First Regular Session Seventy-fifth General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 25-0865.01 Yelana Love x2295

SENATE BILL 25-242

SENATE SPONSORSHIP

Amabile and Bridges, Kirkmeyer

HOUSE SPONSORSHIP

Sirota and Taggart, Bird

Senate Committees

Appropriations

House Committees

	A BILL FOR AN ACT
101	CONCERNING THE DIVISION OF UNEMPLOYMENT INSURANCE FUNDING
102	ADJUSTMENTS, AND, IN CONNECTION THEREWITH, MAKING AND
103	REDUCING 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. The bill updates the funding mechanism for the division of unemployment insurance (division). The bill updates the name of the "employment and training technology fund" to the "unemployment insurance program support fund" and expands the use of the fund to include information technology and administrative

costs of the division.

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Current law specifies how the division must use the employer support surcharge to credit several funds. The bill modifies the disbursement to:

- 11% for the employment support fund (decreased from 35%);
- 54% for the unemployment insurance program support fund (increased from 32%);
- 20% for the workforce development fund (increased from 14%); and
- 15% for the benefit recovery fund (decreased from 19%).

The bill requires all money collected in each fund that is in excess of the maximum balance amounts authorized for the fund to be credited to the unemployment compensation fund. The bill ties the adjustments of the fund caps to the change in average weekly earnings instead of to the consumer price index. The bill also adjusts the cap for the unemployment insurance program support fund.

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 (24.5); **repeal** (11.5); and **add** (28.5) as follows: 4 **8-70-103. Definitions.** As used in articles 70 to 82 of this title 8. 5 unless the context otherwise requires: 6 (11.5) "Employment and training technology fund" means the 7 employment and training technology fund created in section 8-77-109 8 (2)(a.9)(H)(A). 9 (24.5) "Support surcharge rate" means an employer's rate that is 10 used to calculate the money payments owed to the employment support 11 fund, the benefit recovery fund, and the employment and training technology UNEMPLOYMENT INSURANCE PROGRAM SUPPORT fund, 12 13 calculated in accordance with section 8-76-102.5 (3)(a)(IV) using the 14 same methodology as is used to calculate an employer's percent of excess

in accordance with section 8-76-102.5 (3)(a)(II)(A).

(28.5) "Unemployment insurance program support fund"

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I	MEANS THE UNEMPLOYMENT INSURANCE PROGRAM SUPPORT FUND
2	CREATED IN SECTION 8-77-109 (2)(a.9)(II)(A).
3	SECTION 2. In Colorado Revised Statutes, 8-71-103, amend
4	(2)(b)(I) as follows:
5	8-71-103. Organization of division - authority to issue bonds.
6	(2) (b) (I) Except as provided in subparagraph (II) of this paragraph (b)
7	SUBSECTION (2)(b)(II) OF THIS SECTION, the enterprise established
8	pursuant to this subsection (2) has all the powers and duties authorized by
9	articles 70 to 82 of this title TITLE 8 pertaining to unemployment
10	insurance and unemployment compensation. The unemployment
11	compensation fund, created in section 8-77-101, constitutes AND THE
12	UNEMPLOYMENT INSURANCE PROGRAM SUPPORT FUND, CREATED IN
13	SECTION 8-77-109 (2)(a.9)(II)(A), CONSTITUTE part of the enterprise
14	established pursuant to this subsection (2).
15	SECTION 3. In Colorado Revised Statutes, 8-77-109, amend
16	(1)(b), $(2)(a)(I)(B)$, $(2)(a)(II)(A)$, $(2)(a.9)(II)(A)$, $(6)(a)$ introductory
17	portion, and (6)(b) as follows:
18	8-77-109. Employment support fund - unemployment
19	insurance program support fund - created - uses - repeal.
20	(1) (b) There is hereby established the employment support fund. The
21	fund consists of thirty-five ELEVEN percent of the support surcharge rate
22	assessed annually as part of each employer's support surcharge rate
23	payments paid and dedicated to the employment support fund in
24	accordance with section 8-76-102.5 (3)(a)(IV) AND OTHER MONEY
25	CREDITED TO THE FUND.
26	(2) (a) (I) (B) To the extent allowed by the United States
27	department of labor employment and training administration, the state

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treasurer shall credit nineteen FIFTEEN percent of each employer's annual support surcharge rate determined pursuant to section 8-76-102.5 (3)(a)(IV) to the benefit recovery fund, up to a maximum of fifteen million dollars each year.

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(II) (A) At the end of the 2023-24 2024-25 state fiscal year, and AT THE END OF each state fiscal year thereafter, the state treasurer shall credit any money collected pursuant to this section that would cause the balance in the employment support fund to exceed seven THREE million FIVE HUNDRED THOUSAND dollars, as adjusted annually for BY AN AMOUNT EQUAL TO the United States department of labor's bureau of labor statistics consumer price index for Denver-Aurora-Lakewood or its successor index, excluding gifts, grants, or donations, to the employment and training technology fund created in subsection (2)(a.9)(II)(A) of this section. If the employment and training technology fund has reached the maximum allowable balance pursuant to subsection (2)(a.9)(II)(A) of this section, the treasurer shall instead credit the money to the workforce development fund created in section 8-83-107 (4) CHANGE IN THE AVERAGE WEEKLY EARNINGS PRESCRIBED IN SECTION 8-73-102, ROUNDED TO THE NEAREST ONE HUNDRED DOLLARS AND EXCLUDING ANY GIFTS, GRANTS, OR DONATIONS, TO THE UNEMPLOYMENT COMPENSATION FUND CREATED IN SECTION 8-77-101 (1).

(a.9) (II) (A) The employment and training technology UNEMPLOYMENT INSURANCE PROGRAM SUPPORT fund, referred to in this subsection (2)(a.9) as the "fund", is created in the state treasury. Notwithstanding any provision of this subsection (2) to the contrary, the state treasurer shall credit thirty-two FIFTY-FOUR percent of each employer's annual support surcharge rate under section 8-76-102.5

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(3)(a)(IV) to the employment and training technology fund. On and after April 27, 2021, and on or before June 30, 2023, if cumulative revenue to the employment and training technology fund equals thirty-one million dollars, less any money transferred to the unemployment compensation fund, no additional money shall be credited to the employment and training technology fund but instead shall be allocated to the unemployment compensation fund. On and after July 1, 2023, any amount collected in a fiscal year in excess of thirteen million two hundred thousand dollars under this subsection (2)(a.9)(II), as adjusted annually for the United States department of labor's bureau of labor statistics consumer price index for Denver-Aurora-Lakewood or its successor index, excluding gifts, grants, or donations, shall be credited to the fund and then credited to the unemployment compensation fund AT THE END OF THE 2024-25 STATE FISCAL YEAR, AND AT THE END OF EACH STATE FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL CREDIT ANY MONEY COLLECTED PURSUANT TO THIS SECTION THAT WOULD CAUSE THE BALANCE IN THE FUND TO EXCEED TWENTY-FIVE MILLION DOLLARS, AS ADJUSTED ANNUALLY BY AN AMOUNT EQUAL TO THE CHANGE IN THE AVERAGE WEEKLY EARNINGS PRESCRIBED IN SECTION 8-73-102, ROUNDED TO THE NEAREST ONE HUNDRED DOLLARS AND EXCLUDING ANY GIFTS, GRANTS, OR DONATIONS, TO THE UNEMPLOYMENT COMPENSATION FUND. Money in the fund shall be used for employment and training automation initiatives established by the director ADMINISTRATIVE COSTS of the division, INCLUDING TECHNOLOGY AND STAFFING COSTS, AND OTHER COSTS TO SUPPORT THE UNEMPLOYMENT INSURANCE PROGRAM AS DETERMINED BY THE DIRECTOR OF THE DIVISION. Money in the fund is subject to annual appropriation by the general assembly for the purposes

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of this subsection (2)(a.9) and shall not revert to the general fund or any other fund at the end of any STATE fiscal year. The money in the fund is exempt from section 24-75-402. At any time, the money in the employment and training technology UNEMPLOYMENT INSURANCE PROGRAM SUPPORT fund may be appropriated by the general assembly to the unemployment compensation fund or allocated to the unemployment compensation fund at the discretion of the executive director of the department of labor and employment.

- (6) (a) The portion of each employer's support surcharge rate that the employer paid and that is dedicated to the employment support fund pursuant to section 8-77-109 (1)(b), to the benefit recovery fund pursuant to section 8-73-116, to the workforce development fund pursuant to section 8-83-107, and to the employment and training technology UNEMPLOYMENT INSURANCE PROGRAM SUPPORT fund pursuant to subsection (2)(a.9)(II)(A) of this section:
- (b) Any money transferred OR CREDITED from the employment support fund, the benefit recovery fund, the workforce development fund, or the employment and training technology UNEMPLOYMENT INSURANCE PROGRAM SUPPORT fund, OR SUPPORT SURCHARGE RATE PAYMENTS to the unemployment compensation fund pursuant to this section is not used in calculating the employer's experience rate or percent of excess for the standard premium rate schedule.

SECTION 4. In Colorado Revised Statutes, 8-73-116, amend (2)(e)(I) as follows:

8-73-116. Benefit recovery fund - recovery benefits - eligible individuals - third-party administrator - definitions - rules - access to personal information or tax data to administer fund - confidentiality

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1	requirements. (2) (e) (1) If the amount in the fund exceeds thirty million
2	dollars, as adjusted for the United States department of labor's bureau of
3	labor statistics consumer price index for Denver-Aurora-Lakewood or its
4	successor index, excluding gifts, grants, or donations, the state treasurer
5	shall transfer the money in the fund in excess of thirty million dollars AT
6	The end of the $2024-25$ state fiscal year, and at the end of each
7	STATE FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL CREDIT
8	ANY MONEY COLLECTED PURSUANT TO THIS SECTION THAT WOULD CAUSE
9	THE BALANCE IN THE FUND TO EXCEED THIRTY MILLION DOLLARS, AS
10	ADJUSTED ANNUALLY BY AN AMOUNT EQUAL TO THE CHANGE IN THE
11	AVERAGE WEEKLY EARNINGS PRESCRIBED IN SECTION 8-73-102, ROUNDED
12	TO THE NEAREST ONE HUNDRED DOLLARS AND EXCLUDING ANY GIFTS,
13	GRANTS, OR DONATIONS, to the unemployment compensation fund created
14	in section 8-77-101 (1).
15	SECTION 5. In Colorado Revised Statutes, 8-76-102.5, amend
16	(3)(a)(IV) introductory portion as follows:
17	8-76-102.5. Rates effective upon fund solvency - repeal of
18	prior rates - solvency surcharge - definitions. (3) (a) (IV) The support
19	surcharge rate, which is the rate dedicated to employer support surcharge
20	payments deposited into the employment support fund, the benefit
21	recovery fund, the employment and training technology UNEMPLOYMENT
22	INSURANCE PROGRAM SUPPORT fund, and the workforce development
23	fund, is calculated using the following support surcharge rate schedule:
24	SECTION 6. In Colorado Revised Statutes, 8-83-107, amend
25	(4)(a) and (9) as follows:
26	8-83-107. Workforce development enterprise - creation -
27	powers and duties - enterprise fund - fee - legislative declaration -

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definitions. (4) The workforce development fund is created in the state treasury. Money in the fund shall be used by the workforce development enterprise to engage in and support employment and training workforce initiatives throughout Colorado. The workforce development enterprise may deposit or permit others to deposit other money into the workforce development fund. The workforce development fund consists of the following:

- (a) Fourteen TWENTY percent of the support surcharge collected pursuant to section 8-76-102.5 (3)(a)(IV);
- (9) (a) At the end of the 2024-25 state fiscal year, if the amount in the fund exceeds six million eight hundred thousand dollars, the state treasurer shall transfer the money in the fund in excess of six million eight hundred thousand dollars to the unemployment compensation fund created in section 8-77-101 (1).
- (b) At the end of the 2025-26 2024-25 state fiscal year, and AT THE END OF each state fiscal year thereafter, if the amount in the fund exceeds six million eight hundred thousand dollars, as adjusted for the United States department of labor's bureau of labor statistics consumer price index for Denver-Aurora-Lakewood, or its successor index, the state treasurer shall credit any money collected pursuant to this section that would cause the balance in the fund to exceed the adjusted amount THE STATE TREASURER SHALL CREDIT ANY MONEY COLLECTED PURSUANT TO THIS SECTION THAT WOULD CAUSE THE BALANCE IN THE FUND TO EXCEED SIX MILLION EIGHT HUNDRED THOUSAND DOLLARS, AS ADJUSTED ANNUALLY BY AN AMOUNT EQUAL TO THE CHANGE IN THE AVERAGE WEEKLY EARNINGS PRESCRIBED IN SECTION 8-73-102, ROUNDED TO THE NEAREST ONE HUNDRED DOLLARS AND EXCLUDING ANY GIFTS, GRANTS, OR

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1	DONATIONS, to the unemployment compensation fund created in	section
2	8-77-101 (1).	
3	SECTION 7. Appropriation - adjustments to 2025 lo	ng bill.
4	(1) To implement this act, cash fund appropriations from the empl	loyment
5	support fund created in section 8-77-109 (1)(b), C.R.S., made	e in the
6	annual general appropriation act for the 2025-26 state fiscal year	ar to the
7	department of labor and employment are decreased as follows:	
8	(A) Executive director's office	
9	Personal services \$	2,099,845
10	Health, life, and dental \$	3,773,855
11	Short-term disability \$	26,392
12	Unfunded liability amortization	
13	equalization disbursement payments \$	1,679,537
14	Workers' compensation \$	50,082
15	Operating expenses \$	201,213
16	Legal services \$	175,803
17	Payment to risk management and property funds \$	41,927
18	Vehicle lease payments \$	25,749
19	Leased space \$	1,418,497
20	Capitol complex leased space \$	10,969
21	Payments to OIT \$	4,894,442
22	Information technology asset maintenance \$	19,538
23	Statewide indirect cost assessment \$	153,180
24	(2) To implement this act, cash fund appropriations for	rom the
25	unemployment insurance program support fund created in	section
26	8-77-109 (2)(a.9)(II)(A), C.R.S., made in the annual general appro	priation
27	act for the 2025-26 state fiscal year to the department of lal	or and

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employment for use by the division of unemployment insurance for program costs is decreased by \$10,459,436, and the related FTE is decreased by 74.0 FTE.

(3) To implement this act, cash fund appropriations from the unemployment insurance program support fund created in section 8-77-109 (2)(a.9)(II)(A), C.R.S., made in the annual general appropriation act for the 2025-26 state fiscal year to the department of labor and employment and the related FTE are increased as follows:

(A) Executive director's office

10	Personal services		\$1,226,689
11	Health, life, and dental		\$1,997,192
12	Short-term disability		\$13,967
13	Unfunded liability amortization		
14	equalization disbursement payments		\$888,841
15	Workers' compensation		\$29,257
16	Operating expenses		\$117,545
17	Legal services		\$102,701
18	Payment to risk management and propert	y funds	\$24,493
19	Vehicle lease payments		\$15,042
20	Leased space		\$828,659
21	Capitol complex leased space		\$6,408
22	Payments to OIT		\$2,859,240
23	Information technology asset maintenance	e	\$11,414
24	Statewide indirect cost assessment		\$89,485
25	Division of unemployment insurance		
26	Program costs	\$10	0,000,000
27	Technology initiatives	\$30,459,436(74.0 FTE)

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1	(4) To implement this act, cash fund appropriation	ons from the
2	workforce development fund created in section 8-83-107	(4), C.R.S.,
3	made in the annual general appropriation act for the 2025-2	6 state fiscal
4	year to the department of labor and employment are increase	d as follows:
5	(A) Executive director's office	
6	Personal services	\$873,156
7	Health, life, and dental	\$1,776,663
8	Short-term disability	\$12,425
9	Unfunded liability amortization	
10	equalization disbursement payments	\$790,696
11	Workers' compensation	\$20,825
12	Operating expenses	\$83,668
13	Legal services	\$73,102
14	Payment to risk management and property funds	\$17,434
15	Vehicle lease payments	\$10,707
16	Leased space	\$589,838
17	Capitol complex leased space	\$4,561
18	Payments to OIT	\$2,035,202
19	Information technology asset maintenance	\$8,124
20	Statewide indirect cost assessment	\$63,695

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				APPROPRIATION FROM							
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS			
	\$	\$		\$	\$	\$	\$				
1	SECTION 8. Approp	riation to the depart	ment of labor an	nd employment for	the fiscal year begini	ning July 1, 2024. In S	ession Laws of Colorado 2024	, section 2 of chapter			
2	519, (HB 24-1430), amend Par	t X (1)(A), (2), and th	ne affected totals,	, as Part X (1)(A) ar	nd the affected totals	are amended by section	n 1 of SB 25-097, as follows:				
3	Section 2. Appropriat	tion.									
4	PART X										
5	DEPARTMENT OF LABOR AND EMPLOYMENT										
6											
7	(1) EXECUTIVE DIRECTOR	R'S OFFICE									
8	(A) Executive Director's Offic	ce									
9	Personal Services	11,937,059									
10		(113.2 FTE)									
11	Health, Life, and Dental	27,012,036									
12	Short-term Disability	208,041									
13	Paid Family and Medical										
14	Leave Insurance	624,127									

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REAPPROPRIATED

FUNDS

FEDERAL

FUNDS

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CASH

FUNDS

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		\$	\$	\$ \$	\$ \$
1	Unfunded Liability				
2	Amortization Equalization				
3	Disbursement Payments	13,869,452			
4	Salary Survey	5,332,685			
5	Step Pay	7,404,256			
6	PERA Direct Distribution	2,339,000			
7	Temporary Employees				
8	Related to Authorized Leave	371,656			
9	Workers' Compensation	589,017			
10	Operating Expenses	2,004,121			
11	Legal Services	1,777,056			
12	Payment to Risk				
13	Management and Property				
14	Funds	417,709			
15	Vehicle Lease Payments	250,133			

ITEM &

SUBTOTAL

TOTAL

GENERAL

FUND

GENERAL

FUND

EXEMPT

						APPROPRIATION	FROM	
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$ \$		\$	\$	\$	\$	
1	Leased Space	8,601,338						
2	Capitol Complex Leased							
3	Space	61,605						
4	Payments to OIT	30,428,371						
5	CORE Operations	94,194						
6	Utilities	260,309						
7	Information Technology							
8	Asset Maintenance	218,626						
9	Statewide Indirect Cost							
10	Assessment	1,459,055						
11		115,259,846		13,500,52	23	51,805,821	1,455,019 ^b	48,498,483(I)

			APPROPRIATION FROM							
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ITEM &	TOT	AL	GENERAL	GENERAL	CASH	REAPPROPRIATED	FEDERAL			
SUBTOTAL	ı		FUND	FUND	FUNDS	FUNDS	FUNDS			
				EXEMPT						
\$	\$	\$;	\$	\$	\$	\$			

^a Of this amount, an estimated \$20,432,737 \$5,833,052 shall be from the Employment Support Fund created in Section 8-77-109 (1)(b), C.R.S., \$3,304,955 shall be from the Workers' Compensation Cash Fund created in Section 8-44-112 (7)(a), C.R.S., \$11,186,007 (I) shall be from the Family and Medical Leave Insurance Fund created in Section 8-13.3-518 (I), C.R.S., which is continuously appropriated pursuant to Section 8-13.3-518 (I), C.R.S., and is included for informational purposes only, \$8,227,673 SHALL BE FROM THE UNEMPLOYMENT INSURANCE PROGRAM SUPPORT FUND CREATED IN SECTION 8-77-109 (2)(a.9)(II)(A), C.R.S., \$6,372,012 SHALL BE FROM THE WORKFORCE DEVELOPMENT FUND CREATED IN SECTION 8-83-107 (4), C.R.S., \$3,794,259 shall be from the Petroleum Storage Tank Fund created in Section 8-20.5-103 (I), C.R.S., \$2,655,937 shall be from the Unemployment Revenue Fund created in Section 8-77-106 (I), C.R.S., \$769,299 shall be from the Boiler Inspection Fund created in Section 9-4-109 (4), C.R.S., \$489,964 shall be from the Major Medical Insurance Fund created in Section 8-46-202 (1)(a), C.R.S., \$377,139 shall be from the Subsequent Injury Fund created in Section 8-46-101 (1)(b)(I), C.R.S., \$118,417 shall be from the Wage Theft Enforcement Fund created in Section 8-4-113 (3)(a), C.R.S., and \$8,677,107 shall be from various sources of cash funds. Of the amount from the Major Medical Insurance Fund, \$15,006 (I) is for Legal Services and is included for informational purposes only because money in the Major Medical Insurance Fund is continuously appropriated for payment of legal fees pursuant to Section 8-46-202 (1)(c), C.R.S. Of the amount from the Subsequent Injury Fund, \$10,986 (I) is for Legal Services and is included for informational purposes only because money in the Subsequent Injury Fund is continuously appropriated for payment of legal fees pursuant to Section 8-46-101 (4)(b), C.R.S.

^b Of this amount, \$1,453,135 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$1,884 shall be from the Mobile Sources Local Grants line item and the Stationary Sources Local Contracts line item in the Department of Public Health and Environment.

				APPROPRIATION FROM							
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND		GENERAL FUND EXEMPT		CASH FUNDS	REAPPROPRIAT FUNDS	ED	FEDERAL FUNDS
		\$ \$		\$	\$		\$		\$	\$	
1	(2) DIVISION OF UNEM	PLOYMENT INSURAN	NCE								
2	Program Costs		78,665,197					16,404,109*			62,261,088(I)
3		78,205,761						15,944,673ª			
4			(496.7 FTE)								
5		(422.7 FTE)									
6	TECHNOLOGY INITIATIVES	30,459,436						30,459,436 ^b			
7		(74.0 FTE)									
8			108,665,197								
9											
10	^a Of this amount, it is estima	ated that \$10,459,436 shal	l be from the En	nployment and Train	ning T	Sechnology Fund	created	l in Section 8-77	-109 (2)(a.9)(II)(A),	C.R.S.,	\$10,000,000 SHALL
11	BE FROM THE UNEMPLOYME	NT INSURANCE PROGRAM	SUPPORT FUND	CREATED IN SECTION	N 8-77	'-109 (2)(a.9)(II)	(A), C.I	R.S., \$5,284,109	shall be from the Un	employ	ment Revenue Fund
12	created in Section 8-77-106	(1), C.R.S., and \$660,56	4 shall be from	various sources of c	ash fu	ınds.					

^b This amount shall be from the Unemployment Insurance Program Support Fund created in Section 8-77-109 (2)(a.9)(II)(A), C.R.S.

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				APPROPRIATION FROM							
		ITEM & SUBTOTAL	TOTAL		GENERAL FUND	GENERAL FUND EXEMPT		CASH FUNDS		PROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$		\$	\$		\$	\$	
1	TOTALS PART X										
2	(LABOR AND										
3	EMPLOYMENT)		\$430,690,421	-	\$35,248,041			\$159,534,037*		\$24,702,875 ^b	\$211,205,468°
4			\$460,690,421					\$189,534,037ª			

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⁶ a Of this amount, \$59,136,247 contains an (I) notation and \$37,635 also contains an (L) notation.

⁷ b Of this amount, \$22,003,646 contains an (I) notation.

^{8 °} Of this amount, \$211,205,468 contains an (I) notation.

SECTION 9. Safety clause. The general assembly finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety or for appropriations for
the support and maintenance of the departments of the state and state
institutions

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