

SENATE BILL NO. 431

INTRODUCED BY C. FRIEDEL

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A JUDICIAL APPOINTMENT ADVISORY COMMITTEE; PROVIDING THAT THE GOVERNOR MAY AUTHORIZE THE COMMITTEE TO CONDUCT INVESTIGATIONS CONCERNING THE QUALIFICATIONS OF ELIGIBLE PERSONS FOR JUDICIAL VACANCY APPOINTMENTS; REQUIRING THE COMMITTEE TO REVIEW APPLICATIONS AND INTERVIEW APPLICANTS; REQUIRING THAT THE COMMITTEE RECOMMEND AN APPLICANT FOR APPOINTMENT BY THE GOVERNOR; PROVIDING THAT THE GOVERNOR MAY APPOINT ANY APPLICANT WHO MEETS THE QUALIFICATIONS; AMENDING SECTIONS 3-1-902 AND 3-1-904, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Judicial appointment advisory committee. (1) There is a judicial appointment advisory committee.

(2) The committee is composed of the current sitting members of the senate judiciary standing committee.

(3) The committee shall convene for the purposes provided for in Title 3, chapter 1, part 9.

(4) Members of the committee are entitled to compensation of \$105 a day and travel expenses, as provided for in 2-18-501 through 2-18-503, for each day in attendance at a committee meeting.

Section 2. Section 3-1-902, MCA, is amended to read:

"3-1-902. Investigation -- qualifications for appointment. (1) The governor may authorize investigations concerning the qualifications of eligible persons by the judicial appointment advisory committee established in [section 1].

(2) A lawyer in good standing who has the qualifications set forth by law for holding judicial office may be a candidate and may apply to the governor for consideration, or application may be made by any

1 person on the lawyer's behalf."

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3 **Section 3.** Section 3-1-904, MCA, is amended to read:

4 **"3-1-904. ~~Public~~ Public Judicial appointment advisory committee -- public comment.** (1) The governor
5 shall establish a reasonable period for ~~reviewing applications and interviewing the~~ judicial appointment advisory
6 committee established in [section 1] to review applications and interview applicants that provides at least 30
7 days for public comment concerning applicants.

8 (2) The judicial appointment advisory committee shall recommend an applicant for appointment to
9 the governor. The governor may appoint any applicant who meets the qualifications under this part.

10 ~~(2)(3)~~ Each applicant who has the qualifications set forth by law for holding judicial office and who
11 receives a letter of support from at least three adult Montana residents by the close of the public comment
12 period provided for in subsection (1) must be considered a nominee for the position.

13 ~~(3)(4)~~ The total time from receipt of notice of a vacancy until appointment may not exceed 100 days.

14 ~~(4)(5)~~ The application, public comment, and any related documents are open to the public except
15 when the demands of individual privacy clearly exceed the merits of public disclosure."

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17 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 2, chapter 15, part 15, and the provisions of Title 2, chapter 15, part 15, apply to [section 1].

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20 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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