

HOUSE BILL NO. 79

Introduced: 01/05/83

Referred to Committee on State Administration: 01/05/83

Hearing: 1/11/83

Report: 02/02/83, Do Not Pass, As Amended

Bill Killed: 02/03/83

1 House NO. 79  
 2 INTRODUCED BY Lowthell, Selu  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING SALARIES OF  
 5 ELECTED STATE OFFICIALS EACH BIENNIUM BY AN AMOUNT EQUAL TO  
 6 THE GROWTH PERCENTAGE; AMENDING SECTIONS 2-16-405, 3-5-211,  
 7 AND 5-2-301, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

10 Section 1. Section 2-16-405, MCA, is amended to read:

11 "2-16-405. Salaries of certain elected state  
 12 officials. (1) The salaries paid to certain elected  
 13 officials of the state of Montana for fiscal year 1982 and  
 14 following years are the biennium beginning on July 1, 1983,  
 15 equal the following annual salaries plus the growth  
 16 percentage:

	Fiscal-Year	Following
	1982	June 30, 1982
19 Governor	\$43,360	\$47,023
20 Lieutenant governor	\$31,077	\$33,671
21 Chief justice of the		
22 supreme court	\$44,447	\$48,204
23 Justices of the		
24 supreme court, each	\$43,360	\$47,023
25 Attorney general	\$39,555	\$42,887

1 State auditor	\$28,605	\$31,071
2 Superintendent of		
3 public instruction	\$34,120	\$36,979
4 Public service commissioners	\$31,077	\$33,671
5 Secretary of state	\$28,605	\$31,071
6 Clerk of the supreme court	\$27,870	\$30,185

7 (2) For each biennium beginning on or after July 1,  
 8 1985, the annual salaries of the elected state officials  
 9 designated in subsection (1) equal the salaries paid those  
 10 officials in the biennium ended on the immediately preceding  
 11 June 30 plus the growth percentage.

12 (3) As used in this section, "growth percentage" has  
 13 the same meaning as in 17-8-106."

14 Section 2. Section 3-5-211, MCA, is amended to read:

15 "3-5-211. Salaries and expenses of district judges.

16 (1) The annual salary of each district judge is as follows:

17 (a) for the fiscal year beginning July 1, 1981, and  
 18 ending June 30, 1982, \$42,273 biennium beginning on July 1,  
 19 1983, \$45,841 plus the growth percentage;

20 (b) after June 30, 1982, \$45,841 for each biennium  
 21 beginning on or after July 1, 1985, the annual salary  
 22 received by a district judge in the biennium ended on the  
 23 immediately preceding June 30 plus the growth percentage.

24 (2) Actual and necessary expenses for each district  
 25 judge shall be the travel expenses, as defined and provided

in 2-18-501 through 2-18-503, incurred in the performance of his official duties.

(3) As used in this section, "growth percentage" has the same meaning as in 17-8-106.

Section 3. Section 5-2-301, MCA, is amended to read:

"5-2-301. Compensation and expenses for members while in session. (1) ~~(a) Legislators For days when the legislature is in session, legislators are entitled to a salary commensurate to that of the daily rate of a grade 8v step 2, classified state employee for those days during which the legislature is in session for any biennium beginning on or after July 1, 1983, to a salary equal to the daily salary paid during the biennium ended on the immediately preceding June 30 plus the growth percentage.~~

(b) As used in this section, "growth percentage" has the same meaning as in 17-8-106.

(c) The president of the senate and the speaker of the house shall receive an additional \$5 a day in salary for those days during which the legislature is in session.

(2) Legislators are entitled to \$45 a day, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments shall stop when the legislature recesses for more than 3 days and shall resume when the legislature reconvenes.

(3) Legislators are entitled to a mileage allowance as

provided in 2-18-503 for each mile of travel:

(a) to the place of the holding of the session and to return to their place of residence at the conclusion of the session; and

(b) for one additional round trip to their place of residence during each session.

(4) In addition to the mileage allowance provided for in subsection (3), legislators are entitled to two additional round trips to their place of residence during each regular session upon submittal of an appropriate claim for such mileage reimbursement to the office of legislative council.

(5) Legislators are not entitled to any additional mileage allowance under subsection (3)(a) or (3)(b) for a special session if it is convened within 7 days of a regular session."

NEW SECTION. Section 4. Effective date. This act is effective July 1, 1983.

-End-

## STATE OF MONTANA

REQUEST NO. 039-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 79 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 PROPOSED LEGISLATION:

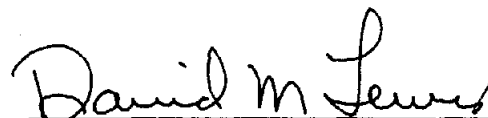
House Bill 79 requires changes in the salaries of elected State Officials each biennium by the amount equal to the growth percentage.

ASSUMPTIONS:

- 1) Growth percentage is 21.88% for biennium.
- 2) Benefits (including health insurance) were added at a 20% rate per year.
- 3) Legislators benefits are 14% per year.

FISCAL IMPACT:Under Current Law:

	<u>FY 1984</u>	<u>FY 1985</u>
Governor	\$ 47,023	\$ 47,023
Lt. Governor	33,671	33,671
Chief Justice	48,204	48,204
Justices (6)	282,138	282,138
Attorney General	42,887	42,887
State Auditor	31,071	31,071
Superintendent of Public Instruction	36,979	36,979
Public Service Commissioners (5)	168,355	168,355
Secretary of State	31,071	31,071
Clerk of Supreme Court	30,185	30,185
District Judges	45,841	45,841
Legislators (48.42)	656,043	656,043
TOTAL	\$1,453,468	\$1,453,468

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83

Under Proposed Law:

	<u>FY 1984</u>	<u>FY 1985</u>
Governor	\$ 61,572	\$ 77,622
Lt. Governor	44,089	57,730
Chief Justice	63,119	82,648
Justices (6)	369,432	483,734
Attorney General	56,156	73,530
State Auditor	40,684	53,272
Superintendent of Public Instruction	48,421	63,402
Public Service Commissioners (5)	220,444	288,650
Secretary of State	40,684	53,272
Clerk of Supreme Court	39,524	51,753
District Judges	60,024	78,596
Legislators (48-42)	819,660	1,024,083
TOTAL	<u>\$1,863,809</u>	<u>\$2,388,292</u>
Increased Expenditures	\$ 410,341	\$ 934,824

## STATE OF MONTANA

## FISCAL NOTE

REQUEST NO. 039-83  
Revised Fiscal Note

Form BD-15

In compliance with a written request received January 6, 19 83, there is hereby submitted a Fiscal Note for House Bill 79 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 PROPOSED LEGISLATION:

House Bill 79 requires changes in the salaries of elected state officials each biennium by the amount equal to the growth percentage.

ASSUMPTIONS:

- 1) Growth percentage is 21.88% for biennium.

FISCAL IMPACT:Salary Under Current Law:

	<u>FY 1984</u>	<u>FY 1985</u>
Governor	\$ 47,023	\$ 47,023
Lt. Governor	33,671	33,671
Chief Justice	48,204	48,204
Justices (6)	282,138	282,138
Attorney General	42,887	42,887
State Auditor	31,071	31,071
Superintendent of Public Instruction	36,979	36,979
Public Service Commissioners (5)	168,355	168,355
Secretary of State	31,071	31,071
Clerk of Supreme Court	30,185	30,185
District Judges	45,841	45,841
Legislators (48.42)	656,043	656,043
TOTAL	\$1,453,468	\$1,453,468

ContinuedCORRECTED FISCAL NOTE

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-14-83

Salary Under Proposed Law:

	<u>FY 1984</u>	<u>FY 1985</u>
Governor	\$ 57,312	\$ 57,312
Lt. Governor	41,038	41,038
Chief Justice	58,751	58,751
Justices (6)	343,870	343,870
Attorney General	52,271	52,271
State Auditor	37,869	37,869
Superintendent of Public Instruction	45,070	45,070
Public Service Commissioners (5)	205,191	205,191
Secretary of State	37,869	37,869
Clerk of Supreme Court	36,789	36,789
District Judges	55,871	55,871
Legislators (48.42)	799,585	799,585
TOTAL	<u>\$1,771,486</u>	<u>\$1,771,486</u>
Increased Expenditures	\$ 318,018	\$ 318,018

TECHNICAL NOTE:

The provision of Section 3 of the bill that proposes a salary adjustment for members of the 48th Legislature on July 1, 1983 appears to conflict with the provisions of Article V Section 5 of the Montana Constitution which says, "...No legislature may fix its own compensation."

FISCAL NOTE 3:G/2

## STATE OF MONTANA

REQUEST NO. 149-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 19, 19 83, there is hereby submitted a Fiscal Note for House Bill 79, Amended pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 PROPOSED LEGISLATION:

House Bill 79, amended, requires that salaries of elected officials be changed by an amount equal to the increase in personal income, as defined in Section 17-8-106, MCA, divided by the ratio of the population increase of the State of Montana for the previous year to the population of the state two years prior to the previous year.

ASSUMPTIONS:

- 1) All elected officials will receive a 5% salary increase for FY 84 and a 5% salary increase for FY 85.
- 2) The entire change in salaries caused by the legislation will be in the first fiscal year of the 1987 biennium with no further change in the second year of the 1987 biennium.
- 3) The population growth factor for the 1981 biennium is estimated to be 20.7% based upon the following projections.
  - a. The projected personal income growth factor for the 1987 biennium will be 20.3%.
  - b. The projected population ratio for the 1987 biennium will be .980 using an estimated population increase for Montana of 1% yearly.
- 4) The additional costs associated with employee benefits have not been included in these projections.
- 5) It is assumed that the Montana Legislature will meet in regular session for 90 days in each odd-numbered fiscal year.

FISCAL IMPACT:

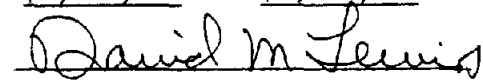
	FY 83	FY 84	FY 85	FY 86	FY 87
Governor	\$ 47,023	\$ 49,374	\$ 51,843	\$ 62,575	\$ 62,575
Lt. Governor	33,671	35,355	37,123	44,807	44,807
Chief Justice	48,204	50,614	53,145	64,146	64,146
Justices (6)	282,138	296,245	311,057	375,446	375,446
Attorney General	42,887	45,031	47,283	57,071	57,071
State Auditor	31,071	32,625	34,256	41,347	41,347
Public Instruction	36,979	38,828	40,769	49,208	49,208
Service Commission (5)	168,355	176,773	185,612	224,034	224,034
Secretary of State	31,071	32,625	34,256	41,347	41,347
Clerk of Supreme Court	30,185	31,694	33,279	40,168	40,168
District Judges (32)	1,466,912	1,540,258	1,617,271	1,952,046	1,952,046
Legislators (150)	708,750	0-	781,397	0-	943,146
TOTALS	\$2,927,246	\$2,329,422	\$3,227,291	\$2,952,195	\$3,895,341

Increase Cost (1985 biennium)

\$ 800,187

Increase Cost (1987 biennium)

\$1,290,823



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-83

FISCAL NOTE 5:V/1