

1 HOUSE BILL NO. 316

2 INTRODUCED BY CALLAHAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FEES CHARGED BY THE PUBLIC
5 SERVICE COMMISSION; ELIMINATING A REQUIREMENT THAT FEES OF THE DEPARTMENT OF PUBLIC
6 SERVICE REGULATION BE COMMENSURATE WITH COSTS; REQUIRING THAT FEES SET BY THE
7 DEPARTMENT MUST BE REASONABLE; PROVIDING ADDITIONAL EXCEPTIONS TO THE REQUIREMENT
8 THAT FEES OF THE DEPARTMENT NOT EXCEED \$500; REQUIRING FEES COLLECTED BY THE
9 DEPARTMENT BE DEPOSITED IN A STATE REVENUE FUND TO THE CREDIT OF THE DEPARTMENT;
10 AMENDING SECTIONS 69-1-114 AND 69-1-402, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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14 **Section 1.** Section 69-1-114, MCA, is amended to read:
15 **"69-1-114. Fees.** (1) Each fee charged by the commission must be ~~commensurate with the costs~~
16 ~~incurred in administering the function for which the fee is charged except those fees set by federal statute~~
17 reasonable.

18 (2) Except for a fee assessed pursuant to 69-3-204(2), 69-8-421(7), or 69-12-423(2), ~~no~~ a fee set by
19 the commission may not exceed \$500.

20 (3) All fees collected by the department under 69-8-421(7) must be deposited in an account in the
21 special revenue fund. Funds in this account must be used as provided in 69-8-421(7)."

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23 **Section 2.** Section 69-1-402, MCA, is amended to read:
24 **"69-1-402. Funding of the department of public service regulation.** (1) All fees collected under this
25 section and any other fees, except as provided in 69-1-114(3), must be deposited in an account in the state
26 special revenue fund to the credit of the department. An appropriation to the department may consist of a base
27 appropriation for regular operating expenses and a contingency appropriation for expenses due to an
28 unanticipated caseload.

29 (2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall, within
30 30 days after the close of each calendar quarter, pay to the department of revenue a fee based on a percentage

1 of gross operating revenue reported pursuant to 69-1-223(2)(a), as determined by the department of revenue
2 under 69-1-403.

3 (3) The amount of money that may be raised by the fee on the regulated companies during a fiscal year
4 may not be increased, except as provided in 69-1-224(1)(c), from the amount appropriated to the department
5 by the legislature for that fiscal year, including both base and contingency appropriations. Any additional money
6 required for operation of the department must be obtained from other sources in a manner authorized by the
7 legislature."

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9 NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured,
10 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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12 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005.

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