## SENATE BILL 107

IN THE SENATE

January 16,	1979	Introduced and referred to Committee on State Adminis- tration.
January 25,	1979	Committee recommend bill do not pass (majority). (Minority recommend do pass. Failed.)

LC 0402/01

INTRODUCED BY LOCKREIN Thomas Manl 1 2 Tinua ge 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE AUTHORITY TO APPOINT FOUR MEMBERS OF THE JUDICIAL NOMINATION 5 COMMISSION FROM THE GOVERNOR TO THE LEADERSHIP OF THE 6 LEGISLATURE AND TO TRANSFER THE AUTHORITY TO FILL VACANCIES 7 ON SUCH COMMISSION FROM THE GOVERNOR TO THE ORIGINAL 8 APPOINTING AUTHORITY: AMENDING SECTIONS 3-1-1001 THROUGH 9 3-1-1003, MCA.\* 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 3-1-1001, MCA, is amended to read: 13

14 "3-1-1001. Creation, composition, and function of 15 commission. A judicial nomination commission for the state 16 of Montana is created. Its function is to provide the 17 governor with a list of candidates for nomination to fill 18 any vacancy on the supreme court or any district court of 19 the state of Montana. The commission shall be composed of 20 seven members as follows:

(1) four lay members who are neither judges nor
attorneys, active or retired, who--reside--in--different
geographical-areas--of--the--statev--and--each--of--whom--is
representative---of---a--different--industryv--businessv--or
professionv-whether-octively--so--engaged--or--retiredv who

1 shall be appointed by-the-governort as follows: (a) one by the speaker of the house of 2 representatives: 3 (b) one by the minority leader of the house of . 5 representatives: 6 (c) one by the president of the senate; and 7 (d) one by the minority leader of the senate: я (2) two attorneys actively engaged in the practice of 9 law, one from each congressional district, who shall be appointed by the supreme court; 10 11 (3) one district judge elected by the district judges 12 under an elective procedure initiated and conducted by the supreme court and certified to such election by the chief 13 14 justice of the sucreme court. The election shall be considered an appointment for the purposes of this part. 15 16 14) Appointments provided for in this section shall be 17 made within 30 days of the completion of the preceding 18 teras." 19 Section 2. Section 3-1-1002, MCA, is amended to read: 20 #3-1-1002. Staggered terms of members. (1) All original members named to the commission shall serve until 21 22 January 1. 1976. Their successors shall serve as follows: 23 (a) The members appointed by--the--governor under 24 3-1-1001(11 shall serve for 4-year terms. 25 (b) The attorneys elected shall serve 2-year terms.

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1	(c) The judge elected shall serve a 2-year term.		
2	(2) Thereafter all members shall serve terms of 4		
3 years."			
4	Section 3. Section 3-1-1003, MCA, is amended to read:		
5	"3-1-1003• Vacancies• {1} In the event a vacancy on		
6	the commission occurs, the governor original appointing		
7	authority shall appoint a replacement for the remainder of		
8	the term. <del>Such <u>A</u> r</del> eplacement <u>for a member appointed under</u>		
9 <u>subsection [2] or [3] of 3-1-1002</u> shall be a member of the			
10	same group as the member he replaces.		
11	(2) Appointments provided for in this section shall be		
12	made w <del>ithin-30-days-of-the-complation-of-the-preceding-terms</del>		
13	or within 30 days of the occurrence of any vacancy."		
14	Section 4. Transition. The terms of the first members		
15	5 appointed under section 3-1-1001(1), as amended by this act,		
16	shall begin on January 1, 1980.		

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