

## 1 SENATE RESOLUTION NO. 97

2 INTRODUCED BY C. SMITH

3  
4 A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA DIRECTING IMMEDIATE LEGAL  
5 INTERVENTION ON BEHALF OF THE MONTANA LEGISLATURE AND THE SENATE AS AN  
6 INDISPENSABLE PARTY IN ORDER TO PROTECT THE INTEGRITY OF THE LEGISLATIVE BRANCH AND  
7 ITS ABILITY TO FULFILL ITS CONSTITUTIONAL ROLE AND APPLY ASSOCIATED STATUTES AND  
8 RELEVANT RULES OF THE SENATE.  
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10 WHEREAS, Article VII, section 8, of the Montana Constitution authorizes the Governor to appoint a  
11 replacement supreme court justice or district court judge from "nominees selected in a manner provided by  
12 law"; and

13 WHEREAS, during the 67th Legislative Session, the Senate of the State of Montana passed Senate Bill  
14 140 to eliminate the Judicial Nomination Commission and allow the Governor to directly appoint nominees to fill  
15 judicial vacancies subject to confirmation by a majority of the Senate as set forth in Article VI, section 8, of the  
16 Montana Constitution; and

17 WHEREAS, following passage by both chambers of the Montana Legislature, Senate Bill 140 was  
18 signed by the President of the Senate on March 9, 2021, and signed by the Speaker of the House on March 10,  
19 2021; and

20 WHEREAS, on March 10, 2021, Senate Bill 140 was transmitted to Governor Greg Gianforte; and

21 WHEREAS, on March 17, 2021, Governor Greg Gianforte signed Senate Bill 140 into law; and

22 WHEREAS, also on March 17, 2021, a Petition for Original Jurisdiction (case number OP 21-0125) was  
23 filed in the Montana Supreme Court on behalf of Dorothy Bradley, Bob Brown, Mae Nan Ellingson, Vernon  
24 Finley, and Montana League of Women Voters challenging the constitutionality of Senate Bill 140; and

25 WHEREAS, the petitioners named Governor Greg Gianforte as the sole respondent but failed in their  
26 petition to the Court to name the Senate as an indispensable party that acted in its constitutional and statutory  
27 capacity in exercising its legislative authority to change the manner by which judicial nominees are selected;  
28 and

1           WHEREAS, the Petition for Original Jurisdiction and the relief sought would thwart the Montana  
2 Legislature's and the Senate's constitutional authority to exercise legislative power.

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4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

5           That the Legislative Services Division Legal Services Office shall contract for legal services to handle  
6 all legal proceedings in the matters subject to this resolution.

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