

HB1303_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB17-1303 be amended as follows:

1 Amend printed bill, page 6, line 19, strike "**conflicts. (1) (a)**" and
2 substitute "**conflicts - repeal. (1)**".

3 Page 6, line 27, after the period add "JUSTICES AND JUDGES ACTIVELY
4 PERFORMING JUDICIAL DUTIES MAY NOT BE APPOINTED TO SERVE ON A
5 COMMISSION. FORMER JUSTICES AND JUDGES ARE ELIGIBLE TO BE
6 APPOINTED AS ATTORNEY COMMISSIONERS; EXCEPT THAT A FORMER
7 JUSTICE OR JUDGE MAY NOT BE ASSIGNED OR APPOINTED TO PERFORM
8 JUDICIAL DUTIES WHILE SERVING ON A COMMISSION.

9 (2)(a) EACH COMMISSION CONSISTS OF TEN MEMBERS, APPOINTED
10 AS FOLLOWS:

11 (I) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
12 APPOINT ONE ATTORNEY AND ONE NONATTORNEY;

13 (II) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE ATTORNEY
14 AND ONE NONATTORNEY;

15 (III) THE GOVERNOR SHALL APPOINT ONE ATTORNEY AND TWO
16 NONATTORNEYS; AND

17 (IV) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT
18 ONE ATTORNEY AND TWO NONATTORNEYS.

19 (b) (I) THE TERMS OF COMMISSIONERS APPOINTED PRIOR TO THE
20 EFFECTIVE DATE OF THIS SECTION SHALL CONTINUE THROUGH JANUARY
21 31, 2019.

22 (II) NOTWITHSTANDING THE TERM FOR WHICH THE COMMISSIONER
23 WAS APPOINTED, THE GOVERNOR'S ATTORNEY APPOINTMENT MADE
24 PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION AND THE CHIEF
25 JUSTICE'S ONE ATTORNEY AND TWO NONATTORNEY APPOINTMENTS MADE
26 PURSUANT TO SUBSECTION (2)(a)(IV) OF THIS SECTION EXPIRE ON
27 JANUARY 31, 2019.

28 (III) EXCEPT AS PROVIDED FOR IN SUBSECTION (2)(b)(II) OF THIS
29 SECTION, THE TERM OF A COMMISSIONER APPOINTED PRIOR TO JANUARY
30 31, 2019, SHALL CONTINUE AFTER THIS SUBSECTION (2) IS REPEALED UNTIL
31 SUCH TIME AS THE COMMISSIONER'S TERM WAS ORIGINALLY SET TO
32 EXPIRE.

33 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JANUARY 31,
34 2019.

35 (3) (a) EACH COMMISSION CONSISTS OF TEN MEMBERS, APPOINTED
36 ON OR BEFORE MARCH 1, 2019, AS FOLLOWS:

37 (I) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL



1 APPOINT ONE ATTORNEY AND ONE NONATTORNEY;
2 (II) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
3 SHALL APPOINT ONE ATTORNEY AND ONE NONATTORNEY;
4 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE
5 ATTORNEY AND ONE NONATTORNEY;
6 (IV) THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE
7 ATTORNEY AND ONE NONATTORNEY; AND
8 (V) THE GOVERNOR SHALL APPOINT TWO NONATTORNEYS.
9 (b) EXCEPT FOR A COMMISSIONER WHO WAS APPOINTED BY THE
10 CHIEF JUSTICE OF THE SUPREME COURT OR A COMMISSIONER WHO IS AN
11 ATTORNEY AND WAS APPOINTED BY THE GOVERNOR PRIOR TO JANUARY
12 31, 2019, THE TERMS OF COMMISSIONERS SHALL CONTINUE UNTIL SUCH
13 TIME AS THE COMMISSIONER'S TERM WAS ORIGINALLY SET TO EXPIRE.
14 (c) THIS SUBSECTION (3) BECOMES EFFECTIVE FEBRUARY 1, 2019.
15 (4) (a) THE TERM FOR A COMMISSIONER IS FOUR YEARS AND
16 EXPIRES ON NOVEMBER 30 OF AN ODD-NUMBERED YEAR. THE TERM OF A
17 COMMISSIONER APPOINTED TO REPLACE A MEMBER AT THE END OF THE
18 COMMISSIONER'S TERM BEGINS ON DECEMBER 1 OF THE SAME YEAR.
19 (b) THE ORIGINAL APPOINTING AUTHORITY SHALL FILL ANY
20 VACANCY ON A COMMISSION, BUT A COMMISSIONER SHALL NOT SERVE
21 MORE THAN TWO FULL TERMS INCLUDING ANY BALANCE REMAINING ON AN
22 UNEXPIRED TERM IF THE INITIAL APPOINTMENT WAS TO FILL A VACANCY.
23 WITHIN FIVE DAYS AFTER A VACANCY ARISES ON A COMMISSION, THE
24 COMMISSION WITH THE VACANCY SHALL NOTIFY THE ORIGINAL
25 APPOINTING AUTHORITY OF THE VACANCY. THE ORIGINAL APPOINTING
26 AUTHORITY SHALL MAKE AN APPOINTMENT WITHIN FORTY-FIVE DAYS
27 AFTER THE DATE OF THE VACANCY. IF THE ORIGINAL APPOINTING
28 AUTHORITY FAILS TO MAKE THE APPOINTMENT WITHIN FORTY-FIVE DAYS
29 AFTER THE DATE OF THE VACANCY, THE GOVERNOR SHALL MAKE THE
30 APPOINTMENT.
31 (c) THE APPOINTING AUTHORITY MAY REMOVE A COMMISSIONER
32 WHOM HE OR SHE APPOINTED FOR CAUSE.
33 (5) EACH COMMISSION SHALL ELECT A CHAIR EVERY TWO YEARS
34 BY A VOTE OF THE MEMBERSHIP.
35 (6) STATE AND DISTRICT COMMISSIONERS AND EMPLOYEES OF THE
36 STATE OR A DISTRICT COMMISSION ARE IMMUNE FROM SUIT IN ANY
37 ACTION, CIVIL OR CRIMINAL, BASED UPON OFFICIAL ACTS PERFORMED IN
38 GOOD FAITH AS COMMISSIONERS AND EMPLOYEES OF THE STATE OR A
39 DISTRICT COMMISSION.
40 (7) A COMMISSIONER SHALL RECUSE HIMSELF OR HERSELF FROM
41 AN EVALUATION OF THE PERSON WHO APPOINTED THE COMMISSIONER TO

- 1 THE COMMISSION."
- 2 Strike page 7.
- 3 Page 8, strike lines 1 through 18.
- 4 Page 22, strike lines 25 through 27.
- 5 Strike pages 23 and 24.
- 6 Page 25, strike lines 1 through 6.
- 7 Page 26, line 19, strike "(1) Except".
- 8 Page 26, strike line 20 and substitute "This act takes".
- 9 Page 27, strike line 3.

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