

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 21, 2023
SUBJECT Potential Legislation Packet 6

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

Electric Vehicle Service Equipment Fund LLS 0904 (Catlett)..... 1
Separating Fees In Records & Reports Cash Fund LLS 0959 (Kurtz)..... 4
Unemployment Insurance Premiums Allocation Federal Law Compliance LLS 0852 (Magnus)..... 9

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/16/23

DRAFT

LLS NO. 23-0904.02 Jessica Herrera x4218

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Electric Vehicle Service Equipment Fund

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE ELECTRIC VEHICLE SERVICE**
102 **EQUIPMENT FUND, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

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/>.)

Joint Budget Committee. In order to allow the department of military and veterans affairs (department) to impose charges for the charging of electric vehicles using electric vehicle services equipment (equipment) provided by the department at Colorado National Guard facilities and to use the revenue to fund the ongoing operation of the

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Dashes through the words indicate deletions from existing law.*

equipment, the bill:

- Creates the electric vehicle service equipment fund (fund);
- Requires all money received by the department from such charges to be credited to the fund;
- Authorizes the department to accept gifts, grants, and donations to be credited to the fund;
- Subject to annual appropriation, authorizes the department to expend money from the fund to defray the costs associated with operation of the equipment; and
- Appropriates \$50,000 from the fund to the department for state fiscal year 2023-24.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 28-3-110 as
3 follows:

4 **28-3-110. Electric vehicle service equipment fund - created -**
5 **use of fund - gifts, grants, and donations - definitions.** (1) THE
6 ELECTRIC VEHICLE SERVICE EQUIPMENT FUND IS HEREBY CREATED IN THE
7 STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND
8 PURSUANT TO SUBSECTION (2) OF THIS SECTION AND ANY OTHER MONEY
9 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
10 FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME
11 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO
12 THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
13 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO
14 DEFRAID THE COSTS ASSOCIATED WITH OPERATING ELECTRIC VEHICLE
15 SERVICES EQUIPMENT INCLUDING COSTS OF FACILITIES' ELECTRICITY,
16 INSTALLATION, REPAIR, WARRANTIES, REPLACEMENT, OPERATION OF
17 NETWORK SERVICE, MAINTENANCE, AND SALARIES INVOLVED IN THE USE
18 OF FACILITIES WITH ELECTRIC VEHICLE SERVICE EQUIPMENT.

19 (2) THE STATE TREASURER SHALL CREDIT ALL MONEY RECEIVED

1 BY THE DEPARTMENT FROM CHARGES IMPOSED BY THE DEPARTMENT ON
2 PERSONS CHARGING ELECTRIC VEHICLES USING ELECTRIC VEHICLE SERVICE
3 EQUIPMENT PROVIDED BY THE DEPARTMENT AT ANY NATIONAL GUARD
4 FACILITY.

5 (3) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
6 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
7 PURPOSES OF THIS SUBSECTION (3). THE DEPARTMENT SHALL TRANSMIT
8 ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
9 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

10 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "ELECTRIC VEHICLE SERVICE EQUIPMENT" MEANS ELECTRIC
13 VEHICLE CHARGING SYSTEMS, AS DEFINED IN SECTION 38-33.3-106.8 (7),
14 AND OTHER ELECTRICAL EQUIPMENT INSTALLED ON SITE TO SUPPORT
15 ELECTRIC VEHICLE CHARGING.

16 (b) "FUND" MEANS THE ELECTRIC VEHICLE SERVICE EQUIPMENT
17 FUND CREATED IN SUBSECTION (1) OF THIS SECTION.

18 **SECTION 2. Appropriation.** For the 2023-24 state fiscal
19 year, \$50,000 is appropriated to the department of military affairs. This
20 appropriation is from the electric vehicle service equipment fund created
21 in section 28-3-110 (1). The department may use this appropriation to
22 implement this act.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/16/23

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LLS NO. 23-0959.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Separating Fees In Records & Reports Cash Fund
DEADLINES: File by: 3/27/2023

A BILL FOR AN ACT

101 **CONCERNING NO LONGER REQUIRING THE FEE COLLECTED FOR THE**
102 **BACKGROUND CHECKS FOR CHILD ABUSE OR NEGLECT TO**
103 **SUPPORT THE COSTS ASSOCIATED WITH THE APPEALS PROCESS**
104 **FOR A PERSON WHO IS FOUND RESPONSIBLE IN A CONFIRMED**
105 **REPORT OF CHILD ABUSE OR NEGLECT.**

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/>.)

Joint Budget Committee. Current law authorizes the department of human services to establish and collect a fee for background checks for

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child abuse or neglect (background checks). That fee then is required to cover the direct and indirect costs of the background check and the direct and indirect costs of administering the appeals process and release of information for a person who is found to be responsible in a confirmed report of child abuse or neglect (appeals processes). The bill eliminates the requirement that the fee for background checks cover the direct and indirect costs associated with the appeals processes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-307, **amend**
3 (2.5) as follows:

4 **19-1-307. Dependency and neglect records and information -**
5 **access - fee - records and reports fund - misuse of information -**
6 **penalty - adult protective services data system check - rules. (2.5) Fee**
7 **- records and reports fund - rules.** (a) Any person or agency provided
8 information from the state department of human services or department
9 of early childhood pursuant to subsections (2)(i), (2)(k) to (2)(o), (2)(t),
10 and (2)(y) of this section and any child placement agency must be
11 assessed a fee that is established and collected by the state department of
12 human services OR ESTABLISHED AND COLLECTED BY THE DEPARTMENT
13 OF EARLY CHILDHOOD pursuant to parameters set forth in rule established
14 by the state board of human services or the department of early childhood
15 pursuant to parameters set forth in rule established by the executive
16 director of the department of early childhood, whichever is applicable. At
17 a minimum, the rules must include a provision requiring the state
18 department of human services or department of early childhood, as
19 applicable, to provide notice of the fee to interested persons and the
20 maximum fee amount that the department shall not exceed without the
21 express approval of the state board of human services or executive
22 director of the department of early childhood, as applicable. The fee

1 established must not exceed the direct and indirect costs of administering
2 subsections (2)(i), (2)(k) to (2)(o), (2)(t), and (2)(y) of this section. ~~and~~
3 ~~the direct and indirect costs of administering section 19-3-313.5 (3) and~~
4 ~~(4).~~

5 (b) All fees collected in accordance with subsection (2.5)(a) of
6 this section must be transmitted to the state treasurer who shall credit the
7 same to the records and reports fund, which fund is hereby created. The
8 fund also consists of fees credited to the fund pursuant to section
9 26-3.1-111. The money in the records and reports fund is subject to
10 annual appropriation by the general assembly for the direct and indirect
11 costs of administering subsections (2)(i), (2)(k) to (2)(o), (2)(t), and (2)(y)
12 of this section ~~for the direct and indirect costs of administering section~~
13 ~~19-3-313.5 (3) and (4)~~ and for the direct and indirect costs described in
14 section 26-3.1-111.

15 **SECTION 2. Appropriation - adjustments to 2023 long bill.**

16 (1) To implement this act, general fund appropriations made in the
17 annual general appropriation act for the 2023-24 state fiscal year to the
18 department of human services are increased as follows:

19 **(1) Executive Director's Office**

20 **(A) General Administration**

21	Health, Life, and Dental	\$400
22	Short-term Disability	\$3
23	Amortizatin Equalization Disbursement	\$86
24	Supplemental Amortizatin Equalization Disbursement	\$86
25	Salary Survey	\$40
26	PERA Direct Distribution	\$3,603
27	Workers Compensation	\$1,481

1	Legal Services	\$807,323
2	Administrative Law Judge Services	\$203,273
3	Payments to Risk Management and Property Funds	\$253
4	(2) Administration and Finance	
5	(A) Administration	
6	Personal Services	\$32,639
7	(B) Information Technology	
8	Payments to OIT	\$13,617
9	(C) Operations	
10	Capitol Complex Leased Space	\$8,240
11	(D) Special Purpose	
12	Records and Reports of Child Abuse and Neglect	\$270,520
13	(2) To implement this act, cash funds appropriations from the	
14	records and reports cash fund, created in section 19-1-307 (2.5)(b), C.R.S.	
15	made in the annual general appropriation act for the 2023-24 state fiscal	
16	year to the department of human services are decreased as follows:	
17	(1) Executive Director's Office	
18	(A) General Administration	
19	Health, Life, and Dental	\$400
20	Short-term Disability	\$3
21	Amortizatin Equalization Disbursement	\$86
22	Supplemental Amortizatin Equalization Disbursement	\$86
23	Salary Survey	\$40
24	(D) Special Purpose	
25	Records and Reports of Child Abuse and Neglect	\$270,520
26	(7) Office of Adults, Aging, and Disability Services	
27	(E) Indirect Cost Assessment	\$1,070,429

1 (3) To implement this act, reappropriated funds appropriations
2 from indirect cost recoveries made in the annual general appropriation act
3 for the 2023-24 state fiscal year to the department of human services are
4 decreased as follows:

5 **(1) Executive Director's Office**

6 **(A) General Administration**

7	PERA Direct Distribution	\$3,603
8	Workers Compensation	\$1,481
9	Legal Services	\$807,323
10	Administrative Law Judge Services	\$203,273
11	Payments to Risk Management and Property Funds	\$253

12 **(2) Administration and Finance**

13 **(A) Administration**

14	Personal Services	\$32,639
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15 **(B) Information Technology**

16	Payments to OIT	\$13,617
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17 **(C) Operations**

18	Capitol Complex Leased Space	\$8,240
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19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/20/23

DRAFT

LLS NO. 23-0852.02 Christy Chase x2008

SENATE BILL

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Bridges

HOUSE SPONSORSHIP

Bird and Sirota, Bockenfeld

BILL TOPIC: Unempl Ins Premiums Allocation Fed Law Compliance

A BILL FOR AN ACT

101 **CONCERNING UNEMPLOYMENT COMPENSATION, AND, IN CONNECTION**
102 **THEREWITH, REDUCING EMPLOYER PREMIUM RATES; CREATING**
103 **SUPPORT SURCHARGE RATES; ADJUSTING THE ALLOCATIONS OF**
104 **EMPLOYER PREMIUMS AND SUPPORT SURCHARGE PAYMENTS TO**
105 **THE UNEMPLOYMENT COMPENSATION FUND, THE EMPLOYMENT**
106 **SUPPORT FUND, THE EMPLOYMENT AND TRAINING TECHNOLOGY**
107 **FUND, AND THE BENEFIT RECOVERY FUND TO COMPLY WITH**
108 **FEDERAL LAW; AND MAKING AND REDUCING APPROPRIATIONS.**

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

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[http://leg.colorado.gov/.](http://leg.colorado.gov/))

Joint Budget Committee. For purposes of complying with requirements of the "Federal Unemployment Tax Act", the bill reduces employer premium rates by 10% across all rates in the standard premium rate schedule. Additionally, the bill creates a schedule for the support surcharge rate (schedule), which is used to establish contributions to the employment support fund, to the employment and training technology fund, and to the benefit recovery fund. The new schedule uses the same methodology as is used in calculating an employer's percent of excess, which is the percentage resulting from the calculation of an employer's excess of premiums paid over benefits charged, divided by the average chargeable payroll.

The bill changes the cap on the amount of money in the employment support fund at the end of any state fiscal year, from an amount calculated based on a portion of the employer premium plus \$17 million, to a total of \$32.5 million for the next state fiscal year, which amount is adjusted annually based on changes in average weekly earnings.

The bill expands the authorized use of money in the Title XII repayment fund to allow the division of unemployment insurance (division) in the department of labor and employment (department) to use the money for costs associated with bonds or notes issued by the division, including interest on the bonds or notes.

The bill eliminates the requirement for employers to submit premium reports to the division and instead requires employers to submit wage reports.

The bill adjusts the appropriations in the annual general appropriation act for the 2023-24 state fiscal year to the department for use by the division as follows:

- Decreases the general fund appropriation for program costs related to labor standards by \$899,537; and
- Increases the cash funds appropriation from the employment support fund for program costs related to labor standards by \$899,537.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-70-103, **amend**
3 (13) and (23.5); and **add** (2.7), (11.5), (12.3), and (24.5) as follows:

4 **8-70-103. Definitions.** As used in articles 70 to 82 of this title 8,
5 unless the context otherwise requires:

1 (2.7) "BENEFIT RECOVERY FUND" MEANS THE BENEFIT RECOVERY
2 FUND CREATED IN SECTION 8-73-116 (2).

3 (11.5) "EMPLOYMENT AND TRAINING TECHNOLOGY FUND" MEANS
4 THE EMPLOYMENT AND TRAINING TECHNOLOGY FUND CREATED IN SECTION
5 8-77-109 (2)(a.9)(II)(A).

6 (12.3) "EMPLOYMENT SUPPORT FUND" MEANS THE EMPLOYMENT
7 SUPPORT FUND CREATED IN SECTION 8-77-109 (1)(b).

8 (13) "Fund" OR "UNEMPLOYMENT COMPENSATION FUND" means
9 the unemployment compensation fund, established in section 8-77-101
10 (1), to which all premiums required and from which all benefits under
11 articles 70 to 82 of this ~~title~~ TITLE 8 and bonds issued under section
12 8-71-103 (2)(d) are paid, and from which payments may be made to the
13 Colorado housing and finance authority under section 29-4-710.7. ~~C.R.S.~~

14 (23.5) "Premiums" means the money payments to the
15 unemployment compensation fund, AND THE PAYMENT AMOUNTS USED TO
16 CALCULATE AN EMPLOYER'S EXPERIENCE RATING, required by articles 70
17 to 82 of this ~~title~~ TITLE 8.

18 (24.5) "SUPPORT SURCHARGE RATE" MEANS AN EMPLOYER'S RATE
19 THAT IS USED TO CALCULATE THE MONEY PAYMENTS OWED TO THE
20 EMPLOYMENT SUPPORT FUND, THE BENEFIT RECOVERY FUND, AND THE
21 EMPLOYMENT AND TRAINING TECHNOLOGY FUND, CALCULATED IN
22 ACCORDANCE WITH SECTION 8-76-102.5 (3)(a)(IV) USING THE SAME
23 METHODOLOGY AS IS USED TO CALCULATE AN EMPLOYER'S PERCENT OF
24 EXCESS IN ACCORDANCE WITH SECTION 8-76-102.5 (3)(a)(II)(A).

25 **SECTION 2.** In Colorado Revised Statutes, 8-76-102.5, **amend**
26 (3)(h) introductory portion and (3)(h)(I); and **repeal and reenact, with**
27 **amendments,** (3)(a) as follows:

1 **8-76-102.5. Rates effective upon fund solvency - repeal of**
2 **prior rates - solvency surcharge - definitions - repeal.** (3) (a) (I) EACH
3 EMPLOYER'S RATE FOR THE TWELVE MONTHS COMMENCING JANUARY 1 OF
4 ANY CALENDAR YEAR IS DETERMINED ON THE BASIS OF THE EMPLOYER'S
5 RECORD PRIOR TO THE COMPUTATION DATE FOR THE YEAR. THE
6 COMPUTATION DATE FOR ANY CALENDAR YEAR IS JULY 1 OF THE YEAR
7 PRECEDING THE CALENDAR YEAR FOR WHICH THE RATE IS COMPUTED.

8 (II) AS USED IN THE STANDARD PREMIUM RATE SCHEDULE IN
9 SUBSECTION (3)(a)(III)(B) OF THIS SECTION AND THE SUPPORT SURCHARGE
10 RATE SCHEDULE IN SUBSECTION (3)(a)(IV) OF THIS SECTION:

11 (A) "PERCENT OF EXCESS" MEANS THE PERCENTAGE RESULTING
12 FROM DIVIDING THE EXCESS OF PREMIUMS PAID OVER BENEFITS CHARGED
13 BY THE AVERAGE CHARGEABLE PAYROLL, COMPUTED TO THE NEAREST
14 ONE PERCENT.

15 (B) "RESERVE RATIO" MEANS THE FUND BALANCE ON ANY JUNE 30
16 AS A PROPORTION OF TOTAL WAGES REPORTED BY EXPERIENCE-RATED
17 EMPLOYERS.

18 (C) "To" IN THE COLUMN HEADINGS, WHICH MAKE REFERENCE TO
19 FUND BALANCES (RESOURCES AVAILABLE FOR BENEFITS), MEANS "NOT
20 INCLUDING".

21 (III) (A) THE TOTAL OF AN EMPLOYER'S PREMIUMS PAID,
22 DESIGNATED, AND DEPOSITED INTO THE UNEMPLOYMENT COMPENSATION
23 FUND ON THE EMPLOYER'S OWN BEHALF ON OR BEFORE THIRTY-ONE DAYS
24 IMMEDIATELY AFTER THE COMPUTATION DATE AND THE TOTAL BENEFITS
25 THAT WERE CHARGEABLE TO THE EMPLOYER'S ACCOUNT AND WERE PAID
26 BEFORE THE COMPUTATION DATE, WITH RESPECT TO WEEKS, OR ANY
27 ESTABLISHED PAYROLL PERIOD OF UNEMPLOYMENT, BEGINNING BEFORE

1 THE COMPUTATION DATE, IS USED TO COMPUTE THE EMPLOYER'S PREMIUM
2 FOR THE FOLLOWING CALENDAR YEAR.

3 (B) THE FOLLOWING STANDARD PREMIUM RATE SCHEDULE
4 REFLECTS THE RATES APPLICABLE IN COMPUTING AN EMPLOYER'S
5 PREMIUM:

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3/23

Standard Premium Rate Schedule

	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio
	0.014 or Greater	0.011 to 0.014	0.008 to 0.011	0.006 to 0.008	0.004 to 0.006	0.000 to 0.004	0.000 to Deficit
Eligible Employers Percent of Excess							
+20 or more	0.0046	0.0050	0.0052	0.0056	0.0059	0.0064	0.0068
+18 to +19	0.0051	0.0056	0.0058	0.0062	0.0066	0.0070	0.0074
+16 to +17	0.0052	0.0057	0.0059	0.0063	0.0067	0.0071	0.0076
+14 to +15	0.0055	0.0060	0.0062	0.0068	0.0072	0.0077	0.0082
+12 to +13	0.0059	0.0065	0.0068	0.0074	0.0079	0.0086	0.0091
+10 to +11	0.0068	0.0075	0.0078	0.0085	0.0092	0.0099	0.0106
+8 to +9	0.0086	0.0095	0.0099	0.0108	0.0117	0.0126	0.0135
+6 to +7	0.0104	0.0116	0.0122	0.0133	0.0144	0.0156	0.0167
+4 to +5	0.0124	0.0139	0.0145	0.0159	0.0173	0.0186	0.0201
+2 to +3	0.0174	0.0193	0.0203	0.0222	0.0242	0.0262	0.0282
+0 to +1	0.0244	0.0272	0.0285	0.0313	0.0341	0.0369	0.0397
Unrated	0.0153	0.0153	0.0153	0.0153	0.0153	0.0153	0.0153
-0 to -1	0.0311	0.0347	0.0365	0.0402	0.0438	0.0474	0.0511
-2 to -3	0.0331	0.0371	0.0390	0.0428	0.0467	0.0506	0.0545
-4 to -5	0.0352	0.0393	0.0414	0.0455	0.0497	0.0538	0.0580
-6 to -7	0.0373	0.0416	0.0438	0.0482	0.0526	0.0570	0.0614
-8 to -9	0.0392	0.0439	0.0463	0.0509	0.0555	0.0601	0.0648
-10 to -11	0.0413	0.0462	0.0486	0.0536	0.0584	0.0633	0.0682
-12 to -13	0.0433	0.0485	0.0510	0.0562	0.0613	0.0664	0.0716
-14 to -15	0.0454	0.0508	0.0535	0.0589	0.0643	0.0697	0.0751
-16 to -17	0.0474	0.0530	0.0559	0.0615	0.0671	0.0728	0.0785
-18 to -19	0.0494	0.0554	0.0583	0.0642	0.0701	0.0760	0.0819
-20 to -21	0.0515	0.0576	0.0607	0.0669	0.0730	0.0791	0.0853
-22 to -23	0.0535	0.0599	0.0631	0.0695	0.0759	0.0823	0.0887
-24 to -25	0.0555	0.0621	0.0654	0.0721	0.0788	0.0854	0.0921
More than -25	0.0565	0.0633	0.0666	0.0734	0.0801	0.0868	0.0935

1 (IV) THE SUPPORT SURCHARGE RATE, WHICH IS THE RATE
2 DEDICATED TO EMPLOYER SUPPORT SURCHARGE PAYMENTS DEPOSITED
3 INTO THE EMPLOYMENT SUPPORT FUND, THE BENEFIT RECOVERY FUND,
4 AND THE EMPLOYMENT AND TRAINING TECHNOLOGY FUND, IS
5 CALCULATED USING THE FOLLOWING SUPPORT SURCHARGE RATE
6 SCHEDULE:



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Support Surcharge Rate Schedule

	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio	Reserve Ratio
	0.014 or Greater	0.011 to 0.014	0.008 to 0.011	0.006 to 0.008	0.004 to 0.006	0.000 to 0.004	0.000 to Deficit
Eligible Employers Percent of Excess							
+20 or more	0.0005	0.0006	0.0006	0.0006	0.0007	0.0007	0.0007
+18 to +19	0.0006	0.0006	0.0006	0.0007	0.0007	0.0008	0.0008
+16 to +17	0.0006	0.0006	0.0006	0.0007	0.0007	0.0008	0.0008
+14 to +15	0.0006	0.0007	0.0007	0.0007	0.0008	0.0009	0.0009
+12 to +13	0.0007	0.0007	0.0007	0.0008	0.0009	0.0009	0.0010
+10 to +11	0.0007	0.0008	0.0009	0.0009	0.0010	0.0011	0.0012
+8 to +9	0.0009	0.0010	0.0011	0.0012	0.0013	0.0014	0.0015
+6 to +7	0.0012	0.0013	0.0013	0.0015	0.0016	0.0017	0.0019
+4 to +5	0.0014	0.0015	0.0016	0.0018	0.0019	0.0021	0.0022
+2 to +3	0.0019	0.0021	0.0022	0.0025	0.0027	0.0029	0.0031
+0 to +1	0.0027	0.0030	0.0032	0.0035	0.0038	0.0041	0.0044
Unrated	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017
-0 to -1	0.0035	0.0039	0.0041	0.0045	0.0049	0.0053	0.0057
-2 to -3	0.0037	0.0041	0.0043	0.0048	0.0052	0.0056	0.0061
-4 to -5	0.0039	0.0044	0.0046	0.0051	0.0055	0.0060	0.0064
-6 to -7	0.0041	0.0046	0.0049	0.0053	0.0058	0.0063	0.0068
-8 to -9	0.0044	0.0049	0.0051	0.0056	0.0062	0.0067	0.0072
-10 to -11	0.0046	0.0051	0.0054	0.0059	0.0065	0.0070	0.0076
-12 to -13	0.0048	0.0054	0.0057	0.0062	0.0068	0.0074	0.0080
-14 to -15	0.0050	0.0056	0.0059	0.0065	0.0071	0.0077	0.0083
-16 to -17	0.0053	0.0059	0.0062	0.0068	0.0075	0.0081	0.0087
-18 to -19	0.0055	0.0061	0.0065	0.0071	0.0078	0.0084	0.0091
-20 to -21	0.0057	0.0064	0.0067	0.0074	0.0081	0.0088	0.0095
-22 to -23	0.0059	0.0067	0.0070	0.0077	0.0084	0.0091	0.0099
-24 to -25	0.0062	0.0069	0.0073	0.0080	0.0087	0.0095	0.0102
More than -25	0.0063	0.0070	0.0074	0.0081	0.0089	0.0096	0.0104

1 (h) ~~No later than January 1, 2013,~~ The division shall develop AND
2 MAINTAIN an online computer application that allows employers to review
3 and manage account information. The online computer application shall
4 include at least the following:

5 (I) A method for employers to file ~~premium~~ WAGE reports and
6 make premium payments;

7 **SECTION 3.** In Colorado Revised Statutes, 8-77-103, **amend**
8 (3)(c) as follows:

9 **8-77-103. Advances from federal unemployment trust fund -**
10 **Title XII repayment fund.** (3) (c) Money in the fund is continuously
11 appropriated to the division to repay federal advances received pursuant
12 to this section, ANY COSTS ASSOCIATED WITH BONDS OR NOTES ISSUED
13 PURSUANT TO SECTION 8-71-103 OR 8-77-103.5, and any interest owing
14 on ~~such~~ FEDERAL advances, BONDS, OR NOTES.

15 **SECTION 4.** In Colorado Revised Statutes, 8-77-109, **amend**
16 (1)(b), (2)(a), and (2)(a.9)(II)(A); **repeal** (5); and **add** (6) as follows:

17 **8-77-109. Employment support fund - employment and**
18 **training technology fund - created - uses - repeal.** (1) (b) There is
19 hereby established the employment support fund. This fund consists of
20 ~~the first 0.00145~~ 59.46 PERCENT OF THE SUPPORT SURCHARGE RATE
21 assessed ANNUALLY as part of each employer's ~~premium under section~~
22 ~~8-76-102.5 (3)(a)~~ SUPPORT SURCHARGE RATE PAYMENTS PAID AND
23 DEDICATED TO THE EMPLOYMENT SUPPORT FUND IN ACCORDANCE WITH
24 SECTION 8-76-102.5 (3)(a)(IV).

25 (2) (a) (I) (A) EXCEPT AS SET FORTH IN SUBSECTION (2)(a)(II) OF
26 THIS SECTION AND EXCEPT AS PROVIDED IN SUBSECTION (2)(a)(I)(B) OF
27 THIS SECTION, the state treasurer shall credit the money collected pursuant

1 to this section to the employment support fund created in subsection (1)
2 of this section. ~~except that,~~

3 (B) To the extent allowed by the United States department of
4 labor employment training administration, the state treasurer shall credit
5 ~~.00035~~ 18.92 PERCENT of each employer's ~~premium under section~~
6 ~~8-76-102.5 (3)(a)~~ ANNUAL SUPPORT SURCHARGE RATE DETERMINED
7 PURSUANT TO SECTION 8-76-102.5 (3)(a)(IV) to the benefit recovery fund,
8 ~~created in section 8-73-116~~, up to a maximum of fifteen million dollars
9 each year.

10 (II) (A) At the end of the ~~state fiscal year 2023-24~~ STATE FISCAL
11 YEAR, THE STATE TREASURER SHALL CREDIT any money ~~in the~~
12 ~~employment support fund~~ COLLECTED PURSUANT TO THIS SECTION that
13 ~~exceeds the total of a .0011 assessed as part of each employer's premium~~
14 ~~plus seventeen million~~ WOULD CAUSE THE BALANCE IN THE EMPLOYMENT
15 SUPPORT FUND TO EXCEED THIRTY-TWO MILLION FIVE HUNDRED
16 THOUSAND dollars ~~shall be transferred by the state treasurer to the~~
17 unemployment compensation fund. ~~created in section 8-77-101 (1)~~.

18 (B) AT THE END OF THE 2024-25 STATE FISCAL YEAR AND EACH
19 STATE FISCAL YEAR THEREAFTER, THE LIMIT ON THE AMOUNT OF MONEY
20 IN THE EMPLOYMENT SUPPORT FUND SPECIFIED IN SUBSECTION
21 (2)(a)(II)(A) OF THIS SECTION SHALL BE ADJUSTED BASED ON THE CHANGE
22 IN AVERAGE WEEKLY EARNINGS, AS DETERMINED IN ACCORDANCE WITH
23 SECTION 8-73-102 (1), IN THE IMMEDIATELY PRECEDING STATE FISCAL
24 YEAR, AND THE STATE TREASURER SHALL CREDIT ANY AMOUNT THAT
25 EXCEEDS THE AMOUNT SPECIFIED IN SUBSECTION (2)(a)(II)(A) OF THIS
26 SECTION, AS ADJUSTED PURSUANT TO THIS SUBSECTION (2)(a)(II)(B), TO
27 THE UNEMPLOYMENT COMPENSATION FUND.

1 (C) ANY AMOUNT CREDITED TO THE UNEMPLOYMENT
2 COMPENSATION FUND PURSUANT TO THIS SUBSECTION (2)(a)(II) IS NOT
3 INCLUDED IN THE CALCULATION OF AN EMPLOYER'S ANNUAL EXPERIENCE
4 RATE.

5 (III) The general assembly shall appropriate the money in the
6 employment support fund annually to the department of labor and
7 employment:

8 ~~(H)~~ (A) To be used to offset funding deficits for program
9 administration, including information technology initiatives, under the
10 provisions of articles 70 to 83 of this ~~title~~ TITLE 8 and to further support
11 programs to strengthen unemployment fund solvency; and

12 ~~(H)~~ ~~(A)~~ (B) To fund labor standards, labor relations, and the
13 Colorado works grievance procedure under the provisions of articles 1 to
14 6, 9, 10, 12, and 13 of this ~~title~~ TITLE 8 and section 26-2-716 (3)(b).
15 ~~C.R.S.~~

16 ~~(B) (Deleted by amendment, L. 2003, p. 2181, § 1, effective June~~
17 ~~3, 2003.)~~

18 ~~(C) Repealed.~~

19 (a.9) (II) (A) The employment and training technology fund,
20 referred to in this subsection (2)(a.9) as the "fund", is created in the state
21 treasury. Notwithstanding any provision of this subsection (2) to the
22 contrary, on and after April 27, 2021, ~~0.0004 assessed against~~ THE STATE
23 TREASURER SHALL CREDIT 21.62 PERCENT OF each employer's ~~premium~~
24 ~~under section 8-76-102.5 (3)(a) shall be credited~~ ANNUAL SUPPORT
25 SURCHARGE RATE UNDER SECTION 8-76-102.5 (3)(a)(IV) to the
26 employment and training technology fund. On and after April 27, 2021,
27 and on or before June 30, 2023, if cumulative revenue to the employment

1 and training technology fund equals thirty-one million dollars, less any
2 money transferred to the unemployment compensation fund, no additional
3 money shall be credited to the employment and training technology fund
4 but instead shall be allocated to the unemployment compensation fund.
5 On and after July 1, 2023, any amount collected in a fiscal year in excess
6 of seven million dollars under this subsection (2)(a.9)(II) shall be credited
7 TO THE FUND AND THEN TRANSFERRED to the unemployment
8 compensation fund. Money in the fund shall be used for employment and
9 training automation initiatives established by the director of the division.
10 Money in the fund is subject to annual appropriation by the general
11 assembly for the purposes of this subsection (2)(a.9) and shall not revert
12 to the general fund or any other fund at the end of any fiscal year. The
13 money in the fund is exempt from section 24-75-402. At any time, the
14 money in the employment and training technology fund may be
15 appropriated by the general assembly to the unemployment compensation
16 fund or allocated to the unemployment compensation fund at the
17 discretion of the executive director of the department of labor and
18 employment.

19 ~~(5) The department shall conduct a study with the United States~~
20 ~~department of labor and any relevant stakeholders to evaluate the~~
21 ~~employment support fund and determine what steps may be necessary to~~
22 ~~ensure the fund conforms with federal law. The department shall report~~
23 ~~the findings of the study to the house committee on business affairs and~~
24 ~~labor and the senate committee on business, labor, and technology by~~
25 ~~December 15, 2022.~~

26 (6) (a) THE PORTION OF EACH EMPLOYER'S SUPPORT SURCHARGE
27 RATE THAT THE EMPLOYER PAID AND THAT IS DEDICATED TO THE

1 EMPLOYMENT SUPPORT FUND PURSUANT TO SECTION 8-76-102.5
2 (3)(a)(IV), TO THE BENEFIT RECOVERY FUND PURSUANT TO SECTION
3 8-73-116, AND TO THE EMPLOYMENT AND TRAINING TECHNOLOGY FUND
4 PURSUANT TO SUBSECTION (2)(a.9)(II)(A) OF THIS SECTION:

5 (I) IS NOT INCLUDED IN THE CALCULATION OF THE EMPLOYER'S
6 ANNUAL EXPERIENCE RATE AND CREDIT UNDER THE "FEDERAL
7 UNEMPLOYMENT TAX ACT", 26 U.S.C. SEC. 3301 ET SEQ.; AND

8 (II) MUST BE IMMEDIATELY DEPOSITED, UPON PAYMENT, INTO A
9 SEPARATE ACCOUNT, UNRELATED TO THE UNEMPLOYMENT COMPENSATION
10 FUND.

11 (b) ANY MONEY TRANSFERRED FROM THE EMPLOYMENT SUPPORT
12 FUND, THE BENEFIT RECOVERY FUND, OR THE EMPLOYMENT AND TRAINING
13 TECHNOLOGY FUND TO THE UNEMPLOYMENT COMPENSATION FUND
14 PURSUANT TO THIS SECTION IS NOT USED IN CALCULATING THE
15 EMPLOYER'S EXPERIENCE RATE OR PERCENT OF EXCESS FOR THE
16 STANDARD PREMIUM RATE SCHEDULE.

17 **SECTION 5.** In Colorado Revised Statutes, 8-79-104, **amend**
18 (1)(a)(II)(A) and (1)(d) as follows:

19 **8-79-104. Failure to file true report - penalty.** (1) (a) (II) (A) It
20 is the responsibility of each employer subject to articles 70 to 82 of this
21 ~~title~~ TITLE 8 to file true and accurate reports, whether or not premiums or
22 surcharges are due, and to pay all premiums and surcharges when due.
23 Whenever an employer fails to furnish ~~premium~~ WAGE reports required
24 by the division by the due date, the division shall assess against the
25 employer a penalty of fifty dollars for each occurrence; except that an
26 "employer newly subject" as defined by section 8-76-102.5 (4) shall be
27 assessed a penalty of ten dollars for each occurrence during the first four

1 quarters of coverage. Each subsequent quarter in which the employer
2 continues the failure to file the WAGE reports shall be considered a
3 separate occurrence. Penalties collected by the division pursuant to this
4 ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(II)(A) shall be paid into the
5 unemployment revenue fund.

6 (d) Any penalty imposed pursuant to this subsection (1) shall be
7 waived if good cause is shown for failing to pay the premiums or
8 surcharges or to make ~~premium~~ WAGE reports, as prescribed by rule of the
9 division. Penalties under this subsection (1) that are unpaid on the date on
10 which they are due shall bear interest at the same rate and in the same
11 manner as unpaid premiums and surcharges under articles 70 to 82 of this
12 ~~title~~ TITLE 8. The provisions of section 13-80-108 (9) ~~C.R.S.~~, shall be
13 used for determining when an offense is committed for the purposes of
14 this subsection (1).

15 **SECTION 6. Appropriation - adjustments to 2023 long bill.**

16 (1) To implement this act, appropriations made in the annual general
17 appropriation act for the 2023-24 state fiscal year to the department of
18 labor and employment for use by the division of labor standards and
19 statistics are adjusted as follows:

20 (a) The general fund appropriation for program costs related to
21 labor standards is decreased by \$899,537; and

22 (b) The cash funds appropriation from the employment support
23 fund created in section 8-77-109 (1)(b), C.R.S., for program costs related
24 to labor standards is increased by \$899,537.

25 **SECTION 7. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.