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HOUSE BILL NO. 326

INTRODUCED BY K. SEEKINS-CROWE, B. KEENAN, C. GLIMM, T. MOORE, F. NAVE, L. BREWSTER, K. ZOLNIKOV, A. REGIER, C. HINKLE, M. BINKLEY, R. MARSHALL, L. DEMING, G. NIKOLAKAKOS, G.

KMETZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE APPOINTMENT OF THE JUDICIAL STANDARDS COMMISSION; REVISING THE AUTHORITIES RESPONSIBLE FOR APPOINTING COMMISSION MEMBERS; ESTABLISHING A NOMINATION PANEL OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE; REQUIRING THE SPEAKER OF THE HOUSE TO APPOINT TWO DISTRICT COURT JUDGES TO THE COMMISSION; REQUIRING THE ATTORNEY GENERAL TO APPOINT AN ATTORNEY TO THE COMMISSION; PROVIDING A TRANSITION; AMENDING SECTION 3-1-1101, MCA; REPEALING SECTION 3-1-1102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Legislative nomination panel. (1) There is a nomination panel made up of members of the house of representatives for the purposes of providing recommendations to the speaker of the house about appointments made as provided in 3-1-1101(1)(a). Within 3 days of the start of each regular legislative session, the speaker of the house shall appoint three representatives to the legislative nomination panel. The panel must have at least one member from the minority party. If a vacancy occurs on the panel, the speaker may appoint a replacement.

(2) When a vacancy occurs on the judicial standards commission in a position appointed as provided in 3-1-1101(1)(a), the speaker of the house shall notify the district court judges, who shall present the nomination panel with a list of all district court judges who are willing to serve as a commissioner and who have not been previously censured for violating the Montana code of judicial conduct. After consideration of the judges' qualifications, the nomination panel shall forward no fewer than three names to the speaker of the house, who shall select a commissioner from that pool of names.

(3) Members of the nomination panel serve until the start of the first regular session after their

1 appointment unless they are reappointed.

2 (4) The nomination panel may meet between regular sessions of the legislature to fill vacancies.

3

4 **Section 2.** Section 3-1-1101, MCA, is amended to read:

5 **"3-1-1101. Creation and composition of commission.** (1) There is created a judicial standards
6 commission consisting of five members as follows:

7 ~~(1) two district court judges from different judicial districts, elected by the district judges under an~~
8 ~~elective procedure initiated by and conducted by the supreme court. The election must be certified by the chief~~
9 ~~justice of the supreme court, which for the purpose of this part is considered as an appointment. After the chief~~
10 ~~justice certifies the election, each judge must be confirmed by the senate.~~

11 (a) two district court judges appointed by the speaker of the house as provided in [section 1] and
12 confirmed by the senate;

13 ~~(2)(b) one attorney who has practiced law in this state for at least 10 years, appointed by the~~
14 ~~supreme court attorney general and confirmed by the senate; and~~

15 ~~(3)(c) two citizens who are not attorneys or judges of any court, active or retired, appointed by the~~
16 ~~governor and confirmed by the senate.~~

17 (2) Members shall serve staggered 4-year terms."

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19 **NEW SECTION. Section 3. Transition.** (1) After [the effective date of this act] and when a vacancy
20 occurs:

21 (a) in a seat held by a district court judge, the position must be filled using the provisions of
22 [section 1];

23 (b) in a seat held by an attorney appointed by the supreme court, the position must be filled as
24 provided in 3-1-1101(1)(b); and

25 (c) in a seat held by a citizen appointed by the governor, the position must be filled as provided in
26 3-1-1101(1)(c).

27 (2) Members appointed under the provisions of this section serve a full term unless appointed to fill
28 an unexpired term. A member appointed pursuant to this section may be reappointed.