

SENATE BILL 186

Introduced by McClernan, et al.

1/18	Introduced
1/18	Fiscal Note Requested
1/18	Referred to State Administration
1/18	First Reading
1/23	Fiscal Note Received
1/23	Fiscal Note Printed
2/01	Hearing
2/18	Committee Report--Bill Passed as Amended
2/19	2nd Reading Passed
2/20	3rd Reading Passed

	Transmitted to House
2/23	Referred to State Administration
2/23	First Reading
3/10	Hearing
3/17	Tabled in Committee

1 Sen. Helle BILL NO. 186
2 INTRODUCED BY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COMMITTEE TO
5 REAPPORTION THE PUBLIC SERVICE COMMISSION DISTRICTS;
6 PROVIDING CRITERIA FOR THE REAPPORTIONMENT OF THE PUBLIC
7 SERVICE COMMISSION DISTRICTS; AND PROVIDING THAT THE NEW
8 REAPPORTIONMENT PLAN FOR PUBLIC SERVICE COMMISSION DISTRICTS
9 BE PRESENTED TO THE NEXT LEGISLATURE."

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

12 NEW SECTION. **Section 1.** Committee to redistrict and
13 reapportion public service commission districts --
14 composition -- criteria -- submission of plan to legislature
15 -- dissolution. (1) During the session to which the
16 districting and apportionment commission presents the final
17 plan of the legislative district reapportionment, a
18 committee of five citizens, none of whom may be public
19 officials, must be selected to review and revise the public
20 service commission districts as provided in 69-1-104.

21 (2) The majority and minority leaders of each house
22 shall each designate a committee member from an existing
23 public service commission district. There may be no more
24 than one committee member from each existing public service
25 commission district. Within 20 days after their designation,

1 the committee members shall select a presiding officer of
2 the committee from the remaining public service commission
3 district not represented on the committee. If the members
4 fail to select the presiding officer within the time
5 prescribed, a majority of the supreme court shall select the
6 presiding officer.

7 (3) The committee shall use the following criteria in
8 preparing the plan:

9 (a) The population of each district must be as nearly
10 equal in population as is practicable.

11 (b) The relative population deviation from the ideal
12 population for an individual district may not exceed plus or
13 minus 5%.

14 (c) The official, final results of the federal
15 decennial census are the exclusive permissible data base for
16 population to be used in the development of the public
17 service commission districts.

18 (d) Existing county lines must be respected.

19 (e) Communities of interest, as indicated by trade
20 areas, common communication and transportation systems, and
21 similar social, cultural, and economic interests, must be
22 preserved.

23 (4) The committee shall submit the plan to the
24 legislature in the form of a bill for consideration at the
25 first regular session after the committee's appointment.

1 (5) Upon submitting the plan to the legislature, the
2 committee is dissolved.

3 NEW SECTION. Section 2. Vacancy on committee. (1) In
4 the event that a vacancy occurs on the committee, the
5 appointing authority of the vacated seat shall designate a
6 successor.

7 (2) In the event that the appointing authority at the
8 time a vacancy occurs is of the opposite political party
9 from that of the appointing authority that made the
10 appointment that is vacant, the majority or minority leader
11 of the same political party as the appointing authority that
12 made the original appointment of the committee member whose
13 position is vacated shall designate the successor.

14 NEW SECTION. Section 3. Restriction on committee
15 members seeking election to public service commission. A
16 member of the committee may not run for election to a public
17 service commission district within 2 years after the
18 districting and apportionment plan in which the committee
19 member participated is submitted to the legislature.

20 NEW SECTION. Section 4. Compensation and expenses.
21 Committee members are entitled to the same compensation and
22 expenses as provided to members of the legislature in
23 5-2-302 while attending committee meetings or carrying out
24 the official duties of the committee.

25 NEW SECTION. Section 5. Legislative council to provide

1 technical and clerical services -- assistance of state
2 agencies. (1) The executive director of the legislative
3 council, under the direction of the legislature, shall
4 provide the technical staff and clerical services that the
5 committee needs to prepare the public service commission
6 districting and apportionment plan.

7 (2) Upon request, state agencies shall cooperate with
8 the committee and furnish technical assistance and
9 consulting personnel.

10 NEW SECTION. Section 6. Codification instruction.
11 [Sections 1 through 5] are intended to be codified as an
12 integral part of Title 69, chapter 1, part 1, and the
13 provisions of Title 69, chapter 1, part 1, apply to
14 [sections 1 through 5].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0186, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act creating a committee to reapportion the Public Service Commission districts; providing for the reapportionment of Public Service Commission districts; providing that a reapportionment plan for Public Service Commission districts be presented to the next (1995) Legislature.

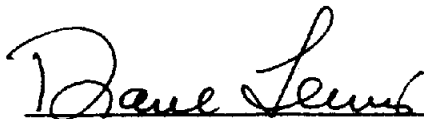
ASSUMPTIONS:

1. The Public Service Commission (PSC) Redistricting Commission is composed of five members.
2. The PSC Redistricting Commission will hold 10 meetings. The 10 meetings will include at least five hearings, at least one hearing in each district, throughout the state to accept testimony on proposed PSC districts.
3. Current Legislative Council staff will do advance work in creating newly apportioned PSC districts, including traveling to the areas affected by the proposed district boundaries. Legislative Council staff will also accompany the Redistricting Commission members at all public hearings.
4. The cost of operating the Redistricting Commission, including conducting the public hearings, salary, per diem, and travel for the commission members, will be about \$18,361.
5. The cost of Legislative Council staff travel and per diem will be about \$3,500.
6. The costs incurred by the Redistricting Commission will be biennial.
7. The Legislative Council has not requested funding for the Redistricting Commission.

Expenditures:

	<u>FY94</u>			<u>FY95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Legislative Council-</u>						
<u>Interim Studies & Conferences:</u>						
FTE	2.47	2.47	0.00	2.47	2.47	0.00
Personal Services	79,507	87,222	7,715	0	0	0
Operating Expenses	<u>590,109</u>	<u>600,755</u>	<u>10,646</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	669,616	687,977	18,361	0	0	0
<u>Funding:</u>						
General Fund	665,007	683,368	18,361	0	0	0
State Special Revenue	<u>4,609</u>	<u>4,609</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	669,616	687,977	18,361	0	0	0

(continued)

 1-23-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

HENRY MCCLERNAN, PRIMARY SPONSOR DATE

Fiscal Note for SB0186, as introduced

5B 186

	<u>FY94</u>			<u>FY95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Legislative Council:</u>						
FTE	40.50	40.50	0.00	45.67	45.67	0.00
Personal Services	1,628,672	1,628,672	0	1,785,172	1,785,172	0
Operating Costs	978,095	981,595	3,500	643,241	643,241	0
Equipment	<u>329,031</u>	<u>329,031</u>	<u>0</u>	<u>362,231</u>	<u>362,231</u>	<u>0</u>
Total	2,935,798	2,939,298	3,500	2,790,644	2,790,644	0
<u>Funding:</u>						
General Fund	2,043,694	2,047,194	3,500	2,372,893	2,372,893	0
State Special Revenue	<u>892,104</u>	<u>892,104</u>	<u>0</u>	<u>417,751</u>	<u>417,751</u>	<u>0</u>
Total	2,935,798	2,939,298	3,500	2,790,644	2,790,644	0
<u>Net Impact</u> on General Fund			(21,861)			0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

PSC districts will be apportioned based on population data from the decennial census and will more accurately allow representation on the PSC on a "one person, one vote" basis. There is no discernable long-term financial effect of this legislation.

TECHNICAL NOTES:

1. There is no indication that newly drawn PSC districts must be compact or contiguous. If the districts are to be compact or contiguous, the Redistricting Commission should be so instructed.
2. The PSC Redistricting Commission should be given a specific date or legislative day by which the redistricting plan must be submitted to the Legislature.

SB 186

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 186

INTRODUCED BY MCCLERNAN, TOWE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~CREATING--A--COMMITTEE~~
AUTHORIZING THE DISTRICTING AND APPORTIONMENT COMMISSION TO
REAPPORTION THE PUBLIC SERVICE COMMISSION DISTRICTS;
PROVIDING CRITERIA FOR THE REAPPORTIONMENT OF THE PUBLIC
SERVICE COMMISSION DISTRICTS; AND PROVIDING THAT THE NEW
REAPPORTIONMENT PLAN FOR PUBLIC SERVICE COMMISSION DISTRICTS
BE PRESENTED TO THE NEXT LEGISLATURE ALONG WITH THE
LEGISLATIVE REDISTRICTING PLAN."

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

NEW SECTION. Section 1. ~~Committee~~ COMMISSION to
redistrict and reapportion public service commission
districts -- composition--- criteria -- submission of plan
to legislature ----dissolution. (1) During the session to
which the districting and apportionment commission presents
the final plan of the legislative district reapportionment,
~~a-committee-of-five-citizens,-none-of-whom-may-be-public~~
~~officials,-must-be-selected-to-review-and-revise~~ THE
DISTRICTING AND APPORTIONMENT COMMISSION MAY ALSO PRESENT A
FINAL PLAN FOR THE REDISTRICTING AND REAPPORTIONMENT OF the
public service commission districts as provided in 69-1-104.

~~(2)--The-majority-and-minority-leaders-of-each-house~~

~~shall-each-designate-a-committee-member--from--an--existing~~
~~public--service--commission--district.--There-may-be-no-more~~
~~than-one-committee-member-from-each-existing-public--service~~
~~commission-district.--Within-20-days-after-their-designation,~~
~~the--committee--members--shall-select-a-presiding-officer-of~~
~~the-committee-from-the-remaining-public--service--commission~~
~~district--not--represented--on-the-committee.--If-the-members~~
~~fail--to--select--the--presiding--officer--within--the--time~~
~~prescribed,-a-majority-of-the-supreme-court-shall-select-the~~
~~presiding-officer.~~

~~(3)(2)~~ The committee DISTRICTING AND APPORTIONMENT
COMMISSION shall use the following criteria in preparing the
plan:

(a) The population of each district must be as nearly
equal in population as is practicable.

~~(b)--The-relative-population-deviation--from--the--ideal~~
~~population-for-an-individual-district-may-not-exceed-plus-or~~
~~minus-5%.~~

~~(c)(B)~~ The official, final results of the federal
decennial census are the exclusive permissible data base for
population to be used in the development of the public
service commission districts.

~~(d)(C)~~ Existing county lines must be respected.

~~(e)(D)~~ Communities of interest, as indicated by trade
areas, common communication and transportation systems, and

similar social, cultural, and economic interests, must be preserved.

{4}--The---committee---shall---submit---the---plan---to---the legislature-in-the-form-of-a-bill-for-consideration--at--the first-regular-session-after-the-committee's-appointment;

{5}--Upon--submitting--the--plan-to-the-legislature,--the committee-is-dissolved;

{3} BEFORE THE DISTRICTING AND APPORTIONMENT COMMISSION TRANSMITS ANY PLAN FOR REAPPORTIONMENT OF THE PUBLIC SERVICE COMMISSION DISTRICTS TO THE LEGISLATURE, THE DISTRICTING AND APPORTIONMENT COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE PLAN.

{4} ANY PLAN FOR THE REAPPORTIONMENT OF THE PUBLIC SERVICE COMMISSION DISTRICTS MUST BE PRESENTED TO THE LEGISLATURE IN THE FORM OF DRAFT LEGISLATION, MAKING ANY CHANGES THAT THE DISTRICTING AND APPORTIONMENT COMMISSION DETERMINES NECESSARY IN THE PUBLIC SERVICE COMMISSION DISTRICTS AS PROVIDED IN 69-1-104. ANY PLAN MUST BE TRANSMITTED TO THE LEGISLATURE AT THE TIME PROVIDED IN 5-1-109.

{5} UPON THE REQUEST OF THE DISTRICTING AND APPORTIONMENT COMMISSION, STATE AGENCIES SHALL COOPERATE WITH THE COMMISSION AND FURNISH TECHNICAL ASSISTANCE AND CONSULTING PERSONNEL.

NEW-SECTION:--Section-2.--Vacancy-on-committee--(1)-in--

the-event-that--a--vacancy--occurs--on--the--committee,--the appointing--authority--of-the-vacated-seat-shall-designate-a successor;

{2}--in-the-event-that-the-appointing-authority--at--the time--a--vacancy--occurs--is-of-the-opposite-political-party from--that--of--the--appointing--authority--that--made--the appointment--that-is-vacant,--the-majority-or-minority-leader of-the-same-political-party-as-the-appointing-authority-that made-the-original-appointment-of-the-committee-member--whose position-is-vacated-shall-designate-the-successor;

NEW-SECTION:--Section-3.--Restriction---on---committee-- members--seeking--election--to--public-service-commission:--A member-of-the-committee-may-not-run-for-election-to-a-public service--commission--district--within--2--years--after--the districting--and--apportionment--plan-in-which-the-committee member-participated-is-submitted-to-the-legislature;

NEW-SECTION:--Section-4.--Compensation---and---expenses:-- Committee-members-are-entitled-to-the-same-compensation--and expenses--as--provided--to--members--of--the--legislature-in 5-2-302-while-attending-committee-meetings-or--carrying--out the-official-duties-of-the-committee;

NEW-SECTION:--Section-5.--legislative-council-to-provide-- technical--and--clerical--services-----assistance--of-state agencies--(1)-The--executive--director--of--the--legislative council,--under--the--direction--of--the--legislature,--shall

1 ~~provide--the--technical-staff-and-clerical-services-that-the~~
2 ~~committee-needs-to-prepare--the--public--service--commission~~
3 ~~districting-and-apportionment-plan-~~

4 ~~{2}--Upon--request,--state-agencies-shall-cooperate-with~~
5 ~~the--committee--and---furnish---technical---assistance---and~~
6 ~~consulting-personnel-~~

7 NEW SECTION. Section 2. Codification instruction.
8 ~~{Sections--1--through--5}--are~~ [SECTION 1] IS intended to be
9 codified as an integral part of Title 69, chapter 1, part 1,
10 and the provisions of Title 69, chapter 1, part 1, apply to
11 ~~{sections-1-through-5}~~ [SECTION 1].

-End-

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21 officials;-must-be-selected-to-review-and-revise THE
22 DISTRICTING AND APPORTIONMENT COMMISSION MAY ALSO PRESENT A
23 FINAL PLAN FOR THE REDISTRICTING AND REAPPORTIONMENT OF the
24 public service commission districts as provided in 69-1-104.

25 {2}--The--majority--and--minority--leaders-of-each-house

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3 than-one-committee-member-from-each-existing-public--service
4 commission-district;-Within-20-days-after-their-designation,
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7 district--not--represented--on-the-committee;-if-the-members
8 fail--to--select--the--presiding-officer--within--the--time
9 prescribed,-a-majority-of-the-supreme-court-shall-select-the
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25 areas, common communication and transportation systems, and

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(5) Upon submitting the plan to the legislature, the committee is dissolved.

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the event that a vacancy occurs on the committee, the appointing authority of the vacated seat shall designate a successor.

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2 committee--needs--to--prepare--the--public--service--commission
3 districting--and--apportionment--plan;

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