#### 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 SEN        | ATE  |
| 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.                              |
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### IN THE HOUSE

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

March 14, 1979

March 15, 1979

Second reading, amendments adopted.

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Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

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INTRODUCED BY SULLING. 301

BY REDUCET OF THE LEGISLATIVE CONSUMER COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY

THE MANNER OF FUNDING FOR THE OFFICE OF THE CONSUMER

COUNSEL; AMENDING SECTIONS 69-1-223 AND 69-1-224, MCA."

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

Section 1. Section 69-1-223, MCA, is amended to read:

#69-1-223. Funding of office of consumer counsel. (1)

There is an account in the earmarked revenue fund to which all fees collected hereunder shall be deposited and from which all appropriations to the office of the consumer counsel shall be paid. An appropriation to the office of the consumer counsel may consist of a base appropriation for regular operating expenses and a contingency appropriation for expenses due to an unanticipated caseload.

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

commission within the state for that calendar quarter of 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 69-1-224th.
  - (3) The amount of money which may be raised by the fee on the regulated companies during a fiscal year may not be increased from the amount appropriated, including both base and contingency appropriations, by the legislature for that fiscal year. Any additional money required for operation of the office of the consumer counsel must be obtained from other sources in a manner authorized by the legislature."

Section 2. Section 69-1-224, MCA, is amended to read:
#69-1-224. Determination of fee. (1) Within 30 days
following enactment of the legislative appropriation for the
office of the consumer counsel, the department of revenue
shall:

- (a) determine the total gross operating revenue generated by all regulated activities within this state for all regulated companies for the previous fiscal year;
- (b) compute the percentage. Subject to revision as provided in subsection (3): of the amount determined in subsection (1)(a) which will produce an amount equal to the base appropriation to the office of the consumer counsel for

LC 0858/01 LC 0858/01

| each the first year of the appropriation, except that no            |
|---|
| regulated company owned and operated by any municipal               |
| corporation within this state shall be required to pay a sum        |
| in excess of $\bullet 06$ of 1% of its gross operating revenue; and |
| (c) give notice by mail to each regulated company of                |
| the percentage determined in subsections (1)(a) and (b) to          |
| be applied to the gross operating revenue reported under            |
| 69-1-223(2) to determine the amount of the fee to be paid in        |
| esch the first year of the appropriation.                           |
| (2) On or before May 30 of the first year of the                    |

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2**4** 25 biennium: the department of revenue shall repeat the steps required by subsection (1) and compute the percentage multiplier for the second year: giving notice to the regulated companies.

(3) (a) The department of revenue may adjust the percentage multiplier quarterly if the department considers a change necessary to meet or to not exceed the amount to be raised by the fee because of:

(i) fluctuations in the actual gross operating revenue subject to the fee; or

(ii) submission and approval of a budget amendment authorizing the spending of money from a contingency appropriation included in the appropriation measure for the office of the consumer counsel and authorized to be raised by means of the feem

(b) Adjustments of the percentage multiplier are 1 subject to the exception provided in subsection (1)(b) for municipally owned and operated regulated companies. (c) Regulated companies must be given at least 30 days notice of any change in the percentage multiplier. 127[4] In the event the fee charged in any one year of the-biennium is in excess of the amount actually expended in that year, the excess shall be deducted from the amount required to be raised by the fee for the first next year of the-next-bienniel-appropriation before the determination for 10 that--year required by subsection (1)(a) is made. Money in 11 the account remaining unspent at the close of a fiscal year 12 carries forward to the following fiscal years and money 13 remaining unspent at the close of the biennium carries 14

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forward to the following biennium."

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Approved by Comm. on Appropriations

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BY REQUEST OF THE LEGISLATIVE CONSUMER COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY

THE MANNER OF FUNDING FOR THE OFFICE OF THE CONSUMER

COUNSEL; AMENDING SECTIONS 69-1-223 AND 69-1-224+ MCA+"

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

commission within the state for that calendar quarter of 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 69-1-224ff).
  - (3) The amount of money which may be raised by the fee on the regulated companies during a fiscal year may not be increased from the amount appropriated including both base and contingency appropriations by the legislature for that fiscal year. Any additional money required for operation of the office of the consumer counsel must be obtained from other sources in a manner authorized by the legislature."

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following enactment of the legislative appropriation for the
office of the consumer counsel, the department of revenue
shall:

- (a) determine the total gross operating revenue generated by all regulated activities within this state for all regulated companies for the previous fiscal year;
- (b) compute the percentage subject to revision as provided in subsection (3): of the amount determined in subsection (1)(a) which will produce an amount equal to the base appropriation to the office of the consumer counsel for

| each the first year of the appropriation, except that no     |
|--|
| regulated company owned and operated by any municipal        |
| corporation within this state shall be required to pay a sum |
| in excess of .06 of 1% of its gross operating revenue; and   |
| (c) give notice by mail to each regulated company of         |
| the percentage determined in subsections (1)(a) and (b) to   |
| be applied to the gross operating revenue reported under     |
| 69-1-223(2) to determine the amount of the fee to be paid in |
| each the first year of the appropriation.                    |
| (2) On or before May 30 of the first year of the             |
| bisonium: the department of revenue shall repeat the steps   |
| required by subsection (1) and compute the percentage        |
| multiplier for the Second years giving notice to the         |
| regulated_companies.   |
| (3) (a) The department of revenue may adjust the             |
| percentage multiplier quarterly if the department considers  |
| a change necessary to meet or to not exceed the amount to be |
| raised by the fee because of:                                |
| (i) fluctuations in the actual gross operating revenue       |
| subject to the fee; or                                       |
| (ii) submission and approval of a budget amendment           |
|  |
| authorizing the spending of money from a contingency         |
| appropriation included in the appropriation measure for the  |

| 1  | (b) Adjustments of the percentage multiplier are                  |
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| 2  | subject to the exception provided in subsection (1)(b) for        |
| 3  | municipally owned and operated regulated companies.               |
| 4  | 1cl Regulated companies must be given at least 30 days            |
| 5  | notice of any change in the percentage multiplier.                |
| 6  | <del>(2)[4]</del> In the event the fee charged in any one year of |
| 7  | the-bicanium 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) tel is made. Honey in        |
| 12 | the account remaining unspent at the close of a fiscal year       |
| 13 | carries forward to the following fiscal year, and money           |
| 16 | remaining unspent at the close of the biennium carries            |
| 15 | forward to the following bienniums"                               |
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| 3 | BY REQUEST OF THE LEGISLATIVE CONSUMER COMMITTEE |

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY THE MANNER OF FUNDING FOR THE OFFICE OF THE CONSUMER COUNSEL; AMENDING SECTIONS 69-1-223 AND 69-1-224. MCA.\*

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- (2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall:
- (a) within 90 days after the close of each calendar quarter, file with the department of public service regulation and the department of revenue a statement, in such form as the commission way determine, showing the gross operating revenue from all activities regulated by the

commission within the state for that calendar quarter of operation or portion thereof; and

- (b) at that time pay to the department of revenue a fee based on a fraction percentage of the gross operating revenue reported, as determined by the department of revenue under 69-1-224(1).
  - 13) The amount of money which may be raised by the fee on the regulated companies during a fiscal year may not be increased from the amount appropriated, including both base and contingency appropriations, by the legislature for that fiscal year. Any additional money required for operation of the office of the consumer counsel must be obtained from 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 following enactment of the legislative appropriation for the office of the consumer counsel, the department of revenue 17 shall: 18
  - (a) determine the total gross operating revenue generated by all regulated activities within this state for all regulated companies for the previous fiscal year;
  - (b) compute the percentage, subject to revision as provided in subsection (3), of the amount determined in subsection (1)(a) which will produce an amount equal to the base appropriation to the office of the consumer counsel for

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| corporation within this state shall be required to pay a sum |
| in excess of •06 of 1% of its gross operating revenue; and   |
| (c) give notice by mail to each regulated company of         |
| the percentage determined in subsections (I)(a) and (b) to   |
| be applied to the gross operating revenue reported under     |
| 69-1-223(2) to determine the amount of the fee to be paid in |
| each the first year of the appropriation.                    |
| 12) On or before May 30 of the first year of the             |
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(i) fluctuations in the actual gross operating revenue subject to the fee; or

(ii) submission and approval of a budget amendment authorizing the spending of money from a contingency appropriation included in the appropriation measure for the office of the consumer counsel and authorized to be raised by means of the fee.

subject to the exception provided in subsection (1)(b) for 2 municipally owned and operated regulated companies. (c) Regulated companies must be given at least 30 days notice of any change in the percentage multiplier. <del>121111</del> In the event the fee charged in any one year of the-biennium is in excess of the amount actually expended in that year, the excess shall be deducted from the amount required to be raised by the fee for the first next year of the-next-biennial-appropriation before the determination for 10 that--year required by subsection (1) tal is made. Money in 11 the account remaining unspent at the close of a fiscal year 12 carries forward to the following fiscal years and money 13

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46th Legislature HB 0301/02

| 1  | HOUSE BILL NO. 301   |
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| 2  | INTRODUCED BY QUILICI. LORY, KOLSTAD. TOWE                   |
| 3  | BY REQUEST OF THE LEGISLATIVE CONSUMER COMMITTEE             |
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| 5  | A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY    |
| 6  | THE MANNER OF FUNDING FOR THE OFFICE OF THE CONSUMER         |
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| 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:               |
|    | (a) within 90 days after the close of each calendar          |
| 21 | •  |
| 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  |

operating revenue from all activities requiated by the

| ı | commission  | within   | the   | state   | for | that | calendar | quarter | of |
|---|-------------|----------|-------|---------|-----|------|----------|---------|----|
| 2 | operation o | r portio | n the | reof; a | nd  |      |          |         |    |

HB 0301/02

3 (b) at that time pay to the department of revenue a fee based on a fraction percentage of the gross operating revenue reported: as determined by the department of revenue under 69-1-224+++.

- 13) The amount of money which may be raised by the fee on the regulated companies during a fiscal year may not be increased from the amount appropriated, including both base 10 and continuency appropriations, by the legislature for that 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."
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- 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:
- (b) compute the percentage subject to revision as 22 23 provided in subsection [3]: of the amount determined in subsection (1)(a) which will produce an amount equal to the 24 25 base appropriation to the office of the consumer counsel for

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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 office of the consumer counsel and authorized to be raised 24 25 by means of the fee.

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| (b) Adjustments of the percentage multiplier ar             |
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| subject_to_the_exception_provided_in_subsection_fll(b)_fo   |
| wunicipally_owned_and_operated_regulated_companies.         |
| (c) Regulated companies must be given at least 30 day       |
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|   |

required to be raised by the fee for the first next year of the-next-biennial-appropriation before the determination for that -- year required by subsection (1) to a made. Money in the account remaining unspent at the close of a fiscal year carries--forward--to--the--following--fiscal-yearx-and-money remaining-unapent-st-the--those--of--the--biennium--corries forward-to-the-following-bienniums SHALL BE USED TO REDUCE THE PERCENTAGE CALCULATED IN 69-1-224 IN THE SUBSEQUENT 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."