

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

JOINT COMMITTEE ON STATE ADMINISTRATION AND JUDICIARY

Call to Order: By Chairman Jan Brown, on March 16, 1989, at 8:00 a.m.

ROLL CALL

Members Present: All State Administration members present, except:

Members Excused: Reps. Moore and Whalen

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies, Staff Researcher

Announcements/Discussion: The House Judiciary Committee joined with the State Administration Committee to hear SB 196. The Judiciary Committee remained at the meeting until 9:20 a.m.

HEARING ON SB 196

Presentation and Opening Statement by Sponsor: Sen. Bill Yellowtail, Senate District 50, Big Horn County, sponsored the bill. He said this bill recommends that the salaries for members of the bench in Montana should be increased for two fundamental reasons. First, judges should be paid a salary commensurate with their duties and responsibilities. Lawyers in Montana, the group from which judges are selected, earn about 30 percent more than judges do. Second, we must attract the best and the brightest to seek and attain a seat on the bench. Sen. Yellowtail said that our Constitution and our democracy are only as good as our judicial system. This bill serves two simple purposes. It separates the nonpartisan and partisan elected offices, and it increases the judicial salaries. He pointed out that Montana ranks last in the nation in the salaries we pay our Supreme Court justices and district judges, which is a disgrace to these people that we hold in such high esteem. In 1977, Montana ranked 42nd in salary offered to an associate Supreme Court justice and ranked 29th for salary offered to district court judges. For comparison, this year, New York pays the Supreme Court associate justice \$115,000. SB 196 would bring Montana into the middle range of the surrounding states but substantially lower than the national average.

Testifying Proponents and Who They Represent:

Jim Murry, Executive Secretary, Montana State AFL-CIO
Joel Roth, District Judge, Montana Judges' Association
Margaret Davis, League of Women Voters of Montana
Zander Blewett, Self
Rick Bartos, Legal Counsel, Governor's Office
John Stephenson, Jr., Montana Defense Trial Lawyers
James Tutwiler, Montana Chamber of Commerce
Max Hanson, State Bar of Montana
Jim Oppedahl, Administrator, Supreme Court
J. A. Turnage, Chief Justice, Montana Supreme Court

Proponent Testimony:

JIM MURRY, Executive Secretary, of the Montana State AFL-CIO, presented written testimony (Exhibit 1).

JOEL ROTH, a district judge from Great Falls who has been on the bench for 12 years, said he is the president and spokesman for the Montana Judges' Association (MJA). The MJA consists of 36 district judges plus 7 Supreme Court justices, which represents the judicial branch, the third branch of Montana government. He said that Montana judges are employees of the state and have not had a salary increase for 3.5 years. He does not believe that judges are paid in proportion to the responsibilities that they bear. He said currently Montana judges are \$20,000 below the average salary paid to judges in the United States. Judicial salaries in Idaho, Wyoming and North and South Dakota come close to \$10,000 above the judges' salaries in Montana. Judge Roth said that if the judges received an increase of \$10,000 this year and \$2,500 next year, which is what the judges were advocating, but it did not get through the Senate, Montana judges would still rank 42 out of 50. If the judges receive the \$6,000 increase this year, Montana judges will rank 48 out of 50. Judge Roth presented a long list of responsibilities and decisions that are part of a judge's career. He stated that they should be paid commensurate with these responsibilities and decisions.

MARGARET DAVIS, representing the League of Women Voters of Montana, presented written testimony (Exhibit 2).

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ZANDER BLEWETT said he is an attorney from Great Falls who has been practicing for 17 to 18 years. He said he drove to Helena today to support SB 196. Mr. Blewett said that in the last 17 years, he has seen many lawyers who have paid their dues, learned how to practice law, spent 20 to 25 years in the practice of law, and would like to be judges, but simply couldn't because they could not financially afford the position. As a result, the system is starting to erode or may erode. We still have good judges, and we can maintain good judges and get better judges with this pay increase. Mr. Blewett said that his partner, John Hoyt, was on the Salary Commission for about 15 years. Mr. Hoyt told Mr. Blewett that the Salary Commission unanimously voted every time they met to increase the judges' salaries. This bill is for judges secondarily. It is for our judicial system first. He urged the Committee to throw their support behind this bill.

RICK BARTOS, Legal Counsel to Governor Stan Stephens, said that in the Governor's State of the State Message, the Legislature was urged to adopt judicial salary increases for our Supreme Court justices and district court judges. He said that the previous speakers have well illustrated the problems. Mr. Bartos said "Governor Stephens urges this Committee to give favorable consideration to SB 196 as a vehicle upon which we can begin to remedy this problem."

JOHN STEPHENSON, JR. said he is representing the Montana Defense Trial Lawyers, which consists of about 300 lawyers who deal primarily with defending law suits, and is a past president of that group and currently on its board of directors. He said he is also representing the Cascade County Bar Association as the immediate past president. He said that last fall, the Cascade County Bar passed a resolution supporting judicial raises. Those two organizations comprise well over 400 lawyers, which he believes are all firmly committed to supporting judicial pay raises. Mr. Stevenson said that the support system of our highways, bridges and water systems is in danger not only in Montana but across the nation. He then drew an analogy of the decay of the water systems, which routine maintenance would have prevented, to Montana's judiciary, which is the support of the state's legal system. He said that "over half of our Supreme Court justices are over 66; half of our district court judges are over 60. In five to ten years, it is very probable that two-thirds of these judges will be replaced. If salaries are not raised, who will replace those retiring judges? Not the best lawyers, the ones who should aspire to be judges. Instead those positions will go by default to the least qualified of our profession. We should not defer the maintenance of our judicial system." Mr. Stevenson requested the Committee to raise the judicial salaries in order to maintain good judges.

JAMES TUTWILER, representing the Montana Chamber of Commerce, said that the Chamber stands firmly in support of SB 196. He said "we feel that this bill is warranted and merited. We know that the decisions that the judges make have a profound impact on the business of the state and on the private enterprise system. Over a period of time, they have impact on the actual performance of the economy itself. Montana is fortunate in that both the justices and judges in this state, in our opinion, have been of the very highest quality for the past years. We believe that now is the time to look squarely at this issue. Being last in the nation, in terms of salaries, for our justices and judges is certainly not the position we want to be in as it will not ensure we have the quality of judges and justices we have had in the past." He urged the Committee's full support of SB 196.

MAX HANSON, representing the State Bar of Montana, said that in behalf of the attorneys in the state, we owe it to the judges and justices to not have them be on the bottom of the national pay scale. He urged support of SB 196.

JIM OPPEDAHL, the administrator for the Supreme Court, presented to the Committees comparison salary charts of the district and Supreme Court Justices' salaries (Exhibit 3) and a copy of an article taken from the National Judicial College GAVEL - Spring, 1988 issue (Exhibit 3A). He said that the comparison that is most often used in setting judicial salaries around the country is to look at what other judges make. The other comparison is to see what lawyers are making. The standard around the country is really simply keeping pace with inflation. In that regard, Montana has fallen significantly behind in setting judicial salaries and keeping pace. The charts give a hint of how that has happened. Mr. Oppedahl then reviewed the charts with the Committees.

J. A. TURNAGE, Chief Justice, Montana Supreme Court, presented written testimony (Exhibit 4) and a packet of photocopies of newspaper editorials concerning judges' pay raises (Exhibit 5).

Testifying Opponents and Who They Represent:

Sen. Larry Tveit, Self

Opponent Testimony:

SEN. LARRY TVEIT, Senate District 11, Richland and Roosevelt Counties, said that he rises reluctantly to oppose this bill. He said he wanted to make some feelings known about a certain district judge in his area that filed bankruptcy to beat his debts. He said "as a director of that bank, we worked with that judge very closely. He turned his back on

the bank and had the federal courts take care of his debts to the bank and to others in Sidney. With his \$49,000 salary, his debt was not that large that he couldn't have worked it out. He took the easy way out. He is still a judge and has misused his office using professional stationery to make very strong accusations unbecoming of a judge." Sen. Tveit said he has talked to the Judicial Ethics Committee and several of the Supreme Court justices. The Judicial Ethics Committee threw out all but 2 of the 38 counts filed against this judge by the people of Sen. Tveit's area. Sen. Tveit said he has some concern when the judicial system looks so lightly on an area such as this, and it can't be corrected. Sen. Tveit also spoke about a Supreme Court action of the Squires' Shops in Missoula versus Gary Larson that occurred in 1983. He said that the Supreme Court's decision concerning this case paints a "black eye" for the judicial system in the state. Sen. Tveit questioned increasing the judge's salaries when they cannot police their fellow judges.

Questions From Committee Members:

REP. ADDY asked if the controversy that Sen. Tveit testified about predated the filing of the bankruptcy. He asked if it wasn't the sentencing that the judge was handing down on drug cases that initially started the friction between Sen. Tveit and the judge. Sen. Tveit said that there were some petitions that came out with 1,900 signatures that had nothing to do with his bankruptcies or his other personal actions; the bankruptcy came before the sentencing controversy.

REP. GERVAIS said that he thought the opponent was the best proponent that testified. He said if we raise the judges' salaries we probably will not have things of this nature happen.

REP. DEBRUYCKER asked Jim Oppedahl to give an aggregate of what it costs the four surrounding states for judges' salaries. Mr. Oppedahl said in Montana it costs about \$2.1 million for the district court judges and \$350,000 for the Supreme Court. He said that he isn't sure what the aggregate in each of the other four states would be. REP. DEBRUYCKER said that on the Supreme Court bench there are seven judges. The other four states only have five judges. Montana is paying more for their Supreme Court than the four surrounding states. Mr. Oppedahl said that Montana has seven Supreme Court justices because of the case load that has been increasing fairly rapidly over the last ten years.

REP. ROTH asked Judge Roth if he would be surprised to know that there are people in the private sector that are making less than they were 3.5 years ago. Judge Roth said he would accept that. REP. ROTH said that in Judge Roth's testimony,

he stated that judges are nonpartisan. He said they run that way, but asked if he knew how many judges have held previously elected partisan positions. Judge Roth said that sometimes judges have been identified with a political party before they run for a judicial office. Judges do run nonpartisan. He said that he was never affiliated with any political party.

REP. WESTLAKE asked if a judge may have any outside income. Chief Justice Turnage said they may only have unearned income, such as certificates of deposit and stocks.

REP. BOHARSKI said that we have a strange state here where a lot of very qualified professionals are forced to take a huge cut in pay in order to live in Montana. They make probably half of what they can make in some other states. He said he is curious how badly an attorney takes a beating if he decides to practice in Montana versus a big city or Montana's neighboring states, for a better comparison. Max Hanson said that associate attorneys, just out of law school working for the larger firms in New York City, start out at \$72,000 a year. He said he cannot say what attorneys starting out in Montana are paid. In Dillon and Butte, they are paid around \$22,000. Mr. Hanson said "some of his fellow law school graduates who are practicing in San Diego and Los Angeles are making approximately \$250 to \$300 an hour. If there is a going rate in some of the smaller towns, you would find it to be \$65 to \$75 an hour. In the larger cities such as Billings, it is somewhat higher. There is a substantial difference between what attorneys in this state make and what they are making in some of the other areas around the country."

REP. MERCER said the question that the Legislature is looking at, in respect to judicial salaries is, what is fair and what is right; but on behalf of the citizens we are also "purchasing" an official branch of government. REP. MERCER asked if judicial salaries are increased, are we going to get more justice or are we going to get less justice. Chief Justice Turnage said "there is no guarantee that if you pay more, you are going to get the best qualified. There is a guarantee that if you don't, you certainly are not going to get the best. But justice is not for sale. Are you suggesting that you can purchase justice?" REP. MERCER said that he thinks that the judicial branch and executive branch exercise a tremendous amount of power, and they have exercised that power in lieu of legislative power. He said, "If we have the best and the brightest in the judiciary by increasing the salaries, are we going to continue this trend of the judiciary running the state of Montana? Do you think that judicial salaries have anything to do with the politics of the court?" Chief Justice Turnage responded, "I don't think what you pay judges has anything to do with the way the court rules."

REP. BROOKE said that in Missoula they recently had an appointment to fill. There were many applicants. She asked why did we have so many applicants since we heard testimony stating salaries would keep attorneys from applying. Mr. Blewett said there probably would have been more than double the number apply, many of which that would be good lawyers, if the judges' salaries were more commensurate with what it should be. Chief Justice Turnage said he knows that a significant number of those people that applied for that position had barely five years of practice. He said that there is a Martindale-Hubbell Directory of Lawyers and Law Firms that has been in circulation for 100 years where lawyers and judges rate lawyers. He said that he didn't think any of the applicants, other than one or two, had a very high rating. There are about 2,700 licensed lawyers in the state. Chief Justice Turnage said that not all of them, even after five years (the minimum requirement for a district judge) possess the experience that you would really want of a judicial officer of the court.

REP. COCCHIARELLA asked if she could amend the bill to coordinate passage of the judicial request for raises to passage of a state employee raise. She said that the state employees have been offered a 1.5 percent raise for two years. This bill supports raises of 11 percent for the first year of the biennium and 24 percent for the second. Sen. Yellowtail said he would prefer to keep the issue of judicial salaries a distinct issue as it is a distinct branch of government and deserves that consideration. He said that the percentage increase proposed in the bill does appear to be substantial; but in fact, it actually represents an increase in judicial salaries comparable to increases received by state employees over time. Mr. Oppedahl said he has made comparisons on two levels. If you put judges on the state pay plan, and you start them in 1977 or 1984 and you move them up based on where they were in 1977 or 1984 on the matrix like other public employees, judges in the Supreme Court would be currently making about \$6,000 to \$7,000 more than they make today. District court judges would make about \$5,000 more than they make today. This is because increases on the matrix have been steady.

REP. ADDY asked to comment on the question raised by REP. BROOKE concerning appointments to fill vacancies in district courts. He said that a number of judges have resigned in Billings. This is the same situation that REP. BROOKE talked about. REP. ADDY said that in his discussions with other lawyers in Billings when there is a vacancy on the bench, "the conversation in every case seems to follow the same pattern. We have to find someone who has experience in trial practice, preferably someone who has been successful there as they are the ones that probably understand the arena as well as anyone else. You're probably talking about somebody making \$100,000 a year or something substantially

above what we're talking about here. Then you have to find someone who can afford to apply for the judge's position, someone who doesn't have a big mortgage and three kids in college." He said that "for most of the judges in Billings, it has been a substantial reduction in salary."

Closing by Sponsor: Sen. Yellowtail thanked the Committee for a "very good and thorough hearing." He said that the testimony the Committee heard today regarding the complex responsibilities of judges, Governor Stephens' endorsement for the bill, evidence of the imbalance within state government as to salaries between the executive branch and judicial branch, evidence of the majority turnover in the next ten years in our judgeships in Montana was very convincing. He said that Sen. Tveit offered the very best argument for SB 196. If we find fault with some judge, then we should be able to attract someone better and brighter. This is the bottom line in SB 196. We can ill afford to offer less to attract less than the best. We hold our judges to the highest of standards, and we deserve a first-rate judiciary in this state.

DISPOSITION OF SB 196

Motion: REP. O'CONNELL moved SB 196 BE CONCURRED IN.

Discussion:

REP. PHILLIPS said he is concerned that this bill will single out one group. He pointed out that the Governor and Attorney General of the state also have big responsibilities, and the judges' salaries will be higher than either of those two positions pay.

REP. DEBRUYCKER said he opposes the 24 percent raise they will receive while state workers will only receive a 2 percent raise. REP. DEBRUYCKER called nine states on March 6, 1989, and received the information concerning the number of judges and justices in each state which he read to the Committee (Exhibit 7).

REP. GERVAIS said he thinks the judges' salaries are way too low, and he favored the bill.

REP. O'CONNELL said that what we are paying our public employees, including judges and justices, is a disgrace. She said she is sure we could find a way to raise these salaries.

REP. CAMPBELL said raises in salaries should start at the bottom with those receiving only a 2.5 percent raise.

REP. ROTH said that Judges are not overpaid, but the state does not have \$800,000 to cover the cost of the increase in the next biennium. When a judgeship opens up, there are a large number of attorneys applying. There is more incentive to being a judge than just the salary. If some lawyers can't afford to take the job, there are plenty of others that can and will.

REP. COCCHIARELLA said that it is depressing when our Governor is the second to the bottom in salary when compared to the rest of the county, and the judges are at the bottom. She said "we cannot keep putting off the pay raises."

REP. WESTLAKE that he has had two cases heard before the Supreme Court in the last five years. He does not believe that the "people up there are very responsible. The work is all being done by some freshmen law clerks. You can no longer appear before the bench with your lawyer. You submit your briefs. They are read and considered without any opportunity for debate or reappeal." He said that "I have a personal concern that they are not doing their job in the public interest." He suggested that the bill be amended to reduce the number of justices to five and to increase their salaries comparable to the surrounding states.

Lois Menzies said that amendment would be beyond the scope of the title of the bill.

REP. COCCHIARELLA said that the people in the state of Montana voted just recently to have seven justices.

REP. RUSSELL said she finds it difficult to decide what to do when the state employees are being offered such a minor pay raise. She said she believes they need some increase but not the whole amount, especially when you look at the very low salaries of the executive branch.

Amendments, Discussion, and Votes: REP. CAMPBELL moved to amend the bill to the state employee's pay increase. He said that this amendment would provide that if the state employees didn't get a raise, neither would the judges.

REP. O'CONNELL said that she has always heard that "two wrongs don't make a right. We know it is wrong for what the public employees and other government officials are being paid; let's not go against this group. Let's try to bring the rest to where they should be."

REP. COCCHIARELLA said she is concerned about the motion. We should look at where the judges salaries have been in relation to state employees. If the judges salaries had been increased at the same rate as the other state employees, they would have a salary of \$58,458 right now for

the Supreme Court justices and \$54,378 for the district court judges.

REP. GERVAIS said that the judges' salaries should be brought in line with the amounts that REP. COCCHIARELLA stated.

REP. CAMPBELL'S motion FAILED on a voice vote.

Recommendation and Vote: A roll call vote was taken on the original motion that the bill BE CONCURRED IN. The motion CARRIED 10 - 8. (See roll call vote.) Proxies were furnished by Reps. Moore and Whalen. Rep. Dave Brown will carry this bill on the House floor.

DISPOSITION OF SB 296

Motion: REP. ROTH moved to reconsider action on SB 296.

Discussion: The motion CARRIED 15 - 1, with REP. CAMPBELL voting no.

Amendments, Discussion, and Votes: REP. ROTH made a motion to remove amendment No. 6 (Exhibit 8A). He did not want "may" as proposed in the amendment. He said he did not want to bind the two agencies to have the reviews restricted to only joint visitations. REP. ROTH said he wants the unannounced meetings to stay basically unannounced.

The motion CARRIED 12 - 4, with Reps. DeBruycker, Spring, Campbell and Phillips voting no.

Recommendation and Vote: REP. ROTH moved SB 296 BE CONCURRED IN AS AMENDED WITH THE PREVIOUS AMENDMENTS. The motion CARRIED 14 - 2, with Reps. Campbell and Spring voting no. Rep. Cocchiarella will carry this bill on the House floor.

DISPOSITION OF SB 241

Hearing Date: March 8, 1989

Motion: REP. COCCHIARELLA moved SB 241 BE CONCURRED IN.

Discussion: REP. CAMPBELL made a substitute motion that SB 241 BE NOT CONCURRED IN. REP. O'CONNELL said that many of the justices that are about to retire have been working at this lower wage. She said we should look at the future, not only

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for the judges, but for all employees. REP. O'CONNELL said she opposed the substitute motion.

REP. DEBRUYCKER said he agrees with REP. O'CONNELL that we should be looking at the future as to where we are going to get the funds to pay for all of this.

CHAIRMAN BROWN called the Committee's attention to the letter from Larry Nachtsheim (Exhibit 8) that explained the effect of judicial raises on district court fees required to fund SB 241. She asked Linda King to answer any questions from the Committee.

Linda King said that the Public Employees' Retirement Board does not have any concerns with SB 241 sufficiently funded.

REP. PHILLIPS said we used to put \$75 in the state general fund; under this bill, we are only going to put in \$40. He asked how much in total that would take away from the general fund. Jim Oppedahl said this bill takes no money out of the general fund. The money now going into the general fund is being used for displaced homemakers and Big Brothers and Sisters programs. The action of the Appropriations Subcommittee has freed up the \$40 by using unemployment insurance administrative tax money. Actually, the impact on the general fund resulting from enactment of this bill will be to add an additional \$20,000.

The Committee expressed concerns over the unfunded liability of the Judges' Retirement System. Ms. King said that this bill would make the funding for the system better, but would not entirely correct it. She said that no one knows how much the court fees will be each year. If they increase, the system will be adequately funded; if they decrease or stay the same as they have been the last few years, the system will not be adequately funded. At the present time, the fund is actuarially sound. If the court fees remain at the same rate as they are now, the fund is not going to go bankrupt but it could have a problem. This bill will provide additional funds that would help the funding situation.

CHAIRMAN BROWN said that Tom Schneider, who was unable to attend the hearing on SB 241, submitted a letter to the Committee which provides some additional information (Exhibit 6).

A roll call vote was taken on the substitute motion to not concur. Rep. DeBruycker furnished a proxy vote. The substitute motion FAILED on a 9 - 9 vote.

REP. PHILLIPS asked for the total number of judges in the system right now. Jim Oppedahl said there are 7 Supreme Court Justices and 36 district court judges. The Supreme

Court Chief Justice is on PERS. The bill will cover 42 members. REP. PHILLIPS said that if "we pass this for \$330,000, plus \$830,000 this biennium, we will be spending over \$1 million dollars on 42 people." He said that would be hard to justify to the "folks at home."

Amendments, Discussion, and Votes: None

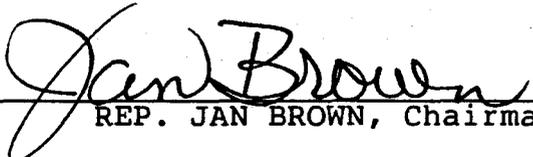
Recommendation and Vote: A roll call vote was taken on the original motion. The motion FAILED on a 9 - 9 vote.
DISPOSITION OF HB 357

Discussion: CHAIRMAN BROWN said that REP. WHALEN had wanted to make a motion to take HB 357 off the table. Since he was not at the meeting, CHAIRMAN BROWN asked if he had asked any of the members of the Committee to make that motion. Lois Menzies distributed copies of Rep. Whalen's amendments (Exhibit 9) and explained them.

REP. ROTH said he did not think the bill would stand a chance of passing on the House floor. Since there was no motion on the floor, he moved to adjourn.

ADJOURNMENT

Adjournment At: 10:37 a.m.


REP. JAN BROWN, Chairman

JB/jb

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DAILY ROLL CALL

STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date March 16, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais	✓		
Rep. Janet Moore			✓
Rep. Angela Russell	✓		
Rep. Carolyn Squires	✓		
Rep. Vernon Westlake	✓		
Rep. Timothy Whalen			✓
Rep. Bud Campbell			
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Rande Roth	✓		
Rep. Wilbur Spring, Jr.			

STANDING COMMITTEE REPORT

March 16, 1989

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Mr. Speaker: We, the committee on State Administration report that Senate Bill 196 (third reading copy -- blue) be concurred in .

Signed: Jan Brown
Jan Brown, Chairman

[REP. DAVE BROWN WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 16, 1989

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Mr. Speaker: We, the committee on State Administration report that Senate Bill 296 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Jan Brown, Chairman

[REP. Cocchiarella WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 1, line 16.
Strike: "licensing,"
Following: "review"
Strike: ", "

2. Page 1, line 19.
Strike: "licensing,"
Following: "review"
Strike: ", "
Strike: "ANNOUNCED"

3. Page 1, line 22.
Strike: "licensing,"
Following: "review"
Strike: ", "

4. Page 2, lines 22 and 23.
Strike: " , " on line 22 through " , " on line 23

5. Page 2, line 25.
Strike: "ANNOUNCED ON-SITE"



EXHIBIT 1
DATE 3-16-89
SB 196

Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

Testimony of Jim Murry on Senate Bill 196 before the House State Administration Committee, March 16, 1989

Madam Chair and members of the Committee, for the record, I am Jim Murry, Executive Secretary of the Montana State AFL-CIO and am here today in support of Senate Bill 196.

Our organization supports appropriate salary and wage increases for workers at all levels, and therefore endorses the effort to raise the salaries of the members of our state's judiciary.

As has been reported in the news media, salaries for Montana's judges and other top state government officials rank at or near the bottom when compared with those paid by other states. While this may appear shocking and is certainly responsible for much of the support for raising judicial salaries, we would like to point out that the same is true for many Montanans.

According to data collected by the U.S. Department of Labor, the most recent figures for average annual pay of workers ranks Montana 47th out of the 50 states. That's down from our rank of 38th in 1980. Clearly, many good Montanans are suffering from this "bottom of the scale" problem.

It is only fair to all concerned that the most competent, qualified individuals possible be seated in these positions of authority. Certainly, pulling Montana's judicial salaries out of last place could help attract or retain high-caliber judges.

With growing caseloads and the increasing complexity of many cases, our judges must also rank among the most productive in the nation, and deserving of commensurate salary levels. The Montana State AFL-CIO supports the efforts to raise judicial salaries as we do those to raise workers' wages across the spectrum.

Thank you.



State Administration Cmte

EXHIBIT 2
DATE 3-16-89
SB 196

LEAGUE OF WOMEN VOTERS OF MONTANA

16 March 89

Joy Bruck, president
1601 Illinois, Helena, Montana 59601

SB 196: An act increasing salaries paid Supreme Court justices and district court judges,...

The League of Women Voters of Montana supports SB 196.

The League rarely participates in the debate on salary setting for any elected officials. However, the current low level of judicial compensation is undercutting the court system's ability to attract qualified personnel in the future from among Montana's best and brightest young legal minds. Aspiring to a position on the bench is in danger of becoming only attractive to those who can afford to do so.

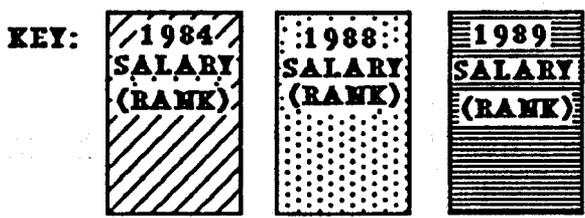
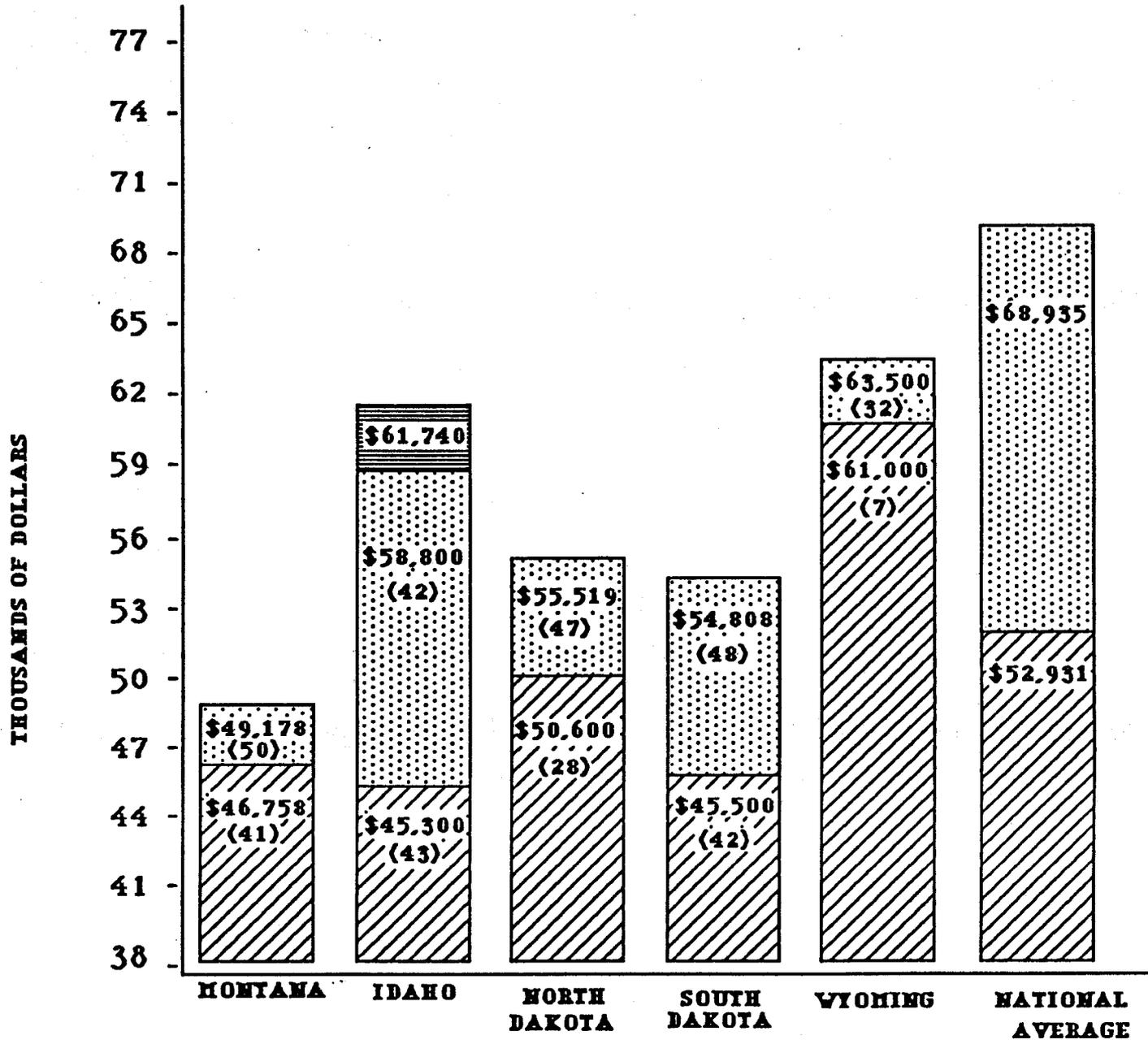
For many years, the League has supported efforts to attract better judges to the bench, to adequately fund the judiciary, and to upgrade the administration of the court system. We have seen major initiatives in these areas wither from a lack of public interest and sometimes even legal professional interest. In the short-term, the only practical answer to maintaining the high quality of our courts is to assure that the salary paid judges is competitive and appropriate to the responsibility these positions carry.

Margaret S. Davis
816 Flowerree
Helena, Montana 59601
443-3487

DISTRICT COURT JUDGE SALARIES

1984 & 1988

COMPARED WITH MONTANA'S NEIGHBORING STATES



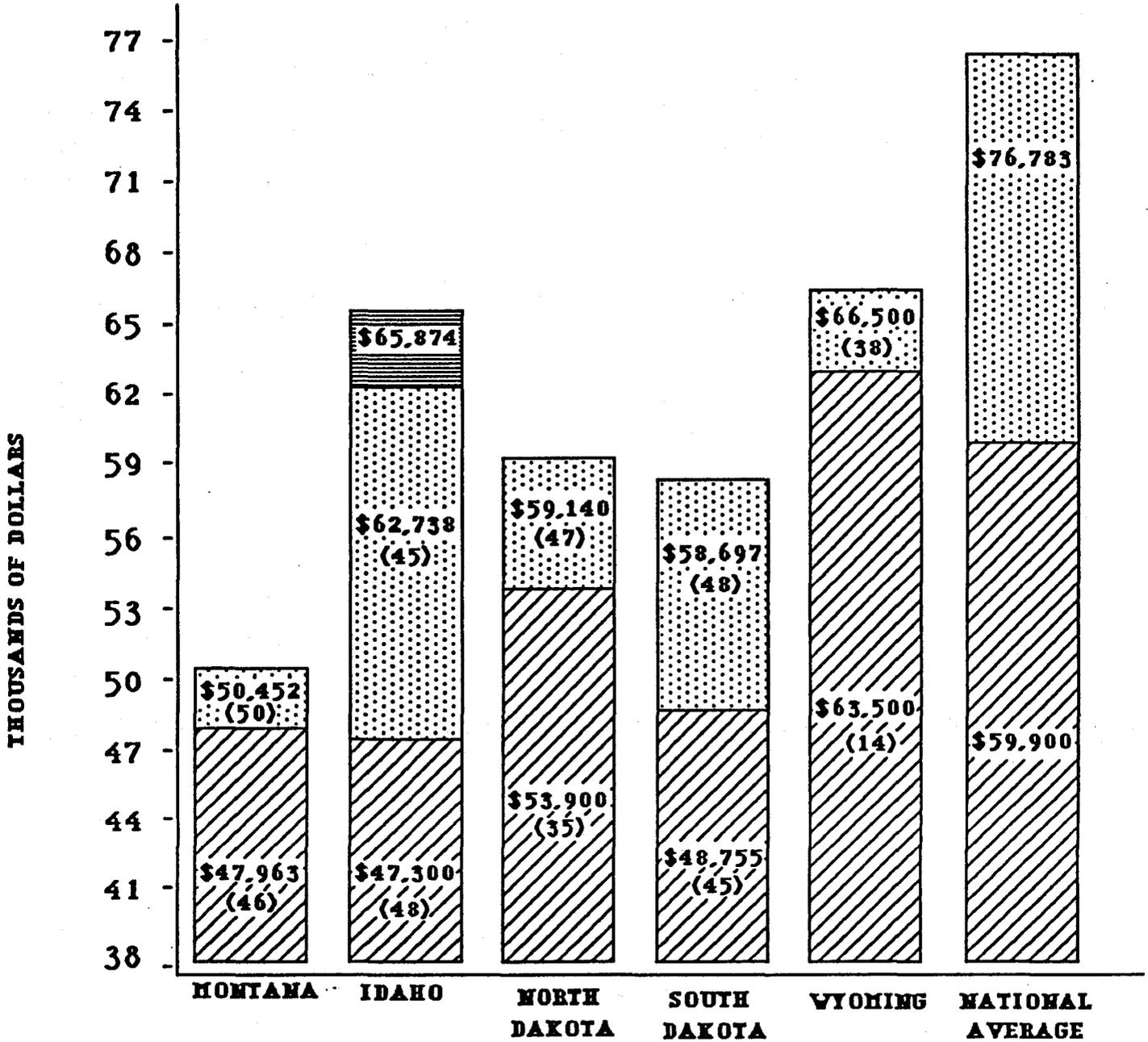
SOURCE: NATIONAL CENTER FOR STATE COURTS, SALARY SURVEY, MAY 1984 AND JULY 1988

EXHIBIT 3
 DATE 3-16-88
 BB 196
 202

SUPREME COURT JUSTICE SALARIES

1984 & 1988

COMPARED WITH MONTANA'S
 NEIGHBORING STATES



KEY:

1984 SALARY (RANK)	1988 SALARY (RANK)	1989 SALARY (RANK)
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SOURCE: NATIONAL CENTER FOR STATE COURTS, SALARY SURVEYS, MAY 1984 AND JULY 1988

EASY LIFE ON THE BENCH?
YOU BE THE JUDGE

EXHIBIT 3A
DATE 3-16-89
HB SB 196

The following article is taken from the
National Judicial College GAVEL - Spring, 1988
issue:

You are the judge on a typical day. You arrive at work early to wade through the volumes of paperwork -- two hours in your office before you even set foot in the courtroom. On this typical day, you must:

1. Decide who will get custody of the children in a bitterly contested divorce.
2. Determine jail vs. probation for a convicted felon who has a secure job and supports a family.
3. Rule on evidenciary pre-trial motions, each ruling a potential basis for appeal.
4. Divide Grandma's estate (she died without a will) fairly between contending parties.
5. Give an interview to a reporter during lunch hour.
6. Rule on an injunction to stop construction on a multi-million dollar project.
7. Determine whether probable cause exists to issue a search warrant on a private residence.
8. Decide whether an alleged abuser's constitutional rights of due process have been violated.
9. Decide whether a 16-year old defendant should be tried as an adult.

Virtually every decision you make -- in the adversary courtroom setting -- will be unpopular with someone. At least one party will be upset as you say yes or no, guilty or not guilty, grant or deny, sustain or overruled.

Sound easy? A well-paid semi-retirement? An intoxicating chance to wield enormous power? It should be obvious that judging is one of the most stressful and difficult jobs in America.

EXHIBIT 4
DATE 3-16-89
SB 196

THE SUPREME COURT OF MONTANA

J. A. TURNAGE
CHIEF JUSTICE



142
JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-2621

TO: Chairman Jan Brown and Chairman Dave Brown; Members of
the House State Administration and House Judiciary
Committees
FROM: J.A. Turnage, Chief Justice *J.A. Turnage*
DATE: March 16, 1989

I am delighted to have this opportunity to speak to the members
of two House Committees today in support of SB 196.

It is not often that the Judiciary is honored by the chance to
present an important proposal to a joint meeting of two House
committees at the same time. This "extra ordinary" hearing
highlights the importance of SB 196.

All of the essential arguments have been made today about the
necessity to provide fair and adequate compensation for Montana
Judges. I trust that everyone has noted that the arguments have
been made by representatives of a wide spectrum of our citizens:
Judges, a representative of Governor Stephens, a representative
of a major labor organization, the chamber of commerce, the State
Bar of Montana and other legal organizations, and the League of
Women Voters -- which as we all know simply represents good
government.

Boiled down, all the arguments have a unified message:

If Montanans are to keep and maintain a first rate judicial
system -- we simply must have a compensation system which
can reasonably be expected to retain and recruit our best
lawyers to become judges.

The Montana Judiciary needs your help this Session and in future
Legislative Sessions to improve our judicial system. The
Judiciary has presented a package of bills to the 51st
Legislature aimed at improving that system:

SB 196 is aimed at one element of improvement--
recruiting and maintaining good judges.

We have several other bills whose primary purpose is judicial
improvement:

SB 241 is part of the package to retain experienced

EX. # 4
2062

judges after 15 years of service;

HB 320 asks for improvement funding for court automation; and

SB 116 asks for revisions in the judicial budget process to make it more efficient.

Judicial improvement is not a sport for the short-winded, but we must begin now with meaningful measures. Members of these two committees and of the 51st Legislature have a unique opportunity to give real meaning to the phrase "Judicial Improvements" and to help the Judiciary make real progress in judicial administration in our last decade of the 20th Century.

SB 196 is an essential part of our judicial improvement package. Because -- when all else is said and done -- retaining and recruiting good judges is the firmest foundation upon which to build a first rate judicial system.

Thank you for the opportunity to talk with you this morning. I hope that you will support our improvement efforts and recommend a DO PASS on SB 196!

Judges' pay raise must be approved

The Legislature is considering two bills which would raise salaries for judges in Montana from the worst in the nation to near the regional average.

This comes at a time when many citizens are fuming about the proposed raise for members of Congress and other federal officials. The climate is as chilly as the arctic winds blowing across the Treasure State.

But judges must be paid more. Low salaries offer good attorneys no incentive to enter the judiciary. Last fall, 19 of the 26 district court seats up for election were uncontested. Montana's judiciary is aging, and there is no prospect that a high quality of justice can be maintained.

Supreme Court justices currently earn \$50,452 per year and district court judges are paid \$49,178 annually. Both figures are the lowest in the nation.

Two bills for higher pay were heard by a State Senate committee this week.

One measure, SB196, provides for a flat \$10,000 increase later this year for Supreme Court and district judges, then another smaller raise next year. That would bring salaries to \$62,952 for the Supreme Court and \$61,678 for the district courts by mid-1990.

Another measure, SB155, would push salaries up this year to \$61,768 at the Supreme Court and \$58,156 at the district court level. In succeeding years, pay would be automatically adjusted to the average salary paid to judges of similar rank in Idaho, Wyoming, North Dakota and South Dakota.

This indexing method would provide reasonable pay that is not out of line with neighboring states, and it would avoid a continued legislative struggle to keep judges' pay current, said the bill's sponsor, Sen. Bruce Crippen, R-Billings.

There was no opposition to either bill at the hearing.

Judges have a tremendous responsibility in our lives. Their decisions have a direct or indirect bearing on virtually every aspect of what we do. Montanans expect a lot of work and a lot of quality from those who wear the black robes in the criminal and civil courts.

We expect the best and the brightest. Since that is the case, we must provide judges with decent compensation.

We tend to favor SB155 as the best method of providing decent compensation. A periodic adjustment in pay, based on a regional formula, is fair and appropriate. It also would avoid the major budget crunch that has occurred during those infrequent sessions when lawmakers were shamed into playing "catch up" with judicial salaries.

One bill or the other deserves passage in the full House and Senate.

EXHIBIT 5
DATE 3-16-89
#B SB 196

1085

Opinion

The Daily Inter Lake, Nov 27, 1988

 G#5
 2 of 5

Judicial pay raise is judicious move

How can you seriously argue that a public official who makes \$50,000 a year is underpaid?

Well, it's tough, especially when a good share of the taxpayers who are paying his salary get less than half that.

Determining what a job is worth is always subject to disagreement. Nor is drawing comparisons with salaries paid in different occupations totally convincing. We're often confronted with lists comparing salaries of teachers, postal clerks, stockbrokers, railroad workers, athletes and entertainers, and the only thing such lists show is that our priorities are seriously out of whack.

The group doing the comparing at the moment is Montana's judiciary — the state's 36 district judges, who earn a little less than \$50,000 a year, and seven Supreme Court justices, who earn just a little more than \$50,000.

Few folks are shedding tears over the judges salaries. The fact is, obviously, at \$50,000 a year, they can drive to the poor farm in fairly comfortable fashion. And in earning nearly eight times the minimum wage as they do, they're neither eligible for nor do they need food stamps.

Even so, \$50,000 is way below what their colleagues in other states earn — district judges in Montana earn \$20,000 less than the national average. Montana Supreme Court justices earn \$28,000 less than the national average. They have gone longer without a raise than all but two states.

In fact, when you compare judicial salaries in Montana with those in other states and U.S. territories, Montana ranks dead last.

Someone has to be last, of course, and if only our pride were at stake, we could stand it.

Unfortunately, there is more at stake.

Montana judges are guardians of our state Constitution, our whole fabric of law. A hundred and fifty legislators pass laws for the governor to sign, but it is the judges who interpret those laws, who must decide how they apply to individual citizens. It is the judges who have the power to rule on disputes, to decide the custody of a couple's children, to confiscate property, to deny a man freedom or take his life.

Montana has the distinction of having the nation's lowest paid judges. What most of us would want sitting in judgment in a critical situation is not the cheapest, but the best.

Adequate compensation is one way to continue to attract and retain quality judges. But if the pay scale keeps sliding in relation to what top lawyers can earn in private practice, we can expect the quality of the judiciary to slide as well, maybe not today, maybe not next year, but eventually it will.

While judicial posts are not going begging and are not likely to, two Supreme Court justices and several district judges were unopposed in the last election.

The issue may not yet rank as an emergency, but before it becomes one, the Legislature should act. State judges have two proposals, one for about \$12,000 in raises over two years, and the other that would raise them to the pay level of judges in neighboring states. If lawmakers can't buy either plan, something more modest at least is in order.

Judicial pay is not an issue most lawmakers are apt to have much sympathy for. But by doing something now, the state can head off trouble down the road.



Raising underm

By JAMES J. KILPATRICK

WASHINGTON — Prediction No. 2: There won't be any significant increase in federal taxes during the 101st Congress. Prediction No. 2: If so, the country will emerge from the swamp of deficit by 1993. The situation is not nearly as bleak as the prophets of doom would have you believe.

Prediction No. 1 is based on certain evident facts of political life. As George Bush is not going to advocate higher taxes, Congressional Democrats will not sponsor an increase on their own. Any hike in taxes would have to be a bipartisan proposal, signed and in advance of introduction.

If Bush relents on his most explicit campaign pledge, prospects will

Letters

Support local industry,
use real Christmas greens

Valley Community College in its quest for a home. We have been "making do" for a long time, and it is exciting to think of moving to buildings that are truly designed for college

Ex. 5
3 of 5

OPINION

The Billings Gazette is dedicated to the continued growth of Billings and Montana while recognizing that our unique quality of life must be maintained and preserved.

Expertise costly commodity

Montana has reached a point of diminishing returns.

Budget cuts are generally good. They force elected officials and bureaucrats to reassess their services, to attempt to do more for less.

GAZETTE OPINION

They take the "that's the way we've always done it" out of the system and replace that philosophy with "how can we do it for less?"

But some areas of state government have been cut to the point where their lifeblood is spilling in legislative halls.

Consider, for example, the salary levels of the judiciary in the state.

Montana Supreme Court justices and District Court judges are paid less than their contemporaries in Idaho, Wyoming and North and South Dakota.

Even worse, we pay our judiciary substantially less than any other state in the union. We are the Appalachia of court systems dead last, worst anywhere.

The problem isn't unique to the court system, of course. We are also dead last in salary levels for uni-

In short, the state of Montana is in the pits. Good for us, you say? We're saving taxes, aren't we?

But that's not necessarily so.

Universities and court benches are all part of the marketplace. Both judges and professors have an expertise that translates into dollars.

In these litigious, technical times, we need real expertise in both areas, but we can't expect to have that if we refuse to pay the going rate.

Already there has been an exodus of some of the state's best and brightest, and that hurts us all.

There is proposed legislation now that would raise judges' salaries by \$10,000 in fiscal year (FY) 1990 and \$2,500 in FY 1991. We are so far behind that raises of that magnitude would still leave our pay scales hovering near the bottom.

Given the hard times the Big Sky is facing now, the proposal may be too precipitous. We should ease into the plan, reaching those levels in, for example, a five-year period.

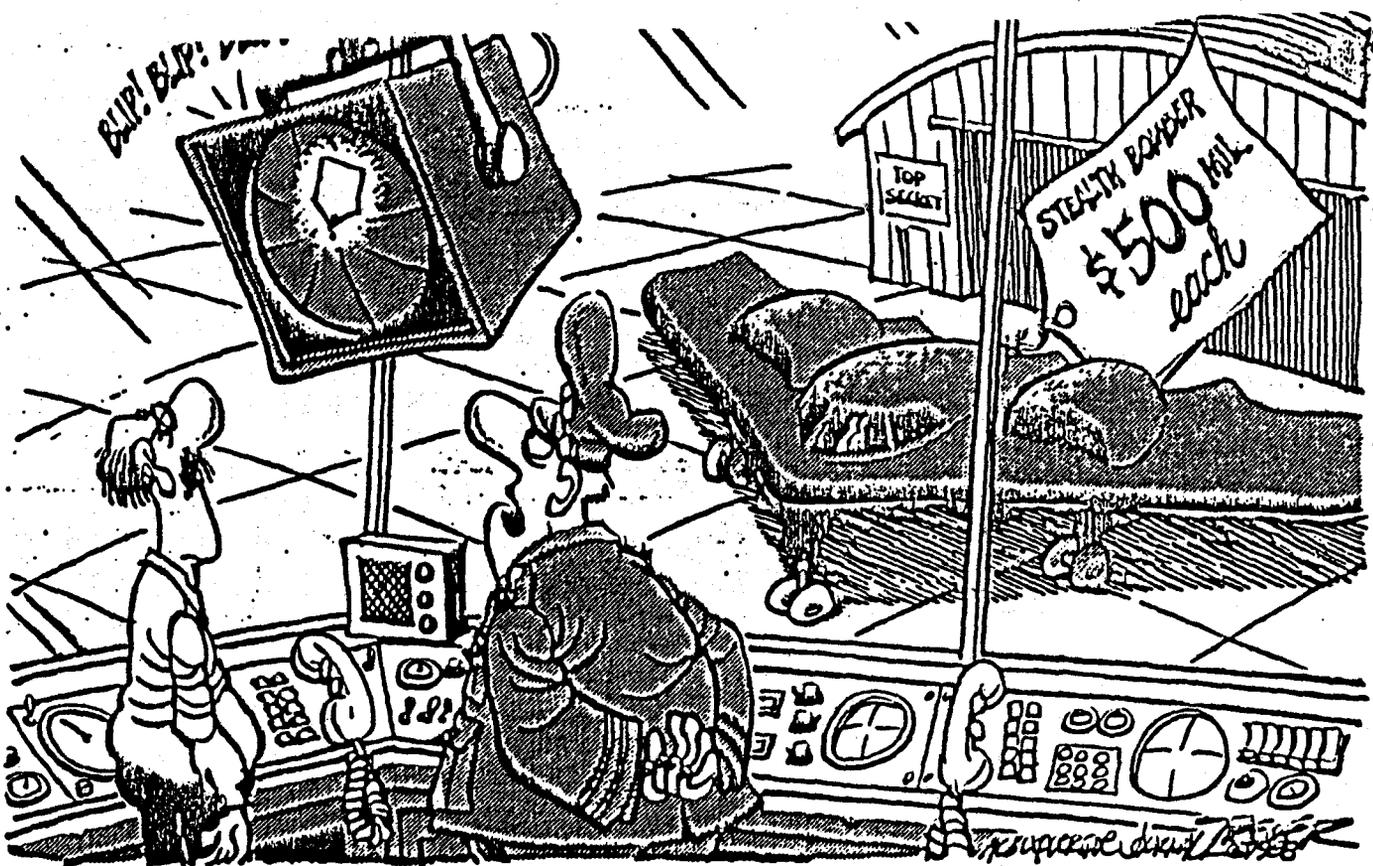
We simply can no longer ignore the inevitable. Expertise costs money, but without expertise we



Bush vs The SOV

Illustration by Michael Kernal

USE
TOO
FOR
IF...



"UH... YEAH, THE ENGINEERS ARE STILL WORKING ON A WAY TO DISGUISE THAT..."

MISSOULIAN, DECEMBER 1, 1988

MISSOULIAN EDITORIAL

Judges deserve better pay

Higher salaries could improve Montana's judicial system

In a world where you usually get what you pay for, Montana is pinching pennies in the wrong place by paying its Supreme Court and District Court judges many thousands of dollars less than they deserve.

Low salaries offer good attorneys no incentive to enter the judiciary. What's more, low pay makes it tough for good judges to stay in office. Most competent attorneys can earn as much or more in private practice than they'd earn as a judge or justice.

Surveys conducted by the National Center for State Courts and distributed by the State Bar of Montana rank Montana last in the nation for judicial salaries.

Supreme Court justices earn \$50,452 a year — \$26,331 less than the average state supreme court justice in America.

Montana's justice salaries don't look much better compared with those paid by neighboring states. Wyoming pays its high court justices \$66,500 a year, while Idaho and North Dakota pay their justices \$62,738 and \$59,140, respectively.

Montana penny-pinches on its District Court salaries, too. District Court judges earn \$49,178 a year, far below

the national average of \$68,935.

Wyoming pays its District Court judges \$63,500 a year — far more than Montana pays its Supreme Court justices. District Court judges in Idaho earn annual salaries of \$58,800, and their pay is scheduled to increase to nearly \$62,000 next year. North Dakota District Court judges are paid \$55,519 a year.

Worst of all, Montana's judges have been losing ground in comparison with their peers. Four years ago, Montana's Supreme Court justice salaries ranked 46th in the nation — now they're 50th. The ranking for District Court judge salaries has slipped from 41st to 50th in those same four years.

Is there any wonder that both Supreme Court justices up for election Nov. 8 ran unopposed, as did 19 of the 26 District Court judges seeking election this year?

Judges shoulder tremendous responsibility in our society. Their decisions have at least an indirect bearing on virtually every aspect of our lives. We owe it to ourselves to recruit the best and brightest judges possible, and we owe the men and women of the bench an appropriate income.

Higher pay, alone, won't solve all the problems facing Montana's judiciary. The state's antiquated court system is badly in need of reform. But better salaries are essential if Montana hopes to maintain, much less improve its judiciary.

Ex #5
5 of 5

Judges need a raise

Present pay rates won't lure the best lawyers to the bench

It's fortunate some old adages, like "you get what you pay for," don't always apply. Otherwise, Montana justice would be the worst in the nation.

The fact is our judges are the poorest paid judges in the United States of America. Judges in Guam make a better living. Montana judges not only need a raise, but those of us concerned with keeping the best possible people on the bench need to give them one.

It's not that our judges are starving. A lot of Montanans would salivate at the very idea of making \$50,000 a year, but few would be willing or capable of taking on the job's awesome duty to impartially decide who's right, who's wrong, who's guilty and who's innocent under the increasingly complicated doctrines of state, federal and common law.

More to the point, few Montana lawyers — or, at least, few of the very best lawyers — are willing to put on the black robe and serve their state in what is such a critical, yet thankless job.

In this world of material incentives, you'd have to wonder about the sanity — or talents — of a top lawyer who turns down \$100,000 a year or better to take a \$50,000 judicial post along with its accompanying ethical restrictions against accepting outside income. Even the average private attorney earns roughly 30 percent more than a Montana judge who's likely to be snowed under with work of the most soul-straining nature.

The danger that only second or third-rate lawyers will be interested in running for district judgeships or a seat on the state Supreme Court is not so far-fetched.

While many communities, such as Bozeman, are fortunate to have chosen judges from among their best legal minds, others haven't been so lucky. We've seen voters in other parts of the state left with only one choice for their local bench, while better lawyers

watched from the sidelines.

In light of this, Montana judges are pushing for better pay, specifically raises in the \$10,000 range, enough money to make their salaries at least comparable to those of judges in the neighboring states of Wyoming, Idaho, South Dakota and North Dakota. Such raises would cost the state an estimated \$500,000 a year.

In terms of \$2 billion state budgets, that's not a lot of money, but we expect to see the judges' proposal to meet strong resistance, much of it from strapped Montana taxpayers who can't expect to make that kind of money themselves and fundamentally resent any government employee who does.

The fact that the average private-sector Montanan makes less than the average public-sector employee in this state doesn't bode well, either.

Similarly, we're likely to see a judicial pay hike opposed by those who have a general low regard for the legal profession and others who have specific beefs against this judge's ruling or that Supreme Court decision.

Nor is it likely that judges will be singled out for raises while hundreds of other state employees are deserving of pay hikes as well.

But the case for making better judicial pay a legislative priority must be made.

It's always shaky to argue that one person's job is more critical or more important than another, but there's no question a judge's job is critical, important and often a miserable one. Within the boundaries of law, they hold no less than the power of life and death in their hands.

As one judge put it, Montana taxpayers have been getting a bargain on judges. We Montanans have never been ones to turn down a good deal, but neither are we willing to accept cut-rate, discount justice.

Even the loudest critics of Montana's judiciary should see the benefit of better judicial salaries designed to lure the best and brightest lawyers to the bench and keep them there.

Opinion

BOZEMAN, DAILY CHRONICLE

Sunday, December 11, 1988

4

MONTANA

1426 Cedar Street • P.O. Box 5600

Helena, Montana 59601

Telephone (406) 442-4600

March 12, 1989

EXHIBIT 6

DATE 3-16-89

HB SB

PUBLIC

EMPLOYEES

ASSOCIATION

TO: House Committee on State Administration

FROM: Thomas E. Schneider, Executive Director

Subject: Senate Bill 241 (Judge's Retirement System)

As the original author of the Judge's Retirement System, I had been requested to testify before your committee but was unable to because of a conflict with MPEA legislation. I would like to offer this information and make myself available for questions either before the committee or on an individual basis.

The first thing one must do when analyzing SB 241 is to forget making a comparison with the other state and local government retirement systems. The reason you can't compare is because all of the other systems are based around the fact that their members start employment early, normally between the ages of 18 and 25, and are ready to retire between the ages of 45 thru 65 depending on the type of employment, with law enforcement normally retiring the earliest.

The Judge, on the other hand, usually doesn't become a judge until much later in life and that changes the methodology which has to be used to decide the benefit structure that meets the needs of this system.

The original legislation we drafted in 1967 allowed a member of the Judge's Retirement System to earn 3 1/3% for each year of service to a maximum of 75% of salary. While one of the reasons the legislature changed our proposal to 3 1/3% for the first 15 years of service and 1% thereafter was because the other state systems had similar limits at that time, the major reason was demographics of the judgeship at that time. The majority of judges being elected were between ages 55 and 60 with some even in their 60's. The feeling in the legislature was to remove the incentive to stay on after age 72.

We now have a whole new situation. Not only have the caps been removed and benefits increased in the other systems while there has not been one change in the formula structure of the Judge's system since 1967 when it passed, we are electing judges at a much younger age. Where the benefit structure in 1967 was intended to limit the incentive to serve past age 72, we are now faced with a benefit structure which provides a disincentive and, in fact, causes judges to leave the bench during the prime of their judge life. Retirement systems must be changed to meet the needs of the members they service and the changes in society. This system needs to be changed in this area and I hope you can support SB 241.

Again, I would be happy to answer your questions.



State	Population (1980 census)	*Current Salary	Total Cost	Cost/Person
North Dakota	679,000	Chief Justice \$60,785 4 Assoc. Justices 59,140	\$297,345	\$0.438
South Dakota	708,000	5 Judges \$61,618	\$308,090	\$0.435
Wyoming	507,000	5 Judges \$66,500	\$332,500	\$0.656
Idaho	1,002,000	Chief Justice \$64,237 4 Assoc. Justices 62,737	\$315,185	\$0.315
New Mexico	1,479,000	5 Judges \$62,185	\$310,925	\$0.21
Nevada	963,000	5 Judges \$73,500	\$367,500	\$0.38
Arizona	3,319,000	Chief Justice \$85,000 4 Assoc. Justices 84,000	\$422,000	\$0.12
Utah	1,665,000	Chief Justice \$68,000 4 Assoc. Justices 66,000	\$332,000	\$0.20
		All will receive a \$10,000 raise in 1990:	\$382,000	\$0.23
Colorado	3,267,000	Chief Justice \$74,500 6 Assoc. Justices 72,000	\$506,500	\$0.150
Montana	819,000	Chief Justice \$51,721 6 Assoc. Justices 50,452	\$354,433	\$0.433
		Proposed increase.....	\$438,433	\$0.535

* Information obtained by telephone March 6, 1989.

DEPARTMENT OF ADMINISTRATION HB 241
 PUBLIC EMPLOYEES' RETIREMENT DIVISION

STAN STEPHENS, GOVERNOR

(406) 444-3154



STATE OF MONTANA

 1712 9TH AVENUE
 HELENA, MONTANA 59620-0131

March 13, 1989

The Honorable Jan Brown
 Chairman,
 House Committee on State Administration
 State Capitol
 Helena, MT 59620

RE: Effect of Judicial raises on district court fees required to fund JRS

Dear Representative Brown:

On March 8, the House Committee on State Administration asked the Public Employees' Retirement Division to calculate the additional district court fees which would become payable to the Judges' Retirement System per \$1,000 increase in Judicial salaries.

In providing the following information requested by the Committee, it is not the Board's intention to propose or endorse any "cap" on proposed salary increases. While retirement benefits are a part of the overall employee benefit package provided by the state, the state has not included retirement benefits as part of any annual employee compensation plan. The Board is not suggesting that it is appropriate for the level of compensation paid to active members of the Montana Judiciary (or any other government employee) to be limited or enhanced because of the retirement system to which they belong.

IMPACT OF SALARY INCREASES IF SB 241 IS ENACTED: According to Supreme Court estimates of court fee revenues, SB 241 will pay for itself and make an additional \$67,882/year available for contributions to the Judges Retirement system. If salaries for members of the retirement system are increased, the following increased contributions will become payable from district court fees:

Additional District Court Fees (35.73% of total salaries)	Annual Increase/JRS Member (42 members)	Net Income from Court Fees to JRS over Current Law
\$15,007	\$ 1,000	\$ 52,875
30,013	2,000	37,869
45,020	3,000	22,862
60,026	4,000	7,856
75,033	5,000	(7,151)
90,040	6,000	(22,158)

Rep. Jan Brown

March 13, 1989

Page 2

IMPACT OF SALARY INCREASES WITHOUT SB 241: Without the additional \$67,882/year in SB 241, the following impacts would occur to the JRS:

Additional District Court Fees (31% of total salaries)	Annual Increase/JRS Member (42 members)	Net Income from Court Fees to JRS over Current Law
\$13,020	\$ 1,000	(\$13,020)
26,040	2,000	(26,040)
39,060	3,000	(39,060)
52,080	4,000	(52,080)
65,100	5,000	(65,100)
78,120	6,000	(78,120)

The Public Employees' Retirement Board supports SB 241 because, in addition to fully funding the benefit enhancements provided, it provides approximately \$67,882 each year to reduce the current deficit in the district court fees.

Sincerely,



Larry Nachtsheim
Administrator

EXHIBIT 8A
DATE 3-16-89
HB SB296

Amendments to Senate Bill No.
Third Reading Copy

For the House Committee on State Administration

Prepared by Lois Menzies
March 10, 1989

1. Page 1, line 16.
Strike: "licensing,"
Following: "review"
Strike: ", "
2. Page 1, line 19.
Strike: "licensing,"
Following: "review"
Strike: ", "
Strike: "ANNOUNCED"
3. Page 1, line 22.
Strike: "licensing,"
Following: "review"
Strike: ", "
4. Page 2, lines 22 and 23.
Strike: "," on line 22 through "," on line 23
5. Page 2, line 25.
Strike: "ANNOUNCED ON-SITE"
6. Page 3, line 8.
Strike: "MAY"
Insert: "shall"

HOUSE BILL NO. 357
Phillips

1
2 Clerk of the supreme court 5
3 NEW SECTION. Section 7. Effective date. [This act] is
4 effective July 1, 1989.

~~\$26,000~~ 45,000
~~\$37,401~~ 39,000

-End-

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SALARY SCHEDULE FOR CERTAIN STATE OFFICERS; AMENDING SECTION 2-16-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-16-405, MCA, is amended to read:
"2-16-405. Salaries of certain elected state officials. The salaries paid to certain elected officials of the state of Montana for--fiscat--year--1986--end--following

years are:	
Governor	\$50,452 75,000
Lieutenant governor	\$36,141 50,000
Chief justice of the supreme court	\$51,722
Justices of the supreme court, each	\$50,452
Attorney general	\$46,046 55,000
State auditor	\$33,342
Superintendent of public instruction	\$38,000 50,000
Public service commission chairman	\$39,672 45,000
Public service commissioners, other than chairman	\$37,363 40,000
Secretary of state	\$36,141 39,000
	\$33,342

EXHIBIT 9
DATE 3-16-89
HB 357
1 of 2

INTRODUCED BILL
HB 357



Section 2. Section 13-37-106, MCA, is amended to read:

"13-37-106. Salary. The commissioner of political practices is entitled to receive a salary of ~~\$27,655~~ \$34,000 a year."

NEW SECTION. Section 3. Appropriation. (1) The following amounts are appropriated from the general fund for each year of the biennium ending June 30, 1991, to implement [this act]:

Office of the Governor	\$26,266
Office of the Lieutenant Governor	14,829
Department of Justice	9,613
Office of the State Auditor	17,824
Office of Public Instruction	5,701
Department of Public Service Regulation	16,989
Office of the Secretary of State	9,356
Supreme Court	7,061
Office of the Commissioner of Political Practices	6,789

(2) There is appropriated to the Office of the Secretary of State \$3,118 from the state special revenue fund for each year of the biennium ending June 30, 1991, to implement [this act].

NEW SECTION. Section 4. Coordination instruction. If House Bill No. 770 is not passed and approved, [this act] is void.

114,428
x 2

228,856
6,236

235,092

VISITORS' REGISTER
STATE ADMINISTRATION COMMITTEE

BILL NO. SB 196 DATE March 16, 1989

SPONSOR SENATOR YELLOWTAIL

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
JAMES TUTWIKEL	MT CHAMBER COM	✓	
L.A. Turner	Secretary	✓	
Wendell Davis	ANMT	X	
Olaf Neildarson	MT. Welfare Council Lawyers	✓	
Zander Blewett	Self	✓	
RILL SAOS	Gov office	✓	
John Stephenson Jr	Mont. Defense Trial League Circuit Board	✓	
Jim Murray	Mont. AFL-CIO	✓	
Alan Ad	State Bar of MT	✓	
Joel Roth	Montana judges association	✓	
Bill Felt	MTS		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

STATE ADMINISTRATION

COMMITTEE

DATE 3-16-89 BILL NO. SB 196 NUMBER 1

NAME	AYE	NAY
Jan Brown	✓	
Bud Campbell		✓
Vicki Cocchiarella	✓	
Duane Compton		✓
Ervin Davis	✓	
Roger DeBruycker		✓
Floyd "Bob" Gervais	✓	
Harriet Hayne		✓
Janet Moore	✓	
Richard Nelson	✓	
Helen O'Connell	✓	
John Phillips		✓
Rande Roth		✓
Angela Russell	✓	
Wilbur Spring, Jr.		✓
Carolyn Squires	✓	
Vernon Westlake		✓
Timothy Whalen	✓	

TALLY

10 8

Judy Burzuff
Secretary

Jan Brown
Chairman

MOTION: To be concurred in.

ROLL CALL VOTE

STATE ADMINISTRATION

COMMITTEE

DATE 3-16-89 BILL NO. SB 241 NUMBER 1

NAME	AYE	NAY
Jan Brown		✓
Bud Campbell	✓	
Vicki Cocchiarella		✓
Duane Compton	✓	
Ervin Davis		✓
Roger DeBruycker	✓	
Floyd "Bob" Gervais		✓
Harriet Hayne	✓	
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell		✓
John Phillips	✓	
Rande Roth	✓	
Angela Russell		✓
Wilbur Spring, Jr.	✓	
Carolyn Squires		✓
Vernon Westlake	✓	
Timothy Whalen		✓

TALLY

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Judy Burgess
Secretary

Jan Brown
Chairman

MOTION: Do Not Concur In.

ROLL CALL VOTE

STATE ADMINISTRATION

COMMITTEE

DATE 3-16-89 BILL NO. SB 241 NUMBER 2

NAME	AYE	NAY
Jan Brown	✓	
Bud Campbell		✓
Vicki Cocchiarella	✓	
Duane Compton		✓
Ervin Davis	✓	
Roger DeBruycker		✓
Floyd "Bob" Gervais	✓	
Harriet Hayne		✓
Janet Moore		✓
Richard Nelson	✓	
Helen O'Connell	✓	
John Phillips		✓
Rande Roth		✓
Angela Russell	✓	
Wilbur Spring, Jr.		✓
Carolyn Squires	✓	
Vernon Westlake		✓
Timothy Whalen	✓	

TALLY

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Judy Burggraf
Secretary

Jan Brown
Chairman

MOTION: Be Concurred In.
