

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

February 27, 1979

The 6th meeting of the Senate Finance and Claims Committee met on the above date in room 108 of the State Capitol Building. The meeting was called to order at 11:07 a.m. by Chairman Matt Himsl.

ROLL CALL:

All members present except Senator Story, Lockrem and Stimatz, with Senator Etchart excused.

Senator Himsl said he wished to compliment the committee on its spontaneous response a few days ago on one of the bills from this committee. One after the other of the committee members rose in support of the bill, and he would hope the committee would give this same support in the future.

Senator Himsl said we were to hear 3 bills, House Bill 79, 301 and 354. He asked Representative Quilici to explain House Bill 354.

CONSIDERATION OF HOUSE BILL 354: Representative Quilici said this was a supplemental appropriation for the consumer counsel for the period between January 1, and June 20, 1979. He said the counsel had overspent his budget, and passed out a handout marked as exhibit 1 which he would ask Mr. Brazier to explain further. He said the really tough part was they have no idea what the budget will be in regard to expenses because of the unpredictability of rate increase requests. He said there are very few people who know much about the regulatory field--there are very few people in the country who can really understand rate methods. In addition to the expense is the numerous rate increase requests that could not be foreseen, they had also gone into a load study in conjunction with Montana Power--trying to set up some sort of rate ratio for Montana.

Mr. Jeff Brazier, Consumer Counsel, said this is an attempt to supplement their budget for the balance of the fiscal year. He went through the handout and explained, page by page what it meant, and said they did not anticipate more than the 4 FTE's they presently have, for the next biennium.

Representative Quilici closed by saying the expenditure for witnesses only occurs in cases involving rate requests of over \$1 million. He said the money for the supplemental is already in the earmarked fund, and is not taken from the general fund. He further stated the utility companies had paid \$1,010,000 plus to present their cases, and the Consumer Counsel had certainly not overspent in the public behalf.

There were no further proponents, no oponents, and the committee was invited to ask questions, which were as follows:

Senator Aklestad: When did it become apparent you would overspend your budget? Brazier: I could see it coming a year ago, but there was nothing I could do about it.

Senator Aklestad: Can you defer the case load on something to stall for money? Brazier: The utility companies decide when it is to be. We must act on it within 9 months or the rate increase goes into effect automatically.

Senator Fasbender: What contract services are you anticipating? Some persons are listed under retainer, and some under contract services. Brazier: Two are on a retainer. Bill Johnson, our regular utility advisor, we have always had on a retainer, and his fee has only gone up \$1,000. If we had him on a salary we would be paying benefits, etc. The other is John Doubek. He has been our attorney, decided he would like to ease into private practice, but to do it gradually. We kept him on a contract basis since we felt it better to keep his services as long as possible because of his experience in the field.

When questioned about the contracts, and the increase, Mr. Brazier said by law they must have a contract, but there is no way of knowing how much it will actually involve in work, an estimate is then given, and the difference is made up when the facts are known.

Senator Smith asked about the meters, whether the study is now complete, and what is the outcome. Ans. It is not complete, they had expected to be finished soon, but have no viable results as yet.

Senator Aklestad: When was the study started, and how much has been expended so far? Brazier: \$45,000 for meters over 2 years, other services in regard to this study would be ordinary ones to handle the work.

Senator Himsl asked if, when you retain someone--isn't this just an availability fee? Isn't this just a retainer and then you pay him for his services? Brazier: No. We give him a retainer, then pay him for his expenses. His retainer includes the work. The retainer includes his services.

The hearing closed on HB 354.

CONSIDERATION OF HOUSE BILL 301: Representative Quilici, district 84, Butte, said this bill clarifies the manner in which the consumer counsel is funded. He said before, it was an open ended budget. The counsel could, through budget amendment, go through the office of Budget and Program Planning and get the necessary funds. He said under the law, Article 13, section 32 of the Constitution under the Consumer Counsel Act, they thought they were authorized to do that, but felt there should be a better method of funding. He felt the Legislature should appropriate the money and have a handle on how it is spent. They have no

idea when the regulatory companies are coming in for a rate increase, and have a contingency in the event it exceeds their general appropriation. He said if they ask for a \$300,000 appropriation and only spend \$250,000 - they \$50,000 would carry over to the next year on the biennium and be taken off the fee for the next biennium.

Representative Quilici said Larry Weinberg and Tom Crosser were present and would be available to answer questions if desired.

Mr. Brazier said the Consumer Counsel funding had received quite a lot of controversy, but felt this bill would give the legislature control--at least of the upper limit of funding.

Since there were no opponents, Senator Himsl said rather than have more proponents, he felt it would serve the interests of the committee better to have more time available for direct questions.

Senator Regan: Page 2, lines 11-13, mention other funds--What other funds? Representative Quilici answered that there is a proposal that there would be federal funds available, and he merely wanted this open so that if they did become available it would be possible for the counsel to make use of them.

Senator Regan: Questioned page 4, line 5, on carrying money forward. She said this was not done in other areas, and perhaps it was setting a dangerous precedent -- Is it wise? Representative Quilici said he felt it is--this is not general fund money, it is earmarked funds. Senator Himsl commented that generally the expenditures rise to meet the receipts and therefore would probably be nothing to worry about.

In answer to a question in regard to duplication of services with the Public Service Commission, Mr. Brazier said there is no duplication of services. The Counsel is to supply the work and the money to come up with an alternative. The PSC then makes a decision.

Senator Aklestad: How many times has your decision been abided by?
Brazier: The batting average in the larger cases is pretty good--in the smaller cases--not so good. He said the difference between the asking and the getting was not about \$150 million.

Senator Thiessen asked about the process and expenditure of funds under the FERC (Federal Energy Regulation Commission)--whether it was necessary to exhaust the funds appropriated before obtaining any from the Federal Government. Mr. Brazier answered that no clear decision had been handed down--according to state law there is no reason why they would have to, but FERC has not handed down the new regulations. The amounts involved under the energy is \$40 million authorized to the PFC's and \$10 million to the consumer counsels to work & look into the rate structures.

Senator Fasbender said he felt there was some contradictory language in the bill, in regard to fees and supplements. H. B. 294 says

you can have a budget amendment. 301 says no. Brazier: That is taken care of in the other bill.

Senator Himsl: This means fees appropriated by the Department of Revenue could not be increased. Not only the appropriation but the fees. Brazier: The next page takes care of this.

Senator Aklestad: Many of the services you get are from the contract services. Isn't this like putting the fox in to tend the chickens in the hen house? The consumer is picking up the tab for the utilities, the consumer counsel and the PSC.

The hearing closed.

CONSIDERATION OF HOUSE BILL 79: In the absense of Representative Marks, Diana Dowling, Legislative Council explained the supplemental request. She said she had taken over in September, and at that time had a new bookkeeper, many of the line item expenditures were in Rosie Weber's head, and she had no way of explaining them. She said in looking at Rosie's spread sheets, they had been able to come up with a reasonable guess as to where the deficiencies were. She gave out explanation sheets, exhibits # 2, 3 and 4, attached. She explained the increase in cost of the recodification, the separation pay for Rosie and then for Mr. Walker, the hiring of a bookkeeper to take over some of the things that Monida Vaughn had done before, which included ordering the pre-session supplies.

Questions from the committee included:

Senator Aklestad: How many total FTE? Ans. 104. This will go down to 53 after the session. They now have the mailing room, print room, etc. She said she would endorse the move to put all the expenses concerning the legislature together rather than to split them between the supplemental and the feed bill.

Senator Fasbender asked a question in regard to the \$19,000. Judy Ripplingale answered that with the Legislative Council the cost of the pay plan was put into the budget like it was with the universities. Fasbender: Then it could have been an under-estimation on the number of people? Judy and Diana seemed to think this was probably it. Diana Dowling said the Legislative Council is not under the pay plan, and this might have something to do with it. She said the total cost of the codes would be higher. The earmarked \$55,000 had been taken out of money for the payroll. The bid was estimated on the amount of pages, there were a lot more pages, and once the bid was let the money had to be set aside for it, and this money was taken from the payroll; the \$81,000 would be put back, the extra above the 81,000 was put in the supplemental.

Senator Thiessen: How much anticipated revenue from the codes is expected? Mrs. Dowling stated there were 200 sets free--150 to the legislators, 70 sets used by the council. There could be up to 2,000 sets sold. They had 2300 subscribers to the old codes, but many still are not aware there are new ones. They

have sold 1500 and are still getting in orders. Many will no doubt wait now for the 79 ones.

In answer to other questions from Senators Thiessen, Smith and Aklestad: Diana Dowling answered that the bid to the Art Craft was for the amount of pages, and the pages were far more than had been anticipated. The bid was for \$11.98 per page, based on the number of pages. She was not here at the time of the separation of Mr. Walker, but the council was involved with that, and some of the members had had reports on it. The number of re-cod bills that were brought up were for changing words, etc. The Council having no authority to change a word, it has to go through a bill. After 4 years of going through the bills, the recodification bills should mostly be done this year. She also stated the income from sales of the codes went into a revolving fund to be used toward the printing of the next ones; explained the camera ready copies, and the process of bringing them up to date.

Senator Himsl said things had changed. He told of hearing some firm from Wisconsin telling how fast they could whip out these copies of the codes, and wondered what had happened to this. Diana said this was the company that prepares the camera ready copies. It costs them \$7.98 per page.

HOUSE BILL 79. MOTION by Senator Thomas that HOUSE BILL 79 be concurred in. Voted and passed. Senator Thomas said he would carry the bill. Senator Smith explained his no vote as a hope that we as legislators, would not make so many blunders.

HOUSE BILL 354: MOTION by Senator Fasbender that HOUSE BILL 354 be concurred in. Voted and passed.

Senator Himsl said they would hold the other bill until House Bill 294 comes over.

Motion by Senator Reagan to adjourn. Meeting adjourned at 12:28 p.m.


Senator Himsl, Chairman

ROLL CALL

SENATE FINANCE AND CLAIMS COMMITTEE

46TH LEGISLATIVE SESSION 1979

Date 2-27-79

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HIMSL	X		
SENATOR STORY		X	
SENATOR AKLESTAD	X		
SENATOR LOCKREM		X	
SENATOR ETCHART			X
SENATOR NELSON	X		
SENATOR SMITH	X		
SENATOR BOYLAN	X		
SENATOR REGAN	X		
SENATOR FASBENDER	X		
SENATOR THIESSEN	X		
SENATOR THOMAS	X		
SENATOR STIMATZ		X	

HOUSE BILL NO. 2941
Consumer Counsel Fee

INTRODUCED BY
BY REQUEST OF THE LEGISLATIVE CONSUMER COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO THE OFFICE OF THE CONSUMER COUNSEL FOR THE BIENNIMUM ENDING JUNE 30, 1981."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appropriation. (1) (a) There is

appropriated a base appropriation of \$338,500 to the office of the Consumer Counsel for regular operating expenses during the fiscal year ending June 30, 1980, from the account in the earmarked revenue fund established by 69-1-223. There is also appropriated a contingency appropriation of \$100,000 to the office of the Consumer Counsel for unanticipated expenses during the fiscal year ending June 30, 1980, from the account in the earmarked revenue fund established by 69-1-223.

(b) There is appropriated a base appropriation of \$358,800 to the office of the Consumer Counsel for regular operating expenses during the fiscal year ending June 30, 1981, from the account in the earmarked revenue fund established by 69-1-223. There is also appropriated a contingency appropriation of \$100,000 to the office of the

Consumer Counsel for unanticipated expenses during the fiscal year ending June 30, 1981, from the account in the earmarked revenue fund established by 69-1-223.

(2) Money appropriated in subsections (1)(a) and (1)(b) for unanticipated expenses may not be spent unless a budget amendment is submitted by the office of the Consumer Counsel and approved by the director of the office of Budget and Program Planning. The amount approved in the budget amendment may be raised by means of the Consumer Counsel fee provided for in 69-1-223 and 69-1-224.

(3) The amount established in subsection (1) for in 69-1-223 and 69-1-224 may not be raised during the biennium except by the Legislature. Any additional money for the operation of the office of the Consumer Counsel must be derived from federal or private sources and may be made available by the budget amendment procedure.

-End-

HB 2941

House Bill No. 301
Consumer Activity
General Bill

1 INTRODUCED BY
 2 BY REQUEST OF THE LEGISLATIVE CONSUMER COMMITTEE
 3
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
 6 THE MANNER OF FUNDING FOR THE OFFICE OF THE CONSUMER
 7 COUNSELLOR; AMENDING SECTIONS 69-1-223 AND 69-1-224, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 69-1-223, MCA, is amended to read:
 11 "69-1-223. Funding of office of consumer counsel. (1)
 12 There is an account in the earmarked revenue fund to which
 13 all fees collected hereunder shall be deposited and from
 14 which all appropriations to the office of the consumer
 15 counsel shall be paid. An appropriation to the office of the
 16 consumer counsel may consist of a base appropriation for
 17 regular operating expenses and a contingency appropriation for
 18 ~~for expenses due to an unanticipated calendar~~
 19 (2) In addition to all other licenses, fees, and taxes
 20 imposed by law, all regulated companies shall:
 21 (a) Within 90 days after the close of each calendar
 22 quarter, file with the department of public service
 23 regulation and the department of revenue a statement in
 24 such form as the commission may determine, showing the gross
 25 operating revenue from all activities regulated by the

2713

100

1 commission within the state for that calendar quarter of
 2 operation or portion thereof; and
 3 (b) at that time pay to the department of revenue a
 4 fee based on a fraction determined of the gross operating
 5 revenue reported, as determined by the department of revenue
 6 under 69-1-224(1)(b).
 7 (2) The amount of money which may be raised by the fee
 8 on the regulated companies during a fiscal year may not be
 9 increased from the amount appropriated including both base
 10 and contingency appropriations by the legislature for that
 11 fiscal year. Any additional money required for operation of
 12 the office of the consumer counsel must be obtained from
 13 other sources in a manner authorized by the legislature."
 14 Section 2. Section 69-1-224, MCA, is amended to read:
 15 "69-1-224. Determination of fee. (1) Within 30 days
 16 following enactment of the legislative appropriation for the
 17 office of the consumer counsel, the department of revenue
 18 shall:
 19 (a) determine the total gross operating revenue
 20 generated by all regulated activities within this state for
 21 all regulated companies for the previous fiscal year;
 22 (b) compute the percentage subject to revision as
 23 provided in subsection (3)(a) of the amount determined in
 24 subsection (1)(a) which will produce an amount equal to the
 25 base appropriation to the office of the consumer counsel for

1 each the first year of the appropriation, except that no
 2 regulated company owned and operated by any municipal
 3 corporation within this state shall be required to pay a sum
 4 in excess of .06 of 1% of its gross operating revenue; and
 5 (c) give notice by mail to each regulated company of
 6 the percentage determined in subsections (1)(a) and (b) to
 7 be applied to the gross operating revenue reported under
 8 69-1-223(2) to determine the amount of the fee to be paid in
 9 each the first year of the appropriation.

10 (2) On or before May 30 of the first year of the
 11 biennium, the department of revenue shall repeat the steps
 12 required by subsection (1) and compute the percentage
 13 multiplier for the second year, giving notice to the
 14 regulated companies.

15 (1) (a) The department of revenue may adjust the
 16 percentage multiplier quarterly if the department considers
 17 a change necessary to prevent or to not exceed the amount to be
 18 raised by the fee because of:

- 19 (i) fluctuations in the actual gross operating revenue
- 20 subject to the fee; or
- 21 (ii) submission and approval of a budget amendment
- 22 authorizing the spending of money from a contingency
- 23 appropriation included in the appropriation measure for the
- 24 office of the consumer council and authorized to be raised
- 25 by means of the fee.

1 (b) Adjustments of the percentage multiplier shall
 2 subject to the exception provided in subsection (1)(b) for
 3 municipally owned and operated regulated companies;
 4 (c) Regulated companies must be given at least 30 days
 5 notice of any change in the percentage multiplier.
 6 (3) In the event the fee charged in any one year of
 7 the biennium is in excess of the amount actually expended in
 8 that year, the excess shall be deducted from the amount
 9 required to be raised by the fee for the first year of
 10 the next biennium appropriation before the determination for
 11 that year required by subsection (1) is made. Money in
 12 the account remaining unspent at the close of a fiscal year
 13 carries forward to the following fiscal year and money
 14 remaining unspent at the close of the biennium carries
 15 forward to the following biennium."

-End-

1 ~~HOUSE~~ BILL NO. 354
2 INTRODUCED BY *Strom* *W. J. ...*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO
5 THE OFFICE OF THE CONSUMER COUNSEL FOR THE FISCAL YEAR
6 ENDING JUNE 30, 1979; PROVIDING AN EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA

9 Section 1. Appropriation. There is appropriated
10 \$150,000 to the office of the consumer counsel for operating
11 expenses during the fiscal year ending June 30, 1979, from
12 the account in the earmarked revenue fund established by
13 69-1-223.

14 Section 2. Effective date. This act is effective on
15 passage and approval.

-End-

Handwritten signatures and initials

Handwritten mark

HB 354
INTRODUCED R1LL

Holding the following bills for payment:

Walters Construction	360.00	rent for office
IBM	137.00	typewriter rent
Traffic World	115.00	subscription
Warden Paper	64.00	office supplies
State Publishing	30.00	office supplies
John Doubek	3000.00	services from 1-12-79
Bill Johnson	1500.00	January services
Richard Gabel	1653.00	Mtn. Bell case service
N.T.C.	767.40	ICC & office services
John Wilson	5443.83	MPC services
Ellen Weg	160.00	secretarial services
Celia Farlan	16.00	secretarial services
Department of Administration		
Computer Services	681.80	computer services
Communications	218.28	telephone
General Services	238.95	messenger & copying
Legislative Council	200.00	2 copies of codes
Robert E. O'Neil	3920.82	NWT services
Geoffrey L. Brazier	55.30	Travel expenses
	18,561.38	



MONTANA CONSUMER COUNSEL

34 W. SIXTH AVENUE
HELENA, MONTANA 59601

February 26 1979

MATTERS PENDING

LITIGATION

New Anaconda Case

Montana Power

Colstrip II - District Court

Helena Water (2)

Burlington Northern LCL

Drummond Station Closing

Mountain Bell - Right to Know

Mountain Bell - Appeal 6496

Northwestern Telephone

Billings Water (2)

ICC 36053

Tax Cases (4)

MDU - coal price case

MDU - gas price case

UTILITY

Montana Power - Gas

Helena Sewer

Bozeman Water

MDU Docket 6636

New Mountain Bell Case

PSC RULEMAKING

Temporary rate increases

Interstate costing procedures for

RAILROAD

Ex Parte 353

Ex Parte 349

Ex Parte 346 - Rulemaking

AB36(5F)-U.P. W. Yel. line

AB 6(52F) - BN Silesia-Red Lodge

AB 7(69F) Milwaukee Winifred line

AB 7(66F) Milwaukee Dorsey

AB 7(78F) Milwaukee Agawam

PSC Stockyard Closings:

BN - Alder, Chester

CMStP&P - Three Forks, Cardinal,
Lavina, Melstone, Two Dot,
Harlowton, Loweth, Lennep,
Ringling, Martinsdale,
Roundup, Butte

ANTICIPATED EXPENSES OF OFFICE OF CONSUMER COUNSEL FROM
 JANUARY 26, 1979 to JUNE 30, 1979

Category	Expended as of January 16, 1979	Anticipated	Anticipated Total for FY 1979
Salaries	30,642	19,644	50,286
Other Comp.	385	360	745
Benefits	3,735	2,070	5,805
Contr. Services	105,289	105,450 + 40,000*	210,739 + 40,000*
Supplies	244	250	494
Communications	2,771	2,400	5,171
Travel	2,344	2,400	4,744
Rent	944	3,240	4,184
Other	1,115	1,200	2,315
Equipment	<u>1,124</u>	<u>822</u>	<u>1,946</u>
	\$148,593	\$137,836 + 40,000* \$177,836	\$286,429 + 40,000* \$326,429

Explanation of "Anticipated" figures above

- Salaries: \$3274/mo. for 6 months \$50/mo increase than past months for raise for Celia
- Other Comp: \$120/mo for 3 months Jan - Mar legislators in Helena for legislature anyway
- Benefits: \$345/month for 6 months
- Contracted Services: See attached sheets
- Supplies: \$250 for period is similar to first six months experience
- Communications: \$400 per month is similar to first six months
- Travel: \$400 per month is similar to first six months experience
- Rent: \$360 per month for October thru June, or 9 months. New lease entered into as of October 1978.
- Other: \$200 per month is similar to first six months
- Equipment: \$137 per month for rental of electric typewriter

** House Mountain Bill was filed 2-5-79*

Contracted Services - Montana Consumer Counsel

January 26, 1979 to June 30, 1979 - ANTICIPATED

Dick Gabel	Xerox Usage	\$1200
Mountain Bell \$5000	Part-time Secretarial	\$ 200
	Transcripts:	
George Hess	Montana Power & possible others	\$5000
Montana Power Co. \$25,000		
MPC - possible 6,000		

Bob O'Neil
Northwestern Telephone \$4500

John Wilson
Montana Power Co. \$25,000
MPC - possible 6,000

Tom Auchincloss
Appeal \$4000

Bill Johnson
Monthly Retainer \$9600

John Doubek
1/2 Annual Contract \$13,000

Pat Flaherty
Computer work \$300

Northwest Transportation Consultants

ICC 36634(1)	\$650	TOTAL	\$105,450
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MOUNTAIN BELL CASE FILED 2-5-79	<u>\$ 40,000</u>
	\$145,450

Contracted Services - Montana Consumer Counsel

July 1, 1978 to January 26, 1979

Dick Gabel @ \$40/hour

Mountain Bell \$2,214

George Hess @ \$75/hour

PP&L \$8,846

Mountain Bell - RIP \$6,699

MDU \$15,959

Bob O'Neil @ \$33/hour

Northwestern Tel. \$7,051

John Wilson @ \$60/hour

Montana Power \$3,440

MDU \$24,007

John Rettenmayer @ \$55/hour

PP&L \$7,578

Rick Morgan @ \$20/hour

Billings Water \$390

Livingston Sewer \$110

Tom Auchincloss

Appeal of ICC decision 36053(1) \$2,074

*Dept. of Ag. owes same amount \$2,074 but
is still due and unpaid.

Bill Johnson \$1500/month

\$9,000

John Doubek @ \$20/hour

\$13,455

Xerox Usage \$1,380

Part-time Secretarial \$182

Transcripts:

Anaconda Co. v. PSC & MPC 31.00

CC Petition for Rail
Service by BN in Bozeman 289.00

MDU #6567 1,729.00

Msla & Superior Water 855.00

2,904.00

TOTAL \$105,289



MONTANA CONSUMER COUNSEL
34 W. SIXTH AVENUE
HELENA, MONTANA 59601

**SUMMARY OF THE ANNUAL REPORT FOR 1978 OF THE MONTANA CONSUMER COUNSEL
TO THE LEGISLATIVE CONSUMER COMMITTEE**

The Consumer Counsel is an agency of the legislative branch of government. It was mandated by the Montana Constitution of 1972 to represent interests of consumers in cases that come before the Montana Public Service Commission or any other successor agency. Its functions have evolved to the point where it represents the interests of substantial elements of both transportation and utility consumers not only before the Montana Public Service Commission and in Montana courts, but before federal agencies, such as the ICC, the FERC, the FCC and the CAB, and federal courts.

The activities of the office are governed by a committee of four legislators, being one member of each party from each house, who are selected by the committee appointing authority of each house at every session of the legislature. The activities of the office are funded by a tax levied against the gross revenues on intrastate business generated by companies regulated by the Public Service Commission.

Presently, the Consumer Counsel staff consists of the Consumer Counsel, who must be a licensed attorney, a staff attorney, a regulatory consultant and an administrative secretary. Staff participation is supplemented, particularly in important major rate increase cases involving requests for large sums of money, by attorneys and expert witnesses proficient in regulatory matters. This is to offset the sometimes awesome battery of attorneys and experts brought to command by regulated companies in their respective rate increase cases.

During the year 1978, the Consumer Counsel staff participated in over 70 contested administrative cases before the Public Service Commission, 10 contested administrative cases before the ICC, and one contested administrative case before the FERC. It was also involved in two rule-making cases before the Public Service Commission. It is presently contesting two federal court cases involving decisions by the ICC, two cases pending in the Montana Supreme Court, and 13 cases pending in district courts of the State of Montana. These court cases involve issues of far-ranging, precedent-setting importance in regulatory fields. The office was involved in cases forestalling transportation and utility rate increases and thereby saving transportation and utility customers approximately \$50,000,000 in the year 1978. Cumulative total savings in cases the office participated in are over \$150,000,000.

Obviously this is not a typical resource agency of the legislature. It is available, however, to try to provide such information regarding regulatory matters as may be requested.

A more detailed report of the activities of the office for the year 1978 as well as its history and staff structure is available upon request.

MONTANA CONSUMER COUNSEL

	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTALS
Salaries	-	10416	5182	6959	3224	3224	3249						32,254
\$80,500	5929	3382	9019	6013	6013	6013	6314	6615	6615	9923	6615	3308	82,373
Other Comp.	-	-	131	96	158	-	184						569
\$1,200	116	-	193	83	25	125	-	-	166	-	337	175	1,353
Benefits	-	1412	585	850	337	338	451						3,974
\$11,270	739	461	936	561	561	535	811	827	868	1303	755	434	9,639
Contr. Serv.	4667	11895	14757	32042	19814	5366	17990						107,031
\$42,447	3835	18123	2034	22491	25722	16874	7425	10713	30638	13388	24987	16055	193,459
Supplies	26	68	15	5	95	34	1						245
\$700	54	2	105	37	12	17	120	3	67	50	150	2	643
Commun.	297	142	599	362	564	265	584						2,812
\$5,000	259	225	874	238	741	312	66	228	619	511	463	735	5,618
Travel	122	160	661	514	888	-	714						3,058
\$7,000	446	327	1980	594	268	471	231	375	1018	162	2548	675	9,630
Rent	-	600	300	-	-	44	1800						2,744
\$4,200	-	600	300	300	600	300	-	600	-	300	300	-	3,600
Other	479	225	103	64	195	50	99						1,214
\$1,400	185	405	163	15	138	8	24	-	494	-	240	1	1,717
Equip	-	713	137	137	-	137	306						1,430
\$2,000	-	-	15447	9780	-	52	-	389	190	-	379	-	26,427
Totals	5590	25631	22471	41029	25275	9957	25378						155,331
\$155,717	11564	19681	31052	40112	34081	24706	14991	19752	40676	25637	36675	21385	334,460

Figure immediately under category is amount budgeted for FY 79

First line in each category is actual expenditure to date for FY 79 and total to date.

Second line in each category is actual expenditure for FY 78 and total for FY 78.

CONSOLIDATED COUNSEL FINANCIAL HISTORY
ORIGINAL APPROPRIATION COMPARED TO ACTUAL SPENT

	8-73 to 6-74	7-74 to 6-75	7-75 to 6-76	7-76 to 6-77	7-77 to 6-78	7-78 to 6-79					
	Approp.	Expend.	Approp.	Expend.	Approp.	Expend.					
100 Salaries	24,989	49,210	49,015	54,500	55,722	55,000	71,016	77,743	82,373	81,675	
200 Other Comp.	894	2,800	1,696	2,068	550	2,000	720	1,614	1,353	1,500	
300 Emp. Benefits	2,989	6,397	5,255	7,085	5,994	7,130	8,219	10,733	9,639	10,618	
400 Contr. Serv.	32,112	37,000	38,657	50,000	79,711	52,147	113,263	45,300	193,459	45,300	
500 Supplies	1,470	2,200	2,385	1,800	934	1,800	924	1,200	643	1,200	
600 Communic.	1,071	2,280	2,300	2,500	3,134	2,500	3,929	3,655	5,618	3,655	
700 Travel	1,854	9,916	5,598	3,000	5,542	3,000	7,239	5,000	9,630	5,000	
800 Rent	1,750	3,000	3,000	3,000	3,300	3,000	3,525	4,000	3,600	4,000	
900 Repair	43	287	277	300	86	300	62	117	52	117	
000 Other	405	1,443	2,098	1,000	1,449	1,000	2,542	1,400	1,717	1,400	
100 Equip.	4,889	619	334	500	-0-	500	20,631	600	26,375	600	
TOTAL	\$ 30,000	\$ 72,466	\$115,152	\$110,615	\$125,753	\$156,422	\$128,397	\$232,070	\$150,762	\$334,460	\$155,065

MONTANA LEGISLATIVE COUNCIL

We need \$250,000 because:

Additional T.O.'s & Proofers		\$ 60,000
Additional Secretary		19,200
2 Researchers	<i>23 extra minutes</i>	25,000
Coal Tax Support not reimbursed	<i>52,730 30,000</i>	7,500
Business Manager function		11,000
Terminations		26,000

Weber Termination	3,500
Walker training	8,500
Walker moving expense	2,000
Walker termination	5,000
Tippy	2,600
Jensen & Hargesheimer	4,400
	<u>26,000</u>

Don't pay for extra - 5000 - 1000

Local Government Costs 8,000

Print room staff	700
Printing HB 122	7,300
	<u>8,000</u>

Partial Increase cost of employees' benefits, health insurance and social security *110-30* 19,000

Duplicating for interim committees over budget 5,500

Duplicating for Recod 4,000

Supplies 5,500

Recod (data proc. paper)	4,100
Research	1,400
	<u>5,500</u>

Systems Study not in budget 8,100

Recod printing over encumbered (Artcraft) 31,570

Legislators' salary allow moved to 1978 7,330

\$237,700

Additional telephone copier expense, *antenna* overtime and other unanticipated expense *legislators* 12,300

\$250,000

not

MONEY LEFT IN TWO SPECIAL STUDY FUNDS

February 7, 1979

WATER RIGHTS STUDY

\$60,000	Budget
<u>-16,728</u>	Spent FY 1977-78 and 1978-79
<u>\$43,272</u>	Still available to spend for Water Rights Study

INDIAN JURISDICTION PROJECT

\$40,000	Budget Biennium
-16,207	Reverted end of June 1978
<u>- 5,605</u>	Spent FY 1977-78 and 1978-79
<u>\$18,188</u>	Still available to spend for Indian Jurisdiction Project

*HB 145 - Section 12. Reversion. Notwithstanding other provisions of law, the unexpended balance of each appropriation shall revert to the fund from which it was appropriated at the end of each fiscal year unless the approving authority certifies that an emergency requires the expenditure of the otherwise reverted funds and explains the nature of the emergency. Goods or services received but not paid for during a fiscal year shall be accrued from that year's appropriation authority and paid from that year's appropriated funds.

*For your information
Loren Dowling*

EXPLANATION OF BUDGET FOR
PRINTING, BINDING, AND MAILING NEW CODE

BUDGET

HB 145 (1977 SESSION)	\$110,000.00
SB 1 (1979)	80,000.00*
SUPPLEMENTAL (1979)	<u>31,570.00*</u>
	<u>\$221,570.00</u>

Personal Services:

Salaries & Benefits		
1 Code Clerk for 6 mo.	\$ 5,750.00	
Part-time boxers (Saturdays)	<u>1,685.00</u>	
Total Personal Services		7,435.00

Operating Expenses:

Contracted Services		
Printing:		
Data Retrieval	72,839.95	
Color World	7,200.00	
Artcraft	<u>114,215.36</u>	
Total Printing		194,255.31
Communications		
Postage	8,200.00	8,200.00
Supplies		
Boxes	575.00	
Jiffy Bags	525.00	
Invoices	<u>163.95</u>	
Total Supplies		1,263.95

Equipment:

Hand truck	50.00	
Free table (moving charge)	<u>30.00</u>	
Total Equipment		80.00

Other (personal services; Artcraft billing in dispute; mailing equipment and supplies)	<u>10,335.74</u>	<u>10,335.74</u>
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TOTAL	<u>\$221,570.00</u>
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*(\$31,570 was encumbered in mid-1978 when the bid was let for printing, thus this amount appears in the Supplemental to reimburse the Council's regular budget from which it was taken. The \$80,000 was put in the feed bill so that mailing could begin immediately and outstanding bills be paid to avoid interest.)

MONTANA LEGISLATIVE COUNCIL

We need \$250,000 because:

Additional T.O.'s & Proofers		\$ 60,000
Additional Secretary		19,200
2 Researchers	<i>23 more</i>	25,000
Coal Tax Support not reimbursed		7,500
Business Manager function		11,000
Terminations		26,000

Weber Termination	3,500
Walker training	8,500
Walker moving expense	2,000
Walker termination	5,000
Tippy	2,600
Jensen & Hargesheimer	4,400
	<u>26,000</u>

*Don't know
how much
for all
terminations
or 1800*

Local Government Costs		8,000
Print room staff	700	
Printing HB 122	<u>7,300</u>	
	<u>8,000</u>	

Partial Increase cost of employees' benefits, health insurance and social security		19,000
Duplicating for interim committees over budget		5,500
Duplicating for Recod		4,000
Supplies		5,500
Recod (data proc. paper)	4,100	
Research	1,400	
	<u>5,500</u>	

1110-30

Systems Study not in budget		8,100
Recod printing over encumbered (Artercraft)		31,570
Legislators' salary allow. moved to 1978		7,330
		<u>\$237,700</u>

Additional <u>telephone</u> copier expense, overtime and other unanticipated expense		<u>12,300</u>
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*submits
legislators*

\$250,000

not

EXPLANATION OF BUDGET FOR
PRINTING, BINDING, AND MAILING NEW CODE

BUDGET

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Total Personal Services		7,435.00

Operating Expenses:

Contracted Services		
Printing:		
Data Retrieval	72,839.95	
Color World	7,200.00	
Artcraft	<u>114,215.36</u>	
Total Printing		194,255.31
Communications		
Postage	8,200.00	8,200.00
Supplies		
Boxes	575.00	
Jiffy Bags	525.00	
Invoices	<u>163.95</u>	
Total Supplies		1,263.95

Equipment:

Hand truck	50.00	
Free table (moving charge)	<u>30.00</u>	
Total Equipment		80.00

Other (personal services; Artcraft billing in dispute; mailing equipment and supplies)	<u>10,335.74</u>	<u>10,335.74</u>
--	------------------	------------------

TOTAL	<u>\$221,570.00</u>
-------	---------------------

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2/6/79
MONEY LEFT IN TWO SPECIAL STUDY FUNDS

February 7, 1979

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\$60,000	Budget
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For your information
Diana Dowling

STANDING COMMITTEE REPORT

February 27, 1979

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 354

Respectfully report as follows: That House Bill No. 354

BE CONCURRED IN

DO PASS

J.C.

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 2-27-79 House Bill No. 337 Time 12:27

NAME _____ YES _____ NO _____ ABSENT _____

NAME	YES	NO	ABSENT
SENATOR STORY			
SENATOR AKLESTAD			
SENATOR LOCKREM			
SENATOR ETCHART			
SENATOR NELSON			
SENATOR SMITH			
SENATOR BOYLAN			
SENATOR REGAN			
SENATOR FASBENDER			
SENATOR THIESSEN			
SENATOR THOMAS			
SENATOR STIMATZ			
SENATOR HIMSL			

[Signature]
Secretary

Chairman

Motion: in - By Consensus

STANDING COMMITTEE REPORT

February 27 19 79

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 79

Respectfully report as follows: That House Bill No. 79

BE CONCURRED IN

DO PASS

h/c

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 2-27-79

House

Bill No. 79

Time 12:19

NAME	YES	NO	ABSENT
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SENATOR STORY	<i>ab</i>		
SENATOR AKLESTAD		x	
SENATOR LOCKREM	<i>ab</i>		
SENATOR ETCHART	<i>ab</i>		
SENATOR NELSON	x		
SENATOR SMITH		x	
SENATOR BOYLAN	<i>ab</i>		
SENATOR REGAN	x		
SENATOR FASBENDER	x		
SENATOR THIESSEN	x		
SENATOR THOMAS	x		
SENATOR STIMATZ	<i>ab</i>		
SENATOR HIMSL	x		

6 2 3 ab

Secretary

Chairman

Motion:

ab *Be Reconsidered*