1   HOUSE BILL NO. 169

2   INTRODUCED BY T. BROCKMAN

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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 <u>regular</u> 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 <u>regular</u> 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   <u>NEW SECTION.</u> **Section 2.**   **Effective date.** [This act] is effective on passage and approval.

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