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INTRODUCED BY Senators Bob Brown Paul  
Melgach Francis Ramirez Bradley  
 A BILL FOR AN ACT ENTITLED: "AN ACT INDEXING THE SALARIES  
 PAID SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES TO THE  
 AVERAGE SALARY PAID SIMILAR OFFICIALS IN CERTAIN WESTERN  
 STATES; AMENDING SECTIONS 2-16-405, 3-2-104, 3-5-211,  
 3-7-222, AND 7-6-2511, MCA; AND PROVIDING AN EFFECTIVE DATE  
 AND AN APPLICABILITY DATE."

WHEREAS, the salaries of Montana Supreme Court Justices  
 and District Court Judges have been frozen since fiscal year  
 1984; and

WHEREAS, those salaries are ranked lowest among the 50  
 states of the nation; and

WHEREAS, Montana's ranking among the states has  
 seriously declined in the past decade from significantly  
 higher rankings; and

WHEREAS, indexing the salaries of Montana Supreme Court  
 Justices and District Court Judges would provide an easily  
 implemented and equitable system for setting the salaries.

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

**Section 1.** Salaries of certain elected judicial  
 officials. (1) The annual salary of the chief justice of the

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supreme court, each supreme court justice, and each district  
 court judge for the 2-year period beginning July 1 of each  
 odd-numbered year is the salary determined under subsection  
 (2).

(2) The supreme court administrator shall calculate  
 the annual salaries referred to in subsection (1) by August  
 15 of each even-numbered year. For budgeting purposes he  
 shall give notification of the salaries to the office of the  
 legislative fiscal analyst and the governor's office of  
 budget and program planning. The annual salary of the chief  
 justice is the average of the salaries of the chief justices  
 of Idaho, Wyoming, North Dakota, and South Dakota as of July  
 1 of the year in which the determination is made. The  
 annual salary of the supreme court justices is the average  
 of the salaries of the supreme court justices of those  
 states, to be determined by first averaging the salaries in  
 each state and then averaging the resulting averages for  
 those states. The annual salary of district court judges is  
 the average of the salaries of the general trial court  
 judges of those states, to be determined by the method used  
 to determine the Montana supreme court justices' salaries.

**Section 2.** Salaries of certain elected judicial  
 officials for fiscal biennium beginning July 1, 1989. For  
 the fiscal biennium beginning July 1, 1989, the annual  
 salary of the chief justice of the Montana supreme court is



-2- INTRODUCED BILL  
 SB155

1 \$63,054, of a supreme court justice is \$61,768, and of a  
2 district court judge is \$58,156.

3 **Section 3.** Section 2-16-405, MCA, is amended to read:

4 "2-16-405. Salaries of certain elected state  
5 officials. The salaries paid to certain elected officials of  
6 the state of Montana for fiscal year 1986 and following  
7 years are:

8 Governor	\$50,452
9 Lieutenant governor	\$36,141
10 Chief-justice-of-the-supreme-court	\$51,722
11 Justices-of-the-supreme-court, each	\$50,452
12 Attorney general	\$46,016
13 State auditor	\$33,342
14 Superintendent of public instruction	\$39,672
15 Public service commission chairman	\$37,363
16 Public service commissioners, other than	
17 chairman	\$36,141
18 Secretary of state	\$33,342
19 Clerk of the supreme court	\$32,401"

20 **Section 4.** Section 3-2-104, MCA, is amended to read:

21 "3-2-104. Salaries -- expenses. (1) The salaries of  
22 justices of the supreme court are provided for in 2-16-405  
23 [section 1].

24 (2) Actual and necessary travel expenses of the  
25 justices of the supreme court shall be the travel expenses,

1 as defined and provided in 2-18-501 through 2-18-503,  
2 incurred in the performance of their official duties."

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

4 "3-5-211. Salaries-and-expenses Expenses of district  
5 judges. ~~{1}--The--annual--salary--of--each--district--judge--is~~  
6 ~~\$49,178.~~

7 {2} Actual and necessary expenses for each district  
8 judge shall be the travel expenses, as defined and provided  
9 in 2-18-501 through 2-18-503, incurred in the performance of  
10 his official duties."

11 **Section 6.** Section 3-7-222, MCA, is amended to read:

12 "3-7-222. Salary -- office space. (1) The chief water  
13 judge is entitled to receive the same salary and expense  
14 allowance as provided for district judges in [section 1] and  
15 3-5-211.

16 (2) The office of the chief water judge shall be at  
17 the location that the chief justice of the Montana supreme  
18 court shall designate. The Montana supreme court shall  
19 provide in its budget for the salary, expenses, and office  
20 and staff requirements of the chief water judge, which money  
21 may be appropriated by the legislature from the water right  
22 adjudication account."

23 **Section 7.** Section 7-6-2511, MCA, is amended to read:

24 "7-6-2511. County levy for district court expenses.  
25 The governing body of each county may each year levy and

1 collect a tax on the taxable property of the county for all  
2 district court costs, except those listed in [section 1],  
3 3-5-211, 3-5-213, and 3-5-215. The tax may not exceed 6  
4 mills in the first- and second-class counties, 5 mills in  
5 third- and fourth-class counties, and 4 mills in fifth-,  
6 sixth-, and seventh-class counties. These expenses include  
7 but are not limited to salary and benefits for court clerks,  
8 court reporters, youth probation officers, and other  
9 employees of the district court."

10 **Section 8. Effective date.** [This act] is effective  
11 July 1, 1989.

12 **Section 9. Applicability.** [Section 1] applies only to  
13 the 2-year periods beginning in odd-numbered years, the  
14 first of which begins July 1, 1991.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB155, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act indexing the salaries paid supreme court justices and district court judges to the average salary paid similar officials in certain western states; amending Sections 2-16-405, 3-2-104, 3-5-211, 3-7-222, and 7-6-2511, MCA; and providing an effective date and an applicability date.

ASSUMPTIONS:

For the fiscal biennium beginning July 1, 1989, the annual salary of the chief justice of the Montana Supreme Court is \$63,054, of a supreme court justice is \$61,768, and a district court judge is \$58,156.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY90</u>			<u>FY91</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Supreme Court Operations:						
FTE	32	32	-0-	32	32	-0-
Personal Services	\$1,022,986	\$1,107,373	\$ 84,387	\$1,024,953	\$1,109,340	\$ 84,387
Operating Expenses	295,390	295,390	-0-	278,712	278,712	-0-
Equipment	15,000	15,000	-0-	-0-	-0-	-0-
Capital Outlay	4,600	4,600	-0-	-0-	-0-	-0-
TOTAL	\$1,337,976	\$1,422,363	\$ 84,387	\$1,303,665	\$1,388,052	\$ 84,387

Funding Source: General Fund

## District Court Operations:

FTE	36	36	-0-	36	36	-0-
Personal Services	\$2,089,492	\$2,433,580	\$ 344,088	\$2,094,676	\$2,438,764	\$ 344,088
Operating Expenses	113,886	113,886	-0-	114,928	114,928	-0-
Equipment	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	\$2,203,378	\$2,547,466	\$ 344,088	\$2,209,604	\$2,553,692	\$ 344,088

Funding Source: General Fund

Ray Shackelford 1/20/89  
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
 OFFICE OF BUDGET AND PROGRAM PLANNING

Bruce D. Crippen 1-20-89  
 BRUCE D. CRIPPEN, PRIMARY SPONSOR DATE

Fiscal Note for SB155, as introduced

SB 155