

## SENATE BILL NO. 382

INTRODUCED BY T. MANZELLA

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING AQUATIC INVASIVE SPECIES FEES FOR HYDROELECTRIC FACILITIES; PROVIDING A GENERAL FUND TRANSFER; AMENDING SECTIONS 69-3-308 AND 80-7-1004, MCA; REPEALING SECTION 15-72-601, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 69-3-308, MCA, is amended to read:

**"69-3-308. Disclosure of taxes and fees paid by customers of public utility -- automatic rate adjustment and tracking for taxes and fees.** (1) A public utility may separately disclose in a customer's bill the amount of state and local taxes and fees assessed against the public utility that the customer is paying.

(2) (a) (i) ~~Except as provided in 15-72-601,~~ the The commission shall allow a public utility to file rate schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and fees, except state income tax, paid by the public utility. The resulting rate schedule changes must include:

(A) adjustments for the net change in federal and state income tax liability caused by the deductibility of state and local taxes and fees;

(B) retroactive tax adjustments; and

(C) adjustments related to the resolution of property taxes paid under protest.

(ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases and decreases.

(b) The amended rates must automatically go into effect on January 1 following the date of change in taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c).

(c) The amended rate schedule must be filed with the commission on or before the effective date of the change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public

1 utility to address any errors or omissions including, if necessary, any refunds due customers.

2 (d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval  
3 on the part of the commission.

4 (e) A public utility may challenge an order issued by the commission under subsection (2)(c) in  
5 accordance with the provisions of 69-3-401 through 69-3-405."

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7 **Section 2.** Section 80-7-1004, MCA, is amended to read:

8 **"80-7-1004. (Temporary) Invasive species account.** (1) There is an invasive species account in the  
9 state special revenue fund. The account is administered by the department of fish, wildlife, and parks.

10 (2) Money transferred from any lawful source, including but not limited to fees collected pursuant to  
11 15-65-121, ~~15-72-601~~, and 23-2-541, and gifts, grants, donations, securities, or other assets, public or private,  
12 may be deposited in the account.

13 (3) Subject to subsection (4), money deposited in the account must be used for projects that prevent  
14 or control any nonnative, aquatic invasive species pursuant to this part.

15 (4) Any private contribution deposited in the account for a particular purpose, as stated by the donor,  
16 must be used exclusively for that purpose.

17 (5) At the end of each fiscal year, unreserved funds in the account, including any interest and  
18 earnings, must be transferred to the invasive species trust fund established in 80-7-1016.

19 (6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive  
20 species account. (Terminates June 30, 2023--sec. 18, Ch. 356, L. 2019.)

21 **80-7-1004. (Effective July 1, 2023) Invasive species account.** (1) There is an invasive species  
22 account in the state special revenue fund. The account is administered by the department of fish, wildlife, and  
23 parks.

24 (2) Money transferred from any lawful source, including but not limited to fees collected pursuant to  
25 15-65-121, ~~15-72-601~~, and 23-2-541, and gifts, grants, donations, securities, or other assets, public or private,  
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28 or control any nonnative, aquatic invasive species pursuant to this part.

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2 must be used exclusively for that purpose.

3           (5) At the end of each fiscal year, unreserved funds in the account, including any interest and  
4 earnings, must be transferred to the invasive species trust fund established in 80-7-1016.

5           (6) The department of fish, wildlife, and parks may recover not more than 5% in indirect costs from  
6 the invasive species account."

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8           NEW SECTION. Section 3. Repealer. The following section of the Montana Code Annotated is  
9 repealed:

10 15-72-601.     Invasive species fee for hydroelectric facilities.

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12           NEW SECTION. Section 4. General fund transfer. The state treasurer shall transfer \$10,000 from  
13 the state general fund to the invasive species account established in 80-7-1004 for the biennium beginning July  
14 1, 2021.

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16           NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2021.

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