

1 NB BILL NO. 212
 2 INTRODUCED BY Dassinger
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE
 6 ADMINISTERING AGENCY OF THE CONSUMER COUNSEL TAX FROM THE
 7 DEPARTMENT OF REVENUE TO THE DEPARTMENT OF PUBLIC SERVICE
 8 REGULATION; AMENDING SECTION 70-709, R.C.M. 1947."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 70-709, R.C.M. 1947, is amended to
 12 read as follows:

13 "70-709. Disposition of fees -- quarterly report and
 14 fee from regulated companies -- penalty for violation --
 15 evidence of violation. (1) There is an account in the
 16 earmarked revenue fund to which all fees collected hereunder
 17 shall be deposited and from which all appropriations to the
 18 office of the consumer counsel shall be paid.

19 (2) In addition to all other licenses, fees, and taxes
 20 imposed by law, all regulated companies shall, within 90
 21 days after the close of each calendar quarter, file with the
 22 department of public service regulation ~~and the department~~
 23 ~~of revenue~~ a statement in such form as the commission may
 24 determine, showing the gross operating revenue from all
 25 activities regulated by the commission within the state for

1 that calendar quarter of operation or portion thereof, and
 2 shall at that time pay to the department of ~~revenue~~ public
 3 service regulation a fee based on a fraction of the gross
 4 operating revenue reported, as determined by the department
 5 of revenue public service regulation under subsection (3) of
 6 this section.

7 (3) Within ~~thirty~~ (30) days following enactment of the
 8 legislative appropriation for the office of the consumer
 9 counsel, the department of revenue public service regulation
 10 shall:

11 (a) determine the total gross operating revenue
 12 generated by all regulated activities within this state for
 13 all regulated companies, for the previous fiscal year,

14 (b) compute the percentage of the amount determined in
 15 subsection (3) (a) which will produce an amount equal to the
 16 appropriation to the consumer counsel for each year of the
 17 appropriation, except that no regulated company owned and
 18 operated by any municipal corporation within this state
 19 shall be required to pay a sum in excess of ~~six-hundredths~~
 20 ~~of one percent~~ (~~06 6/100~~ of 1%) of its gross operating
 21 revenue, and

22 (c) give notice by mail to each regulated company of
 23 the percentage determined in subsection (3) (a) and (b) to
 24 be applied to the gross operating revenue reported under
 25 subsection (2) above, to determine the amount of the fee to

1 be paid in each year of the appropriation.

2 (4) In the event the fee charged in any one (1) year
3 of the biennium is in excess of the amount actually expended
4 in that year, the excess shall be deducted from the amount
5 required for the first year of the next biennial
6 appropriation before the determination for that year
7 required by subsection (3) (a) of this act is made.

8 (5) Any regulated company, or any officer or employee
9 of any regulated company, who, with intent to evade any fee
10 or any requirement of this act or any lawful requirement of
11 the commission thereunder, fails to pay the fee, or to make,
12 render, sign or verify any statement, or to supply any
13 information, within the time required by or under the
14 provisions of this act, or who, with like intent, makes,
15 renders, signs, or verifies any false or fraudulent
16 statement, or supplies any false or fraudulent information,
17 shall be liable to a penalty of not more than ~~one-thousand~~
18 ~~dollars-(\$1,000)~~, to be recovered by the attorney general,
19 in the name of the state, by action in any court of
20 competent jurisdiction, and shall also be guilty of a
21 misdemeanor and shall, upon conviction, be fined not to
22 exceed ~~one-thousand-dollars-(\$1,000)~~ or be imprisoned in the
23 county jail not to exceed one (1) year, or both, at the
24 discretion of the court.

25 (6) The certificate of the department of revenue

1 public service regulation to the effect that a fee has not
2 been paid, that a report has not been filed, or that
3 information has not been supplied, as required by or under
4 the provisions of this act, shall be prima facie evidence
5 that such fee has not been paid, that such statement has not
6 been filed, or that such information has not been supplied."

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