

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CONFIRMATION REQUIREMENTS FOR INTERIM
5 JUDICIAL APPOINTEES; AMENDING SECTION 3-1-906, MCA; AND PROVIDING AN IMMEDIATE
6 EFFECTIVE DATE."

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

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10 **Section 1.** Section 3-1-906, MCA, is amended to read:

11 **"3-1-906. Senate confirmation -- exception -- nomination in interim -- appointment contingent
12 on vacancy.** (1) (a) Except as provided in subsection (2):

13 (i) each appointment must be confirmed by the senate; and

14 (ii) an appointment made while the senate is not in session is effective until the end of the next
15 ~~special~~ or regular legislative session.

16 (b) If the appointment is subject to senate confirmation under subsection (1)(a) and is not
17 confirmed, the office is vacant and another selection of nominees and appointment must be made.

18 (2) The following appointments are not subject to senate confirmation, and there must be an
19 election for the office at the general election immediately preceding the scheduled expiration of the term or
20 following the appointment, as applicable:

21 (a) an appointment made while the senate is not in session if the term to which the appointee is
22 appointed expires prior to the next regular legislative session, regardless of the time of the appointment in
23 relation to the candidate filing deadlines for the office; and

24 (b) an appointment made while the senate is not in session if a general election will be held prior to
25 the next regular legislative session and the appointment is made prior to the candidate filing deadline for
26 primary elections under 13-10-201(7), in which case the position is subject to election at the next primary and
27 general elections.

28 (3) A nomination is not effective unless a vacancy in office occurs."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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