

IN THE SENATE

SENATE BILL NO. 1394

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SALARIES OF JUDGES; AMENDING SECTION 1-201, IDAHO CODE, TO IN-
2 CREASE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED BY THE CHIEF JUSTICE OF
3 THE SUPREME COURT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
4 1-703, IDAHO CODE, TO INCREASE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED
5 BY THE ADMINISTRATIVE JUDGE; REPEALING SECTION 1-2222, IDAHO CODE, RE-
6 LATING TO A SALARY SCHEDULE AND ATTORNEY AND NONATTORNEY MAGISTRATES;
7 AMENDING SECTION 1-2404, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO
8 THE SALARIES OF JUDGES OF THE COURT OF APPEALS; AMENDING SECTION 1-2408,
9 IDAHO CODE, TO PROVIDE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED BY THE
10 CHIEF JUDGE OF THE COURT OF APPEALS; AND AMENDING SECTION 59-502, IDAHO
11 CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RE-
12 LATING TO SALARIES OF JUDGES.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Section 1-201, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 1-201. CONSTITUTION OF COURT. The ~~S~~supreme ~~C~~court consists of five (5)
18 justices, a majority of whom shall be necessary to make a quorum or pronounce
19 a decision. The justices of the ~~S~~supreme ~~C~~court shall be elected by the elec-
20 tors of the state at large. The terms of office of said justices shall be six
21 (6) years. The chief justice shall receive an annual salary in an amount of
22 ~~one two thousand five hundred~~ dollars (\$~~1,52,000~~) greater than the annual
23 salary of the justices of the ~~S~~supreme ~~C~~court to compensate for the addi-
24 tional constitutional and statutory duties of the office.

25 SECTION 2. That Section 1-703, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 1-703. JURISDICTION OF JUDGES WHERE MORE THAN ONE -- ADMINISTRATIVE
28 JUDGE. Where there is more than one (1) judge in any district, the jurisdic-
29 tion of the respective judges of said district shall be equal and coextensive
30 with the boundaries of the district. In each judicial district there shall
31 be an administrative judge elected by a majority of the district judges
32 within the district to serve for a period of time as provided by rules of the
33 Idaho supreme court. In the event a majority of the district judges cannot
34 agree as to who shall be the administrative judge, then the appointment of
35 the administrative judge shall be by a majority of the Idaho supreme court
36 justices for a period of time as provided by rules of the Idaho supreme court.
37 The administrative judge is hereby granted all powers and duties heretofore
38 or hereafter granted to the senior district judge, and the administrative
39 judge shall apportion the business of such district among such judges as
40 equally as may be, but any judge shall have full power to hold terms of court,

1 transact judicial business, make orders, grant or refuse writs and generally
2 exercise all the powers of a district judge without the concurrence of the
3 other judge or judges. The administrative judge shall receive an annual
4 salary in an amount of ~~one two~~ thousand ~~five hundred~~ dollars (\$~~1,52,000~~)
5 greater than the annual salary of a district judge to compensate for the ad-
6 ditional duties of the office.

7 SECTION 3. That Section 1-2222, Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 4. That Section 1-2404, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 1-2404. NUMBER OF JUDGES -- QUALIFICATIONS -- CONDUCT AND DISCIPLINE
12 -- TERM -- SELECTION -- ELECTION -- COMPENSATION. (1) The court of appeals
13 shall consist of four (4) judges, and shall sit in panels of not less than
14 three (3) judges each.

15 (2) No person shall be appointed or elected to the office of judge of the
16 court of appeals unless he has attained the age of thirty (30) years at the
17 time of his appointment or election, is a citizen of the United States, shall
18 have been admitted to the practice of law for at least ten (10) years prior
19 to taking office, and is admitted to practice law in the state of Idaho, and
20 has resided within this state two (2) years next preceding his appointment or
21 election.

22 (3) A judge of the court of appeals shall be governed by the code of ju-
23 dicial conduct as promulgated by the Idaho supreme court, and shall be sub-
24 ject to removal, discipline, or retirement pursuant to section 1-2103, Idaho
25 Code.

26 (4) (a) Judges of the court of appeals shall be appointed by the gover-
27 nor effective the first Monday of January, 1982, for the following ini-
28 tial terms: one (1) judge shall be appointed for a term to expire on the
29 first Monday of January, 1985, one (1) judge shall be appointed for a
30 term expiring two (2) years later, and one (1) judge shall be appointed
31 for a term expiring two (2) further years later. Thereafter, the term of
32 office of a judge of the court of appeals shall be six (6) years.

33 (b) Vacancies in the office of judge of the court of appeals shall be
34 filled in the same manner as vacancies in the office of supreme court
35 justice or district judge.

36 (c) The positions of judges of the Idaho court of appeals shall first
37 be filled as vacancies. The judicial council shall submit to the gov-
38 ernor its recommendations for the offices at the earliest practicable
39 time after the effective date of this act. The governor may make the ap-
40 pointment at any time thereafter, to be effective the first Monday of
41 January, 1982, for the terms set forth in section 1-2404(4) (a), Idaho
42 Code.

43 (d) In making its nominations for the initial vacancies to be created
44 by this act, the Idaho judicial council shall submit the names of not
45 less than six (6) nor more than nine (9) qualified persons for the ini-
46 tial three (3) vacancies to be created by this act. Otherwise, the ju-
47 dicial council shall submit the names of not less than two (2) nor more
48 than four (4) persons for each vacancy. The governor shall appoint the

1 judges, identifying each appointment by the length of the term of ap-
2 pointment.

3 (e) Nominations and appointments to fill initial or subsequent vacan-
4 cies shall be made with due regard for balanced geographical membership
5 of the court of appeals.

6 (f) Subsequent terms of office of a judge who has been appointed to the
7 court of appeals shall be subject to a statewide nonpartisan election
8 to be held in the primary election next preceding the expiration of an
9 appointed term in the same method and manner as a justice of the supreme
10 court.

11 (g) A fourth judge of the court of appeals shall be appointed by the gov-
12 ernor effective the first Monday of January, 2009, for an initial term
13 to expire on the first Monday of January, 2013. Thereafter, the term of
14 office for this position shall be six (6) years. The judicial council
15 shall submit the names of not less than two (2) nor more than four (4)
16 persons for the initial vacancy in this position under the procedure set
17 forth in section 1-2102, Idaho Code. This position shall be subject to
18 all of the provisions relating to qualifications, removal, discipline,
19 retirement, filling of vacancies, election and compensation set forth
20 in this chapter.

21 (5) Judges of the court of appeals, ~~shall receive an annual salary in~~
22 ~~an amount of one thousand dollars (\$1,000) less than the annual salary of a~~
23 ~~supreme court justice and~~ except for judges who have made an election to re-
24 main in the public employee retirement system of Idaho pursuant to section
25 1-2011, Idaho Code, shall receive compensation upon retirement as provided
26 in chapter 20, title 1, Idaho Code.

27 SECTION 5. That Section 1-2408, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 1-2408. CHIEF JUDGE. The chief justice of the supreme court shall ap-
30 point a chief judge of the court of appeals for a term of two (2) years or such
31 shorter period as may be determined by the chief justice. The chief judge
32 shall exercise such administrative powers as may be delegated by the full
33 membership of the court of appeals, not in conflict with supreme court rules.
34 The chief judge shall receive an annual salary in an amount of two thousand
35 dollars (\$2,000) greater than the annual salary of a judge of the court of ap-
36 peals to compensate for the additional duties of the office.

37 SECTION 6. That Section 59-502, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 59-502. SALARIES OF JUDGES. (1) Commencing on July 1, 2012~~4~~, the
40 salary of the justices of the supreme court shall be one hundred ~~twenty-one~~
41 thirty-five thousand nine hundred dollars (\$121,935,000) per annum, ~~and the~~
42 ~~salary of the judges of the district courts shall be one hundred fourteen~~
43 ~~thousand three hundred dollars (\$114,300) per annum.~~ Commencing on July 1,
44 2016, the salary of the justices of the supreme court shall be one hundred
45 forty thousand dollars (\$140,000) per annum.

46 (2) ~~Salaries of magistrates shall be as prescribed by chapter 22, ti-~~
47 ~~tle 1, Idaho Code~~ Commencing on July 1, 2014, judges of the court of appeals

1 shall receive an annual salary in an amount of five thousand dollars (\$5,000)
2 less than the annual salary of a supreme court justice. Commencing on July
3 1, 2016, judges of the court of appeals shall receive an annual salary in
4 an amount of ten thousand dollars (\$10,000) less than the annual salary of a
5 supreme court justice.

6 (3) Commencing on July 1, 2014, district judges shall receive an an-
7 annual salary in an amount of six thousand dollars (\$6,000) less than the an-
8 annual salary of a judge of the court of appeals.

9 (4) Commencing on July 1, 2014, magistrate judges shall receive an an-
10 annual salary in an amount of twelve thousand dollars (\$12,000) less than the
11 annual salary of a district judge.

12 (35) Salaries shall be paid on regular pay periods not less frequently
13 than monthly as determined by order of the supreme court as due out of the
14 state treasury, but no justice of the supreme court or judge of the district
15 court or magistrate shall be paid his salary, or any part thereof, unless he
16 shall first take and subscribe an oath that there is not in his hands any mat-
17 ter in controversy not decided by him, which has been finally submitted for
18 his consideration and determination thirty (30) days prior to his taking and
19 subscribing said oath.