

HOUSE BILL NO. 726

INTRODUCED BY J. READ, T. SMITH

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING WATER COMPACT AUTHORITY TO THE PUBLIC SERVICE COMMISSION; PROVIDING PUBLIC SERVICE COMMISSION ADMINISTRATION OF THE RESERVED WATER RIGHTS COMPACT COMMISSION; AMENDING SECTIONS 2-15-212 AND 69-1-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 2-15-212, MCA, is amended to read:

**"2-15-212. Reserved water rights compact commission.** (1) There is created a reserved water rights compact commission. In negotiations, the commission is acting on behalf of the governor.

(2) Subject to 5-5-234, commissioners are appointed as follows:

(a) two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party;

(b) two members of the senate appointed by the president, one from the majority party and one from the minority party;

(c) four members designated by the governor; and

(d) one member designated by the attorney general.

(3) Legislative members of the commission are entitled to receive compensation and expenses as provided in 5-2-301 for each day actually spent on commission business. Other members are entitled to salary and expenses as state employees.

(4) The commission is attached to the ~~department of natural resources and conservation~~ department of public service regulation for administrative purposes only, as prescribed in 2-15-121, unless inconsistent with the provisions of Title 85, chapter 2, part 7. A sufficient and appropriate staff must be assigned to serve the commission within the budget established by the legislature. The commission staff is a principal unit within the department, and the commission shall direct and assign the staff.

1           (5)       Members are appointed for 4-year terms and may be reappointed. A legislative member  
 2 position is vacant if the person no longer serves in the legislature. The position of a member appointed by the  
 3 governor or attorney general is vacant if that person is elected to the legislature. A vacancy must be filled in the  
 4 manner of the original appointment."

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6           **Section 2.** Section 69-1-102, MCA, is amended to read:

7           **"69-1-102. Creation of public service commission.** A public service commission is hereby created,  
 8 whose duty it is to supervise and regulate the operations of public utilities, common carriers, railroads, and  
 9 other regulated industries listed in this title and manage the state's duties and authorities regarding water  
 10 compacts under Title 85, chapter 20. Such supervision and regulation ~~shall~~ must be in conformity with this title."

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12           NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send a  
 13 copy of [this act] to each federally recognized tribal government in Montana.

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15           NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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