

SENATE BILL NO. 326

INTRODUCED BY BLAYLOCK, McCALLUM, TOWE, VAN VALKENBURG

IN THE SENATE

January 31, 1983	Introduced and referred to Committee on Judiciary.
February 8, 1983	Committee recommend bill do not pass. Report adopted.
February 9, 1983	Bill printed and placed on members' desks.
February 10, 1983	Second reading, do pass.
February 11, 1983	Correctly engrossed.
February 12, 1983	Third reading, passed. Ayes, 29; Noes, 19. Transmitted to House.

IN THE HOUSE

February 14, 1983	Introduced and referred to Committee on Judiciary.
March 1, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 2, 1983	Second reading, concurred in.
March 3, 1983	Third reading, concurred in. Ayes, 86; Noes, 9.

IN THE SENATE

March 4, 1983	Returned to Senate with amendments.
March 5, 1983	Second reading, amendments concurred in.
March 7, 1983	Third reading, amendments concurred in. Ayes, 48; Noes, 0. Sent to enrolling. Reported correctly enrolled.

SENATE BILL NO. 326

INTRODUCED BY

Van Valkenburg

Boyleck

McAllister

Dir

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 ALLOW THE MONTANA SUPREME COURT TO DISCIPLINE A JUSTICE OR JUDGE FOR VIOLATION OF CANONS OF JUDICIAL ETHICS ADOPTED BY THE COURT."

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

Section 1. Article VII, section 11, of the Constitution of the State of Montana is amended to read:

"Section 11. Removal and discipline. (1) The legislature shall create a judicial standards commission consisting of five persons and provide for the appointment thereto of two district judges, one attorney, and two citizens who are neither judges nor attorneys.

(2) The commission shall investigate complaints, and make rules implementing this section. 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, violation of canons of judicial ethics adopted by the supreme court of the state of Montana, or habitual intemperance.

(4) The proceedings of the commission are confidential except as provided by statute."

NEW SECTION. Section 2. Effective date. If approved by the electors at the general election to be held November 8, 1983, this amendment shall become effective on that date.

NEW SECTION. Section 3. Submission to electorate. This amendment shall be submitted to the electors of the state of Montana at the general election to be held November 8, 1983, by printing on the ballot the full title of this act and the following:

☐ FOR amending the Montana Constitution to allow the Montana Supreme Court to discipline judges for violating rules of judicial ethics adopted by the court.

☐ AGAINST amending the Montana Constitution to allow the Montana Supreme Court to discipline judges for violating rules of judicial ethics adopted by the court.

-End-

-2- INTRODUCED BILL

326

Constitutional Amendment

1 *Amended* BILL NO. 326
2 INTRODUCED BY *Boyle* *McAllister*
3 *Unchallenged*
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 ALLOW THE MONTANA
7 SUPREME COURT TO DISCIPLINE A JUSTICE OR JUDGE FOR VIOLATION
8 OF CANONS OF JUDICIAL ETHICS ADOPTED BY THE COURT."
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12 Constitution of the State of Montana is amended to read:
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15 consisting of five persons and provide for the appointment
16 thereto of two district judges, one attorney, and two
17 citizens who are neither judges nor attorneys.
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19 make rules implementing this section. It may subpoena
20 witnesses and documents.
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22 court may:
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25 is or may become permanent; or

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2 for willful misconduct in office, willful and persistent
3 failure to perform his duties, violation of canons of
4 judicial ethics adopted by the supreme court of the state of
5 Montana, or habitual intemperance.
6 (4) The proceedings of the commission are confidential
7 except as provided by statute."
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9 by the electors at the general election to be held November
10 8, 1983, this amendment shall become effective on that date.
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13 state of Montana at the general election to be held November
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15 act and the following:
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17 Montana Supreme Court to discipline judges for
18 violating rules of judicial ethics adopted by the
19 court.
20 ☐ AGAINST amending the Montana Constitution to allow
21 the Montana Supreme Court to discipline judges for
22 violating rules of judicial ethics adopted by the
23 court.

-End-

HOUSE JUDICIARY COMMITTEE
AMENDMENTS TO SB 326
March 1, 1983

1. Page 2, following line 23

Insert: "Section 4. Coordination instruction. If HB 629 introduced in the 48th Legislature is passed and approved, the date 'November 8, 1983', in sections 2 and 3 of this act is changed to 'November 6, 1984'."

AND AS AMENDED
BE CONCURRED IN

CONSTITUTIONAL AMENDMENT

SENATE BILL NO. 326

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~~SECTION 4. COORDINATION. INSTRUCTION. IF HB 629, INTRODUCED IN THE 48TH LEGISLATURE, IS PASSED AND APPROVED,~~

- 1 THE DATE "NOVEMBER 8, 1923" IN SECTIONS 2 AND 3 OF THIS ACT
- 2 IS CHANGED TO "NOVEMBER 6, 1924".

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