

SENATE BILL NO. 266

INTRODUCED BY

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Stites
Jones
Albanel
HARP
DeLoach
Robinson
ORR
Jacobson *Bill Wilson* *Franklin* *Kelly* *Carson* *Bishop*
Bob Brown *Foster* *Spencer* *Tom Nelson* *Carlton* *Sturtevant*
Wright *Cochran* *Wilkens* *Houghton*
Web *Mencher* *Shea* *Treasurer* *Storall*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXISTING SALARIES FOR SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES; AMENDING SECTIONS 3-2-104, 3-7-222, 7-6-2511, AND 19-5-101, MCA; REPEALING SECTIONS 2-16-404 AND 3-5-711, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Salaries and expenses of district judges. (1) The annual salary of each

- district court judge is as follows:
- (a) \$65,608 beginning July 1, 1995;
 - (b) \$68,038 beginning January 1, 1996;
 - (c) \$70,468 beginning July 1, 1996; and
 - (d) \$72,898 beginning January 1, 1997.
- (2) Prior to July 1 of each year, after July 1, 1997, the department of administration shall conduct a salary survey of judges of courts of general jurisdiction similar to Montana district courts for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall determine the average salary for judges in the enumerated states, and if that amount is greater than the salary for a district court judge, the average is the new salary for a district court judge on July 1. A district court judge's salary may not be reduced.
- (3) Actual and necessary expenses for each district court judge are the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of official duties.

NEW SECTION. Section 2. Salaries of supreme court justices. (1) The salary of a justice of the

- supreme court is as follows:
- (a) \$67,712 beginning July 1, 1995;
 - (b) \$70,972 beginning January 1, 1996;
 - (c) \$74,232 beginning July 1, 1996; and

1 (d) \$77,492 beginning January 1, 1997.

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

3 (a) \$69,022 beginning July 1, 1995;

4 (b) \$72,322 beginning January 1, 1996;

5 (c) \$75,622 beginning July 1, 1996; and

6 (d) \$78,922 beginning January 1, 1997.

7 (3) Prior to July 1 of each year, after July 1, 1997, the department of administration shall conduct
8 a salary survey of justices of the highest appellate courts similar to the Montana supreme court for the
9 states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall determine the average
10 salary for a justice and the chief justice in the enumerated states, and if that amount is greater than the
11 salary for a justice or the chief justice, the average is the new salary for a supreme court justice or the chief
12 justice on July 1. A justice's salary may not be reduced.

13

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

15 "**3-2-104. Salaries -- expenses.** (1) The salaries of justices of the supreme court are provided for
16 in ~~2-16-404~~ [section 2].

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

20

21 **Section 4.** Section 3-7-222, MCA, is amended to read:

22 "**3-7-222. Salary -- office space.** (1) The chief water judge is entitled to receive the same salary
23 and expense allowance as provided for district judges in ~~3-5-211~~ [section 1].

24 (2) The office of the chief water judge ~~shall~~ must be at the location that the chief justice of the
25 Montana supreme court ~~shall designate~~ designates. The Montana supreme court shall provide in its budget
26 for the salary, expenses, and office and staff requirements of the chief water judge, which money may be
27 appropriated by the legislature from the water right adjudication account."

28

29 **Section 5.** Section 7-6-2511, MCA, is amended to read:

30 "**7-6-2511. County levy for district court expenses.** The governing body of each county may each

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

6
 7 **Section 6.** Section 19-5-101, MCA, is amended to read:

8 **"19-5-101. Definitions.** Unless a different meaning is plainly implied by the context, the following
 9 definitions apply in this chapter:

10 (1) "Compensation" means remuneration as defined in ~~2-16-404~~ [section 2], ~~3-5-211~~ [section 1],
 11 and 3-7-222 paid to a member.

12 (2) "Current salary" means the current compensation for the office retired from.

13 (3) "Involuntary retirement" means a retirement not for cause and before retirement age.

14 (4) "Retired judge" means any judge or justice in receipt of a retirement benefit under this chapter."
 15

16 **NEW SECTION. Section 7. Repealer.** Sections 2-16-404 and 3-5-211, MCA, are repealed.
 17

18 **NEW SECTION. Section 8. Codification instructions.** (1) [Section 1] is intended to be codified
 19 as an integral part of Title 3, chapter 5, part 2, and the provisions of Title 3, chapter 5, part 2, apply to
 20 [section 1].

21 (2) [Section 2] is intended to be codified as an integral part of Title 2, chapter 16, part 4, and the
 22 provisions of Title 2, chapter 16, part 4, apply to [section 2].
 23

24 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 1995.
 25

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0266, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill revising existing salaries for Supreme Court justices and district court judges.

ASSUMPTIONS:

Judiciary:

1. The annual salary for the Chief Justice of the Supreme Court will increase in increments of \$3,300 every six months during the 1997 biennium.
2. The annual salary for the six justices of the Supreme Court will increase in increments of \$3,260 every six months during the 1997 biennium.
3. The annual salary for district court judges and the chief water judge will increase in increments of \$2,430 every six months during the 1997 biennium.
4. The unfunded liability in the Montana judges' retirement system will be increased as a result of this bill. Section 19-5-404, MCA, requires state contributions to the pension trust fund in an amount equal to 34.71% of the total compensation paid to district judges and Supreme Court justices. The funding for these contributions is from the state percentage of certain district court filing fees. At present salary levels, the revenue from these fees has been insufficient to meet the statutory contribution obligations. An increase in salary levels will increase the contribution obligations without an increase in the funds available to make the contributions.
5. The water court is funded from the renewable resources account which already is overappropriated by about \$400,000 and will require 1997 biennium reductions.

Department of Administration:

6. There will be no appreciable fiscal impact in conducting the salary surveys required by the bill.

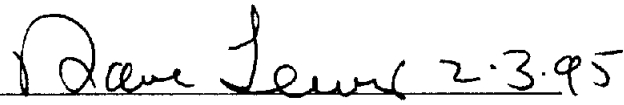
Department of Labor and Industry:

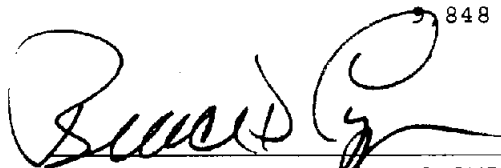
7. The salary for the Workers' Compensation Court Judge is the same as that set for district court judges.

FISCAL IMPACT:

Expenditures:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Supreme Court Operations:		
Personal Services	38,757	87,634
District Court Operations:		
Personal Services	133,490	325,520
<u>Funding:</u>		
General Fund (01)	172,247	413,154
Water Courts Supervision:		
Personal Services	3,747	8,937
<u>Funding:</u>		
Renewable Resources RIT acct (02)	3,747	8,937
Workers' Compensation Court:		
Personal Services	4,221	9,848
<u>Funding:</u>		
Workers' Compensation Assessment (02)	4,221	9,848


 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2-6-95
 BRUCE CRIPPEN, PRIMARY SPONSOR DATE

1 SENATE BILL NO. 266

2 INTRODUCED BY CRIPPEN, VAN VALKENBURG, HIBBARD, HARP, DOHERTY, LYNCH, ANDERSON,
3 SWANSON, ORR, JACOBSON, WILSON, FRANKLIN, HALLIGAN, BARTLETT, BISHOP, BECK, PIPINICH,
4 BROWN, FOSTER, SQUIRES, T. NELSON, PAVLOVICH, QUILICI, WYATT, COCCHIARELLA, RYAN,
5 HARRINGTON, WATERMAN, MENAHAN, SHEA, MESAROS, STOVALL, SLITER
6

7 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXISTING SALARIES FOR SUPREME COURT
8 JUSTICES AND DISTRICT COURT JUDGES; AMENDING SECTIONS 3-2-104, 3-7-222, 7-6-2511, AND
9 19-5-101, MCA; REPEALING SECTIONS 2-16-404 AND 3-5-211, MCA; AND PROVIDING AN EFFECTIVE
10 DATE."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14 NEW SECTION. Section 1. Salaries and expenses of district judges. (1) The annual salary of each
15 district court judge is as follows:

- 16 (a) \$65,608 beginning July 1, 1995;
17 (b) \$68,038 beginning January 1, 1996;
18 (c) \$70,468 beginning July 1, 1996; and
19 (d) \$72,898 beginning January 1, 1997.

20 (2) ~~Prior to July 1 of each year, after July 1, 1997~~ JUNE 30, 1998, AND PRIOR TO JUNE 30 OF
21 EACH EVEN-NUMBERED YEAR THEREAFTER, the department of administration shall conduct a salary
22 survey of judges of courts of general jurisdiction similar to Montana district courts for the states of North
23 Dakota, South Dakota, Wyoming, and Idaho. The department shall determine the average salary for judges
24 in the enumerated states, and if that amount is greater than the salary for a district court judge, the average
25 is the new salary for a district court judge ~~on~~ BEGINNING July 1 OF THE YEAR FOLLOWING THE YEAR IN
26 WHICH THE SURVEY IS CONDUCTED. A district court judge's salary may not be reduced.

27 (3) Actual and necessary expenses for each district court judge are the travel expenses, as defined
28 and provided in 2-18-501 through 2-18-503, incurred in the performance of official duties.
29

30 NEW SECTION. Section 2. Salaries of supreme court justices. (1) The salary of a justice of the

1 supreme court is as follows:

2 (a) \$67,712 beginning July 1, 1995;

3 (b) \$70,972 beginning January 1, 1996;

4 (c) \$74,232 beginning July 1, 1996; and

5 (d) \$77,492 beginning January 1, 1997.

6 (2) The salary of the chief justice of the supreme court is as follows:

7 (a) \$69,022 beginning July 1, 1995;

8 (b) \$72,322 beginning January 1, 1996;

9 (c) \$75,622 beginning July 1, 1996; and

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 13 survey of justices of the highest appellate courts similar to the Montana supreme court for the states of
 14 North Dakota, South Dakota, Wyoming, and Idaho. The department shall determine the average salary for
 15 a justice and the chief justice in the enumerated states, and if that amount is greater than the salary for a
 16 justice or the chief justice, the average is the new salary for a supreme court justice or the chief justice ~~on~~
 17 BEGINNING July 1 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE SURVEY IS CONDUCTED. A
 18 justice's salary may not be reduced.

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

21 **"3-2-104. Salaries -- expenses.** (1) The salaries of justices of the supreme court are provided for
 22 in ~~2-16-404~~ [section 2].

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

26

27 **Section 4.** Section 3-7-222, MCA, is amended to read:

28 **"3-7-222. Salary -- office space.** (1) The chief water judge is entitled to receive the same salary
 29 and expense allowance as provided for district judges in ~~3-5-214~~ [section 1].

30 (2) The office of the chief water judge ~~shall~~ must be at the location that the chief justice of the

1 Montana supreme court ~~shall designate~~ designates. The Montana supreme court shall provide in its budget
2 for the salary, expenses, and office and staff requirements of the chief water judge, which money may be
3 appropriated by the legislature from the water right adjudication account."
4

5 **Section 5.** Section 7-6-2511, MCA, is amended to read:

6 "**7-6-2511. County levy for district court expenses.** The governing body of each county may each
7 year levy and collect a tax on the taxable property of the county for all district court costs, except those
8 listed in ~~3-5-211~~ [section 1], 3-5-213, and 3-5-215. The tax may not exceed 6 mills in the first- and
9 second-class counties, 5 mills in third- and fourth-class counties, and 4 mills in fifth-, sixth-, and
10 seventh-class counties. These expenses include but are not limited to salary and benefits for court clerks,
11 court reporters, youth probation officers, and other employees of the district court."
12

13 **Section 6.** Section 19-5-101, MCA, is amended to read:

14 "**19-5-101. Definitions.** Unless a different meaning is plainly implied by the context, the following
15 definitions apply in this chapter:

16 (1) "Compensation" means remuneration as defined in ~~2-16-404~~ [section 2], ~~3-5-211~~ [section 1],
17 and 3-7-222 paid to a member.

18 (2) "Current salary" means the current compensation for the office retired from.

19 (3) "Involuntary retirement" means a retirement not for cause and before retirement age.

20 (4) "Retired judge" means any judge or justice in receipt of a retirement benefit under this chapter."
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22 **NEW SECTION. Section 7. Repealer.** Sections 2-16-404 and 3-5-211, MCA, are repealed.
23

24 **NEW SECTION. Section 8. Codification instructions.** (1) [Section 1] is intended to be codified
25 as an integral part of Title 3, chapter 5, part 2, and the provisions of Title 3, chapter 5, part 2, apply to
26 [section 1].

27 (2) [Section 2] is intended to be codified as an integral part of Title 2, chapter 16, part 4, and the
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30 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 1995.

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 28 provisions of Title 2, chapter 16, part 4, apply to [section 2].
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-END-