

CONSTITUTIONAL AMENDMENT

Don Hargrave

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SENATE BILL NO. 77
Chad Lewis

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTIONS 2 AND 11, OF THE MONTANA CONSTITUTION TRANSFERRING FROM THE MONTANA SUPREME COURT TO THE JUDICIAL STANDARDS COMMISSION THE AUTHORITY TO ADOPT RULES GOVERNING ADMISSION TO THE BAR AND THE CONDUCT OF MEMBERS OF THE BAR."

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

Section 1. Article VII, section 2, of The Constitution of the State of Montana is amended to read:

"Section 2. Supreme court jurisdiction. (1) The supreme court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.

(2) It has general supervisory control over all other courts.

(3) It may make rules governing appellate procedure, and practice and procedure for all other courts, ~~admission to the bar and the conduct of its members~~. Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation.

(4) Supreme court process shall extend to all parts of the state."

Section 2. 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



1 (b) Censure, suspend, or remove any justice or judge for willful misconduct in office, willful and
2 persistent failure to perform his duties, violation of canons of judicial ethics adopted by the supreme court
3 of the state of Montana, or habitual intemperance.

4 (4) The commission shall adopt rules governing admission to the bar and the conduct of members
5 of the bar.

6 ~~(4)(5)~~ The proceedings of the commission are confidential except as provided by statute."
7

8 **NEW SECTION. Section 3. Submission to electorate.** This amendment shall be submitted to the
9 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
10 the full title of this act and the following:

11 FOR transferring from the Montana supreme court to the judicial standards commission the
12 power to regulate admission to the bar and the conduct of lawyers.

13 AGAINST transferring from the Montana supreme court to the judicial standards
14 commission the power to regulate admission to the bar and the conduct of lawyers.

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-END-

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Don Hayward Johnson

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B. A. Perry *Emerson*

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