

HOUSE BILL NO. 75

1/07 Introduced  
1/07 Referred to Local Government  
1/22 Hearing  
2/23 Committee Report-No Recommendation  
2/26 2nd Reading Pass As Amended  
2/27 3rd Reading Pass

Transmitted to Senate

3/05 Referred to Local Government  
3/14 Hearing  
3/15 Adverse Committee Report  
3/15 Bill Killed

1                                    HOUSE    BILL NO.   75  
 2    INTRODUCED BY    HANNAH  
 3  
 4    A BILL FOR AN ACT ENTITLED:    "AN ACT TO CHANGE THE METHOD OF  
 5    ESTABLISHING SALARIES FOR COUNTY ELECTED OFFICIALS AND  
 6    DEPUTY OR ASSISTANT COUNTY OFFICIALS BY PROVIDING THAT THE  
 7    SALARIES BE DETERMINED BY THE COUNTY GOVERNING BODY;  
 8    AMENDING SECTIONS 7-4-2108, 7-4-2503, 7-4-2504, 7-14-2610,  
 9    AND 7-32-104, MCA; REPEALING SECTIONS 7-4-2107 AND 7-4-2505,  
 10    MCA."

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

13            Section 1.    Section 7-4-2503, MCA, is amended to read:  
 14            "7-4-2503.    Salary schedule for certain county officers  
 15            County governing board to set salaries -- increases to be  
 16            uniform. (1) The salary paid to the county treasurer, county  
 17            clerk and recorder, clerk of the district court, part-time  
 18            county attorney, county assessor, county superintendent of  
 19            schools, and county sheriff; the county surveyor in counties  
 20            where county surveyors receive salaries as provided in  
 21            7-4-2812; and the county auditor in all counties wherein  
 22            such office is authorized, for the fiscal year beginning  
 23            July 1, 1981, is computed by adding the annual base salary  
 24            of:

25            (a) --\$14,000 for the counties of the first through

1    ~~fifth class to the population increment of \$10 for each 100~~  
 2    ~~persons or major fraction thereof included in the county's~~  
 3    ~~population as determined by the 1980 federal decennial~~  
 4    ~~census; or~~

5            (b) --\$12,000 for counties of the sixth and seventh  
 6    ~~class to the population increment of \$20 per 100 persons or~~  
 7    ~~major fraction thereof in the county's population as~~  
 8    ~~determined by the 1980 federal decennial census. The~~  
 9    ~~governing body of a county must annually establish the~~  
 10    ~~salary of each elected county official and each deputy or~~  
 11    ~~assistant county official by adopting a resolution. This~~  
 12    ~~resolution must be adopted no later than March 31.~~

13            (2) (a) ~~The county superintendent of schools shall~~  
 14    ~~receive, in addition to the salary based upon subsection~~  
 15    ~~(1), the sum of \$400 per year.~~

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

19            (c) ~~In counties with a population less than 30,000,~~  
 20    ~~the county attorney who is a part-time official shall~~  
 21    ~~receive, in addition to the salary based upon subsection~~  
 22    ~~(1), the sum of \$1,200 per year. In each county with a~~  
 23    ~~population in excess of 30,000, the county attorney shall be~~  
 24    ~~a full-time official under 7-4-2704, and his salary for the~~  
 25    ~~fiscal year beginning July 1, 1981, shall be \$36,500.~~

1       (d)--In those counties where the office of the county  
 2 attorney has been established as a full-time position  
 3 pursuant to 7-4-2706, the salary of the county attorney for  
 4 the fiscal year beginning July 1, 1981, shall be \$36,500.  
 5 Beginning on July 1, 1982, and on July 1 of each succeeding  
 6 year, each county attorney shall be entitled to an increase  
 7 in salary calculated by adding to his annual salary on July  
 8 1, 1981, an increment of 7% of the last previous calendar  
 9 year's consumer price index for all urban consumers, U.S.  
 10 department of labor, bureau of labor statistics, or other  
 11 index that the bureau of business and economic research of  
 12 the university of Montana may in the future recognize as the  
 13 successor to that index. The cost of living increment for  
 14 the fiscal year beginning July 1, 1983, and for each  
 15 subsequent fiscal year shall be added to all cost of living  
 16 increments granted for previous years.

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

1       research and the U.S. bureau of the census or other estimate  
 2 that the bureau of business and economic research may  
 3 certify. The salaries established as provided in subsection  
 4 (1) are effective July 1 of each year.

5       (3) The salary of an elected official or a deputy or  
 6 assistant county official may not be reduced from the level  
 7 of compensation authorized for that position on October 1,  
 8 1985, and may be increased subject to the requirements of  
 9 subsection (4).

10       (4) If the governing body decides to raise the  
 11 salaries of county elected officials and deputy or assistant  
 12 county officials, the governing body must set the salaries  
 13 of all county officers and deputies or assistants using the  
 14 same factor for all county salaries in a uniform manner that  
 15 will insure that the relative relationship between and among  
 16 salaries remains the same as the level of compensation  
 17 authorized on October 1, 1985. The ratio of the current  
 18 salaries, one to another, must remain the same as the ratio  
 19 of the salaries prior to the increase authorized by the  
 20 governing body."

21       Section 2. Section 7-4-2504, MCA, is amended to read:  
 22       "7-4-2504. Salaries to be fixed by resolution---  
 23 cost of living increments Public hearing and notice  
 24 required. (1) The county governing body shall by resolution,  
 25 on or before July 1, 1982, and on or before July 1 of each

1 year thereafter adjust and uniformly fix the salaries of the  
 2 county treasurer, county clerk, county assessor, county  
 3 school superintendent, county sheriff, and the clerk of the  
 4 district court, the county auditor (if there is one); and  
 5 the county surveyor (if he receives a salary) for  
 6 cost of living increase by adding to the annual salary  
 7 computed under 7-4-2503 an increment calculated by applying  
 8 to the annual salary established by 7-4-2503(1) plus  
 9 previous cost of living increments, 78% of the last previous  
 10 calendar year's consumer price index for all urban  
 11 consumers, U.S. department of labor, bureau of labor  
 12 statistics, or other index that the bureau of business and  
 13 economic research of the university of Montana may in the  
 14 future recognize as the successor to that index. The  
 15 cost of living increment for the fiscal year beginning July  
 16 1, 1983, and for each subsequent fiscal year shall be added  
 17 to all cost of living increments granted for previous years.  
 18 (2) If the application of 7-4-2503 does not qualify a  
 19 county official for a salary increase of at least 7% on July  
 20 1, 1981, his salary on that date shall be increased by an  
 21 amount sufficient to provide him total salary equal to 7%  
 22 more than during the previous year.  
 23 (3) The county governing body shall by resolution,  
 24 prior to July 1 of each year, establish the salary of the  
 25 coroner. The salary must be in effect upon the first day of

1 each ensuing fiscal year. Before the governing body may  
 2 establish salaries for county elected officials and deputy  
 3 or assistant county officials, the governing body shall hold  
 4 a public hearing. Notice of the purpose of the public  
 5 hearing must be published in a newspaper of general  
 6 circulation in the county at least once a week for the 2  
 7 successive weeks before the public hearing."

8 Section 3. Section 7-4-2108, MCA, is amended to read:  
 9 "7-4-2108. Mileage allowance for county commissioners  
 10 -- expenses. (1) In addition to the salary provided by  
 11 7-4-2107(1) 7-4-2503, each member of the board of county  
 12 commissioners in counties of the first, second, third, and  
 13 fourth class shall receive a mileage allowance as provided  
 14 in 2-18-503 for the distance necessarily traveled in going  
 15 to and returning from the county seat and his place of  
 16 residence, each day that such trip is actually made and  
 17 while engaged in the performance of his official duties.  
 18 (2) Each member of the board in all other counties is  
 19 entitled to a mileage allowance as provided in 2-18-503 for  
 20 the distance necessarily traveled in going to and returning  
 21 from the county seat and his place of residence each day  
 22 that such trip is actually made to perform official duties.  
 23 Any county commissioner whose place of residence is 50 miles  
 24 or more from the county seat, as measured by the usual route  
 25 of travel, and who elects to remain more than one day in the

1 county seat to attend sessions of the board or perform his  
 2 official duties is entitled to receive, in addition to  
 3 mileage for one round trip between his place of residence  
 4 and the county seat, \$18 per day as expenses for each day's  
 5 attendance on sessions of the board while engaged in the  
 6 performance of his official duties.

7 (3) All claims for lodging expense reimbursement  
 8 allowed under this section must be documented by an  
 9 appropriate receipt.

10 (4) When other than commercial, nonreceiptable lodging  
 11 facilities are utilized by a county commissioner, the amount  
 12 of \$7 will be authorized for lodging expenses for each day  
 13 in which travel involves an overnight stay in lieu of the  
 14 amount authorized in this section. However, when overnight  
 15 accommodations are provided at the expense of any government  
 16 entity, no reimbursement may be claimed for lodging.

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

19 Section 4. Section 7-14-2610, MCA, is amended to read:

20 "7-14-2610. Payment of damages and expenses. All  
 21 awards of damages estimated by the board or made by the  
 22 proper court and all expenses, including those of the  
 23 members of the board and their per diem authorized by  
 24 7-4-2107--and 7-4-2108, shall be paid out of the county road  
 25 fund on the order of the board."

1 Section 5. Section 7-32-104, MCA, is amended to read:  
 2 "7-32-104. Salaries. The provisions of 7-4-2503 and  
 3 7-4-2504 notwithstanding, the salaries of the director and  
 4 employees of the department of public safety shall be  
 5 established by the public safety commission and shall be  
 6 paid by the city or town with the board of county  
 7 commissioners. Said salaries in any event shall not be less  
 8 than those specified-in determined pursuant to 7-4-2503 and  
 9 7-4-2504."

10 NEW SECTION. Section 6. Repealer. Sections 7-4-2107  
 11 and 7-4-2505, MCA, are repealed.

-End-

HB 0075/02  
COMM.  
ON LOCAL GOVERNMENT  
AS AMENDED  
WITHOUT RECOMMENDATION

1                   HOUSE BILL NO. 75  
2                   INTRODUCED BY HANNAH  
3  
4                   A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF  
5                   ESTABLISHING SALARIES FOR COUNTY ELECTED OFFICIALS AND  
6                   DEPUTY--OR--ASSISTANT--COUNTY--OFFICIALS, EXCEPT THE COUNTY  
7                   ASSESSOR, BY PROVIDING THAT THE SALARIES BE DETERMINED BY  
8                   THE COUNTY GOVERNING BODY; AMENDING SECTIONS 7-4-2108,  
9                   7-4-2503, 7-4-2504 7-4-2502 THROUGH 7-4-2505, 7-14-2610, AND  
10                  7-32-104, MCA; REPEALING SECTIONS SECTION 7-4-2107 AND  
11                  7-4-2505, MCA."  
12  
13                  BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14                  Section 1. Section 7-4-2503, MCA, is amended to read:  
15                  "7-4-2503. ~~Salary schedule for certain county officers~~  
16                  County governing board to set salaries OF CERTAIN ELECTED  
17                  COUNTY OFFICERS -- increases to be uniform. (1) ~~The salary~~  
18                  paid to the county treasurer, county clerk and recorder,  
19                  clerk of the district court, part-time county attorney,  
20                  county assessor, county superintendent of schools, and  
21                  county sheriff, the county surveyor in counties where county  
22                  surveyors receive salaries as provided in 7-4-2812, and the  
23                  county auditor in all counties wherein such office is  
24                  authorized, for the fiscal year beginning July 1, 1981, is  
25                  computed by adding the annual base salary of:

1                   (a) ~~\$14,000 for the counties of the first through~~  
2                   fifth class to the population increment of \$10 for each 100  
3                   persons or major fraction thereof included in the county's  
4                   population as determined by the 1980 federal decennial  
5                   census; or  
6                   (b) ~~\$12,000 for counties of the sixth and seventh~~  
7                   class to the population increment of \$20 per 100 persons or  
8                   major fraction thereof in the county's population as  
9                   determined by the 1980 federal decennial census. The  
10                  governing body of a county must annually establish the  
11                  salary of each elected county official and each deputy or  
12                  assistant county official, EXCEPT THE COUNTY ASSESSOR, by  
13                  adopting a resolution. This resolution must be adopted no  
14                  later than March 31.  
15                  (2) (A) THE SALARIES OF THE COUNTY ASSESSOR AND THE  
16                  DEPUTY COUNTY ASSESSOR SHALL BE DETERMINED ACCORDING TO THE  
17                  PAY MATRIX WHICH IS ESTABLISHED FOR STATE EMPLOYEES IN TITLE  
18                  2, CHAPTER 18, PART 3:  
19                  (I) THE GRADE OF THE COUNTY ASSESSOR IS THE SAME GRADE  
20                  AS THE APPRAISAL SUPERVISOR OF THE DEPARTMENT OF REVENUE  
21                  SERVING IN THAT COUNTY, BUT THE SALARY OF A COUNTY ASSESSOR  
22                  MAY NOT BE LESS THAN THE SALARY PAID TO THAT OFFICIAL ON  
23                  JULY 1, 1985.  
24                  (II) THE SALARY OF THE DEPUTY COUNTY ASSESSOR MAY NOT  
25                  EXCEED 90% OF THE SALARY OF THE ASSESSOR IN THE COUNTY IN

1 WHICH THE DEPUTY SERVES.

2 (B) THE METHOD OF DETERMINING SALARIES FOR THE COUNTY  
3 ASSESSOR AND THE DEPUTY COUNTY ASSESSOR IN SUBSECTION (2)(A)  
4 MAY NOT BE CONSTRUED TO MEAN THAT THOSE OFFICIALS ARE STATE  
5 EMPLOYEES.

6 (2)(3) (a) The county superintendent of schools shall  
7 receive, in addition to the salary based upon subsection  
8 (1), the sum of \$439 per year.

9 (b) The county sheriff shall receive, in addition to  
10 the salary based upon subsection (1), the sum of \$2,866 per  
11 year.

12 (c) In counties with a population less than 38,888,  
13 the county attorney who is a part-time official shall  
14 receive, in addition to the salary based upon subsection  
15 (1), the sum of \$1,288 per year. In each county with a  
16 population in excess of 38,888, the county attorney shall be  
17 a full-time official under 7-4-2704, and his salary for the  
18 fiscal year beginning July 1, 1981, shall be \$36,500.

19 (d) In those counties where the office of the county  
20 attorney has been established as a full-time position  
21 pursuant to 7-4-2706, the salary of the county attorney for  
22 the fiscal year beginning July 1, 1981, shall be \$36,500.  
23 Beginning on July 1, 1982, and on July 1 of each succeeding  
24 year, each county attorney shall be entitled to an increase  
25 in salary calculated by adding to his annual salary on July

1 1, 1981, an increment of 7% of the last previous calendar  
2 year's consumer price index for all urban consumers, U.S.  
3 department of labor, bureau of labor statistics, or other  
4 index that the bureau of business and economic research of  
5 the university of Montana may in the future recognize as the  
6 successor to that index. The cost-of-living increment for  
7 the fiscal year beginning July 1, 1982, and for each  
8 subsequent fiscal year shall be added to all cost-of-living  
9 increments granted for previous years.

10 (e) For each 10th year after the fiscal year beginning  
11 July 1, 1981, the latest federal decennial census statistics  
12 shall be the basis for computation of population increments  
13 under this section. During the intervening 9 years, the  
14 computation of population increments applicable on July 1 of  
15 each year shall be based on the last calendar year's annual  
16 estimates of counties' populations compiled by the  
17 federal state cooperative program for estimates of the  
18 university of Montana bureau of business and economic  
19 research and the U.S. bureau of the census or other estimate  
20 that the bureau of business and economic research may  
21 certify. The salaries established as provided in subsection  
22 (1) are effective July 1 of each year.

23 (3)(1) The salary of an elected official or a deputy  
24 or assistant county official may not be reduced from the  
25 level of compensation authorized for that position on

1 October 1, 1985, and may be increased subject to the  
 2 requirements of subsection ~~f4~~ (5).

3 ~~f4~~(5) If the governing body decides to raise the  
 4 salaries of county elected officials and-deputy-or-assistant  
 5 county--officials, the governing body must set the salaries  
 6 of all county officers and-deputies-or-assistants using the  
 7 same factor for all county SUCH salaries in a uniform manner  
 8 that will insure that the relative relationship between and  
 9 among salaries remains the same as the level of compensation  
 10 authorized on October 1, 1985. The ratio of the current  
 11 salaries, one to another, must remain the same as the ratio  
 12 of the salaries prior to the increase authorized by the  
 13 governing body."

14 SECTION 2. SECTION 7-4-2502, MCA, IS AMENDED TO READ:

15 "7-4-2502. Payment of salaries of county officials and  
 16 assistants. (1) Except as provided in subsection (2), the  
 17 salaries of the county officers and their assistants may be  
 18 paid monthly, twice monthly, or every 2 weeks out of the  
 19 general fund of the county and upon the order of the board  
 20 of county commissioners.

21 (2) (a) The salary of the county attorney is payable  
 22 monthly, with one-half from the general fund of the county  
 23 and the other one-half from the state treasury upon the  
 24 warrant of the state auditor. The portion payable from the  
 25 state treasury may not exceed \$12,000 per year in the case

1 of part-time county attorneys or \$24,000 per year in the  
 2 case of full-time county attorneys.

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

12 (3) The board has jurisdiction and power, under such  
 13 limitations and restrictions as are prescribed by law, to  
 14 fix the compensation of all county officers not otherwise  
 15 fixed by law and to provide for the payment of the same."

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

17 "7-4-2504. Salaries--to--be--fixed--by--resolution---  
 18 cost-of-living---increments Public hearing and notice  
 19 required. ~~f1~~The county governing body shall by resolution<sub>7</sub>  
 20 on or before July 1, 1982, and on or before July 1 of each  
 21 year thereafter adjust and uniformly fix the salaries of the  
 22 county--treasurer<sub>7</sub> county--clerk<sub>7</sub> county--assessor<sub>7</sub> county  
 23 school--superintendent<sub>7</sub> county--sheriff<sub>7</sub> and the clerk of--the  
 24 district--court<sub>7</sub> the--county--auditor--(if--there--is--one)<sub>7</sub> and  
 25 the--county--surveyor--(if--he--receives--a--salary)---for



1 cost-of-living-increase-by-adding-to-the-annual-salary  
 2 computed-under-7-4-2503-an-increment-calculated-by-applying  
 3 to-the-annual-salary-established-by-7-4-2503(1)-plus  
 4 previous-cost-of-living-increments, 70% of the last previous  
 5 calendar-year's-consumer-price-index-for-all-urban  
 6 consumers, U.S. department-of-labor, bureau-of-labor  
 7 statistics, or other index that the bureau-of-business-and  
 8 economic-research-of-the-university-of-Montana-may-in-the  
 9 future-recognize-as-the-successor-to-that-index. The  
 10 cost-of-living-increment-for-the-fiscal-year-beginning-July  
 11 17-1983, and-for-each-subsequent-fiscal-year-shall-be-added  
 12 to-all-cost-of-living-increments-granted-for-previous-years.

13 (2) If the application of 7-4-2503 does not qualify a  
 14 county-official-for-a-salary-increase-of-at-least-7% on July  
 15 17-1981, his-salary-on-that-date-shall-be-increased-by-an  
 16 amount-sufficient-to-provide-him-total-salary-equal-to-7%  
 17 more-than-during-the-previous-year.

18 (3) The county governing body shall by resolution  
 19 prior-to-July-1-of-each-year, establish-the-salary-of-the  
 20 coroner. The salary must be in effect upon the first day of  
 21 each-ensuing-fiscal-year. Before the governing body may  
 22 establish salaries for county elected officials and deputy  
 23 or assistant county officials, the governing body shall hold  
 24 a public hearing. Notice of the purpose of the public  
 25 hearing must be published in a newspaper of general

1 circulation in the county at least once a week for the 2  
 2 successive weeks before the public hearing."

3 SECTION 4. SECTION 7-4-2505, MCA, IS AMENDED TO READ:

4 "7-4-2505. Amount of compensation for deputies and  
 5 assistants. (1) Subject to subsection (2), the boards of  
 6 county commissioners in the several counties in the state  
 7 shall have the power to fix the compensation allowed any  
 8 deputy or assistant of the following officers:

- 9 (a) clerk and recorder;  
 10 (b) clerk of the district court;  
 11 (c) treasurer;  
 12 (d) assessor;  
 13 (e) county attorney;  
 14 (f) auditor.

15 (2) (a) The salary of a deputy or an assistant listed  
 16 in subsection (1) may not be more than 90% of the salary of  
 17 the officer under whom such deputy or assistant is serving.

18 (b) Where any deputy or assistant is employed for a  
 19 period of less than 1 year, the compensation of such deputy  
 20 or assistant shall be for the time so employed, provided the  
 21 rate of such compensation shall not be in excess of the  
 22 rates now provided by law for similar deputies and  
 23 assistants except as provided herein.

24 (c) Deputy assessors' salaries shall be the same as  
 25 paid the deputy clerk and recorder as provided in 7-4-2503."

1 Section 5. Section 7-4-2108, MCA, is amended to read:

2 "7-4-2108. Mileage allowance for county commissioners  
 3 -- expenses. (1) In addition to the salary provided by  
 4 ~~7-4-2107(1)~~ 7-4-2503, each member of the board of county  
 5 commissioners in counties of the first, second, third, and  
 6 fourth class shall receive a mileage allowance as provided  
 7 in 2-18-503 for the distance necessarily traveled in going  
 8 to and returning from the county seat and his place of  
 9 residence, each day that such trip is actually made and  
 10 while engaged in the performance of his official duties.

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

25 (3) All claims for lodging expense reimbursement

1 allowed under this section must be documented by an  
 2 appropriate receipt.

3 (4) When other than commercial, nonreceiptable lodging  
 4 facilities are utilized by a county commissioner, the amount  
 5 of \$7 will be authorized for lodging expenses for each day  
 6 in which travel involves an overnight stay in lieu of the  
 7 amount authorized in this section. However, when overnight  
 8 accommodations are provided at the expense of any government  
 9 entity, no reimbursement may be claimed for lodging.

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

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

13 "7-14-2610. Payment of damages and expenses. All  
 14 awards of damages estimated by the board or made by the  
 15 proper court and all expenses, including those of the  
 16 members of the board and their per diem authorized by  
 17 ~~7-4-2107~~ and 7-4-2108, shall be paid out of the county road  
 18 fund on the order of the board."

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

20 "7-32-104. Salaries. The provisions of 7-4-2503 and  
 21 7-4-2504 notwithstanding, the salaries of the director and  
 22 employees of the department of public safety shall be  
 23 established by the public safety commission and shall be  
 24 paid by the city or town with the board of county  
 25 commissioners. Said salaries in any event shall not be less

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1 than those ~~specified-in~~ determined pursuant to 7-4-2503 and  
2 7-4-2504."  
3 NEW SECTION. Section 8. Repealer. Sections SECTION  
4 7-4-2107 and 7-4-2505, MCA, are IS repealed.

-End-

HOUSE BILL NO. 75  
INTRODUCED BY HANNAH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF ESTABLISHING SALARIES FOR COUNTY ELECTED OFFICIALS AND DEPUTY--OR--ASSISTANT--COUNTY--OFFICIALS, EXCEPT THE COUNTY ASSESSOR, BY PROVIDING THAT THE SALARIES BE DETERMINED BY THE COUNTY GOVERNING BODY; AMENDING SECTIONS 7-4-2108, 7-4-2503, 7-4-2504 7-4-2502 THROUGH 7-4-2505, 7-14-2610, AND 7-32-104, MCA; REPEALING SECTIONS SECTION 7-4-2107 AND 7-4-2505, MCA."

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

Section 1. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers County governing board to set salaries OF CERTAIN ELECTED COUNTY OFFICERS -- increases to be uniform. (1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, part-time county attorney, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

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

(b) \$12,000 for counties of the sixth and seventh class to the population increment of \$20 per 100 persons or major fraction thereof in the county's population as determined by the 1980 federal decennial census. The governing body of a county must annually establish the salary of each elected county official and each deputy or assistant county official, EXCEPT THE COUNTY ASSESSOR, by adopting a resolution. This resolution must be adopted no later than March 31.

(2) (A) THE SALARIES OF THE COUNTY ASSESSOR AND THE DEPUTY COUNTY ASSESSOR SHALL BE DETERMINED ACCORDING TO THE PAY MATRIX WHICH IS ESTABLISHED FOR STATE EMPLOYEES IN TITLE 2, CHAPTER 18, PART 3:

(I) THE GRADE OF THE COUNTY ASSESSOR IS THE SAME GRADE AS THE APPRAISAL SUPERVISOR OF THE DEPARTMENT OF REVENUE SERVING IN THAT COUNTY, BUT THE SALARY OF A COUNTY ASSESSOR MAY NOT BE LESS THAN THE SALARY PAID TO THAT OFFICIAL ON JULY 1, 1985.

(II) THE SALARY OF THE DEPUTY COUNTY ASSESSOR MAY NOT EXCEED 90% OF THE SALARY OF THE ASSESSOR IN THE COUNTY IN



1 WHICH THE DEPUTY SERVES.  
 2 (B) THE METHOD OF DETERMINING SALARIES FOR THE COUNTY  
 3 ASSESSOR AND THE DEPUTY COUNTY ASSESSOR IN SUBSECTION (2)(A)  
 4 MAY NOT BE CONSTRUED TO MEAN THAT THOSE OFFICIALS ARE STATE  
 5 EMPLOYEES.  
 6 ~~(2)(3) (a) The county superintendent of schools shall~~  
 7 ~~receive, in addition to the salary based upon subsection~~  
 8 ~~(1), the sum of \$400 per year.~~  
 9 ~~(b) The county sheriff shall receive, in addition to~~  
 10 ~~the salary based upon subsection (1), the sum of \$2,000 per~~  
 11 ~~year.~~  
 12 ~~(c) In counties with a population less than 30,000,~~  
 13 ~~the county attorney who is a part-time official shall~~  
 14 ~~receive, in addition to the salary based upon subsection~~  
 15 ~~(1), the sum of \$1,200 per year. In each county with a~~  
 16 ~~population in excess of 30,000, the county attorney shall be~~  
 17 ~~a full-time official under 7-4-2704, and his salary for the~~  
 18 ~~fiscal year beginning July 1, 1981, shall be \$36,500.~~  
 19 ~~(d) In those counties where the office of the county~~  
 20 ~~attorney has been established as a full-time position~~  
 21 ~~pursuant to 7-4-2706, the salary of the county attorney for~~  
 22 ~~the fiscal year beginning July 1, 1981, shall be \$36,500.~~  
 23 ~~Beginning on July 1, 1982, and on July 1 of each succeeding~~  
 24 ~~year, each county attorney shall be entitled to an increase~~  
 25 ~~in salary calculated by adding to his annual salary on July~~

1 ~~1, 1981, an increment of 70% of the last previous calendar~~  
 2 ~~year's consumer price index for all urban consumers, U.S.~~  
 3 ~~department of labor, bureau of labor statistics, or other~~  
 4 ~~index that the bureau of business and economic research of~~  
 5 ~~the university of Montana may in the future recognize as the~~  
 6 ~~successor to that index. The cost of living increment for~~  
 7 ~~the fiscal year beginning July 1, 1983, and for each~~  
 8 ~~subsequent fiscal year shall be added to all cost of living~~  
 9 ~~increments granted for previous years.~~  
 10 ~~(e) For each 10th year after the fiscal year beginning~~  
 11 ~~July 1, 1981, the latest federal decennial census statistics~~  
 12 ~~shall be the basis for computation of population increments~~  
 13 ~~under this section. During the intervening 9 years, the~~  
 14 ~~computation of population increments applicable on July 1 of~~  
 15 ~~each year shall be based on the last calendar year's annual~~  
 16 ~~estimates of counties' populations compiled by the~~  
 17 ~~federal state cooperative program for estimates of the~~  
 18 ~~university of Montana bureau of business and economic~~  
 19 ~~research and the U.S. bureau of the census or other estimate~~  
 20 ~~that the bureau of business and economic research may~~  
 21 ~~certify. The salaries established as provided in subsection~~  
 22 ~~(1) are effective July 1 of each year.~~  
 23 ~~(3)(4) The salary of an elected official or a deputy~~  
 24 ~~or assistant county official may not be reduced from the~~  
 25 ~~level of compensation authorized for that position on~~

1 October 1, 1985, and may be increased CHANGED subject to the  
 2 requirements of subsection ~~(4)~~ (5).

3 ~~(4)~~(5) If the governing body decides to raise CHANGE  
 4 the salaries of county elected officials ~~and--deputy--or~~  
 5 ~~assistant--county-officials~~, the governing body must set the  
 6 salaries of all county officers ~~and-deputies--or--assistants~~  
 7 using the same factor for all county SUCH salaries in a  
 8 uniform manner that will insure that the relative  
 9 relationship between and among salaries remains the same as  
 10 the level of compensation authorized on October 1, 1985.  
 11 The ratio of the current salaries, one to another, must  
 12 remain the same as the ratio of the salaries prior to the  
 13 increase CHANGE authorized by the governing body."

14 SECTION 2. SECTION 7-4-2502, MCA, IS AMENDED TO READ:

15 "7-4-2502. Payment of salaries of county officials and  
 16 assistants. (1) Except as provided in subsection (2), the  
 17 salaries of the county officers and their assistants may be  
 18 paid monthly, twice monthly, or every 2 weeks out of the  
 19 general fund of the county and upon the order of the board  
 20 of county commissioners.

21 (2) (a) The salary of the county attorney is payable  
 22 monthly, with one-half from the general fund of the county  
 23 and the other one-half from the state treasury upon the  
 24 warrant of the state auditor. The portion payable from the  
 25 state treasury may not exceed \$12,000 per year in the case

1 of part-time county attorneys or \$24,000 per year in the  
 2 case of full-time county attorneys.

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

12 (3) The board has jurisdiction and power, under such  
 13 limitations and restrictions as are prescribed by law, to  
 14 fix the compensation of all county officers not otherwise  
 15 fixed by law and to provide for the payment of the same."

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

17 "7-4-2504. Salaries--to--be--fixed--by--resolution--  
 18 cost-of-living---increments Public hearing and notice  
 19 required. ~~(1)-The-county-governing-body-shall-by-resolution,~~  
 20 on-or-before-July-17-1982,-and-on-or-before-July-1--of--each  
 21 year--thereafter-adjust-and-uniformly-fix-the-salaries-of-the  
 22 county--treasurer,-county--clerk,-county--assessor,-county  
 23 school-superintendent,-county-sheriff,-and-the-clerk-of--the  
 24 district--court,-the--county-auditor-(if-there-is-one),-and  
 25 the--county--surveyor--(if-he-receives---a---salary)---for

1 ~~cost-of-living-increase-by-adding-to-the-annual-salary~~  
 2 ~~computed-under-7-4-2503-an-increment-calculated-by-applying~~  
 3 ~~to-the-annual-salary-established-by-7-4-2503(i)-plus~~  
 4 ~~previous-cost-of-living-increments,-70%-of-the-last-previous~~  
 5 ~~calendar-year's-consumer-price-index-for-all-urban~~  
 6 ~~consumers,-B.S.-department-of-labor,-bureau-of-labor~~  
 7 ~~statistics,-or-other-index-that-the-bureau-of-business-and~~  
 8 ~~economic-research-of-the-university-of-Montana-may-in-the~~  
 9 ~~future-recognize-as-the-successor-to-that-index.-The~~  
 10 ~~cost-of-living-increment-for-the-fiscal-year-beginning-July~~  
 11 ~~17-1987,-and-for-each-subsequent-fiscal-year-shall-be-added~~  
 12 ~~to-all-cost-of-living-increments-granted-for-previous-years.~~

13 ~~(2)-If-the-application-of-7-4-2503-does-not-qualify-a~~  
 14 ~~county-official-for-a-salary-increase-of-at-least-7%-on-July~~  
 15 ~~17-1987,-his-salary-on-that-date-shall-be-increased-by-an~~  
 16 ~~amount-sufficient-to-provide-him-total-salary-equal-to-7%~~  
 17 ~~more-than-during-the-previous-year.~~

18 ~~(3)-The-county-governing-body-shall-by-resolution,~~  
 19 ~~prior-to-July-1-of-each-year,-establish-the-salary-of-the~~  
 20 ~~coroner.-The-salary-must-be-in-effect-upon-the-first-day-of~~  
 21 ~~each-ensuing-fiscal-year. Before the governing body may~~  
 22 ~~establish salaries for county elected officials and deputy~~  
 23 ~~or assistant county officials, the governing body shall hold~~  
 24 ~~a public hearing. Notice of the purpose of the public~~  
 25 ~~hearing must be published in a newspaper of general~~

1 circulation in the county at least once a week for the 2  
 2 successive weeks before the public hearing."

3 SECTION 4. SECTION 7-4-2505, MCA, IS AMENDED TO READ:

4 "7-4-2505. Amount of compensation for deputies and  
 5 assistants. (1) Subject to subsection (2), the boards of  
 6 county commissioners in the several counties in the state  
 7 shall have the power to fix the compensation allowed any  
 8 deputy or assistant of the following officers:

9 (a) clerk and recorder;

10 (b) clerk of the district court;

11 (c) treasurer;

12 (d) assessor;

13 (e) county attorney;

14 (f) auditor.

15 (2) (a) The salary of a deputy or an assistant listed  
 16 in subsection (1) may not be more than 90% of the salary of  
 17 the officer under whom such deputy or assistant is serving.

18 (b) Where any deputy or assistant is employed for a  
 19 period of less than 1 year, the compensation of such deputy  
 20 or assistant shall be for the time so employed, provided the  
 21 rate of such compensation shall not be in excess of the  
 22 rates now provided by law for similar deputies and  
 23 assistants except as provided herein.

24 (c) Deputy assessors' salaries shall be the same as  
 25 paid the deputy clerk and recorder as provided in 7-4-2503."

1 Section 5. Section 7-4-2108, MCA, is amended to read:

2 "7-4-2108. Mileage allowance for county commissioners  
3 -- expenses. (1) In addition to the salary provided by  
4 ~~7-4-2107~~ 7-4-2503, each member of the board of county  
5 commissioners in counties of the first, second, third, and  
6 fourth class shall receive a mileage allowance as provided  
7 in 2-18-503 for the distance necessarily traveled in going  
8 to and returning from the county seat and his place of  
9 residence, each day that such trip is actually made and  
10 while engaged in the performance of his official duties.

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

25 (3) All claims for lodging expense reimbursement

1 allowed under this section must be documented by an  
2 appropriate receipt.

3 (4) When other than commercial, nonreceiptable lodging  
4 facilities are utilized by a county commissioner, the amount  
5 of \$7 will be authorized for lodging expenses for each day  
6 in which travel involves an overnight stay in lieu of the  
7 amount authorized in this section. However, when overnight  
8 accommodations are provided at the expense of any government  
9 entity, no reimbursement may be claimed for lodging.

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

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

13 "7-14-2610. Payment of damages and expenses. All  
14 awards of damages estimated by the board or made by the  
15 proper court and all expenses, including those of the  
16 members of the board and their per diem authorized by  
17 ~~7-4-2107~~ and 7-4-2108, shall be paid out of the county road  
18 fund on the order of the board."

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

20 "7-32-104. Salaries. The provisions of 7-4-2503 and  
21 7-4-2504 notwithstanding, the salaries of the director and  
22 employees of the department of public safety shall be  
23 established by the public safety commission and shall be  
24 paid by the city or town with the board of county  
25 commissioners. Said salaries in any event shall not be less



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1 than those ~~specified-in~~ determined pursuant to 7-4-2503 and  
2 7-4-2504."

3 NEW SECTION. Section 8. Repealer. Sections SECTION  
4 7-4-2107 and-7-4-2505, MCA, are IS repealed.

-End-