

HOUSE BILL NO. 642

INTRODUCED BY B. TSCHIDA

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING TRANSFERS AND OTHER NECESSARY MEASURES TO IMPLEMENT THE GENERAL APPROPRIATIONS ACT; REQUIRING THE DEPARTMENT OF REVENUE TO REPORT ON FEES COLLECTED TO THE LEGISLATIVE CONSUMER COMMITTEE; AMENDING SECTION 69-1-224, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Transfers.** By August 15, 2017, the state treasurer shall make the following transfers:

- (1) \$500,000 from the economic development special revenue account provided for in 90-1-205 to the general fund;
- (2) \$200,000 from the economic development special revenue account provided for in 90-1-205 to the governor's operations account within the state special revenue fund; and
- (3) \$600,000 from the funds collected pursuant to ~~32-2-102~~ 32-9-105 AND 32-9-133 to the general fund.

Section 2. Section 69-1-224, MCA, is amended to read:

"69-1-224. Determination of fee -- reporting. (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 0.06 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



1 comparing it to the fees collected from the previous fiscal year;

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

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

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

8 (2) (a) The department of revenue shall adjust the percentage multiplier if the department considers a
9 change necessary to meet or to not exceed the amount to be raised by the fee because of:

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

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

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

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

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

19 (3) In the event that the fee charged in 1 year is in excess of the amount actually expended in that year,
20 the excess must be deducted from the amount required to be raised by the fee for the next year before the
21 determination required by subsection (1) is made. Money remaining unspent at the close of the fiscal year must
22 be used to reduce the percentage calculated in subsection (1) in the subsequent fiscal year.

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

27 (5) (a) By January 15 and July 15 of each year, the department of revenue shall submit a written report
28 to the legislative consumer committee identifying the following:

29 (i) the amount of total fees collected by the department dedicated to the consumer counsel;

30 (ii) the amount of fees collected in the previous 2 quarters and the percentage multiplier applied; and

