

SENATE BILL 216

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Local Government.
January 25, 1979	Fiscal note requested.
January 31, 1979	Fiscal note returned.
January 31, 1979	Committee recommend bill, do not pass.

1 *Senate* BILL NO. *216*
 2 INTRODUCED BY *Conrad Kobie*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT REGULATED
 5 COMPANIES OWNED AND OPERATED BY MUNICIPAL CORPORATIONS FROM
 6 THE CONSUMER COUNSEL FEE; AMENDING SECTIONS 69-1-223 AND
 7 69-1-224, MCA."
 8

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

10 NEW SECTION. Section 1. Municipal corporations exempt
 11 from fee. A regulated company owned and operated by a
 12 municipal corporation is exempt from the fee required under
 13 69-1-223.

14 Section 2. Section 69-1-223, MCA, is amended to read:

15 "69-1-223. Funding of office of consumer counsel. (1)
 16 There is an account in the earmarked revenue fund to which
 17 all fees collected hereunder shall be deposited and from
 18 which all appropriations to the office of the consumer
 19 counsel shall be paid.

20 (2) In addition to all other licenses, fees, and taxes
 21 imposed by law, all regulated companies, except companies
 22 owned and operated by a municipal corporation, shall:

23 (a) within 90 days after the close of each calendar
 24 quarter, file with the department of public service
 25 regulation and the department of revenue a statement, in

1 such form as the commission may determine, showing the gross
 2 operating revenue from all activities regulated by the
 3 commission within the state for that calendar quarter of
 4 operation or portion thereof; and

5 (b) at that time pay to the department of revenue a
 6 fee based on a fraction of the gross operating revenue
 7 reported, as determined by the department of revenue under
 8 69-1-224(1)."

9 Section 3. Section 69-1-224, MCA, is amended to read:

10 "69-1-224. Determination of fee. (1) Within 30 days
 11 following enactment of the legislative appropriation for the
 12 office of the consumer counsel, the department of revenue
 13 shall:

14 (a) determine the total gross operating revenue
 15 generated by all regulated activities within this state for
 16 all regulated companies, except companies owned and operated
 17 by a municipal corporation, for the previous fiscal year;

18 (b) compute the percentage of the amount determined in
 19 subsection (1)(a) which will produce an amount equal to the
 20 appropriation to the consumer counsel for each year of the
 21 appropriation; ~~except that no regulated company owned and~~
 22 ~~operated by any municipal corporation within this state~~
 23 ~~shall be required to pay a sum in excess of 06 of 10 of its~~
 24 ~~gross operating revenue;~~ and

25 (c) give notice by mail to each regulated company

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1 ~~required to pay the fee under 69-1-223~~ of the percentage
2 determined in subsections (1)(a) and (b) to be applied to
3 the gross operating revenue reported under 69-1-223(2) to
4 determine the amount of the fee to be paid in each year of
5 the appropriation.

6 (2) 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 for the first year of the next biennial
10 appropriation before the determination for that year
11 required by subsection (1)(a) is made."

-End-

STATE OF MONTANA

Request No. 128-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 27, 1979, there is hereby submitted a Fiscal Note for Senate Bill 216 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

This proposed bill exempts regulated companies owned and operated by municipal corporations from the consumer counsel fee.

ASSUMPTIONS:

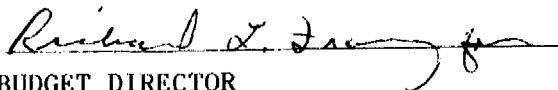
1. Accurate projections for all regulated companies cannot be determined due to changes in the tax rate for previous years.
2. Total gross operating revenue generated by regulated municipal corporations will total \$11.0 million in FY 80 and FY 81.
3. Municipal corporation payments to the consumer counsel account will be taxed at .06% for FY 80 and FY 81.

FISCAL IMPACT:

Consumer Counsel Tax collection	<u>FY 80</u>	<u>FY 81</u>
decrease due to exemption of municipal corporations from tax	<u>\$6,600</u>	<u>\$6,600</u>

The decrease in revenue affects the Consumer Counsel Fee Earmarked Revenue Account.

Prepared by Department of Revenue.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 4/24/79