

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0506.02 Jery Payne

HOUSE BILL 08-1249

HOUSE SPONSORSHIP

Rice,

SENATE SPONSORSHIP

Kester,

House Committees
Transportation & Energy

Senate Committees
Transportation

A BILL FOR AN ACT

101 **CONCERNING THE EMERGENCY TELEPHONE SERVICES CHARGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes a legislative declaration.

Clarifies that the 911 service charge applies to prepaid wireless and internet-based telephone systems. Sets standards for the collection of such service charge. Changes the timing of the distribution of 911 service fees to any time a service user is capable of accessing the emergency service. Directs the public utilities commission to promulgate rules governing the remittance of 911 service fees to governing bodies based on point of sale, area of primary usage, customer address, or other

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
February 25, 2008

HOUSE
Amended 2nd Reading
February 22, 2008

relevant methods.

Makes a prepaid wireless service supplier liable for any unpaid service charge. Authorizes a governing body to specify when the 911 charge may be paid. Narrows the service supplier's limitation of liability for unpaid charges to those charges that have been billed to the service user.

Broadens the monthly remittance duty to include paid 911 charges. Deletes the September 1 deadline for the governing body to determine the amount of the 911 service charge. Lowers from 90 days to 60 days the notification period for notifying the service suppliers of a 911 rate change. Makes conforming amendments.

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

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SECTION 1. 29-11-101 (3), (7), and (8), Colorado Revised

4

Statutes, are amended, and the said 29-11-101 is further amended BY

5

THE ADDITION OF A NEW SUBSECTION, to read:

6

29-11-101. Definitions. As used in this article, unless the context

7

otherwise requires:

8

== ==

9

(3) "Exchange access facilities" means the access ~~as defined in~~

10

~~the tariffs approved by the public utilities commission,~~ from a specific

11

customer's premises to the telecommunications network to effect the

12

transfer of information.

13

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14

(4.3) "INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL

15

SERVICE" MEANS A SERVICE THAT:

16

(a) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATIONS;

17

(b) REQUIRES A BROADBAND CONNECTION FROM THE SERVICE

18

USER'S LOCATION;

19

(c) REQUIRES INTERNET PROTOCOL-COMPATIBLE CUSTOMER

1 PREMISES EQUIPMENT; AND

2 (d) PERMITS SERVICE USERS GENERALLY TO RECEIVE CALLS THAT
3 ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE NETWORK AND TO
4 TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK.

5 _____
6 (7) "Service supplier" means ~~any~~ A person providing exchange
7 telephone services, ~~and any~~ A person providing telecommunications
8 service via wireless carrier, AND A PERSON PROVIDING _____
9 INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL SERVICE to any
10 service user in this state, either directly or by resale.

11 (8) "Service user" means ~~any~~ A person who is provided exchange
12 telephone service, ~~and any~~ A person who is provided telecommunications
13 service via wireless carrier, AND A PERSON WHO IS PROVIDED _____
14 INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL SERVICE in this state.

15 _____
16 **SECTION 2.** 29-11-102 (2) (a), (2) (c), ___ (5), and (6), Colorado

17 Revised Statutes, are amended to read:

18 **29-11-102. Imposition of charge - liability of user for charge**
19 **- collection - uncollected amounts - rules.** (2) (a) The governing body
20 is hereby authorized, by ordinance in the case of cities and by resolution
21 in the case of counties or special districts, to impose such charge in an
22 amount not to exceed seventy cents per month per exchange access
23 facility, ~~or~~ per wireless communications access, _____ AND PER
24 INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL SERVICE in those
25 portions of the governing body's jurisdiction for which emergency
26 telephone service will be provided.

27 (c) Regardless of the level at which the charge is set, the amount

1 of the charge imposed per exchange access facility, and the amount of the
2 charge imposed per wireless communications access, AND PER
3 INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL service shall be
4 equal. _____

5 (5) The duty to collect OR PAY any charge imposed under the
6 authority of this article ~~from a service user~~ shall commence at such time
7 as may be specified by the governing body. Charges imposed under the
8 authority of this article and required to be collected by the service
9 supplier shall be added to and may be stated separately in the billings, IF
10 ANY, to the service user.

11 (6) The service supplier shall have no obligation to take any legal
12 action to enforce the collection of any charge imposed under the authority
13 of this article. Such action may be brought by or in behalf of the public
14 agency imposing the charge or the separate legal entity formed pursuant
15 to paragraph (b) of subsection (1) of this section. The service supplier
16 shall annually provide the governing body a list of the amounts
17 uncollected along with the names and addresses of those service users
18 ~~which~~ THAT carry a balance that can be determined by the service supplier
19 to be the nonpayment of any charge imposed under the authority of this
20 article. The service supplier shall not be held liable for such uncollected
21 amounts THAT HAVE BEEN BILLED TO THE SERVICE USER.

22 **SECTION 3.** 29-11-103 (1) and (3) (a), Colorado Revised
23 Statutes, are amended to read:

24 **29-11-103. Remittance of charge to governing body -**
25 **administrative fee - establishment of rate of charge.** (1) Any charge
26 imposed under the authority of this article and the amounts required to be
27 collected OR PAID are to be remitted monthly. The amount of the charge

1 collected OR PAID in one month by the service supplier shall be remitted
2 to the governing body no later than thirty days after the close of that
3 month. On or before the sixtieth day of each calendar quarter, a return for
4 the preceding quarter shall be filed with the governing body in such form
5 as the governing body and service supplier shall agree upon. The service
6 supplier required to file the return shall deliver the return, together with
7 a remittance of the amount of the charge payable, to the office of the
8 governing body. The service supplier shall maintain a record of the
9 amount of each charge collected pursuant to this article. Such record
10 shall be maintained for a period of one year after the time the charge was
11 collected.

12 (3) (a) At least once each calendar year, the governing body shall
13 establish a rate of charge, not to exceed the amount authorized, that
14 together with any surplus revenues carried forward will produce sufficient
15 revenues to fund the expenditures authorized by this article. Amounts
16 collected in excess of such necessary expenditures within a given year
17 shall be carried forward to subsequent years and shall be used in
18 accordance with section 29-11-104 (2). ~~The governing body shall make~~
19 ~~its determination of~~ IMMEDIATELY UPON DETERMINING such rate, ~~each~~
20 ~~year no later than September 1 and shall fix the new rate to take effect~~
21 ~~commencing with the first billing period of each customer on or~~
22 ~~following the next January 1. Immediately upon its making such~~
23 ~~determination and fixing such rate,~~ the governing body shall publish in its
24 minutes the new rate, and IF THE RATE HAS BEEN CHANGED FROM THE
25 PRIOR RATE, it shall notify by registered mail every service supplier at
26 least ~~ninety~~ SIXTY days before such new rate will become effective.

27 **SECTION 4.** 39-4-102 (1) (b), Colorado Revised Statutes, is

1 amended to read:

2 **39-4-102. Valuation of public utilities.** (1) The administrator
3 shall determine the actual value of the operating property and plant of
4 each public utility as a unit, giving consideration to the following factors
5 and assigning such weight to each of such factors as in the administrator's
6 judgment will secure a just value of such public utility as a unit:

7 (b) Its intangibles, such as special privileges, franchises, contract
8 rights and obligations, and rights-of-way; except that licenses granted by
9 the federal communications commission to a wireless carrier, as defined
10 in section 29-11-101 (~~13~~), C.R.S., shall not be considered, nor shall the
11 value of such licenses be reflected, in the administrator's valuation of the
12 carrier's tangible property;

13 **SECTION 5.** 39-22-611, Colorado Revised Statutes, is amended
14 to read:

15 **39-22-611. Property exempt from ad valorem taxes.**
16 Notwithstanding any other provisions of law, all intangible personal
17 property, whether or not owned by a resident of Colorado, and whether
18 or not such property or evidence thereof is situated or held or has its legal
19 situs within the state, shall be exempt from ad valorem tax imposed by the
20 state of Colorado, or by any political subdivision thereof; but nothing in
21 this section shall be construed to repeal, or in any way affect, the use or
22 inclusion of intangible property other than licenses granted by the federal
23 communications commission to a wireless carrier, as defined in section
24 29-11-101 (~~13~~), C.R.S., as a factor in arriving at the valuation of public
25 utility property assessed by the property tax administrator under
26 provisions of articles 1 to 13 of this title.

27 **SECTION 6. Effective date.** This act shall take effect at 12:01

1 a.m. on the day following the expiration of the ninety-day period after
2 final adjournment of the general assembly that is allowed for submitting
3 a referendum petition pursuant to article V, section 1 (3) of the state
4 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
5 except that, if a referendum petition is filed against this act or an item,
6 section, or part of this act within such period, then the act, item, section,
7 or part, if approved by the people, shall take effect on the date of the
8 official declaration of the vote thereon by proclamation of the governor.