

IN THE SENATE

SENATE BILL NO. 1436

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JUDICIAL COMPENSATION; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE PROVISIONS REGARDING SALARIES OF JUDGES AND TO PROVIDE FOR COMPENSATION ESTABLISHED BY THE CITIZENS' COMMITTEE ON JUDICIAL COMPENSATION; AMENDING CHAPTER 5, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-502A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE CITIZENS' COMMITTEE ON JUDICIAL COMPENSATION; AMENDING CHAPTER 5, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-502B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING JUDICIAL COMPENSATION AS DETERMINED BY THE CITIZENS' COMMITTEE ON JUDICIAL COMPENSATION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) ~~Commencing on July 1, 2023, the~~ The salary of the justices of the supreme court shall be ~~one hundred sixty-five thousand two hundred twelve dollars (\$165,212)~~ one hundred eighty-one thousand seven hundred thirty-three dollars (\$181,733) per annum. ~~Commencing on July 1, 2026, the salary of the justices of the supreme court shall be one hundred ninety thousand eight hundred twenty dollars (\$190,820) per annum.~~ Commencing on July 1, 2027, the salary of the justices of the supreme court shall be two hundred thousand three hundred sixty-one dollars (\$200,361) per annum. Commencing on July 1, 2028, the salary of the justices of the supreme court shall be two hundred ten thousand three hundred seventy-nine dollars (\$210,379) per annum.

(2) ~~Commencing on July 1, 2023, judges~~ Judges of the court of appeals shall receive an annual salary in an amount ~~of eight thousand dollars (\$8,000) less than~~ equal to ninety-five percent (95%) of the annual salary of a supreme court justice.

(3) ~~Commencing on July 1, 2017, district~~ District judges shall receive an annual salary in an amount ~~of six thousand dollars (\$6,000) less than~~ equal to ninety percent (90%) of the annual salary of a judge of the court of appeals supreme court justice.

(4) ~~Commencing on July 1, 2023, magistrate~~ Magistrate judges shall receive an annual salary in an amount ~~of eight thousand dollars (\$8,000) less than~~ equal to eighty-five percent (85%) of the annual salary of a district judge supreme court justice.

(5) Commencing on December 1, 2028, justices and judges shall receive compensation in accordance with rates established by the citizens' committee on judicial compensation authorized in sections 59-502A and 59-502B, Idaho Code.

1 ~~(5)~~ (6) Salaries shall be paid on regular pay periods not less fre-
2 quently than monthly as determined by order of the supreme court as due out
3 of the state treasury, but no justice of the supreme court or judge of the
4 district court or magistrate shall be paid his salary, or any part thereof,
5 unless he shall first take and subscribe an oath that there is not in his
6 hands any matter in controversy not decided by him, ~~which~~ that has been fi-
7 nally submitted for his consideration and determination thirty (30) days
8 prior to his taking and subscribing said oath.

9 SECTION 2. That Chapter 5, Title 59, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 59-502A, Idaho Code, and to read as follows:

12 59-502A. CITIZENS' COMMITTEE ON JUDICIAL COMPENSATION -- MEMBERS --
13 APPOINTMENT -- TERMS -- ELECTION OF CHAIR. (1) There is hereby established
14 the citizens' committee on judicial compensation, to consist of three (3)
15 members appointed by the governor and three (3) members appointed by the leg-
16 islature with such legislative appointments determined by agreement of the
17 president pro tempore of the senate and the speaker of the house of repre-
18 sentatives. No member of the committee shall be appointed before the first
19 Monday of January 2027. Members of the committee shall be residents of the
20 state of Idaho and shall be appointed from the public and without regard to
21 political affiliation. No person may be appointed to the committee who is an
22 official or employee of the state of Idaho or any department, agency, or po-
23 litical subdivision thereof or who is an official or employee of any county,
24 municipality, or other unit of local government or of any agency or institu-
25 tion to which any state funds are appropriated.

26 (2) Of the members of the committee first to be appointed, one (1) ap-
27 pointee each of the governor and the legislature shall be appointed for a
28 term of two (2) years, one (1) appointee each of the governor and the legisla-
29 ture shall be appointed for a term of three (3) years, and one (1) appointee
30 each of the governor and the legislature shall be appointed for a term of four
31 (4) years, commencing July 1, 2027. Thereafter, all members of the committee
32 shall be appointed for four (4) year terms that commence July 1. Vacancies
33 shall be filled in the same manner as the original appointments and for the
34 balance of the unexpired term. The committee shall elect one (1) of its mem-
35 bers as chair, and members of the committee shall be compensated as provided
36 by section 59-509(b), Idaho Code, which expenses shall be paid from the mon-
37 eys appropriated for the operation of the legislature.

38 SECTION 3. That Chapter 5, Title 59, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 59-502B, Idaho Code, and to read as follows:

41 59-502B. JUDICIAL COMPENSATION. (1) Commencing July 1, 2029, no jus-
42 tice or judge of the state of Idaho shall receive any compensation for judi-
43 cial service, except as established pursuant to this section.

44 (2) The citizens' committee on judicial compensation shall, on or be-
45 fore November 30, 2028, establish the rates of compensation for judicial
46 service by justices and judges of the state of Idaho during a two (2) year
47 period commencing on July 1, 2029. The compensation so established shall, on

1 or before December 1, 2028, be filed with the secretary of state and the state
2 controller. The rates so established shall be the rates applicable for such
3 two (2) year period specified unless prior to the twenty-fifth legislative
4 day of the first regular session of the seventieth Idaho legislature, by
5 concurrent resolution, the legislature rejects such rates of compensation
6 and declares the same to be inoperative.

7 (3) Thereafter, the committee shall, on or before the last day of Novem-
8 ber of each even-numbered year, establish the rates of compensation for ju-
9 dicial service by justices and judges of the state of Idaho during the two (2)
10 year period commencing on the first day of July of the next year. The compen-
11 sation so established shall, on or before the first day of December of each
12 even-numbered year, be filed with the secretary of state and the state con-
13 troller. The rates so established shall be the rates applicable for the two
14 (2) year period specified unless prior to the twenty-fifth legislative day
15 of the next regular biennial legislative session, by concurrent resolution,
16 the legislature rejects such rates of compensation and declares the same to
17 be inoperative.

18 (4) In the event the legislature rejects rates of compensation pursuant
19 to this section, the rates of compensation shall remain at the then current
20 amounts until the committee again establishes rates of compensation pur-
21 suant to this section.

22 SECTION 4. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2024.