

HOUSE BILL NO. 11
INTRODUCED BY MANUEL

IN THE HOUSE

June 16, 1986	Introduced and referred to Committee on Local Government.
June 20, 1986	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
June 23, 1986	Second reading, do pass as amended. Third reading, passed. Transmitted to Senate.

IN THE SENATE

June 24, 1986	Introduced and referred to Committee on Local Government.
June 26, 1986	Committee recommend bill be concurrent in as amended. Report adopted.
June 27, 1986	Second reading, concurred in. Third reading, concurred in. Ayes, 40; Noes, 10. Returned to House with amendments.

IN THE HOUSE

June 28, 1986	Received from Senate. Second reading, amendments concurrent in.
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June 28, 1986

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 11

INTRODUCED BY

Manuel

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

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

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

"3-10-207. Salaries. (1) The board of county commissioners shall set salaries for justices of the peace by resolution, but a justice of the peace may, for all or the remainder of each fiscal year, set his salary at the June 30, 1986, level if that level is lower than the level set by the resolution. Salaries must meet the minimum requirements established by this section.

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

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

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

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

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1) Each member of the board of county commissioners in counties of the first, second, third, and fourth class shall receive an annual salary equal to the annual salary established in 7-4-2503 for the clerk and recorder plus \$2,000, but a county commissioner may, for all or the remainder of each fiscal year, set his salary at the June 30, 1986, level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year

beginning July 1, 1985, the salary is \$60 a day. Thereafter, on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding to the amount of \$60 an increment calculated as provided in 7-4-2504, but a county commissioner may, for all or the remainder of each fiscal year, set his salary at the June 30, 1986, level if that level is lower than the level required by this subsection.

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

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

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

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than two deputies payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

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

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

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

"7-4-2503. Salary schedule for certain county officers. (1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the

1 county auditor in all counties wherein such office is
2 authorized, for the fiscal year beginning July 1, 1981, is
3 computed by adding the annual base salary of:

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

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

13 (2) (a) An elected county superintendent of schools
14 shall receive, in addition to the salary based upon
15 subsection (1), the sum of \$400 per year, except that an
16 elected county superintendent of schools who holds a master
17 of arts degree or a master's degree in education, with an
18 endorsement in school administration, from a unit of the
19 Montana university system or an equivalent institution may,
20 at the discretion of the county commissioners, receive, in
21 addition to the salary based upon subsection (1), up to
22 \$2,000 per year.

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

1 (3) (a) In each county with a population in excess of
2 30,000, the county attorney shall be a full-time official
3 under 7-4-2704, and his salary for the fiscal year beginning
4 July 1, 1981, shall be \$36,500. In counties with a
5 population less than 30,000, the county attorney who is a
6 part-time official for a county of the first, second, or
7 third class is entitled to receive an annual salary equal to
8 60% of the annual salary of a full-time county attorney. A
9 county attorney who is a part-time official for a county of
10 the fourth, fifth, sixth, or seventh class is entitled to
11 receive an annual salary equal to 50% of the annual salary
12 of a full-time county attorney.

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

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

1 county attorney may, for all or the remainder of each fiscal
 2 year, set his salary at the June 30, 1986, level if that
 3 level is lower than the level required by this subsection
 4 (3)(c). The cost-of-living increment for the fiscal year
 5 beginning July 1, 1983, and for each subsequent fiscal year
 6 shall be added to all cost-of-living increments granted for
 7 previous years.

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

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

23 (4) For each 10th year after the fiscal year beginning
 24 July 1, 1981, the latest federal decennial census statistics
 25 shall be the basis for computation of population increments

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

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

11 "7-4-2504. Salaries to be fixed by resolution --
 12 cost-of-living increments. (1) The county governing body
 13 shall by resolution, on or before July 1, 1982, and on or
 14 before July 1 of each year thereafter adjust and uniformly
 15 fix the salaries of the county treasurer, county clerk,
 16 county assessor, county school superintendent, county
 17 sheriff, and the clerk of the district court; the county
 18 auditor (if there is one); and the county surveyor (if he
 19 receives a salary) for cost-of-living increase by adding to
 20 the annual salary computed under 7-4-2503 an increment
 21 calculated by applying to the annual salary established by
 22 7-4-2503(1) plus previous cost-of-living increments, 70% of
 23 the last previous calendar year's consumer price index for
 24 all urban consumers, U.S. department of labor, bureau of
 25 labor statistics, or other index that the bureau of business

and economic research of the university of Montana may in the future recognize as the successor to that index. Any official listed in this subsection may, however, for all or the remainder of each fiscal year, set his salary at the June 30, 1986, level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years.

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

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

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB011, as introduced.

Description of Proposed Legislation:

HB11 allows county officials to freeze their salaries at fiscal year June 30, 1986, levels if that level is lower than otherwise required by law.

Assumptions:

1. All county officials listed in this bill accept the freeze. Therefore, the maximum fiscal impact of freezing salaries is estimated. Longevity and benefits are not included.
2. The number of county officials remains constant at FY86 levels in FY87.
3. County official salaries would increase 2.5% between FY86 and FY87.
4. In FY87, funding for deputy assessors comes 100% from the state; funding for assessors comes 70% from the state and 30% from the county.
5. Counties pay half of the county attorney and deputy county attorney salaries; the state pays the other half.

Fiscal Impact:Expenditures: (Impact in FY87 only)FY87

Current Law

Personal Services Costs	\$8,005,259
State General Fund	\$2,312,316
County Funds	<u>\$5,692,943</u>
Total	\$8,005,259

Proposed Law

Personal Services Costs	\$7,767,486
State General Fund	\$2,261,123
County Funds	<u>\$5,506,363</u>
Total	\$7,767,489

Savings Under Proposed Law

Personal Services Costs	\$ 237,773
State General Fund	\$ 51,193
County Funds	<u>\$ 186,580</u>
Total	\$ 237,773

David L. Hunter
BUDGET DIRECTOR

6/20/86
DATE

Office of Budget and Program Planning

Rep. Ray Manuel
PRIMARY SPONSOR

6-21-86
DATE

Fiscal Note for HB11, as introduced.

Form BD-15

HB11

Page 2

Affect on County or Other Local Revenue or Expenditures:

County expenditures for county officials would be reduced by at least \$186,580 in FY87, excluding benefits and longevity.

Long-Range Effects of Proposed Legislation:

None noted.

Technical or Mechanical Defects or Conflicts With Existing Legislation:

None noted.

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 11
INTRODUCED BY MANUEL

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

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

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

"3-10-207. Salaries. (1) The board of county
commissioners shall set salaries for justices of the peace
by resolution ~~--but a justice of the peace~~ AND may, for all
or the remainder of each fiscal year, IN CONJUNCTION WITH
OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his salary
THEIR SALARIES at the June-30-1986, PRIOR FISCAL YEAR level
if that level is lower than the level set by the--resolution
DOES NOT RESULT IN A REDUCTION IN SALARY. Salaries must
meet the minimum requirements established by this section.

(2) If the salary of the justice of the peace was
determined on a fee basis for the years 1971 and 1972, he
shall receive a monthly salary of not less than

one-eighteenth of the total fees, civil and criminal,
collected by the justice or his predecessor in office during
the 2 years 1971 and 1972.

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

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

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

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)
Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but a THE
county commissioner COMMISSIONERS may, for all or the
remainder of each fiscal year, IN CONJUNCTION WITH OTHER
OFFICERS AS PROVIDED IN 7-4-2504(1), set his--salary THEIR
SALARIES at the June-30-1986, PRIOR FISCAL YEAR level if

1 that level is lower than the level required by this
2 subsection.

3 (2) Each member of the board in all other counties is
4 entitled to a salary for each day in which he is actually
5 and necessarily engaged in the performance of board duties
6 as set by resolution of the board. For the fiscal year
7 beginning July 1, 1985, the salary is \$60 a day. Thereafter,
8 on or before July 1 of each year, the county commission
9 shall fix a cost-of-living adjusted daily salary by adding
10 to the amount of \$60 an increment calculated as provided in
11 7-4-2504, but a THE county commissioner COMMISSIONERS may,
12 for all or the remainder of each fiscal year, IN CONJUNCTION
13 WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his
14 salary THEIR SALARIES at the June--30,--1986, PRIOR FISCAL
15 YEAR level if that level is lower than the level required by
16 this subsection.

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

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

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

1 (2) (a) The salaries of the county attorney and deputy
2 county attorneys authorized by 7-4-2703 are payable monthly,
3 with the salaries of the county attorney and no more than
4 two deputies payable one-half from the general fund of the
5 county and the other one-half from the state treasury upon
6 the warrant of the state auditor. Such salaries for the
7 deputy county attorneys include the longevity increases
8 provided by 7-4-2503(3)(d).

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

20 (3) The board has jurisdiction and power, under such
21 limitations and restrictions as are prescribed by law, to
22 fix the compensation of all county officers not otherwise
23 fixed by law and to provide for the payment of the same--but
24 an--officer AND may, for all or the remainder of each fiscal
25 year, IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN

7-4-2504(1), set ~~his salary~~ THEIR SALARIES at the ~~June-30,~~
~~1986,~~ PRIOR FISCAL YEAR level if that level is lower than
the level set by the board."

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

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

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

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

(2) (a) An elected county superintendent of schools shall receive, in addition to the salary based upon subsection (1), the sum of \$400 per year, except that an

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

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

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

(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the salary of the county attorney for

the fiscal year beginning July 1, 1981, shall be \$36,500.

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. However, a county-attorney THE COUNTY COMMISSIONERS may, for all or the remainder of each fiscal year, IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his THE salary at the June-30-1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS.

(d) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is entitled to

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

(ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be included in the calculation of the longevity increase, BUT YEARS OF SERVICE DURING ANY YEAR IN WHICH THE SALARY WAS SET BASED UPON THE SALARY OF THE PRIOR FISCAL YEAR MAY NOT BE INCLUDED IN ANY CALCULATION OF LONGEVITY INCREASES.

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

research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify."

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

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

BODY, COUNTY ATTORNEY, AND CORONER, set his THE salary at the June-30,--1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS.

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

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

NEW SECTION. Section 6. Effective date. This act is

HB 0011/02

1 effective on passage and approval.

-End-

HOUSE BILL NO. 11

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY
~~OFFICIALS~~ COMMISSIONERS TO SET THEIR AND ALL OTHER COUNTY
OFFICIALS' SALARIES UNIFORMLY AT THE JUNE--30,--1986, PRIOR
FISCAL YEAR LEVEL IF--THAT--LEVEL-IS-LOWER-THAN-THE-LEVEL
~~OTHERWISE--REQUIRED--BY--LAW;~~ AMENDING SECTIONS 3-10-207,
7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, AND 7-4-2510, MCA;
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SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN
7-4-2504(1), set ~~his salary~~ THEIR SALARIES at the ~~June--30,~~
~~1986, PRIOR FISCAL YEAR level if that level is lower than~~
~~the level set--by--the--resolution~~ DOES NOT RESULT IN A
REDUCTION IN SALARY. Salaries must meet the minimum
requirements established by this section.

(2) If the salary of the justice of the peace was
determined on a fee basis for the years 1971 and 1972, he

shall receive a monthly salary of not less than
one-eighteenth of the total fees, civil and criminal,
collected by the justice or his predecessor in office during
the 2 years 1971 and 1972.

(3) If the salary of the justice of the peace was
determined on a nonfee basis for the years 1971 and 1972,
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and 1972.

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

(5) In the event his court is not open for business
full time, the justice's salary shall be commensurate to the
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Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)
Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but ~~a~~ THE
county commissioner COMMISSIONERS may, for all or the
remainder of each fiscal year, IN CONJUNCTION WITH SETTING
SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set

THIRD READING

HB 11

his-salary THEIR SALARIES at the June-30, 1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year beginning July 1, 1985, the salary is \$60 a day. Thereafter, on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding to the amount of \$60 an increment calculated as provided in 7-4-2504, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his-salary THEIR SALARIES at the June-30, 1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

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

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

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

of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than two deputies payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

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

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same but an--officer AND may, for all or the remainder of each fiscal

year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER
OFFICERS AS PROVIDED IN 7-4-2504(1), set his salary THEIR
SALARIES at the June-30-1986, PRIOR FISCAL YEAR level if
that-level-is-lower-than-the-level-set-by-the-board."

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

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

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

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

(2) (a) An elected county superintendent of schools shall receive, in addition to the salary based upon

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

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

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

(b) In those counties where the office of the county attorney has been established as a full-time position

1 pursuant to 7-4-2706, the salary of the county attorney for
2 the fiscal year beginning July 1, 1981, shall be \$36,500.

3 (c) Beginning on July 1, 1982, and on July 1 of each
4 succeeding year, each county attorney shall be entitled to
5 an increase in salary calculated by adding to his annual
6 salary on July 1, 1981, an increment of 70% of the last
7 previous calendar year's consumer price index for all urban
8 consumers, U.S. department of labor, bureau of labor
9 statistics, or other index that the bureau of business and
10 economic research of the university of Montana may in the
11 future recognize as the successor to that index. However, a
12 county-attorney THE COUNTY COMMISSIONERS may, for all or the
13 remainder of each fiscal year, IN CONJUNCTION WITH SETTING
14 SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set
15 his THE salary at the June-30-1987-1986, PRIOR FISCAL YEAR level
16 if that level is lower than the level required by this
17 subsection (3)(c). The cost-of-living increment for the
18 fiscal year beginning July 1, 1983, and for each subsequent
19 fiscal year shall be added to all cost-of-living increments
20 granted for previous years UNLESS SALARIES WERE SET FOR THE
21 FISCAL YEAR BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL
22 YEAR. IN SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD
23 HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE
24 PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS.

25 (d) (i) After completing 4 years of service as deputy

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

12 (ii) The years of service as a deputy county attorney
13 accumulated prior to July 1, 1985, must be included in the
14 calculation of the longevity increase, BUT YEARS OF SERVICE
15 DURING ANY YEAR IN WHICH THE SALARY WAS SET BASED UPON THE
16 SALARY OF THE PRIOR FISCAL YEAR MAY NOT BE INCLUDED IN ANY
17 CALCULATION OF LONGEVITY INCREASES.

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

1 university of Montana bureau of business and economic
2 research and the U.S. bureau of the census or other estimate
3 that the bureau of business and economic research may
4 certify."

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

6 "7-4-2504. Salaries to be fixed by resolution --
7 cost-of-living increments. (1) The county governing body
8 shall by resolution, on or before July 1, 1982, and on or
9 before July 1 of each year thereafter adjust and uniformly
10 fix the salaries of the county treasurer, county clerk,
11 county assessor, county school superintendent, county
12 sheriff, and the clerk of the district court; the county
13 auditor (if there is one); and the county surveyor (if he
14 receives a salary) for cost-of-living increase by adding to
15 the annual salary computed under 7-4-2503 an increment
16 calculated by applying to the annual salary established by
17 7-4-2503(1) plus previous cost-of-living increments, 70% of
18 the last previous calendar year's consumer price index for
19 all urban consumers, U.S. department of labor, bureau of
20 labor statistics, or other index that the bureau of business
21 and economic research of the university of Montana may in
22 the future recognize as the successor to that index. Any
23 official-listed-in-this-subsection THE COUNTY GOVERNING BODY
24 may, however, for all or the remainder of each fiscal year,
25 IN CONJUNCTION WITH SETTING SALARIES FOR THE SAME ACTION ON

1 THE SALARIES OF JUSTICES OF THE PEACE (IF APPLICABLE), THE
2 COUNTY GOVERNING BODY, COUNTY ATTORNEY, AND CORONER, set his
3 THE salary at the June-30-1986, PRIOR FISCAL YEAR level if
4 that level is lower than the level required by this
5 subsection. The cost-of-living increment for the fiscal year
6 beginning July 1, 1983, and for each subsequent fiscal year
7 shall be added to all cost-of-living increments granted for
8 previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR
9 BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN
10 SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN
11 RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL
12 YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS.

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 1, 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, ~~but the coroner~~ AND may, for all or the remainder
21 of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES
22 FOR OTHER OFFICERS AS PROVIDED IN SUBSECTION (1), set his
23 THE salary at the June-30-1986, PRIOR FISCAL YEAR level if
24 ~~that level is lower than the level set by the resolution.~~
25 The salary must be in effect upon the first day of each

1 ensuing fiscal year."

2 SECTION 6. SECTION 7-4-2510, MCA, IS AMENDED TO READ:

3 "7-4-2510. Sheriff's department -- longevity payments.

4 Beginning on the date of his first anniversary of employment

5 with the department and adjusted annually, a deputy sheriff

6 or undersheriff is entitled to receive a longevity payment

7 amounting to 1% of the minimum base annual salary for each

8 year of service with the department, but years of service

9 during any year in which the salary was set at the same

10 level as the salary of the prior fiscal year may not be

11 included in any calculation of longevity increases. This

12 payment shall be made in equal monthly installments."

13 NEW SECTION. Section 7. Effective date. This act is

14 effective on passage and approval.

-End-

HOUSE BILL NO. 11
INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY
~~OFFICIALS~~ COMMISSIONERS TO SET THEIR AND ALL OTHER COUNTY
OFFICIALS' SALARIES UNIFORMLY AT THE ~~JUNE--307--19867~~ PRIOR
FISCAL YEAR LEVEL IF--THAT--LEVEL--IS--LOWER--THAN--THE--LEVEL
~~OTHERWISE--REQUIRED--BY--LAW~~; AMENDING SECTIONS 3-10-207,
7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, AND 7-4-2510, MCA;
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"3-10-207. Salaries. (1) The board of county
commissioners shall set salaries for justices of the peace
by resolution~~7--but--a--justice--of--the--peace~~ AND may, for all
or the remainder of each fiscal year, IN CONJUNCTION WITH
SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN
7-4-2504(1), set his salary THEIR SALARIES at the June--307,
19867 PRIOR FISCAL YEAR level if that level is lower than
the level set--by--the--resolution DOES NOT RESULT IN A
REDUCTION IN SALARY. Salaries must meet the minimum
requirements established by this section.

(2) If the salary of the justice of the peace was
determined on a fee basis for the years 1971 and 1972, he

shall receive a monthly salary of not less than
one-eighteenth of the total fees, civil and criminal,
collected by the justice or his predecessor in office during
the 2 years 1971 and 1972.

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

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

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

Section 2. Section 7-4-2107, MCA, is amended to read:

"7-4-2107. Compensation of county commissioners. (1)
Each member of the board of county commissioners in counties
of the first, second, third, and fourth class shall receive
an annual salary equal to the annual salary established in
7-4-2503 for the clerk and recorder plus \$2,000, but a THE
county commissioner COMMISSIONERS may, for all or the
remainder of each fiscal year, IN CONJUNCTION WITH SETTING
SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set

his-salary THEIR SALARIES at the June-30-1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

(2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties as set by resolution of the board. For the fiscal year beginning July 1, 1985, the salary is \$60 a day. Thereafter, on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding to the amount of \$60 an increment calculated as provided in 7-4-2504, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his-salary THEIR SALARIES at the June-30-1986, PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

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

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

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

of county commissioners.

(2) (a) The salaries of the county attorney and deputy county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than two deputies payable one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries for the deputy county attorneys include the longevity increases provided by 7-4-2503(3)(d).

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

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same, but an--officer AND may, for all or the remainder of each fiscal

year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER
OFFICERS AS PROVIDED IN 7-4-2504(1), set his salary THEIR
SALARIES at the June-30, 1986, PRIOR FISCAL YEAR level if
that level is lower than the level set by the board."

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

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

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

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

(2) (a) An elected county superintendent of schools shall receive, in addition to the salary based upon

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

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

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

(b) In those counties where the office of the county attorney has been established as a full-time position

1 pursuant to 7-4-2706, the salary of the county attorney for
2 the fiscal year beginning July 1, 1981, shall be \$36,500.

3 (c) Beginning on July 1, 1982, and on July 1 of each
4 succeeding year, each county attorney shall be entitled to
5 an increase in salary calculated by adding to his annual
6 salary on July 1, 1981, an increment of 70% of the last
7 previous calendar year's consumer price index for all urban
8 consumers, U.S. department of labor, bureau of labor
9 statistics, or other index that the bureau of business and
10 economic research of the university of Montana may in the
11 future recognize as the successor to that index. However, a
12 county-attorney THE COUNTY COMMISSIONERS may, for all or the
13 remainder of each fiscal year, IN CONJUNCTION WITH SETTING
14 SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set
15 his THE salary at the June-30-1986, PRIOR FISCAL YEAR level
16 if that level is lower than the level required by this
17 subsection (3)(c). The cost-of-living increment for the
18 fiscal year beginning July 1, 1983, and for each subsequent
19 fiscal year shall be added to all cost-of-living increments
20 granted for previous years UNLESS SALARIES WERE SET FOR THE
21 FISCAL YEAR BASED-UPON AT THE LEVEL OF SALARIES RECEIVED IN
22 THE PRIOR FISCAL YEAR. IN SUCH CASE THE COST-OF-LIVING
23 INCREMENT THAT WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL
24 YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO
25 PREVIOUS INCREMENTS.

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

13 (ii) The years of service as a deputy county attorney
14 accumulated prior to July 1, 1985, must be included in the
15 calculation of the longevity increase, BUT YEARS OF SERVICE
16 DURING ANY YEAR IN WHICH THE SALARY WAS SET BASED-UPON AT
17 THE LEVEL OF THE SALARY OF THE PRIOR FISCAL YEAR MAY NOT BE
18 INCLUDED IN ANY CALCULATION OF LONGEVITY INCREASES.

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

1 federal-state cooperative program for estimates of the
2 university of Montana bureau of business and economic
3 research and the U.S. bureau of the census or other estimate
4 that the bureau of business and economic research may
5 certify."

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

7 "7-4-2504. Salaries to be fixed by resolution --
8 cost-of-living increments. (1) The county governing body
9 shall by resolution, on or before July 1, 1982, and on or
10 before July 1 of each year thereafter adjust and uniformly
11 fix the salaries of the county treasurer, county clerk,
12 county assessor, county school superintendent, county
13 sheriff, and the clerk of the district court; the county
14 auditor (if there is one); and the county surveyor (if he
15 receives a salary) for cost-of-living increase by adding to
16 the annual salary computed under 7-4-2503 an increment
17 calculated by applying to the annual salary established by
18 7-4-2503(1) plus previous cost-of-living increments, 70% of
19 the last previous calendar year's consumer price index for
20 all urban consumers, U.S. department of labor, bureau of
21 labor statistics, or other index that the bureau of business
22 and economic research of the university of Montana may in
23 the future recognize as the successor to that index. Any
24 official-listed-in-this-subsection THE COUNTY GOVERNING BODY
25 may, however, for all or the remainder of each fiscal year,

1 IN CONJUNCTION WITH SETTING SALARIES FOR THE SAME ACTION ON
2 THE SALARIES OF JUSTICES OF THE PEACE (IF APPLICABLE), THE
3 COUNTY GOVERNING BODY, COUNTY ATTORNEY, AND CORONER, set his
4 THE salary at the June-30, 1986, PRIOR FISCAL YEAR level if
5 that level is lower than the level required by this
6 subsection. The cost-of-living increment for the fiscal year
7 beginning July 1, 1983, and for each subsequent fiscal year
8 shall be added to all cost-of-living increments granted for
9 previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR
10 BASED-UPON AT THE LEVEL OF SALARIES RECEIVED IN THE PRIOR
11 FISCAL YEAR. IN SUCH CASE THE COST-OF-LIVING INCREMENT THAT
12 WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON
13 THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS
14 INCREMENTS.

15 (2) If the application of 7-4-2503 does not qualify a
16 county official for a salary increase of at least 7% on July
17 1, 1981, his salary on that date shall be increased by an
18 amount sufficient to provide him total salary equal to 7%
19 more than during the previous year.

20 (3) The county governing body shall by resolution,
21 prior to July 1 of each year, establish the salary of the
22 coroner, ~~but the coroner~~ AND may, for all or the remainder
23 of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES
24 FOR OTHER OFFICERS AS PROVIDED IN SUBSECTION (1), set his
25 THE salary at the June-30, 1986, PRIOR FISCAL YEAR level if

1 ~~that--level--is--lower--than--the--level--set--by--the--resolution.~~

2 The salary must be in effect upon the first day of each
3 ensuing fiscal year."

4 SECTION 6. SECTION 7-4-2510, MCA, IS AMENDED TO READ:

5 "7-4-2510. Sheriff's department -- longevity payments.
6 Beginning on the date of his first anniversary of employment
7 with the department and adjusted annually, a deputy sheriff
8 or undersheriff is entitled to receive a longevity payment
9 amounting to 1% of the minimum base annual salary for each
10 year of service with the department, but years of service
11 during any year in which the salary was set at the same
12 level as the salary of the prior fiscal year may not be
13 included in any calculation of longevity increases. This
14 payment shall be made in equal monthly installments."

15 NEW SECTION. Section 7. Effective date. This act is
16 effective on passage and approval.

-End-

STANDING COMMITTEE REPORT

June 26 19 86

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 11

third reading copy (blue color)

Manuel

ALLOW COUNTY OFFICIALS TO FREEZE THEIR SALARIES AT JUNE 30, 1986 LEVEL

Respectfully report as follows: That HOUSE BILL No. 11
be amended as follows:

1. Page 7, line 21.
Following: "FISCAL YEAR"
Strike: "BASED UPON"
Insert: "at the level of"
2. Page 8, line 15.
Following: "SET"
Strike: "BASED UPON"
Insert: "at the level of"
3. Page 10, line 9.
Following: line 8
Strike: "BASED UPON"
Insert: "at the level of"

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~


SENATOR DAVE FULLER, Chairman.