

CHAPTER 247

PUBLIC UTILITIES

HOUSE BILL 15-1372

BY REPRESENTATIVE(S) Tyler and Becker J., Becker K., Fields, Hullinghorst;
also SENATOR(S) Heath and Balmer.

AN ACT

CONCERNING AN INCREASE IN THE CAP PLACED ON THE ANNUAL FEE EACH PUBLIC UTILITY PAYS TO DEFRAY THE ADMINISTRATIVE EXPENSES OF THE AGENCIES WITHIN THE DEPARTMENT OF REGULATORY AGENCIES THAT ADDRESS PUBLIC UTILITY MATTERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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 REVENUE ~~shall be added as~~ CHARGE THE PUBLIC UTILITY a penalty of ten percent of the installment due, together with interest at the rate of one percent per month on the amount of the unpaid installment until ~~such time as~~ the full amount of the installment, penalty, and interest has been paid. Upon failure, refusal,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

or neglect of any public utility to pay ~~such~~ THE fee, or any penalty or interest, the attorney general shall bring suit in the name of the state to collect the ~~same~~ AMOUNT DUE.

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

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

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

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

(2) MONEYS IN THE FUNDS CREATED IN SUBSECTION (1) OF THIS SECTION shall be expended only to defray the full amount determined by the general assembly for the administrative expenses of the commission for the supervision and regulation of the public utilities paying ~~such~~ THE fees and for the financing of the office of consumer counsel created in article 6.5 of this title. THE STATE TREASURER SHALL RETAIN any unexpended balance remaining in ~~said~~ EITHER fund at the end of any fiscal year ~~shall be retained by the state treasurer~~ to defray ~~such~~ THE administrative expenses of the commission during subsequent fiscal years, and the executive director of the department of revenue shall take any such unexpended balance into account when computing the percentage upon which fees for the ensuing fiscal year ~~shall~~ WILL be based.

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

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

Approved: May 29, 2015