

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 24, 2009
Date

Committee on Business Affairs and Labor.

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

HB09-1363 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 (2) (a.9). Effective January 1, 2017, fifty percent of the PREMIUM
2 surcharge ~~tax rate~~ shall be allocated to the unemployment compensation
3 fund and fifty percent of the PREMIUM surcharge ~~tax rate~~ shall be
4 allocated to the employment support fund. The PREMIUM surcharge ~~tax~~
5 rate shall then be added to the employer's standard or computed ~~tax~~
6 PREMIUM rate. ~~This tax~~ THE PREMIUM SURCHARGE rate added to the
7 employer ~~tax~~ PREMIUM rate shall also be identified separately on the
8 employer ~~tax~~ PREMIUM rate notice as the ~~tax~~ PREMIUM surcharge for
9 benefits not effectively charged. The combined rate shall be the
10 employer's ~~tax~~ PREMIUM rate for the ensuing calendar year. The PREMIUM
11 surcharge established by this subsection (4) shall not be assessed against
12 any employer whose benefit-charge account balance is zero; except that,
13 if the employer is still being rated under the provisions of section
14 8-76-103 (3) (a), such employer is subject to the PREMIUM surcharge ~~tax~~
15 rate."

16 Renumber succeeding sections accordingly.

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

20 after line 15, insert the following:

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

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

1 shall be exempt from section 24-75-402, C.R.S. If the balance of the
2 unemployment compensation fund, created in section 8-77-101, falls
3 below twenty-five million dollars, the moneys in the employment and
4 training technology fund shall be allocated to the unemployment
5 compensation fund. At any other time, the moneys in the employment
6 and training technology fund may be allocated to the unemployment
7 compensation fund at the discretion of the executive director of the
8 department of labor and employment."

9 Renumber succeeding sections accordingly.

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

12 after line 21, insert the following:

13 "(2) Section 8-76-102 (4) (d), Colorado Revised Statutes, as
14 amended in section 12 of this act, shall not take effect if Senate Bill
15 09-076 is enacted at the First Regular Session of the Sixty-seventh
16 General Assembly and becomes law.

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

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