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SENATE BILL NO. 141

INTRODUCED BY

*Amended*

A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING A LAY MEMBER OF THE JUDICIAL NOMINATION COMMISSION WITH A DISTRICT COURT CLERK; AMENDING SECTION 3-1-1001, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 3-1-1001, MCA, is amended to read:

**"3-1-1001. Creation, composition, and function of commission.** (1) A judicial nomination commission for the state is created. Its function is to provide the governor with a list of candidates for appointment to fill any vacancy on the supreme court or any district court and to provide the chief justice of the supreme court with a list of candidates for appointment to fill any term or vacancy for the chief water judge pursuant to 3-7-221. The commission ~~shall be~~ is composed of seven members as follows:

(a) ~~four~~ three lay members who are neither judges nor attorneys, active or retired, who reside in different geographical areas of the state, and each of whom is representative of a different industry, business, or profession, whether actively ~~so~~ engaged or retired, who ~~shall be~~ are appointed by the governor;

(b) two attorneys actively engaged in the practice of law, one from that part of the state that is composed of judicial districts 1 through 5, 9, 11, and 18 through 21 and one from that part of the state that is composed of judicial districts 6 through 8, 10, and 12 through 17, who ~~shall be~~ are appointed by the supreme court;

(c) one district judge elected by the district judges under an elective procedure initiated and conducted by the supreme court and certified to ~~such~~ election by the chief justice of the supreme court. The election ~~shall be~~ is considered an appointment for the purposes of this part.

(d) one district court clerk, who is appointed by the supreme court.

(2) Appointments provided for in this section ~~shall~~ must be made within 30 days of the completion of the preceding terms."

1            NEW SECTION.    **Section 2. Applicability.**    A district court clerk must be appointed to the  
2    commission at the expiration of a term of a lay member following [the effective date of this act].

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4            NEW SECTION.    **Section 3. Effective date.**    [This act] is effective on passage and approval.

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