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-71-103, **amend**
3 (2)(d)(I) and (2)(d)(II) as follows:

4 **8-71-103. Organization of division - authority to issue bonds.**

5 (2) (d) (I) Upon receiving the certifications specified in ~~subparagraphs~~
6 ~~(III) and (IV) of this paragraph (d)~~ SUBSECTIONS (2)(d)(III) AND
7 (2)(d)(IV) OF THIS SECTION, the division may issue revenue bonds for the
8 same purposes and on the same terms, and levy and apply the proceeds of
9 bond assessments for the same purposes and in the same manner, as the
10 Colorado housing and finance authority may issue bonds and MAY levy
11 and apply the proceeds of bond assessments under section 29-4-710.7,
12 ~~€:R:S.~~, substituting references to the division for references to the
13 authority under that section. THE STATE TREASURER MAY ADVISE THE
14 DIVISION IN ACCORDANCE WITH SECTION 24-36-121. Bond assessments
15 levied by the division may be used to pay revenue bonds issued by the
16 division under this ~~paragraph (d)~~ SUBSECTION (2)(d) or revenue bonds
17 issued by the Colorado housing and finance authority under section
18 29-4-710.7. ~~€:R:S.~~

19 (II) Any bonds issued pursuant to this ~~paragraph (d)~~ SUBSECTION
20 (2)(d) must be executed and delivered by the director of the division and
21 may be in the form, may be sold, and may have the same terms as
22 provided in section 43-4-807 (1)(b) and (1)(c); ~~€:R:S.~~, may contain the
23 provisions permitted by section 43-4-807 (1)(d); ~~€:R:S.~~, shall be legal
24 investments for the entities described in, AND subject to the terms set
25 forth in, section 43-4-807 (3); ~~€:R:S.~~, and shall be exempt from taxation
26 and assessments in the state as provided in section 43-4-807 (4). ~~€:R:S.~~
27 The division may invest or deposit any proceeds and interest from the sale

1 of such bonds as provided in section 43-4-807 (2). ~~C.R.S.~~ The division
2 ~~shall have~~ HAS the power to enter into all other contracts or agreements,
3 which contracts and agreements are not subject to the "Procurement
4 Code", articles 101 to 112 of title 24, ~~C.R.S.~~, that are necessary or
5 incidental to the exercise of its powers and duties under this ~~paragraph (d)~~
6 SUBSECTION (2)(d), including the power to engage the services of
7 consultants, financial advisors, underwriters, bond insurers, letter of
8 credit banks, rating agencies, and agents and other persons whose services
9 may be required or deemed advantageous by the division, and the power
10 to enter into interest rate exchange agreements for bonds that have been
11 issued in accordance with this ~~paragraph (d)~~ SUBSECTION (2)(d). The
12 amount of outstanding liability for bonds issued pursuant to this
13 ~~paragraph (d)~~ SUBSECTION (2)(d) or section 29-4-710.7 ~~C.R.S.~~, is not
14 taken into account for purposes of rate setting under article 76 of this ~~title~~
15 TITLE 8. THE AMOUNT OF OUTSTANDING LIABILITY FOR BONDS ISSUED
16 PURSUANT TO THIS SUBSECTION (2)(d) AND FINANCIAL OBLIGATIONS
17 UNDER SECTION 24-36-121 IS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF
18 RATE SETTING UNDER ARTICLE 76 OF THIS TITLE 8.

19 **SECTION 2.** In Colorado Revised Statutes, 8-73-103, **amend** (1)
20 as follows:

21 **8-73-103. Benefits for partial unemployment.** (1) ~~(a)~~ Each
22 eligible individual who is partially unemployed shall be paid a partial
23 benefit. Partial benefits shall be in an amount equal to the eligible
24 individual's weekly benefit amount for total unemployment, minus that
25 part of wages payable to the individual with respect to the week that is in
26 excess of ~~twenty-five~~ FIFTY percent of the individual's weekly benefit
27 amount as computed in accordance with section 8-73-102, and the benefit

1 payment resulting shall be computed to the next lower multiple of one
2 dollar.

3 ~~(b) (I) Notwithstanding subsection (1)(a) of this section, on and~~
4 ~~after July 14, 2020, and for two calendar years thereafter, partial benefits~~
5 ~~shall be in an amount equal to the eligible individual's weekly benefit~~
6 ~~amount for total unemployment, minus that part of wages payable to the~~
7 ~~individual with respect to the week that is in excess of fifty percent of the~~
8 ~~individual's weekly benefit amount as computed in accordance with~~
9 ~~section 8-73-102, and the benefit payment resulting shall be computed to~~
10 ~~the next lower multiple of one dollar.~~

11 ~~(H) This subsection (1)(b) is repealed, effective September 1,~~
12 ~~2022.~~

13 **SECTION 3.** In Colorado Revised Statutes, 8-73-107, **amend**
14 (1)(d) as follows:

15 **8-73-107. Eligibility conditions - penalty - repeal.** (1) Any
16 unemployed individual shall be eligible to receive benefits with respect
17 to any week only if the division finds that:

18 (d) (I) The individual has been either totally or partially
19 unemployed for a waiting period of one week. No benefits are payable for
20 the waiting period. No week shall be counted as a week of unemployment
21 for the purposes of this ~~paragraph (d)~~ SUBSECTION (1)(d):

22 ~~(H)~~ (A) Unless it occurs within the benefit year, which includes the
23 week with respect to which ~~he~~ THE INDIVIDUAL claims payment of
24 benefits;

25 ~~(H)~~ (B) If benefits have been paid with respect ~~thereto~~ TO THE
26 WEEK;

27 ~~(HH)~~ (C) Unless the individual was eligible for benefits with

1 respect ~~thereto~~ TO THE WEEK under THE provisions of sections 8-73-107
2 to 8-73-112;

3 ~~(IV)~~ (D) Unless total wages earned for the week are less than the
4 weekly benefit amount.

5 (II) THIS SUBSECTION (1)(d) WILL BE REPEALED IF THE BALANCE
6 OF THE UNEMPLOYMENT COMPENSATION FUND REACHES AT LEAST ONE
7 BILLION DOLLARS. THE DIRECTOR OF THE DIVISION SHALL NOTIFY THE
8 REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION
9 SPECIFIED IN THIS SUBSECTION (1)(d)(II) HAS OCCURRED BY E-MAILING
10 THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THIS SUBSECTION
11 (1)(d) IS REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE
12 ON WHICH THE BALANCE OF THE UNEMPLOYMENT COMPENSATION FUND
13 REACHED AT LEAST ONE BILLION DOLLARS OR, IF THE NOTICE DOES NOT
14 SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF
15 STATUTES.

16 **SECTION 4.** In Colorado Revised Statutes, **add** 8-73-115 and
17 8-73-116 as follows:

18 **8-73-115. Dependent allowance - study - repeal.** (1) THE
19 DEPARTMENT OF LABOR AND EMPLOYMENT SHALL STUDY HOW TO CREATE
20 AN ADDITIONAL ALLOWANCE, EFFECTIVE JULY 1, 2023, FOR THE
21 DEPENDENTS OF INDIVIDUALS WHO ARE ELIGIBLE TO RECEIVE
22 UNEMPLOYMENT COMPENSATION BENEFITS.

23 (2) THE STUDY MUST INCLUDE:

24 (a) THE PROPOSED BENEFIT AMOUNTS AND BENEFIT ADEQUACY
25 STANDARDS;

26 (b) UTILIZATION ESTIMATES;

27 (c) AN ESTIMATION OF THE COSTS OF PROVIDING A DEPENDENT

1 ALLOWANCE;

2 (d) THE POTENTIAL IMPACT OF THE DEPENDENT ALLOWANCE ON
3 LOW-WAGE CLAIMANTS, INCLUDING THE EFFECT ON SUFFICIENT JOB
4 SEARCHING AND HIGH-QUALITY JOB MATCHING;

5 (e) A SUMMARY OF THE DEPENDENT ALLOWANCES OFFERED IN
6 OTHER STATES; AND

7 (f) OTHER CHALLENGES THAT UNEMPLOYED, LOW-WAGE
8 INDIVIDUALS WOULD FACE IN SECURING NEW EMPLOYMENT WHILE
9 MEETING BASIC NEEDS WITH THE AMOUNT OF UNEMPLOYMENT
10 COMPENSATION THAT THE INDIVIDUAL WOULD RECEIVE WITHOUT THE
11 DEPENDENT ALLOWANCE.

12 (3) NO LATER THAN JANUARY 15, 2023, THE DEPARTMENT OF
13 LABOR AND EMPLOYMENT SHALL SUBMIT A REPORT ON THE STUDY TO THE
14 SENATE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE AND THE HOUSE
15 BUSINESS AFFAIRS AND LABOR COMMITTEE, OR THEIR SUCCESSOR
16 COMMITTEES.

17 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

18 **8-73-116. Benefit recovery fund - recovery benefits - eligible**
19 **individuals - third-party administrator - definitions - rules.** (1) AS
20 USED IN THIS SECTION:

21 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
22 EMPLOYMENT.

23 (b) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO,
24 REGARDLESS OF IMMIGRATION STATUS:

25 (I) HAS SEPARATED FROM EMPLOYMENT THROUGH NO FAULT OF
26 THE INDIVIDUAL DUE TO ONE OR MORE OF THE FACTORS OUTLINED IN
27 SECTION 8-73-108 (4);

1 (II) RECEIVED INCOME FROM EMPLOYMENT DURING A QUALIFIED
2 BASE PERIOD OR ALTERNATIVE BASE PERIOD AS DEFINED IN SECTION
3 8-70-103;

4 (III) ATTESTS THAT THE INDIVIDUAL IS NOT CURRENTLY RECEIVING
5 ANY STATE-ADMINISTERED WAGE REPLACEMENT ASSISTANCE;

6 (IV) IS NOT ELIGIBLE FOR STATE-ADMINISTERED WAGE
7 REPLACEMENT ASSISTANCE FOR REASONS RELATED TO THE INDIVIDUAL'S
8 AUTHORIZATION TO WORK; AND

9 (V) HAS A PAY STUB OR FORM W-2 TO VERIFY THE INDIVIDUAL'S
10 EMPLOYMENT AND WAGE WITHHOLDING.

11 (c) "FUND" MEANS THE BENEFIT RECOVERY FUND CREATED IN
12 SUBSECTION (2) OF THIS SECTION.

13 (d) "RECOVERY BENEFITS" MEANS BENEFITS CALCULATED
14 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

15 (e) "THIRD-PARTY ADMINISTRATOR" MEANS AN ENTITY WITH
16 WHICH THE DIVISION CONTRACTS TO ADMINISTER PAYMENTS TO ELIGIBLE
17 INDIVIDUALS FROM THE FUND PURSUANT TO SUBSECTION (5) OF THIS
18 SECTION.

19 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
20 BENEFIT RECOVERY FUND TO PROVIDE GRANTS TO A THIRD-PARTY
21 ADMINISTRATOR TO PROVIDE PAYMENTS TO ELIGIBLE INDIVIDUALS.

22 (b) THE FUND CONSISTS OF:

23 (I) MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION
24 8-77-109 (2)(a); AND

25 (II) GIFTS, GRANTS, AND DONATIONS RECEIVED BY THE
26 DEPARTMENT FROM ANY OTHER PUBLIC OR PRIVATE ORGANIZATION OR
27 ENTITY OR INDIVIDUAL AND ANY INTEREST EARNED ON SUCH GIFTS,

1 GRANTS, AND DONATIONS.

2 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
3 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
4 FUND TO THE FUND.

5 (d) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
6 DEPARTMENT FOR THE PURPOSES OF THIS SECTION.

7 (e) (I) IF THE AMOUNT IN THE FUND EXCEEDS THIRTY MILLION
8 DOLLARS, AS ADJUSTED FOR THE UNITED STATES DEPARTMENT OF LABOR'S
9 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
10 DENVER-AURORA-LAKEWOOD OR ITS SUCCESSOR INDEX, EXCLUDING
11 GIFTS, GRANTS, OR DONATIONS, THE STATE TREASURER SHALL TRANSFER
12 THE MONEY IN THE FUND IN EXCESS OF THIRTY MILLION DOLLARS TO THE
13 UNEMPLOYMENT COMPENSATION FUND CREATED IN SECTION 8-77-101 (1).

14 (II) THE DEPARTMENT MAY CONTINUE TO SOLICIT AND ACCEPT
15 GIFTS, GRANTS, AND DONATIONS REGARDLESS OF THE FUND BALANCE.

16 (3) (a) EACH QUARTER, TO THE EXTENT ALLOWED BY THE UNITED
17 STATES DEPARTMENT OF LABOR EMPLOYMENT TRAINING
18 ADMINISTRATION, THE DEPARTMENT SHALL ALLOCATE THE MONEY IN THE
19 FUND TO ONE OR MORE THIRD-PARTY ADMINISTRATORS FOR THE PURPOSE
20 OF PROVIDING RECOVERY BENEFITS TO ELIGIBLE INDIVIDUALS. AT A
21 MINIMUM, A THIRD-PARTY ADMINISTRATOR MUST HAVE EXPERIENCE
22 BUILDING AND OPERATING FINANCIAL BENEFIT SYSTEMS THAT ARE PROVEN
23 TO BE ACCESSIBLE AND RESPONSIVE TO THE TARGET POPULATION.

24 (b) THE DEPARTMENT SHALL DEVELOP A PROCESS FOR
25 CONTRACTING WITH THIRD-PARTY ADMINISTRATORS TO PROVIDE
26 RECOVERY BENEFITS TO ELIGIBLE INDIVIDUALS, AND MAY DEVELOP
27 GUIDANCE AS NECESSARY, INCLUDING RULES SPECIFYING THE GRANT

1 PROCESS FOR THIRD-PARTY ADMINISTRATORS. THE DEPARTMENT SHALL
2 SELECT A THIRD-PARTY ADMINISTRATOR WITHIN NINETY DAYS AFTER THE
3 EFFECTIVE DATE OF THIS SECTION.

4 (c) A THIRD-PARTY ADMINISTRATOR SELECTED PURSUANT TO
5 SUBSECTION (2)(b) OF THIS SECTION SHALL, WITHIN ONE HUNDRED DAYS
6 AFTER THE EFFECTIVE DATE OF THIS SECTION:

7 (I) PROVIDE OUTREACH TO UNEMPLOYED INDIVIDUALS WHO MAY
8 BE ELIGIBLE FOR PAYMENTS THROUGH THE FUND;

9 (II) SCREEN EACH APPLICANT FOR RECOVERY BENEFITS TO
10 DETERMINE IF THE APPLICANT IS AN ELIGIBLE INDIVIDUAL; AND

11 (III) PAY RECOVERY BENEFITS TO ELIGIBLE INDIVIDUALS.

12 (4) TO RECEIVE RECOVERY BENEFITS, AN ELIGIBLE INDIVIDUAL
13 MUST APPLY TO A THIRD-PARTY ADMINISTRATOR WITH WHICH THE
14 DIVISION HAS CONTRACTED.

15 (5)(a) A THIRD-PARTY ADMINISTRATOR SHALL PAY EACH ELIGIBLE
16 INDIVIDUAL WHO IS TOTALLY UNEMPLOYED IN ANY WEEK, WITH RESPECT
17 TO THAT WEEK, RECOVERY BENEFITS AT A RATE OF FIFTY-FIVE PERCENT OF
18 THE ELIGIBLE INDIVIDUAL'S AVERAGE WEEKLY WAGE AS DETERMINED
19 FROM EARNINGS DATA PROVIDED TO THE THIRD-PARTY ADMINISTRATOR;
20 EXCEPT THAT THE MAXIMUM WEEKLY PAYMENT AMOUNT MAY NOT
21 EXCEED THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR BENEFITS AS
22 CALCULATED PURSUANT TO SECTION 8-73-102 (2).

23 (b) IF THE RECOVERY BENEFIT AMOUNT IS NOT AN EVEN DOLLAR
24 AMOUNT, THE THIRD-PARTY ADMINISTRATOR SHALL ROUND THE
25 RECOVERY BENEFIT AMOUNT TO THE NEXT LOWER FULL DOLLAR AMOUNT.

26 (c) AN ELIGIBLE INDIVIDUAL MAY RECEIVE RECOVERY BENEFITS
27 FOR A MAXIMUM OF THIRTEEN WEEKS DURING THE ELIGIBLE INDIVIDUAL'S

1 PERIOD OF UNEMPLOYMENT.

2 (6) IF THE FUND BALANCE IS BELOW FIVE HUNDRED THOUSAND
3 DOLLARS, AS ADJUSTED FOR THE UNITED STATES DEPARTMENT OF LABOR'S
4 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
5 DENVER-AURORA-LAKEWOOD OR ITS SUCCESSOR INDEX, A THIRD-PARTY
6 ADMINISTRATOR SHALL SUSPEND PAYMENTS UNTIL THE BALANCE OF THE
7 FUND IS EQUAL TO OR GREATER THAN FIVE HUNDRED THOUSAND DOLLARS.

8 (7) (a) ALL PERSONAL INFORMATION AND DOCUMENTS COLLECTED
9 ARE CONFIDENTIAL, EXEMPT FROM DISCLOSURE UNDER THE "COLORADO
10 OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND MAY BE
11 USED OR DISCLOSED ONLY FOR PURPOSES OF THIS SECTION, EXCEPT WHERE
12 NECESSARY TO COMPLY WITH A COURT ORDER.

13 (b) IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION:

14 (I) THE DEPARTMENT AND ANY CONTRACTED THIRD-PARTY
15 ADMINISTRATOR SHALL ESTABLISH PROCEDURES AND SAFEGUARDS
16 AGAINST UNAUTHORIZED ACCESS TO AND USE OF PERSONAL INFORMATION
17 COLLECTED PURSUANT TO THIS SECTION BY ANY PERSON, OTHER THAN FOR
18 THE PURPOSE OF THIS SECTION; AND

19 (II) A THIRD-PARTY ADMINISTRATOR SHALL NOT DISCLOSE THAT
20 AN INDIVIDUAL HAS APPLIED FOR OR IS A RECIPIENT OF RECOVERY
21 BENEFITS TO ANY PERSON THAT IS NOT ADMINISTERING THE PROGRAM.

22 **SECTION 5.** In Colorado Revised Statutes, 8-74-101, **add** (4) as
23 follows:

24 **8-74-101. Claims for benefits - employer-provided information**
25 **required.** (4) AT THE TIME OF SEPARATION FROM AN EMPLOYER, THE
26 EMPLOYER SHALL PROVIDE EACH EMPLOYEE, IN A WRITTEN FORMAT AND
27 DISTRIBUTION METHOD, TO INCLUDE ELECTRONIC OR HARD COPY, THAT IS

1 DETERMINED BY THE DIVISION, INFORMATION REGARDING THE
2 AVAILABILITY OF UNEMPLOYMENT COMPENSATION BENEFITS. THE
3 INFORMATION MUST INCLUDE:

4 (a) THE EMPLOYER'S NAME AND ADDRESS;

5 (b) THE EMPLOYEE'S NAME AND ADDRESS;

6 (c) THE EMPLOYEE'S IDENTIFICATION NUMBER OR THE LAST FOUR
7 NUMBERS OF THE EMPLOYEE'S SOCIAL SECURITY NUMBER;

8 (d) THE EMPLOYEE'S START DATE, DATE OF LAST DAY WORKED,
9 YEAR-TO-DATE EARNINGS, AND WAGES FOR THE LAST WEEK THE
10 EMPLOYEE WORKED; AND

11 (e) THE REASON THE EMPLOYEE SEPARATED FROM THE EMPLOYER.

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

14 **8-76-102.5. Rates effective upon fund solvency - repeal of**
15 **prior rates - solvency surcharge - definitions - repeal.**

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

19 (II) This subsection (7)(c) is repealed, effective January 1, ~~2023~~
20 2024.

21 **SECTION 7.** In Colorado Revised Statutes, **add** 8-76-116 as
22 follows:

23 **8-76-116. Power to levy bond assessments - definition.** (1) AS
24 USED IN THIS SECTION, "FUND" MEANS THE UNEMPLOYMENT
25 COMPENSATION FUND CREATED IN SECTION 8-77-101 (1).

26 (2) UPON RECEIVING THE CERTIFICATIONS SPECIFIED IN SECTION
27 8-71-103 (2), THE DIVISION, IN ADDITION TO THE OTHER POWERS GRANTED

1 BY ARTICLES 70 TO 82 OF THIS TITLE 8, HAS POWER TO LEVY CERTAIN
2 BOND ASSESSMENTS AS FOLLOWS:

3 (a) ALL BONDS AND NOTES ISSUED PURSUANT TO THIS SECTION ARE
4 LIMITED OBLIGATIONS OF THE DIVISION, PAYABLE SOLELY FROM REVENUES
5 GENERATED THROUGH THE LEVY BY THE AUTHORITY OF A BOND
6 ASSESSMENT AGAINST EACH EMPLOYER, AS DEFINED IN SECTION 8-70-113,
7 SUBJECT TO AN EXPERIENCE RATING UNDER ARTICLES 70 TO 82 OF THIS
8 TITLE 8, IN AN AGGREGATE AMOUNT SUFFICIENT TO SATISFY SUBSECTION
9 (2)(c) OF THIS SECTION OR FROM REVENUES GENERATED THROUGH THE
10 LEVY BY THE DIVISION OF A BOND ASSESSMENT UNDER SECTION 8-71-103
11 (2)(d); FROM PAYMENTS FROM THE DIVISION OR MONEY APPLIED BY THE
12 DIVISION UNDER SECTION 8-77-101 (1); FROM PROCEEDS DERIVED FROM
13 THE SALE OF BONDS AND NOTES ISSUED UNDER THIS SECTION AND FROM
14 THE EARNINGS ON THOSE PROCEEDS; AND FROM ALL MONEY AND
15 SECURITIES IN ALL SPECIAL ACCOUNTS CREATED BY AND UNDER THE
16 CONTROL OF THE DIVISION UNDER THIS SECTION. THE DIVISION SHALL
17 COLLECT AND ADMINISTER THE BOND ASSESSMENT IN SUBSTANTIALLY THE
18 SAME MANNER AS OTHER EMPLOYER PREMIUMS AND SURCHARGES
19 REQUIRED UNDER ARTICLES 70 TO 82 OF THIS TITLE 8. SUBJECT TO
20 ARTICLES 70 TO 82 OF THIS TITLE 8, THE ASSESSMENT DOES NOT APPLY TO
21 THE COVERED EMPLOYERS OF THE STATE AND LOCAL GOVERNMENTS, TO
22 THOSE NONPROFIT ORGANIZATIONS THAT ARE REIMBURSABLE EMPLOYERS,
23 OR TO POLITICAL SUBDIVISIONS ELECTING THE SPECIAL RATE.

24 (b) THE DIVISION MAY DEPOSIT ALL OR ANY PORTION OF MONEY
25 COLLECTED FROM ASSESSMENTS FOR PRINCIPAL-RELATED BOND
26 REPAYMENT COSTS INTO THE FUND. THE PORTION OF THESE REVENUES
27 DEPOSITED INTO THE FUND CONSTITUTES PART OF EACH EMPLOYER'S

1 UNEMPLOYMENT INSURANCE CONTRIBUTIONS, AND THE DIVISION SHALL
2 PAY AMOUNTS FROM THESE REVENUES FOR THE REPAYMENT OF THE
3 PRINCIPAL OF BONDS ISSUED UNDER THIS SECTION OR SECTION 8-71-103
4 (2)(d).

5 (c) THE LEVY MUST BE AT A RATE OR RATES THAT, WHEN APPLIED
6 AGAINST THE TAXABLE WAGES OF THOSE EMPLOYERS SUBJECT TO THE
7 BOND ASSESSMENT, WILL PRODUCE AN AMOUNT SUFFICIENT TO PAY ALL
8 COSTS ASSOCIATED WITH OR OTHERWISE RELATING TO BONDS AND NOTES
9 ISSUED PURSUANT TO THIS SUBSECTION (2), INCLUDING THE PRINCIPAL OF,
10 AND INTEREST AND PREMIUM, IF ANY, ON, THE BONDS AND NOTES, THE
11 COSTS OF BOND ISSUANCE AND ADMINISTRATION, OTHER RELATED FEES
12 AND COSTS OF THE DIVISION, AND RESERVES THEREFOR.

13 (d) EMPLOYERS SHALL SUBMIT BOND ASSESSMENTS DESCRIBED IN
14 THIS SUBSECTION (2) ASSOCIATED WITH NONPRINCIPAL-RELATED BOND
15 REPAYMENT COSTS IN A DIFFERENT MANNER THAN THE EMPLOYER'S
16 NORMAL PREMIUMS AND SURCHARGES PAID UNDER ARTICLES 70 TO 82 OF
17 THIS TITLE 8, AS DETERMINED BY THE DIVISION, AND THE ASSESSMENTS
18 ARE A LIEN UPON THE REAL AND PERSONAL PROPERTY OF AN EMPLOYER IN
19 THE MANNER AND TO THE EXTENT SET FORTH IN SECTION 8-79-103. THE
20 DIVISION SHALL DEPOSIT THE ASSESSMENTS INTO THE UNEMPLOYMENT
21 BONDREPAYMENT ACCOUNT CREATED IN SECTION 8-77-103.5, AND SHALL,
22 AFTER OFFSETTING THE DIVISION'S COSTS FOR COLLECTING AND
23 ADMINISTERING THE BOND ASSESSMENTS, USE THIS MONEY ONLY FOR
24 PAYMENT FROM TIME TO TIME TO ONE OR MORE SPECIAL ACCOUNTS
25 CREATED BY AND UNDER THE CONTROL OF THE ISSUER OF THE BONDS. THE
26 ISSUER OF THE BONDS SHALL USE ALL MONEY ACCRUING IN A SPECIAL
27 ACCOUNT ONLY TO PAY NONPRINCIPAL-RELATED BONDREPAYMENT COSTS

1 DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION, AND THE ISSUER OF
2 THE BONDS SHALL PAY ANY MONEY REMAINING IN SUCH AN ACCOUNT AND
3 NOT BE REQUIRED TO PAY NONPRINCIPAL-RELATED BOND REPAYMENT
4 COSTS TO THE DIVISION FOR DEPOSIT IN THE FUND.

5 (e) EMPLOYERS SHALL SUBMIT BOND ASSESSMENTS DESCRIBED IN
6 THIS SUBSECTION (2) ASSOCIATED WITH PRINCIPAL-RELATED BOND
7 REPAYMENT COSTS IN THE SAME MANNER AS THE EMPLOYER'S NORMAL
8 PREMIUMS AND SURCHARGES PAID UNDER ARTICLES 70 TO 82 OF THIS
9 TITLE 8, AND THE ASSESSMENTS ARE A LIEN UPON THE REAL AND
10 PERSONAL PROPERTY OF AN EMPLOYER IN THE MANNER AND TO THE
11 EXTENT SET FORTH IN SECTION 8-79-103. THE DIVISION MAY DEPOSIT ALL
12 OR ANY PORTION OF THE ASSESSMENTS INTO THE FUND. THE PORTION OF
13 THE ASSESSMENTS DEPOSITED INTO THE FUND CONSTITUTE PART OF EACH
14 EMPLOYER'S UNEMPLOYMENT INSURANCE CONTRIBUTIONS. BOND
15 ASSESSMENTS DESCRIBED IN THIS SUBSECTION (2) ASSOCIATED WITH
16 PRINCIPAL-RELATED BOND REPAYMENT COSTS ARE AVAILABLE FOR
17 PAYMENT FROM TIME TO TIME TO ONE OR MORE SPECIAL ACCOUNTS
18 CREATED BY AND UNDER THE CONTROL OF THE ISSUER OF THE BONDS. ALL
19 MONEY ACCRUING IN A SPECIAL ACCOUNT FOR PRINCIPAL-RELATED BOND
20 REPAYMENT COSTS CAN BE USED BY THE ISSUER OF THE BONDS ONLY TO
21 PAY THE PRINCIPAL COSTS OF THE BONDS.

22 (3) THE DIVISION SHALL NOT ISSUE ITS BONDS AND NOTES UNTIL
23 THE MONTHLY BALANCE IN THE FUND IS EQUAL TO OR LESS THAN
24 NINE-TENTHS OF ONE PERCENT OF THE TOTAL WAGES REPORTED BY
25 RATABLE EMPLOYERS FOR THE CALENDAR YEAR, OR THE MOST RECENT
26 AVAILABLE FOUR CONSECUTIVE QUARTERS PRIOR TO THE LAST
27 COMPUTATION DATE, AND THE GOVERNOR, THE STATE TREASURER, AND

1 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
2 EMPLOYMENT HAVE EACH CERTIFIED IN WRITING TO THE DIVISION:

3 (a) THAT OTHER FUNDING ALTERNATIVES TO THE ISSUANCE OF
4 BONDS AND NOTES HAVE BEEN CONSIDERED AND THAT THE ISSUANCE OF
5 SUCH BONDS AND NOTES IS THE MOST COST-EFFECTIVE MEANS FOR THE
6 DIVISION TO MAINTAIN ADEQUATE BALANCES IN THE FUND OR TO REPAY
7 MONEY ADVANCED TO THE STATE PURSUANT TO 42 U.S.C. SEC. 1321;

8 (b) THE AMOUNT OF MONEY REQUIRED TO MAINTAIN ADEQUATE
9 BALANCES IN THE FUND OR TO REPAY MONEY ADVANCED TO THE STATE
10 PURSUANT TO 42 U.S.C. SEC. 1321, OR BOTH;

11 (c) THE AMOUNT OF BONDS AND NOTES REQUIRED FOR THE
12 PURPOSES DESCRIBED IN SUBSECTION (2) OF THIS SECTION; AND

13 (d) THE BOND ASSESSMENT RATE OR RATES, OR A FORMULA OR
14 OTHER PROCEDURE FOR DETERMINING SUCH RATE OR RATES, THAT WILL
15 PRODUCE AN AMOUNT SUFFICIENT, TOGETHER WITH ANY OTHER MONEY
16 AVAILABLE OR EXPECTED TO BE AVAILABLE, TO PAY ALL COSTS
17 ASSOCIATED WITH OR OTHERWISE RELATING TO BONDS AND NOTES ISSUED
18 PURSUANT TO SUBSECTION (2) OF THIS SECTION, INCLUDING THE PRINCIPAL
19 OF, AND INTEREST AND PREMIUM, IF ANY, ON, THE BONDS AND NOTES, THE
20 COSTS OF BOND ISSUANCE AND ADMINISTRATION, AND ANY OTHER
21 RELATED FEES AND COSTS OF THE DIVISION, AND RESERVES THEREFOR.

22 **SECTION 8.** In Colorado Revised Statutes, 8-77-103, **add** (3) as
23 follows:

24 **8-77-103. Advances from federal unemployment trust fund -**
25 **title XII repayment fund.** (3) (a) THE TITLE XII REPAYMENT FUND,
26 REFERRED TO IN THIS SUBSECTION (3) AS THE "FUND", IS HEREBY CREATED
27 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED BY

1 THE STATE TREASURER PURSUANT TO SECTION 24-75-227 (3.5) AND ANY
2 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
3 TRANSFER TO THE FUND.

4 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
5 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
6 FUND TO THE FUND.

7 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
8 DIVISION TO REPAY FEDERAL ADVANCES RECEIVED PURSUANT TO THIS
9 SECTION AND ANY INTEREST OWING ON SUCH ADVANCES.

10 (d) THE REPAYMENT OF FEDERAL ADVANCES, AND INTEREST ON
11 SUCH ADVANCES, IS AN ALLOWABLE USE OF THE MONEY RECEIVED BY THE
12 STATE UNDER THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
13 PUB.L. 117-2, AS SPECIFIED IN 31 CFR 35.6 (b)(3)(ii)(A)(10)(i) AND 31
14 CFR 35.6 (b)(3)(ii)(A)(10)(ii).

15 (e) THE DIVISION SHALL COMPLY WITH THE COMPLIANCE,
16 REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION
17 REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND
18 BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION
19 24-75-226 (5).

20 **SECTION 9.** In Colorado Revised Statutes, **amend 8-77-103.5**
21 as follows:

22 **8-77-103.5. Issuance of unemployment revenue bonds and**
23 **notes - unemployment bond repayment account - creation.** (1) The
24 executive director of the department of labor and employment is
25 authorized to request the STATE TREASURER TO ACT AS ADVISOR TO THE
26 DIVISION. THE DIVISION MAY ALSO REQUEST THE Colorado housing and
27 finance authority ACT AS ISSUING MANAGER, to issue such bonds and notes

1 as are necessary to maintain adequate balances in the unemployment
2 compensation fund or to repay ~~moneys~~ MONEY advanced to the state from
3 the federal unemployment trust fund, or both. Such requests shall be made
4 in accordance with the provisions of section ~~24-36-121~~ OR 29-4-710.7.
5 ~~C.R.S.~~

6 (2) There is hereby created the unemployment bond repayment
7 account, which shall be credited with bond assessments for
8 nonprincipal-related bond costs collected on behalf of THE DIVISION
9 UNDERSECTION 24-36-121 OR the Colorado housing and finance authority
10 under section 29-4-710.7 ~~C.R.S.~~, or by the division under section
11 8-71-103. After the division's costs have been deducted from the bond
12 repayment account, ~~moneys~~ MONEY in the fund shall be paid to the
13 account or accounts maintained by THE STATE TREASURER UNDER SECTION
14 24-36-121 OR the Colorado housing and finance authority under section
15 29-4-710.7 ~~C.R.S.~~, or by the division with respect to bonds issued under
16 section 8-71-103.

17 **SECTION 10.** In Colorado Revised Statutes, 8-77-109, **amend**
18 (1)(b) and (2)(a) introductory **portion**; and **add (5)** as follows:

19 **8-77-109. Employment support fund - employment and**
20 **training technology fund - created - uses - repeal.** (1) (b) There is
21 hereby established the employment support fund. This fund consists of
22 the first ~~0.0014~~ 0.00145 assessed as part of each employer's premium
23 under section 8-76-102.5 (3)(a).

24 (2) (a) The state treasurer shall credit the ~~moneys~~ MONEY collected
25 pursuant to this section to the employment support fund created in
26 subsection (1) of this section; EXCEPT THAT, TO THE EXTENT ALLOWED BY
27 THE UNITED STATES DEPARTMENT OF LABOR EMPLOYMENT TRAINING

1 ADMINISTRATION, THE STATE TREASURER SHALL CREDIT .00035 OF EACH
2 EMPLOYER'S PREMIUM UNDER SECTION 8-76-102.5 (3)(a) TO THE BENEFIT
3 RECOVERY FUND CREATED IN SECTION 8-73-116, UP TO A MAXIMUM OF
4 FIFTEEN MILLION DOLLARS EACH YEAR. AT THE END OF THE STATE FISCAL
5 YEAR, ANY MONEY IN THE EMPLOYMENT SUPPORT FUND THAT EXCEEDS
6 THE TOTAL OF A .0011 ASSESSED AS PART OF EACH EMPLOYER'S PREMIUM
7 PLUS SEVENTEEN MILLION DOLLARS SHALL BE TRANSFERRED BY THE STATE
8 TREASURER TO THE UNEMPLOYMENT COMPENSATION FUND CREATED IN
9 SECTION 8-77-101 (1). The general assembly shall appropriate the moneys
10 MONEY in the employment support fund annually to the department of
11 labor and employment:

12 (5) THE DEPARTMENT SHALL CONDUCT A STUDY WITH THE UNITED
13 STATES DEPARTMENT OF LABOR AND ANY RELEVANT STAKEHOLDERS TO
14 EVALUATE THE EMPLOYMENT SUPPORT FUND AND DETERMINE WHAT STEPS
15 MAY BE NECESSARY TO ENSURE THE FUND CONFORMS WITH FEDERAL LAW.
16 THE DEPARTMENT SHALL REPORT THE FINDINGS OF THE STUDY TO THE
17 HOUSE COMMITTEE ON BUSINESS AFFAIRS AND LABOR AND THE SENATE
18 COMMITTEE ON BUSINESS, LABOR, AND TECHNOLOGY BY DECEMBER 15,
19 2022.

20 **SECTION 11.** In Colorado Revised Statutes, 8-81-101, **amend**
21 (4)(a)(I) and (4)(a)(II); and **add** (4)(a)(I.5) and (4)(e) as follows:

22 **8-81-101. Penalties.** (4) (a) (I) Any person who has received any
23 sum as benefits under articles 70 to 82 of this ~~title to which he~~ TITLE 8 TO
24 WHICH THE PERSON was not entitled ~~shall~~ MAY be required to repay such
25 amount to the division for the fund. Such sum shall be collected in the
26 manner provided in section 8-79-102; except that the division may waive
27 the repayment of an overpayment if the division determines such

1 repayment to be inequitable. REPAYMENT IS INEQUITABLE WHEN:

2 (A) THE PERSON WHO RECEIVED THE OVERPAYMENT IS RECEIVING
3 OR HAS RECEIVED ANY OF THE FOLLOWING PUBLIC ASSISTANCE BENEFITS
4 IN THE TWELVE MONTHS PRIOR TO THE DIVISION PROVIDING NOTICE TO THE
5 PERSON OF THE OVERPAYMENT: FEDERAL SUPPLEMENTAL NUTRITION
6 ASSISTANCE PROGRAM BENEFITS, TEMPORARY ASSISTANCE TO NEEDY
7 FAMILIES BENEFITS, FEDERAL SUPPLEMENTAL SECURITY INCOME, SOCIAL
8 SECURITY DISABILITY BENEFITS RECEIVED AFTER ANY UNEMPLOYMENT
9 INSURANCE BENEFITS WERE PAID, MEANS-TESTED LEGAL AID SERVICES;
10 BENEFITS FROM THE LOW-INCOME ENERGY ASSISTANCE PROGRAM
11 CREATED IN SECTION 26-2-122.5, FEDERAL OR STATE EARNED INCOME TAX
12 CREDITS, FREE OR REDUCED-PRICE SCHOOL LUNCH BENEFITS, PUBLIC OR
13 SUBSIDIZED HOUSING BENEFITS, MEDICAID BENEFITS UNDER THE MEDICAL
14 ASSISTANCE PROGRAM, ARTICLES 4 TO 6 OF TITLE 25.5, OR MEDICARE
15 BENEFITS;

16 (B) THE PERSON'S HOUSEHOLD INCOME, EXCLUSIVE OF PUBLIC
17 ASSISTANCE BENEFITS, DURING THE THREE MONTHS PRIOR TO THE
18 OVERPAYMENT DETERMINATION, WAS AT OR BELOW FOUR TIMES THE
19 FEDERAL POVERTY GUIDELINES DETERMINED BY THE UNITED STATES
20 DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE AUTHORITY
21 OF 42 U.S.C. SEC. 9902 (2);

22 (C) THE PERSON NEEDS MUCH OF THE PERSON'S CURRENT INCOME
23 TO MEET ORDINARY AND NECESSARY LIVING EXPENSES AND LIABILITIES,
24 INCLUDING HOUSING, FOOD, SCHOOL LOANS, CHILD CARE, OUTSTANDING
25 LOAN AND CREDIT CARD BALANCES, TRANSPORTATION, AND MEDICAL
26 EXPENSES;

27 (D) DUE TO THE NOTICE THAT THE BENEFIT PAYMENT WOULD BE

1 MADE OR BECAUSE OF THE INCORRECT PAYMENT THE PERSON EITHER
2 RELINQUISHED A VALUABLE RIGHT OR CHANGED POSITIONS FOR THE
3 WORSE, INCLUDING IF: THE PERSON INCURRED A FINANCIAL OBLIGATION,
4 SUCH AS A LEASE, BASED ON BENEFIT PAYMENTS THAT THE PERSON
5 RECEIVED; THE PERSON RELIED ON THE BENEFIT PAYMENT AND TOOK OUT
6 A LOAN, IN WHICH THE PERSON HAS ALREADY INVESTED THE BENEFIT
7 PAYMENT RECEIVED AND REPAYMENT OF THE OVERPAYMENT WILL CAUSE
8 THE PERSON TO DEFAULT ON THE LOAN, RESULTING IN CRIMINAL OR CIVIL
9 ACTIONS; OR THE PERSON DECLINED OTHER FINANCIAL ASSISTANCE
10 BECAUSE THE PERSON RECEIVED BENEFITS UNDER ARTICLES 70 TO 82 OF
11 THIS TITLE 8 AND THOUGHT THE PERSON WOULD NOT NEED ADDITIONAL
12 FINANCIAL ASSISTANCE FROM OTHER SOURCES;

13 (E) THE OVERPAYMENT WAS CAUSED, AT LEAST IN PART, BY AN
14 ERROR BY THE DIVISION OR BY THE PERSON'S RELIANCE ON THE DIVISION'S
15 PUBLICIZED INFORMATION OR GUIDANCE THAT WAS LATER DETERMINED
16 TO BE ERRONEOUS; OR

17 (F) ANY OTHER REASON THE DIVISION FINDS SUFFICIENT TO
18 ESTABLISH THAT REPAYMENT WOULD BE INEQUITABLE.

19 (I.5) THE DIVISION SHALL, TO THE EXTENT POSSIBLE, REVIEW AND
20 WAIVE THE REPAYMENT OF AN OVERPAYMENT AT THE TIME THE
21 OVERPAYMENT IS DETERMINED IF THE DIVISION HAS SUFFICIENT
22 INFORMATION TO DETERMINE THAT THE REPAYMENT WOULD BE
23 INEQUITABLE. IF THE DIVISION DOES NOT HAVE SUFFICIENT INFORMATION
24 IN ITS POSSESSION TO MAKE SUCH A DETERMINATION, THE DIVISION SHALL
25 NOTIFY THE PERSON OF THE RIGHT TO REQUEST A WAIVER OF THE
26 OVERPAYMENT AND THE PROCESS FOR SUCH A REQUEST. THE DIVISION
27 SHALL ACCEPT COPIES OF RELEVANT BILLS, RECEIPTS, AWARD LETTERS,

1 BANK STATEMENTS, AND ALL OTHER REASONABLE FORMS OF PROOF THAT
2 REPAYMENT WOULD BE INEQUITABLE. IF A PERSON CANNOT PROVIDE
3 DOCUMENTATION, THE DIVISION MAY ACCEPT AS SUFFICIENT PROOF A
4 WRITTEN STATEMENT SIGNED BY THE PERSON SEEKING TO WAIVE THE
5 OVERPAYMENT ATTESTING TO THE FACTS AT ISSUE.

6 (II) (A) If any person receives an overpayment because of ~~his or~~
7 ~~her~~ THE PERSON'S false representation or willful failure to disclose a
8 material fact, inequity must not be a consideration in any civil,
9 administrative, or criminal action, and the person shall pay to the division
10 the total amount of the overpayment plus a sixty-five percent monetary
11 penalty. Of the monetary penalty, the division shall pay twenty-three
12 percent into the unemployment compensation fund, created in section
13 8-77-101, and the remainder into the unemployment revenue fund,
14 created in section 8-77-106. In addition, the person may be denied
15 benefits, when otherwise eligible, for a four-week period for each
16 one-week period in which the person filed claims for or received benefits
17 to which ~~he or she~~ THE PERSON was not entitled. The provisions of section
18 13-80-108 (9) ~~C.R.S.~~, shall be used for determining when an offense is
19 committed for the purposes of this ~~subparagraph (H)~~ SUBSECTION
20 (4)(a)(II). FOR PURPOSES OF THIS SUBSECTION (4)(a)(II), A PERSON HAS
21 NOT RECEIVED AN OVERPAYMENT BECAUSE OF THE PERSON'S FALSE
22 REPRESENTATION OR WILLFUL FAILURE TO DISCLOSE A MATERIAL FACT IF:
23 THE PERSON PROVIDED ALL INFORMATION REQUESTED BY THE DIVISION
24 CORRECTLY, BUT THE DIVISION FAILED TO TAKE APPROPRIATE ACTION
25 WITH THAT INFORMATION OR TOOK DELAYED ACTION WHEN DETERMINING
26 OR REDETERMINING ELIGIBILITY; THE PERSON PROVIDED INCORRECT
27 INFORMATION DUE TO CONFLICTING, CHANGING, OR CONFUSING

1 INFORMATION OR INSTRUCTIONS FROM THE DIVISION; THE PERSON WAS
2 UNABLE TO REACH THE DIVISION DESPITE THE PERSON'S BEST EFFORTS TO
3 INQUIRE OR CLARIFY WHAT INFORMATION THE PERSON NEEDED TO
4 PROVIDE, OR EXPERIENCED OTHER SIMILAR BARRIERS, INCLUDING THAT IT
5 WAS THE PERSON'S FIRST TIME APPLYING FOR OR RECEIVING
6 UNEMPLOYMENT BENEFITS, OR THE PERSON EXPERIENCED LANGUAGE,
7 EDUCATION, OR LITERACY BARRIERS; OR THE PERSON'S EMPLOYER
8 PROVIDED THE PERSON WITH INCORRECT OR UNTIMELY INFORMATION OR
9 DID NOT TIMELY REPORT FACTS.

10 (e) THE DIVISION SHALL NOT ATTEMPT TO RECOVER AN
11 OVERPAYMENT UNTIL THERE IS A FINAL DETERMINATION THAT THE DEBT
12 IS IN FACT OWED AND ALL APPEALS ARE EXHAUSTED. THE DIVISION SHALL
13 NOT ATTEMPT TO RECOVER AN OVERPAYMENT WHEN THERE IS A PENDING
14 WAIVER APPLICATION UNTIL THERE IS A FINAL DETERMINATION THAT THE
15 PERSON IS NOT ELIGIBLE FOR A WAIVER AND ALL APPEALS ARE
16 EXHAUSTED.

17 **SECTION 12.** In Colorado Revised Statutes, 24-75-227, **add**
18 (3.5) as follows:

19 **24-75-227. Revenue loss restoration cash fund - creation -**
20 **allowable uses - definitions - repeal.** (3.5) NOTWITHSTANDING ANY
21 PROVISION OF THIS SECTION TO THE CONTRARY, NO LATER THAN THREE
22 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3.5), THE STATE
23 TREASURER SHALL TRANSFER SIX HUNDRED MILLION DOLLARS FROM THE
24 REVENUE LOSS RESTORATION CASH FUND CREATED IN SUBSECTION (2) OF
25 THIS SECTION TO THE TITLE XII REPAYMENT FUND CREATED IN SECTION
26 8-77-103 (3)(a).

27 **SECTION 13. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.