

HB 13 INTRODUCED BY PATTERSON
LEGISLATORS AND ELECTED AND APPOINTED OFFICIALS; 10%
SALARY REDUCTION

6/16	INTRODUCED	
6/16	REFERRED TO STATE ADMINISTRATION	
6/18	HEARING	
6/20	HEARING	
6/20	TABLED AS AMENDED IN COMMITTEE	
6/21	SECOND HEARING	
6/21	COMMITTEE REPORT-BILL PASS AS AMENDED	
6/23	2ND READING CONSIDERATION PASSED	63 30
6/24	2ND READING CONSIDERATION PASSED	58 38
6/24	REFERRED TO STATE ADMINISTRATION FROM SECOND READING	
6/25	HEARING	
6/25	TABLED AS AMENDED IN COMMITTEE	

1 HOUSE BILL NO. 13
2 INTRODUCTION BY PATTERSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE SALARIES
5 OF LEGISLATORS AND CERTAIN ELECTED AND APPOINTED STATE
6 OFFICIALS AND EMPLOYEES; AMENDING SECTIONS 2-16-405,
7 5-2-301, 13-37-106, AND 15-2-102, MCA; AND PROVIDING
8 EFFECTIVE DATES."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-16-405, MCA, is amended to read:

12 "2-16-405. Salaries of certain elected state
13 officials. The salaries paid to certain elected officials of
14 the state of Montana for fiscal year ~~1986~~ 1987 and following
15 years are:

16 Governor	\$50,452
17	<u>\$45,407</u>
18 Lieutenant governor	\$36,141
19	<u>\$32,527</u>
20 Chief justice of the supreme court	\$51,722
21 Justices of the supreme court, each	\$50,452
22 Attorney general	\$46,816
23	<u>\$41,415</u>
24 State auditor	\$33,342
25	<u>\$30,008</u>

1 Superintendent of public instruction	\$39,672
2	<u>\$35,705</u>
3 Public service commission chairman	\$37,363
4	<u>\$33,627</u>
5 Public service commissioners, other than	
6 chairman	\$36,141
7	<u>\$32,527</u>
8 Secretary of state	\$33,342
9	<u>\$30,008</u>
10 Clerk of the supreme court	\$32,401
11	<u>\$29,161"</u>

12 Section 2. Section 5-2-301, MCA, is amended to read:

13 "5-2-301. Compensation and expenses for members while
14 in session. (1) Legislators are entitled to a salary
15 commensurate to ~~that~~ 90% of the daily rate of a grade ~~10~~ 8,
16 step 2, classified state employee, which rate is in effect
17 when the regular session of the legislature in which they
18 serve is convened under 5-2-103 for those days during which
19 the legislature is in session. The president of the senate
20 and the speaker of the house shall receive an additional \$5
21 a day in salary for those days during which the legislature
22 is in session.

23 (2) Legislators may serve for no salary.
24 (3) Legislators are entitled to \$50 a day, 7 days a
25 week, during a legislative session, as reimbursement for



1 expenses incurred in attending a session. Expense payments
2 shall stop when the legislature recesses for more than 3
3 days and shall resume when the legislature reconvenes.

4 (4) Legislators are entitled to a mileage allowance as
5 provided in 2-18-503 for each mile of travel to the place of
6 the holding of the session and to return to their place of
7 residence at the conclusion of the session.

8 (5) In addition to the mileage allowance provided for
9 in subsection (4), legislators, upon submittal of an
10 appropriate claim for such mileage reimbursement to the
11 office of the legislative council, are entitled to:

12 (a) three additional round trips to their place of
13 residence during each regular session; and

14 (b) such additional round trips as are authorized by
15 the legislature during special session.

16 (6) Legislators are not entitled to any additional
17 mileage allowance under subsection (4) for a special session
18 if it is convened within 7 days of a regular session."

19 Section 3. Section 13-37-106, MCA, is amended to read:

20 "13-37-106. Salary. (1) The commissioner of political
21 practices is entitled to receive a salary of \$27,655
22 \$24,890 a year.

23 (2) The salary commission must review the
24 commissioner's salary and may recommend salary increases to
25 the legislature."

1 Section 4. Section 15-2-102, MCA, is amended to read:

2 "15-2-102. Qualification and compensation. (1) To be
3 appointed a member of the state tax appeal board, a person
4 must possess knowledge of the subject of taxation and skill
5 in matters pertaining thereto. No person so appointed may
6 hold any other office under the laws of this state or any
7 other state or any office under the government of the United
8 States or under the government of any other state. He shall
9 devote his entire time to the duties of the office and shall
10 not hold any other position of trust or profit or engage in
11 any occupation or business interfering or inconsistent with
12 his duties. The state tax appeal board is transferred to the
13 department of administration for administrative purposes
14 only as is specified in 2-15-121. However, the board may
15 hire its own personnel, and 2-15-121(2)(d) does not apply.

16 (2) The member designated chairman as provided for in
17 15-2-103 shall receive a salary of \$28,373 \$25,536 a year.
18 The remaining state tax appeal board members shall be paid a
19 salary of \$27,635 \$24,872 a year. All members of the board
20 shall receive travel expenses as provided for in 2-18-501
21 through 2-18-503, as amended, when away from the capital on
22 official business.

23 (3) The salary commission must review the salary for
24 members of the board and shall recommend an appropriate
25 salary to the legislature."

1 NEW SECTION. Section 5. Salaries of appointed
2 executive branch officials and employees not provided for in
3 other MCA sections. For fiscal year 1987 and following years
4 the salaries of the following executive branch appointed
5 officials and employees is 90% of the salary in effect on
6 June 9, 1986:

- 7 (1) department heads appointed under 2-15-111;
8 (2) the administrator of the division of workers'
9 compensation appointed under 2-15-1702; and
10 (3) any other full-time employee or official who is
11 appointed by any other official or employee and whose salary
12 is not provided for in another provision of the MCA.

13 NEW SECTION. Section 6. Effective dates. (1) Section
14 2 of this act is effective January 2, 1987.

15 (2) All other sections of this act are effective on
16 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 HB013, as originally introduced.

Description of Proposed Legislation:

A bill for an act entitled: "An act to reduce the salaries of legislators and certain elected and appointed state officials and employees; amending sections 2-16-405, 5-2-301, 13-37-106 and 15-2-102, MCA; and effective dates."

Assumptions:

1. Annual salaries of affected positions were obtained by multiplying the hourly rate listed in the 5/23/86 position control report by 2088 hours (the annual number of work hours in FY87).
2. Actual 1986-87 benefit rates for each individual position were used.
3. Positions under the Board of Regents, except university presidents and the central office of the Commissioner of Higher Education, and positions under the Board of Public Education, except the executive secretary of the board and the superintendent and business manager at the School for the Deaf and Blind, were not included in the fiscal note expenditure estimate (see technical note).

Fiscal Impact:

	FY87 <u>Current Law</u>	FY87 <u>Proposed Law</u>	Net <u>Decrease</u>
<u>Total Expenditures for Personal Services</u>	\$7,432,291	\$6,616,461	(\$815,830)

Funding Source:

General Fund	\$5,216,971	\$4,610,473	(\$606,498)
Earmarked Special Revenue Fund	858,401	776,870	(81,531)
Federal and Private Special Revenue	563,217	510,155	(53,062)
Proprietary	356,515	322,769	(33,746)
Expendable Trust	4,020	3,650	(370)
Current Unrestricted	433,167	392,544	(40,623)

Affect on County or Other Local Revenue or Expenditures:

None.

Long-Range Effects of Proposed Legislation:

Depends on actions of future legislatures.

David L. Hunter 6/19/86
BUDGET DIRECTOR DATE
Office of Budget and Program Planning

John Peterson 20 June 86
PRIMARY SPONSOR DATE

Fiscal Note for HB 13, AS ORIGINALLY INTRODUCED

Technical or Mechanical Defects in Proposed Legislation or Conflicts With Existing Legislation:

It is unclear as to which positions are to be included in section 5 of HB13. No administrative positions under the Board of Regents, except for the university presidents and central office of the Commissioner of Higher Education were included. Administrative positions under the Board of Public Education were not included except for the administrative secretary of the board and the superintendent and business manager at the School for the Deaf and Blind.

The bill could be interpreted to apply to all faculty members of the University System. Section 5(3) states that salary is to be 90% of the July 9, 1986 salary for "any other full-time employee or official who is appointed by any other official or employee and whose salary is not provided for in another provision of the MCA." Since all faculty are "appointed" and their salaries are not provided for in the MCA, HB013 may apply. If that interpretation is correct, the fiscal impact would be substantially larger. There would be a conflict with contractual obligations of the state with faculty positions and with some other positions clearly covered by the bill.

STATE OF MONTANA - FISCAL NOTE

Form BD-15


In compliance with a written request, there is hereby submitted a Fiscal Note for HB013, with house amendments.

Description of Proposed Legislation:

An act to reduce the salaries of legislators, certain elected and appointed state officials and employees; and elected county officials; amending sections 2-16-405, 3-10-2107, 5-2-301, 7-4-2107, 7-4-2502 through 7-4-2505, 13-37-1061 and 15-2-201, MCA; and providing effective dates.

Assumptions:

1. For salaries of state officials the current law estimate was derived by multiplying the hourly rate by 2,088 hours for FY87 from position budget by information on personal services turn-around documents for FY87. The effect of the proposed law was estimated by multiplying the hourly rate by 2,088 hours; the hourly rate was taken from the position control report of 5/23/86. Actual benefit levels for FY87 were used.
2. The estimated salaries of county attorneys, county assessors, and deputy county assessors was taken from the payroll report of 5/23/86. Actual benefit levels for FY87 were used. Deputy county assessors were included because their salaries are set at 90% of the respective county assessor's salary; therefore, a "freeze" in the assessor's salary would impact the deputy assessors' salaries.
3. Legislators' salaries were calculated from the FY87 pay matrix excluding insurance. FY87 benefit rates were used. The amount paid to legislators participating on interim committees would be reduced as well if the 1987 Legislature did not change legislative salaries. That amount is not included although it is estimated to be about \$13,000.
4. County elected officials' salaries were estimated from a survey of 30 counties with a cross-section of 1st, 2nd, 3rd, 4th, 5th, 6th and 7th class counties. An average benefit rate of 8% was used. That rate includes an estimate for workers' compensation and federal income tax; no insurance or retirement benefits are included. The total amount from the 30 surveyed counties was increased by a factor of 1.45 to reflect the total impact to all 56 counties.
5. Salaries of Justices of the Peace were not reduced in the estimate of county impact because it is not known how many of these positions would be affected (see section 13 of HB13).
6. Current law salaries for the support staff of the House and Senate, while in session, were estimated by using the amounts paid for the 49th Legislative session including overtime pay, adding 6% to reflect pay raises granted in the FY87 pay plan, and using FY87 benefit rates.
7. The cost of the 10 additional clerical staff in the Legislative Council authorized for FY87 under current law, was figured using an annual rate of \$16,975 for each. One (1) new professional staff was figured using an annual rate of \$24,499.

 6/23/86
 BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

PRIMARY SPONSOR

DATE

Fiscal Note for HB13, as amended.

Form BD-15

HB013, as originally introduced

Page 2;

Fiscal Impact:

	FY87	FY87	Difference
<u>Expenditures</u>	<u>Current Law</u>	<u>Proposed Law</u>	
General Fund	\$12,101,759	\$11,349,929	(\$751,830)
Earmarked Special Revenue Fund	1,711,881	1,630,778	(81,103)
Federal Private and Special Proprietary Fund	563,217	536,717	(26,500)
Expendable Trust	356,515	339,641	(16,874)
	4,020	3,836	(184)
Total Expenditures for Personal Services	\$14,737,392	\$13,860,901	(\$876,491)

Affect on County or Other Local Revenue or Expenditures:

	FY87	FY87	Difference
	<u>Current Law</u>	<u>Proposed Law</u>	
Expenditures from County*			
General Fund	\$8,453,429	\$7,589,864	(\$863,565)

*Includes some impact on the road fund as well because portions of county commissioners' salaries are paid from the road funds in some counties.

Decreased expenditures in counties could be higher than the estimate if reducing elected officials' salaries would prompt salary freezes or reductions for other county employers.

Long-Range Effects of Proposed Legislation:

The long-range effects of HB13 will depend on the actions of future legislatures in establishing pay schedules.

Technical or Mechanical Defects in Proposed Legislation or Conflicts With Existing Legislation:

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 HOUSE BILL NO. 13
 2 INTRODUCED BY PATTERSON
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE SALARIES
 5 OF LEGISLATORS, AND CERTAIN ELECTED AND APPOINTED STATE
 6 OFFICIALS AND EMPLOYEES, AND ELECTED COUNTY OFFICIALS;
 7 AMENDING SECTIONS 2-16-405, 3-10-207, 5-2-301, 7-4-2107,
 8 7-4-2502 THROUGH 7-4-2505, 13-37-106, AND 15-2-102, MCA; AND
 9 PROVIDING EFFECTIVE DATES."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 2-16-405, MCA, is amended to read:
 13 "2-16-405. Salaries of certain elected state
 14 officials. The salaries paid to certain elected officials of
 15 the state of Montana for fiscal year 1986 1987 and following
 16 years are:
 17 Governor \$50,452
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 20 Lieutenant governor \$36,141
 21 \$32,527
 22 \$34,334
 23 Chief justice of the supreme court \$51,722
 24 Justices of the supreme court, each \$50,452
 25 Attorney general \$46,816

1 \$41,415
 2 \$43,715
 3 State auditor \$33,342
 4 \$30,000
 5 \$31,675
 6 Superintendent of public instruction \$39,672
 7 \$35,705
 8 \$37,688
 9 Public service commission chairman \$37,363
 10 \$33,627
 11 \$35,495
 12 Public service commissioners, other than
 13 chairman \$36,141
 14 \$32,527
 15 \$34,334
 16 Secretary of state \$33,342
 17 \$30,000
 18 \$31,675
 19 Clerk of the supreme court \$32,401
 20 \$29,161
 21 \$30,781"

22 SECTION 2. SECTION 3-10-207, MCA, IS AMENDED TO READ:
 23 "3-10-207. Salaries. (1) The board of county
 24 commissioners shall set salaries for justices of the peace
 25 by resolution. Salaries must meet the minimum requirements

SECOND READING



1 established by this section, except that after June 30,
 2 1986, the salary for a justice of the peace may not be
 3 higher than 95% of the amount it was on June 30, 1986.

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

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

15 (4) The salary of the justice of the peace may not be
 16 less than the salary for the district clerk of the court in
 17 that county, except as provided for in subsection
 18 subsections (1) and (5).

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

22 Section 3. Section 5-2-301, MCA, is amended to read:

23 "5-2-301. Compensation and expenses for members while
 24 in session. (1) Legislators are entitled to a salary
 25 commensurate to that 90% 95% of the daily rate of a grade 10

1 8, step 2, classified state employee, which rate is in
 2 effect when the regular session of the legislature in which
 3 they serve is convened under 5-2-103 for those days during
 4 which the legislature is in session. The president of the
 5 senate and the speaker of the house shall receive an
 6 additional \$5 a day in salary for those days during which
 7 the legislature is in session.

8 (2) Legislators may serve for no salary.

9 (3) Legislators are entitled to \$50 a day, 7 days a
 10 week, during a legislative session, as reimbursement for
 11 expenses incurred in attending a session. Expense payments
 12 shall stop when the legislature recesses for more than 3
 13 days and shall resume when the legislature reconvenes.

14 (4) Legislators are entitled to a mileage allowance as
 15 provided in 2-18-503 for each mile of travel to the place of
 16 the holding of the session and to return to their place of
 17 residence at the conclusion of the session.

18 (5) In addition to the mileage allowance provided for
 19 in subsection (4), legislators, upon submittal of an
 20 appropriate claim for such mileage reimbursement to the
 21 office of the legislative council, are entitled to:

22 (a) three additional round trips to their place of
 23 residence during each regular session; and

24 (b) such additional round trips as are authorized by
 25 the legislature during special session.

1 (6) Legislators are not entitled to any additional
2 mileage allowance under subsection (4) for a special session
3 if it is convened within 7 days of a regular session."

4 SECTION 4. SECTION 7-4-2107, MCA, IS AMENDED TO READ:

5 "7-4-2107. Compensation of county commissioners. (1)
6 Each member of the board of county commissioners in counties
7 of the first, second, third, and fourth class shall receive
8 an annual salary equal to 95% of the annual salary
9 ~~established in 7-4-2503 for the clerk and recorder plus~~
10 \$2,800 in effect on June 30, 1986.

11 (2) Each member of the board in all other counties is
12 entitled to a salary for each day in which he is actually
13 and necessarily engaged in the performance of board duties,
14 ~~as set by resolution of the board. For the fiscal year~~
15 ~~beginning July 1, 1985, the~~ The salary is \$60 \$57 a day.
16 ~~Thereafter, on or before July 1 of each year, the county~~
17 ~~commission shall fix a cost-of-living-adjusted daily salary~~
18 ~~by adding to the amount of \$60 an increment calculated as~~
19 ~~provided in 7-4-2504.~~

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

22 SECTION 5. SECTION 7-4-2502, MCA, IS AMENDED TO READ:

23 "7-4-2502. Payment of salaries of county officials and
24 assistants. (1) Except as provided in subsection (2), the
25 salaries of the county officers and their assistants may be

1 paid monthly, twice monthly, or every 2 weeks out of the
2 general fund of the county and upon the order of the board
3 of county commissioners.

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

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

23 (3) The board has jurisdiction and power, under such
24 limitations and restrictions as are prescribed by law, to
25 fix the compensation of all county officers not otherwise

1 fixed by law and to provide for the payment of the same.

2 (4) After June 30, 1986, the compensation of an
3 elected officer may not be more than 95% of the amount it
4 was on June 30, 1986."

5 SECTION 6. SECTION 7-4-2503, MCA, IS AMENDED TO READ:

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

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

24 (2) The salary computed under subsection (1) for an
25 elected official referred to in subsection (1) may not be

1 higher than 95% of the amount it was on June 30, 1986.

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

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

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

1 receive an annual salary equal to 50% of the annual salary
2 of a full-time county attorney.

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

7 (c) Beginning on July 1, 1982, and on July 1 of each
8 succeeding year, each appointed county attorney shall be
9 entitled to an increase in salary calculated by adding to
10 his annual salary on July 1, 1981, an increment of 70% of
11 the last previous calendar year's consumer price index for
12 all urban consumers, U.S. department of labor, bureau of
13 labor statistics, or other index that the bureau of business
14 and economic research of the university of Montana may in
15 the future recognize as the successor to that index. The
16 cost-of-living increment for the fiscal year beginning July
17 1, 1983, and for each subsequent fiscal year shall be added
18 to all cost-of-living increments granted for previous years.

19 (d) (i) After completing 4 years of service as deputy
20 county attorney, each deputy county attorney is entitled to
21 an increase in salary of \$1,000 on the anniversary date of
22 his employment as deputy county attorney. After completing 5
23 years of service as deputy county attorney, each deputy
24 county attorney is entitled to an additional increase in
25 salary of \$1,500 on the anniversary date of his employment.

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

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

9 ~~(4)~~(5) For each 10th year after the fiscal year
10 beginning July 1, 1981, the latest federal decennial census
11 statistics shall be the basis for computation of population
12 increments under this section. During the intervening 9
13 years, the computation of population increments applicable
14 on July 1 of each year shall be based on the last calendar
15 year's annual estimates of counties' populations compiled by
16 the federal-state cooperative program for estimates of the
17 university of Montana bureau of business and economic
18 research and the U.S. bureau of the census or other estimate
19 that the bureau of business and economic research may
20 certify."

21 SECTION 7. SECTION 7-4-2504, MCA, IS AMENDED TO READ:

22 "7-4-2504. Salaries to be fixed by resolution --
23 cost-of-living increments. (1) The county governing body
24 shall by resolution, on or before July 1, 1982, and on or
25 before July 1 of each year thereafter adjust and uniformly

1 fix the salaries of the an appointed county treasurer,
 2 county clerk, county assessor, county school superintendent,
 3 county sheriff, ~~and the clerk of the district court,~~ the
 4 county auditor (if there is one),^{7,2} and the county surveyor
 5 (if he receives a salary) for cost-of-living increase by
 6 adding to the annual salary computed under 7-4-2503 an
 7 increment calculated by applying to the annual salary
 8 established by 7-4-2503(1) plus previous cost-of-living
 9 increments, 70% of the last previous calendar year's
 10 consumer price index for all urban consumers, U.S.
 11 department of labor, bureau of labor statistics, or other
 12 index that the bureau of business and economic research of
 13 the university of Montana may in the future recognize as the
 14 successor to that index. The cost-of-living increment for
 15 the fiscal year beginning July 1, 1983, and for each
 16 subsequent fiscal year shall be added to all cost-of-living
 17 increments granted for previous years.

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

23 (3) The county governing body shall by resolution,
 24 prior to July 1 of each year, establish the salary of the
 25 coroner. After June 30, 1986, the salary of an elected

1 coroner may not be higher than 95% of the amount it was on
 2 June 30, 1986. The salary must be in effect upon the first
 3 day of each ensuing fiscal year."

4 SECTION 8. SECTION 7-4-2505, MCA, IS AMENDED TO READ:

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

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

16 (2) (a) The salary of a deputy or an assistant listed
 17 in subsection (1), other than a deputy county attorney, may
 18 not be more than 90% of the salary of the officer under whom
 19 such deputy or assistant is serving. The salary of a deputy
 20 county attorney, including longevity payments provided in
 21 7-4-2503(3)(4)(d), may not exceed the salary of the county
 22 attorney under whom he is serving.

23 (b) Where any deputy or assistant is employed for a
 24 period of less than 1 year, the compensation of such deputy
 25 or assistant shall be for the time so employed, provided the

1 rate of such compensation shall not be in excess of the
 2 rates now provided by law for similar deputies and
 3 assistants except as provided herein.

4 (c) Deputy assessors' salaries shall be the same as
 5 paid the deputy clerk and recorder."

6 Section 9. Section 13-37-106, MCA, is amended to read:

7 "13-37-106. Salary. (1) The commissioner of political
 8 practices is entitled to receive a salary of \$27,655
 9 ~~\$24,898~~ \$26,272 a year.

10 (2) The salary commission must review the
 11 commissioner's salary and may recommend salary increases to
 12 the legislature."

13 Section 10. Section 15-2-102, MCA, is amended to read:

14 "15-2-102. Qualification and compensation. (1) To be
 15 appointed a member of the state tax appeal board, a person
 16 must possess knowledge of the subject of taxation and skill
 17 in matters pertaining thereto. No person so appointed may
 18 hold any other office under the laws of this state or any
 19 other state or any office under the government of the United
 20 States or under the government of any other state. He shall
 21 devote his entire time to the duties of the office and shall
 22 not hold any other position of trust or profit or engage in
 23 any occupation or business interfering or inconsistent with
 24 his duties. The state tax appeal board is transferred to the
 25 department of administration for administrative purposes

1 only as is specified in 2-15-121. However, the board may
 2 hire its own personnel, and 2-15-121(2)(d) does not apply.

3 (2) The member designated chairman as provided for in
 4 15-2-103 shall receive a salary of ~~\$28,373~~ ~~\$25,536~~ \$26,954 a
 5 year. The remaining state tax appeal board members shall be
 6 paid a salary of ~~\$27,635~~ ~~\$24,872~~ \$26,253 a year. All members
 7 of the board shall receive travel expenses as provided for
 8 in 2-18-501 through 2-18-503, as amended, when away from the
 9 capital on official business.

10 (3) The salary commission must review the salary for
 11 members of the board and shall recommend an appropriate
 12 salary to the legislature."

13 NEW SECTION. Section 11. Salaries of appointed
 14 executive AND LEGISLATIVE branch officials and employees not
 15 provided for in other MCA sections. For fiscal year 1987 and
 16 following years the salaries of the following executive AND
 17 LEGISLATIVE branch appointed officials and employees is 90%
 18 95% of the salary in effect on June 9, 1986:

- 19 (1) department heads appointed under 2-15-111;
- 20 (2) the administrator of the division of workers'
 21 compensation appointed under 2-15-1702; and
- 22 (3) any other full-time EXECUTIVE BRANCH employee or
 23 official who is appointed by any other official or employee
 24 and whose salary is not provided for in another provision of
 25 the MCA, EXCEPT UNIVERSITY SYSTEM FACULTY AND

1 ADMINISTRATORS; AND

2 (4) LEGISLATIVE AGENCY DIRECTORS APPOINTED UNDER
3 5-11-111, 5-12-205, 5-13-302, 5-15-201, AND 75-1-321.

4 NEW SECTION. SECTION 12. SAVING CLAUSE. THIS ACT DOES
5 NOT AFFECT RIGHTS AND DUTIES THAT MATURED, PENALTIES THAT
6 WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE THE
7 EFFECTIVE DATE OF THIS ACT.

8 NEW SECTION. SECTION 13. APPLICABILITY. THE AMENDMENT
9 TO 3-10-207(1), MCA, BY SECTION 2 OF THIS ACT DOES NOT APPLY
10 TO A JUSTICE OF THE PEACE IN OFFICE ON THE EFFECTIVE DATE OF
11 THIS ACT AND DOES NOT APPLY TO OR VOID A SALARY INCREASE
12 GRANTED AFTER JUNE 30, 1986, IF SECTION 2 OF THIS ACT TAKES
13 EFFECT AFTER JUNE 30, 1986, AND AFTER THE SALARY INCREASE.
14 ARTICLE VII, SECTION 7(1), OF THE MONTANA CONSTITUTION
15 PROVIDES THAT THE SALARIES OF JUSTICES AND JUDGES "SHALL NOT
16 BE DIMINISHED DURING TERMS OF OFFICE".

17 NEW SECTION. Section 14. Effective dates. (1) Section
18 2 3 of this act is effective January 2, 1987.

19 (2) All other sections of this act are effective on
20 passage and approval.

-End-