

HB 753 INTRODUCED BY RAMIREZ, ET AL.
APPOINTMENT OF PUBLIC SERVICE COMMISSIONERS

2/14 INTRODUCED

2/14 REFERRED TO STATE ADMINISTRATION

2/18 HEARING

2/19 COMMITTEE REPORT--BILL NOT PASSED

2/20 ADVERSE COMMITTEE REPORT ADOPTED

70 20

1
 2 INTRODUCED BY *House* BILL NO. *753*
 3 *GRINOR* *J. Brown* *Meek* *Switzer* *Godwin*

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 APPOINTMENT OF PUBLIC SERVICE COMMISSIONERS; PROVIDING FOR A
 6 NOMINATING COMMITTEE; PROVIDING FOR TRANSITION TO AN
 7 APPOINTED COMMISSION; AND AMENDING SECTIONS 69-1-102 THROUGH
 8 69-1-107, MCA."

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

11 Section 1. Section 69-1-102, MCA, is amended to read:
 12 "69-1-102. Creation of public service commission. A
 13 There is a public service commission is--hereby--created,
 14 whose duty it is to supervise and regulate the operations of
 15 public utilities, common carriers, railroads, and other
 16 regulated industries listed in this title. Such supervision
 17 and regulation shall be in conformity with this title."

18 Section 2. Section 69-1-103, MCA, is amended to read:
 19 "69-1-103. Composition of commission. (1) The
 20 commission shall consist of five members, who shall be
 21 qualified electors of the district from which they are
 22 elected appointed, with each such member elected appointed
 23 from a separate district of the state.

24 (2) Members of the commission are appointed by the
 25 governor, subject to confirmation by the senate."

1 Section 3. Section 69-1-104, MCA, is amended to read:
 2 "69-1-104. Public service commission districts. In
 3 this state there are five public service commission
 4 districts, with one commissioner ~~elected~~ appointed from each
 5 district, distributed as follows:

6 (1) first district: Blaine, Chouteau, Daniels, Dawson,
 7 Fergus, Garfield, Glacier, Golden Valley, Hill, Liberty,
 8 McCone, Musselshell, Petroleum, Phillips, Pondera, Prairie,
 9 Richland, Roosevelt, Sheridan, Toole, Valley, and Wibaux
 10 Counties;

11 (2) second district: Big Horn, Carbon, Carter, Custer,
 12 Fallon, Powder River, Rosebud, Stillwater, Sweet Grass,
 13 Treasure, and Yellowstone Counties;

14 (3) third district: Broadwater, Cascade, Jefferson,
 15 Judith Basin, Lewis and Clark, Meagher, Teton, and Wheatland
 16 Counties;

17 (4) fourth district: Beaverhead, Deer Lodge, Gallatin,
 18 Granite, Madison, Park, Powell, Ravalli, and Silver Bow
 19 Counties;

20 (5) fifth district: Flathead, Lake, Lincoln, Mineral,
 21 Missoula, and Sanders Counties."

22 Section 4. Section 69-1-105, MCA, is amended to read:
 23 "69-1-105. Term of office. (1) Every term shall be for
 24 a period of 4 years. Said commissioners when ~~elected~~
 25 appointed will qualify at the time and in the manner

1 provided by law for other state officers and shall take
2 office on the first Monday of January, next after their
3 election appointment.

4 (2) Each of said members of said commission, so
5 elected appointed, shall serve until his successor is
6 elected-and-qualified appointed and confirmed."

7 Section 5. Section 69-1-106, MCA, is amended to read:

8 "69-1-106. Vacancies. Any vacancy occurring in the
9 commission shall be filled by appointment by the governor.
10 ~~Such appointee shall hold office until the next general~~
11 ~~election and until his successor is elected and qualified.~~
12 ~~At the biennial election following the occurrence of any~~
13 ~~vacancy in the commission, there shall be elected one member~~
14 to fill out the unexpired term for which such vacancy
15 exists."

16 Section 6. Section 69-1-107, MCA, is amended to read:

17 "69-1-107. Chairman of commission. A chairman shall be
18 selected by the commission from its membership at the first
19 meeting of each odd-numbered year ~~after a general election~~."

20 NEW SECTION. Section 7. Public service commissioners
21 nominating committee. (1) There is a public service
22 commissioners nominating committee which shall provide the
23 governor with a list of three candidates to fill any vacancy
24 on the public service commission.

25 (2) The committee consists of seven members as

1 follows:

- 2 (a) one member appointed by the supreme court;
3 (b) one member appointed by the legislative consumer
4 committee;
5 (c) one member appointed by the governor;
6 (d) one member appointed by the majority leader in the
7 house of representatives;
8 (e) one member appointed by the majority leader in the
9 senate;
10 (f) one member appointed by the minority leader in the
11 house of representatives; and
12 (g) one member appointed by the minority leader in the
13 senate.
14 (3) Members shall serve terms of 4 years.
15 (4) In the event a vacancy occurs on the committee, a
16 replacement must be selected for the remainder of the term
17 by the appointing authority.
18 (5) One member must be selected as secretary of the
19 committee and shall keep a record of all proceedings of the
20 committee.
21 (6) Four members constitute a quorum for the
22 transaction of business. To submit a name to the governor,
23 there must be a concurrence of at least four members.
24 (7) A member of the committee is not eligible for
25 nomination as a public service commissioner during his term

1 on the committee or for 1 year thereafter.

2 (8) Members of the committee are not entitled to
3 compensation for their services but are entitled to travel
4 expenses in accordance with Title 2, chapter 18, part 5.

5 NEW SECTION. Section 8. Selection of candidates. (1)
6 The nominating committee shall meet immediately after a
7 vacancy occurs on the public service commission and submit
8 to the governor, within 30 days from the date of the
9 vacancy, a list of three persons.

10 (2) Any qualified elector may apply to the committee
11 for consideration.

12 (3) The committee shall consider each applicant's
13 education, experience, and training and select the names of
14 the three most qualified applicants for each vacant
15 position.

16 (4) The governor shall make one nomination from the
17 three names submitted.

18 NEW SECTION. Section 9. Confirmation by senate. Each
19 nomination must be confirmed by the senate, but a nomination
20 made while the legislature is not in session is effective as
21 a confirmed appointment until the end of the next session.
22 If the nomination is not confirmed, the office is vacant and
23 another selection and nomination must be made.

24 NEW SECTION. Section 10. Election vote of confidence.
25 At the first general election after confirmation, the name

1 of the appointed public service commissioner shall be placed
2 on the ballot to allow voters of the state to approve or
3 reject his appointment.

4 NEW SECTION. Section 11. Transition schedule. The
5 term of office of an elected public service commissioner may
6 not be shortened pursuant to this act. Appointments to the
7 public service commission shall be effective on the first
8 Monday in January of the year in which an elected commission
9 member's term would expire.

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