

## CHAPTER 76

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**LABOR AND INDUSTRY**


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## SENATE BILL 11-010

BY SENATOR(S) Tochtrop, Newell, Boyd;  
also REPRESENTATIVE(S) Priola, Casso, Fields, Fischer, Gardner D., Hullinghorst, Schafer S., Todd, Tyler, Williams A.

## AN ACT

### CONCERNING THE TRADE READJUSTMENT ALLOWANCE PROGRAM.

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

**SECTION 1.** 8-73-113 (1), Colorado Revised Statutes, is amended to read:

**8-73-113. Benefits payable during approved training.** (1) Notwithstanding any other provisions of articles 70 to 82 of this title, THE DIVISION SHALL NOT DENY BENEFITS FOR ANY WEEK TO an otherwise eligible individual ~~shall not be denied benefits for any week~~ because: **he**

(a) THE INDIVIDUAL is in training approved under section 236 (a) (1) of the federal "Trade Act of 1974", PUB.L. 93-618, CODIFIED AT 19 U.S.C. SEC. 2296 (a) (1), as amended; ~~nor shall such individual be denied benefits by reason of leaving~~

(b) THE INDIVIDUAL LEFT work to ~~enter such~~ ENROLL IN THE training, **provided** AS LONG AS the work left is not suitable employment; ~~or because~~

(c) Of the application to ~~any such week in training~~ of provisions ~~in this law~~ OF ARTICLES 70 TO 82 OF THIS TITLE relating to availability for work, active search for work, or refusal to accept work TO ANY WEEK IN WHICH THE INDIVIDUAL IS ENROLLED IN THE TRAINING;

(d) THE INDIVIDUAL LEFT WORK THAT HE OR SHE ENGAGED IN ON A TEMPORARY BASIS DURING A BREAK IN THE TRAINING OR A DELAY IN THE COMMENCEMENT OF THE TRAINING; OR

(e) THE INDIVIDUAL LEFT ON-THE-JOB TRAINING NOT LATER THAN THIRTY DAYS

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

AFTER COMMENCING THE TRAINING BECAUSE THE TRAINING DID NOT MEET THE REQUIREMENTS OF 19 U.S.C. SEC. 2296 (c) (1) (B) OF THE FEDERAL "TRADE ACT OF 1974", AS AMENDED.

**SECTION 2.** 8-75-101 (10) and (11) (a), Colorado Revised Statutes, are amended to read:

**8-75-101. Definitions.** As used in this part 1, unless the context otherwise requires:

(10) There is an "off" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, either: ~~sub-subparagraph (A) or (B) of subparagraph (I) of paragraph (a) of subsection (11) of this section was not satisfied, and subparagraph (II) of paragraph (a) of subsection (11) of this section was not satisfied.~~

(a) ~~SUB-SUBPARAGRAPH (A) OR (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED, AND SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED; OR~~

(b) ~~SUB-SUBPARAGRAPH (B) OR (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED, AND SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION WAS NOT SATISFIED.~~

(11) (a) There is an "on" indicator for a week if the rate of insured unemployment under articles 70 to 82 of this title for the period consisting of such week and the immediately preceding twelve weeks:

(I) (A) Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; ~~and~~ OR

(B) EQUALED OR EXCEEDED ONE HUNDRED TWENTY PERCENT OF THE AVERAGE OF SUCH RATES FOR THE CORRESPONDING THIRTEEN-WEEK PERIOD ENDING IN EACH OF THE PRECEDING THREE CALENDAR YEARS WITH RESPECT TO WEEKS BEGINNING ON OR AFTER DECEMBER 17, 2010, AND ENDING DECEMBER 31, 2011, OR WHILE PUB.L. 111-312 AND ANY AMENDMENTS THERETO ARE IN EFFECT; AND

~~(B)~~ (C) Equaled or exceeded five percent; or

(II) Equaled or exceeded six percent.

**SECTION 3.** 8-75-108 (1), Colorado Revised Statutes, is amended to read:

**8-75-108. Total unemployment rate extended benefits.** (1) With respect to weeks of unemployment beginning on or after March 22, 2009, and ending ~~on December 5, 2009,~~ or four weeks before the last week for which federal sharing is authorized by section 2005 (a) of Pub.L. 111-5 and any amendments thereto, whichever is later:

(a) There is an "on" indicator for a week of TUR extended benefits, in the amount

determined pursuant to sections 8-75-104 and 8-75-105, if ~~all of the following applies~~ SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (a) APPLY OR IF SUBPARAGRAPHS (I) AND (III) OF THIS PARAGRAPH (a) APPLY:

(I) The seasonally adjusted TUR, as determined by the United States secretary of labor, for the most recent three months for which data for all states is published, equals or exceeds six and one-half percent; ~~and~~

(II) The average TUR in the state equals or exceeds one hundred ten percent of the TUR for either or both of the corresponding three-month periods in the two preceding calendar years;

(III) WITH RESPECT TO WEEKS BEGINNING ON OR AFTER DECEMBER 17, 2010, AND ENDING DECEMBER 31, 2011, OR WHILE PUB.L. 111-312 AND ANY AMENDMENTS THERETO ARE IN EFFECT, THE AVERAGE TUR IN THE STATE EQUALS OR EXCEEDS ONE HUNDRED TEN PERCENT OF THE TUR FOR ALL OR ANY OF THE CORRESPONDING THREE-MONTH PERIODS IN THE THREE PRECEDING CALENDAR YEARS;

(b) There is an "off" indicator for weeks of TUR extended benefits if any of the following applies:

(I) The TUR falls below six and one-half percent; or

(II) The requirements described in subparagraph (II) OR (III) of paragraph (a) of this subsection (1) are not satisfied.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 29, 2011