

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, 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.** The commission ~~shall consist~~ consists of five members,  
13 ~~who shall be qualified electors of the district from which they are elected;~~  
14 (1) three, with each ~~such~~ member elected from a separate district of the state pursuant to 69-1-104  
15 and subject to the term lengths in 69-1-105(2); and  
16 (2) two who shall serve as statewide representatives pursuant to 69-1-105(5)."

17  
18 **Section 2.** Section 69-1-103, MCA, is amended to read:

19 **"69-1-103. Composition of commission.** The commission ~~shall consist~~ consists of ~~five~~ three  
20 members, who ~~shall~~ must be qualified electors of the district from which they are elected, with each ~~such~~  
21 member elected from a separate district of the state."

22  
23 **Section 3.** Section 69-1-104, MCA, is amended to read:

24 **"69-1-104. Public service commission districts.** (1) In this state there are ~~five~~ three public service  
25 commission districts, with one commissioner elected from each district, ~~;~~ DISTRICTS ARE BASED ON THE HOUSE  
26 DISTRICTS SUBMITTED AS PART OF THE REDISTRICTING PLAN TO THE SECRETARY OF STATE PURSUANT TO ARTICLE V,  
27 SECTION 14, OF THE MONTANA CONSTITUTION. THE HOUSE DISTRICTS ARE distributed as follows:

**Amendment - 2nd Reading-yellow - Requested by: Russel (Russ) Tempel - (S) Committee of Whole**

- 2023

68th Legislature 2023

Drafter: Trevor Graff, 406-444-4975

SB0109.002.001

1           ~~(1)(a) first district: Blaine, Cascade, Chouteau, Daniels, Dawson, Fergus, Garfield, Glacier, Hill, Judith~~  
2 Basin, Liberty, McCone, Musselshell, Petroleum, Phillips, Pondera, Richland, Roosevelt, Sheridan, Toole,

3 Valley, and Wibaux Counties;

4           ~~(2)(b) second district: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud,~~  
5 ~~Treasure, and Yellowstone Counties;~~

6           ~~(3)(c) third district: Beaverhead, Broadwater, Deer Lodge, Gallatin, Golden Valley, Jefferson,~~  
7 ~~Madison, Meagher, Musselshell, Park, Silver Bow, Stillwater, Sweet Grass, and Wheatland Counties;~~

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

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

11           (A) FIRST DISTRICT: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 43, 44, 45  
12 Beaverhead, Flathead, Granite, Lake, Lincoln, Madison, Mineral, Missoula, Powell, Ravalli, and Sanders  
13 Counties;

14           (B) SECOND DISTRICT: 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62  
15 Blaine, Broadwater, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fergus, Garfield, Glacier, Golden  
16 Valley, Hill, Jefferson, Judith Basin, Lewis and Clark, Liberty, McCone, Meagher, Musselshell, Petroleum,  
17 Phillips, Pondera, Prairie, Richland, Roosevelt, Sheridan, Silver Bow, Teton, Toole, Valley, Wheatland, and  
18 Wibaux Counties;

19           (C) THIRD DISTRICT: 37, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 85, 86 Big  
20 Horn, Carbon, Carter, Custer, Fallon, Gallatin, Park, Powder River, Rosebud, Stillwater, Sweet Grass,  
21 Treasure, and Yellowstone Counties.;

22           ~~(D) FOURTH DISTRICT: 1, 2, 6, 8, 9, 10, 12, 13, 14, 87, 88, 89, 90, 93, 94, 95, 96, 97, 98, 100; AND~~

23           ~~(E) FIFTH DISTRICT: 3, 4, 5, 7, 11, 15, 16, 17, 18, 24, 25, 76, 80, 81, 82, 83, 84, 91, 92, 99.~~

24           (2) The legislature shall evaluate existing commission districts during the legislative session  
25 following the receipt of the official final decennial census data and may adjust commission boundaries to  
26 comply with the United States constitution DURING A LEGISLATIVE SESSION AND FOLLOWING THE RECEIPT OF THE  
27 LATEST OFFICIAL FINAL DECENNIAL CENSUS DATA, THE LEGISLATURE:

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SB0109.002.001

- 1 (A) SHALL EVALUATE EXISTING COMMISSION DISTRICTS;
- 2 (B) MAY ADJUST COMMISSION BOUNDARIES TO COMPLY WITH THE UNITED STATES CONSTITUTION;
- 3 (C) SHALL PREPARE AND ADOPT A FINAL COMMISSION DISTRICT MAP; AND
- 4 (D) SHALL FILE THE FINAL COMMISSION DISTRICT MAP WITH THE SECRETARY OF STATE.
- 5 (2) Until December 31, 2026, there may be five serving commissioners:
- 6 (a) three serving pursuant to the districts in subsection (1) and subject to the term lengths in 69-1-
- 7 105(2); and
- 8 (c) two serving as statewide representatives pursuant to 69-1-105(5)."
- 9

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

**"69-1-105. Term of office -- term limits.** (1) A term is for a period of 46 years. A member may not serve more than two terms.

(2) (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.

(3) 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)(4) 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~~

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1 ~~(3) do not apply to time served in terms that ended during or prior to January 1995.~~

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

4  
5 NEW SECTION. Section 5. Effective dates -- applicability. (1) [Sections 1 and 3 through 6] are  
6 effective January 1, 2024, and apply starting with the 2024 general election.

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

8  
9 ~~NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.~~

10  
11 NEW SECTION. Section 6. Termination. [Sections 1, 3(3), and 4(5)] terminate December 31, 2026.

12 - END -