

# CHAPTER NO. 545

SENATE BILL NO. 352

INTRODUCED BY LOCAL GOVERNMENT COMMITTEE, McCALLUM

## IN THE SENATE

February 3, 1979	Introduced and referred to Committee on Local Government.
February 16, 1979	Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

## IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Local Government.
March 20, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1979	Second reading, concurred in.
March 22, 1979	Fiscal note requested by Senate.
March 24, 1979	Third reading, concurred in as amended.

## IN THE SENATE

March 24, 1979	Returned from second house. Concurred in as amended.
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March 26, 1979	Second reading, pass consideration until March 28, 1979.
March 27, 1979	Fiscal note returned.
March 28, 1979	Second reading, amendments adopted.
March 29, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 *Local Gov. Comm. Bill* BILL NO. 352  
 2 INTRODUCED BY *MacAllister*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A COUNTY  
 5 COMPENSATION BOARD WHICH SHALL DEVELOP A COMPENSATION  
 6 SCHEDULE THAT MUST BE USED BY THE COUNTY GOVERNING BODY WHEN  
 7 SETTING THE SALARIES FOR ELECTED COUNTY OFFICIALS; AMENDING  
 8 SECTION 7-32-104, MCA; REPEALING SECTIONS 7-4-2107,  
 9 7-4-2402, AND 7-4-2502 THROUGH 7-4-2505, MCA; AND PROVIDING  
 10 AN EFFECTIVE DATE."

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

13 NEW SECTION Section 1. County compensation board.  
 14 (1) There is a state board of county elected officials'  
 15 compensation. The board is composed of 11 members, who are  
 16 appointed in the following manner:

17 (a) The governor shall appoint:  
 18 (i) three members who must be resident citizens of the  
 19 general public and who do not hold any other elective or  
 20 appointive public office;  
 21 (ii) three members who must be county commissioners  
 22 recommended by the Montana association of counties, two of  
 23 whom must be from a first-, second-, or third-class county  
 24 and the other from a fourth-, fifth-, sixth-, or  
 25 seventh-class county;

1 (iii) two members who must be elected county officials,  
 2 other than county commissioners, recommended by the Montana  
 3 association of elected officials; and  
 4 (iv) one member who must be a county clerk and  
 5 recorder.  
 6 (b) The Montana senate shall select one member, who  
 7 must be a member of the senate.  
 8 (c) The Montana house of representatives shall select  
 9 one member, who must be a member of the house of  
 10 representatives.

11 (2) The board is allocated to the department of  
 12 community affairs for administrative purposes only, as  
 13 provided in 2-15-121.

14 NEW SECTION Section 2. Meetings of the board --  
 15 officers. (1) The day of the first meeting of the board  
 16 shall be designated by the governor.

17 (2) The governor shall call a meeting of the board the  
 18 second Monday of each November and as many times thereafter  
 19 as necessary to conduct the business of the board.

20 (3) The board shall elect a chairman and a  
 21 vice-chairman at the annual meeting held in November, each  
 22 of whom shall serve a term of office for 1 year.

23 NEW SECTION Section 3. Board expenses --  
 24 administration. (1) Board members may be paid necessary and  
 25 actual expenses for lodging, meals, and travel for business

1 authorized by the chairman.

2 (2) The department of community affairs shall provide  
3 services necessary for the board's business.

4 NEW SECTION Section 4. Board term of office --  
5 vacancies. (1) Members of the board shall be appointed to  
6 the following terms of office:

7 (a) The term of office for the three resident citizen  
8 members is 3 years, except for the first three members who  
9 shall serve 1-, 2-, or 3-year terms to insure overlapping  
10 terms for subsequent resident citizen members.

11 (b) The term of office for the three county  
12 commissioners is 3 years, except for the first three members  
13 who shall serve 1-, 2-, or 3-year terms to insure  
14 overlapping terms for subsequent county commissioner  
15 members.

16 (c) The term of office for the three elected county  
17 officials who are not county commissioners is 3 years,  
18 except for the first three members who shall serve 1-, 2-,  
19 or 3-year terms to insure overlapping terms for subsequent  
20 elected county official members.

21 (d) The term of office for the state senator member is  
22 4 years.

23 (e) The term of office for the state representative  
24 member is 2 years.

25 (2) Staggered terms shall be drawn by lot by the

1 membership required to do so at the first meeting.

2 (3) A vacancy may be filled by the board for the  
3 unexpired term of the individual vacating the position on  
4 the board.

5 NEW SECTION Section 5. Compensation schedule. (1)  
6 The board shall annually review the compensation paid county  
7 elected officials in Montana. In reviewing compensation, the  
8 board shall consider the salaries paid in Montana, other  
9 states, and private enterprise and such other factors as may  
10 be pertinent to the board's duties.

11 (2) The board shall compile a compensation schedule  
12 indicating the minimum and maximum allowable salaries for  
13 elected county officials, along with notice of the time,  
14 place, and date of a public hearing on the proposed  
15 compensation schedule. The schedule must be published in a  
16 newspaper of general circulation in every county of the  
17 state.

18 (3) The board shall hold a public hearing before it  
19 may approve a final compensation schedule. The schedule must  
20 be transmitted to the governing body of each Montana county  
21 by the second Tuesday of March each year.

22 NEW SECTION Section 6. Salaries of county elected  
23 officials. (1) The county governing body shall by resolution  
24 fix the compensation of all elected county officials.  
25 Salaries may not be set lower than the minimum or higher

1 than the maximum amount set by the current compensation  
 2 schedule adopted by the state board of county elected  
 3 officials' compensation schedule.

4 (2) The resolution shall state the salaries for the  
 5 current fiscal year and those established for the ensuing  
 6 fiscal year.

7 (3) If the governing body fails to pass the resolution  
 8 fixing compensation by the second Tuesday of April, no  
 9 salary increases for the next fiscal year are permitted.

10 (4) The salary of an elected county official may not  
 11 be set below the level of compensation authorized for that  
 12 official on [the effective date of this act].

13 NEW SECTION Section 7. Governing body to fix  
 14 salaries of appointed officials and employees of county  
 15 government. The governing body shall by resolution fix the  
 16 compensation of other appointed officials and employees of  
 17 county government.

18 Section 8. Section 7-32-104, MCA, is amended to read:  
 19 "7-32-104. Salaries. The---provisions---of---7-4-2503  
 20 notwithstanding---the The salaries of the director and  
 21 employees of the department of public safety shall be  
 22 established by the public safety commission and shall be  
 23 paid by the city or town with--the--board--of--county  
 24 commissioners. Said-salaries-in-any-event-shall-not-be-less  
 25 than-those-specified-in-7-4-2503."

1 Section 9. Repealer. Sections 7-4-2107, 7-4-2402, and  
 2 7-4-2502 through 7-4-2505, MCA, are repealed.  
 3 Section 10. Effective date. This act is effective on  
 4 passage and approval.

-End-

## STATE OF MONTANA

REQUEST NO. 501-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received \_\_\_\_\_, 19\_\_\_\_\_, there is hereby submitted a Fiscal Note for Senate Bill No. 352 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 352 establishes a County Compensation Board which shall develop a compensation schedule. The Board is attached to the Department of Community Affairs for administrative purposes only.

## ASSUMPTIONS:

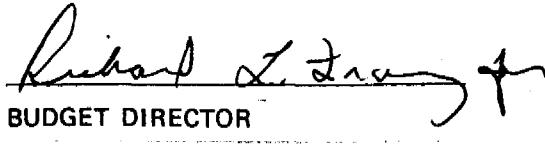
1. There will be 6 meetings of the Board during FY 80 and 8 meetings during FY 81.
2. All meetings will be held in Helena.
3. Meetings will last one day.
4. Members will have to travel an average of 250 miles, one way, for the meetings.
5. Approximately  $\frac{1}{2}$  of the members will have to be reimbursed for two night's lodging. The rest will have to be reimbursed for one night's lodging.
6. Approximately  $\frac{1}{2}$  of the members will have to be reimbursed for two meals on the day before and after the meeting because of travel, as well as for three meals on the meeting day. The rest of the members will have to be reimbursed for three meals on the meeting day and either the evening meal on the day before the meeting or breakfast and lunch on the day after the meeting.
7. The assignment of the Board to the Department of Community Affairs for administrative purposes will not require any additional F.T.E.'s for the Department.

## FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Total Expenditures Under Proposed Law	\$ 13,573.00	\$ 17 851.00
Expenditures Under Current Law	<u>-0-</u>	<u>-0-</u>
Increased Expenditures Under Proposed Law	<u>\$ 13,573.00</u>	<u>\$ 17,851.00</u>

The above expenditures are based on the current meal, room and mileage allowances.

The additional cost must be funded from the State General Fund.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3/26/79

## STATE OF MONTANA

REQUEST NO. 501-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received MARCH 28, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 352 Amended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 352 establishes a County Compensation Board which shall develop a compensation schedule. The Board is attached to the Department of Community Affairs for administrative purposes only.

## ASSUMPTIONS:

1. There will be 6 meetings of the Board during FY 80 and 8 meetings during FY 81.
2. All meetings will be held in Helena.
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6. Approximately  $\frac{1}{2}$  of the members will have to be reimbursed for two meals on the day before and after the meeting because of travel, as well as for three meals on the meeting day. The rest of the members will have to be reimbursed for three meals on the meeting day and either the evening meal on the day before the meeting or breakfast and lunch on the day after the meeting.
7. The assignment of the Board to the Department of Community Affairs for administrative purposes will not require any additional F.T.E.'s for the Department.

## FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Total Expenditures Under Proposed Law	\$ 7,687.00	\$ 10,004.00
Expenditures Under Current Law	-0-	-0-
Increased Expenditures Under Proposed Law	<u>\$ 7,687.00</u>	<u>\$ 10,004.00</u>

The above expenditures are based on the current meal, room and mileage allowances.

The additional cost must be funded from the State General Fund.

*Richard Z. Tracy Jr.*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 3/30/79

Approved by Comm.  
on Local Government

1 SENATE BILL NO. 352  
2 INTRODUCE BY LOCAL GOVERNMENT COMMITTEE, McCALLUM  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A COUNTY  
5 COMPENSATION BOARD WHICH SHALL DEVELOP A COMPENSATION  
6 SCHEDULE THAT MUST BE USED BY THE COUNTY GOVERNING BODY WHEN  
7 SETTING THE SALARIES FOR ELECTED COUNTY OFFICIALS; AMENDING  
8 SECTION 7-3C-104; REPEALING SECTION 7-4-2187;  
9 7-4-2482 AND 7-4-2502 THROUGH 7-4-2505; AND PROVIDING  
10 AN EFFECTIVE DATE."

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

13 NEW SECTION. Section 1. County compensation board.

14 (1) There is a state board of county elected officials' compensation. The board is composed of ~~15~~ 15 members, who

15 are appointed in the following manner:

16 (a) The governor shall appoint:

17 (i) three members who must be resident citizens of the

18 general public and who do not hold any other elective or

19 appointive public office;

20 (ii) three members who must be county commissioners

21 recommended by the Montana association of counties, two of

22 whom must be from a first-, second-, or third-class county

23 and the other from a fourth-, fifth-, sixth-, or

24 seventh-class county;

(iii) two members who must be elected county officers or other than county commissioners recommended by the Montana Association of Elected Officials; and

(iv) one member who must be a county clerk and recorder. ONE MEMBER WHO MUST BE A COUNTY ATTORNEY, RECOMMENDED BY THE MONTANA COUNTY ATTORNEY ASSOCIATION;

(iv) ONE MEMBER WHO MUST BE A COUNTY SUPERINTENDENT OF SCHOOLS, RECOMMENDED BY THE MONTANA SUPERINTENDENT OF SCHOOL ASSOCIATION;

(iv) ONE MEMBER WHO MUST BE A CLERK OF THE DISTRICT COURT, RECOMMENDED BY THE MONTANA CLERK OF COURT ASSOCIATION;

(vii) ONE MEMBER WHO MUST BE AN ASSESSOR, RECOMMENDED BY THE MONTANA ASSOCIATION OF COUNTY ASSESSORS;

(viii) ONE MEMBER WHO MUST BE A TREASURER, RECOMMENDED BY THE MONTANA TREASURERS' ASSOCIATION;

(ix) ONE MEMBER WHO MUST BE A COUNTY CLERK AND RECORDER, RECOMMENDED BY THE MONTANA ASSOCIATION OF COUNTY CLERKS AND RECORDERS; and

(ix) ONE MEMBER WHO MUST BE A SHERIFF, RECOMMENDED BY THE MONTANA SHERIFFS' AND PEACE OFFICERS' ASSOCIATION.

(b) The Montana senate shall select one member, who must be a member of the senate.

(c) The Montana house of representatives shall select one member, who must be a member of the house of

1 representatives.

2 (2) The board is allocated to the department of  
3 community affairs for administrative purposes only, as  
4 provided in 2-15-121.

5 NEW SECTION Section 2. Meetings of the board --  
6 officers. (1) The day of the first meeting of the board  
7 shall be designated by the governor.

8 (2) The governor shall call a meeting of the board ON  
9 OR BEFORE the second Monday of each November, and 1979, THE  
10 BOARD MAY MEET as many times thereafter as necessary to  
11 conduct the business of the board.

12 (3) The board shall elect a chairman and a  
13 vice-chairman at the annual EIRSI meeting held in November  
14 ~~each of whom shall serve a term of office for 1 year.~~

15 NEW SECTION Section 3. Board expenses --  
16 administration. (1) Board members may be paid necessary and  
17 reimbursed actual expenses for lodging, meals, and travel  
18 expenses for business authorized by the chairman ~~AS PROVIDED~~  
19 ~~IN 2-18-501 THROUGH 2-18-503.~~

20 (2) The department of community affairs shall provide  
21 services necessary for the board's business.

22 NEW SECTION Section 4. Board term of office --  
23 vacancies. (1) Members of the board shall be appointed to  
24 the following terms of office:

25 ~~for the term of office for the three resident citizen~~

1 members -- is -- 3 years -- except for the first three members who  
2 shall serve 1 -- 2 -- or 3 year terms -- to insure overlapping  
3 terms for subsequent resident citizen members.

4 ~~for the term of office for the three county~~  
5 commissioners is 3 years -- except for the first three members  
6 who shall serve 1 -- 2 -- or 3 year terms -- to insure  
7 overlapping terms for subsequent county commissioners  
8 members.

9 ~~for the term of office for the three elected county~~  
10 officials who are not county commissioners is 3 years --  
11 except for the first three members who shall serve 1 -- 2 --  
12 or 3 year terms to insure overlapping terms for subsequent  
13 elected county official members.

14 ~~for the term of office for the state senator member is~~  
15 4 years.

16 ~~for the term of office for the state representative~~  
17 member is 2 years.

18 ~~for staggered terms shall be drawn by lot by the~~  
19 membership required to do so at the first meeting SERVE  
20 UNTIL THE FINAL DAY OF THE REGULAR SESSION OF THE 47TH  
21 LEGISLATURE.

22 ~~1971 A vacancy may SHALL be filled by the board for~~  
23 ~~the unexpired term of the individual vacating the position~~  
24 ~~on the board IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.~~

25 NEW SECTION Section 5. Compensation ----- schedules

1 DUTIES: The board shall annually:

2       111. review the compensation paid county elected  
3 officials in Montana. In reviewing compensation, the board  
4 shall consider the salaries paid in Montana, other states,  
5 and private enterprise and such other factors as may be  
6 pertinent to the board's duties;

7       (2) The board shall compile a compensation schedule  
8 indicating the minimum and maximum allowable salaries for  
9 elected county officials along with notice of the time,  
10 place, and date of a public hearing on the proposed  
11 compensation schedule. The schedule must be published in a  
12 newspaper of general circulation in every county of the  
13 state.

14       (3) The board shall hold a public hearing before it  
15 may approve a final compensation schedule. The schedule must  
16 be transmitted to the governing body of each Montana county  
17 by the second Tuesday of March each year. RECOMMEND TO THE  
18 47TH LEGISLATURE: EQUITABLE STATEWIDE SALARIES FOR THE  
19 VARIOUS ELECTED COUNTY OFFICIALS, TAKING INTO CONSIDERATION  
20 THE DUTIES, RESPONSIBILITIES, PERSONAL INCONVENIENCES, AND  
21 OTHER SUCH FACTORS THE BOARD CONSIDERS TO BE PERTINENT; AND  
22       (3) RECOMMEND THE 47TH LEGISLATURE AT LEAST ONE  
23 PLAN FOR COMPENSATING ELECTED COUNTY OFFICIALS THAT WOULD  
24 PROVIDE CONTINUING, PROPER SALARIES AND THAT WOULD TAKE INTO  
25 CONSIDERATION COST-OF-LIVING FACTORS OR OTHER SIGNIFICANT

1 FACTORS THE BOARD FEELS MAY REDUCE THE NEED FOR REGULAR  
2 LEGISLATION SETTING THE SALARIES OF LOCALLY ELECTED COUNTY  
3 OFFICIALS.

4       ~~NEW SECTION~~ Section 6. Salaries of county elected  
5 officials. The county governing body shall by  
6 resolution fix the compensation of all elected county  
7 officials. Salaries may not be set lower than the minimum or  
8 higher than the maximum amount set by the current  
9 compensation schedule adopted by the state board of county  
10 elected officials' compensation schedule.

11       (2) The resolution shall state the salaries for the  
12 current fiscal year and those established for the ensuing  
13 fiscal years.

14       (3) If the governing body fails to pass the resolution  
15 fixing compensation by the second Tuesday of April, no  
16 salary increases for the next fiscal year are permitted.

17       (4) The salary of an elected county official may not  
18 be set below the level of compensation authorized for that  
19 official on the effective date of this act.

20       ~~NEW SECTION~~ Section 7. Governing body to fix  
21 salaries of appointed officials and employees of county  
22 government. The governing body shall by resolution fix the  
23 compensation of other appointed officials and employees of  
24 county government.

25       Section 8. Section 7-32-104, MCA, is amended to read:

1        "7-32-204--SALARIES----The--provisions---of---7-4-2503  
2 notwithstanding,--the--the--salaries--of--the--director--and  
3 employees--of--the--department--of--public--safety--shall--be  
4 established--by--the--public--safety--commission--and--shall--be  
5 paid--by--the--city--or--town--with--the--board--of--county  
6 commissioners--Said-salaries--in--any--event--shall--not--be--less  
7 than--those--specified--in--7-4-2503;"

8        Section-9--Repeater--Sections-7-4-2107--7-4-2402--and  
9 7-4-2502--through--7-4-2505--MCAv--are--repeated.

10       Section-10--Effective-date--This--act--is--effective--on  
11 passage--and--approved.

-End-

SENATE BILL NO. 352

INTRODUCED BY LOCAL GOVERNMENT COMMITTEE, MCCALLUM

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A COUNTY  
5 COMPENSATION BOARD WHICH SHALL DEVELOP A COMPENSATION  
6 SCHEDULE THAT MUST BE USED BY THE COUNTY GOVERNING BODY WHEN  
7 SETTING THE SALARIES FOR ELECTED COUNTY OFFICIALS" -- AMENDING  
8 SECTION -- 7-32-104 -- REPEATING -- SECTIONS -- 7-4-2107 --  
9 7-4-2402 -- AND 7-4-2502 THROUGH 7-4-2505 -- MEAT -- AND -- PROVIDING  
10 AN EFFECTIVE DATE."

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

13        NEW SECTION Section 1. County compensation board.  
14        (1) There is a state board of county elected officials\*  
15        compensation. The board is composed of ~~to~~ 15 members, who  
16        are appointed in the following manner:

17 (a) The governor shall appoint:

18 (i) three members who must be resident citizens of the  
19 general public and who do not hold any other elective or  
20 appointive public office;

1 representatives.

2 (2) The board is allocated to the department of  
3 community affairs for administrative purposes only, as  
4 provided in 2-15-121.

5 NEW SECTION. Section 2. Meetings of the board --  
6 officers. (1) The day of the first meeting of the board  
7 shall be designated by the governor.

8 (2) The governor shall call a meeting of the board ~~ON~~  
9 ~~OR BEFORE~~ the second Monday of each November, and 1979. THE  
10 BOARD MAY MEET as many times thereafter as necessary to  
11 conduct the business of the board.

12 (3) The board shall elect a chairman and a  
13 vice-chairman at the annual ~~FIRST~~ meeting held in November,  
14 ~~each of whom shall serve a term of office for 1 year.~~

15 NEW SECTION. Section 3. Board expenses --  
16 administration. (1) Board members may be paid necessary and  
17 reimbursed actual expenses for lodging, meals, and travel  
18 EXPENSES for business authorized by the chairman ~~AS PROVIDED~~  
19 ~~IN 2-19-501 THROUGH 2-19-503.~~

20 (2) The department of community affairs shall provide  
21 services necessary for the board's business.

22 NEW SECTION. Section 4. Board term of office --  
23 vacancies. (1) Members of the board shall be appointed to  
24 the following terms of office:

25 ~~tot--the-term-of-office-for-the-three-resident--citizen~~

1 ~~members--is--3-years--except--for--the--first--three--members--who~~  
2 ~~shall--serve--1--2--or--3--year--terms--to--insure--overlapping~~  
3 ~~terms--for--subsequent--resident--citizen--members.~~  
4 ~~tot--the--term--of--office--for--the--three--county~~  
5 ~~commissioners--is--3--years--except--for--the--first--three--members~~  
6 ~~who--shall--serve--1--2--or--3--year--terms--to--insure~~  
7 ~~overlapping--terms--for--subsequent--county--commissioner~~  
8 ~~members.~~

9 ~~tot--the--term--of--office--for--the--three--elected--county~~  
10 ~~officers--who--are--not--county--commissioners--is--3--years--~~  
11 ~~except--for--the--first--three--members--who--shall--serve--1--2--~~  
12 ~~or--3--year--terms--to--insure--overlapping--terms--for--subsequent~~  
13 ~~elected--county--officer--members.~~

14 ~~tot--the--term--of--office--for--the--state--senator--member--is~~  
15 ~~4--years.~~

16 ~~tot--the--term--of--office--for--the--state--representative~~  
17 ~~member--is--2--years.~~

18 ~~tot--Staggered--terms--shall--be--drawn--by--tot--by--the~~  
19 ~~membership--required--to--do--so--at--the--first--meeting~~ SERVE  
20 UNTIL THE FINAL DAY OF THE REGULAR SESSION OF THE 47TH  
21 LEGISLATURE.

22 ~~tot--A vacancy may SHALL be filled by the board--for~~  
23 ~~the--unexpired--term--of--the--individual--vacating--the--position~~  
24 ~~on--the--board~~ IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

25 NEW SECTION. Section 5. Compensation-----schedules

1 DUTIES. (1) The board shall annually:  
 2       (1) review the compensation paid county elected  
 3 officials in Montana. In reviewing compensation, the board  
 4 shall consider the salaries paid in Montana, other states,  
 5 and private enterprise and such other factors as may be  
 6 pertinent to the board's duties;  
 7       (2) The board shall compile a compensation schedule  
 8 indicating the minimum and maximum allowable salaries for  
 9 elected county officials, along with notice of the time,  
 10 place and date of a public hearing on the proposed  
 11 compensation schedule. The schedule must be published in a  
 12 newspaper of general circulation in every county of the  
 13 state;

14       (3) The board shall hold a public hearing before it  
 15 may approve a final compensation schedule. The schedule must  
 16 be transmitted to the governing body of each Montana county  
 17 by the second Tuesday of March each year. RECOMMEND TO THE  
18 47TH LEGISLATURE, EQUITABLE STATEWIDE SALARIES FOR THE  
19 VARIOUS ELECTED COUNTY OFFICIALS, TAKING INTO CONSIDERATION  
20 THE DUTIES, RESPONSIBILITIES, PERSONAL INCONVENIENCES, AND  
21 OTHER SUCH FACTORS THE BOARD CONSIDERS TO BE PERTINENT; AND  
22 (3) RECOMMEND THE THE 47TH LEGISLATURE AT LEAST ONE  
23 PLAN FOR COMPENSATING ELECTED COUNTY OFFICIALS THAT WOULD  
24 PROVIDE CONTINUING, PROPER SALARIES AND THAT WOULD TAKE INTO  
25 CONSIDERATION COST-OF-LIVING FACTORS OR OTHER SIGNIFICANT

1 FACTORS THE BOARD FEELS MAY REDUCE THE NEED FOR REGULAR  
 2 LEGISLATION SETTING THE SALARIES OF LOCALLY ELECTED COUNTY  
 3 OFFICIALS.  
 4       ~~NEW SECTION~~ Section 6. ~~Salaries of county elected~~  
 5 ~~officials.~~ The county governing body shall by  
 6 resolution fix the compensation of all elected county  
 7 officials. Salaries may not be set lower than the minimum or  
 8 higher than the maximum amount set by the current  
 9 compensation schedule adopted by the state board of county  
 10 elected officials compensation schedule.  
 11       ~~2~~ The resolution shall state the salaries for the  
 12 current fiscal year and those established for the ensuing  
 13 fiscal years.  
 14       ~~3~~ If the governing body fails to pass the resolution  
 15 fixing compensation by the second Tuesday of April, no  
 16 salary increases for the next fiscal year are permitted.  
 17       ~~4~~ The salary of an elected county official may not  
 18 be set below the level of compensation authorized for that  
 19 official on [the effective date of this act].  
 20       ~~NEW SECTION~~ Section 7. ~~Governing body to fix~~  
 21 ~~salaries of appointed officials and employees of county~~  
 22 ~~government.~~ The governing body shall by resolution fix the  
 23 compensation of other appointed officials and employees of  
 24 county government.  
 25 Section 8. ~~Section 7-32-184-MEA is amended to read~~

1        #7-32-284v--Satories---The--provisions---of---7-4-2503  
2        notwithstanding--the--the--satories--of--the--director--and  
3        employees--of--the--department--of--public--safety--shall--be  
4        established--by--the--public--safety--commission--and--shall--be  
5        paid--by--the--city--or--town--with--the--board--of--county  
6        commissioners--Said--satories--in--any--event--shall--not--be--less  
7        than--those--specified--in--7-4-2503v--  
8        Section--9v--Repeater--Sections--7-4-2107v--7-4-2402v--and  
9        7-4-2502--through--7-4-2505v--MCAv--are--repeated--  
10        Section--10v--Effective--dates--This--act--is--effective--on  
11        passage--and--approves

-End-

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

13 NEW SECTION. Section 1. County compensation board.

14 (1) There is a state board of county elected officials'

15 compensation. The board is composed of ~~15~~ EIGHT members,

16 who are appointed BY THE GOVERNOR in the following manner:

17 (a)--The-governor-shall-appoint+

18 (b)--three-members-who-must-be-resident-citizens-of-the

19 general--public--and--who--do-not-hold-any-other-elective-or

20 appointive-public-offices

21        ~~five~~ ~~one~~ ~~three~~ ~~members~~ ~~ONE MEMBER~~ who must be A county  
22 commissioners ~~COMMISSIONER~~ recommended by the Montana  
23 association of counties, two-of-whom-must-be-from-a-first-  
24 second-~~v~~-or-third-class-county-and-the-other-from-a-fourth-  
25 fifth-~~v~~-sixth-~~v~~-or-seventh-class-county

1       (f)(1) two--members--who--must--be--elected---county  
2       officials--other--than--county--commissioners--recommended--by  
3       the--Montana--association--of--elected--officials--and  
4                (f)(1) one--member--who--must--be--a--county--clerk--and  
5       recorder.    ONE MEMBER WHO MUST BE A COUNTY ATTORNEY.  
6       RECOMMENDED BY THE MONTANA COUNTY ATTORNEY ASSOCIATION;  
7                (f)(1) one member who must be a county superintendent  
8       of schools. RECOMMENDED BY THE MONTANA SUPERINTENDENT OF  
9       SCHOOL ASSOCIATION;  
10               (f)(1) one member who must be a clerk of the district  
11       court. RECOMMENDED BY THE MONTANA CLERK OF COURT  
12       ASSOCIATION;  
13               (f)(1) one member who must be an assessor.  
14       RECOMMENDED BY THE MONTANA ASSOCIATION OF COUNTY ASSESSORS;  
15               (f)(1) one member who must be a treasurer.  
16       RECOMMENDED BY THE MONTANA TREASURERS' ASSOCIATION;  
17               (f)(1) one member who must be a county clerk and  
18       recorder. RECOMMENDED BY THE MONTANA ASSOCIATION OF COUNTY  
19       CLERKS AND RECORDERS; AND  
20               (f)(1) one member who must be a sheriff. RECOMMENDED  
21       BY THE MONTANA SHERIFFS' AND PEACE OFFICERS' ASSOCIATION.  
22               (f)(1) The--Montana--Senate--shall--select--one--member--who  
23       must--be--a--member--of--the--Senate.  
24               (f)(1) The--Montana--House--of--Representatives--shall--select  
25       one--member--who--must--be--a--member--of--the--House--of

1 representatives.

2 (2) The board is allocated to the department of  
3 community affairs for administrative purposes only, as  
4 provided in 2-15-121.

5 NEW SECTION Section 2. Meetings of the board --  
6 officers. (1) The day of the first meeting of the board  
7 shall be designated by the governor.

8 (2) The governor shall call a meeting of the board ~~ON~~  
9 ~~OR BEFORE~~ the second Monday of each November, and 1979. ~~THE~~  
10 ~~BOARD MAY MEET~~ as many times thereafter as necessary to  
11 conduct the business of the board.

12 (3) The board shall elect a chairman and a  
13 vice-chairman at the annual EBSI meeting held in November,  
14 each of whom shall serve a term of office for 1 year.

15 NEW SECTION Section 3. Board expenses-----  
16 administration. ~~(1) Board members may be paid necessary and~~  
17 ~~REIMBURSED actual expenses for lodging, meals, and travel~~  
18 ~~EXPENSES FOR BUSINESS AUTHORIZED BY THE CHAIRMAN AS PROVIDED~~  
19 ~~IN 2-18-581-THROUGH-2-18-583~~

20 ~~(2) The department of community affairs shall provide~~  
21 services necessary for the board's business.

22 NEW SECTION Section 4. Board term of office --  
23 vacancies. (1) Members of the board shall be appointed to  
24 the following terms of office:

25 ~~(a) The term of office for the three resident citizen~~

1 members is 3 years, except for the first three members who  
2 shall serve 1-1/2 or 3 year terms to insure overlapping  
3 terms for subsequent resident citizen members.  
4 ~~(b) The term of office for the three county~~  
5 commissioners is 3 years, except for the first three members  
6 who shall serve 1-1/2 or 3 year terms to insure  
7 overlapping terms for subsequent county commissioners  
8 members.

9 ~~(c) The term of office for the three elected county~~  
10 ~~officials who are not county commissioners is 3 years,~~  
11 ~~except for the first three members who shall serve 1-1/2 or~~  
12 ~~3 year terms to insure overlapping terms for subsequent~~  
13 ~~elected county officials members.~~

14 ~~(d) The term of office for the state senator members is~~  
15 ~~4 years.~~

16 ~~(e) The term of office for the state representative~~  
17 ~~member is 2 years.~~

18 ~~(f) Staggered terms shall be drawn by lot by the~~  
19 ~~membership required to do so at the first meeting SERVE~~  
20 ~~UNTIL THE FINAL DAY OF THE REGULAR SESSION OF THE 47TH~~  
21 ~~LEGISLATURE.~~

22 ~~197121 A vacancy may SHALL be filled by the board for~~  
23 ~~the unexpired term of the individual vacating the position~~  
24 ~~on the board IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.~~

25 NEW SECTION Section 5. Compensation-----schedules

1 DUTIES. (1) The board shall annually  
 2 (1) review the compensation paid county elected  
 3 officials in Montana. In reviewing compensation, the board  
 4 shall consider the salaries paid in Montana, other states,  
 5 and private enterprise and such other factors as may be  
 6 pertinent to the board's duties;

7 (2) The board shall compile a compensation schedule  
 8 indicating the minimum and maximum allowable salaries for  
 9 elected county officials, along with notice of the times  
 10 place, and date of a public hearing on the proposed  
 11 compensation schedule. The schedule must be published in a  
 12 newspaper of general circulation in every county of the  
 13 state.

14 (3) The board shall hold a public hearing before it  
 15 may approve a final compensation schedule. The schedule must  
 16 be transmitted to the governing body of each Montana county  
 17 by the second Tuesday of March each year. RECOMMEND TO THE  
 18 47TH LEGISLATURE, EQUITABLE STATEWIDE SALARIES FOR THE  
 19 VARIOUS ELECTED COUNTY OFFICIALS, TAKING INTO CONSIDERATION  
 20 THE DUTIES, RESPONSIBILITIES, PERSONAL INCONVENIENCES, AND  
 21 OTHER SUCH FACTORS THE BOARD CONSIDERS TO BE PERTINENT, AND  
 22 (3) RECOMMEND THE TO THE 47TH LEGISLATURE AT LEAST ONE  
 23 PLAN FOR COMPENSATING ELECTED COUNTY OFFICIALS THAT WOULD  
 24 PROVIDE CONTINUING PROPER SALARIES AND THAT WOULD TAKE INTO  
 25 CONSIDERATION COST-OF-LIVING FACTORS OR OTHER SIGNIFICANT

1 FACTORS THE BOARD FEELS MAY REDUCE THE NEED FOR REGULAR  
 2 LEGISLATION SETTING THE SALARIES OF LOCALLY ELECTED COUNTY  
 3 OFFICIALS.

4 NEW SECTION--Section 6--Salaries--of--county--elected  
 5 officials--(1)--the--county--governing--body--shall--by  
 6 resolution--fix--the--compensation--of--all--elected--county  
 7 officials--Salaries--may--not--be--set--lower--than--the--minimum--or  
 8 higher--than--the--maximum--amount--set--by--the--current  
 9 compensation--schedule--adopted--by--the--state--board--of--county  
 10 elected--officials--compensation--schedule  
 11 (2)--The--resolution--shall--state--the--salaries--for--the  
 12 current--fiscal--year--and--those--established--for--the--ensuing  
 13 fiscal--years.

14 (3)--If--the--governing--body--fails--to--pass--the--resolution  
 15 fixing--compensation--by--the--second--Tuesday--of--April--no  
 16 salary--increases--for--the--next--fiscal--year--are--permitted.  
 17 (4)--The--salary--of--an--elected--county--official--may--not  
 18 be--set--below--the--level--of--compensation--authorized--for--that  
 19 official--on--[the--effective--date--of--this--act].

20 NEW SECTION--Section 7--Governing--body--to--fix  
 21 salaries--of--appointed--officials--and--employees--of--county  
 22 governments--the--governing--body--shall--by--resolution--fix--the  
 23 compensation--of--other--appointed--officials--and--employees--of  
 24 county--governments.

25 Section 8--Section 7-32-104, MCA, is amended to read:

1        "7-32-104--Salaries---The--provisions---of---7-4-2503  
2 notwithstanding--the--the--salaries--of--the--director--and  
3 employees--of--the--department--of--public--safety--shall--be  
4 established--by--the--public--safety--commission--and--shall--be  
5 paid--by--the--city--or--town--with--the--board--of--county  
6 commissioners--Said--salaries--in--any--event--shall--not--be--less  
7 than--those--specified--in--7-4-2503."  
8        Section-9--Repealer--Sections-7-4-2407, 7-4-2402, and  
9 7-4-2502--through--7-4-2505, MEA, are--repealed.

10        Section-10--Effective--date--This--act--is--effective--on  
11 passage--and--approved--

-End-

1       111 two--members--who--must--be--elected--county  
2       officers--other--than--county--commissioners--recommended--by  
3       the--Montana--association--of--elected--officers--and  
4                five--one--member--who--must--be--a--county--clerk--and  
5       recorders. ONE MEMBER WHO MUST BE A COUNTY ATTORNEY,  
6       RECOMMENDED BY THE MONTANA COUNTY ATTORNEY ATTORNEYS'  
7       ASSOCIATION;  
8        1111111 ONE MEMBER WHO MUST BE A COUNTY SUPERINTENDENT  
9       OF SCHOOLS, RECOMMENDED BY THE MONTANA SUPERINTENDENT OF  
10      SCHOOL ASSOCIATION ASSOCIATION OF COUNTY SUPERINTENDENTS;  
11        1111111 ONE MEMBER WHO MUST BE A CLERK OF THE DISTRICT  
12      COURT, RECOMMENDED BY THE MONTANA CLERK OF COURT COURTS  
13      ASSOCIATION;  
14        1111111 ONE MEMBER WHO MUST BE AN ASSESSOR,  
15      RECOMMENDED BY THE MONTANA ASSOCIATION OF COUNTY ASSESSORS;  
16        1111111 ONE MEMBER WHO MUST BE A COUNTY TREASURER,  
17      RECOMMENDED BY THE MONTANA COUNTY TREASURERS' TREASURERS  
18      ASSOCIATION;  
19        1111111 ONE MEMBER WHO MUST BE A COUNTY CLERK AND  
20      RECORDER, RECOMMENDED BY THE MONTANA CLERK AND RECORDERS  
21      ASSOCIATION OF COUNTY CLERKS AND RECORDERS; AND  
22        1111111 ONE MEMBER WHO MUST BE A SHERIFF, RECOMMENDED  
23      BY THE MONTANA SHERIFFS' SHERIFFS AND PEACE OFFICERS'  
24      OFFICERS ASSOCIATION.  
25        fbj--The Montana senate shall select one--member--who

1 must-be-a-member-of-the-senate

2 (c) --The--Montana-house-of-representatives-shall-select  
3 one--member--who--must--be--a--member--of--the---house---of  
4 representatives

5 (2) The board is allocated to the department of  
6 community affairs for administrative purposes only, as  
7 provided in 2-15-121.

8 NEW SECTION. Section 2. Meetings of the board --  
9 officers. (1) The day of the first meeting of the board  
10 shall be designated by the governor.

11 (2) The governor shall call a meeting of the board ~~ON~~  
12 ~~OR BEFORE~~ the second Monday of each November, and 1972. ~~THE~~  
13 ~~BOARD MAY MEET~~ as many times thereafter as necessary to  
14 conduct the business of the board.

15 (3) The board shall elect a chairman and a  
16 vice-chairman at the annual EIRSI meeting held in November  
17 each of whom shall serve a term of office for 1 year.

18 NEW SECTION. Section 3. Board expenses-----  
19 administration. ~~(2) Board members may be paid necessary and~~  
20 ~~REBURNED~~ actual expenses for lodging, meals and travel  
21 ~~EXPENSES~~ for business authorized by the chairman ~~AS PROVIDED~~  
22 ~~IN 2-12-501 THROUGH 2-12-502~~

23 (2) --The department of community affairs shall provide  
24 services necessary for the board's business.

25 NEW SECTION. Section 4. Board term of office --

1 vacancies. (1) Members of the board shall be appointed to  
2 the following terms of office

3 (a) --The term of office for the three resident citizen  
4 members is 3 years, except for the first three members who  
5 shall serve 1 1/2 or 3 year terms to insure overlapping  
6 terms for subsequent resident citizen members.

7 (b) --The term of office for the three county  
8 commissioners is 3 years, except for the first three members  
9 who shall serve 1 1/2 or 3 year terms to insure  
10 overlapping terms for subsequent county commissioner  
11 members.

12 (c) --The term of office for the three elected county  
13 officials who are not county commissioners is 3 years,  
14 except for the first three members who shall serve 1 1/2 or  
15 3 year terms to insure overlapping terms for subsequent  
16 elected county officials members.

17 (d) --The term of office for the state senator member is  
18 4 years.

19 (e) --The term of office for the state representative  
20 member is 2 years.

21 (f) --Staggered terms shall be drawn by lot by the  
22 membership required to do so at the first meeting. SERVE  
23 UNTIL THE FINAL DAY OF THE REGULAR SESSION OF THE 47TH  
24 LEGISLATURE.

25 (g) (2) A vacancy may SHALL be filled by the board -- for

1 the--unexpired--term--of--the--individual--vacating--the--position  
 2 on--the--board IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

3 NEW SECTION. Section 5. Compensation-----schedule  
 4 DUTIES. (1) The board shall annually:

5       (1) review the compensation paid county elected  
 6 officials in Montana; in reviewing compensation, the  
 7 board shall consider the salaries paid in Montana, other  
 8 states, and private enterprise and such other factors as may  
 9 be pertinent to the board's duties;

10       (2) The board shall compile a compensation schedule  
 11 indicating the minimum and maximum allowable salaries for  
 12 elected county officials along with notice of the time  
 13 place and date of a public hearing on the proposed  
 14 compensation schedule. The schedule must be published in a  
 15 newspaper of general circulation in every county of the  
 16 state.

17       (3) The board shall hold a public hearing before it  
 18 may approve a final compensation schedule. The schedule must  
 19 be transmitted to the governing body of each Montana county  
 20 by the second Tuesday of March each year. RECOMMEND TO THE  
 21 47TH LEGISLATURE: EQUITABLE STATEWIDE SALARIES FOR THE  
 22 VARIOUS ELECTED COUNTY OFFICIALS, TAKING INTO CONSIDERATION  
 23 THE DUTIES, RESPONSIBILITIES, PERSONAL INCONVENIENCES, AND  
 24 OTHER SUCH FACTORS THE BOARD CONSIDERS TO BE PERTINENT; AND  
 25 RECOMMEND THE TO THE 47TH LEGISLATURE AT LEAST ONE

1 PLAN FOR COMPENSATING ELECTED COUNTY OFFICIALS THAT WOULD  
 2 PROVIDE CONTINUING, PROPER SALARIES AND THAT WOULD TAKE INTO  
 3 CONSIDERATION COST-OF-LIVING FACTORS OR OTHER SIGNIFICANT  
 4 FACTORS THE BOARD FEELS MAY REDUCE THE NEED FOR REGULAR  
 5 LEGISLATION SETTING THE SALARIES OF LOCALLY ELECTED COUNTY  
 6 OFFICIALS.

7 NEW SECTION. Section 6. Salaries of county elected  
 8 officials. (1) The county governing body shall by  
 9 resolution fix the compensation of all elected county  
 10 officials. Salaries may not be set lower than the minimum or  
 11 higher than the maximum amount set by the current  
 12 compensation schedule adopted by the state board of county  
 13 elected officials' compensation schedule.

14 (2) The resolution shall state the salaries for the  
 15 current fiscal year and those established for the ensuing  
 16 fiscal year.

17 (3) If the governing body fails to pass the resolution  
 18 fixing compensation by the second Tuesday of April no  
 19 salary increases for the next fiscal year are permitted.

20 (4) The salary of an elected county official may not  
 21 be set below the level of compensation authorized for that  
 22 official on [the effective date of this act].

23 NEW SECTION. Section 7. Governing body to fix  
 24 salaries of appointed officials and employees of county  
 25 government. The governing body shall by resolution fix the

1 compensation-of-other-appointed-officers-and-employees--of  
2 county-governments

3 Section-8--Section--7-32-104v-MCAr-is-amended-to-read  
4 #7-32-104v--5a~~teries~~--The--provisions---of---7-4-2503  
5 notwithstanding--the--~~the~~--~~5a~~teries--of--the--director--and  
6 employees-of-the--department--of--public--safety--shall--be  
7 established--by--the--public--safety--commission--and--shall--be  
8 paid--by--the--city--or--town--with--the--board--of--county  
9 commissioners--~~5a~~teries--in--any--event--shall--not--be--less  
10 than--those--specified--in--7-4-2503v--"

11 Section-9--Repeater--Sections-7-4-2107,-7-4-2402v--and  
12 7-4-2502-through-7-4-2505v-MCAr-are-repeated

13 Section-10--Effective-date--This-act-is-effective--on  
14 passage-and-approval.

-End-

HOUSE OF REPRESENTATIVES  
March 19, 1979

The Committee on LOCAL GOVERNMENT Amendments to Senate Bill No. 352, third reading copy, be amended as follows:

1. Page 1, line 15.

Strike: "15"

Insert: "8"

2. Page 1, line 16.

Following: "appointed"

Insert: "by the governor"

3. Page 1, line 17.

Strike: line 17 in its entirety

4. Page 1, lines 18 through 20.

Strike: subsection (1) (a) (i) in its entirety

5. Page 1, line 21.

Strike: "(ii)"

Insert: "(a)"

Reletter: subsequent subsections

6. Page 1, line 21.

Strike: "three members"

Insert: "one member"

Following: "be"

Insert: "a"

Following: "county"

Strike: "commissioners"

Insert: "commissioner"

7. Page 1, lines 22 through 25.

Following: "counties"

Strike: ","

Insert: "."

Strike: remainder of lines 22 through 25 in their entirety

8. Page 2, line 22 through line 1 on page 3.

Strike: subsections (1) (b) and (1) (c) in their entirety

9. Page 3, line 15.

Following: "Board"

Strike: "expenses --"

10. Page 3, lines 16 through 19.

Following: "administration."

Strike: remainder of lines 16 through 19 in their entirety

(Continued)

HOUSE OF REPRESENTATIVES  
March 19, 1979

LOCAL GOVERNMENT  
Amendments to Senate Bill 352 (continued)

11. Page 3, line 20.  
Strike: "(2)"

12. Page 5, line 22.  
Following: "RECOMMEND"  
Strike: "THE"  
Insert: "to"

AND AS AMENDED BE CONCURRED IN