

HB26-1326

HOUSE FLOOR AMENDMENT

Second Reading BY REPRESENTATIVES Duran and Willford

1 Amend printed bill, page 6, line 23, strike "**add** (2.5)" and substitute
2 "**amend** (2); and **add** (1)(c), (1)(d), and (2.5)".

3 Page 6, after line 26 insert:

4 "(1) (c) THE COMMISSION, ACTING THROUGH ITS DIRECTOR, HAS
5 THE POWERS, DUTIES, AND FUNCTIONS RELATED TO ITS BUDGETING,
6 PURCHASING, PLANNING, AND RELATED MANAGEMENT FUNCTIONS,
7 INCLUDING HUMAN RESOURCES.

8 (d) WHEN APPOINTING COMMISSIONERS, THE GOVERNOR SHALL
9 CONSIDER INDIVIDUALS WHO ARE KNOWLEDGEABLE OF THE INDUSTRIES
10 THAT THE COMMISSION REGULATES AND WHO PROVIDE A DIVERSITY OF
11 EXPERIENCE AND UNDERSTANDING OF PUBLIC INTEREST CONSIDERATIONS,
12 INCLUDING LAW, FINANCE, EMISSION REDUCTION STRATEGIES, AND
13 CONSUMER PROTECTIONS.

14 (2) No more than two members of the ~~public utilities~~ commission
15 shall be affiliated with the same political party, and any appointment to
16 fill a vacancy shall be for the unexpired term. Each commissioner shall
17 be a qualified elector of this state. The governor shall designate one
18 member of the commission as chair of the commission. The
19 commissioners shall devote their entire time to the duties of their office
20 to the exclusion of any other employment and shall receive such
21 compensation as is designated by law. A majority of the commission ~~shall~~
22 ~~constitute~~ CONSTITUTES a quorum for the transaction of its business. THE
23 COMMISSION MAY HOLD WEEKLY MEETINGS FOR THE TRANSACTION OF ITS
24 BUSINESS AND, BEGINNING JULY 1, 2027, A MAJORITY OF THE
25 COMMISSIONERS MUST ATTEND ANY SUCH WEEKLY MEETING IN PERSON.
26 NOTHING IN THIS SECTION PROHIBITS THE COMMISSIONERS FROM MEETING
27 IN PERSON AT ANY TIME PRIOR TO JULY 1, 2027."

28 Page 7, after line 4 insert:

29 "**SECTION 5.** In Colorado Revised Statutes, 40-2-103, **amend**
30 (1) as follows:

31 **40-2-103. Director - duties.**

32 (1) The executive director of the department of regulatory
33 agencies, pursuant to section 13 of article XII of the state constitution,
34 and with the approval of the commission, shall appoint a director of the
35 commission. The director shall manage the operations of the agency in
36 order to carry out the public utilities law, to carry out and implement

1 policies, procedures, and decisions made by the commission, and to meet
2 the requirements of the commission concerning any matters within the
3 authority of a **type 1** entity, as defined in section 24-1-105, and which
4 requirements are under the jurisdiction of the commission. The director
5 has all the powers and responsibilities of the division director for this
6 purpose, ~~including~~ AND IS RESPONSIBLE AND ACCOUNTABLE FOR THE
7 ACTUAL OPERATIONS AND MANAGEMENT OF THE STATE PERSONNEL
8 SYSTEM WITHIN THE DIRECTOR'S RESPECTIVE DIVISION. THE DIRECTOR HAS
9 THE POWER TO SUBMIT AN ANNUAL BUDGET PURSUANT TO SECTION
10 40-2-110 AND IN COORDINATION WITH THE DEPARTMENT OF REGULATORY
11 AGENCIES. ADDITIONALLY, THE DIRECTOR HAS the power to issue all
12 necessary process, writs, warrants, and notices. The director has the
13 requisite power to serve warrants and other process in any county or city
14 and county of this state and to delegate such actions to duly authorized
15 employees or agents of the agency as appropriate."

16 Renumber succeeding sections accordingly.

17 Page 9, after line 16 insert:

18 "SECTION 11. In Colorado Revised Statutes, 40-7-118, **amend**
19 (1)(a) as follows:

20 **40-7-118. Legal services offset fund - creation - exemption**
21 **from maximum reserve.**

22 (1) (a) The legal services offset fund is hereby created in the state
23 treasury. The fund consists of the civil penalties that are collected and
24 credited to the fund pursuant to section 40-7-112 (1)(b) for violations of
25 article 10.1 of this title 40 or commission rules ~~promulgated~~ ADOPTED
26 pursuant to article 10.1 of this title 40. The money in the fund is
27 continuously appropriated to the ~~department of regulatory agencies~~
28 COMMISSION for use to offset the costs of legal representation of the staff
29 of the commission in proceedings before the commission concerning the
30 enforcement of article 10.1 of this title 40. The ~~department of regulatory~~
31 ~~agencies~~ COMMISSION shall use the money in the legal services offset fund
32 to support appropriations made to the ~~department~~ AGENCY that are used
33 for legal representation of the staff of the commission in proceedings
34 concerning the enforcement of article 10.1 of this title 40."

35 Renumber succeeding sections accordingly.

36 Page 27, after line 9 insert:

37 "SECTION 26. In Colorado Revised Statutes, 40-10.1-111,
38 **amend** (1) introductory portion as follows:

39 **40-10.1-111. Filing, issuance, and annual fees - fee setting by**

1 **the commission.**

2 (1) A motor carrier shall pay the commission the following fees
3 in amounts set administratively by the commission with approval of the
4 executive director of the department of regulatory agencies, IN
5 CONSULTATION WITH THE DIRECTOR OF THE COMMISSION:".

6 Renumber succeeding sections accordingly.

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