

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
49th LEGISLATURE
SPECIAL SESSION III
HOUSE OF REPRESENTATIVES

June 19, 1986

The meeting of the Local Government Committee was called to order by Chairman Darko on June 19, 1986 at 1:30 p.m. in room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Pistoria who was absent and Rep. Fritz who was excused by the Chairman.

DISPOSITION OF HOUSE BILL NO. 11: Chairman Darko noted to the committee that there are two grey bills, one with the Manuel amendments and the other has the Manuel plus other amendments. (Exhibits 1 and 2).

Rep. Sales moved that HB 11 DO PASS AS AMENDED, on the "Manuel plus all officers" amendments, grey bills. Seconded by Rep. Brown.

Rep. Kitselman said that throughout the bill it is stated that commissioners may lower their salaries and asked if it is the purpose to have them lower their salaries. Chairman Darko stated that it is a permissive and voluntary action, and it is the purpose of the bill.

Rep. Sands wondered how the bill provides that the county commissioners will make all the reductions on a uniform basis. Mr. Heiman stated that if they do it for one they have to do it for all.

Rep. Wallin asked if this action would only be in effect during this emergency period. Mr. Heiman stated that it will only be in effect for this fiscal year.

Rep. Kadas discussed his amendments (Exhibit 3) and moved his amendments, with Rep. Sales seconding the motion. Mr. Heiman explained the amendments (Exhibit 3) saying that the first and third amendment are cost-of-living increase provisions. Amendment two provides that, if the salaries are frozen for county attorneys during the next year, it isn't a longevity year for county attorney deputies. Rep. Kadas stated that these people have to be included because everyone else is having to freeze their salaries.

Rep. Brown stated that it was discussed about offices that were not tied into the amendments, and asked if they now are part of the amendments. Mr. Heiman stated that everyone is except in certain circumstances, the justice of the peace.

ocal Government Committee
June 19, 1986
Page 2

Rep. Wallin asked why does freezing the pay affect eliminating the longevity. Rep. Kadas, said the deputy county attorneys would continue to get a salary increase because of their longevity.

Gordon Morris, Executive Director, Montana Association of Counties wanted clarification that in every fiscal year there would be ongoing authority to freeze salaries. He stated that he thought the original intent of the bill was to establish the permissive authority to freeze or not freeze salaries beginning July 1, 1986. Clarification could be made by taking out "each fiscal year" and say "fiscal year 1987".

Rep. Brandewie asked if the committee is going to just deal with the problem for a year, even if the problem continues. Rep. Kadas stated that it would be best to deal with it for one year. Rep. Brandewie suggested the county commissioners be trusted, if it is necessary, to put on a freeze for another year.

Gordon Morris agreed with Rep. Brandewie's suggestion. Mr. Morris said all that would have to be done is leave the "each fiscal year" and substitute "at the salary level of the previous fiscal year".

Rep. Kadas stated that he would re-amend to include Mr. Morris's suggestion. Rep. Kadas' amendment would read "previous fiscal year". Mr. Gilbert then had it clarified that if done in later years it would be done at the previous fiscal year.

The motion on Rep. Kadas' amendments PASSED by all members of the committee except Rep. Sands.

Rep. Kadas moved that the bill PASS AS AMENDED and was seconded by Rep. Sales.

Rep. Sands stated that he is against this bill. The bill has expanded since the bill was first introduced. It is better addressed in a bill that will be before the House. Another way is to approve the bills in the House that would cover this on a state-wide basis.

Rep. Hansen stated that she is in favor of county commissioners setting salaries to benefit balancing their budgets.

Rep. Gilbert asked if this bill, and the others before the House, were to pass, would those other bills supercede this

Local Government Committee
June 19, 1986
Page 3

bill to allow them to have control over the salaries. Rep. Sands said he thought that you couldn't freeze salaries twice. We should deal with it so that it expands the county commissioners' authority.

Rep. Sales stated that he would vote for this bill and would support the others.

The motion that the bill "DO PASS AS AMENDED" CARRIED with all members of the committee voting "Yes" except Rep. Sands.

HB 11 will come out of committee with a DO PASS AS AMENDED recommendation.

DISPOSITION OF HOUSE BILL NO. 14: Rep. Brown felt that there is a lot of action to seek alternative funds and a different taxing system for vehicles.

Rep. Sales stated that if Senator Smith's vehicle property tax bill now in the process passes, then this bill will not have any affect. If we can't get those passed then we still have this same situation. I feel that proration is the best we can come up with. Rep. Gilbert agreed with Rep. Sales comment.

Rep. Hansen made a motion to table; Rep. Gilbert seconded the motion. This motion PASSED with Reps. Sands, Sales, and Wallin voting "No".

There being no further business to come before this committee, the hearing was adjourned at 1:53 p.m.


PAULA DARKO, Chairman

Insert: "subsections (1) and"

8. Page 2, line 17.

Following: "but"

Strike: "a"

Insert: "the"

9. Page 2, line 18.

Following: "county"

Strike: "comissioner"

Insert: "commissioners"

10. Page 2, line 19.

Following: "year"

Insert: "in conjunction with other officers as provided in
7-4-2504(1)"

Following: "set"

Strike: "his salary"

Insert: "their salaries"

Strike: "June 30, 1986,"

Insert: "prior fiscal year"

11. Page 3, line 5.

Following: "but"

Strike: "a"

Insert: "the"

Strike: "comissioner"

Insert: "commissioners"

12. Page 3, line 6.

Following: "year"

Insert: "in conjunction with other officers as provided in
7-4-2504(1)"

Strike: "his salary"

Insert: "their salaries"

Strike: "June"

13. Page 3, line ~~6~~ 7.

Strike: "30, 1986,"

Insert: "prior fiscal year"

14. Page 4, lines 15 and 16.

Following: "same" on line 15

Strike: ", but" on line 15 and "an officer" on line 16

Insert: "and"

15. Page 4, line 17.

Following: "year"

Insert: "in conjunction with other officers as provided in
7-4-2504(1)"

Following: "set"

June 20, 1986

Strike: "his salary"
 Insert: "their salaries"
 Strike: "June 30, 1986,"
 Insert: "prior fiscal year"
 Following: "level"
 Strike: "if that"

16. Page 4, line 18.
 Following: ~~line 17~~
 Strike: "level" through "board"

17. Page 6, line 25.
 Following: "However,"
 Strike: "a"

18. Page 7, line 1.
 Strike: "county attorney"
 Insert: "the county commissioners"

19. Page 7, line 2.
 Following: "year"
 Insert: "in conjunction with other officers as provided in
 7-4-2504(1)"
 Following: "set"
 Strike: "his"
 Insert: "the"
 Strike: "June 30, 1986,"
 Insert: "prior fiscal year"

20. Page 7, line 7.
 Following: "years"
 Insert: "unless salaries were set for the fiscal year
 based upon salaries received in the prior fiscal year. In such
 case the cost-of-living increment that would have been received for
 such fiscal year, computed on the prior fiscal year, may not be
 added to previous increments."

21. Page 7, line 22.
 Following: "increase"
 Insert: ", but years of service during any year in which the
 salary was set based upon the salary of the prior fiscal year may
 not be included in any calculation of longevity increases"

23. Page 9, lines 2 and 3.
 Strike: "Any" on line 2 through "subsection" on line 3
 Insert: "The county governing body"

24. Page 9, line 4.
 Following: "year"
 Insert: "in conjunction with the same action on the salaries

of justices' of the peace (if applicable), the county governing body, county attorney, and coroner"

Following: "set"

Strike: "his"

Insert: "the"

25. Page 9, line 5.

Following: line 4

Strike: "June 30, 1986."

Insert: "prior fiscal year"

26. Page 9, line 9.

Following: "years"

Insert: "unless salaries were set for the fiscal year

based upon salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments."

27. Page 9, line 17.

Strike: ", but the coroner"

Insert: "and"

28. Page 9, line 18.

Following: "year"

Insert: "in conjunction with other officers as provided in subsection (1)"

Following: "set"

Strike: "his"

Insert: "the"

Strike: "June 30, 1986,"

Insert: "prior fiscal year"

29. Page 9, line 19.

Strike: "if" through "resolution"

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ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE June 19, 1986 BILL NO. HB 11

NUMBER 1

NAME	AYE	NAY
Rep. Paula Darko, Chairman	X	
Rep. Norm Wallin, Vice Chairman	X	
Rep. Ray Brandewie	X	
Rep. Dave Brown	X	
Rep. Harry Fritz	X	
Rep. Bob Gilbert	X	
Rep. Stella Jean Hansen	X	
Rep. Mike Kadas	X	
Rep. Les Kitselman	X	
Rep. Paul Pistoria		
Rep. Bing Poff	X	
Rep. Walter Sales	X	
Rep. Jack Sands		X
Rep. Dean Switzer	X	

TALLY 11 1

Karey Olson
Secretary

Paula Darko
Chairman

MOTION: Rep. Kadas moved to accept his amendments (exhibit 3)
with Rep. Sales seconding the motion. Rep. Kadas re-amended
his amendment to read "previous fiscal year"

ROLL CALL VOTE

LOCAL GOVERNMENT COMMITTEE
 DATE June 19, 1986 BILL NO. HB 11 NUMBER 2

NAME	AYE	NAY
Rep. Paula Darko, Chairman	X	
Rep. Norm Wallin, Vice Chairman	X	
Rep. Ray Brandewie	X	
Rep. Dave Brown	X	
Rep. Harry Fritz		
Rep. Bob Gilbert	X	
Rep. Stella Jean Hansen	X	
Rep. Mike Kadas	X	
Rep. Les Kitselman	X	
Rep. Paul Pistoria		
Rep. Bing Poff	X	
Rep. Walter Sales	X	
Rep. Jack Sands		X
Rep. Dean Switzer	X	

TALLY 11 1

Karey Olson
Secretary

Paula Darko
Chairman

MOTION: Rep. Kadas moved that the bill PASS AS AMENDED and
was seconded by Rep. Sales.

ROLL CALL VOTE

LOCAL GOVERNMENT COMMITTEE
 DATE June 19, 1986 BILL NO. HB 14 NUMBER 1

NAME	AYE	NAY
Rep. Paula Darko, Chairman	X	
Rep. Norm Wallin, Vice Chairman		X
Rep. Ray Brandewie	X	
Rep. Dave Brown	X	
Rep. Harry Fritz		
Rep. Bob Gilbert	X	
Rep. Stella Jean Hansen	X	
Rep. Mike Kadas	X	
Rep. Les Kitselman	X	
Rep. Paul Pistoria		
Rep. Bing Poff	X	
Rep. Walter Sales		X
Rep. Jack Sands		X
Rep. Dean Switzer	X	

TALLY 9 3

Karey Olson Paula Darko
 Secretary Chairman

MOTION: Rep. Hansen moved to table HB 14 with Rep. Gilbert
seconding the motion.

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MANUEL AMENDMENTS

HOUSE BILL NO. 11 GREY

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY OFFICIALS COMMISSIONERS TO SET THEIR SALARIES AND OTHER COUNTY OFFICIALS' SALARIES AT THE JUNE 30, 1986, LEVEL ~~IF THAT LEVEL IS LOWER THAN THE LEVEL OTHERWISE REQUIRED BY LAW;~~ AMENDING SECTIONS 3-10-207, 7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution, but a justice of the peace AND may, for all or the remainder of each fiscal year, set his salary THE SALARIES at the June 30, 1986, level if that level is lower than the level set by the resolution IF THE SALARY AT THE TIME OF THE RESOLUTION IS NOT ABOVE THE JUNE 30, 1986, LEVEL. Salaries must meet the minimum requirements established by this section.

(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.

(4) The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, except as provided for in subsection SUBSECTIONS (1) AND (5).

(5) In the event his court is not open for business full time, the justice's salary shall be commensurate to the workload and office hours of the court."

Section 2. 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 a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, set his-salary THEIR SALARIES

at the June 30, 1986, 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, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, set his-salary THEIR SALARIES at the June 30, 1986, level if that level is lower than the level required by this subsection.

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

Section 3. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than two deputies payable one-half from the general fund of the

county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same 7-but an-officer AND may, for all or the remainder of each fiscal year, set his-salary THE SALARIES at the June 30, 1986, level if--that-level--is-lower--than-the--level-set--by--the board."

Section 4. 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 wherein such office is authorized, for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

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

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

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

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

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

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

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future

recognize as the successor to that index. However, a--county attorney THE COUNTY COMMISSIONERS may, for all or the remainder of each fiscal year, set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

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

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase.

(4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of

each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify."

Section 5. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. Any official-listed-in-this-subsection THE COUNTY GOVERNING BODY may, however, for all or the remainder of each fiscal year,

set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

(2) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

(3) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner, but-the-coroner AND may, for all or the remainder of each fiscal year, set his THE salary at the June 30, 1986, level if-that-level-is-lower-than-the-level-set-by-the resolution. The salary must be in effect upon the first day of each ensuing fiscal year."

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

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MANUEL + ALL OFFICERS AMENDMENTS

HOUSE BILL NO. 11 GREY

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY OFFI-
CIALS COMMISSIONERS TO SET THEIR SALARIES AND ALL OTHER
COUNTY OFFICIALS' SALARIES UNIFORMLY AT THE JUNE 30, 1986,
LEVEL ~~IF THAT LEVEL IS LOWER THAN THE LEVEL OTHERWISE~~
~~REQUIRED BY LAW~~; AMENDING SECTIONS 3-10-207, 7-4-2107, AND
7-4-2502 THROUGH 7-4-2504, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

Section 1. Section 3-10-207, MCA, is amended to read:

"3-10-207. Salaries. (1) The board of county commis-
sioners shall set salaries for justices of the peace by
resolution; ~~but a justice of the peace~~ AND may, for all or
~~the remainder of each fiscal year~~ IN CONJUNCTION WITH OTHER
OFFICERS AS PROVIDED IN 7-4-2504(1) , set ~~his salary~~ THE
SALARIES at the June 30, 1986, level ~~if that level is lower~~
~~than the level set by the resolution~~ IF THE SALARY AT THE
TIME OF THE RESOLUTION IS NOT ABOVE THE JUNE 30, 1986,
LEVEL. Salaries must meet the minimum requirements estab-
lished by this section.

(2) If the salary of the justice of the peace was determined on a fee basis for the years 1971 and 1972, he shall receive a monthly salary of not less than one-eighteenth of the total fees, civil and criminal, collected by the justice or his predecessor in office during the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was determined on a nonfee basis for the years 1971 and 1972, the justice shall be paid not less than the highest salary earned by the justice or his predecessor for the years 1971 and 1972.

(4) The salary of the justice of the peace may not be less than the salary for the district clerk of the court in that county, except as provided for in subsection SUBSECTIONS (1) AND (5).

(5) In the event his court is not open for business full time, the justice's salary shall be commensurate to the workload and office hours of the court."

Section 2. 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 a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his-salary THEIR

SALARIES at the June 30, 1986, 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, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his salary THEIR SALARIES at the June 30, 1986, level if that level is lower than the level required by this subsection.

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

Section 3. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than

two deputies payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same 7-but an-officer AND may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his-salary THE SALARIES at the June 30, 1986, level if-that-level-is-lower-than-the-level-set-by-the board."

Section 4. 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 wherein such office is authorized, for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

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

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

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

to the salary based upon subsection (1), up to \$2,000 per year.

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

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

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

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor

statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. However, a county-attorney THE COUNTY COMMISSIONERS may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1) , set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

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

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase.

(4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics

shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify."

Section 5. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in

the future recognize as the successor to that index. Any official-listed-in-this-subsection THE COUNTY GOVERNING BODY may, however, for all or the remainder of each fiscal year IN CONJUNCTION WITH THE SAME ACTION ON THE SALARIES OF JUSTICES' OF THE PEACE, IF APPLICABLE, THE COUNTY GOVERNING BODY, COUNTY ATTORNEY, AND CORONER, set his THE salary at the June 30, 1986, level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

(2) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

(3) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner, but-the-coroner AND may, for all or the remainder of each fiscal year IN CONJUNCTION WITH OFFICERS AS PROVIDED IN 7-4-2504(1), set his THE salary at the June 30, 1986, level if-that-level-is-lower-than-the-level-set-by-the resolution. The salary must be in effect upon the first day of each ensuing fiscal year."

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

Amend House Bill 11, introduced copy, as follows:
Prepared for Representative Kadas

1. Page 7, line 7.

Following: "years"

Insert: "unless salaries were set for the fiscal year

beginning July 1, 1986 based upon salaries received June 30, 1986.

In such case the cost-of-living increment that would have been received for the period from July 1, 1986 to June 30, 1987, computed on the prior fiscal year, may not be added to previous increments."

2. Page 7, line 22.

Following: "increase"

Insert: ", but the year beginning July 1, 1986 through June

30, 1987, may not be included in any calculation of longevity increases if salaries for such year were based upon the salary received on June 30, 1986"

3. Page 9, line 9.

Following: "years"

Insert: "unless salaries were set for the fiscal year

beginning July 1, 1986 based upon salaries received June 30, 1986.

In such case the cost-of-living increment that would have been received for the period from July 1, 1986 to June 30, 1987, computed on the prior fiscal year, may not be added to previous increments."

VISITORS' REGISTER

Local Government

COMMITTEE

BILL NO. HB 11 + HB 14

DATE June 19, 1986

SPONSOR Rep. Manuel + Rep. Bardanaue

NAME (please print)	RESERVED Representing	SUPPORT	OPPOSE
Newell Anderson	Dept of Commerce	X 14	
Gordon Morris	MACO	X 11	X 14
A. R. Toui Hagenes	MACO	X 11	X 14
Regis Mullen	MACO	# 11	# 14
Loyle Kurlowicz	City of Miss city	 	# 14

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.