

SENATE BILL NO. 441

INTRODUCED BY MAZUREK, B. BROWN, PINSONEAULT, CRIPPEN

IN THE SENATE

FEBRUARY 19, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 26, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

 FIRST READING.

MARCH 15, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 19, 1991 SECOND READING, CONCURRED IN.

MARCH 20, 1991 THIRD READING, CONCURRED IN.
AYES, 89; NOES, 9.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 23, 1991 ON MOTION, CONSIDERATION PASSED
UNTIL THE 64TH LEGISLATIVE DAY.

MARCH 28, 1991 SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED.

APRIL 5, 1991

CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 6, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 24, 1991

CONFERENCE COMMITTEE REPORTED.

APRIL 25, 1991

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 25, 1991

CONFERENCE COMMITTEE REPORT
ADOPTED.

IN THE SENATE

APRIL 25, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *441*
 2 INTRODUCED BY *Megyn Bob Brown President*
 3 *Cyr*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
 5 GOVERNING THE JUDICIAL NOMINATION COMMISSION; EXTENDING ALL
 6 TERMS OF MEMBERS TO 4 YEARS; LIMITING MEMBERS TO TWO TERMS;
 7 IMPLEMENTING STAGGERED TERMS FOR ALL MEMBERS; PROVIDING FOR
 8 PUBLIC NOTICE OF VACANCIES; PROVIDING FOR PUBLIC COMMENT ON
 9 APPLICATIONS; AMENDING SECTIONS 3-1-1001, 3-1-1002,
 10 3-1-1007, AND 3-1-1010, MCA; AND PROVIDING AN APPLICABILITY
 11 DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 3-1-1001, MCA, is amended to read:
 15 "3-1-1001. Creation, composition, and function of
 16 commission. (1) A judicial nomination commission for the
 17 state is created. Its function is to provide the governor
 18 with a list of candidates for appointment to fill any
 19 vacancy on the supreme court or any district court and to
 20 provide the chief justice of the supreme court with a list
 21 of candidates for appointment to fill any term or vacancy
 22 for the chief water judge pursuant to 3-7-221. The
 23 commission shall be composed of seven members as follows:
 24 (a) four lay members who are neither judges nor
 25 attorneys, active or retired, who reside in different

1 geographical areas of the state, and each of whom is
 2 representative of a different industry, business, or
 3 profession, whether actively so engaged or retired, who
 4 shall be appointed by the governor;

5 (b) two attorneys actively engaged in the practice of
 6 law, one from each congressional district, who reside in
 7 different geographical areas of the state and who shall be
 8 appointed by the supreme court;

9 (c) one district judge elected by the district judges
 10 under an elective procedure initiated and conducted by the
 11 supreme court and certified to such election by the chief
 12 justice of the supreme court. The election shall be
 13 considered an appointment for the purposes of this part.

14 (2) Appointments provided for in this section shall be
 15 made within 30 days of the completion of the preceding
 16 terms."

17 **Section 2.** Section 3-1-1002, MCA, is amended to read:
 18 "3-1-1002. Staggered terms of members. (1) ~~All original~~
 19 ~~members named to~~ Members of the commission shall serve until
 20 ~~January 17, 1976. Their successors shall serve as follows:~~
 21 ~~(a) The members appointed by the governor shall serve~~
 22 ~~staggered 4-year terms.~~
 23 ~~(b) The attorneys appointed by the supreme court shall~~
 24 ~~serve 2-year terms.~~
 25 ~~(c) The judge elected shall serve a 2-year term.~~



-2-
 INTRODUCED BILL
 SB 441

1 ~~(2) Thereafter all members shall~~ A member may not serve
2 terms of 4 years; more than two full 4-year terms."

3 **Section 3.** Section 3-1-1007, MCA, is amended to read:

4 "3-1-1007. Commission to make rules -- confidentiality
5 of proceedings. (1) The commission shall make adopt and
6 publish rules:

7 (a) for the conduct of its affairs and the format of
8 reports filed under 3-1-1010;

9 (b) establishing a procedure for providing the public
10 with notice of a vacancy within 10 days of receipt of the
11 notice of the vacancy;

12 (c) establishing an application period of not less than
13 30 days from the date of public notice under subsection
14 (1)(b) and the procedure for applying for a position; and

15 (d) establishing a reasonable period for reviewing
16 applications and interviewing of applicants that provides at
17 least 15 days for public comment concerning applicants.

18 (2) A copy of the rules must be filed with the clerk of
19 the supreme court.

20 (3) The total time from receipt of notice of a vacancy
21 until a list of names is submitted to the governor or chief
22 justice may not exceed 90 days.

23 ~~(2)~~(4) The proceedings of the commission and the
24 related documents shall be open to the public except when
25 the demands of individual privacy clearly exceed the merits

1 of public exposure disclosure."

2 **Section 4.** Section 3-1-1010, MCA, is amended to read:

3 "3-1-1010. Lists submitted to governor and chief
4 justice -- report on proceedings. (1) If a supreme court
5 justice, or a district judge, or the chief water judge gives
6 notice of his resignation to take effect on a specific date,
7 the commission shall meet as soon as possible after the
8 justice's or judge's proposed resignation date has been
9 verified by the chief justice of the supreme court. If no
10 notice is given, the commission shall meet as soon as
11 possible after a vacancy occurs. The meeting must be held in
12 compliance with 3-1-1007. The commission shall submit to the
13 governor or chief justice, within 30--days--after--the
14 resignation-date-has-been-verified-by-the-chief-justice--or
15 within-30-days-after-the-date-of-the-vacancy-if-no-notice-of
16 intent--to-resign-is-given the time period established under
17 3-1-1007, a list of not less than three or more than five
18 nominees for appointment to the vacant position.

19 (2) The commission shall meet to prepare and submit to
20 the chief justice of the supreme court a list of not less
21 than three or more than five nominees for appointment to
22 fill any term or vacancy for the chief water judge. The list
23 must be submitted at-least-30-days-prior-to-a--new--term--or
24 within--30--days--from-the-date-of-a-vacancy pursuant to the
25 procedures established under 3-1-1007.

1 (3) Any list must be accompanied by a written report
2 indicating the vote on each nominee, the content of the
3 application submitted by each nominee, and the commission's
4 reasons for recommending each nominee for appointment. The
5 report must give specific reasons for recommending each
6 nominee."

7 NEW SECTION. Section 5. Implementation of staggered
8 terms. In order to implement the staggering of terms
9 required in 3-1-1002, the initial appointment of members
10 must be as follows:

11 (1) the governor shall appoint members to replace the
12 members whose terms expire December 31, 1991, to terms of 1,
13 2, 3, and 4 years;

14 (2) the two attorney members appointed by the supreme
15 court whose terms expire December 31, 1994, shall be
16 appointed to a 2-year and a 4-year term, respectively; and

17 (3) the judicial member elected under 3-1-1001(1)(d)
18 shall serve a 4-year term.

19 NEW SECTION. Section 6. Applicability. The limitation
20 on terms contained in 3-1-1002(2) applies to terms
21 commencing after October 1, 1991.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 441

INTRODUCED BY MAZUREK, B. BROWN, PINSONEAULT, CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW GOVERNING THE JUDICIAL NOMINATION COMMISSION; EXTENDING ALL TERMS OF MEMBERS TO 4 YEARS; LIMITING MEMBERS TO TWO TERMS; IMPLEMENTING STAGGERED TERMS FOR ALL MEMBERS; PROVIDING FOR PUBLIC NOTICE OF VACANCIES; PROVIDING FOR PUBLIC COMMENT ON APPLICATIONS; AMENDING SECTIONS 3-1-1001, 3-1-1002, 3-1-1007, AND 3-1-1010, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 3-1-1001, MCA, is amended to read:

"3-1-1001. Creation, composition, and function of commission. (1) A judicial nomination commission for the state is created. Its function is to provide the governor with a list of candidates for appointment to fill any vacancy on the supreme court or any district court and to provide the chief justice of the supreme court with a list of candidates for appointment to fill any term or vacancy for the chief water judge pursuant to 3-7-221. The commission shall be composed of seven members as follows:

(a) four lay members who are neither judges nor attorneys, active or retired, who reside in different

geographical areas of the state, and each of whom is representative of a different industry, business, or profession, whether actively so engaged or retired, who shall be appointed by the governor;

(b) two attorneys actively engaged in the practice of law, one from each congressional district, who reside in different geographical areas of the state and who shall be appointed by the supreme court;

(c) one district judge elected by the district judges under an elective procedure initiated and conducted by the supreme court and certified to such election by the chief justice of the supreme court. The election shall be considered an appointment for the purposes of this part.

(2) Appointments provided for in this section shall be made within 30 days of the completion of the preceding terms."

Section 2. Section 3-1-1002, MCA, is amended to read:

"3-1-1002. Staggered terms of members. (1) ~~All original members named to~~ Members of the commission shall serve until ~~January 1, 1976. Their successors shall serve as follows:~~

~~(a) The members appointed by the governor shall serve staggered 4-year terms.~~

~~(b) The attorneys appointed by the supreme court shall serve 2-year terms.~~

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1 ~~(2) Thereafter-all-members-shall~~ A member may not serve
2 ~~terms-of-4-years more than two full 4-year terms."~~

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5 of proceedings. (1) The commission shall ~~make~~ adopt and
6 publish rules:

7 (a) for the conduct of its affairs and the format of
8 reports filed under 3-1-1010;

9 (b) establishing a procedure for providing the public
10 with notice of a vacancy within 10 days of receipt of the
11 notice of the vacancy;

12 (c) establishing an application period of not less than
13 30 days from the date of public notice under subsection
14 (1)(b) and the procedure for applying for a position; and

15 (d) establishing a reasonable period for reviewing
16 applications and interviewing of applicants that provides at
17 least ~~±~~ 30 days for public comment concerning applicants.

18 (2) A copy of the rules must be filed with the clerk of
19 the supreme court.

20 (3) The total time from receipt of notice of a vacancy
21 until a list of names is submitted to the governor or chief
22 justice may not exceed 90 days.

23 ~~(2)(4)~~ (4) The proceedings of the commission and the
24 related documents shall be open to the public except when
25 the demands of individual privacy clearly exceed the merits

1 of public exposure disclosure."

2 **Section 4.** Section 3-1-1010, MCA, is amended to read:

3 "3-1-1010. Lists submitted to governor and chief
4 justice -- report on proceedings. (1) If a supreme court
5 justice, or a district judge, THE WORKERS' COMPENSATION
6 JUDGE, or the chief water judge gives notice of his
7 resignation to take effect on a specific date, the
8 commission shall meet as soon as possible after the
9 justice's or judge's proposed resignation date has been
10 verified by the chief justice of the supreme court. If no
11 notice is given, the commission shall meet as soon as
12 possible after a vacancy occurs. The meeting must be held in
13 compliance with 3-1-1007. The commission shall submit to the
14 governor or chief justice, within ~~30--days--after--the~~
15 ~~resignation-date-has-been-verified-by-the-chief-justice,--or~~
16 ~~within-30-days-after-the-date-of-the-vacancy-if-no-notice-of~~
17 ~~intent--to-resign-is-given~~ the time period established under
18 3-1-1007, a list of not less than three or more than five
19 nominees for appointment to the vacant position.

20 ~~(2)--The--commission-shall-meet-to-prepare-and-submit-to~~
21 ~~the-chief-justice-of-the-supreme-court-a-list--of--not--less~~
22 ~~than--three--or--more--than-five-nominees-for-appointment-to~~
23 ~~fill-any-term-or-vacancy-for-the-chief-water-judge.--The-list~~
24 ~~must-be-submitted-at-least-30-days-prior-to-a--new--term--or~~
25 ~~within--30--days--from-the-date-of-a-vacancy pursuant-to-the~~

1 ~~procedures-established-under-3-1-1007-~~

2 (3)(2) Any list must be accompanied by a written report
3 indicating the vote on each nominee, the content of the
4 application submitted by each nominee, LETTERS AND PUBLIC
5 COMMENTS RECEIVED REGARDING THE NOMINEE, and the
6 commission's reasons for recommending each nominee for
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9 NEW SECTION. Section 5. Implementation of staggered
10 terms. In order to implement the staggering of terms
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14 members whose terms expire December 31, 1991, to terms of 1,
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17 court whose terms expire December 31, 1994, shall be
18 appointed to a 2-year and a 4-year 3-YEAR term,
19 respectively; and

20 (3) the judicial member elected under 3-1-1001(1)(d)
21 shall serve a 4-year term.

22 NEW SECTION. Section 6. Applicability. The limitation
23 on terms contained in 3-1-1002(2) applies to terms
24 commencing after October 1, 1991.

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3 profession, whether actively so engaged or retired, who
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11 supreme court and certified to such election by the chief
12 justice of the supreme court. The election shall be
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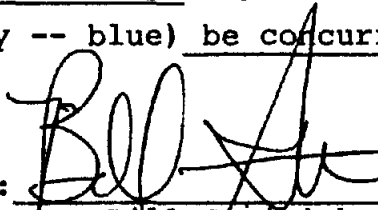
-End-

HOUSE STANDING COMMITTEE REPORT

March 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 441 (third reading copy -- blue) be concurred in as amended .

Signed: 
Bill Strizich, Chairman

Carried by: Rep. Toole

And, that such amendments read:

1. Title, line 6.

Strike: "LIMITING MEMBERS TO TWO TERMS;"

2. Page 2, lines 6 and 7.

Strike: "who" on line 6 through "state and" on line 7

Insert: "one from that part of the state that is composed of judicial districts 1 through 5, 9, 11, and 18 through 20 and one from that part of the state that is composed of judicial districts 6 through 8, 10, and 12 through 17"

3. Page 2, line 18.

Strike: "(1)"

4. Page 3, line 1.

Strike: "(2)"

5. Page 3, lines 1 and 2.

Strike: "A" on line 1 through end of line 2

HOUSE

SB 441

551449SC.HSF

1 SENATE BILL NO. 441

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25 {2}--~~The commission shall meet to prepare and submit to~~

1 the--chief--justice--of--the--supreme--court--a--list--of--not--less
 2 than--three--or--more--than--five--nominees--for--appointment--to
 3 fill--any--term--or--vacancy--for--the--chief--water--judge--The--list
 4 must--be--submitted--at--least--30--days--prior--to--a--new--term--or
 5 within--30--days--from--the--date--of--a--vacancy pursuant--to--the
 6 procedures--established--under--3-1-1007;

7 {3}(2) Any list must be accompanied by a written report
 8 indicating the vote on each nominee, the content of the
 9 application submitted by each nominee, LETTERS AND PUBLIC
 10 COMMENTS RECEIVED REGARDING THE NOMINEE, and the
 11 commission's reasons for recommending each nominee for
 12 appointment. The report must give specific reasons for
 13 recommending each nominee."

14 NEW SECTION. Section 5. Implementation of staggered
 15 terms. In order to implement the staggering of terms
 16 required in 3-1-1002, the initial appointment of members
 17 must be as follows:

18 (1) the governor shall appoint members to replace the
 19 members whose terms expire December 31, 1991, to terms of 1,
 20 2, 3, and 4 years;

21 (2) the two attorney members appointed by the supreme
 22 court whose terms expire December 31, 1994, shall be
 23 appointed to a 2-year and a 4-year 3-YEAR term,
 24 respectively; and

25 (3) the judicial member elected under 3-1-1001(1)(d)

1 shall serve a 4-year term.

2 NEW SECTION. Section 6. Applicability. The limitation
 3 on terms contained in 3-1-1002(2) applies to terms
 4 commencing after October 1, 1991.

-End-

And that this Conference Committee report be adopted.

Mr. President and Mr. Speaker:


We, your Conference Committee on Senate Bill No. 441, met and considered the House Judiciary Standing Committee Report dated March 14, 1991 and we recommend that Senate Bill No. 441 (reference copy - salmon) be amended as follows:

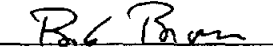
1. Title, line 6.
Following: "TERMS;"
Insert: "LIMITING MEMBERS TO TWO TERMS;"
2. Title, line 10.
Following: "AN"
Insert: "EFFECTIVE DATE AND AN"
3. Page 2, line 23.
Following: "to"
Insert: "(1)"
4. Page 3, line 7.
Following: "~~terms.~~"
Insert: "(2) A member may not serve more than two full 4-year terms."
5. Page 6.
Following: line 1
Insert: "NEW SECTION. Section 6. Coordination instruction. If House Bill No. 934 is passed and approved, then the phrase "18 through 20" in the amendment inserted by [section 1 of this act] is changed to "18 through 21"."

Renumber: subsequent section
6. Page 6.
Following: line 4
Insert: "NEW SECTION. Section 8. Effective date. [Section 6] is effective January 1, 1993."

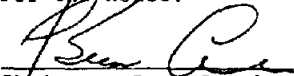
For the Senate:


Chair, Sen. Yellowtail


Sen. Mazurek

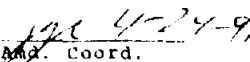

Sen. Brown

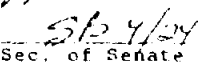
For the House:


Chair, Rep. Cromley


Rep. Toole


Rep. Mercer


Sec. of Senate


Sec. of Senate

ADOPT

REJECT

881359CC.Sji

CCR 41
SB 441
881359CC.Sji

1 SENATE BILL NO. 441

2 INTRODUCED BY MAZUREK, B. BROWN, PINSONEAULT, CRIPPEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
5 GOVERNING THE JUDICIAL NOMINATION COMMISSION; EXTENDING ALL
6 TERMS OF MEMBERS TO 4 YEARS; ~~LIMITING MEMBERS TO TWO TERMS;~~
7 LIMITING MEMBERS TO TWO TERMS; IMPLEMENTING STAGGERED TERMS
8 FOR ALL MEMBERS; PROVIDING FOR PUBLIC NOTICE OF VACANCIES;
9 PROVIDING FOR PUBLIC COMMENT ON APPLICATIONS; AMENDING
10 SECTIONS 3-1-1001, 3-1-1002, 3-1-1007, AND 3-1-1010, MCA;
11 AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:14 **Section 1.** Section 3-1-1001, MCA, is amended to read:

15 "3-1-1001. Creation, composition, and function of
16 commission. (1) A judicial nomination commission for the
17 state is created. Its function is to provide the governor
18 with a list of candidates for appointment to fill any
19 vacancy on the supreme court or any district court and to
20 provide the chief justice of the supreme court with a list
21 of candidates for appointment to fill any term or vacancy
22 for the chief water judge pursuant to 3-7-221. The
23 commission shall be composed of seven members as follows:

24 (a) four lay members who are neither judges nor
25 attorneys, active or retired, who reside in different

1 geographical areas of the state, and each of whom is
2 representative of a different industry, business, or
3 profession, whether actively so engaged or retired, who
4 shall be appointed by the governor;

5 (b) two attorneys actively engaged in the practice of
6 law, ~~one--from each--congressional-district, who reside in~~
7 different-geographical-areas-of-the-state-and ONE FROM THAT
8 PART OF THE STATE THAT IS COMPOSED OF JUDICIAL DISTRICTS 1
9 THROUGH 5, 9, 11, AND 18 THROUGH 20 AND ONE FROM THAT PART
10 OF THE STATE THAT IS COMPOSED OF JUDICIAL DISTRICTS 6
11 THROUGH 8, 10, AND 12 THROUGH 17 who shall be appointed by
12 the supreme court;

13 (c) one district judge elected by the district judges
14 under an elective procedure initiated and conducted by the
15 supreme court and certified to such election by the chief
16 justice of the supreme court. The election shall be
17 considered an appointment for the purposes of this part.

18 (2) Appointments provided for in this section shall be
19 made within 30 days of the completion of the preceding
20 terms."

21 **Section 2.** Section 3-1-1002, MCA, is amended to read:

22 "3-1-1002. Staggered terms of members. ~~(1)--All~~
23 ~~original--members--named--to~~ (1) Members of the commission
24 ~~shall serve until--January--17--1976.--Their--successors--shall~~
25 ~~serve--as--follows:~~

1 ~~{a}--The--members--appointed-by-the-governor-shall-serve~~
2 staggered 4-year terms.

3 ~~{b}--The-attorneys-appointed-by-the-supreme-court--shall~~
4 serve 2-year terms.

5 ~~{c}--The-judge-elected-shall-serve-a-2-year-term.~~

6 ~~{2}--Thereafter-all-members-shall A-member-may-not serve~~
7 terms-of-4-years more-than-two-full-4-year-terms.

8 (2) A MEMBER MAY NOT SERVE MORE THAN TWO FULL 4-YEAR
9 TERMS."

10 **Section 3.** Section 3-1-1007, MCA, is amended to read:

11 ***3-1-1007.** Commission to make rules -- confidentiality
12 of proceedings. (1) The commission shall make adopt and
13 publish rules:

14 (a) for the conduct of its affairs and the format of
15 reports filed under 3-1-1010;

16 (b) establishing a procedure for providing the public
17 with notice of a vacancy within 10 days of receipt of the
18 notice of the vacancy;

19 (c) establishing an application period of not less than
20 30 days from the date of public notice under subsection
21 (1)(b) and the procedure for applying for a position; and

22 (d) establishing a reasonable period for reviewing
23 applications and interviewing of applicants that provides at
24 least ~~15~~ 30 days for public comment concerning applicants.

25 (2) A copy of the rules must be filed with the clerk of

1 the supreme court.

2 (3) The total time from receipt of notice of a vacancy
3 until a list of names is submitted to the governor or chief
4 justice may not exceed 90 days.

5 ~~{2}{4}~~ The proceedings of the commission and the
6 related documents shall be open to the public except when
7 the demands of individual privacy clearly exceed the merits
8 of public exposure disclosure."

9 **Section 4.** Section 3-1-1010, MCA, is amended to read:

10 ***3-1-1010.** Lists submitted to governor and chief
11 justice -- report on proceedings. (1) If a supreme court
12 justice, or a district judge, THE WORKERS' COMPENSATION
13 JUDGE, or the chief water judge gives notice of his
14 resignation to take effect on a specific date, the
15 commission shall meet as soon as possible after the
16 justice's or judge's proposed resignation date has been
17 verified by the chief justice of the supreme court. If no
18 notice is given, the commission shall meet as soon as
19 possible after a vacancy occurs. The meeting must be held in
20 compliance with 3-1-1007. The commission shall submit to the
21 governor or chief justice, within 30--days--after--the
22 resignation-date-has-been-verified-by-the-chief-justice,--or
23 within-30-days-after-the-date-of-the-vacancy-if-no-notice-of
24 intent--to-resign-is-given the time period established under
25 3-1-1007, a list of not less than three or more than five

1 nominees for appointment to the vacant position.

2 ~~{2}--The--commission--shall--meet--to--prepare--and--submit--to~~
 3 ~~the--chief--justice--of--the--supreme--court--a--list--of--not--less~~
 4 ~~than--three--or--more--than--five--nominees--for--appointment--to~~
 5 ~~fill--any--term--or--vacancy--for--the--chief--water--judge--The--list~~
 6 ~~must--be--submitted--at--least--30--days--prior--to--a--new--term--or~~
 7 ~~within--30--days--from--the--date--of--a--vacancy--pursuant--to--the~~
 8 ~~procedures--established--under--3-1-1007.~~

9 {3}{2} Any list must be accompanied by a written report
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 11 application submitted by each nominee, LETTERS AND PUBLIC
 12 COMMENTS RECEIVED REGARDING THE NOMINEE, and the
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23 (2) the two attorney members appointed by the supreme
 24 court whose terms expire December 31, 1994, shall be
 25 appointed to a 2-year and a 4-year 3-YEAR term,

1 respectively; and

2 (3) the judicial member elected under 3-1-1001(1)(d)
 3 shall serve a 4-year term.

4 NEW SECTION. SECTION 6. COORDINATION INSTRUCTION. IF
 5 HOUSE BILL NO. 934 IS PASSED AND APPROVED, THEN THE PHRASE
 6 "18 THROUGH 20" IN THE AMENDMENT INSERTED BY [SECTION 1 OF
 7 THIS ACT] IS CHANGED TO "18 THROUGH 21".

8 NEW SECTION. Section 7. Applicability. The limitation
 9 on terms contained in 3-1-1002(2) applies to terms
 10 commencing after October 1, 1991.

11 NEW SECTION. SECTION 8. EFFECTIVE DATE. [SECTION 6]
 12 IS EFFECTIVE JANUARY 1, 1993.

-End-