

SENATE BILL NO. 561

INTRODUCED BY D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE SELECTION OF MEMBERS OF
THE PUBLIC SERVICE COMMISSION; AMENDING SECTIONS 69-1-103, 69-1-104, 69-1-105, AND 69-1-106,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-1-103, MCA, is amended to read:

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

(2) Two members must be elected. The elected members must be qualified electors of the district
from which they are elected, with each member elected on a partisan basis from a separate district of the state
as provided in 69-1-104. The elected members must meet the qualifications in [section 8].

(3) Three members must be appointed by the governor in accordance with 2-15-201 and
confirmed by the senate by the process provided in [section 6]."

Section 2. Section 69-1-104, MCA, is amended to read:

"69-1-104. Public service commission districts. (1) In this state there are ~~five~~ two public service
commission districts, with one commissioner elected from each district. Districts are based on the federal house
districts submitted as part of the redistricting plan to the secretary of state pursuant to Article V, section 14, of
the Montana constitution. ~~The house districts are distributed as follows:~~

~~(a) first district: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 43, 44, 45;~~

~~(b) second district: 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62;~~

~~(c) third district: 37, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 85, 86;~~

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Zolnikov - (H) State Administration

- 2025

69th Legislature 2025

Drafter: Rebecca Power,

SB0561.001.002

1 (2) An entity that is subject to regulation by the commission may not put forward candidate
2 suggestions to the governor for consideration.

3 (3) The governor shall ensure that candidates meet the requirements provided in [section 5] before
4 announcing their nomination.

5 (4) (a) During the confirmation process, the senate shall confirm that the governor's assessment of
6 the candidates' qualifications is accurate. The senate may also explore the ethics and fitness for office of the
7 candidates.

8 (b) The senate may refuse an appointment based on criteria not listed here or in [section 5].
9

10 NEW SECTION. Section 7. Transition. (1) The commissioners in office on [the effective date of this
11 act] shall serve out the remainder of their respective terms.

12 (2) (a) On [the effective date of this act], the commissioner for the second district becomes the
13 commissioner for the eastern congressional district and the commissioner for the third district becomes the
14 commissioner for the western congressional district. These commission seats will remain election positions
15 pursuant to 69-1-103.

16 (b) A commissioner elected at the general election in 2028 and in subsequent elections serves a
17 6-year term as provided in 69-1-105 and pursuant to the qualifications in [section 8].

18 (3) No later than January 1, 2027, the governor shall appoint commissioners to fill the seats for the
19 current first and fifth districts when the current commissioners' terms end.

20 (4) No later than January 1, 2029, the governor shall appoint a commissioner to fill the seat for the
21 current fourth district when the current commissioner's term ends.
22

23 NEW SECTION. Section 8. Qualifications for elected commissioners. (1) An elected
24 commissioner must have a minimum of 4 years of separation from any professional affiliation with an entity or
25 affiliated company of an entity that is subject to regulation by the commission.

26 (2) An ~~appointed~~elected commissioner, spouse, or minor children may not have financial interests
27 in any entity or affiliated company of an entity that is subject to regulation by the commission.

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Zolnikov - (H) State Administration

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(3) An ~~appointed~~elected commissioner must be a citizen of the United States and must have resided in the state of Montana for a minimum of 2 years immediately prior to appointment.

NEW SECTION. Section 9. Codification instruction. [Sections 5, 6 and 8] are intended to be codified as an integral part of Title 69, chapter 1, part 1, and the provisions of Title 69, chapter 1, part 1, apply to [sections 5, 6, and 8].

NEW SECTION. Section 10. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 11. Effective date. [This act] is effective on passage and approval.

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