



Dear Members of the House Judiciary Committee,

On behalf of the Clark Fork Coalition and its members, we urge you to vote no on SB 140. The Clark Fork Coalition (CFC) is a non-profit organization with a 35-year history of protecting and restoring the Clark Fork River basin in western Montana. Since its formation, the CFC has consistently advocated for common-sense water policies to protect Montana's most precious natural resource: its water. The CFC has also zealously opposed projects that threaten water quality and thwarted proposals and policies that would unreasonably deplete water resources in the Clark Fork watershed.

When necessary, the CFC has historically availed itself of Montana's court system to help ensure that both private actors and state agencies follow the law. Like any litigant, the CFC relies on a fair, impartial and non-partisan judges to interpret and enforce the laws enacted by the legislative branch. SB 140 poses a major threat to the independence of Montana's judiciary. Indeed, its sole purpose is to inject partisan politics into the judicial branch.

SB 140 would eliminate the Judicial Nomination Commission and allow the sitting governor to directly appoint judges to fill any vacancy at the District Court or the Supreme Court. In the initial Senate committee hearing on SB 140, the bill was strongly opposed by every attorney organization in the state (including the Montana Association of Judges) because of the chilling effect it would have on Montana's judiciary.

Citing to scant, cherry-picked evidence, the proponents of SB 140 argue that the Nomination Commission has the potential to be influenced by partisan politics. Rather than attempt to fix this problem, proponents suggest Montana simply open the floodgates to a fundamentally partisan process of appointing judges. This would represent an enormous shift away from our current system of checks-and-balances between the three branches of government. In addition, SB 140 would likely run afoul of Montana's Constitution, whose drafters explicitly chose to prohibit the governor from selecting judges from a *self-appointed* list of nominees. Mont. Const. Art. VII, Sec. 8. The bill weakens the very foundation of our Constitution: the Separation of Powers. Mont. Const. Art. III, Sec. I.

All Montanans have right to a fair and impartial judiciary. Our District Court and Supreme Court judges are already held accountable to the people through the election process, and this bill adds no further accountability or any other benefit to the people of Montana. Further, if the governor or the legislature find it necessary to restructure the membership of the commission, it has the full authority to do so without removing the existing safety checks that the commission provides.

Please vote no on SB 140.

Respectfully,

Clark Fork Coalition
PO Box 7593
Missoula, MT 59807