

CHAPTER 52

LABOR AND INDUSTRY

SENATE BILL 04-023

BY SENATOR(S) McElhany, Jones, Lamborn, and Veiga;
also REPRESENTATIVE(S) Harvey, Frangas, Ragsdale, and Weddig.

AN ACT

CONCERNING THE EXCLUSION OF CERTAIN PAYMENTS MADE BY AN EMPLOYER TO AN EMPLOYEE FOR THE PURPOSE OF SUPPLEMENTING UNEMPLOYMENT BENEFITS FROM THE DEFINITION OF "WAGES" UNDER THE "COLORADO EMPLOYMENT SECURITY ACT".

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

SECTION 1. 8-70-142 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-70-142. Wages - remuneration not included as wages. (1) "Wages" does not include:

(p) THE AMOUNT OF ANY PAYMENT, INCLUDING ANY AMOUNT PAID BY AN EMPLOYER INTO A FUND TO PROVIDE FOR ANY SUCH PAYMENT, MADE TO OR ON BEHALF OF AN EMPLOYEE UNDER A PLAN OR SYSTEM ESTABLISHED BY AN EMPLOYER THAT MAKES PROVISION FOR HIS OR HER EMPLOYEES GENERALLY, OR FOR CLASSES OF HIS OR HER EMPLOYEES, FOR THE PURPOSE OF SUPPLEMENTING UNEMPLOYMENT BENEFITS; EXCEPT THAT THIS PARAGRAPH (p) SHALL NOT APPLY IF THE EMPLOYEE HAS THE OPTION TO RECEIVE A LUMP-SUM PAYMENT INSTEAD OF PERIODICALLY DISTRIBUTED, SUPPLEMENTAL UNEMPLOYMENT BENEFITS.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 23, 2004