

HOUSE BILL NO. 236

INTRODUCED BY ADDY

IN THE HOUSE

JANUARY 16, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 14, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1987 PRINTING REPORT.

FEBRUARY 17, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 18, 1987 ENGROSSING REPORT.

FEBRUARY 19, 1987 THIRD READING, PASSED.
AYES, 94; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 12, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN.

MARCH 19, 1987 THIRD READING, CONCURRED IN.
AYES, 48; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 25, 1987 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 26, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 236
2 INTRODUCED BY Adkins

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING PROVISIONS
5 CONCERNING THE JUDICIAL NOMINATION COMMISSION; REQUIRING THE
6 COMMISSION TO MEET BEFORE A VACANCY OCCURS ON THE SUPREME
7 COURT OR DISTRICT COURT UNDER CERTAIN CIRCUMSTANCES; AND
8 AMENDING SECTIONS 3-1-1010 THROUGH 3-1-1013, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 3-1-1010, MCA, is amended to read:

12 "3-1-1010. List submitted to governor -- report on
13 proceedings. The If a supreme court justice or district
14 judge gives notice of his intent to resign on a specific
15 date, the commission shall meet as soon as possible after
16 the 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 forthwith as soon
19 as possible after a vacancy occurs. on-the-supreme-court--or
20 district--court--and The commission shall submit to the
21 governor within 30 days from after the resignation date has
22 been verified by the chief justice, or within 30 days after
23 the date of the vacancy if no notice of intent to resign is
24 given, a list of not less than three or more than five
25 nominees for appointment. The list must be accompanied by a

1 written report to the governor indicating the vote on each
2 nominee, the content of the application submitted by each
3 nominee, and the commission's reasons for recommending each
4 nominee for appointment."

5 Section 2. Section 3-1-1011, MCA, is amended to read:

6 "3-1-1011. Governor to appoint nominate from list. The
7 governor must make an-appointment a nomination from the list
8 of nominees submitted by the commission."

9 Section 3. Section 3-1-1012, MCA, is amended to read:

10 "3-1-1012. When governor fails to appoint nominate. If
11 the governor fails to appoint nominate within 30 days after
12 receipt of the list of nominees, the chief justice or acting
13 chief justice shall make the appointment nomination."

14 Section 4. Section 3-1-1013, MCA, is amended to read:

15 "3-1-1013. Senate confirmation -- appointment
16 nomination in the interim -- appointment contingent on
17 vacancy. (1) Each appointment--shall nomination must be
18 confirmed as an appointment by the senate, but an
19 appointment a nomination made while the senate is not in
20 session is effective as an appointment until the end of the
21 next session. If the appointment nomination is not
22 confirmed, the office shall be vacant and another selection
23 of nominees and appointment nomination shall be made.

24 (2) No nomination is effective unless a vacancy in
25 office occurs."

-End-

-2-

INTRODUCED BILL
HB-236



APPROVED BY COMMITTEE
ON JUDICIARY

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HB 236

SECOND READING

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17 resignation date has been verified by the chief justice of
18 the supreme court, BUT IN NO EVENT SHALL THEY MEET SOONER
19 THAN 15 DAYS PRIOR TO THE DATE OF SAID PROPOSED RESIGNATION.
20 If no notice is given, the commission shall meet forthwith
21 as soon as possible after a vacancy occurs, on-the-supreme
22 court-or-district-court-and The commission shall submit to
23 the governor within 30 days from after the resignation date
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8 AMENDING SECTIONS 3-1-1010 THROUGH 3-1-1013, MCA; AND
9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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3 office occurs."

4 NEW SECTION. SECTION 5. EFFECTIVE DATE. THIS ACT IS
5 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

STANDING COMMITTEE REPORT

SENATE

March 11

1987

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration HOUSE BILL No. ~~811~~ 236

Third reading copy (blue)
color

Require Jud. nomination comm. to meet before vacancy occurs in some cases.
Addy (Mazurek)

Respectfully report as follows: That HOUSE BILL ~~811~~ 236 No.

Be amended as follows:

1. Title, line 7.

Following: "CIRCUMSTANCES;"

Strike: "AND"

2. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, lines 18 and 19.

Following: "court" on line 18

Strike: the remainder of line 18 through "RESIGNATION" on line 19

4. Page 3, line 3.

Following: line 2

Insert: "NEW SECTION. Section 5. Effective date. This act is effective on passage and approval."

LB

~~UNLESS~~

AND AS AMENDED

~~CONCURRED~~

BE CONCURRED

J. Mazurek
.....
Senator Mazurek

Chairman.

3-11-87
5:40
7:19