

House BILL NO. 310

INTRODUCED BY Barnett

Feland, Hutchinson, Johnson, Johnson, Jenkins, Emerson, Turner, Gulicic, Harris, DeBruycker

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING REGULATED COMPANIES TO IMMEDIATELY RECOVER IN THEIR RATES AND CHARGES FEES LEVIED BY THE MONTANA CONSUMER COUNSEL; AMENDING SECTION 69-1-224, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"69-1-224. Determination of fee. (1) On or before August 31 of each year, 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 (2), of the amount determined in subsection (1)(a) that will produce an amount equal to the current appropriation to the office of the consumer counsel, except that a regulated company owned and operated by any municipal corporation within this state may not be required to pay a sum in excess of .06 of 1% of its gross operating revenue;

(c) adjust the percentage multiplier computed in subsection (1)(b) to ensure that sufficient funds are generated to meet the appropriation and that excess funds are not generated or retained by:

(i) determining the appropriation to the office of the consumer counsel for the previous fiscal year and comparing it to the fees collected from the previous fiscal year;

(ii) reducing or increasing the percentage determined in subsection (1)(b) for the current year in order to account for any difference determined in subsection (1)(c)(i); and

(iii) if necessary, reducing the revenue to be collected for the current year by any funds remaining unspent at the close of the prior fiscal year; and

(d) give notice by mail to each regulated company of the percentage to be applied to the gross operating revenue reported under 69-1-223(2) to determine the amount of the fee to be paid.

(2) (a) The department of revenue shall adjust the percentage multiplier if the department considers

1 a change necessary to meet or to not exceed the amount to be raised by the fee because of:

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

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

6 (b) Adjustments of the percentage multiplier are subject to the exception provided in subsection  
7 (1)(b) for municipally owned and operated regulated companies.

8 (c) Regulated companies must be given at least 30 days' notice of any change in the percentage  
9 multiplier.

10 (d) Any change in the percentage multiplier is effective at the beginning of the next calendar  
11 quarter.

12 (3) In the event that the fee charged in ~~one~~ 1 year is in excess of the amount actually expended  
13 in that year, the excess ~~shall~~ must be deducted from the amount required to be raised by the fee for the  
14 next year before the determination required by subsection (1) is made. Money remaining unspent at the  
15 close of the fiscal year ~~shall~~ must be used to reduce the percentage calculated in 69-1-224 in the  
16 subsequent fiscal year.

17 (4) All fees paid by a regulated company pursuant to this section are immediately recoverable by  
18 the regulated company in its rates and charges. Within 30 days after the issuance by the department of  
19 revenue of the notice required by subsection (1), the public service commission shall by separate order  
20 authorize each regulated company to fully recover in its rates and charges, on an annual basis, the fees  
21 levied by this part."

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23 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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-END-

APPROVED BY COMMITTEE  
ON BUSINESS AND LABOR

House BILL NO. 310

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INTRODUCED BY *Barnett*

*Feland* *W. Hyman* *Farber* *Jenkins* *Emerson* *Town*

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(d) give notice by mail to each regulated company of the percentage to be applied to the gross operating revenue reported under 69-1-223(2) to determine the amount of the fee to be paid.

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*Feland Gulley Johnson Jenkins Emerson Tauer*

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(d) give notice by mail to each regulated company of the percentage to be applied to the gross operating revenue reported under 69-1-223(2) to determine the amount of the fee to be paid.

(2) (a) The department of revenue shall adjust the percentage multiplier if the department considers

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## 1 HOUSE BILL NO. 310

2 INTRODUCED BY BARNETT, M. HANSON, FELAND, QUILICI, PAVLOVICH, JENKINS, EMERSON,  
3 TOEWS, FORRESTER, GALVIN, DEBRUYCKER

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