

CHAPTER NO. 536

SENATE BILL NO. 356
INTRODUCED BY TOWE, NORMAN

IN THE SENATE

February 3, 1979	Introduced and referred to Committee on Local Government.
February 5, 1979	Fiscal note requested.
February 9, 1979	Fiscal note returned.
February 14, 1979	Committee recommend bill do pass as amended. Report adopted.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Passed consideration.
February 20, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 21, 1979	Introduced and referred to Committee on Local Government.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 24, 1979	Returned from second house. Concurred in as amended.
March 26, 1979	Second reading, pass con- sideration until March 28, 1979.
March 28, 1979	Second reading, amendments adopted.
March 29, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 Sen BILL NO. 356
2 INTRODUCED BY Sen Norman

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SALARIES OF
5 CITY JUDGES AND COUNTY JUSTICES NOT TO BE LESS THAN SALARIES
6 FOR THE CLERK OF COURT; AMENDING SECTIONS 3-10-207 AND
7 3-11-202, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 3-10-207, MCA, is amended to read:
11 "3-10-207. Salaries. (1) The board of county
12 commissioners shall set salaries for justices of the peace
13 by resolution ~~provided that~~. ~~Salaries must meet the~~
14 ~~minima requirements established by this section.~~

15 ~~(1)(2) If~~ If the salary of the justice of the peace
16 was determined on a fee basis for the years 1971 and 1972,
17 he shall receive a monthly salary of not less than
18 one-eighteenth of the total fees, civil and criminal,
19 collected by the justice or his predecessor in office during
20 the 2 years 1971 and 1972.

21 ~~(2)(3) If~~ If the salary of the justice of the peace
22 was determined on a nonfee basis for the years 1971 and
23 1972, the justice shall be paid not less than the highest
24 salary earned by the justice or his predecessor for the
25 years 1971 and 1972.

1 ~~(4) The salary of the justice of the peace may not be~~
2 ~~less than the salary for the district clerk of the court in~~
3 ~~that county.~~

4 ~~(5) In the event his court is not open for business~~
5 ~~full time, the justice's salary shall be commensurate to the~~
6 ~~workload and office hours of the court."~~

7 Section 2. Section 3-11-202, MCA, is amended to read:
8 "3-11-202. Salary. (1) The annual salary and
9 compensation of city judges must be fixed by ordinance.

10 ~~(2) The salary of the city judge shall not be less~~
11 ~~than the salary of the city clerk in the city where the~~
12 ~~judge holds court.~~

13 ~~(3) In the event his court is not open for business~~
14 ~~full time, the judge's salary shall be commensurate to the~~
15 ~~workload and office hours of the court."~~

-End-

-2-
SB 356
INTRODUCED BILL

STATE OF MONTANA

REQUEST NO. 219-79

FISCAL NOTE

Form BD-15

In compliance with a written request received Feb. 5, 19 79, there is hereby submitted a Fiscal Note for SB 356 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

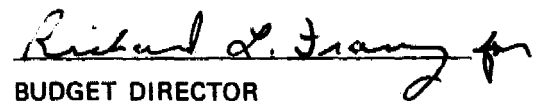
DESCRIPTION OF LEGISLATION:

Senate Bill 356 ties the salaries of city judges to those paid city clerks and the salaries of county justices to those paid clerks of the district court.

LOCAL IMPACT:

No data is available regarding the salaries currently paid the 88 Justices of the Peace, nor the number of Justices whose courts are not open for business full-time. All Clerks of District Court are full-time county employees and receive total salaries of \$654,294, averaging \$11,684 statewide.

City judges and city clerks currently receive salaries averaging \$9,450 (clerks) and \$4,189 (judges). The total salaries currently paid judges statewide is \$196,866 and city clerks receive \$444,166. If city judges' salaries were made commensurate with city clerks, the added municipal cost would be \$247,300 for each year of the biennium. Again, no data was available regarding the full or part-time status of individual city judges or city clerks.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/9/79

Approved by Comm.
on Local Government

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~~CITY JUDGES AND~~ COUNTY JUSTICES NOT TO BE LESS THAN SALARIES
FOR THE CLERK OF COURT; AMENDING SECTIONS SECTION 3-10-207
AND ~~3-11-202~~, MCA."

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

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county
commissioners shall set salaries for justices of the peace
by resolution ~~provided that~~. Salaries must meet the
minimum requirements established by this section.

(1)(2) If the salary of the justice of the peace
was determined on a fee basis for the years 1971 and 1972,
he shall receive a monthly salary of not less than
one-eighteenth of the total fees, civil and criminal,
collected by the justice or his predecessor in office during
the 2 years 1971 and 1972.

(2)(3) If the salary of the justice of the peace
was determined on a nonfee basis for the years 1971 and
1972, the justice shall be paid not less than the highest
salary earned by the justice or his predecessor for the
years 1971 and 1972.

~~(4) The salary of the justice of the peace may not be
less than the salary for the district clerk of the court in
that county.~~

~~(5) In the event his court is not open for business
full time, the justice's salary shall be commensurate to the
workload and office hours of the courts."~~

~~Section 2. Section 3-11-202, MCA, is amended to read:~~

~~"3-11-202. Salaries. (1) The annual salary and
compensation of city judges must be fixed by ordinance.~~

~~(2) The salary of the city judge shall not be less
than the salary of the city clerk in the city where the
judge holds court.~~

~~(3) In the event his court is not open for business
full time, the judge's salary shall be commensurate to the
workload and office hours of the courts."~~

-End-

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"3-10-207. Salaries. (1) The board of county
 commissioners shall set salaries for justices of the peace
 by resolution provided that, salaries must meet the
minimum requirements established by this section.

(1)(2) If the salary of the justice of the peace
 was determined on a fee basis for the years 1971 and 1972,
 he shall receive a monthly salary of not less than
 one-eighteenth of the total fees, civil and criminal,
 collected by the justice or his predecessor in office during
 the 2 years 1971 and 1972.

(2)(3) If the salary of the justice of the peace
 was determined on a nonfee basis for the years 1971 and
 1972, the justice shall be paid not less than the highest
 salary earned by the justice or his predecessor for the
 years 1971 and 1972.

~~(4) The salary of the justice of the peace may not be
 less than the salary for the district clerk of the court in
 that county.~~

~~(5) In the event his court is not open for business
 full time, the justice's salary shall be commensurate to the
 workload and office hours of the court."~~

~~Section 2. Section 3-11-202, MCA, is amended to read:
 "3-11-202. Salaries. (1) The annual salary and
 compensation of city judges must be fixed by ordinance.~~

~~(2) The salary of the city judge shall not be less
 than the salary of the city clerk in the city where the
 judge holds court.~~

~~(3) In the event his court is not open for business
 full time, the judge's salary shall be commensurate to the
 workload and office hours of the court."~~

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

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution; provided that, Salaries must meet the minimum requirements established by this section.

(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.

(4) The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, EXCEPT AS PROVIDED FOR IN SUBSECTION (5).

(5) In the event his court is not open for business full time, the justice's salary shall be commensurate to the workload and office hours of the courts."

Section 2. Section 3-11-202, MCA, is amended to read:

"3-11-202. Salaries. (1) The amount of salary and compensation of city judges must be fixed by ordinance.

(2) The salary of the city judge shall not be less than the salary of the city clerk in the city where the judge holds court.

(3) In the event his court is not open for business full time, the judge's salary shall be commensurate to the workload and office hours of the courts."

-End-

HOUSE OF REPRESENTATIVES
March 15, 1979

Committee on LOCAL GOVERNMENT Amendments to Senate Bill 356,
third reading copy, be amended as follows:

1. Page 2, line 3.

Following: "county"

Insert: ", except as provided for in subsection (5)"

AND AS AMENDED BE CONCURRED IN