

1.1 A bill for an act

1.2 relating to judicial selection; requiring merit selection for all justices and judges;  
1.3 modifying certain requirements related to the Commission on Judicial Selection;  
1.4 amending Minnesota Statutes 2008, section 480B.01, subdivisions 1, 2, 3, 4, 11.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 480B.01, subdivision 1, is amended to read:

1.7 Subdivision 1. **Judicial vacancies.** If a justice of the Supreme Court, or a judge  
1.8 of the Court of Appeals, district court or Workers' Compensation Court of Appeals dies,  
1.9 resigns, retires, or is removed during the judge's term of office, or if a new district or  
1.10 Workers' Compensation Court of Appeals judgeship is created, the resulting vacancy must  
1.11 be filled by the governor as provided in this section.

1.12 **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to vacancies  
1.13 occurring on or after that date.

1.14 Sec. 2. Minnesota Statutes 2008, section 480B.01, subdivision 2, is amended to read:

1.15 Subd. 2. **Commission established; members.** (a) A Commission on Judicial  
1.16 Selection is established. It is composed of permanent members chosen as ~~described in~~  
1.17 ~~paragraphs (b) to (f).~~ follows:

1.18 ~~(b)~~ (1) The governor shall appoint seven at-large members to the commission who  
1.19 serve at the pleasure of the governor. The governor shall appoint one of these members as  
1.20 chair of the commission. The chair may but does not have to be an attorney. The governor  
1.21 may appoint attorneys to fill no more than four of the remaining six positions.

2.1           ~~(e)~~ (2) The justices of the Supreme Court shall appoint two at-large members to the  
2.2 commission to serve four-year terms, ending on the same day the governor's term of office  
2.3 ends. The justices may appoint an attorney to fill no more than one of the two positions.

2.4           ~~(d)~~ (3) The governor shall appoint two district members to the commission in each  
2.5 judicial district who serve at the pleasure of the governor. The governor may appoint an  
2.6 attorney to fill no more than one of the two positions.

2.7           ~~(e)~~ (4) The justices of the Supreme Court shall appoint two district members to the  
2.8 commission from each judicial district to serve four-year terms, ending on the same day  
2.9 the governor's term of office ends. The justices may appoint an attorney to fill no more  
2.10 than one of the two positions.

2.11           ~~(f)~~ (b) The appointing authorities shall ensure that the permanent members of the  
2.12 commission include women and minorities. All members of the commission must be  
2.13 residents of Minnesota at the time of their appointment and for the duration of their term.  
2.14 Public officials, as defined in section 10A.01, subdivision 35, and sitting judges may not  
2.15 be appointed or serve on the commission. Members of the commission who are attorneys  
2.16 at the time of their appointment must be licensed and in good standing, and have been  
2.17 admitted to practice before the Minnesota Supreme Court for not less than five years.

2.18           **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to  
2.19 commission members appointed on or after that date.

2.20           Sec. 3. Minnesota Statutes 2008, section 480B.01, subdivision 3, is amended to read:

2.21           Subd. 3. **Participation in meetings.** Individuals appointed as district members  
2.22 under subdivision 2, ~~paragraphs (d) and (e)~~ paragraph (a), clauses (3) and (4), may  
2.23 participate in commission meetings and deliberations only when the commission is  
2.24 considering applicants to fill a vacancy on the district court in the judicial district from  
2.25 which those individuals were appointed.

2.26           **EFFECTIVE DATE.** This section is effective July 1, 2011.

2.27           Sec. 4. Minnesota Statutes 2008, section 480B.01, subdivision 4, is amended to read:

2.28           Subd. 4. **Vacancies; removal.** (a) If a vacancy occurs on the commission by reason  
2.29 of the death or resignation of a member or by the removal of a member appointed under  
2.30 subdivision 2, the appointing or electing authority shall appoint or elect an individual  
2.31 to fill the vacancy for the unexpired term.

2.32           (b) A member of the commission may be removed by the appointing authority at  
2.33 any time for cause, after notice and hearing, or after missing three consecutive meetings.

**S.F. No. 3152, as introduced - 86th Legislative Session (2009-2010) [10-5910]**

3.1 The chair of the commission shall inform the appointing authority of a member who  
3.2 has missed three consecutive meetings. After a second consecutive missed meeting,  
3.3 and before the next scheduled meeting, the secretary of the commission shall notify the  
3.4 member in writing that the member may be removed for missing the next meeting. A  
3.5 member may not be removed for missing three consecutive meetings if the member was  
3.6 not permitted to participate in those meetings pursuant to subdivision 3.

3.7 **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to  
3.8 current members and members of the commission appointed on or after that date. A  
3.9 currently-seated member may only be removed for missing three consecutive meetings if  
3.10 the meetings occur on or after the effective date of this section.

3.11 Sec. 5. Minnesota Statutes 2008, section 480B.01, subdivision 11, is amended to read:

3.12 Subd. 11. **Nominees to governor.** Within 60 days after the receipt of a notice of a  
3.13 judicial vacancy, the ~~committee~~ commission shall ~~recommend~~ submit to the governor no  
3.14 fewer than three and no more than five nominees for each judicial vacancy. The names of  
3.15 the nominees must be made public. ~~The governor may fill the vacancy from the nominees~~  
3.16 ~~recommended by the commission. If the governor declines to select a nominee to fill~~  
3.17 ~~the vacancy from the list of nominees, or if no list is submitted to the governor under~~  
3.18 ~~this subdivision, the governor may select a person to fill the vacancy without regard to~~  
3.19 ~~the commission's recommendation. If fewer than 60 days remain in the term of office~~  
3.20 ~~of a governor who will not succeed to another term, the governor may fill a vacancy~~  
3.21 ~~without waiting for the commission to recommend a list of nominees. The governor~~  
3.22 shall appoint a qualified individual to fill the vacancy from the nominees submitted by  
3.23 the commission, or may direct the commission to submit five additional nominees for the  
3.24 vacancy. If the governor directs the commission to submit additional nominees, the names  
3.25 of those nominees must be submitted within 60 days of the governor's direction, and the  
3.26 governor shall appoint a qualified individual to fill the vacancy from those nominees. If  
3.27 the commission does not submit nominees within the time required by this subdivision,  
3.28 the governor may appoint any qualified individual to fill the vacancy.

3.29 **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to vacancies  
3.30 occurring on or after that date.