



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **SB0045.04 (003): Create a judicial performance evaluation commission and system**

Primary Sponsor: **Tom McGillvray** Status: **As Amended in House Committee**

☐ Included in the Executive Budget ☐ Needs to be included in HB 2 ☐ Significant Local Gov Impact
☐ Significant Long-Term Impacts ☒ Technical Concerns ☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
Expenditures				
General Fund (01)	\$500,000	\$500,000	\$500,000	\$500,000
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>	<u>(\$500,000)</u>
General Fund Balance				

Description of fiscal impact

SB 45, as amended, creates a new judicial performance evaluation system that would be administratively attached to the Department of Justice. The department assumes an executive director position and associated expenses would be needed as a result of this new commission. SB 45 also requires the Office of the Secretary of State to prepare for the publication and distribution of a judicial evaluation information pamphlet. The bill, as amended, appropriates \$500,000 in FY 2026 and \$500,000 in FY 2027 from the state general fund to the Department of Justice for implementation of this bill.

FISCAL ANALYSIS

Assumptions

Department of Justice

1. SB 45, as amended, provides an appropriation of \$500,000 per fiscal year for each year of the 2027 Biennium to the Department of Justice for implementation of this bill. The bill states the legislative intent is for this to be one-time-only appropriations. The next legislature will need to appropriate funds to continue the program.
2. The bill, as amended, terminates June 30, 2035.
3. The Department of Justice (DOJ) assumes that the executive director position allowed by this bill will cost \$140,631 per fiscal year including benefits.
4. DOJ assumes \$11,000 in operating costs will be needed in FY 2026 for new office setup, computer, phone, fixed costs, travel, and training for the executive director position. For FY 2027, it is estimated that \$6,000 will be needed for ongoing expenses.
5. DOJ assumes an additional \$10,000 would be needed in the Central Services Division to support the human resources, payroll and fiscal functions of the commission.
6. The department assumes that an annual amount of \$50,000 will be needed to pay for the judicial performance survey contract.

7. DOJ assumes the remaining authority will be used to cover additional judicial performance survey costs and to hire additional staff to support the commission.

Office of the Secretary of State

1. It is assumed that approximately 510,000 copies of the judicial evaluation information pamphlet will be printed and distributed to counties. The estimated cost is \$44,625 in FY 2027. An inflationary factor of 1.5% has been applied for FY 2028 and FY 2029.
2. It is assumed that the counties will pay the costs associated with distributing copies of the judicial evaluation information pamphlet to the registered voters on the active voter list.
3. It is assumed that the printing and distribution of the judicial evaluation information pamphlet will only be for the General Election.
4. While there may be a minimal fiscal impact for personal services costs related to administrative rulemaking, drafting, and publishing the judicial evaluation information pamphlet, the Office of the Secretary of State will absorb these costs within its existing operating budget.

Fiscal Analysis Table

	FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference
<u>Fiscal Impact</u>				
FTE	1.00	1.00	1.00	1.00
TOTAL Fiscal Impact	1.00	1.00	1.00	1.00
<u>Expenditures</u>				
Personal Services	\$140,631	\$140,631	\$142,740	\$144,881
Operating Expenses	\$359,369	\$359,369	\$357,260	\$355,119
TOTAL Expenditures	\$500,000	\$500,000	\$500,000	\$500,000
<u>Funding of Expenditures</u>				
General Fund (01)	\$500,000	\$500,000	\$500,000	\$500,000
TOTAL Funding of Expenditures	\$500,000	\$500,000	\$500,000	\$500,000
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)

Technical Concerns

1. The amendments in Section 11 and 12 of SB 45 are being proposed under the Statewide Ballot Issues chapter of Title 13 of the Montana Code Annotated. The judicial evaluation information pamphlet does not relate to ballot issues.

NO SPONSOR SIGNATURE

Sponsor's Initials

Date

4.16

Budget Director's Initials

4/15/2025

Date