CHAPTER NO. <u>53</u>

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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.			
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IN THE SENATE

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March 24, 1979		eturned from second house. oncurred in as amended.
March 26, 1979	S	econd reading, pass con- ideration until March 28, 979.
March 28, 1979		econd reading, amendments dopted.
March 29, 1979		hird reading, amendments dopted. Sent to enrolling.
	R	eported correctly enrolled.

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years 1971 and 1972.

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LC 0768/01

ALL BILL NO. 356 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SALARIES OF 4 CITY JUDGES AND COUNTY JUSTICES NOT TO BE LESS THAN SALARIES 5 6 FOR THE CLERK OF COURT; AMENDING SECTIONS 3-10-207 AND 7 3-11-202. MCA." 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 9 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 by resolutiony--provided-thets_ Salaries_must_meet_the 13 14 minimum 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+131 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

1 [4] The salary of the justice of the peace may not be less than the salary for the district clerk of the court in 2 з that county. [5] In the event his court is not open for business 4 full time, the justice's salary shall be commensurate to the 5 workload and office hours of the court." 6 7 Section 2. Section 3-11-202, MCA, is amended to read: #3-11-202. Salary. (1) The annual salary and A 9 compensation of city judges must be fixed by ordinance. 10 12) The salary of the city judge shall not be less 11 than the salary of the city clerk in the city where the 12 iudae holds court. 13 [3] In the event his court is not open for business 14 full time, the judge's salary shall be compensurate to the 15 workload and office hours of the court." -End-

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SB 356 INTRODUCED BILL

STATE OF MONTANA

REQUEST NO. 219-79

FISCAL NOTE

Form BD-15

In compliance with a written request received			
for <u>SB 356</u> pursua	nt to Chapter 53, Laws of	Montana, 1965 - Thir	ty-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 clerksreceive \$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.

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BUDGET DIRECTOR Office of Budget and Program Planning Date: 4/1/29

46th Legislature

SB 0356/02

Approved by Comm. on Local Government

1	SENATE BILL NO. 356			
2	INTRODUCED BY TOWE + 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 SEGTIONS SECTION 3-10-207			
7	AND-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。 <u>(1)</u> The board of county			
12	commissioners shall set salaries for justices of the peace			
13	by resolutionprovidedthetSalariesmustmestthe			
14	minigum 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. ٠

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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 bis court is not open for business
5	full_times_the_justice's_salary_shall_be_commensurate_to_the
6	workload and office bours of the courte*
ד	Soction-2+Section3-11-202y-KEAy-is-amonded-to-rea d+
8	=3-11-202u5etoryu <u>111</u> Theennustseteryend
9	. compensation-of-city-judges-must-be-fixed-by-ordinance-
10	<u>illTheseleryofthecity-judge-shell-not-bz-less</u>
11	then-the-solery-of-the-city-clerk-in-the-citywhete-the
12	judga-bolds-courts
13	131
14	full-tipsy-the-judgets-selery-shell-be-composuretethe
15	worklood-onfice-bowra-af-the-courts"

-End-

-2- SECOND READING

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SB 0356/02

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1	SENATE BILL NO. 356	1	(4) The salary of the justice of the	eace_may_notbe
2	INTRODUCED BY TOWE, NORMAN	2	less_than the salary for the district cler	k of the court in
3		3	that_county.	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SALARIES OF	4	(5) In the event his court is not op	an_for_business
5	CITY-JUDGES-AND COUNTY JUSTICES NOT TO BE LESS THAN SALARIES	5	full time, the justice's salary shall be co	mensurate to the
6	FOR THE CLERK OF COURT; AMENDING SECTIONS SECTION 3-10-207	6	workload and office hours of the courts*	
7	AND-3-11-202, MCA."	7	5ection-2v5ection3-11-202v-KEAv-is	-onended-to-read+
8		8	#3-11-202+507ary+ <u>111</u>	atsateryend
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	compensation-of-city-judges-must-be-fixed-b	y ordinance.
10	Section 1. Section 3-10-207, MCA, is amended to read:	10	t2tThesolaryofthacity-judge-	sha ll_oot_be_leas
11	"3-10-207. Salaries. <u>[1]</u> The board of county	11	<u>then-the-salary-of-the-city-cletk-in-the-</u>	
12	commissioners shall set salaries for justices of the peace	12	judge holds courts	
13	by resolution providedthetsSalaries_must_meet_the	13	til-in-the-event-big-court-is-pot-	open-for-business
14	minimum_requirements_established_by_this_section.	14	full-timex-the-judgets-salory-shall-be-com	ecauratetothe
15	<pre>++++++++++++++++++++++++++++++++++++</pre>	15	vorkload-and-office-hours-of-the-courts"	
16	was determined on a fee basis for the years 1971 and 1972.		-End-	
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.			
			-2-	\$8.356
			-	<i></i>

THIRD READING

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SB 0356/03

1 SENATE BILL NO. 356 2 INTRODUCED BY TOWE, NORMAN 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SALARIES OF 5 GETY-JUDGES-AND COUNTY JUSTICES NOT TO BE LESS THAN SALARIES 6 FOR THE CLERK OF COURT; AMENDING SEGTIONS SECTION 3-10-207 7 AND-3-11-202, MCA." 8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
 Section 1. Section 3-10-207, MCA, is amended to read:
 *3-10-207. Salaries. <u>fll</u> The board of county
 commissioners shall set salaries for justices of the peace
 by resolutiony--provided--that*<u>a. Salaries. must. meet. tha</u>

14 winigue_requirements_established_by_this_sections

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 1972ts

21 <u>(2)(3)</u> if <u>If</u> 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. (4)__Ibe_salary_of_tbe_justice_of_tbe_peace_may_not__be less__tba0_tbe_salary_for_tbe_district_clerk_of_tbe_court_in tbat_couotys_EXCEPI_AS_PROVIDEQ_FOR_IN_SUBSECTION_(5). (5)__Io_tbe_event_bis_court_is_not__open__for__business full_times_tbe_justice's_salary_shall_be_commonsurate_to_tbe workload_and_office_bours_of_tbe_courts"

7 Section-2--Section--3-11-202y-MEAy-is-amended-to-read+

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- 8 #3-11-202u--5eteryu---<u>411</u> The---ennet---setery---end
- 9 compensation-of-city-judges-must-be-fixed-by-ordinances
- 10 f21:=Ibe::salory::of::the::city:judge:sball:Det:belless
- 11 theortherselectrof-thectity-clerk==in=:the==city==where==the
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- 13 <u>tht=in=the=event=his=court=ia=net=open=for=business</u>
- 15 worktoad-and-office-hours-of-the-courts*

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-End-

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REFERENCE BILL

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