

SENATE BILL NO. 309

INTRODUCED BY S. MALEK

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE ESTABLISHMENT OF PUBLIC SERVICE COMMISSION DISTRICTS; REQUIRING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE TO REVIEW THE COMMISSION DISTRICTS AND MAKE RECOMMENDATIONS TO REVISE THE SIZE AND COMPOSITION OF THE COMMISSION; AMENDING SECTION 5-5-230, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Energy and telecommunications interim committee -- redistricting for public service commission. (1) (a) In the 2021-2022 interim, using the county population figures for each federal population census, the energy and telecommunications interim committee provided for in 5-5-230 shall review the public service commission districts provided for in 69-1-104 and recommend changes to the legislature to revise the commission from five districts to three districts.

(b) Beginning in 2023, in each interim following the release of county population figures for each federal population census, the energy and telecommunications interim committee shall review the public service commission districts provided for in 69-1-104.

(2) In developing a plan for revising public service commission districts, the committee shall:

- (a) comply with the requirements of [section 2];
- (b) complete its work before September 15 of the year preceding a legislative session; and
- (c) submit its recommendations to the legislature in the form of draft legislation or in the form of a report if draft legislation is not needed and changes to the districts are unnecessary.

(3) The committee may consult with the public service commission and with the districting and apportionment commission provided for in Title 5, chapter 1, part 1, in preparing the plan.

(4) (a) Before the committee submits a public service commission redistricting plan to the legislature, it shall hold at least one public hearing on the plan at the state capitol.

(b) The committee may hold other hearings as it considers necessary.



1 **NEW SECTION. Section 2. Redistricting criteria.** (1) In the development of public service commission
2 districts, a plan must provide for three public service commission districts, with one commissioner elected from
3 each district, distributed as follows:

- 4 (a) The districts must be as equal as practicable based on population.
5 (b) District boundaries must coincide with the boundaries of counties of the state.
6 (c) The districts must be contiguous, meaning that the district must be in one piece.
7 (d) The districts must contemplate the number of utility customers versus the number of cooperative utility
8 customers.

9 (2) A district may not be drawn for the purpose of favoring a political party or an incumbent public service
10 commissioner. The following data or information may not be considered in the development of a plan:

- 11 (a) addresses of incumbent public service commissioners;
12 (b) political affiliations of registered voters;
13 (c) partisan political voter lists; and
14 (d) previous election results unless required as a remedy by a court.

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16 **Section 3.** Section 5-5-230, MCA, is amended to read:

17 **"5-5-230. Energy and telecommunications interim committee.** The energy and telecommunications
18 interim committee:

19 (1) has administrative rule review, draft legislation review, program evaluation, and monitoring functions
20 for the department of public service regulation and the public service commission; and

21 (2) is responsible for recommending public service commission districts and redistricting in accordance
22 with [sections 1 and 2]."

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24 **NEW SECTION. Section 4. Transition.** The terms of office of all current commissioners continue until
25 expiration of their term.

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27 **NEW SECTION. Section 5. Notification to tribal governments.** The secretary of state shall send a
28 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
29 Chippewa tribe.

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1 NEW SECTION. **Section 6. Codification instruction.** [Sections 1 and 2] are intended to be codified
2 as an integral part of Title 69, chapter 1, part 1, and the provisions of Title 69, chapter 1, part 1, apply to [sections
3 1 and 2].

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5 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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