

SENATE BILL 336

Introduced by Yellowtail

2/08 Introduced  
2/08 Referred to Judiciary  
2/08 First Reading  
2/09 Fiscal Note Requested  
2/15 Fiscal Note Received  
2/16 Fiscal Note Printed  
2/18 Hearing  
2/22 Committee Report--Bill Passed as Amended  
2/23 2nd Reading Passed  
2/24 3rd Reading Passed

Transmitted to House  
3/01 Referred to Judiciary  
3/01 First Reading  
3/09 Hearing  
3/12 Committee Report--Bill Concurred  
3/15 2nd Reading Concur Motion Failed  
3/15 Motion Failed to Segregate from the  
Committee of the Whole Report

1 Senate BILL NO. 334  
 2 INTRODUCED BY Hellmuth  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT COORDINATING SALARY  
 5 INCREASES FOR SUPREME COURT JUSTICES AND DISTRICT COURT  
 6 JUDGES WITH INCREASES FOR STATE EMPLOYEES; INDEXING JUDICIAL  
 7 SALARIES TO THE CONSUMER PRICE INDEX; AMENDING SECTIONS  
 8 2-16-404 AND 3-5-211, MCA; AND PROVIDING AN IMMEDIATE  
 9 EFFECTIVE DATE."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 2-16-404, MCA, is amended to read:

13 "2-16-404. Salaries of supreme court justices. (1) (a)

14 The salary of the chief justice of the supreme court is as  
 15 follows:

16 (a)--\$59,722--beginning--July--17--1991;

17 (b)--\$61,722--beginning--January--17--1992;

18 (c)--\$63,722--beginning--July--17--1992;

19 (d)(i) \$65,722; plus beginning--January--17--1993--and  
 20 each-fiscal-year-thereafter;

21 (ii) beginning July 1, 1993, the same percentage  
 22 increase in salary and benefits provided to other state  
 23 employees beginning July 1, 1993; or

24 (iii) beginning July 1, 1994, the same percentage  
 25 increase in salary and benefits provided to other state

1 employees beginning July 1, 1994.

2 (b) Beginning July 1, 1995, and in each succeeding  
 3 fiscal year, the salary is calculated by adding to the  
 4 annual salary on January 1, 1995, an increment of 100% of  
 5 the previous calendar year's consumer price index for all  
 6 urban consumers, as determined by the U.S. department of  
 7 labor, bureau of labor statistics, or of any other index  
 8 that the bureau of business and economic research of the  
 9 university of Montana may in the future recognize as the  
 10 successor to that index. The cost-of-living increment for  
 11 the fiscal year beginning July 1, 1995, and for each  
 12 subsequent fiscal year must be added to all cost-of-living  
 13 increments for previous years.

14 (2) (a) The salary of a justice of the supreme court is  
 15 as follows:

16 (a)--\$58,452--beginning--July--17--1991;

17 (b)--\$60,452--beginning--January--17--1992;

18 (c)--\$62,452--beginning--July--17--1992;

19 (d)(i) \$64,452; plus beginning--January--17--1993--and  
 20 each-fiscal-year-thereafter;

21 (ii) beginning July 1, 1993, the same percentage  
 22 increase in salary and benefits provided to other state  
 23 employees beginning July 1, 1993; or

24 (iii) beginning July 1, 1994, the same percentage  
 25 increase in salary and benefits provided to other state

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2 (b) Beginning July 1, 1995, and in each succeeding  
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 5 the previous calendar year's consumer price index for all  
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 7 labor, bureau of labor statistics, or of any other index  
 8 that the bureau of business and economic research of the  
 9 university of Montana may in the future recognize as the  
 10 successor to that index. The cost-of-living increment for  
 11 the fiscal year beginning July 1, 1995, and for each  
 12 subsequent fiscal year must be added to all cost-of-living  
 13 increments for previous years."

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

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

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

18 {a)--\$57,178--beginning--July--17--19917

19 {b)--\$59,178--beginning--January--17--19927

20 {c)--\$61,178--beginning--July--17--19927

21 {d)(i) \$63,178; plus beginning--January--17--19937--and  
 22 each-fiscal-year-thereafter7

23 (ii) beginning July 1, 1993, the same percentage  
 24 increase in salary and benefits provided to other state  
 25 employees beginning July 1, 1993; or

1 (iii) beginning July 1, 1994, the same percentage  
 2 increase in salary and benefits provided to other state  
 3 employees beginning July 1, 1994.

4 (b) Beginning July 1, 1995, and in each succeeding  
 5 fiscal year, the salary is calculated by adding to the  
 6 annual salary on January 1, 1995, an increment of 100% of  
 7 the previous calendar year's consumer price index for all  
 8 urban consumers, as determined by the U.S. department of  
 9 labor, bureau of labor statistics, or of any other index  
 10 that the bureau of business and economic research of the  
 11 university of Montana may in the future recognize as the  
 12 successor to that index. The cost-of-living increment for  
 13 the fiscal year beginning July 1, 1995, and for each  
 14 subsequent fiscal year must be added to all cost-of-living  
 15 increments for previous years.

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

20 **NEW SECTION. Section 3.** Effective date. [This act] is  
 21 effective on passage and approval.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0336, as introduced.

**DESCRIPTION OF PROPOSED LEGISLATION:** Coordinates salary and benefits increases for Supreme Court justices and district court judges with increases for state employees. The bill also indexes judicial salaries to the consumer price index (CPI) beginning July 1, 1995 (FY96).

**ASSUMPTIONS:**

1. There are 44 justices and judges covered under this bill: seven Supreme Court justices and 37 district court judges.
2. The executive pay proposal increases the state contribution to employee group insurance by \$240 in FY94 and \$480 in FY95 above the current contribution level. The increase in general fund would amount to \$10,560 in FY94 (44 x \$240) and \$21,120 in FY95 (44 x \$480).
3. Beginning in FY96, justice and judge salaries will be increased by the annual CPI percentage regardless of the salary and benefit increases, if any, adopted for other elected officials and state employees.

**FISCAL IMPACT:** Judiciary:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	92.50	92.50	0.00	92.50	92.50	0.00
Personal Services	4,926,982	4,937,542	10,560	4,939,734	4,960,854	21,120
Operating Expenses	1,274,474	1,274,474	0	1,273,780	1,273,780	0
Equipment	353,005	353,005	0	372,010	372,010	0
Grants	<u>3,143,290</u>	<u>3,143,290</u>	<u>0</u>	<u>3,291,290</u>	<u>3,291,290</u>	<u>0</u>
Total	9,697,751	9,708,311	10,560	9,876,814	9,897,934	21,120
<b>Funding:</b>						
General Fund	8,912,856	8,923,416	10,560	9,058,493	9,079,613	21,120
State Special Revenue	<u>784,895</u>	<u>784,895</u>	<u>0</u>	<u>818,321</u>	<u>818,321</u>	<u>0</u>
Total	9,697,751	9,708,311	10,560	9,876,814	9,897,934	21,120

**LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:**

Beginning in FY96, Supreme Court justice and district court judge salaries will be increased by the annual CPI percentage regardless of the salary and benefit increases, if any, adopted for other elected officials and state employees. If the CPI increases 4% per year, then salaries would increase a total of approximately \$400,000 during the 1997 biennium (increased general fund expenditure).

*Dave Lewis* 2-13-93  
 DAVID LEWIS, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

*Wm Yellowtail* 2/16/93  
 WILLIAM YELLOWTAIL, PRIMARY SPONSOR DATE

Fiscal Note for SB0336, as introduced

*SB 336*

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 336  
INTRODUCED BY YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT COORDINATING SALARY INCREASES FOR SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES WITH INCREASES FOR STATE EMPLOYEES; INDEXING JUDICIAL SALARIES TO THE CONSUMER PRICE INDEX; AMENDING SECTIONS 2-16-404 AND 3-5-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 2-16-404, MCA, is amended to read:

"2-16-404. Salaries of supreme court justices. (1) ~~(a)~~

The salary of the chief justice of the supreme court is as follows:

~~(a)~~--\$59,722--beginning July 1, 1991;

~~(b)~~--\$61,722--beginning January 1, 1992;

~~(c)~~--\$63,722--beginning July 1, 1992;

~~(d)~~~~(i)~~(A) \$65,722; plus beginning January 1, 1993, and each fiscal year thereafter:

~~(i)~~~~(i)~~(B) beginning July 1, 1993, the same percentage AVERAGE PERCENT increase in salary and benefits provided to other CLASSIFIED state employees beginning July 1, 1993; or

~~(i)~~~~(i)~~(C) beginning July 1, 1994, the same percentage AVERAGE PERCENT increase in salary and benefits provided to

other CLASSIFIED state employees beginning July 1, 1994.

~~(b)~~--Beginning July 1, 1995, and in each succeeding fiscal year, the salary is calculated by adding to the annual salary on January 1, 1995, an increment of 100% of the previous calendar year's consumer price index for all urban consumers, as determined by the U.S. department of labor, bureau of labor statistics, or of any other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The cost of living increment for the fiscal year beginning July 1, 1995, and for each subsequent fiscal year must be added to all cost of living increments for previous years.

(2) ~~(a)~~ The salary of a justice of the supreme court is as follows:

~~(a)~~--\$58,452--beginning July 1, 1991;

~~(b)~~--\$60,452--beginning January 1, 1992;

~~(c)~~--\$62,452--beginning July 1, 1992;

~~(d)~~~~(i)~~(A) \$64,452; plus beginning January 1, 1993, and each fiscal year thereafter:

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

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

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

~~(a) \$57,170 beginning July 1, 1991;~~

~~(b) \$59,170 beginning January 1, 1992;~~

~~(c) \$61,170 beginning July 1, 1992;~~

~~(d) (i) (A) \$63,170; plus beginning January 1, 1993, and each fiscal year thereafter;~~

~~(ii) (B) beginning July 1, 1993, the same percentage AVERAGE PERCENT increase in salary and benefits provided to other CLASSIFIED state employees beginning July 1, 1993; or~~

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

**NEW SECTION. Section 3.** Effective date. [This act] is effective on passage and approval.

-End-

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-End-