

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-1076.01 Jennifer Berman x3286

HOUSE BILL 15-1372

HOUSE SPONSORSHIP

Tyler and Becker J.,

SENATE SPONSORSHIP

Heath,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE CAP PLACED ON THE ANNUAL FEE**
102 **EACH PUBLIC UTILITY PAYS TO DEFRAY THE ADMINISTRATIVE**
103 **EXPENSES OF THE AGENCIES WITHIN THE DEPARTMENT OF**
104 **REGULATORY AGENCIES THAT ADDRESS PUBLIC UTILITY**
105 **MATTERS.**

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://www.leg.state.co.us/billsummaries>.)

In current law, the department of revenue (department) annually sets the fees paid by each public utility to defray the administrative

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

expenses of the public utilities commission and the office of consumer counsel. The department sets each public utility's fee as a percentage of the public utility's gross intrastate utility operating revenues for the preceding calendar year; however, the fee cannot exceed one-fifth of one percent (0.2 percent) of the public utility's gross intrastate utility operating revenues for the preceding calendar year.

The bill increases the cap to 0.25 percent.

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

SECTION 1. In Colorado Revised Statutes, **amend** 40-2-113 as follows:

40-2-113. Collection of fees - limitation. On or before June 15 of each year, the department of revenue shall notify each public utility subject to ~~the provisions of this article of the amount of its fee for the ensuing fiscal year beginning July 1, computed by multiplying its gross intrastate utility operating revenues for the preceding calendar year, as set forth in its return filed for such~~ THAT purpose, by the percentage determined in accordance with section 40-2-112; but ~~no public utility shall be required~~ THE DEPARTMENT OF REVENUE SHALL NOT REQUIRE A PUBLIC UTILITY THAT IS A TELEPHONE CORPORATION TO PAY A FEE IN EXCESS OF ONE-FIFTH OF ONE PERCENT OF ITS GROSS INTRASTATE UTILITY OPERATING REVENUES FOR THE PRECEDING CALENDAR YEAR AND SHALL NOT REQUIRE ANY OTHER PUBLIC UTILITY to pay a fee in excess of ~~one-fifth~~ ONE-QUARTER of one percent of its gross intrastate utility operating revenues for the preceding calendar year. ~~Such~~ EACH PUBLIC UTILITY SHALL PAY THE fee ~~shall be paid~~ ASSESSED AGAINST IT to the department of revenue in equal quarterly installments on or before July 15, October 15, January 15, and April 15 in each fiscal year. If A PUBLIC UTILITY DOES NOT MAKE A payment ~~is not made on or before said dates,~~ ~~there~~ BY ONE OF THE QUARTERLY DEADLINES, THE DEPARTMENT OF

1 REVENUE shall be added as CHARGE THE PUBLIC UTILITY a penalty OF ten
2 percent of the installment due, together with interest at the rate of one
3 percent per month on the amount of the unpaid installment until such time
4 as the full amount of the installment, penalty, and interest has been paid.
5 Upon failure, refusal, or neglect of any public utility to pay such THE fee,
6 or any penalty or interest, the attorney general shall bring suit in the name
7 of the state to collect the same AMOUNT DUE.

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-2-114 as
9 follows:

10 **40-2-114. Disposition of fees collected.** ~~At~~ (1) THREE PERCENT
11 OF THE fees collected under section 40-2-113 by the department of
12 revenue shall be remitted to the state treasurer and credited by him as
13 follows: ~~Three percent~~ THE STATE TREASURER to the general fund. ~~and~~
14 FOR THE REMAINING ninety-seven percent OF THE FEES COLLECTED, THE
15 STATE TREASURER SHALL CREDIT:

16 (a) FEES PAID BY PUBLIC UTILITIES THAT ARE TELEPHONE
17 CORPORATIONS TO THE TELECOMMUNICATIONS UTILITY FUND, WHICH
18 FUND IS HEREBY CREATED; AND

19 (b) FEES PAID BY OTHER PUBLIC UTILITIES to the public utilities
20 commission fixed utility fund, which fund is hereby created. ~~and~~

21 (2) MONEYS IN THE FUNDS CREATED IN SUBSECTION (1) OF THIS
22 SECTION shall be expended only to defray the full amount determined by
23 the general assembly for the administrative expenses of the commission
24 for the supervision and regulation of the public utilities paying such THE
25 fees and for the financing of the office of consumer counsel created in
26 article 6.5 of this title. THE STATE TREASURER SHALL RETAIN any
27 unexpended balance remaining in said EITHER fund at the end of any

1 ~~fiscal year shall be retained by the state treasurer to defray such~~ THE
2 ~~administrative expenses of the commission during subsequent fiscal~~
3 ~~years, and the executive director of the department of revenue shall take~~
4 ~~any such unexpended balance into account when computing the~~
5 ~~percentage upon which fees for the ensuing fiscal year shall~~ WILL be
6 ~~based.~~

7 **SECTION 3. Effective date.** This act takes effect on June 1,
8 2015.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.