

HOUSE JOINT RESOLUTION NO. 48

INTRODUCED BY SPAETH, B. BROWN, HALLIGAN, HANNAH,
MERCER, ADDY, PINSONEAULT, RAMIREZ

IN THE HOUSE

March 29, 1985	Introduced and referred to Committee on Judiciary.
April 11, 1985	Committee recommend bill do pass as amended. Report adopted.
April 12, 1985	Bill printed and placed on members' desks.
April 13, 1985	Second reading, do pass.
April 15, 1985	Considered correctly engrossed.
April 16, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

April 17, 1985	Introduced and referred to Committee on State Administration.
April 19, 1985	Committee recommend bill be concurrent in. Report adopted.
April 22, 1985	Second reading, concurred in.
April 23, 1985	Third reading, concurred in. Ayes, 39; Noes, 10. Returned to House.

IN THE HOUSE

April 23, 1985	Received from Senate. Sent to enrolling. Reported correctly enrolled.
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HOUSE JOINT RESOLUTION NO. 48

INTRODUCED BY

Smith *Bob Brown* *William Hayden*
Meese *Ally* *Jim Russell* *Rami*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF JUDICIAL SELECTION METHODS AND COMPENSATION; REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 50TH LEGISLATURE.

WHEREAS, a competent, independent, and impartial judiciary is essential to our form of government in Montana; and

WHEREAS, judicial selection methods and compensation levels are major factors in attracting competent persons to the bench and in maintaining their independence and impartiality while in office; and

WHEREAS, popular election of judges has been the basis of judicial selection in Montana since statehood; and

WHEREAS, the Montana Legislature sets the salaries for Supreme Court Justices and District Judges, while the salaries of judges serving the courts of limited jurisdiction are set by local governing bodies; and

WHEREAS, public policy questions have been raised concerning the independence and impartiality of an elected judiciary and the adequacy of judicial salaries; and

WHEREAS, the matter of judicial selection has not been subject to a comprehensive examination since the 1972 Montana Constitutional Convention; and

WHEREAS, organizations such as the State Bar of Montana have expressed support for a legislative study on judicial selection and compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That an appropriate interim committee be assigned to study:

(a) the current method used in Montana for selecting judges, including a consideration of the appropriateness of this selection method and an examination of alternative selection methods; and

(b) the current compensation levels for Montana judges, including a consideration of the appropriateness of these compensation levels and a review of past salary increases relative to the recommendations of the Montana Salary Commission.

(2) That the committee solicit input from the State Bar of Montana and other interested persons and organizations.

(3) That the committee report its findings and recommendations to the 50th Legislature and, if necessary,

LC 1935/01

1 draft legislation to implement its recommendations.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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WHEREAS, popular election of judges has been the basis
of judicial selection in Montana since statehood; and

WHEREAS, the Montana Legislature sets the salaries for
Supreme Court Justices and District Judges AND ESTABLISHES
THE MINIMUM SALARY REQUIREMENTS FOR JUSTICES OF THE PEACE,
while the salaries of judges serving the courts of limited
jurisdiction are set by local governing bodies, EXCEPT FOR
THE SMALL CLAIMS COURT JUDGES, WHOSE SALARIES ARE SET BY THE

DISTRICT JUDGES; and

WHEREAS, public policy questions have been raised
concerning the independence and impartiality of an elected
judiciary and the adequacy of judicial salaries; and

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these compensation levels and a review of past salary
increases ~~relative--to--the--recommendations-of-the-Montana~~
~~Salary-Commission.~~

(2) That the committee solicit input from the State

HJR 0048/02

1 Bar of Montana and other interested persons and
2 organizations.

3 (3) That the committee report its findings and
4 recommendations to the 50th Legislature and, if necessary,
5 draft legislation to implement its recommendations.

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