

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Becker

1 Amend reengrossed bill, page 3, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 8-70-103, **amend**
3 the introductory portion and (6.5) as follows:

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

6 (6.5) (a) "Chargeable wages" means those wages paid to an
7 individual employee during a calendar year on which the employer of that
8 employee is required to pay premiums as provided by article 76 of this
9 ~~title~~ TITLE 8, including all wages subject to a tax under federal law, which
10 imposes a tax against which credit may be taken for premiums required
11 to be paid into ~~a state~~ THE UNEMPLOYMENT COMPENSATION fund. For each
12 calendar year, chargeable wages is ~~the first ten thousand dollars paid to~~
13 ~~an individual; except that, effective January 1, 2012, chargeable wages~~
14 ~~for each calendar year is the first eleven thousand dollars paid to an~~
15 ~~individual and except that, after January 1, 2013, chargeable wages is the~~
16 ~~first eleven thousand dollars paid to an individual, adjusted by the change~~
17 ~~in the average weekly earnings prescribed in section 8-73-102, rounded~~
18 ~~to the nearest one hundred dollars~~ AS FOLLOWS:

19 (I) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2021, THE
20 FIRST THIRTEEN THOUSAND SIX HUNDRED DOLLARS PAID TO AN
21 INDIVIDUAL;

22 (II) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2022, THE
23 FIRST SEVENTEEN THOUSAND DOLLARS PAID TO AN INDIVIDUAL;

24 (III) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2023, THE
25 FIRST TWENTY THOUSAND FOUR HUNDRED DOLLARS PAID TO AN
26 INDIVIDUAL;

27 (IV) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2024, THE
28 FIRST TWENTY-THREE THOUSAND EIGHT HUNDRED DOLLARS PAID TO AN
29 INDIVIDUAL;

30 (V) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2025, THE
31 FIRST TWENTY-SEVEN THOUSAND TWO HUNDRED DOLLARS PAID TO AN
32 INDIVIDUAL; AND

33 (VI) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2026, AND
34 EACH CALENDAR YEAR THEREAFTER, THE FIRST THIRTY THOUSAND SIX
35 HUNDRED DOLLARS PAID TO AN INDIVIDUAL, ADJUSTED BY THE CHANGE IN
36 THE AVERAGE WEEKLY EARNINGS PRESCRIBED IN SECTION 8-73-102,
37 ROUNDED TO THE NEAREST ONE HUNDRED DOLLARS.

38 (b) As used in articles 70 to 82 of this ~~title~~ TITLE 8, chargeable
39 wages paid includes chargeable wages constructively paid as well as
40 chargeable wages actually paid."

1 Renumber succeeding sections accordingly.

2 Page 11, after line 5 insert:

3 "SECTION 9. In Colorado Revised Statutes, 8-76-102.5, add
4 (3)(a.5) and (7)(c) as follows:

5 **8-76-102.5. Rates effective upon fund solvency - repeal of prior**
6 **rates - solvency surcharge - definitions - repeal.**

7 (3)(a.5) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, IF THE
8 RESERVE RATIO IS ONE AND FOUR-TENTHS PERCENT OR GREATER ON JUNE
9 30 OF ANY YEAR, THE DEPARTMENT SHALL REDUCE EMPLOYER PREMIUMS
10 UP TO FIFTEEN PERCENT FOR THE FOLLOWING CALENDAR YEAR.

11 (7)(c)(I) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION,
12 FOR THE CALENDAR YEARS 2021 AND 2022, THE DIVISION SHALL NOT
13 ASSESS A SOLVENCY SURCHARGE ON ANY EMPLOYER.

14 (II) THIS SUBSECTION (7)(c) IS REPEALED, EFFECTIVE JANUARY 1,
15 2023.

16 **SECTION 10.** In Colorado Revised Statutes, add 8-77-101.5 as
17 follows:

18 **8-77-101.5. CARES act funds - administration - transfer -**
19 **unemployment compensation fund - legislative declaration.** (1) THE
20 GENERAL ASSEMBLY FINDS THAT:

21 (a) ON MARCH 27, 2020, THE FEDERAL GOVERNMENT ENACTED
22 THE "CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT"
23 ("CARES ACT"), PUB.L. 116-136, PURSUANT TO WHICH COLORADO
24 RECEIVED APPROXIMATELY ONE BILLION SIX HUNDRED SEVENTY-FOUR
25 MILLION DOLLARS FROM THE FEDERAL CORONAVIRUS RELIEF FUND TO USE
26 FOR NECESSARY EXPENDITURES INCURRED DUE TO THE CURRENT
27 COVID-19 PUBLIC HEALTH EMERGENCY;

28 (b) THE PUBLIC HEALTH EMERGENCY CAUSED BY COVID-19
29 CAUSED AN HISTORIC INCREASE IN UNEMPLOYMENT IN THE STATE AND THIS
30 HAS CAUSED A DRAMATIC INCREASE IN THE NUMBER OF CLAIMS FOR
31 BENEFITS FROM THE UNEMPLOYMENT COMPENSATION FUND, CREATED IN
32 SECTION 8-77-101;

33 (c) AS A RESULT, IT IS ESTIMATED THAT THE UNEMPLOYMENT
34 COMPENSATION FUND, CREATED IN SECTION 8-77-101, WILL HAVE A
35 DEFICIT OF APPROXIMATELY TWO BILLION DOLLARS BY THE END OF FISCAL
36 YEAR 2020-21;

37 (d) THESE COSTS WILL NOT BE REIMBURSED BY THE FEDERAL
38 GOVERNMENT, NOR ARE THEY ACCOUNTED FOR IN THE BUDGET APPROVED
39 AS OF MARCH 27, 2020;

40 (e) THE UNITED STATES DEPARTMENT OF TREASURY HAS STATED
41 THAT PAYMENTS TO THE STATE UNEMPLOYMENT COMPENSATION FUND,
42 CREATED IN SECTION 8-77-101, ARE AN ALLOWABLE USE OF THE MONEY

1 FROM THE FEDERAL CORONAVIRUS RELIEF FUND, UNDER SECTION 42
2 U.S.C. SEC. 801 (d); AND

3 (f) THE TRANSFER OF MONEY FROM THE "CARES ACT" TO THE
4 STATE UNEMPLOYMENT COMPENSATION FUND, CREATED IN SECTION
5 8-77-101, IS A NECESSARY EXPENDITURE INCURRED DUE TO THE PUBLIC
6 HEALTH EMERGENCY WITH RESPECT TO COVID-19.

7 (2) IF, AS OF DECEMBER 30, 2020, THERE IS ANY UNEXPENDED
8 MONEY THAT THE STATE RECEIVED THROUGH SECTION 42 U.S.C. SEC. 801
9 (d) OF THE "CARES ACT", THEN JUST PRIOR TO THE CLOSE OF BUSINESS ON
10 DECEMBER 30, 2020, THE STATE TREASURER SHALL TRANSFER THE
11 UNEXPENDED AMOUNT OF FEDERAL FUNDS TO THE UNEMPLOYMENT
12 COMPENSATION FUND CREATED IN SECTION 8-77-101."

13 Renumber succeeding sections accordingly.

14 Page 11, after line 19 insert:

15 "SECTION 12. Effective date. This act takes effect upon
16 passage; except that section 1 of this act takes effect January 1, 2021."

17 Renumber succeeding section accordingly.

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