

First 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. 21-0928.01 Kristen Forrestal x4217

**SENATE BILL 21-233**

---

**SENATE SPONSORSHIP**

**Rodriguez and Hansen**, Bridges, Gonzales, Moreno, Pettersen, Winter

**HOUSE SPONSORSHIP**

**Benavidez and Gonzales-Gutierrez**,

---

**Senate Committees**  
Business, Labor, & Technology  
Appropriations

**House Committees**  
Finance  
Appropriations

---

**A BILL FOR AN ACT**

101     **CONCERNING FUNCTIONS OF THE DIVISION OF UNEMPLOYMENT**  
102         **INSURANCE, AND, IN CONNECTION THEREWITH, REQUIRING A**  
103         **FEASIBILITY STUDY CONCERNING A WAGE REPLACEMENT**  
104         **PROGRAM AND MAKING AN APPROPRIATION.**

---

HOUSE  
Amended 2nd Reading  
June 4, 2021

**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  
3rd Reading Unamended  
June 1, 2021

The bill establishes the left-behind workers program (program) in the division of unemployment insurance (division) in the department of labor and employment (department) for the purpose of providing

SENATE  
Amended 2nd Reading  
May 28, 2021

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.*

unemployment assistance relief payments to eligible individuals who are unemployed through no fault of their own, who meet specified criteria, and who are ineligible for regular unemployment benefits due to their immigration status. The bill requires the department to contract with a third-party administrator to administer the program. The third-party administrator must provide outreach to unemployed individuals who may be eligible to receive unemployment assistance relief payments, screen applicants for eligibility, and make payments to eligible individuals.

The bill establishes the left-behind workers fund (fund) as part of the enterprise that is administered by the division. The fund consists of a percentage of the premium currently assessed by the division and paid by employers.

The bill includes the employment support fund as part of the enterprise that is administered by the division.

---

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

2                 **SECTION 1.** In Colorado Revised Statutes, **add 8-1-153 as**  
3                 follows:

4                 **8-1-153. Wage replacement program - department - new**  
5                 **American advisor - feasibility study - recommendations.** (1) THE  
6                 EXECUTIVE DIRECTOR, IN PARTNERSHIP WITH THE DIRECTOR OF THE  
7                 DIVISION OF UNEMPLOYMENT INSURANCE, THE NEW AMERICAN ADVISOR  
8                 FROM THE DEPARTMENT, AND THE OFFICE OF THE GOVERNOR, SHALL  
9                 STUDY THE FEASIBILITY OF ESTABLISHING A CONTRACT WITH A  
10                 NONPROFIT, THIRD-PARTY ENTITY TO ADMINISTER A WAGE REPLACEMENT  
11                 PROGRAM FOR INDIVIDUALS WHO ARE UNEMPLOYED THROUGH NO FAULT  
12                 OF THEIR OWN AND WHO ARE INELIGIBLE FOR REGULAR UNEMPLOYMENT  
13                 BENEFITS DUE TO THEIR IMMIGRATION STATUS. THE FEASIBILITY STUDY  
14                 MUST INCLUDE POTENTIAL SOURCES OF MONEY TO FUND A WAGE  
15                 REPLACEMENT PROGRAM, LEGAL COMPLIANCE WITH THE UNITED STATES  
16                 DEPARTMENT OF LABOR'S REGULAR UNEMPLOYMENT INSURANCE  
17                 PROGRAMS, DATA SHARING AND DATA PRIVACY, AND INPUT FROM

1 RELEVANT STAKEHOLDERS.

2 (2) ON OR BEFORE DECEMBER 1, 2021, THE EXECUTIVE DIRECTOR  
3 AND THE NEW AMERICAN ADVISOR SHALL SUBMIT RECOMMENDATIONS TO  
4 THE GOVERNOR AND TO THE SENATE BUSINESS, LABOR, AND TECHNOLOGY  
5 COMMITTEE AND THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND  
6 LABOR COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

7 SECTION 2. In Colorado Revised Statutes, article 3.7 of title 8  
8 as added by HB 21-1150, add 8-3.7-105 as follows:

9 **8-3.7-105. Wage replacement program - executive director -**  
10 **director of the ONA - feasibility study - recommendations.** (1) THE  
11 EXECUTIVE DIRECTOR OF THE DEPARTMENT, IN PARTNERSHIP WITH THE  
12 DIRECTOR OF THE DIVISION OF UNEMPLOYMENT INSURANCE, THE DIRECTOR  
13 OF THE ONA, AND THE OFFICE OF THE GOVERNOR, SHALL STUDY THE  
14 FEASIBILITY OF ESTABLISHING A CONTRACT WITH A NONPROFIT,  
15 THIRD-PARTY ENTITY TO ADMINISTER A WAGE REPLACEMENT PROGRAM  
16 FOR INDIVIDUALS WHO ARE UNEMPLOYED THROUGH NO FAULT OF THEIR  
17 OWN AND WHO ARE INELIGIBLE FOR REGULAR UNEMPLOYMENT BENEFITS  
18 DUE TO THEIR IMMIGRATION STATUS. THE FEASIBILITY STUDY MUST  
19 INCLUDE POTENTIAL SOURCES OF MONEY TO FUND A WAGE REPLACEMENT  
20 PROGRAM, LEGAL COMPLIANCE WITH THE UNITED STATES DEPARTMENT  
21 OF LABOR'S REGULAR UNEMPLOYMENT INSURANCE PROGRAMS, DATA  
22 SHARING AND DATA PRIVACY, AND INPUT FROM RELEVANT  
23 STAKEHOLDERS.

24 (2) ON OR BEFORE DECEMBER 1, 2021, THE EXECUTIVE DIRECTOR  
25 OF THE DEPARTMENT AND THE DIRECTOR OF THE ONA SHALL SUBMIT  
26 RECOMMENDATIONS TO THE GOVERNOR AND TO THE SENATE BUSINESS,  
27 LABOR, AND TECHNOLOGY COMMITTEE AND THE HOUSE OF

1       REPRESENTATIVES BUSINESS AFFAIRS AND LABOR COMMITTEE, OR THEIR  
2       SUCCESSOR COMMITTEES.

3       **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,  
4       \$75,000 is appropriated to the department of labor and employment for  
5       use by the executive director's office. This appropriation is from the  
6       general fund. To implement this act, the office may use this appropriation  
7       for a wage replacement program study.

8       **SECTION 4. Effective date.** (1) This act takes effect upon  
9       passage; except that:

10       (a) Section 1 of this act takes effect only if House Bill 21-1150  
11       does not becomes law; and

12       (b) Section 2 of this act takes effect only if House Bill 21-1150  
13       becomes law and takes effect either upon the effective date of this act or  
14       House Bill 21-1150, whichever is later.

15       **SECTION 5. Safety clause.** The general assembly hereby finds,  
16       determines, and declares that this act is necessary for the immediate  
17       preservation of the public peace, health, or safety.