NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 13-1103

BY REPRESENTATIVE(S) Scott, Fischer, Priola, Tyler, Williams, Ginal, Hamner, Mitsch Bush, Young;
also SENATOR(S) Schwartz, Kerr.

CONCERNING MODIFICATIONS TO THE PUBLIC UTILITY COMMISSION'S OVERSIGHT OF RAIL FIXED GUIDEWAY SYSTEM SAFETY.

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

SECTION 1. In Colorado Revised Statutes, **amend** 40-2-109 as follows:

40-2-109. Report to executive director of the department of revenue - repeal. (1) (a) On March 1 of each year, the public utilities commission shall furnish the executive director of the department of revenue with a list of those public utilities subject to its jurisdiction, supervision, and regulation on January 1 of each year, excepting those motor carriers subject to the passenger-mile tax imposed by sections 42-3-304 to 42-3-306, C.R.S., but only so long as the cost of regulation of such motor carriers is defrayed from the proceeds of such passenger-mile tax.

(b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE UPON THE RECEIPT

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

BY THE REVISOR OF STATUTES OF THE WRITTEN NOTICE FROM THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION REQUIRED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

(2) (a) ON MARCH 1 OF EACH YEAR, THE PUBLIC UTILITIES COMMISSION SHALL FURNISH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE WITH A LIST OF THOSE PUBLIC UTILITIES SUBJECT TO ITS JURISDICTION, SUPERVISION, AND REGULATION ON JANUARY 1 OF EACH YEAR. THE PROVISIONS OF THIS SUBSECTION (2) SHALL NOT APPLY TO:

(I) MOTOR CARRIERS SUBJECT TO THE PASSENGER-MILE TAX IMPOSED BY SECTIONS 42-3-304 TO 42-3-306, C.R.S., SO LONG AS THE COST OF REGULATION OF SUCH MOTOR CARRIERS IS DEFRAYED FROM THE PROCEEDS OF SUCH PASSENGER-MILE TAX; AND

(II) RAIL FIXED GUIDEWAY SYSTEMS THAT ARE REGULATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO PART 1 OF ARTICLE 18 OF THIS TITLE.

(b) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION SHALL PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES ONCE THE FEDERAL GRANT MONEYS MADE AVAILABLE UNDER THE "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT", 49 U.S.C. SEC. 5329, HAVE BEEN AWARDED TO THE STATE. THIS SUBSECTION (2) TAKES EFFECT UPON THE RECEIPT BY THE REVISOR OF STATUTES OF SUCH WRITTEN NOTICE.

SECTION 2. In Colorado Revised Statutes, **amend** 40-18-102 as follows:

40-18-102. Rail fixed guideway system safety oversight program - commission may establish. The commission is authorized to establish an oversight program for the safety and security of rail fixed guideway systems in accordance with section 28 of the "Intermodal Surface Transportation Efficiency Act of 1991", 49 U.S.C. sec. 5330 AND THE "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT", 49 U.S.C. SEC. 5329.

SECTION 3. In Colorado Revised Statutes, **amend** 40-18-105 as follows:

40-18-105. Calculation and assessment of fees - repeal. (1) (a) At

each regular session, the general assembly shall determine the amounts to be expended by the commission for its administrative expenses under this article, including any additional FTE that may be necessary. The commission shall assess fees in amounts that, in the aggregate, equal the administrative expenses. Such fees shall be assessed against the operators of all rail fixed guideway systems operating within the state, and shall be apportioned on the basis of the rail miles of each system in proportion to the total rail miles of all systems. All fees collected under this section shall be remitted to the state treasurer, who shall credit the same to the public utilities commission fixed utility fund created pursuant to section 40-2-114.

(b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE UPON THE RECEIPT BY THE REVISOR OF STATUTES OF THE WRITTEN NOTICE FROM THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION REQUIRED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

(2) (a) AT EACH REGULAR SESSION, THE GENERAL ASSEMBLY SHALL DETERMINE THE AMOUNTS TO BE EXPENDED BY THE COMMISSION FROM THE PUBLIC UTILITIES COMMISSION FIXED UTILITY FUND CREATED IN SECTION 40-2-114 FOR ITS ADMINISTRATIVE EXPENSES UNDER THIS ARTICLE, INCLUDING ANY ADDITIONAL FTE THAT MAY BE NECESSARY.

(b) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION SHALL PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES ONCE THE FEDERAL GRANT MONEYS MADE AVAILABLE UNDER THE "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT", 49 U.S.C. SEC. 5329, HAVE BEEN AWARDED TO THE STATE. THIS SUBSECTION (2) TAKES EFFECT UPON THE RECEIPT BY THE REVISOR OF STATUTES OF SUCH WRITTEN NOTICE.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Mark Ferrandino SPEAKER OF THE HOUSE OF REPRESENTATIVES	John P. Morse PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Cindi L. Markwell SECRETARY OF THE SENATE

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO