

HOUSE BILL NO. 301

INTRODUCED BY QUILICI, LORY, KOLSTAD, TOWE

BY REQUEST OF THE LEGISLATIVE CONSUMER COMMITTEE

IN THE HOUSE

January 22, 1979	Introduced and referred to Committee on Appropriations.
February 6, 1979	Committee recommend bill do pass. Report adopted.
February 7, 1979	Printed and placed on members' desks.
February 8, 1979	Second reading, do pass.
February 9, 1979	Considered correctly engrossed.
February 10, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Finance and Claims.
March 5, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 10, 1979	Returned from second house. Concurred in as amended.
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March 14, 1979

Second reading, amendments
adopted.

March 15, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *HOUSE* BILL NO. *301*
 2 INTRODUCED BY *[Signature]*
 3 BY REQUEST OF THE LEGISLATIVE CONSUMER COMMITTEE

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 COUNSEL; 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
 18 for expenses due to an unanticipated caseload.

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

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 percentage of the gross operating
 5 revenue reported, as determined by the department of revenue
 6 under 69-1-224(i).

7 (3) 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), 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 (3) (a) The department of revenue may adjust the
 16 percentage multiplier quarterly if the department considers
 17 a change necessary to meet 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 counsel and authorized to be raised
 25 by means of the fee.

1 (b) Adjustments of the percentage multiplier are
 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 (2)(4) 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 next year of
 10 the next biennial appropriation before the determination for
 11 that year required by subsection (1)(a) 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-

Approved by Comm.
on Appropriations

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 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 SHALL BE USED TO REDUCE~~
 16 ~~THE PERCENTAGE CALCULATED IN 69-1-224 IN THE SUBSEQUENT~~
 17 ~~FISCAL YEAR."~~

-End-

March 5, 1979

SENATE STANDING COMMITTEE REPORT
(Finance and Claims)

That House Bill No. 301 be amended as follows:

1. Page 4, line 13.

Strike: lines 13 through 15 in their entirety

Insert: "shall be used to reduce the percentage calculated in
69-1-224 in the subsequent fiscal year."