

CHAPTER NO. ~~463~~

SENATE BILL NO. 232

INTRODUCED BY S. BROWN

IN THE SENATE

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| January 24, 1979 | Introduced and referred to Committee on Judiciary. |
| February 10, 1979 | Committee recommend bill do pass as amended. Report adopted. |
| February 13, 1979 | Printed and placed on members' desks. |
| February 14, 1979 | Second reading, do pass. |
| February 15, 1979 | Considered correctly engrossed. |
| February 16, 1979 | Third reading, passed. 38 ayes, 11 naves. Transmitted to second house. |

IN THE HOUSE

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| February 17, 1979 | Introduced and referred to Committee on Judiciary. |
| March 19, 1979 | Committee recommend bill be not concurred in. |
| March 20, 1979 | Report adopted. |

IN THE SENATE

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| March 21, 1979 | Returned from second house. Not concurred in. |
| March 27, 1979 | On motion request of House granted for return of Senate Bill No. 232 for further consideration. Motion adopted. Transmitted to second house. |

IN THE HOUSE

March 27, 1979

On motion of March 26, bill
requested returned from Senate
for further consideration.

On motion bill placed on
second reading.

March 28, 1979

Second reading, concurred in.

March 30, 1979

Third reading, concurred in.
71 ayes, 14 naves.

IN THE SENATE

March 31, 1979

Returned from second house.
Concurred in. Sent to enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. 232
 2 INTRODUCED BY S. BROWN

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
 5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII,
 6 SECTION 11, OF THE MONTANA CONSTITUTION TO REQUIRE THAT
 7 CERTAIN DOCUMENTS OF THE JUDICIAL STANDARDS COMMISSION BE
 8 AVAILABLE FOR PUBLIC INSPECTION; TO REQUIRE COMMISSION
 9 MEMBERS TO BE SUBJECT TO SENATE CONFIRMATION; AND TO REQUIRE
 10 THE COMMISSION TO FILE A BIENNIAL REPORT WITH THE SUPREME
 11 COURT, THE GOVERNOR, AND THE LEGISLATURE."

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

14 Section 1. Article VII, section 11 of the Montana
 15 constitution is amended to read:

16 "Section 11. Removal and discipline. (1) The
 17 legislature shall create a judicial standards commission
 18 consisting of five persons and provide for the appointment
 19 thereto of two district judges, one attorney, and two
 20 citizens who are neither judges nor attorneys. All
 21 appointees shall be subject to confirmation by the senate.

22 (2) The commission shall investigate complaints, and
 23 make rules implementing this section, ~~and keep its~~
 24 ~~proceedings confidential.~~ It may subpoena witnesses and
 25 documents.

1 (3) Upon recommendation of the commission, the supreme
 2 court may:

3 (a) Retire any justice or judge for disability that
 4 seriously interferes with the performance of his duties and
 5 is or may become permanent; or

6 (b) Censure, suspend, or remove any justice or judge
 7 for willful misconduct in office, willful and persistent
 8 failure to perform his duties, or habitual intemperance.

9 ~~(4) The proceedings of the commission are confidential~~
 10 ~~except as follows:~~

11 ~~(a) When the supreme court retires, censures,~~
 12 ~~suspends, or removes a justice or judge, all of the~~
 13 ~~commission's transcripts and documents concerning that judge~~
 14 ~~shall be available for public inspection.~~

15 ~~(b) The commission shall submit a report to the~~
 16 ~~legislature, the governor, and the supreme court each year~~
 17 ~~the legislature meets in regular session. The legislature~~
 18 ~~shall specify the content of the report but may not require~~
 19 ~~the disclosure of information that would affect the~~
 20 ~~confidentiality of any proceeding which did not result in~~
 21 ~~the retirement, censure, suspension, or removal of a justice~~
 22 ~~or judge."~~

23 Section 2. Effective date. If approved by the
 24 electorate, this amendment is effective January 1, 1981.

25 Section 3. Submission to electors. This amendment

1 shall be submitted to the electors of the state of Montana
2 at the general election to be held in November, 1980, by
3 printing on the ballot the full title of this act and the
4 following:

5 FOR requiring certain documents of the judicial
6 standards commission to be public, senate
7 confirmation of commission members, and a biennial
8 report by the commission.

9 AGAINST requiring certain documents of the judicial
10 standards commission to be public, senate
11 confirmation of commission members, and a biennial
12 report by the commission.

-End-

Approved by Committee on Judiciary

SENATE BILL NO. 232

INTRODUCED BY S. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 11, OF THE MONTANA CONSTITUTION TO REQUIRE--THAT CERTAIN ALLOW STATUTORY EXCEPTIONS TO THE CONFIDENTIALITY OF THE DOCUMENTS OF THE JUDICIAL STANDARDS COMMISSION BE AVAILABLE--FOR--PUBLIC--INSPECTION;--TO--REQUIRE--COMMISSION MEMBERS--TO--BE--SUBJECT--TO--SENATE--CONFIRMATION;--AND--TO--REQUIRE THE--COMMISSION--TO--FILE--A--BIENNIAL--REPORT--WITH--THE--SUPREME COURT;--THE--GOVERNOR;--AND--THE--LEGISLATURE."

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(2) The commission shall investigate complaints, and make rules implementing this section, ~~and keep its proceedings confidential.~~ It may subpoena witnesses and

documents.

(3) Upon recommendation of the commission, the supreme court may:

(a) Retire any justice or judge for disability that seriously interferes with the performance of his duties and is or may become permanent; or

(b) Censure, suspend, or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, or habitual intemperance.

~~(4) The proceedings of the commission are confidential except as follows:~~

~~for when the supreme court retires, censures, suspends, or removes a justice or judge, all of the commission's transcripts and documents concerning that judge shall be available for public inspection;~~

~~for the commission shall submit a report to the legislature, the governor, and the supreme court each year the legislature meets in regular session; the legislature shall specify the content of the report but may not require the disclosure of information that would affect the confidentiality of any proceeding which did not result in the retirement, censure, suspension, or removal of a justice or judge AS PROVIDED BY STATUTE."~~

Section 2. Effective date. If approved by the electorate, this amendment is effective January 1, 1981.

1 Section 3. Submission to electors. This amendment
2 shall be submitted to the electors of the state of Montana
3 at the general election to be held in November, 1980, by
4 printing on the ballot the full title of this act and the
5 following:

6 FOR requiring--certain--documents--of--the-judicial
7 standards---commission---to---be---publicy---senate
8 confirmation--of--commission-membersy-and-a-biennial
9 report--by---the---commission ALLOWING STATUTORY
10 EXCEPTIONS TO THE CONFIDENTIALITY OF THE DOCUMENTS
11 OF THE JUDICIAL STANDARDS COMMISSION.

12 AGAINST requiring-certain-documents-of-the--judicial
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(2) The commission shall investigate complaints, and make rules implementing this section,--and--keep--its proceedings--confidential. It may subpoena witnesses and

documents.

(3) Upon recommendation of the commission, the supreme court may:

(a) Retire any justice or judge for disability that seriously interferes with the performance of his duties and is or may become permanent; or

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~~(4) The proceedings of the commission are confidential except as follows:~~

~~(a) When the supreme court retires, censures, suspends, or removes a justice or judge, all of the commission's transcripts and documents concerning that judge shall be available for public inspection;~~

~~(b) The commission shall submit a report to the legislature, the governor, and the supreme court each year the legislature meets in regular session. The legislature shall specify the content of the report but may not require the disclosure of information that would affect the confidentiality of any proceeding which did not result in the retirement, censure, suspension, or removal of a justice or judge AS PROVIDED BY STATUTE."~~

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