

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**

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**HOUSE SPONSORSHIP**

**Tyler and Becker J.,**

**SENATE SPONSORSHIP**

**Heath and Balmer,**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

Finance  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING AN INCREASE IN THE CAP PLACED ON THE ANNUAL FEE**  
102           **EACH PUBLIC UTILITY PAYS TO DEFRAID THE ADMINISTRATIVE**  
103           **EXPENSES OF THE AGENCIES WITHIN THE DEPARTMENT OF**  
104           **REGULATORY AGENCIES THAT ADDRESS PUBLIC UTILITY**  
105           **MATTERS, AND, IN CONNECTION THEREWITH, MAKING AN**  
106           **APPROPRIATION.**

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**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

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.*

HOUSE  
3rd Reading Unamended  
May 1, 2015

HOUSE  
Amended 2nd Reading  
April 30, 2015

sets the fees paid by each public utility to defray the administrative 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.

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

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

4 **40-2-113. Collection of fees - limitation.** On or before June 15  
5 of each year, the department of revenue shall notify each public utility  
6 subject to ~~the provisions of~~ this article of the amount of its fee for the  
7 ensuing fiscal year beginning July 1, computed by multiplying its gross  
8 intrastate utility operating revenues for the preceding calendar year, as set  
9 forth in its return filed for ~~such~~ THAT purpose, by the percentage  
10 determined in accordance with section 40-2-112; but ~~no public utility~~  
11 ~~shall be required~~ THE DEPARTMENT OF REVENUE SHALL NOT REQUIRE A  
12 PUBLIC UTILITY THAT IS A TELEPHONE CORPORATION TO PAY A FEE IN  
13 EXCESS OF ONE-FIFTH OF ONE PERCENT OF ITS GROSS INTRASTATE UTILITY  
14 OPERATING REVENUES FOR THE PRECEDING CALENDAR YEAR AND SHALL  
15 NOT REQUIRE ANY OTHER PUBLIC UTILITY to pay a fee in excess of  
16 ~~one-fifth~~ ONE-QUARTER of one percent of its gross intrastate utility  
17 operating revenues for the preceding calendar year. ~~Such~~ EACH PUBLIC  
18 UTILITY SHALL PAY THE fee ~~shall be paid~~ ASSESSED AGAINST IT to the  
19 department of revenue in equal quarterly installments on or before July  
20 15, October 15, January 15, and April 15 in each fiscal year. If A PUBLIC  
21 UTILITY DOES NOT MAKE A payment ~~is not made on or before said dates,~~

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

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

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

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

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

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

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

8 **SECTION 3. Appropriation.** For the 2014-15 state fiscal year,  
9 \$22,260 is appropriated to the department of revenue for use by the  
10 information technology division. This appropriation is from the general  
11 fund. To implement this act, the division may use this appropriation for  
12 CITA annual maintenance and support.

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