# HOUSE BILL NO. 11

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# INTRODUCED BY MANUEL

# IN THE HOUSE

| June | 16, | 1986 |      | Introduced and referred to<br>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 T | HE SENATE  |
| June | 24, | 1986 |      | Introduced and referred to<br>Committee on Local Government.               |
| June | 26, | 1986 |      | Committee recommend bill be<br>concurred in as amended. Report<br>adopted. |
| June | 27, | 1986 |      | Second reading, concurred in.  |
|      |     |      |      | Third reading, concurred in.<br>Ayes, 40; Noes, 10.                        |
|      |     |      |      | Returned to House with amendments.   |
|      |     |      | IN T | HE HOUSE   |
| June | 28, | 1986 |      | Received from Senate.  |
|      |     |      |      | Second reading, amendments concurred in.                                   |

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June 28, 1986

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

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."

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

12 Section 1. Section 3-10-207, MCA, is amended to read: "3-10-207. Salaries. (1) The board of county 13 14 commissioners shall set salaries for justices of the peace by resolution, but a justice of the peace may, for all or 15 16 the remainder of each fiscal year, set his salary at the 17 June 30, 1986, level if that level is lower than the level 18 set by the resolution. Salaries must meet the minimum 19 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.

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

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

12 Section 2. Section 7-4-2107, MCA, is amended to read; "7-4-2107. Compensation of county commissioners. (1) 13 Each member of the board of county commissioners in counties 14 of the first, second, third, and fourth class shall receive 15 an annual salary equal to the annual salary established in 16 17 7-4-2503 for the clerk and recorder plus \$2,000, but a county commissioner may, for all or the remainder of each 18 fiscal year, set his salary at the June 30, 1986, level if 19 that level is lower than the level required by this 20 21 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

-2- INTRODUCED BILL

#### LC 0040/01

1 beginning July 1, 1985, the salary is \$60 a day. Thereafter, 2 on or before July 1 of each year, the county commission З shall fix a cost-of-living adjusted daily salary by adding to the amount of \$60 an increment calculated as provided in 4 5 7-4-2504, but a county commissioner may, for all or the remainder of each fiscal year, set his salary at the June 6 7 30, 1986, level if that level is lower than the level 8 required by this subsection.

9 (3) This section does not apply to counties that have10 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 18 19 county attorneys authorized by 7-4-2703 are payable monthly, with the salaries of the county attorney and no more than 20 two deputies payable one-half from the general fund of the 21 county and the other one-half from the state treasury upon 22 the warrant of the state auditor. Such salaries for the 23 deputy county attorneys include the longevity increases 24 25 provided by 7-4-2503(3)(d).

(b) The county commissioners of each county shall, 1 within 30 days after the election or appointment to fill a 2 vacancy for any cause in the office of county attorney or 3 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 6 warrants for such salary in the same manner as for state 7 officers. In case of a vacancy, the county commissioners R shall immediately notify the state auditor, and the auditor 9 shall compute the salary due on the basis of the 10 11 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, but 16 an officer may, for all or the remainder of each fiscal 17 year, set his salary at the June 30, 1986, level if that 18 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

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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:

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 Montana university system or an equivalent institution may, 19 20 at the discretion of the county commissioners, receive, in 21 addition to the salary based upon subsection (1), up to \$2,000 per year. 22

(b) The county sheriff shall receive, in addition to
the salary based upon subsection (1), the sum of \$2,000 per
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 under 7-4-2704, and his salary for the fiscal year beginning 3 4 July 1, 1981, shall be \$36,500. In counties with a population less than 30,000, the county attorney who is a 5 part-time official for a county of the first, second, or б third class is entitled to receive an annual salary equal to 7 60% of the annual salary of a full-time county attorney. A В 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 of a full-time county attorney. 12

(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.

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

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#### LC 0040/01

1 county attorney 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)(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.

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 llth 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

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

Section 5. Section 7-4-2504, MCA, is amended to read: 10 "7-4-2504. Salaries to be fixed by resolution --11 cost-of-living increments. (1) The county governing body 12 shall by resolution, on or before July 1, 1982, and on or 13 before July 1 of each year thereafter adjust and uniformly 14 fix the salaries of the county treasurer, county clerk, 15 county assessor, county school superintendent, county 16 sheriff, and the clerk of the district court; the county 17 auditor (if there is one); and the county surveyor (if he 18 receives a salary) for cost-of-living increase by adding to 19 the annual salary computed under 7-4-2503 an increment 20 calculated by applying to the annual salary established by 21 7-4-2503(1) plus previous cost-of-living increments, 70% of 22 the last previous calendar year's consumer price index for 23 all urban consumers, U.S. department of labor, bureau of 24 labor statistics, or other index that the bureau of business 25

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and economic research of the university of Montana may in 1 the future recognize as the successor to that index. Any 2 official listed in this subsection may, however, for all or 3 the remainder of each fiscal year, set his salary at the 4 5 June 30, 1986, level if that level is lower than the level required by this subsection. The cost-of-living increment 6 for the fiscal year beginning July 1, 1983, and for each 7 8 subsequent fiscal year shall be added to all cost-of-living 9 increments granted for previous years.

10 (2) If the application of 7-4-2503 does not qualify a
11 county official for a salary increase of at least 7% on July
12 1, 1981, his salary on that date shall be increased by an
13 amount sufficient to provide him total salary equal to 7%
14 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."

22 <u>NEW SECTION.</u> Section 6. Effective date. This act is
23 effective on passage and approval.

-End-

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#### STATE OF MONTANA - FISCAL NOTE

#### Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <u>HB011</u>, 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) | <u>FY87</u>                          |
|-------------------------------------|--------------------------------------|
| Current Law                         |                                      |
| Personal Services Costs             | \$8,005,259                          |
| State General Fund                  | \$2,312,316                          |
| County Funds                        | \$5,692,943                          |
| Total                               | \$8,005,259                          |
| Proposed Law                        |                                      |
| Personal Services Costs             | \$7,767,486                          |
| State General Fund                  | \$2,261,123                          |
| County Funds                        | \$5,506,363                          |
| Total                               | \$7,767,489                          |
| Savings Under Proposed Law          |                                      |
| Personal Services Costs             | \$ 237,773                           |
| State General Fund                  | \$ 51,193                            |
| County Funds                        | \$ 186,580                           |
| Total                               | \$ 186,580<br>\$ <del>237</del> ,773 |
| and hiter (2)/26                    | (Feo)                                |
| BUDGET DIRECTOR DATE                | PRIMARY SPO                          |

Office of Budget and Program Planning

6-21-86 1 ania

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 Regislation: None noted.

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Technical or Mechanical Defects or Conflicts With Existing Legislation: None noted.

#### 49th Legislature Special Session 6/86

#### HB 0011/02

#### APPROVED BY COMM. On Local Government

| 1  | HOUSE BILL NO. 11   |
|----|---|
| 2  | INTRODUCED BY MANUEL  |
| 3  |   |
| 4  | A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY               |
| 5  | OFFICIALS COMMISSIONERS TO SET THEIR AND ALL OTHER COUNTY         |
| 6  | OFFICIALS' SALARIES UNIFORMLY AT THE JUNE30719867 PRIOR           |
| 7  | FISCAL YEAR LEVEL IFTHATBEVED-IS-BOWER-THAN-THE-BEVED             |
| 8  | OTHERWISEREQUIREDBYDAW; AMENDING SECTIONS 3-10-207,               |
| 9  | 7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, MCA; AND PROVIDING       |
| 10 | AN IMMEDIATE EFFECTIVE DATE."                                     |
| 11 |   |
| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:         |
| 13 | Section 1. Section 3-10-207, MCA, is amended to read:             |
| 14 | "3-10-207. Salaries. (1) The board of county                      |
| 15 | commissioners shall set salaries for justices of the peace        |
| 16 | by resolution <u>7but-a-justice-of-the-peace AND may, for all</u> |
| 17 | or the remainder of each fiscal year, IN CONJUNCTION WITH         |
| 18 | OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his-solary         |
| 19 | THEIR SALARIES at the June-307-19867 PRIOR FISCAL YEAR level      |
| 20 | if that level-is-lower-then-the-level-set-by-theresolution        |
| 21 | DOES NOT RESULT IN A REDUCTION IN SALARY. Salaries must           |
| 22 | meet the minimum requirements established by this section.        |
| 23 | (2) If the salary of the justice of the peace was                 |
| 24 | determined on a fee basis for the years 1971 and 1972, he         |
| 25 | 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.

4 (3) If the salary of the justice of the peace was 5 determined on a nonfee basis for the years 1971 and 1972, 6 the justice shall be paid not less than the highest salary 7 earned by the justice or his predecessor for the years 1971 8 and 1972.

9 (4) The salary of the justice of the peace may not be 10 less than the salary for the district clerk of the court in 11 that county, except as provided for in subsection 12 <u>SUBSECTIONS (1) AND</u> (5).

13 (5) In the event his court is not open for business 14 full time, the justice's salary shall be commensurate to the 15 workload and office hours of the court."

16 Section 2. Section 7-4-2107, MCA, is amended to read: 17 "7-4-2107. Compensation of county commissioners. (1) 18 Each member of the board of county commissioners in counties 19 of the first, second, third, and fourth class shall receive an annual salary equal to the annual salary established in 20 21 7-4-2503 for the clerk and recorder plus \$2,000, but a THE county commissioner COMMISSIONERS may, for all or the 22 23 remainder of each fiscal year, IN CONJUNCTION WITH OTHER 24 OFFICERS AS PROVIDED IN 7-4-2504(1), set his--salary THEIR 25 SALARIES at the June-307-19867 PRIOR FISCAL YEAR level if

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SECOND READING

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

(2) Each member of the board in all other counties is 3 entitled to a salary for each day in which he is actually 4 and necessarily engaged in the performance of board duties 5 as set by resolution of the board. For the fiscal year 6 7 beginning July 1, 1985, the salary is \$60 a day. Thereafter, 8 on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding 9 to the amount of \$60 an increment calculated as provided in 10 11 7-4-2504, but a THE county commissioner COMMISSIONERS may, 12 for all or the remainder of each fiscal year, IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his 13 salary THEIR SALARIES at the June--307--19867 PRIOR FISCAL 14 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 have18 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 vacancy for any cause in the office of county attorney or 11 12 within 30 days after the appointment of a deputy county 13 attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw 14 15 warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners 16 shall immediately notify the state auditor, and the auditor 17 shall compute the salary due on the basis of the 18 notification. 19

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<sub>T</sub>-but 24 an--officer AND may, for all or the remainder of each fiscal 25 year, IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN

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# <u>7-4-2504(1)</u>, set <u>his-salary</u> THEIR SALARIES at the June-307 <u>19867</u> PRIOR FISCAL YEAR level <u>if-that-level-is-lower--than</u>

#### 3 the-level-set-by-the-board."

Section 4. Section 7-4-2503, MCA, is amended to read: 4 5 "7-4-2503. Salary schedule for certain county officers. (1) The salary paid to the county treasurer, 6 7 county clerk and recorder, clerk of the district court, 8 county assessor, county superintendent of schools, and 9 county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the 10 11 county auditor in all counties wherein such office is 12 authorized, for the fiscal year beginning July 1, 1981, is 13 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.

23 (2) (a) An elected county superintendent of schools
24 shall receive, in addition to the salary based upon
25 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.

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

(3) (a) In each county with a population in excess of 11 30,000, the county attorney shall be a full-time official 12 13 under 7-4-2704, and his salary for the fiscal year beginning July 1, 1981, shall be \$36,500. In counties with a 14 population less than 30,000, the county attorney who is a 15 part-time official for a county of the first, second, or 16 third class is entitled to receive an annual salary equal to 17 60% of the annual salary of a full-time county attorney. A 18 county attorney who is a part-time official for a county of 19 the fourth, fifth, sixth, or seventh class is entitled to 20 receive an annual salary equal to 50% of the annual salary 21 of a full-time county attorney. 22

(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

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1 the fiscal year beginning July 1, 1981, shall be \$36,500. 2 (c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to 3 an increase in salary calculated by adding to his annual 4 5 salary on July 1, 1981, an increment of 70% of the last previous 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 9 economic research of the university of Montana may in the future recognize as the successor to that index. However, a 10 county-attorney THE COUNTY COMMISSIONERS may, for all or the 11 12 remainder of each fiscal year, IN CONJUNCTION WITH OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his THE salary at 13 14 the June-307-19867 PRIOR FISCAL YEAR level if that level is 15 lower than the level required by this subsection (3)(c). The 16 cost-of-living increment for the fiscal year beginning July 17 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years 18 UNLESS SALARIES WERE SET FOR THE FISCAL YEAR BASED UPON 19 20 SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN SUCH CASE THE 21 COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT 22 23 BE ADDED TO PREVIOUS INCREMENTS. 24

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

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

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(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, <u>BUT YEARS OF SERVICE</u>
 <u>DURING ANY YEAR IN WHICH THE SALARY WAS SET BASED UPON THE</u>
 <u>SALARY OF THE PRIOR FISCAL YEAR MAY NOT BE INCLUDED IN ANY</u>
 CALCULATION OF LONGEVITY INCREASES.

(4) For each 10th year after the fiscal year beginning 17 18 July 1, 1981, the latest federal decennial census statistics 19 shall be the basis for computation of population increments under this section. During the intervening 9 years, the 20 computation of population increments applicable on July 1 of 21 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 university of Montana bureau of business and economic 25

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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: 4 5 "7-4-2504. Salaries to be fixed by resolution -cost-of-living increments. (1) The county governing body 6 7 shall by resolution, on or before July 1, 1982, and on or 8 before July 1 of each year thereafter adjust and uniformly 9 fix the salaries of the county treasurer, county clerk, 10 county assessor, county school superintendent, county 11 sheriff, and the clerk of the district court; the county 12 auditor (if there is one); and the county surveyor (if he 13 receives a salary) for cost-of-living increase by adding to 14 the annual salary computed under 7-4-2503 an increment 15 calculated by applying to the annual salary established by 16 7-4-2503(1) plus previous cost-of-living increments, 70% of 17 the last previous calendar year's consumer price index for 18 all urban consumers, U.S. department of labor, bureau of 19 labor statistics, or other index that the bureau of business 20 and economic research of the university of Montana may in 21 the future recognize as the successor to that index. Any 22 official-listed-in-this-subsection THE COUNTY GOVERNING BODY 23 may, however, for all or the remainder of each fiscal year, 24 IN CONJUNCTION WITH THE SAME ACTION ON THE SALARIES OF 25 JUSTICES OF THE PEACE (IF APPLICABLE), THE COUNTY GOVERNING

1 BODY, COUNTY ATTORNEY, AND CORONER, set his THE salary at 2 the June-307-19867 PRIOR FISCAL YEAR level if that level is 3 lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 4 5 1, 1983, and for each subsequent fiscal year shall be added 6 to all cost-of-living increments granted for previous years 7 UNLESS SALARIES WERE SET FOR THE FISCAL YEAR BASED UPON 8 SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN SUCH CASE THE 9 COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN RECEIVED FOR 10 SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT 11 BE ADDED TO PREVIOUS INCREMENTS. 12 (2) If the application of 7-4-2503 does not qualify a 13 county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an 14 15 amount sufficient to provide him total salary equal to 7% more than during the previous year. 16 17 (3) The county governing body shall by resolution, 18 prior to July 1 of each year, establish the salary of the 19 coroner<sub>7</sub>-but-the-coroner AND may, for all or the remainder of each fiscal year, IN CONJUNCTION WITH OTHER OFFICERS AS 20 PROVIDED IN SUBSECTION (1), set his THE salary at the June 21 22 307--19867 PRIOR FISCAL YEAR level if-that-level-is-lower

24 effect upon the first day of each ensuing fiscal year."

25 <u>NEW SECTION.</u> Section 6. Effective date. This act is

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than-the-level-set-by-the-resolution. The salary must be in

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23

### 1 effective on passage and approval.

-End-

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Nontana Legislative Council

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|    | HOUSE BILL NO. 11  | l shall receive a monthly salary of not less than   |
|----|--|---|
| 1  |  | 2 one-eighteenth of the total fees, civil and criminal,   |
| 2  | INTRODUCED BY MANUEL   | 3 collected by the justice or his predecessor in office during  |
| 3  |  | 4 the 2 years 1971 and 1972.  |
| 4  | A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY              | -   |
| 5  | OPPIEIALS COMMISSIONERS TO SET THEIR AND ALL OTHER COUNTY        | 5 (3) If the salary of the justice of the peace was   |
| 6  | OFFICIALS' SALARIES UNIFORMLY AT THE JUNE30719867 PRIOR          | 6 determined on a nonfee basis for the years 1971 and 1972,   |
|    | FISCAL YEAR LEVEL IPTHATBEVEL-IS-BOWER-THAN-THE-BEVEB            | 7 the justice shall be paid not less than the highest salary  |
| 7  |  | 8 earned by the justice or his predecessor for the years 1971   |
| 8  | OTHERWISEREQUIREDBYLAW; AMENDING SECTIONS 3-10-207,              | 9 and 1972.   |
| 9  | 7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, AND 7-4-2510, MCA;      | 10 (4) The salary of the justice of the peace may not be  |
| 10 | AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."                      | 11 less than the salary for the district clerk of the court in  |
| 11 |  | -   |
| 12 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:        | 12 that county, except as provided for in subsection  |
| 13 | Section 1. Section 3-10-207, MCA, is amended to read:            | $13 \qquad \qquad$ |
| 14 | "3-10-207. Salaries. (1) The board of county                     | 14 (5) In the event his court is not open for business  |
|    |  | 15 full time, the justice's salary shall be commensurate to the   |
| 15 | commissioners shall set salaries for justices of the peace       | 16 workload and office hours of the court."   |
| 16 | by resolution <u>but-a-justice-of-the-peace</u> AND may, for all | 17 Section 2. Section 7-4-2107, MCA, is amended to read:  |
| 17 | or the remainder of each fiscal year, IN CONJUNCTION WITH        | 18 "7-4-2107. Compensation of county commissioners. (1)   |
| 18 | SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN               |   |
| 19 | 7-4-2504(1), set his-salary THEIR SALARIES at the June307        | 19 Each member of the board of county commissioners in counties   |
| 20 | 19867 PRIOR FISCAL YEAR level if that level-is-lower-than        | 20 of the first, second, third, and fourth class shall receive  |
| 21 | the-level-setbytheresolution DOES NOT RESULT IN A                | 21 an annual salary equal to the annual salary established in   |
|    |  | 22 7-4-2503 for the clerk and recorder plus \$2,000 <u>, but</u> <u>a</u> <u>THE</u>  |
| 22 | REDUCTION IN SALARY. Salaries must meet the minimum              | 23 county commissioner COMMISSIONERS may, for all or the  |
| 23 | requirements established by this section.                        | 24 remainder of each fiscal year, IN CONJUNCTION WITH SETTING   |
| 24 | (2) If the salary of the justice of the peace was                | 25 SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set  |
| 25 | determined on a fee basis for the years 1971 and 1972, he        | THIRD READING   |
|    | ٨  |   |

# his-saiary THEIR SALARIES at the June-307-19867 PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

4 (2) Each member of the board in all other counties is 5 entitled to a salary for each day in which he is actually and necessarily engaged in the performance of board duties 6 as set by resolution of the board. For the fiscal year 7 8 beginning July 1, 1985, the salary is \$60 a day. Thereafter, 9 on or before July 1 of each year, the county commission 10 shall fix a cost-of-living adjusted daily salary by adding 11 to the amount of \$60 an increment calculated as provided in 12 7-4-2504, but a THE county commissioner COMMISSIONERS may, for all or the remainder of each fiscal year, IN CONJUNCTION 13 14 WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 15 7-4-2504(1), set his-salary THEIR SALARIES at the June-307 16 19867 PRIOR FISCAL YEAR level if that level is lower than 17 the level required by this subsection.

18 (3) This section does not apply to counties that have19 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

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1 of county commissioners.

2 (2) (a) The salaries of the county attorney and deputy 3 county attorneys authorized by 7-4-2703 are payable monthly, 4 with the salaries of the county attorney and no more than 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 9 provided by 7-4-2503(3)(d).

(b) The county commissioners of each county shall, 10 within 30 days after the election or appointment to fill a 11 12 vacancy for any cause in the office of county attorney or 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

21 (3) The board has jurisdiction and power, under such 22 limitations and restrictions as are prescribed by law, to 23 fix the compensation of all county officers not otherwise 24 fixed by law and to provide for the payment of the same<u> $\tau$ -but</u> 25 an--officer AND may, for all or the remainder of each fiscal

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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-board."

Section 4. Section 7-4-2503, MCA, is amended to read: 5 \*7-4-2503. Salary schedule for certain county 6 officers. (1) The salary paid to the county treasurer, 7 county clerk and recorder, clerk of the district court, 8 county assessor, county superintendent of schools, and 9 county sheriff; the county surveyor in counties where county 10 surveyors receive salaries as provided in 7-4-2812; and the 11 county auditor in all counties wherein such office is 12 authorized, for the fiscal year beginning July 1, 1981, is 13 computed by adding the annual base salary of: 14

(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

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1 subsection (1), the sum of \$400 per year, except that an elected county superintendent of schools who holds a master 2 of arts degree or a master's degree in education, with an 3 endorsement in school administration, from a unit of the 4 Montana university system or an equivalent institution may, 5 at the discretion of the county commissioners, receive, in 6 addition to the salary based upon subsection (1), up to 7 \$2,000 per year. я

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.

(3) (a) In each county with a population in excess of 12 30.000, the county attorney shall be a full-time official 13 under 7-4-2704, and his salary for the fiscal year beginning 14 15 July 1, 1981, shall be \$36,500. In counties with a population less than 30,000, the county attorney who is a 16 part-time official for a county of the first, second, or 17 third class is entitled to receive an annual salary equal to 18 60% of the annual salary of a full-time county attorney. A 19 20 county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to 21 receive an annual salary equal to 50% of the annual salary 22 of a full-time county attorney. 23

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

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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. (c) Beginning on July 1, 1982, and on July 1 of each 3 4 succeeding year, each county attorney shall be entitled to 5 an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last 6 previous calendar year's consumer price index for all urban 7 consumers, U.S. department of labor, bureau of labor 8 9 statistics, or other index that the bureau of business and 10 economic research of the university of Montana may in the future recognize as the successor to that index. However, a 11 county-attorney THE COUNTY COMMISSIONERS may, for all or the 12 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-307-19867 PRIOR FISCAL YEAR level if that level is lower than the level required by this 16 17 subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent 18 fiscal year shall be added to all cost-of-living increments 19 20 granted for previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL 21 YEAR. IN SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD 22 HAVE BEEN RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE 23 PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS. 24 (d) (i) After completing 4 years of service as deputy 25

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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 salary of \$1,500 on the anniversary date of his employment. 6 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 llth 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

19 July 1, 1981, the latest rederal 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

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1 university of Montana bureau of business and economic 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

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

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1 THE SALARIES OF JUSTICES OF THE PEACE (IF APPLICABLE), THE 2 COUNTY GOVERNING BODY, COUNTY ATTORNEY, AND CORONER, set his THE salary at the June-307-19867 PRIOR FISCAL YEAR level if 3 that level is lower than the level required by this 4 5 subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year 6 7 shall be added to all cost-of-living increments granted for 8 previous years UNLESS SALARIES WERE SET FOR THE FISCAL YEAR BASED UPON SALARIES RECEIVED IN THE PRIOR FISCAL YEAR. IN 9 10 SUCH CASE THE COST-OF-LIVING INCREMENT THAT WOULD HAVE BEEN 11 RECEIVED FOR SUCH FISCAL YEAR, COMPUTED ON THE PRIOR FISCAL YEAR, MAY NOT BE ADDED TO PREVIOUS INCREMENTS. 12 (2) If the application of 7-4-2503 does not qualify a 13 14 county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an 15 amount sufficient to provide him total salary equal to 7% 16 17 more than during the previous year. 10 (3) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the 19 coronery-but-the-coroner AND may, for all or the remainder 20 of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES 21 22 FOR OTHER OFFICERS AS PROVIDED IN SUBSECTION (1), set his THE salary at the June-307-19867 PRIOR FISCAL YEAR level if 23 that-level-is-lower-than-the-level-set--by--the--resolution. 24

25 The salary must be in effect upon the first day of each

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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-

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HOUSE BILL NO. 11 1 INTRODUCED BY MANUEL 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY 4 5 OFFICIALS COMMISSIONERS TO SET THEIR AND ALL OTHER COUNTY OFFICIALS' SALARIES UNIFORMLY AT THE JUNE--- 307--- 19867 PRIOR 6 FISCAL YEAR LEVEL #P--THAT--BEVEB-IS-BOWER-THAN-THE-BEVEB 7 8 OTHERWISE--REGUIRED--BY--BAW; AMENDING SECTIONS 3-10-207. 7-4-2107, AND 7-4-2502 THROUGH 7-4-2504, AND 7-4-2510, MCA; 9 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 10

11

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

13 Section 1. Section 3-10-207, MCA, is amended to read: "3-10-207. Salaries. (1) The board of 14 county commissioners shall set salaries for justices of the peace 15 16 by resolution -- but-a-justice-of-the-peace AND may, for all 17 or the remainder of each fiscal year, IN CONJUNCTION WITH 18 SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his-salary THEIR SALARIES at the June--307 19 20 19867 PRIOR FISCAL YEAR level if that level-is-lower-than the-level-set--by--the--resolution DOES NOT RESULT IN A 21 REDUCTION IN SALARY. Salaries must meet the minimum 22 23 requirements established by this section.

24 (2) If the salary of the justice of the peace was25 determined on a fee basis for the years 1971 and 1972, he

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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.

5 (3) If the salary of the justice of the peace was 6 determined on a nonfee basis for the years 1971 and 1972, 7 the justice shall be paid not less than the highest salary 8 earned by the justice or his predecessor for the years 1971 9 and 1972.

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

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

17 Section 2. Section 7-4-2107, MCA, is amended to read: "7-4-2107. Compensation of county commissioners. (1) 18 Each member of the board of county commissioners in counties 19 of the first, second, third, and fourth class shall receive 20 an annual salary equal to the annual salary established in 21 7-4-2503 for the clerk and recorder plus \$2,000, but a THE 22 county commissioner COMMISSIONERS may, for all or the 23 24 remainder of each fiscal year, IN CONJUNCTION WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set 25 Reference Bill

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# his-selary THEIR SALARIES at the June-307-19867 PRIOR FISCAL YEAR level if that level is lower than the level required by this subsection.

4 (2) Each member of the board in all other counties is entitled to a salary for each day in which he is actually 5 and necessarily engaged in the performance of board duties 6 7 as set by resolution of the board. For the fiscal year 8 beginning July 1, 1985, the salary is \$60 a day. Thereafter, 9 on or before July 1 of each year, the county commission shall fix a cost-of-living adjusted daily salary by adding \_0 to the amount of \$60 an increment calculated as provided in 11 7-4-2504, but a THE county commissioner COMMISSIONERS may, 12 13 for all or the remainder of each fiscal year, IN CONJUNCTION 14 WITH SETTING SALARIES FOR OTHER OFFICERS AS PROVIDED IN 7-4-2504(1), set his-salary THEIR SALARIES at the June-307 15 19867 PRIOR FISCAL YEAR level if that level is lower than 16 17 the level required by this subsection.

18 (3) This section does not apply to counties that have19 adopted a charter form of government."

20 Section 3. Section 7-4-2502, MCA, is amended to read: 21 "7-4-2502. Payment of salaries of county officials and 22 assistants. (1) Except as provided in subsection (2), the 23 salaries of the county officers and their assistants may be 24 paid monthly, twice monthly, or every 2 weeks out of the 25 general fund of the county and upon the order of the board 1 of county commissioners.

(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
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<u>7-but</u>
<u>an--officer AND may, for all or the remainder of each fiscal</u>

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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-board."

Section 4. Section 7-4-2503, MCA, is amended to read: 5 "7-4-2503. Salary schedule for certain 6 county officers. (1) The salary paid to the county treasurer, 7 8 county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, and 9 county sheriff; the county surveyor in counties where county 10 surveyors receive salaries as provided in 7-4-2812; and the 11 county auditor in all counties wherein such office is 12 authorized, for the fiscal year beginning July 1, 1981, is 13 14 computed by adding the annual base salary of:

15 (a) \$14,000 for the counties of the first through 16 fifth class to the population increment of \$10 for each 100 17 persons or major fraction thereof included in the county's 18 population as determined by the 1980 federal decennial 19 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.

24 (2) (a) An elected county superintendent of schools25 shall receive, in addition to the salary based upon

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subsection (1), the sum of \$400 per year, except that an 1 elected county superintendent of schools who holds a master 2 of arts degree or a master's degree in education, with an 3 endorsement in school administration, from a unit of the 4 Montana university system or an equivalent institution may, 5 at the discretion of the county commissioners, receive, in 6 7 addition to the salary based upon subsection (1), up to 8 \$2,000 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.

(3) (a) In each county with a population in excess of 12 13 30,000, the county attorney shall be a full-time official 14 under 7-4-2704, and his salary for the fiscal year beginning July 1, 1981, shall be \$36,500. In counties with a 15 population less than 30,000, the county attorney who is a 16 17 part-time official for a county of the first, second, or third class is entitled to receive an annual salary equal to 18 60% of the annual salary of a full-time county attorney. A 19 20 county attorney who is a part-time official for a county of 21 the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary 22 23 of a full-time county attorney.

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

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| 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-307-19867 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 llth 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 BASEDUPON 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           |

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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

| 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-307-19867 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 | BASEB-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 | l, 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 | coroner7butthe-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 $\frac{3}{2}$ and $\frac{3}{2}$ , |
|    | -10- HB 11  |

HB 0011/04

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1 <u>that--level--is--lower-than-the-level-set-by-the-resolution</u>.
2 The salary must be in effect upon the first day of each
3 ensuing fiscal year."

SECTION 6. SECTION 7-4-2510, MCA, IS AMENDED TO READ: 4 "7-4-2510. Sheriff's department -- longevity payments. 5 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 amounting to 1% of the minimum base annual salary for each 9 year of service with the department, but years of service 10 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-

-11-

# **STANDING COMMITTEE REPORT**

|                                      |  |          |         |           | June 26   |        | 19. 86       |
|--------------------------------------|--|----------|---------|-----------|-----------|--------|--------------|
| MR. PRESIDENT                        |  |          |         |           |           |        |              |
| We, your commit                      | ttee on LOCAI  | L GOVERN | MENT    |           |           |        |              |
| having had under co                  | nsideration  |          | нот     | JSE BILL  |           | N      | No.11        |
| third                                | reading copy(  | olue     | )       |           |           |        |              |
| Manuel                               | J  | color    |         |           |           |        |              |
| ALLOW COUNTY                         | OFFICIALS TO   | FREEZE   | THEIR S | SALARIES  | AT JUNE   | 30, 19 | 86 LEVEL     |
| Respectfully report a be amended a   | as follows: That<br>as follows:                                  |          | HOU     | ISE BILL  |           | N      | Jo <u>11</u> |
| Followin<br>Strike:                  | line 21.<br>ng: "FISCAL Y<br>"BASED UPON"<br>"at the leve        | 1        |         |           |           |        |              |
| Followin<br>Strike:                  | line 15.<br>ng: "SET"<br>" <u>BASED UPON'</u><br>"at the leve    |          |         |           |           |        |              |
| Followi:<br>Strike:                  | , line 9.<br>ng: line 8<br>" <u>BASED UPON</u> "<br>"at the leve |          |         |           |           |        |              |
|                                      |  |          |         |           |           |        |              |
| AND AS AMEN<br>BE CONCURRE<br>MAXXXX |  |          |         |           |           |        |              |
| XXXXXXXXXX                           |  |          |         | SENATOR I | DAVE FULL | LER,   | Chairman.    |

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