

Amendment - 1st Reading-white - Requested by: Daniel Zolnikov - (S) Energy and Telecommunications

- 2023
68th Legislature 2023

Drafter: Jason Mohr, 406-444-1640

SB0109.001.004

1 SENATE BILL NO. 109
2 INTRODUCED BY K. REGIER
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PUBLIC SERVICE COMMISSION DISTRICTS;
5 CREATING PROCEDURES FOR COMMISSION DISTRICT ADJUSTMENT; AMENDING ~~SECTION~~
6 ~~SECTIONS 69-1-103, 69-1-104, AND 69-1-105~~, MCA; AND PROVIDING ~~AN IMMEDIATE EFFECTIVE DATE~~
7 ~~DATES, APPLICABILITY DATES, AND A TERMINATION DATE.~~"

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10

11 **Section 1.** Section 69-1-103, MCA, is amended to read:

12 "**69-1-103. Composition of commission -- qualifications.** (1) The commission ~~shall consist~~ consists
13 of five members, ~~who shall be qualified electors of the district from which they are elected;~~

14 (a) three who are subject to the qualifications in subsection (2), with each ~~such~~ member elected
15 from a separate district of the state ~~pursuant to 69-1-104 and subject to the term lengths in 69-1-105(2); and~~

16 (b) two who shall serve as statewide representatives pursuant to 69-1-105(6).

17 (2) Each member subject to subsection (1)(a) must have at least 3 years' experience in:

18 (a) the operations of an energy company or firm;

19 (b) the operations of a public utility, common carrier, railroad, or other regulated industry subject to

20 Title 69; or

21 (c) the fields of business, economics, engineering, finance, or law."
22

23 **Section 2.** Section 69-1-103, MCA, is amended to read:

24 "**69-1-103. Composition of commission.** (1) The commission shall consist of ~~five~~ three members,
25 who shall be qualified electors of the district from which they are elected ~~and subject to the qualifications in~~
26 subsection (2), with each ~~such~~ member elected from a separate district of the state.

27 (2) Each member must have at least 3 years' experience in:

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1 (a) the operations of an energy company or firm;

2 (b) the operations of a public utility, common carrier, railroad, or other regulated industry subject to

3 Title 69; or

4 (c) the fields of business, economics, engineering, finance, or law."

5
6 **Section 3.** Section 69-1-104, MCA, is amended to read:

7 **"69-1-104. Public service commission districts.** (1) In this state there are ~~five~~three public service
8 commission districts, with one commissioner elected from each district, distributed as follows:

9 (1)(a) first district: ~~Blaine, Cascade, Chouteau, Daniels, Dawson, Fergus, Garfield, Glacier, Hill, Judith~~
10 ~~Basin, Liberty, McCone, Musselshell, Petroleum, Phillips, Pondera, Richland, Roosevelt, Sheridan, Toole,~~
11 ~~Valley, and Wibaux~~ Beaverhead, Flathead, Granite, Lake, Lincoln, Madison, Mineral, Missoula, Powell, Ravalli,
12 and Sanders Counties;

13 (2)(b) second district: ~~Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud,~~
14 ~~Treasure, and Yellowstone~~ Blaine, Broadwater, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fergus,
15 Garfield, Glacier, Golden Valley, Hill, Jefferson, Judith Basin, Lewis and Clark, Liberty, McCone, Meagher,
16 Musselshell, Petroleum, Phillips, Pondera, Prairie, Richland, Roosevelt, Sheridan, Silver Bow, Teton, Toole,
17 Valley, Wheatland, and Wibaux Counties;

18 (3)(c) third district: ~~Beaverhead, Broadwater, Deer Lodge, Gallatin, Golden Valley, Jefferson,~~
19 ~~Madison, Meagher, Musselshell, Park, Silver Bow, Stillwater, Sweet Grass, and Wheatland~~ Big Horn, Carbon,
20 Carter, Custer, Fallon, Gallatin, Park, Powder River, Rosebud, Stillwater, Sweet Grass, Treasure, and
21 Yellowstone Counties;

22 (4)(d) ~~fourth district: Deer Lodge, Granite, Lincoln, Mineral, Missoula, Powell, Ravalli, and Sanders~~
23 ~~Counties;~~

24 (5)(e) ~~fifth district: Flathead, Glacier, Lake, Lewis and Clark, Pondera, and Teton Counties.~~

25 (2) The legislature shall evaluate existing commission districts during the legislative session
26 following the receipt of the official final decennial census data and may adjust commission boundaries to
27 comply with the United States constitution.

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- 1 (3) Until December 31, 2026, there may be five serving commissioners:
- 2 (a) three serving pursuant to the districts in subsection (1) and subject to the term lengths in 69-1-
- 3 105(2); and
- 4 (b) two serving as statewide representatives pursuant to 69-1-105(6)."

Section 4. Section 69-1-105, MCA, is amended to read:

"69-1-105. Term of office -- term limits. (1) The secretary of state shall determine a candidate's qualification for office pursuant to 69-1-103(2).

(1)(2) A term is for a period of 4 6 years. A member may not serve for more than two terms.

(3) (a) Beginning with the general election of 2024 pursuant to 13-1-104, a district commission member elected pursuant to this part shall serve:

(i) an initial 2-year term for the first district;

(ii) an initial 4-year term for the second district; and

(iii) an initial 6-year term for the third district.

(b) All subsequent terms for each district are 6 years.

(4) A commissioner when elected shall qualify at the time and in the manner provided by law for other state officers and shall take office on the first Monday of January after the election.

(2)(5) A commissioner shall serve until a successor is elected and qualified.

~~(3) The secretary of state or other authorized official may not certify a candidate's nomination or election to the public service commission or print or cause to be printed on any ballot the name of a candidate for the public service commission if, at the end of the current term of that office, the candidate will have served in that office or, had the candidate not resigned or been recalled, would have served in that office for 8 or more years in a 16-year period.~~

~~(4) When computing the time served for the purposes of subsection (3), the provisions of subsection (3) do not apply to time served in terms that ended during or prior to January 1995.~~

(6) Until December 31, 2026, any member with any portion of a term remaining and not standing for election in the 2024 general election may serve the remainder of that term as a statewide representative."

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

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NEW SECTION. Section 5. Effective dates -- applicability. (1) [Sections 1 and 3 through 6] are effective January 1, 2024, and apply starting with the 2024 general election.

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(2) [Section 2] is effective January 1, 2026, and applies starting with the 2026 general election.

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NEW SECTION. Section 6. Termination. [Sections 1, 3(3) and 4(6)] terminate December 31, 2026.

9

- END -