

HOUSE BILL NO. 77

Introduced: 01/04/83

Referred to Committee on Local Government: 01/04/83

Hearing: 1/13/83

Died in Committee

1 House BILL NO. 77  
2 INTRODUCED BY Amey Beltrami Curtis Diggins  
3 Mr. Shaw Bergene Shultz, M. Hanson, Thrift LaBerge  
4 Secretary Hanson Duffy  
5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE METHOD OF  
6 ESTABLISHING SALARIES FOR COUNTY ELECTED OFFICIALS AND OTHER  
7 COUNTY EMPLOYEES; PROVIDING FOR A COUNTY SALARY COMMISSION;  
8 PROVIDING FOR A PUBLIC HEARING; AMENDING SECTIONS 7-4-2108,  
9 7-4-2706, 7-14-2610, AND 7-32-104, MCA; AND REPEALING  
10 SECTIONS 7-4-2107 AND 7-4-2503 THROUGH 7-4-2505, MCA."  
11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13  
14 NEW SECTION. Section 1. County governing body to set  
15 salary -- changes to be uniform. (1) Except as provided in  
16 7-32-104, the governing body of a county shall annually  
17 establish the salaries of elected county officials and other  
18 county employees by adopting a resolution no later than  
19 March 31.  
20  
21 (2) The salaries established as provided in subsection  
22 (1) are effective July 1 of each year.  
23  
24 NEW SECTION. Section 2. County salary commission. (1)  
25 The governing board of a county may establish a salary  
commission composed of no fewer than three or no more than  
seven members to advise the governing board on the level of  
compensation of county officials or employees.  
(2) The members of the salary commission may receive

1 no compensation, and the duration of their terms shall be  
2 established by the governing body at the time of the  
3 members' appointment.

4           (3) No county official or county employee or member of  
5     the immediate family of a county official or county employee  
6     may serve on the salary commission.

7 (4) The salary commission may submit recommendations  
8 to the governing board no later than January 31.

9            NEW SECTION. Section 3. Public hearing and notice  
10        required. (1) If the governing body proposes to change  
11        salaries for county elected officials and county employees,  
12        a public hearing thereon must be held at the same time and  
13        place as the hearing on the preliminary budget required in  
14        7-6-2317.

15           (2) Notice of the purpose of the public hearing must  
16 be published in a newspaper of general circulation in the  
17 county at least once a week for 2 successive weeks, with the  
18 date of the final publication no more than 7 days before the  
19 hearing.

20           Section 4. Section 7-4-2108, MCA, is amended to read:

21 "7-4-2108. Mileage allowance for county commissioners  
22 -- expenses. (1) In addition to the salary provided by  
23 ~~7-4-2107(1)~~ section 1, each member of the board of county  
24 commissioners in counties of the first, second, third, and  
25 fourth class shall receive a mileage allowance as provided

1 in 2-18-503 for the distance necessarily traveled in going  
2 to and returning from the county seat and his place of  
3 residence, each day that such trip is actually made and  
4 while engaged in the performance of his official duties.

5 (2) Each member of the board in all other counties is  
6 entitled to a mileage allowance as provided in 2-18-503 for  
7 the distance necessarily traveled in going to and returning  
8 from the county seat and his place of residence each day  
9 that such trip is actually made to perform official duties.  
10 Any county commissioner whose place of residence is 50 miles  
11 or more from the county seat, as measured by the usual route  
12 of travel, and who elects to remain more than one day in the  
13 county seat to attend sessions of the board or perform his  
14 official duties is entitled to receive, in addition to  
15 mileage for one round trip between his place of residence  
16 and the county seat, \$18 per day as expenses for each day's  
17 attendance on sessions of the board while engaged in the  
18 performance of his official duties.

19 (3) All claims for lodging expense reimbursement  
20 allowed under this section must be documented by an  
21 appropriate receipt.

22 (4) When other than commercial, nonreceiptable lodging  
23 facilities are utilized by a county commissioner, the amount  
24 of \$7 will be authorized for lodging expenses for each day  
25 in which travel involves an overnight stay in lieu of the

1 amount authorized in this section. However, when overnight  
2 accommodations are provided at the expense of any government  
3 entity, no reimbursement may be claimed for lodging.

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

6 Section 5. Section 7-14-2610, MCA, is amended to read:

7 "7-14-2610. Payment of damages and expenses. All  
8 awards of damages estimated by the board or made by the  
9 proper court and all expenses, ~~including those of the~~  
10 ~~members of the board and their per diem authorized by~~  
11 ~~7-4-2107 and 7-4-2108,~~ shall be paid out of the county road  
12 fund on the order of the board."

13 Section 6. Section 7-4-2706, MCA, is amended to read:

14 "7-4-2706. County attorney to be full or part time --  
15 resolution -- salary. (1) In any county with a population  
16 of less than 30,000, the county commissioners may, upon the  
17 consent of the county attorney, on July 1 of any year by  
18 resolution establish the office of county attorney as a  
19 full-time position subject to the provisions of 7-4-2701 and  
20 7-4-2704. ~~The salary for this position is the salary~~  
21 ~~provided by 7-4-2503 for the office of county attorney in a~~  
22 ~~county with a population in excess of 30,000.~~

23 (2) In any county in which the office of county  
24 attorney has been established as a full-time position under  
25 subsection (1), the county commissioners may, by resolution

1 and upon the consent of the county attorney, establish the  
2 office as a part-time position on July 1 of any year."

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

4 "7-32-104. Salaries. The provisions of 7-4-2503  
5 notwithstanding, the salaries of the director and employees  
6 of the department of public safety shall be established by  
7 the public safety commission and shall be paid by the city  
8 or town with the board of county commissioners. Said  
9 salaries in any event shall not be less than those specified  
10 in 7-4-2503."

11 NEW SECTION. Section 8. Repealer. Sections 7-4-2107  
12 and 7-4-2503 through 7-4-2505, MCA, are repealed.

13 NEW SECTION. Section 9. Codification instruction.  
14 Sections 1 through 3 are intended to be codified as an  
15 integral part of Title 7, chapter 4, and the provisions of  
16 Title 7 apply to sections 1 through 3.

-End-