

SENATE BILL NO. 196

INTRODUCED BY YELLOWTAIL, CRIPPEN, BECK, PINSONEAULT,
BISHOP, HALLIGAN, HARP, MAZUREK, B. BROWN

BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

JANUARY 19, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 6, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 7, 1989	ENGROSSING REPORT.
	ON MOTION, BILL TAKEN FROM THIRD READING AND PLACED ON SECOND READING THE 33RD LEGISLATIVE DAY.
FEBRUARY 8, 1989	ON MOTION TAKEN FROM SECOND READING AND SENT TO ENGROSSING.
FEBRUARY 9, 1989	ENGROSSING REPORT.
FEBRUARY 10, 1989	THIRD READING, PASSED. AYES, 34; NOES, 15.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 16, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 18, 1989

SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 21, 1989

THIRD READING, CONCURRED IN.
AYES, 60; NOES, 34.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 30, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 196
 2 INTRODUCED BY *Yellowtail Crippin*
 3 *Harp* BY REQUEST OF THE SENATE JUDICIARY COMMITTEE *Bob Brown*
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING SALARIES
 6 PAID SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES;
 7 SEPARATING SALARIES OF NONPARTISAN JUDICIAL OFFICERS FROM
 8 SALARIES OF PARTISAN ELECTED OFFICIALS; AMENDING SECTIONS
 9 2-16-405, 3-2-104, AND 3-5-211, MCA; AND PROVIDING AN
 10 EFFECTIVE DATE."
 11

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

13 NEW SECTION. **Section 1.** Salaries of supreme court
 14 justices. (1) The salary of the chief justice of the supreme
 15 court is \$61,722 for the fiscal year beginning July 1, 1989,
 16 and \$64,222 for each fiscal year thereafter.

17 (2) The salary of a justice of the supreme court is
 18 \$60,452 for the fiscal year beginning July 1, 1989, and
 19 \$62,952 for each fiscal year thereafter.

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

21 "2-16-405. Salaries of certain elected state
 22 officials. The salaries paid to certain elected officials of
 23 the state of Montana for fiscal year 1986 and following
 24 years are:

25 Governor \$50,452

1	Lieutenant governor	\$36,141
2	Chief justice of the supreme court	\$61,722
3	Justices of the supreme court, each	\$50,452
4	Attorney general	\$46,016
5	State auditor	\$33,342
6	Superintendent of public instruction	\$39,672
7	Public service commission chairman	\$37,363
8	Public service commissioners, other than	
9	chairman	\$36,141
10	Secretary of state	\$33,342
11	Clerk of the supreme court	\$32,401

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

13 "3-2-104. Salaries -- expenses. (1) The salaries of
 14 justices of the supreme court are provided for in 2-16-405
 15 [section 1].

16 (2) Actual and necessary travel expenses of the
 17 justices of the supreme court shall be the travel expenses,
 18 as defined and provided in 2-18-501 through 2-18-503,
 19 incurred in the performance of their official duties."

20 **Section 4.** Section 3-5-211, MCA, is amended to read:

21 "3-5-211. Salaries and expenses of district judges.
 22 (1) The annual salary of each district judge is ~~549,178~~
 23 \$59,178 for the fiscal year beginning July 1, 1989, and
 24 \$61,678 for each fiscal year thereafter.

25 (2) Actual and necessary expenses for each district

LC 0315/01

1 judge shall be the travel expenses, as defined and provided
2 in 2-18-501 through 2-18-503, incurred in the performance of
3 his official duties."

4 NEW SECTION. **Section 5.** Effective date. [This act] is
5 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB196, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing salaries paid supreme court justices and district court judges; separating salaries of nonpartisan judicial officers from salaries of partisan elected officials; amending Sections 2-16-405, 3-2-104 and 3-5-211, MCA; and providing an effective date.

ASSUMPTIONS:

1. The salary of the chief justice of the supreme court is \$61,722 for FY90 and \$64,222 for each fiscal year thereafter.
2. The salary of a justice of the supreme court is \$60,452 for FY90 and \$62,952 for each fiscal year thereafter.
3. The salary of each district judge is \$59,178 for FY90 and \$61,678 for each fiscal year thereafter.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>Current</u> <u>Law</u>	<u>FY90</u> <u>Proposed</u> <u>Law</u>	<u>Difference</u>	<u>Current</u> <u>Law</u>	<u>FY90</u> <u>Proposed</u> <u>Law</u>	<u>Difference</u>
Supreme Court Operations						
FTE	32	32	-0-	32	32	-0-
Personal Services	\$1,022,986	\$1,097,544	\$74,558	\$1,024,953	\$1,118,149	\$93,196
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	\$1,412,534	\$74,558	\$1,303,665	\$1,396,861	\$93,196

Funding Source: General FundDistrict Court Operations

FTE	36	36	-0-	36	36	-0-
Personal Services	\$2,089,492	\$2,472,748	\$383,256	\$2,094,676	\$2,573,728	\$479,052
Operating Expenses	113,886	113,886	-0-	114,928	114,928	-0-
Equipment	-0-	-0-	-0-	-0-	-0-	-0-
Total	\$2,203,378	\$2,568,634	\$383,256	\$2,209,604	\$2,688,656	\$479,052

Funding Source: General Fund

Ray Shackleford 1/25/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Wm Yellowtail 1/26/89
 BILL YELLOWTAIL, PRIMARY SPONSOR DATE

Fiscal Note for SB196, as introduced

SB 196

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB196, on third reading.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing salaries paid supreme court justices and district court judges; separating salaries of nonpartisan judicial officers from salaries of partisan elected officials; amending Sections 2-16-405, 3-2-104 and 3-5-211, MCA; and providing an effective date.

ASSUMPTIONS:

1. The salary of the chief justice of the supreme court is \$57,722 for FY90 and \$63,722 for each fiscal year thereafter.
2. The salary of a justice of the supreme court is \$56,452 for FY90 and \$62,452 for each fiscal year thereafter.
3. The salary of each district judge is \$55,178 for FY90 and \$61,178 for each fiscal year thereafter.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>Current</u> <u>Law</u>	<u>FY90</u> <u>Proposed</u> <u>Law</u>	<u>Difference</u>	<u>Current</u> <u>Law</u>	<u>FY90</u> <u>Proposed</u> <u>Law</u>	<u>Difference</u>
Supreme Court Operations						
FTE	32	32	-0-	32	32	-0-
Personal Services	\$1,022,986	\$1,067,721	\$44,735	\$1,024,953	\$1,114,422	\$89,469
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	\$1,382,711	\$44,735	\$1,303,665	\$1,393,134	\$89,469
<u>Funding Source:</u> General Fund						
District Court Operations						
FTE	36	36	-0-	36	36	-0-
Personal Services	\$2,089,492	\$2,319,460	\$229,968	\$2,094,676	\$2,554,576	\$459,900
Operating Expenses	113,886	113,886	-0-	114,928	114,928	-0-
Equipment	-0-	-0-	-0-	-0-	-0-	-0-
Total	\$2,203,378	\$2,433,346	\$229,968	\$2,209,604	\$2,669,504	\$459,900
<u>Funding Source:</u> General Fund						

Ray Shackelford 2/22/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Bill Yellowtail 2/27/89
 BILL YELLOWTAIL, PRIMARY SPONSOR DATE

Fiscal Note for SB196, on third reading

SB 196

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 196

INTRODUCED BY YELLOWTAIL, CRIPPEN, BECK, PINSONEAULT,

BISHOP, HALLIGAN, HARP, MAZUREK, B. BROWN

BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING SALARIES PAID SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES; SEPARATING SALARIES OF NONPARTISAN JUDICIAL OFFICERS FROM SALARIES OF PARTISAN ELECTED OFFICIALS; AMENDING SECTIONS 2-16-405, 3-2-104, AND 3-5-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Salaries of supreme court justices. (1) The salary of the chief justice of the supreme court is ~~\$61,722~~ \$57,722 for the fiscal year beginning July 1, 1989, and ~~\$64,222~~ \$63,722 for each fiscal year thereafter.

(2) The salary of a justice of the supreme court is ~~\$60,452~~ \$56,452 for the fiscal year beginning July 1, 1989, and ~~\$62,952~~ \$62,452 for each fiscal year thereafter.

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

"2-16-405. Salaries of certain elected state officials. The salaries paid to certain elected officials of the state of Montana for fiscal year 1986 and following

years are:

Governor	\$50,452
Lieutenant governor	\$36,141
Chief-justice-of-the-supreme-court	\$51,722
Justices-of-the-supreme-court, each	\$50,452
Attorney general	\$46,016
State auditor	\$33,342
Superintendent of public instruction	\$39,672
Public service commission chairman	\$37,363
Public service commissioners, other than chairman	\$36,141
Secretary of state	\$33,342
Clerk of the supreme court	\$32,401

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

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

(2) Actual and necessary travel expenses of the justices of the supreme court shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of their official duties."

Section 4. Section 3-5-211, MCA, is amended to read:

"3-5-211. Salaries and expenses of district judges. (1) The annual salary of each district judge is ~~\$49,178~~ \$59,178 ~~\$55,178~~ for the fiscal year beginning July 1, 1989,

SB 0196/02

1 and ~~\$61,670~~ \$61,178 for each fiscal year thereafter.

2 (2) Actual and necessary expenses for each district
3 judge shall be the travel expenses, as defined and provided
4 in 2-18-501 through 2-18-503, incurred in the performance of
5 his official duties."

6 NEW SECTION. Section 5. Effective date. [This act] is
7 effective July 1, 1989.

-End-

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INTRODUCED BY YELLOWTAIL, CRIPPEN, BECK, PINSONEAULT,

BISHOP, HALLIGAN, HARP, MAZUREK, B. BROWN

BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

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(2) The salary of a justice of the supreme court is ~~\$60,452~~ \$56,452 for the fiscal year beginning July 1, 1989, and ~~\$62,952~~ \$62,452 for each fiscal year thereafter.

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Superintendent of public instruction	\$39,672
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Public service commissioners, other than chairman	\$36,141
Secretary of state	\$33,342
Clerk of the supreme court	\$32,401

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

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

(2) Actual and necessary travel expenses of the justices of the supreme court shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of their official duties."

Section 4. Section 3-5-211, MCA, is amended to read:

"3-5-211. Salaries and expenses of district judges. (1) The annual salary of each district judge is ~~\$49,178~~ \$55,178 for the fiscal year beginning July 1, 1989,

SB 0196/02

1 and \$61,678 \$61,178 for each fiscal year thereafter.

2 (2) Actual and necessary expenses for each district
3 judge shall be the travel expenses, as defined and provided
4 in 2-18-501 through 2-18-503, incurred in the performance of
5 his official duties."

6 NEW SECTION. **Section 5.** Effective date. [This act] is
7 effective July 1, 1989.

-End-

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 196
Representative Bob Bachini

March 17, 1989 1:16 pm
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 196 (third reading copy -- blue).

Signed: Bob Bachini
Representative Bob Bachini

And, that such amendments to SENATE BILL 196 read as follows:

1. Page 1, line 16.
Following: "~~\$61,722~~"
Strike: "\$57,722"
Insert: "\$54,722"

2. Page 1, line 17.
Following: "~~\$64,222~~"
Strike: "\$63,722"
Insert: "\$57,722"

3. Page 1, line 20.
Following: "~~\$60,452~~"
Strike: "\$56,452"
Insert: "\$53,452"

4. Page 1, line 21.
Following: "~~\$62,952~~"
Strike: "\$62,452"
Insert: "\$56,452"

5. Page 2, line 25.
Following: "~~\$59,178~~"
Strike: "\$55,178"
Insert: "\$52,178"

6. Page 3, line 1.
Following: "~~\$61,678~~"
Strike: "\$61,178"
Insert: "\$55,178"

ADOPT

REJECT

HOUSE

SB 196

SENATE BILL NO. 196

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BISHOP, HALLIGAN, HARP, MAZUREK, B. BROWN

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(2) The salary of a justice of the supreme court is ~~\$60,452~~ \$56,452 ~~\$53,452~~ for the fiscal year beginning July 1, 1989, and ~~\$62,952~~ \$62,452 ~~\$56,452~~ for each fiscal year thereafter.

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

"2-16-405. Salaries of certain elected state officials. The salaries paid to certain elected officials of

the state of Montana for fiscal year 1986 and following years are:

Governor	\$50,452
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Section 3. Section 3-2-104, MCA, is amended to read:

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

(2) Actual and necessary travel expenses of the justices of the supreme court shall be the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of their official duties."

Section 4. Section 3-5-211, MCA, is amended to read:

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

(1) The annual salary of each district judge is ~~\$49,170~~

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1 ~~\$59,178~~ ~~\$55,178~~ \$52,178 for the fiscal year beginning July
2 1, 1989, and ~~\$61,678~~ ~~\$61,178~~ \$55,178 for each fiscal year
3 thereafter.

4 (2) Actual and necessary expenses for each district
5 judge shall be the travel expenses, as defined and provided
6 in 2-18-501 through 2-18-503, incurred in the performance of
7 his official duties."

8 NEW SECTION. Section 5. Effective date. [This act] is
9 effective July 1, 1989.

-End-