

HB1363_L.001

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Business Affairs and Labor.

After consideration on the merits, the Committee recommends the following:

HB09-1363 be amended as follows:

1 Amend printed bill, page 3, line 3, strike "THE" and substitute
 2 "(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b),
 3 THE";

4 after line 10, insert the following:

5 "(II) THE EMPLOYMENT SUPPORT FUND ESTABLISHED IN SECTION
 6 8-77-109 (1) SHALL NOT BE INCLUDED IN OR ADMINISTERED BY THE
 7 ENTERPRISE ESTABLISHED PURSUANT TO THIS SUBSECTION (2).".

8 Page 21, after line 26, insert the following:

9 "SECTION 13. 8-76-102 (4) (d), Colorado Revised Statutes, as
 10 amended by Senate Bill 09-076, enacted at the First Regular Session of
 11 the Sixty-seventh General Assembly, is amended to read:

12 **8-76-102. Rate of tax - surcharge.** (4) (d) Effective calendar
 13 year 2009, the annual PREMIUM surcharge tax rate shall be established at
 14 0.22 percent, with thirty percent of the PREMIUM surcharge tax rate
 15 allocated to the unemployment compensation fund created in section
 16 8-77-101, fifty percent of the PREMIUM surcharge tax rate allocated to the
 17 employment support fund created under section 8-77-109, and twenty
 18 percent of the PREMIUM surcharge allocated to the employment and
 19 training technology fund created in section ~~8-77-109~~ SECTION 8-77-109
 20 (2) (a.9). Effective January 1, 2017, fifty percent of the PREMIUM
 21 surcharge tax rate shall be allocated to the unemployment compensation



1 fund and fifty percent of the PREMIUM surcharge ~~tax~~ rate shall be
2 allocated to the employment support fund. The PREMIUM surcharge ~~tax~~
3 rate shall then be added to the employer's standard or computed ~~tax~~
4 PREMIUM rate. ~~This tax~~ THE PREMIUM SURCHARGE rate added to the
5 employer ~~tax~~ PREMIUM rate shall also be identified separately on the
6 employer ~~tax~~ PREMIUM rate notice as the ~~tax~~ PREMIUM surcharge for
7 benefits not effectively charged. The combined rate shall be the
8 employer's ~~tax~~ PREMIUM rate for the ensuing calendar year. The PREMIUM
9 surcharge established by this subsection (4) shall not be assessed against
10 any employer whose benefit-charge account balance is zero; except that,
11 if the employer is still being rated under the provisions of section
12 8-76-103 (3) (a), such employer is subject to the PREMIUM surcharge ~~tax~~
13 rate."

14 Renumber succeeding sections accordingly.

15 Page 48, line 15, after "1999.", add "THE EMPLOYMENT SUPPORT FUND
16 SHALL NOT BE INCLUDED IN OR ADMINISTERED BY THE ENTERPRISE
17 ESTABLISHED PURSUANT TO SECTION 8-71-103 (2).";

18 after line 15, insert the following:

19 "SECTION 26. 8-77-109 (2) (a.9), Colorado Revised Statutes, as
20 enacted by Senate Bill 09-076, enacted at the First Regular Session of the
21 Sixty-seventh General Assembly, is amended to read:

22 **8-77-109. Employment support fund - employment and**
23 **training technology fund - created - uses.** (2) (a.9) Notwithstanding
24 any provision of this subsection (2) to the contrary, beginning July 1,
25 2009, through December 31, 2016, twenty percent of the PREMIUM
26 surcharge ~~tax~~ established by section 8-76-102 (4) shall be credited to the
27 employment and training technology fund, which is hereby created in the
28 state treasury. Moneys in the employment and training technology fund
29 shall be used for employment and training automation initiatives
30 established by the director of the division. Moneys in the employment
31 and training technology fund shall be subject to annual appropriation by
32 the general assembly for the implementation of this paragraph (a.9) and
33 shall not revert to the general fund or any other fund at the end of any
34 fiscal year. The moneys in the employment and training technology fund
35 shall be exempt from section 24-75-402, C.R.S. If the balance of the
36 unemployment compensation fund, created in section 8-77-101, falls

1 below twenty-five million dollars, the moneys in the employment and
2 training technology fund shall be allocated to the unemployment
3 compensation fund. At any other time, the moneys in the employment
4 and training technology fund may be allocated to the unemployment
5 compensation fund at the discretion of the executive director of the
6 department of labor and employment."

7 Renumber succeeding sections accordingly.

8 Page 59, line 20, strike "This" and substitute "(1) Except as provided in
9 subsections (2) and (3) of this section, this";

10 after line 21, insert the following:

11 "(2) Section 8-76-102 (4) (d), Colorado Revised Statutes, as
12 amended in section 12 of this act, shall not take effect if Senate Bill
13 09-076 is enacted at the First Regular Session of the Sixty-seventh
14 General Assembly and becomes law.

15 (3) Sections 13 and 26 of this act shall take effect on July 1, 2009,
16 only if Senate Bill 09-076 is enacted at the First Regular Session of the
17 Sixty-seventh General Assembly and becomes law."

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