

HOUSE BILL NO. 497

INTRODUCED BY DARKO, VAUGHN, O'KEEFE, J. RICE,
D. BROWN, CODY, NATHE, MCCAFFREE, MADISON,
DAVIS, J. DEBRUYCKER, T. BECK, STRIZICH,
WATERMAN

IN THE HOUSE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

 FIRST READING.

FEBRUARY 21, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 22, 1991 PRINTING REPORT.

MARCH 11, 1991 SECOND READING, DO PASS.

 ON MOTION, TAKEN FROM ENGROSSING AND
REREFERRED TO COMMITTEE
ON APPROPRIATIONS.

MARCH 25, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 26, 1991 PRINTING REPORT.

MARCH 27, 1991 SECOND READING, DO PASS.

MARCH 28, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 78; NOES, 20.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

 FIRST READING.

APRIL 3, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 5, 1991 SECOND READING, CONCURRED IN.

APRIL 6, 1991

THIRD READING, CONCURRED IN.
AYES, 43; NOES, 6.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 10, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 497

INTRODUCED BY Markus Neustro
John King David Brown Debra McCaffee
Madison James Robert
A BILL FOR AN ACT ENTITLED "AN ACT REVISING SALARIES OR
COMPENSATION FOR CERTAIN COUNTY OFFICERS; AMENDING SECTIONS
7-4-2107, 7-4-2503, AND 7-4-2504, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)

Each member of the board of county commissioners in counties of the first, second, third, and fourth class shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and recorder plus \$2,000, but the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set their salaries at the prior fiscal year level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is ~~entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year beginning July 1, 1985, the salary is \$60 a day. Thereafter,~~

~~on or before July 1 of each year, the county commission shall fix a cost-of-living-adjusted-daily-salary by adding to the amount of \$60 an increment calculated as provided in 7-4-2504 may receive an annual salary equal to the annual salary established in 7-4-2503(1)(b) for the clerk and recorder or a salary at a per-day rate determined by using the salary established in 7-4-2503(1)(b) for the clerk and recorder, but the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set their salaries at the prior fiscal year level if that level is lower than the level required by this subsection. The salary as determined by the board shall apply uniformly to all board members.~~

(3) This section does not apply to counties that have adopted a charter form of government."

Section 2. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers.

(1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties where the office is authorized, for the fiscal year beginning July 1, 1981 1991, is computed by adding and



1 each year thereafter must be established by the county
 2 governing body at no less than 80% of the annual base salary
 3 of:

4 (a) ~~\$14,000~~ \$25,000 for the counties of the first
 5 through fifth class to the population increment of \$10 for
 6 each 100 persons or major fraction thereof included in the
 7 county's population as determined by the ~~1980~~ 1990 federal
 8 decennial census; or

9 (b) ~~\$12,000~~ \$18,000 for counties of the sixth and
 10 seventh class to the population increment of ~~\$20~~ \$10 per 100
 11 persons or major fraction thereof in the county's population
 12 as determined by the ~~1980~~ 1990 federal decennial census.

13 (2) (a) An elected county superintendent of schools
 14 shall receive, in addition to the salary based upon
 15 subsection (1), the sum of \$400 per year, except that an
 16 elected county superintendent of schools who holds a master
 17 of arts degree or a master's degree in education, with an
 18 endorsement in school administration, from a unit of the
 19 Montana university system or an equivalent institution may,
 20 at the discretion of the county commissioners, receive, in
 21 addition to the salary based upon subsection (1), up to
 22 \$2,000 per year.

23 (b) The county sheriff shall receive, in addition to
 24 the salary based upon subsection (1), the sum of \$2,000 per
 25 year.

1 (c) The county sheriff shall receive a longevity
 2 payment amounting to 1% of the base salary set forth in
 3 subsection (1) for each year of service with the sheriff's
 4 department, but years of service during any year in which
 5 the salary was set at the level of the salary of the prior
 6 fiscal year may not be included in any calculation of
 7 longevity increases. The additional salary amount provided
 8 for in this subsection may not be included in the base
 9 salary for purposes of computing the compensation for
 10 undersheriffs and deputy sheriffs as provided in 7-4-2508.

11 (3) (a) In each county with a population in excess of
 12 30,000, the county attorney shall be a full-time official
 13 under 7-4-2704, and his salary for the fiscal year beginning
 14 July 1, 1981, shall be \$36,500. In counties with a
 15 population less than 30,000, the county attorney who is a
 16 part-time official for a county of the first, second, or
 17 third class is entitled to receive an annual salary equal to
 18 60% of the annual salary of a full-time county attorney. A
 19 county attorney who is a part-time official for a county of
 20 the fourth, fifth, sixth, or seventh class is entitled to
 21 receive an annual salary equal to 50% of the annual salary
 22 of a full-time county attorney.

23 (b) In those counties where the office of the county
 24 attorney has been established as a full-time position
 25 pursuant to 7-4-2706, the salary of the county attorney for

1 the fiscal year beginning July 1, 1981, shall be \$36,500.

2 (c) Beginning on July 1, ~~1982~~ 1991, and on July 1 of
 3 each succeeding year, each county attorney shall be entitled
 4 to an increase in salary calculated by adding to his annual
 5 salary on July 1, ~~1981~~ 1991, an increment of ~~70%~~ 100% of the
 6 last previous calendar year's consumer price index for all
 7 urban consumers, U.S. department of labor, bureau of labor
 8 statistics, or other index that the bureau of business and
 9 economic research of the university of Montana may in the
 10 future recognize as the successor to that index. However,
 11 the county commissioners may, for all or the remainder of
 12 each fiscal year, in conjunction with setting salaries for
 13 other officers as provided in 7-4-2504(1), set the salary at
 14 the prior fiscal year level if that level is lower than the
 15 level required by this subsection (3)(c). The cost-of-living
 16 increment for the fiscal year beginning July 1, 1983, and
 17 for each subsequent fiscal year shall be added to all
 18 cost-of-living increments granted for previous years unless
 19 salaries were set for the fiscal year at the level of
 20 salaries received in the prior fiscal year. Unless restored
 21 pursuant to 7-4-2504(2), any cost-of-living increment that
 22 would have been received for such fiscal year, computed on
 23 the prior fiscal year, may not be added to previous
 24 increments.

25 (d) (i) After completing 4 years of service as deputy

1 county attorney, each deputy county attorney is entitled to
 2 an increase in salary of \$1,000 on the anniversary date of
 3 his employment as deputy county attorney. After completing 5
 4 years of service as deputy county attorney, each deputy
 5 county attorney is entitled to an additional increase in
 6 salary of \$1,500 on the anniversary date of his employment.
 7 After completing 6 years of service as deputy county
 8 attorney and for each year of service thereafter up to
 9 completion of the 11th year of service, each deputy county
 10 attorney is entitled to an additional annual increase in
 11 salary of \$500.

12 (ii) The years of service as a deputy county attorney
 13 accumulated prior to July 1, 1985, must be included in the
 14 calculation of the longevity increase, but, unless longevity
 15 increases are restored pursuant to 7-4-2504(2), the years of
 16 service during any year in which the salary was set at the
 17 level of the salary of the prior fiscal year may not be
 18 included in any calculation of longevity increases.

19 (4) For each 10th year after the fiscal year beginning
 20 July 1, 1981, the latest federal decennial census statistics
 21 shall be the basis for computation of population increments
 22 under this section. During the intervening 9 years, the
 23 computation of population increments applicable on July 1 of
 24 each year shall be based on the last calendar year's annual
 25 estimates of counties' populations compiled by the

1 federal-state cooperative program for estimates of the
2 university of Montana bureau of business and economic
3 research and the U.S. bureau of the census or other estimate
4 that the bureau of business and economic research may
5 certify."

6 **Section 3.** Section 7-4-2504, MCA, is amended to read:

7 "7-4-2504. Salaries to be fixed by resolution --
8 cost-of-living increments. (1) The county governing body
9 shall by resolution, on or before July 1, ~~1982~~ 1991, and on
10 or before July 1 of each year thereafter adjust and
11 uniformly fix the salaries of the county treasurer, county
12 clerk, county assessor, county school superintendent, county
13 sheriff, and the clerk of the district court; the county
14 auditor (if there is one); and the county surveyor (if he
15 receives a salary) for cost-of-living increase by adding to
16 the annual salary computed under 7-4-2503 an increment
17 calculated by applying to the annual salary established by
18 7-4-2503(1) plus previous cost-of-living increments, ~~70%~~
19 100% of the last previous calendar year's consumer price
20 index for all urban consumers, U.S. department of labor,
21 bureau of labor statistics, or other index that the bureau
22 of business and economic research of the university of
23 Montana may in the future recognize as the successor to that
24 index. The county governing body may, however, for all or
25 the remainder of each fiscal year, in conjunction with

1 setting salaries for the same action on the salaries of
2 justices of the peace (if applicable), the county governing
3 body, county attorney, and coroner, set the salary at the
4 prior fiscal year level if that level is lower than the
5 level required by this subsection. The cost-of-living
6 increment for the fiscal year beginning July 1, ~~1983~~ 1992,
7 and for each subsequent fiscal year shall be added to all
8 cost-of-living increments granted for previous years unless
9 salaries were set for the fiscal year at the level of
10 salaries received in the prior fiscal year. In such case the
11 cost-of-living increment that would have been received for
12 such fiscal year, computed on the prior fiscal year, may not
13 be added to previous increments.

14 (2) The county governing body may, in any subsequent
15 fiscal year, restore for 1 or more years the annual
16 cost-of-living increments withheld pursuant to subsection
17 (1). If cost-of-living increments are restored, the
18 longevity increases provided for sheriffs in 7-4-2503, for
19 deputy county attorneys in 7-4-2503(3)(d)(i), and for
20 undersheriffs and deputy sheriffs in 7-4-2510 must also be
21 restored for the years for which the cost-of-living
22 increment was restored.

23 (3) If the application of 7-4-2503 does not qualify a
24 county official for a salary increase ~~of at least 7% on July~~
25 ~~1, 1981, his salary on that date shall be increased by an~~

1 ~~amount--sufficient--to--provide-him-total-salary-equal-to-7%~~
2 ~~more-than-during-the-previous-year, his salary base for the~~
3 ~~fiscal year beginning July 1, 1991, must be the fiscal year~~
4 ~~1990-91 salary plus 100% of the last previous calendar~~
5 ~~year's consumer price index for all urban consumers as set~~
6 ~~forth in subsection (1).~~

7 (4) The county governing body shall by resolution,
8 prior to July 1 of each year, establish the salary of the
9 coroner and may, for all or the remainder of each fiscal
10 year, in conjunction with setting salaries for other
11 officers as provided in subsection (1), set the salary at
12 the prior fiscal year level. The salary must be in effect
13 upon the first day of each ensuing fiscal year."

14 NEW SECTION. **Section 4.** Effective date. [This act] is
15 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 HB0497, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

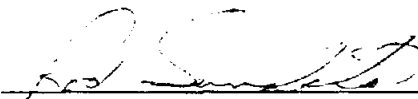
An act revising salaries or compensation for certain county officers and providing an immediate effective date.

ASSUMPTIONS:

1. The percent change in CPI for CY 1990 is 5.4% and for CY 1991 is 5.05%. (OBPP)
2. Under the proposal, county assessors and deputy assessors will get a 5.4% increase over the listed base salary for FY92 and 5.05% over the FY92 salary for FY93.
3. The Department of Revenue pays 70% of the salaries for 47 county assessors and 47 deputy county assessors who would be affected by this proposal.
4. The Governor's Executive Budget is the basis for comparison of personal services for assessors and deputy assessors.
5. The salaries for deputy assessors would be 89% of the county assessors both under current law and under the proposal.
6. Under both the proposal and current law, benefits (excluding insurance) would be approximately 15% of salaries for both the county assessors and the deputy assessors.
7. The approximate total cost for salaries and benefits (excluding insurance), under the proposal, for county assessors and deputies would be \$2,711,455 in FY92 and \$2,848,384 in FY93. The Department of Revenue's share (General Fund) would be \$1,898,019 in FY92 and \$1,993,869 in FY93.
8. It is assumed that salaries for county assessors and deputy assessors will be set at 100% of the base listed in the proposal.

FISCAL IMPACT:

See next page



ROD SUNDSTED, BUDGET DIRECTOR 2-6-91 DATE
Office of Budget and Program Planning



PAULA A. DARKO, PRIMARY SPONSOR 2/8/91 DATE

Fiscal Note for HB0497, as introduced

HB 497

FISCAL IMPACT:

Expenditures:

Department of Revenue - Elected Assessors and Deputy Assessors

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
F.T.E.	68.60	68.60	0	68.60	68.60	0
Salaries	1,371,796	1,653,786	281,990	1,371,796	1,734,810	363,014
Benefits	202,588	244,233	41,645	204,850	259,059	54,209
Insurance	<u>176,400</u>	<u>176,400</u>	<u>0</u>	<u>176,400</u>	<u>176,400</u>	<u>0</u>
Total	1,750,784	2,074,419	323,635	1,753,046	2,170,269	417,223
<u>Funding:</u>						
General Fund	1,750,784	2,074,419	323,635	1,753,046	2,170,269	417,223

EFFECT ON COUNTY EXPENDITURES:

The Department of Commerce estimates that the statewide impact of the proposal for each type of elected county official would be approximately \$275,000 in FY92 and \$300,000 in FY93. These elected officials include: treasurer, clerk and recorder, clerk of the district court, surveyor, and county auditor. The offices of county commissioner, superintendent of schools, and sheriff also receive salary additives in addition to their computed salaries.

Salaries for deputy county officers and undersheriffs would increase under the proposal, since these salaries are pegged at 90% of elected officials' salaries under section 7-4-2505, MCA.

The increased salary base provided by the legislation would increase longevity payments to sheriffs and deputy sheriffs per sections 7-4-2510 and 7-4-2508, MCA.

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 497

INTRODUCED BY DARKO, VAUGHN, O'KEEFE, J. RICE,
D. BROWN, CODY, NATHE, MCCAFFREE, MADISON,
DAVIS, J. DEBRUYCKER, T. BECK, STRIZICH,
WATERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SALARIES OR
COMPENSATION FOR CERTAIN COUNTY OFFICERS; AMENDING SECTIONS
7-4-2107, 7-4-2503, AND 7-4-2504, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)

Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but the
county commissioners may, for all or the remainder of each
fiscal year, in conjunction with setting salaries for other
officers as provided in 7-4-2504(1), set their salaries at
the prior fiscal year level if that level is lower than the
level required by this subsection.

(2) Each member of the board in all other counties is
~~entitled to a salary for each day in which he is actually~~

~~and necessarily engaged in the performance of board duties
as set by resolution of the board. For the fiscal year
beginning July 1, 1985, the salary is \$60 a day. Hereafter,
on or before July 1 of each year, the county commission
shall fix a cost-of-living-adjusted daily salary by adding
to the amount of \$60 an increment calculated as provided in
7-4-2504 may receive an annual salary equal to the annual
salary established in 7-4-2503(b)(1)(A)(II) for the clerk
and recorder or a salary at a per-day rate determined by
using the salary established in 7-4-2503(b)(1)(A)(II) for
the clerk and recorder, but the county commissioners may,
for all or the remainder of each fiscal year, in conjunction
with setting salaries for other officers as provided in
7-4-2504(1), set their salaries at the prior fiscal year
level if that level is lower than the level required by this
subsection. The salary as determined by the board shall
apply uniformly to all board members.~~

(3) This section does not apply to counties that have
adopted a charter form of government."

Section 2. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers.

(1) (A) The salary paid to the county treasurer, county
clerk and recorder, clerk of the district court, county
assessor, county superintendent of schools, and county
sheriff; the county surveyor in counties where county

1 surveyors receive salaries as provided in 7-4-2812; and the
 2 county auditor in all counties where the office is
 3 authorized, for the fiscal year beginning July 1, 1981 1991,
 4 is--computed--by--adding and each year thereafter must be
 5 established by the county governing body at no less than 80%
 6 of the annual base salary of:

7 ~~(a)~~ (I) ~~\$14,000~~ \$25,000 for the counties of the first
 8 through fifth class ADDED to the population increment of \$10
 9 for each 100 persons or major fraction thereof included in
 10 the county's population as determined by the ~~1980~~ 1990
 11 federal decennial census; or

12 ~~(b)~~ (II) ~~\$12,000~~ \$18,000 for counties of the sixth and
 13 seventh class ADDED to the population increment of ~~\$20~~ \$10
 14 per 100 persons or major fraction thereof in the county's
 15 population as determined by the ~~1980~~ 1990 federal decennial
 16 census.

17 (B) THE ANNUAL BASE ESTABLISHED BY THE COUNTY GOVERNING
 18 BODY IN SUBSECTION (1) MUST BE UNIFORM FOR ALL COUNTY
 19 OFFICERS REFERRED TO IN SUBSECTION (1).

20 (2) (a) An elected county superintendent of schools
 21 shall receive, in addition to the salary based upon
 22 subsection (1), the sum of \$400 per year, except that an
 23 elected county superintendent of schools who holds a master
 24 of arts degree or a master's degree in education, with an
 25 endorsement in school administration, from a unit of the

1 Montana university system or an equivalent institution may,
 2 at the discretion of the county commissioners, receive, in
 3 addition to the salary based upon subsection (1), up to
 4 \$2,000 per year.

5 (b) The county sheriff shall receive, in addition to
 6 the salary based upon subsection (1), the sum of \$2,000 per
 7 year.

8 (c) The county sheriff shall receive a longevity
 9 payment amounting to 1% of the base salary set forth in
 10 subsection (1) for each year of service with the sheriff's
 11 department, but years of service during any year in which
 12 the salary was set at the level of the salary of the prior
 13 fiscal year may not be included in any calculation of
 14 longevity increases. The additional salary amount provided
 15 for in this subsection may not be included in the base
 16 salary for purposes of computing the compensation for
 17 undersheriffs and deputy sheriffs as provided in 7-4-2508.

18 (3) (a) In each county with a population in excess of
 19 30,000, the county attorney shall be a full-time official
 20 under 7-4-2704, and his salary for the fiscal year beginning
 21 July 1, 1981, shall be \$36,500. In counties with a
 22 population less than 30,000, the county attorney who is a
 23 part-time official for a county of the first, second, or
 24 third class is entitled to receive an annual salary equal to
 25 60% of the annual salary of a full-time county attorney. A

1 county attorney who is a part-time official for a county of
 2 the fourth, fifth, sixth, or seventh class is entitled to
 3 receive an annual salary equal to 50% of the annual salary
 4 of a full-time county attorney.

5 (b) In those counties where the office of the county
 6 attorney has been established as a full-time position
 7 pursuant to 7-4-2706, the salary of the county attorney for
 8 the fiscal year beginning July 1, 1981, shall be \$36,500.

9 (c) Beginning on July 1, ~~1982~~ 1991, and on July 1 of
 10 each succeeding year, each county attorney shall be entitled
 11 to an increase in salary calculated by adding to his annual
 12 salary on July 1, ~~1981~~ 1991, an increment of ~~70%~~ 100% of the
 13 last previous calendar year's consumer price index for all
 14 urban consumers, U.S. department of labor, bureau of labor
 15 statistics, or other index that the bureau of business and
 16 economic research of the university of Montana may in the
 17 future recognize as the successor to that index. However,
 18 the county commissioners may, for all or the remainder of
 19 each fiscal year, in conjunction with setting salaries for
 20 other officers as provided in 7-4-2504(1), set the salary at
 21 the prior fiscal year level if that level is lower than the
 22 level required by this subsection (3)(c). The cost-of-living
 23 increment for the fiscal year beginning July 1, 1983, and
 24 for each subsequent fiscal year shall be added to all
 25 cost-of-living increments granted for previous years unless

1 salaries were set for the fiscal year at the level of
 2 salaries received in the prior fiscal year. Unless restored
 3 pursuant to 7-4-2504(2), any cost-of-living increment that
 4 would have been received for such fiscal year, computed on
 5 the prior fiscal year, may not be added to previous
 6 increments.

7 (d) (i) After completing 4 years of service as deputy
 8 county attorney, each deputy county attorney is entitled to
 9 an increase in salary of \$1,000 on the anniversary date of
 10 his employment as deputy county attorney. After completing 5
 11 years of service as deputy county attorney, each deputy
 12 county attorney is entitled to an additional increase in
 13 salary of \$1,500 on the anniversary date of his employment.
 14 After completing 6 years of service as deputy county
 15 attorney and for each year of service thereafter up to
 16 completion of the 11th year of service, each deputy county
 17 attorney is entitled to an additional annual increase in
 18 salary of \$500.

19 (ii) The years of service as a deputy county attorney
 20 accumulated prior to July 1, 1985, must be included in the
 21 calculation of the longevity increase, but, unless longevity
 22 increases are restored pursuant to 7-4-2504(2), the years of
 23 service during any year in which the salary was set at the
 24 level of the salary of the prior fiscal year may not be
 25 included in any calculation of longevity increases.

1 (4) For each 10th year after the fiscal year beginning
 2 July 1, 1981, the latest federal decennial census statistics
 3 shall be the basis for computation of population increments
 4 under this section. During the intervening 9 years, the
 5 computation of population increments applicable on July 1 of
 6 each year shall be based on the last calendar year's annual
 7 estimates of counties' populations compiled by the
 8 federal-state cooperative program for estimates of the
 9 university of Montana bureau of business and economic
 10 research and the U.S. bureau of the census or other estimate
 11 that the bureau of business and economic research may
 12 certify."

13 **Section 3.** Section 7-4-2504, MCA, is amended to read:

14 "7-4-2504. Salaries to be fixed by resolution --
 15 cost-of-living increments. (1) The county governing body
 16 shall by resolution on or before July 1, 1982 ~~1991~~ and on
 17 or before July 1 of each year thereafter adjust and
 18 uniformly fix the salaries of the county treasurer, county
 19 clerk, county assessor, county school superintendent, county
 20 sheriff, and the clerk of the district court; the county
 21 auditor (if there is one); and the county surveyor (if he
 22 receives a salary) ~~for cost-of-living increase by adding to~~
 23 ~~the annual salary computed under 7-4-2503 an increment~~
 24 ~~calculated by applying to the annual salary established by~~
 25 ~~7-4-2503(1) plus previous cost-of-living increments, 70%~~

1 ~~100%~~ of. EXCEPT AS PROVIDED IN SUBSECTION (3), THE SALARIES
 2 FIXED MAY BE NO LESS THAN 80% OF THE ANNUAL BASE SALARY
 3 PROVIDED FOR IN 7-4-2503(1) PLUS A COST-OF-LIVING INCREMENT
 4 BASED ON the last previous calendar year's consumer price
 5 index for all urban consumers, U.S. department of labor,
 6 bureau of labor statistics, or other index that the bureau
 7 of business and economic research of the university of
 8 Montana may in the future recognize as the successor to that
 9 index. The county governing body may, however, for all or
 10 the remainder of each fiscal year, in conjunction with
 11 setting salaries for the same action on the salaries of
 12 justices of the peace (if applicable), the county governing
 13 body, county attorney, and coroner, set the salary at the
 14 prior fiscal year level if that level is lower than the
 15 level required by this subsection. The cost-of-living
 16 increment for the fiscal year beginning July 1, ~~1983~~ 1992,
 17 and for each subsequent fiscal year shall be added to all
 18 cost-of-living increments granted for previous years unless
 19 salaries were set for the fiscal year at the level of
 20 salaries received in the prior fiscal year. In such case the
 21 cost-of-living increment that would have been received for
 22 such fiscal year, computed on the prior fiscal year, may not
 23 be added to previous increments.

24 (2) The county governing body may, in any subsequent
 25 fiscal year, restore for 1 or more years the annual

1 cost-of-living increments withheld pursuant to subsection
 2 (1). If cost-of-living increments are restored, the
 3 longevity increases provided for sheriffs in 7-4-2503, for
 4 deputy county attorneys in 7-4-2503(3)(d)(i), and for
 5 undersheriffs and deputy sheriffs in 7-4-2510 must also be
 6 restored for the years for which the cost-of-living
 7 increment was restored.

8 (3) If the application of 7-4-2503 does not qualify a
 9 county official for a salary increase ~~of at least 7% on July~~
 10 ~~1, 1981, his salary on that date shall be increased by an~~
 11 ~~amount sufficient to provide him total salary equal to 7%~~
 12 ~~more than during the previous year, his salary base for the~~
 13 fiscal year beginning July 1, 1991, must be the fiscal year
 14 1990-91 salary plus 100% of the last previous calendar
 15 year's consumer price index for all urban consumers as set
 16 forth in subsection (1).

17 (4) The county governing body shall by resolution,
 18 prior to July 1 of each year, establish the salary of the
 19 coroner and may, for all or the remainder of each fiscal
 20 year, in conjunction with setting salaries for other
 21 officers as provided in subsection (1), set the salary at
 22 the prior fiscal year level. The salary must be in effect
 23 upon the first day of each ensuing fiscal year."

24 NEW SECTION. Section 4. Effective date. [This act] is
 25 effective on passage and approval.

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS
AS AMENDED

HOUSE BILL NO. 497

INTRODUCED BY DARKO, VAUGHN, O'KEEFE, J. RICE,

D. BROWN, CODY, NATHE, MCCAFFREE, MADISON,

DAVIS, J. DEBRUYCKER, T. BECK, STRIZICH,

WATERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SALARIES OR
COMPENSATION FOR CERTAIN COUNTY OFFICERS; AMENDING SECTIONS
7-4-2107, 7-4-2503, AND 7-4-2504, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)

Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but the
county commissioners may, for all or the remainder of each
fiscal year, in conjunction with setting salaries for other
officers as provided in 7-4-2504(1), set their salaries at
the prior fiscal year level if that level is lower than the
level required by this subsection.

(2) Each member of the board in all other counties is
~~entitled to a salary for each day in which he is actually~~

~~and necessarily engaged in the performance of board duties
as set by resolution of the board. For the fiscal year
beginning July 1, 1987, the salary is \$60 a day. Thereafter,
on or before July 1 of each year, the county commission
shall fix a cost-of-living-adjusted daily salary by adding
to the amount of \$60 an increment calculated as provided in
7-4-2504 may receive an annual salary equal to the annual
salary established in 7-4-2503(1)(b)(1)(A)(II) for the clerk
and recorder or a salary at a per-day rate determined by
using the salary established in 7-4-2503(1)(b)(1)(A)(II) for
the clerk and recorder, but the county commissioners may,
for all or the remainder of each fiscal year, in conjunction
with setting salaries for other officers as provided in
7-4-2504(1), set their salaries at the prior fiscal year
level if that level is lower than the level required by this
subsection. The salary as determined by the board shall
apply uniformly to all board members.~~

(3) This section does not apply to counties that have
adopted a charter form of government."

Section 2. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers.

(1) (A) The salary paid to the county treasurer, county
clerk and recorder, clerk of the district court, county
assessor, county superintendent of schools, and county
sheriff; the county surveyor in counties where county



1 surveyors receive salaries as provided in 7-4-2812; and the
 2 county auditor in all counties where the office is
 3 authorized, for the fiscal year beginning July 1, ~~1901~~ 1991,
 4 ~~is--computed--by--adding~~ and each year thereafter must be
 5 established by the county governing body at no less than 80%
 6 of the annual base salary of:

7 ~~(a)(I) \$14,000~~ \$25,000 for the counties of the first
 8 through fifth class ADDED to the population increment of \$10
 9 for each 100 persons or major fraction thereof included in
 10 the county's population as determined by the ~~1900~~ 1990
 11 federal decennial census; or

12 ~~(b)(II) \$12,000~~ \$18,000 for counties of the sixth and
 13 seventh class ADDED to the population increment of \$20 \$10
 14 per 100 persons or major fraction thereof in the county's
 15 population as determined by the ~~1900~~ 1990 federal decennial
 16 census.

17 (B) THE ANNUAL BASE ESTABLISHED BY THE COUNTY GOVERNING
 18 BODY IN SUBSECTION (1) MUST BE UNIFORM FOR ALL COUNTY
 19 OFFICERS REFERRED TO IN SUBSECTION (1).

20 (2) (a) An elected county superintendent of schools
 21 shall receive, in addition to the salary based upon
 22 subsection (1), the sum of \$400 per year, except that an
 23 elected county superintendent of schools who holds a master
 24 of arts degree or a master's degree in education, with an
 25 endorsement in school administration, from a unit of the

1 Montana university system or an equivalent institution may,
 2 at the discretion of the county commissioners, receive, in
 3 addition to the salary based upon subsection (1), up to
 4 \$2,000 per year.

5 (b) The county sheriff shall receive, in addition to
 6 the salary based upon subsection (1), the sum of \$2,000 per
 7 year.

8 (c) The county sheriff shall receive a longevity
 9 payment amounting to 1% of the base salary set forth in
 10 subsection (1) for each year of service with the sheriff's
 11 department, but years of service during any year in which
 12 the salary was set at the level of the salary of the prior
 13 fiscal year may not be included in any calculation of
 14 longevity increases. The additional salary amount provided
 15 for in this subsection may not be included in the base
 16 salary for purposes of computing the compensation for
 17 undersheriffs and deputy sheriffs as provided in 7-4-2508.

18 (3) (a) In each county with a population in excess of
 19 30,000, the county attorney shall be a full-time official
 20 under 7-4-2704, and his salary for the fiscal year beginning
 21 July 1, 1981, shall be \$36,500. In counties with a
 22 population less than 30,000, the county attorney who is a
 23 part-time official for a county of the first, second, or
 24 third class is entitled to receive an annual salary equal to
 25 60% of the annual salary of a full-time county attorney. A

1 county attorney who is a part-time official for a county of
 2 the fourth, fifth, sixth, or seventh class is entitled to
 3 receive an annual salary equal to 50% of the annual salary
 4 of a full-time county attorney.

5 (b) In those counties where the office of the county
 6 attorney has been established as a full-time position
 7 pursuant to 7-4-2706, the salary of the county attorney for
 8 the fiscal year beginning July 1, 1981, shall be \$36,500.

9 (c) Beginning on July 1, ~~1982~~ 1991, and on July 1 of
 10 each succeeding year, each county attorney shall be entitled
 11 to an increase in salary calculated by adding to his annual
 12 salary on July 1, ~~1982~~ 1991, an increment of ~~70%~~ 100% of the
 13 last previous calendar year's consumer price index for all
 14 urban consumers, U.S. department of labor, bureau of labor
 15 statistics, or other index that the bureau of business and
 16 economic research of the university of Montana may in the
 17 future recognize as the successor to that index. However,
 18 the county commissioners may, for all or the remainder of
 19 each fiscal year, in conjunction with setting salaries for
 20 other officers as provided in 7-4-2504(1), set the salary at
 21 the prior fiscal year level if that level is lower than the
 22 level required by this subsection (3)(c). The cost-of-living
 23 increment for the fiscal year beginning July 1, 1983, and
 24 for each subsequent fiscal year shall be added to all
 25 cost-of-living increments granted for previous years unless

1 salaries were set for the fiscal year at the level of
 2 salaries received in the prior fiscal year. Unless restored
 3 pursuant to 7-4-2504(2), any cost-of-living increment that
 4 would have been received for such fiscal year, computed on
 5 the prior fiscal year, may not be added to previous
 6 increments.

7 (d) (i) After completing 4 years of service as deputy
 8 county attorney, each deputy county attorney is entitled to
 9 an increase in salary of \$1,000 on the anniversary date of
 10 his employment as deputy county attorney. After completing 5
 11 years of service as deputy county attorney, each deputy
 12 county attorney is entitled to an additional increase in
 13 salary of \$1,500 on the anniversary date of his employment.
 14 After completing 6 years of service as deputy county
 15 attorney and for each year of service thereafter up to
 16 completion of the 11th year of service, each deputy county
 17 attorney is entitled to an additional annual increase in
 18 salary of \$500.

19 (ii) The years of service as a deputy county attorney
 20 accumulated prior to July 1, 1985, must be included in the
 21 calculation of the longevity increase, but, unless longevity
 22 increases are restored pursuant to 7-4-2504(2), the years of
 23 service during any year in which the salary was set at the
 24 level of the salary of the prior fiscal year may not be
 25 included in any calculation of longevity increases.

1 (4) For each 10th year after the fiscal year beginning
 2 July 1, 1981, the latest federal decennial census statistics
 3 shall be the basis for computation of population increments
 4 under this section. During the intervening 9 years, the
 5 computation of population increments applicable on July 1 of
 6 each year shall be based on the last calendar year's annual
 7 estimates of counties' populations compiled by the
 8 federal-state cooperative program for estimates of the
 9 university of Montana bureau of business and economic
 10 research and the U.S. bureau of the census or other estimate
 11 that the bureau of business and economic research may
 12 certify."

13 **Section 3.** Section 7-4-2504, MCA, is amended to read:

14 "7-4-2504. Salaries to be fixed by resolution --
 15 cost-of-living increments. (1) The county governing body
 16 shall by resolution, on or before July 1, ~~1982~~ 1991, and on
 17 ~~or before July 1~~ of each year thereafter adjust and
 18 uniformly fix the salaries of the county treasurer, county
 19 clerk, county assessor, county school superintendent, county
 20 sheriff, and the clerk of the district court; the county
 21 auditor (if there is one); and the county surveyor (if he
 22 receives a salary) ~~for cost-of-living increase by adding to~~
 23 ~~the annual salary computed under 7-4-2503 an increment~~
 24 ~~calculated by applying to the annual salary established by~~
 25 ~~7-4-2503(1) plus previous cost-of-living increments, 7%~~

1 ~~100%~~ of. EXCEPT AS PROVIDED IN SUBSECTION (3), THE SALARIES
 2 FIXED MAY BE NO LESS THAN 80% OF THE ANNUAL BASE SALARY
 3 PROVIDED FOR IN 7-4-2503(1) PLUS A COST-OF-LIVING INCREMENT
 4 BASED ON the last previous calendar year's consumer price
 5 index for all urban consumers, U.S. department of labor,
 6 bureau of labor statistics, or other index that the bureau
 7 of business and economic research of the university of
 8 Montana may in the future recognize as the successor to that
 9 index. The county governing body may, however, for all or
 10 the remainder of each fiscal year, in conjunction with
 11 setting salaries for the same action on the salaries of
 12 justices of the peace (if applicable), the county governing
 13 body, county attorney, and coroner, set the salary at the
 14 prior fiscal year level if that level is lower than the
 15 level required by this subsection. The cost-of-living
 16 increment for the fiscal year beginning July 1, ~~1983~~ 1992,
 17 and for each subsequent fiscal year shall be added to all
 18 cost-of-living increments granted for previous years unless
 19 salaries were set for the fiscal year at the level of
 20 salaries received in the prior fiscal year. In such case the
 21 cost-of-living increment that would have been received for
 22 such fiscal year, computed on the prior fiscal year, may not
 23 be added to previous increments.

24 (2) The county governing body may, in any subsequent
 25 fiscal year, restore for 1 or more years the annual

1 cost-of-living increments withheld pursuant to subsection
 2 (1). If cost-of-living increments are restored, the
 3 longevity increases provided for sheriffs in 7-4-2503, for
 4 deputy county attorneys in 7-4-2503(3)(d)(i), and for
 5 undersheriffs and deputy sheriffs in 7-4-2510 must also be
 6 restored for the years for which the cost-of-living
 7 increment was restored.

8 (3) If the application of 7-4-2503 does not qualify a
 9 county official for a salary increase ~~of at least 7% on duty~~
 10 ~~in 1991, his salary on that date shall be increased by an~~
 11 ~~amount sufficient to provide him total salary equal to 7%~~
 12 ~~more than during the previous year, his salary base for the~~
 13 ~~fiscal year beginning July 1, 1991, must be the fiscal year~~
 14 ~~1990-91 salary plus 100% of the last previous calendar~~
 15 ~~year's consumer price index for all urban consumers as set~~
 16 ~~forth in subsection (1).~~

17 (4) The county governing body shall by resolution,
 18 prior to July 1 of each year, establish the salary of the
 19 coroner and may, for all or the remainder of each fiscal
 20 year, in conjunction with setting salaries for other
 21 officers as provided in subsection (1), set the salary at
 22 the prior fiscal year level. The salary must be in effect
 23 upon the first day of each ensuing fiscal year."

24 NEW SECTION. SECTION 4. PAYMENT OF COUNTY ASSESSOR
 25 SALARY. THE AMOUNT OF COUNTY ASSESSORS' SALARIES TO BE PAID

1 BY THE STATE FOR FISCAL 1992 AND FISCAL 1993 IS LIMITED TO
 2 THE AMOUNT OF MONEY APPROPRIATED IN [THIS ACT] AND ANY PAY
 3 PLAN BILL THAT IS ENACTED FOR THAT PURPOSE.

4 NEW SECTION. Section 5. Effective date. [This act] is
 5 effective on passage and approval.

-End-

HOUSE BILL NO. 497

INTRODUCED BY DARKO, VAUGHN, O'KEEFE, J. RICE,
D. BROWN, CODY, NATHE, MCCAFFREE, MADISON,
DAVIS, J. DEBRUYCKER, T. BECK, STRIZICH,
WATERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SALARIES OR
COMPENSATION FOR CERTAIN COUNTY OFFICERS; AMENDING SECTIONS
7-4-2107, 7-4-2503, AND 7-4-2504, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)

Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but the
county commissioners may, for all or the remainder of each
fiscal year, in conjunction with setting salaries for other
officers as provided in 7-4-2504(1), set their salaries at
the prior fiscal year level if that level is lower than the
level required by this subsection.

(2) Each member of the board in all other counties is
~~entitled to a salary for each day in which he is actually~~

~~and necessarily engaged in the performance of board duties
as set by resolution of the board. For the fiscal year
beginning July 1, 1985, the salary is \$60 a day. Thereafter,
on or before July 1 of each year, the county commission
shall fix a cost-of-living-adjusted daily salary by adding
to the amount of \$60 an increment calculated as provided in
7-4-2504 may receive an annual salary equal to the annual
salary established in 7-4-2503(i)(b)(1)(A)(II) for the clerk
and recorder or a salary at a per-day rate determined by
using the salary established in 7-4-2503(i)(b)(1)(A)(II) for
the clerk and recorder, but the county commissioners may,
for all or the remainder of each fiscal year, in conjunction
with setting salaries for other officers as provided in
7-4-2504(1), set their salaries at the prior fiscal year
level if that level is lower than the level required by this
subsection. The salary as determined by the board shall
apply uniformly to all board members.~~

(3) This section does not apply to counties that have
adopted a charter form of government."

Section 2. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers.

(1) (A) The salary paid to the county treasurer, county
clerk and recorder, clerk of the district court, county
assessor, county superintendent of schools, and county
sheriff; the county surveyor in counties where county

1 surveyors receive salaries as provided in 7-4-2812; and the
 2 county auditor in all counties where the office is
 3 authorized, for the fiscal year beginning July 1, ~~1981~~ 1991,
 4 ~~is--computed--by--adding~~ and each year thereafter must be
 5 established by the county governing body at no less than 80%
 6 of the annual base salary of:

7 (a)(I) ~~\$14,000~~ \$25,000 for the counties of the first
 8 through fifth class ADDED to the population increment of \$10
 9 for each 100 persons or major fraction thereof included in
 10 the county's population as determined by the ~~1980~~ 1990
 11 federal decennial census; or

12 (b)(II) ~~\$12,000~~ \$18,000 for counties of the sixth and
 13 seventh class ADDED to the population increment of ~~\$20~~ \$10
 14 per 100 persons or major fraction thereof in the county's
 15 population as determined by the ~~1980~~ 1990 federal decennial
 16 census.

17 (B) THE ANNUAL BASE ESTABLISHED BY THE COUNTY GOVERNING
 18 BODY IN SUBSECTION (1) MUST BE UNIFORM FOR ALL COUNTY
 19 OFFICERS REFERRED TO IN SUBSECTION (1).

20 (2) (a) An elected county superintendent of schools
 21 shall receive, in addition to the salary based upon
 22 subsection (1), the sum of \$400 per year, except that an
 23 elected county superintendent of schools who holds a master
 24 of arts degree or a master's degree in education, with an
 25 endorsement in school administration, from a unit of the

1 Montana university system or an equivalent institution may,
 2 at the discretion of the county commissioners, receive, in
 3 addition to the salary based upon subsection (1), up to
 4 \$2,000 per year.

5 (b) The county sheriff shall receive, in addition to
 6 the salary based upon subsection (1), the sum of \$2,000 per
 7 year.

8 (c) The county sheriff shall receive a longevity
 9 payment amounting to 1% of the base salary set forth in
 10 subsection (1) for each year of service with the sheriff's
 11 department, but years of service during any year in which
 12 the salary was set at the level of the salary of the prior
 13 fiscal year may not be included in any calculation of
 14 longevity increases. The additional salary amount provided
 15 for in this subsection may not be included in the base
 16 salary for purposes of computing the compensation for
 17 undersheriffs and deputy sheriffs as provided in 7-4-2508.

18 (3) (a) In each county with a population in excess of
 19 30,000, the county attorney shall be a full-time official
 20 under 7-4-2704, and his salary for the fiscal year beginning
 21 July 1, 1981, shall be \$36,500. In counties with a
 22 population less than 30,000, the county attorney who is a
 23 part-time official for a county of the first, second, or
 24 third class is entitled to receive an annual salary equal to
 25 60% of the annual salary of a full-time county attorney. A

1 county attorney who is a part-time official for a county of
 2 the fourth, fifth, sixth, or seventh class is entitled to
 3 receive an annual salary equal to 50% of the annual salary
 4 of a full-time county attorney.

5 (b) In those counties where the office of the county
 6 attorney has been established as a full-time position
 7 pursuant to 7-4-2706, the salary of the county attorney for
 8 the fiscal year beginning July 1, 1981, shall be \$36,500.

9 (c) Beginning on July 1, ~~1982~~ 1991, and on July 1 of
 10 each succeeding year, each county attorney shall be entitled
 11 to an increase in salary calculated by adding to his annual
 12 salary on July 1, ~~1982~~ 1991, an increment of ~~70%~~ 100% of the
 13 last previous calendar year's consumer price index for all
 14 urban consumers, U.S. department of labor, bureau of labor
 15 statistics, or other index that the bureau of business and
 16 economic research of the university of Montana may in the
 17 future recognize as the successor to that index. However,
 18 the county commissioners may, for all or the remainder of
 19 each fiscal year, in conjunction with setting salaries for
 20 other officers as provided in 7-4-2504(1), set the salary at
 21 the prior fiscal year level if that level is lower than the
 22 level required by this subsection (3)(c). The cost-of-living
 23 increment for the fiscal year beginning July 1, 1983, and
 24 for each subsequent fiscal year shall be added to all
 25 cost-of-living increments granted for previous years unless

1 salaries were set for the fiscal year at the level of
 2 salaries received in the prior fiscal year. Unless restored
 3 pursuant to 7-4-2504(2), any cost-of-living increment that
 4 would have been received for such fiscal year, computed on
 5 the prior fiscal year, may not be added to previous
 6 increments.

7 (d) (i) After completing 4 years of service as deputy
 8 county attorney, each deputy county attorney is entitled to
 9 an increase in salary of \$1,000 on the anniversary date of
 10 his employment as deputy county attorney. After completing 5
 11 years of service as deputy county attorney, each deputy
 12 county attorney is entitled to an additional increase in
 13 salary of \$1,500 on the anniversary date of his employment.
 14 After completing 6 years of service as deputy county
 15 attorney and for each year of service thereafter up to
 16 completion of the 11th year of service, each deputy county
 17 attorney is entitled to an additional annual increase in
 18 salary of \$500.

19 (ii) The years of service as a deputy county attorney
 20 accumulated prior to July 1, 1985, must be included in the
 21 calculation of the longevity increase, but, unless longevity
 22 increases are restored pursuant to 7-4-2504(2), the years of
 23 service during any year in which the salary was set at the
 24 level of the salary of the prior fiscal year may not be
 25 included in any calculation of longevity increases.

1 (4) For each 10th year after the fiscal year beginning
 2 July 1, 1981, the latest federal decennial census statistics
 3 shall be the basis for computation of population increments
 4 under this section. During the intervening 9 years, the
 5 computation of population increments applicable on July 1 of
 6 each year shall be based on the last calendar year's annual
 7 estimates of counties' populations compiled by the
 8 federal-state cooperative program for estimates of the
 9 university of Montana bureau of business and economic
 10 research and the U.S. bureau of the census or other estimate
 11 that the bureau of business and economic research may
 12 certify."

13 **Section 3.** Section 7-4-2504, MCA, is amended to read:

14 "7-4-2504. Salaries to be fixed by resolution --
 15 cost-of-living increments. (1) The county governing body
 16 shall by resolution, on or before July 1, 1982 ~~1991~~, and on
 17 ~~or before July 1~~ of each year thereafter adjust and
 18 uniformly fix the salaries of the county treasurer, county
 19 clerk, county assessor, county school superintendent, county
 20 sheriff, and the clerk of the district court; the county
 21 auditor (if there is one); and the county surveyor (if he
 22 receives a salary) ~~for cost-of-living increase by adding to~~
 23 ~~the annual salary computed under 7-4-2503 an increment~~
 24 ~~calculated by applying to the annual salary established by~~
 25 ~~7-4-2503(1) plus previous cost-of-living increments, 70%~~

1 ~~100%~~ of. EXCEPT AS PROVIDED IN SUBSECTION (3), THE SALARIES
 2 FIXED MAY BE NO LESS THAN 80% OF THE ANNUAL BASE SALARY
 3 PROVIDED FOR IN 7-4-2503(1) PLUS A COST-OF-LIVING INCREMENT
 4 BASED ON the last previous calendar year's consumer price
 5 index for all urban consumers, U.S. department of labor,
 6 bureau of labor statistics, or other index that the bureau
 7 of business and economic research of the university of
 8 Montana may in the future recognize as the successor to that
 9 index. The county governing body may, however, for all or
 10 the remainder of each fiscal year, in conjunction with
 11 setting salaries for the same action on the salaries of
 12 justices of the peace (if applicable), the county governing
 13 body, county attorney, and coroner, set the salary at the
 14 prior fiscal year level if that level is lower than the
 15 level required by this subsection. The cost-of-living
 16 increment for the fiscal year beginning July 1, 1983 ~~1992~~,
 17 and for each subsequent fiscal year shall be added to all
 18 cost-of-living increments granted for previous years unless
 19 salaries were set for the fiscal year at the level of
 20 salaries received in the prior fiscal year. In such case the
 21 cost-of-living increment that would have been received for
 22 such fiscal year, computed on the prior fiscal year, may not
 23 be added to previous increments.

24 (2) The county governing body may, in any subsequent
 25 fiscal year, restore for 1 or more years the annual

1 cost-of-living increments withheld pursuant to subsection
 2 (1). If cost-of-living increments are restored, the
 3 longevity increases provided for sheriffs in 7-4-2503, for
 4 deputy county attorneys in 7-4-2503(3)(d)(i), and for
 5 undersheriffs and deputy sheriffs in 7-4-2510 must also be
 6 restored for the years for which the cost-of-living
 7 increment was restored.

8 (3) If the application of 7-4-2503 does not qualify a
 9 county official for a salary increase ~~of at least 7% on July~~
 10 ~~1, 1991, his salary on that date shall be increased by an~~
 11 ~~amount sufficient to provide him total salary equal to 7%~~
 12 ~~more than during the previous year, his salary base for the~~
 13 fiscal year beginning July 1, 1991, must be the fiscal year
 14 1990-91 salary plus 100% of the last previous calendar
 15 year's consumer price index for all urban consumers as set
 16 forth in subsection (1).

17 (4) The county governing body shall by resolution,
 18 prior to July 1 of each year, establish the salary of the
 19 coroner and may, for all or the remainder of each fiscal
 20 year, in conjunction with setting salaries for other
 21 officers as provided in subsection (1), set the salary at
 22 the prior fiscal year level. The salary must be in effect
 23 upon the first day of each ensuing fiscal year."

24 NEW SECTION. SECTION 4. PAYMENT OF COUNTY ASSESSOR
 25 SALARY. THE AMOUNT OF COUNTY ASSESSORS' SALARIES TO BE PAID

1 BY THE STATE FOR FISCAL 1992 AND FISCAL 1993 IS LIMITED TO
 2 THE AMOUNT OF MONEY APPROPRIATED IN (THIS ACT) AND ANY PAY
 3 PLAN BILL THAT IS ENACTED FOR THAT PURPOSE.

4 NEW SECTION. Section 5. Effective date. (This act) is
 5 effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 3, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 497 (third reading copy -- blue), respectfully report that House Bill No. 497 be amended and as so amended be concurred in:

1. Page 7, line 17.
Following: "+"
Insert: ", 1992, and on or before July 1"
Following: "thereafter"
Insert: "thereafter"

Signed: Esther Bengtson
Esther G. Bengtson, Chairman

LB 4/3/91
Amd. Coord.

Sec. of Senate

SENATE
HB 497

1 HOUSE BILL NO. 497

2 INTRODUCED BY DARKO, VAUGHN, O'KEEFE, J. RICE,

3 D. BROWN, CODY, NATHE, MCCAFREE, MADISON,

4 DAVIS, J. DEBRUYCKER, T. BECK, STRIZICH,

5 WATERMAN

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SALARIES OR
8 COMPENSATION FOR CERTAIN COUNTY OFFICERS; AMENDING SECTIONS
9 7-4-2107, 7-4-2503, AND 7-4-2504, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."

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

13 **Section 1.** Section 7-4-2107, MCA, is amended to read:

14 **"7-4-2107. Compensation of county commissioners. (1)**

15 Each member of the board of county commissioners in counties
16 of the first, second, third, and fourth class shall receive
17 an annual salary equal to the annual salary established in
18 7-4-2503 for the clerk and recorder plus \$2,000, but the
19 county commissioners may, for all or the remainder of each
20 fiscal year, in conjunction with setting salaries for other
21 officers as provided in 7-4-2504(1), set their salaries at
22 the prior fiscal year level if that level is lower than the
23 level required by this subsection.

24 (2) Each member of the board in all other counties is
25 ~~entitled to a salary for each day in which he is actually~~

1 ~~and necessarily engaged in the performance of board duties~~
2 ~~as set by resolution of the board. For the fiscal year~~
3 ~~beginning July 1, 1985, the salary is \$60 a day. Thereafter,~~
4 ~~on or before July 1 of each year, the county commission~~
5 ~~shall fix a cost-of-living-adjusted daily salary by adding~~
6 ~~to the amount of \$60 an increment calculated as provided in~~
7 ~~7-4-2504 may receive an annual salary equal to the annual~~
8 ~~salary established in 7-4-2503(1)(A)(II) for the clerk~~
9 ~~and recorder or a salary at a per-day rate determined by~~
10 ~~using the salary established in 7-4-2503(1)(A)(II) for~~
11 ~~the clerk and recorder, but the county commissioners may,~~
12 ~~for all or the remainder of each fiscal year, in conjunction~~
13 ~~with setting salaries for other officers as provided in~~
14 ~~7-4-2504(1), set their salaries at the prior fiscal year~~
15 ~~level if that level is lower than the level required by this~~
16 ~~subsection. The salary as determined by the board shall~~
17 ~~apply uniformly to all board members.~~

18 (3) This section does not apply to counties that have
19 adopted a charter form of government."

20 **Section 2.** Section 7-4-2503, MCA, is amended to read:

21 **"7-4-2503. Salary schedule for certain county officers.**

22 (1) (A) The salary paid to the county treasurer, county
23 clerk and recorder, clerk of the district court, county
24 assessor, county superintendent of schools, and county
25 sheriff; the county surveyor in counties where county

1 surveyors receive salaries as provided in 7-4-2812; and the
 2 county auditor in all counties where the office is
 3 authorized, for the fiscal year beginning July 1, ~~1981~~ 1991,
 4 ~~is computed by adding~~ and each year thereafter must be
 5 established by the county governing body at no less than 80%
 6 of the annual base salary of:

7 ~~(a)(I) \$14,000~~ \$25,000 for the counties of the first
 8 through fifth class ADDED to the population increment of \$10
 9 for each 100 persons or major fraction thereof included in
 10 the county's population as determined by the ~~1980~~ 1990
 11 federal decennial census; or

12 ~~(b)(II) \$12,000~~ \$18,000 for counties of the sixth and
 13 seventh class ADDED to the population increment of ~~\$20~~ \$10
 14 per 100 persons or major fraction thereof in the county's
 15 population as determined by the ~~1980~~ 1990 federal decennial
 16 census.

17 (B) THE ANNUAL BASE ESTABLISHED BY THE COUNTY GOVERNING
 18 BODY IN SUBSECTION (1) MUST BE UNIFORM FOR ALL COUNTY
 19 OFFICERS REFERRED TO IN SUBSECTION (1).

20 (2) (a) An elected county superintendent of schools
 21 shall receive, in addition to the salary based upon
 22 subsection (1), the sum of \$400 per year, except that an
 23 elected county superintendent of schools who holds a master
 24 of arts degree or a master's degree in education, with an
 25 endorsement in school administration, from a unit of the

1 Montana university system or an equivalent institution may,
 2 at the discretion of the county commissioners, receive, in
 3 addition to the salary based upon subsection (1), up to
 4 \$2,000 per year.

5 (b) The county sheriff shall receive, in addition to
 6 the salary based upon subsection (1), the sum of \$2,000 per
 7 year.

8 (c) The county sheriff shall receive a longevity
 9 payment amounting to 1% of the base salary set forth in
 10 subsection (1) for each year of service with the sheriff's
 11 department, but years of service during any year in which
 12 the salary was set at the level of the salary of the prior
 13 fiscal year may not be included in any calculation of
 14 longevity increases. The additional salary amount provided
 15 for in this subsection may not be included in the base
 16 salary for purposes of computing the compensation for
 17 undersheriffs and deputy sheriffs as provided in 7-4-2508.

18 (3) (a) In each county with a population in excess of
 19 30,000, the county attorney shall be a full-time official
 20 under 7-4-2704, and his salary for the fiscal year beginning
 21 July 1, 1981, shall be \$36,500. In counties with a
 22 population less than 30,000, the county attorney who is a
 23 part-time official for a county of the first, second, or
 24 third class is entitled to receive an annual salary equal to
 25 60% of the annual salary of a full-time county attorney. A

1 county attorney who is a part-time official for a county of
 2 the fourth, fifth, sixth, or seventh class is entitled to
 3 receive an annual salary equal to 50% of the annual salary
 4 of a full-time county attorney.

5 (b) In those counties where the office of the county
 6 attorney has been established as a full-time position
 7 pursuant to 7-4-2706, the salary of the county attorney for
 8 the fiscal year beginning July 1, 1981, shall be \$36,500.

9 (c) Beginning on July 1, ~~1982~~ 1991, and on July 1 of
 10 each succeeding year, each county attorney shall be entitled
 11 to an increase in salary calculated by adding to his annual
 12 salary on July 1, ~~1981~~ 1991, an increment of ~~70%~~ 100% of the
 13 last previous calendar year's consumer price index for all
 14 urban consumers, U.S. department of labor, bureau of labor
 15 statistics, or other index that the bureau of business and
 16 economic research of the university of Montana may in the
 17 future recognize as the successor to that index. However,
 18 the county commissioners may, for all or the remainder of
 19 each fiscal year, in conjunction with setting salaries for
 20 other officers as provided in 7-4-2504(1), set the salary at
 21 the prior fiscal year level if that level is lower than the
 22 level required by this subsection (3)(c). The cost-of-living
 23 increment for the fiscal year beginning July 1, 1983, and
 24 for each subsequent fiscal year shall be added to all
 25 cost-of-living increments granted for previous years unless

1 salaries were set for the fiscal year at the level of
 2 salaries received in the prior fiscal year. Unless restored
 3 pursuant to 7-4-2504(2), any cost-of-living increment that
 4 would have been received for such fiscal year, computed on
 5 the prior fiscal year, may not be added to previous
 6 increments.

7 (d) (i) After completing 4 years of service as deputy
 8 county attorney, each deputy county attorney is entitled to
 9 an increase in salary of \$1,000 on the anniversary date of
 10 his employment as deputy county attorney. After completing 5
 11 years of service as deputy county attorney, each deputy
 12 county attorney is entitled to an additional increase in
 13 salary of \$1,500 on the anniversary date of his employment.
 14 After completing 6 years of service as deputy county
 15 attorney and for each year of service thereafter up to
 16 completion of the 11th year of service, each deputy county
 17 attorney is entitled to an additional annual increase in
 18 salary of \$500.

19 (ii) The years of service as a deputy county attorney
 20 accumulated prior to July 1, 1985, must be included in the
 21 calculation of the longevity increase, but, unless longevity
 22 increases are restored pursuant to 7-4-2504(2), the years of
 23 service during any year in which the salary was set at the
 24 level of the salary of the prior fiscal year may not be
 25 included in any calculation of longevity increases.

1 (4) For each 10th year after the fiscal year beginning
 2 July 1, 1981, the latest federal decennial census statistics
 3 shall be the basis for computation of population increments
 4 under this section. During the intervening 9 years, the
 5 computation of population increments applicable on July 1 of
 6 each year shall be based on the last calendar year's annual
 7 estimates of counties' populations compiled by the
 8 federal-state cooperative program for estimates of the
 9 university of Montana bureau of business and economic
 10 research and the U.S. bureau of the census or other estimate
 11 that the bureau of business and economic research may
 12 certify."

13 **Section 3.** Section 7-4-2504, MCA, is amended to read:

14 "7-4-2504. Salaries to be fixed by resolution --
 15 cost-of-living increments. (1) The county governing body
 16 shall by resolution, on or before July 1, ~~1982~~ 1991, ~~and on~~
 17 ~~or before July 1, 1992, AND ON OR BEFORE JULY 1~~ of each year
 18 thereafter THEREAFTER adjust and uniformly fix the salaries
 19 of the county treasurer, county clerk, county assessor,
 20 county school superintendent, county sheriff, and the clerk
 21 of the district court; the county auditor (if there is one);
 22 and the county surveyor (if he receives a salary) for
 23 ~~cost-of-living--increase--by--adding--to--the--annual--salary~~
 24 ~~computed under 7-4-2503 an increment calculated by--applying~~
 25 ~~to--the--annual--salary--established--by--7-4-2503(1)--plus~~

1 ~~plus-previous-cost-of-living-increments, 70% 100% of.~~ EXCEPT
 2 AS PROVIDED IN SUBSECTION (3), THE SALARIES FIXED MAY BE NO
 3 LESS THAN 80% OF THE ANNUAL BASE SALARY PROVIDED FOR IN
 4 7-4-2503(1) PLUS A COST-OF-LIVING INCREMENT BASED ON the
 5 last previous calendar year's consumer price index for all
 6 urban consumers, U.S. department of labor, bureau of labor
 7 statistics, or other index that the bureau of business and
 8 economic research of the university of Montana may in the
 9 future recognize as the successor to that index. The county
 10 governing body may, however, for all or the remainder of
 11 each fiscal year, in conjunction with setting salaries for
 12 the same action on the salaries of justices of the peace (if
 13 applicable), the county governing body, county attorney, and
 14 coroner, set the salary at the prior fiscal year level if
 15 that level is lower than the level required by this
 16 subsection. The cost-of-living increment for the fiscal year
 17 beginning July 1, ~~1983~~ 1992, and for each subsequent fiscal
 18 year shall be added to all cost-of-living increments granted
 19 for previous years unless salaries were set for the fiscal
 20 year at the level of salaries received in the prior fiscal
 21 year. In such case the cost-of-living increment that would
 22 have been received for such fiscal year, computed on the
 23 prior fiscal year, may not be added to previous increments.

24 (2) The county governing body may, in any subsequent
 25 fiscal year, restore for 1 or more years the annual

1 cost-of-living increments withheld pursuant to subsection
 2 (1). If cost-of-living increments are restored, the
 3 longevity increases provided for sheriffs in 7-4-2503, for
 4 deputy county attorneys in 7-4-2503(3)(d)(i), and for
 5 undersheriffs and deputy sheriffs in 7-4-2510 must also be
 6 restored for the years for which the cost-of-living
 7 increment was restored.

8 (3) If the application of 7-4-2503 does not qualify a
 9 county official for a salary increase of ~~at least 7% on July~~
 10 ~~17, 1981, his salary on that date shall be increased by an~~
 11 ~~amount sufficient to provide him total salary equal to 7%~~
 12 ~~more than during the previous year, his salary base for the~~
 13 fiscal year beginning July 1, 1991, must be the fiscal year
 14 1990-91 salary plus 100% of the last previous calendar
 15 year's consumer price index for all urban consumers as set
 16 forth in subsection (1).

17 (4) The county governing body shall by resolution,
 18 prior to July 1 of each year, establish the salary of the
 19 coroner and may, for all or the remainder of each fiscal
 20 year, in conjunction with setting salaries for other
 21 officers as provided in subsection (1), set the salary at
 22 the prior fiscal year level. The salary must be in effect
 23 upon the first day of each ensuing fiscal year."

24 NEW SECTION. SECTION 4. PAYMENT OF COUNTY ASSESSOR
 25 SALARY. THE AMOUNT OF COUNTY ASSESSORS' SALARIES TO BE PAID

1 BY THE STATE FOR FISCAL 1992 AND FISCAL 1993 IS LIMITED TO
 2 THE AMOUNT OF MONEY APPROPRIATED IN [THIS ACT] AND ANY PAY
 3 PLAN BILL THAT IS ENACTED FOR THAT PURPOSE.

4 NEW SECTION. Section 5. Effective date. [This act] is
 5 effective on passage and approval.

-End-