

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0280.01 Kristen Forrestal x4217

SENATE BILL 17-044

SENATE SPONSORSHIP

Kerr, Moreno, Tate

HOUSE SPONSORSHIP

Arndt, Thurlow

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE**
102 **DEPARTMENT OF REGULATORY AGENCIES TO THE GENERAL**
103 **ASSEMBLY.**

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://leg.colorado.gov/>.)

Statutory Revision Committee. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly,

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.

acting by bill, continues the requirement.

Section 1 repeals reporting requirements by the department of regulatory agencies that were scheduled to repeal according to section 24-1-136 (11)(a)(I); except that it continues the reporting requirement to the state auditor. Currently there is no repeal date listed in the organic statute.

Sections 2, 3, and 4 continue indefinitely the reporting requirements contained in those statutory sections.

Sections 5, 6, and 7 repeal reporting requirements by the department of regulatory agencies that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-45-121, **amend** (4)
3 as follows:

4 **8-45-121. Visitation of fund by commissioner of insurance -**
5 **annual audit - examination.** (4) At least once every three years, the
6 commissioner of insurance shall conduct an examination of ~~said~~ THE
7 fund, ~~such examination~~ to be conducted in the same manner as an
8 examination of a private insurance carrier. With respect to ~~such~~ THE
9 examination, ~~the provisions of section 10-1-204 C.R.S., shall be~~
10 ~~applicable~~ APPLIES. The commissioner of insurance shall transmit a copy
11 of the commissioner's examination to ~~the governor,~~ the state auditor. ~~the~~
12 ~~general assembly, the executive director of the department of labor and~~
13 ~~employment, and the chief executive officer.~~

14 **SECTION 2.** In Colorado Revised Statutes, 10-3-207, **amend**
15 (1)(f)(IV) as follows:

16 **10-3-207. Fees paid by insurance companies.** (1) Every entity
17 regulated by the division in this state shall pay the following fees to the
18 division:

19 (f) (IV) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),

1 commencing January 1, 2009, the division shall provide annual reports to
2 the joint budget committee, the senate business, labor, and technology
3 committee, and the house business affairs and labor committee, or any
4 ~~such~~ successor committees, and shall post on the division's website a
5 statistical report of the number of enforcement actions taken, market
6 trends associated with title insurance and real estate transactions, and
7 consumer complaints supported by the fee in subparagraph (I) of this
8 paragraph (f).

9 **SECTION 3.** In Colorado Revised Statutes, 10-16-111, **amend**
10 (4)(c) and (4)(d) as follows:

11 **10-16-111. Annual statements and reports - rules.**

12 (4) **Carriers.** (c) The commissioner shall aggregate the data submitted
13 pursuant to paragraph (a) of this subsection (4) for all carriers and publish
14 the information on the division's website. NOTWITHSTANDING SECTION
15 24-1-136 (11)(a)(I), the commissioner shall submit a report annually to
16 the general assembly that analyzes the cost of health care and the factors
17 that drive the cost of health care on an individual and group basis in this
18 state.

19 (d) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the
20 commissioner shall report annually to the general assembly regarding
21 financial information on carriers that includes, but is not limited to,
22 benefits ratios, rate increases, and the reasons or data tracked for cost
23 increases, as applicable for health insurance provided pursuant to this
24 article.

25 **SECTION 4.** In Colorado Revised Statutes, **amend** 10-16-128 as
26 follows:

27 **10-16-128. Annual report to general assembly.**

1 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the commissioner shall
2 report to the business affairs and labor committee of the house of
3 representatives and the business, labor, and technology committee of the
4 senate, or any successor committees, no later than October 1, 2004, and
5 every October 1 thereafter. The report shall be an indication of the
6 number, nature, and outcome of complaints against insurers during the
7 preceding twelve months.

8 **SECTION 5.** In Colorado Revised Statutes, 40-2-103, **repeal** (2)
9 as follows:

10 **40-2-103. Director - duties - report.** (2) (a) ~~Beginning with the~~
11 ~~second regular session of the sixty-ninth general assembly, the director of~~
12 ~~the commission or the director's designee shall present an annual report~~
13 ~~to the joint house and senate transportation committees and to the house~~
14 ~~business, labor, and economic and workforce development committee and~~
15 ~~the senate business, labor, and technology committee, or any successor~~
16 ~~committees, regarding energy rate cases that came before the commission~~
17 ~~during the immediately preceding two years. The report and any~~
18 ~~accompanying materials may be prepared and submitted to the~~
19 ~~committees in hard copy form or electronically and must include a~~
20 ~~synopsis, in plain language, of the issues and the outcome of each energy~~
21 ~~utility rate case; the amount of any increase or decrease in rates that~~
22 ~~resulted from each energy utility rate case, expressed as a percentage of~~
23 ~~the total amount billed to ratepayers per month and per year; and the~~
24 ~~dollar amount of the average increase or decrease in the monthly bill paid~~
25 ~~by each class of energy utility ratepayers. In addition, the director shall~~
26 ~~make the plain-language synopsis available to the public by posting the~~
27 ~~synopsis on the commission's website.~~

1 ~~(b) The director may report on matters outside the scope of the~~
2 ~~evidence and testimony presented at a rate case hearing.~~

3 ~~(c) The report described in this subsection (2) may be presented~~
4 ~~at the same time as, and the director is encouraged to accompany it with,~~
5 ~~any other formal or informal report on the commission's operations,~~
6 ~~including a consumer savings report.~~

7 **SECTION 6.** In Colorado Revised Statutes, **repeal** 40-3.2-105 as
8 follows:

9 **40-3.2-105. Reporting requirement.** ~~By April 30, 2009, and by~~
10 ~~each April 30 thereafter, the commission shall submit a report to the~~
11 ~~business, labor, and technology committee of the senate, or its successor~~
12 ~~committee, and the business affairs and labor committee of the house of~~
13 ~~representatives, or its successor committee, on the progress made by~~
14 ~~investor-owned utilities in meeting their natural gas and electricity~~
15 ~~demand-side management goals. The report shall include any~~
16 ~~recommended statutory changes the commission deems necessary to~~
17 ~~further the intent of sections 40-3.2-103 and 40-3.2-104.~~

18 **SECTION 7.** In Colorado Revised Statutes, 40-15-208, **repeal**
19 (2)(b), (2)(c), and (2)(e) as follows:

20 **40-15-208. High cost support mechanism - Colorado high cost**
21 **administration fund - creation - purpose - operation - rules - repeal.**

22 (2) (b) ~~On or before December 1 of each year, the commission shall~~
23 ~~submit a written report to the committees of reference in the senate and~~
24 ~~house of representatives that are assigned to hear telecommunications~~
25 ~~issues, in accordance with section 24-1-136, C.R.S., accounting for the~~
26 ~~operation of the high cost support mechanism during the preceding~~
27 ~~calendar year and containing the following information, at a minimum:~~

1 ~~(I) The total amount of money that the commission determined~~
2 ~~should constitute the high cost support mechanism from which~~
3 ~~distributions would be made;~~

4 ~~(II) The total amount of money ordered to be contributed through~~
5 ~~a neutral assessment collected by each telecommunications service~~
6 ~~provider;~~

7 ~~(III) The basis on which the contribution of each~~
8 ~~telecommunications service provider was calculated;~~

9 ~~(IV) The benchmarks used and the basis on which the benchmarks~~
10 ~~were determined;~~

11 ~~(V) The total amount of money that the commission determined~~
12 ~~should be distributed from the high cost support mechanism;~~

13 ~~(VI) The total amount of money distributed to each~~
14 ~~telecommunications service provider from the high cost support~~
15 ~~mechanism;~~

16 ~~(VII) The basis on which the distribution to telecommunications~~
17 ~~service providers was calculated;~~

18 ~~(VIII) As to each telecommunications service provider receiving~~
19 ~~a distribution, the amount received by geographic support area and type~~
20 ~~of customer, the way in which the benefit of the distribution was applied~~
21 ~~or accounted for;~~

22 ~~(IX) The proposed benchmarks, the proposed contributions to be~~
23 ~~collected through a neutral assessment on each telecommunications~~
24 ~~provider, and the proposed total amount of the high cost support~~
25 ~~mechanism from which distributions are to be made for the following~~
26 ~~calendar year; and~~

27 ~~(X) The total amount of distributions made from the high cost~~

1 support mechanism, directly or indirectly, and how they are balanced by
2 rate reductions by all providers for the same period and a full accounting
3 of and justification for any difference.

4 (c) If the report submitted pursuant to paragraph (b) of this
5 subsection (2) contains a proposal for an increase in any of the amounts
6 listed in subparagraph (IX) of said paragraph (b), such increase shall be
7 suspended until March 31 of the following year.

8 (e) In addition to the annual report submitted under paragraph (b)
9 of this subsection (2) by the commission, the department of regulatory
10 agencies shall include in its presentation to the appropriate legislative
11 committee under the requirements of part 2 of article 7 of title 2, C.R.S.,
12 an update on the implementation and administration of the high cost
13 support mechanism.

14 **SECTION 8. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2018 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.