



LEGISLATIVE COUNCIL 67th Montana Legislature

SENATE MEMBERS

Mark Blasdel
Jill Cohenour
Jason Ellsworth
Pat Flowers
JP Pomnichowski
Cary Smith

HOUSE MEMBERS

Kim Abbott
Laurie Bishop
Wylie Galt
Derek Harvey
Casey Knudsen
Rhonda Knudsen

COMMITTEE STAFF

Todd Everts - Attorney
Susan Fox - Executive Director
Fong Hom - Secretary

MINUTES LOG

January 13, 2022
Room 137 and Zoom
Helena, Montana

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MEMBERS PRESENT:

Sen. Mark Blasdel, Chair (R)
Rep. Kim Abbott, Vice Chair (D)
Rep. Laurie Bishop (D)
Sen. Jill Cohenour (D)
Sen. Pat Flowers (D)
Rep. Wylie Galt (R)
Rep. Derek Harvey (D)
Rep. Rhonda Knudsen (R)
Sen. JP Pomnichowski (D)
Sen. Cary Smith (R)

MEMBERS EXCUSED:

Sen. Jason Ellsworth (R)
Rep. Casey Knudsen (R)

STAFF PRESENT:

Susan Fox, Executive Director
Todd Everts, Attorney
Jameson Walker, Attorney
Nadine Spencer, Secretary

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

CALL TO ORDER/ROLL CALL

10:00:37 Sen. Mark Blasdel called the meeting to order at 10:00 a.m. The secretary took roll. Sen. Ellsworth and Rep. C. Knudsen were excused.

OVERVIEW AND STATUS OF THE MONTANA FEDERAL DISTRICT COURT PROCEEDINGS IN BROWN V. JACOBSEN REGARDING PUBLIC SERVICE COMMISSION DISTRICTS

10:01:34 Sen. Blasdel said today's meeting is in response to questions from Council members regarding the court case that was filed and what ramifications it could have for the Legislature. He said it is important to form a process during the interim before the 2023 Legislative Session.

Legal Services Office Staff

10:03:38 Jameson Walker, Legal Services Office staff, Legislative Services Division (LSD), presented a summary of the district court case and the legal principles raised. He discussed the Plaintiff's Complaint ([Exhibit 1](#)) and the Plaintiff's Motion ([Exhibit 2](#)).

10:12:53 Mr. Walker said the court issued a temporary restraining order on December 22, 2021, preventing the Montana Secretary of State from certifying candidates for the Public Service Commission (PSC) in Districts 1 and 5. ([Exhibit 3](#))

10:13:33 Mr. Walker said the Montana Attorney General filed a brief responding to the motion for a temporary restraining order. ([Exhibit 4](#))

10:18:59 Mr. Walker said the court held a hearing last Friday and decided to extend the temporary restraining order until January 18, 2022.

Questions from the Council

10:20:01 Sen. Cohenour asked Mr. Walker if there was any discussion regarding the possibility that the PSC districts could have been redistricted during the 2013 Legislative Session.

LEGISLATIVE COUNCIL DISCUSSION ON LEGISLATIVE AND LEGAL OPTIONS REGARDING BROWN V. JACOBSEN

10:22:13 Sen. Blasdel asked Todd Everts, Legal Director, LSD, about any legislative legal options.

10:22:46 Sen. Blasdel said this is an important issue that needs to be brought before the 2023 Legislature. He said Legislative Council needs to be kept informed.

Public Comment

None

Council Discussion

10:24:18 Sen. Blasdel asked Mr. Walker about the upcoming Energy and Telecommunications Committee (ETIC) meeting in January and the request by one of its members to discuss redistricting the PSC.

10:27:09 Sen. Pomnichowski said all the legislative districts will be redistricted this year and asked Mr. Walker if there has been any consideration to use legislative districts instead of county lines for PSC districts.

10:28:47 Sen. Pomnichowski asked Mr. Walker about outreach to the members of the Legislative Consumer Committee.

10:30:31 Sen. Pomnichowski asked Mr. Walker about a date for the next court hearing.

10:31:32 Sen. Pomnichowski asked Mr. Walker if PSC candidates for Districts 1 and 5 can file for election once the temporary restraining order expires.

10:33:34 Sen. Blasdel thanked the Council members.

ADJOURNMENT

10:35:08 Sen. Blasdel adjourned the meeting at 10:35 a.m.