

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 *Amended* BILL NO. *352*
 2 INTRODUCED BY *Local Gov. Comm. Bill* *M. Sullivan*
 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' compensation. The board is composed of 11 members, who are appointed in the following manner:

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

1 (iii) two members who must be elected county officials, other than county commissioners, recommended by the Montana association of elected officials; and

4 (iv) one member who must be a county clerk and recorder.

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

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

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

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

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

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

23 NEW SECTION. Section 3. Board expenses -- administration. (1) Board members may be paid necessary and 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-

513 352

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:

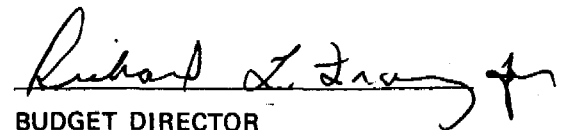
1. There will be 6 meetings of the Board during FY 80 and 8 meetings during FY 81.
2. All meetings will be held in Helena.
3. Meetings will last one day.
4. Members will have to travel an average of 250 miles, one way, for the meetings.
5. Approximately $\frac{1}{2}$ of the members will have to be reimbursed 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: 2/26/79

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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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	<u>-0-</u>	<u>-0-</u>
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.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3/30/79

Approved by Comm.
on Local Government

SENATE BILL NO. 352

INTRODUCED BY LOCAL GOVERNMENT COMMITTEE, McCALLUM

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

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

NEW SECTION. Section 1. County compensation board.

(1) There is a state board of county elected officials' compensation. The board is composed of ~~11~~ 15 members, who are appointed in the following manner:

(a) The governor shall appoint:

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

(ii) three members who must be county commissioners recommended by the Montana association of counties, two of whom must be from a first-, second-, or third-class county and the other from a fourth-, fifth-, sixth-, or seventh-class county;

~~(iii) two members who must be elected county officials, 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;~~

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

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

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

~~(viii) 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 FIRSI 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 offices:

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, 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, 2, or 3 year terms to insure
7 overlapping terms for subsequent county commissioner
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, 2, or
12 or 3 year terms to insure overlapping terms for subsequent
13 elected county official members.

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

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

18 (2) 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 (3) (2) 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 ~~QUIES.~~ (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 TO 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. (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 ~~"7-32-184--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--MCA--are--repealed.~~
10 ~~Section--10--Effective--date--This--act--is--effective--on~~
11 ~~passage--and--approval.~~

-End-

SENATE BILL NO. 352

INTRODUCED BY LOCAL GOVERNMENT COMMITTEE, McCALLUM

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

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(1) There is a state board of county elected officials' compensation. The board is composed of ± 15 members, who are appointed in the following manner:

(a) The governor shall appoint:

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

(ii) three members who must be county commissioners recommended by the Montana association of counties; two of whom must be from a first-, second-, or third-class county and the other from a fourth-, fifth-, sixth-, or seventh-class county;

(iii) ~~two members who must be elected county officials 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;

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

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

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(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 FIRSI 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 (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, 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--2--or--3-year--terms--to--insure
7 overlapping--terms--for--subsequent--county--commissioner
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, 2, or
12 or--3-year--terms--to--insure--overlapping--terms--for--subsequent
13 elected--county--official--members.

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

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

18 (2) --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 (3)(2) 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-----scheduled

1 QUIES. (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--(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 schedules.~~

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--Repeaters--Sections-7-4-2107-7-4-2402--and
9 7-4-2502--through--7-4-2505--MCA--are--repeated--
10 Section-10--Effective--date--This--act--is--effective--on
11 passage--and--approval--

-End-

SENATE BILL NO. 352

INTRODUCED BY LOCAL GOVERNMENT COMMITTEE, McCALLUM

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

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

NEW SECTION. Section 1. County compensation board.

(1) There is a state board of county elected officials' compensation. The board is composed of ~~11~~ 8 EIGHT members, who are appointed BY THE GOVERNOR in the following manner:

(a) ~~The governor shall appoint~~

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

~~(ii) (A) three members~~ ONE MEMBER who must be a county commissioner COMMISSIONER recommended by the Montana association of counties; two of whom must be from a first, second, or third class county and the other from a fourth, fifth, sixth, or seventh class county;

~~(iii) (B) two members who must be elected county officials 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;

~~(v) (C) one member who must be a county superintendent of schools, recommended by the Montana superintendent of school association;~~

~~(vi) (D) one member who must be a clerk of the district court, recommended by the Montana clerk of court association;~~

~~(vii) (E) one member who must be an assessor, recommended by the Montana association of county assessors;~~

~~(viii) (F) one member who must be a treasurer, recommended by the Montana treasurers' association;~~

~~(ix) (G) one member who must be a county clerk and recorder, recommended by the Montana association of county clerks and recorders; and~~

~~(x) (H) 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 ~~EIBSI~~ 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 (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, 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, 2, or 3 year terms to insure
7 overlapping terms for subsequent county commissioner
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, 2, or
12 or 3 year terms to insure overlapping terms for subsequent
13 elected county official members.

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

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

18 (2) 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 (3) (2) 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-----scheduled

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 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 schedules.

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 "7-32-184. 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 7-4-2107, 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 approval.

-End-

SENATE BILL NO. 352

INTRODUCED BY LOCAL GOVERNMENT COMMITTEE, McCALLUM

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

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

NEW SECTION. Section 1. County compensation board.

(1) There is a state board of county elected officials' compensation. The board is composed of ~~11~~ EIGHT members, who are appointed BY THE GOVERNOR in the following manner:

~~(a) The governor shall appoint~~

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

~~(ii)(A) three members~~ ONE MEMBER who must be a county commissioner COMMISSIONER recommended by the Montana association of counties; ~~two of whom must be from a first, second, or third class county and the other from a fourth, fifth, sixth, or seventh class county;~~

~~(iii)(B) two members who must be elected county officials 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 ATTORNEYS' ASSOCIATION;

~~(v)(C) one member who must be a county superintendent of schools, recommended by the Montana superintendent of school association~~ ASSOCIATION OF COUNTY SUPERINTENDENTS;

~~(vi)(D) one member who must be a clerk of the district court, recommended by the Montana clerk of court~~ ASSOCIATION;

~~(vii)(E) one member who must be an assessor,~~ RECOMMENDED BY THE MONTANA ASSOCIATION OF COUNTY ASSESSORS;

~~(viii)(F) one member who must be a county treasurer,~~ RECOMMENDED BY THE MONTANA COUNTY TREASURERS' ASSOCIATION;

~~(ix)(G) one member who must be a county clerk and recorder,~~ RECOMMENDED BY THE MONTANA CLERK AND RECORDERS ASSOCIATION OF COUNTY CLERKS AND RECORDERS; AND

~~(x)(H) one member who must be a sheriff,~~ RECOMMENDED BY THE MONTANA SHERIFFS' SHERIFFS AND PEACE OFFICERS ASSOCIATION.

~~(b) 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 1979. ~~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 ~~FIRST~~ 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. ~~(1) Board members may be paid necessary and~~
20 ~~REIMBURSED~~ actual expenses for lodging, meals, and travel
21 ~~EXPENSES~~ for business authorized by the chairman ~~AS PROVIDED~~
22 ~~IN 2-15-101 THROUGH 2-15-103.~~

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, 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, 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, 2, or
15 3 year terms to insure overlapping terms for subsequent
16 elected county official 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 (2) 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 57TH
24 LEGISLATURE.

25 ~~(3) (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 QUIES. (1) The board shall annuety;

5 (1) review the compensation paid county elected
6 officials in Montana; in 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 (3) 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 years.

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-officials-and-employees--of
2 county-governments

3 Section-8--Section--7-32-104--MCA--is-amended-to-read:
4 "7-32-104--Salaries--The-provisions--of--7-4-2503
5 notwithstanding--the--~~the~~ salaries--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--Said--salaries--in--any--event--shall--not--be--less
10 than--those--specified--in--7-4-2503."

11 Section-9--Repealer--Sections-7-4-2107,7-4-2402--and
12 7-4-2502--through--7-4-2505--MCA--are--repealed.

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