

HB 380 INTRODUCED BY BROWN, D., ET AL.
ESTABLISHING COUNTY SALARY COMMISSIONS

1/21 INTRODUCED
1/21 REFERRED TO LOCAL GOVERNMENT
1/21 FISCAL NOTE REQUESTED
1/23 FISCAL NOTE RECEIVED
1/28 HEARING
2/11 COMMITTEE REPORT--BILL NOT PASSED
2/12 ADVERSE COMMITTEE REPORT ADOPT
MOTION FAILED
2/17 REREFERRED TO LOCAL GOVERNMENT
2/18 TABLED IN COMMITTEE

56 40

1 INTRODUCTION BY House BILL NO. 380
2 *Don Brown* *Ed Ferguson* *Steve*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTIES TO
5 ESTABLISH A SALARY COMMISSION; PROVIDING FOR APPOINTMENT,
6 POWERS, DUTIES, AND COMPENSATION OF THE COMMISSION; AMENDING
7 SECTIONS 3-10-101, 7-4-2108, 7-4-2502, 7-4-2503, 7-4-2505,
8 7-14-2126, 7-14-2610, AND 7-32-104, MCA; REPEALING SECTIONS
9 3-10-207, 7-4-2107, AND 7-4-2504, MCA; AND PROVIDING AN
10 APPLICABILITY DATE AND AN EFFECTIVE DATE."

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

13 NEW SECTION. Section 1. Definitions. In [sections 1
14 through 5], the following definitions apply:

- 15 (1) "Board" means the board of county commissioners.
- 16 (2) "Commission" means the county salary commission
17 established under [section 2].
- 18 (3) "Elected county official" means a county
19 commissioner or an officer designated in 7-4-2203 who has
20 been elected or appointed to fill a vacancy in an office
21 normally filled by election.

22 NEW SECTION. Section 2. County salary commission --
23 selection -- terms. (1) Each county that has not adopted a
24 charter form of government shall have a salary commission
25 consisting of five members.

1 (2) Members of the commission are selected in the
2 following manner:

- 3 (a) One county commissioner is elected by the board.
- 4 (b) Two elected county officials other than county
5 commissioners are elected by all elected county officials
6 other than county commissioners.

7 (c) Two county residents who are not elected county
8 officials are appointed by the district judge, or the chief
9 judge in a multijudge district, from a list of six or more
10 county residents submitted by a majority vote of the three
11 commission members designated in subsections (2)(a) and
12 (2)(b). The list of six must be compiled after advertising
13 the vacancies and considering all applicants.

14 (3) The first commission shall take office in each
15 county on or before December 31, 1987, and the first members
16 appointed to the commission shall serve the following terms:

- 17 (a) The county commissioner elected to the commission
18 shall serve until December 31, 1988.
- 19 (b) The elected county officials other than county
20 commissioners elected to the commission shall serve until
21 December 31, 1990.

22 (c) One of the county residents appointed to the
23 commission shall serve until December 31, 1989, and the
24 other county resident appointed to the commission shall
25 serve until December 31, 1991.



1 (4) Members elected or appointed after December 31,
2 1987, except those appointed to fill a vacancy in the first
3 commission, shall serve terms of 4 years.

4 (5) If a vacancy occurs in the commission, the
5 appointing authority of the vacated seat shall designate a
6 successor to serve the unexpired portion of the term.

7 NEW SECTION. Section 3. Purpose -- powers and duties
8 -- annual report. (1) The purpose of a commission
9 established under [section 2] is to establish the
10 compensation necessary to attract competent and qualified
11 individuals to serve as elected county officials.

12 (2) The commission shall determine the appropriate
13 level and form of compensation for each of the elected
14 county officials except the county attorney and establish a
15 complete schedule of salaries and benefits for the
16 subsequent fiscal year. The initial salary and benefits for
17 each office must equal or exceed the salary and benefits for
18 that office in fiscal year 1987.

19 (3) The salary commission may:

20 (a) employ and fix the compensation and duties of
21 necessary staff;

22 (b) retain consultants;

23 (c) contract and cooperate with other agencies, public
24 or private; and

25 (d) engage in other activities consistent with and

1 reasonably required to carry out the purpose stated in this
2 section.

3 (4) The salaries and benefits established by the
4 commission must be submitted to the board in the form of a
5 report on or before June 1 each year. The board shall
6 include these salaries and benefits in the estimates it
7 submits to the county clerk and recorder under 7-6-2311.

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9 its proceedings and its finances. The record must be
10 included in the report submitted to the board each year.

11 NEW SECTION. Section 4. Organization -- meetings --
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13 members as chairman at its initial meeting.

14 (2) Meetings of the commission may be held upon the
15 call of the chairman, but at least two meetings attended by
16 a majority of the members must be held before the commission
17 may issue the report prescribed in [section 3]. All members
18 must be present for the final vote establishing salaries.
19 All meetings of the commission are open to the public as
20 provided in Title 2, chapter 3, part 2.

21 (3) Members of the commission may receive no
22 compensation other than for actual and necessary expenses
23 incurred in their official capacity.

24 NEW SECTION. Section 5. Financial administration --
25 mill levy. (1) The commission shall prepare a budget for

1 each fiscal year and submit it to the board for approval.

2 (2) For the support of the commission, the board
3 shall:

4 (a) appropriate up to 1 mill in excess of all other
5 mill levies authorized by law; and

6 (b) provide office and meeting space and clerical
7 assistance to the commission. The cost of clerical
8 assistance and other services provided by the board may be
9 used to fulfill part of the appropriation requirement in
10 subsection (2)(a).

11 Section 6. Section 7-4-2108, MCA, is amended to read:

12 "7-4-2108. Mileage allowance for county commissioners
13 -- expenses. (1) In addition to the salary provided by
14 7-4-2107(1) the county salary commission established under
15 [section 2], each member of the board of county
16 commissioners ~~in--counties-of-the-first, second, third, and~~
17 ~~fourth class~~ shall receive a mileage allowance as provided
18 in 2-18-503 for the distance necessarily traveled in going
19 to and returning from the county seat and his place of
20 residence, each day that such trip is actually made and
21 while engaged in the performance of his official duties.

22 (2) ~~Each member of the board in all other counties is~~
23 ~~entitled to a mileage allowance as provided in 2-18-503 for~~
24 ~~the distance necessarily traveled in going to and returning~~
25 ~~from the county seat and his place of residence each day~~

1 ~~that such trip is actually made to perform official duties.~~

2 Any county commissioner whose place of residence is 50 miles
3 or more from the county seat, as measured by the usual route
4 of travel, and who elects to remain more than one day in the
5 county seat to attend sessions of the board or perform his
6 official duties is entitled to receive, in addition to
7 mileage for one round trip between his place of residence
8 and the county seat, \$18 per day as expenses for each day's
9 attendance on sessions of the board while engaged in the
10 performance of his official duties.

11 (3) All claims for lodging expense reimbursement
12 allowed under this section must be documented by an
13 appropriate receipt.

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

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

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

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

1 salaries of the county officers and their assistants may be
2 paid monthly, twice monthly, or every 2 weeks out of the
3 general fund of the county and upon the order of the board
4 of county commissioners.

5 (2) (a) The salaries of the county attorney and deputy
6 county attorneys authorized by 7-4-2703 are payable monthly,
7 with the salary of the county attorney payable one-half from
8 the general fund of the county and the other one-half from
9 the state treasury upon the warrant of the state auditor.

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

19 (3) The board has jurisdiction and power, under such
20 limitations and restrictions as are prescribed by law, to
21 fix the compensation of all county officers not otherwise
22 fixed by law and to provide for the payment of the same and
23 may, for all or the remainder of each fiscal year, in
24 conjunction with setting salaries for other officers as
25 provided in 7-4-2504(1), set their salaries at the prior

1 fiscal year level.

2 (4) The county salary commission established under
3 [section 2] has jurisdiction and power to fix the
4 compensation of all elected county officers except the
5 county attorney, and the board of county commissioners shall
6 provide for the payment of the salaries and benefits fixed
7 by the county salary commission."

8 Section 8. Section 7-4-2503, MCA, is amended to read:

9 "7-4-2503. Salary schedule for certain county officers
10 attorneys and their deputies. (1) The salary paid to the
11 county treasurer, county clerk and recorder, clerk of the
12 district court, county assessor, county superintendent of
13 schools, and county sheriff; the county surveyor in counties
14 where county surveyors receive salaries as provided in
15 7-4-2012, and the county auditor in all counties wherein
16 such office is authorized, for the fiscal year beginning
17 July 1, 1981, is computed by adding the annual base salary
18 of:

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

24 (b) \$12,000 for counties of the sixth and seventh
25 class to the population increment of \$20 per 100 persons or

1 major fraction thereof in the county's population as
2 determined by the 1980 federal decennial census.

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

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

16 (3)(a)(1) 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)(2) In those counties where the office of the
4 county 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)(3) Beginning on July 1, 1982, and on July 1 of
8 each succeeding year, each county attorney shall be entitled
9 to an increase in salary calculated by adding to his annual
10 salary on July 1, 1981, an increment of 70% of the last
11 previous calendar year's consumer price index for all urban
12 consumers, U.S. department of labor, bureau of labor
13 statistics, or other index that the bureau of business and
14 economic research of the university of Montana may in the
15 future recognize as the successor to that index. However,
16 the county commissioners may, for all or the remainder of
17 each fiscal year, in conjunction with setting salaries for
18 other officers as provided in 7-4-2504(1), set the salary at
19 the prior fiscal year level if that level is lower than the
20 level required by this subsection (3)(c). The
21 cost-of-living increment for the fiscal year beginning July
22 1, 1983, and for each subsequent fiscal year shall be added
23 to all cost-of-living increments granted for previous years
24 unless salaries were set for the fiscal year at the level of
25 salaries received in the prior fiscal year. In such case the

1 cost-of-living increment that would have been received for
2 such fiscal year, computed on the prior fiscal year, may not
3 be added to previous increments.

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

16 ~~(i)~~(b) The years of service as a deputy county
17 attorney accumulated prior to July 1, 1985, must be included
18 in the calculation of the longevity increase, but years of
19 service during any year in which the salary was set at the
20 level of the salary of the prior fiscal year may not be
21 included in any calculation of longevity increases.

22 ~~(4)~~~~For each 10th year after the fiscal year beginning~~
23 ~~July 1, 1981, the latest federal decennial census statistics~~
24 ~~shall be the basis for computation of population increments~~
25 ~~under this section. During the intervening 9 years, the~~

1 ~~computation of population increments applicable on July 1 of~~
2 ~~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 9. Section 7-4-2505, MCA, is amended to read:

10 "7-4-2505. Amount of compensation for deputies and
11 assistants. (1) Subject to subsection (2), the ~~boards of~~
12 ~~county commissioners commissions~~ in the several counties in
13 the state shall have the power to fix the compensation
14 allowed any deputy or assistant of the following officers:

- 15 (a) clerk and recorder;
16 (b) clerk of the district court;
17 (c) treasurer;
18 (d) assessor;
19 (e) county attorney;
20 (f) auditor.

21 (2) (a) The salary of a deputy or an assistant listed
22 in subsection (1), other than a deputy county attorney, may
23 not be more than 90% of the salary of the officer under whom
24 such deputy or assistant is serving. The salary of a deputy
25 county attorney, including longevity payments provided in

1 7-4-2503~~(3)~~~~(d)~~(4), may not exceed the salary of the county
2 attorney under whom he is serving.

3 (b) Where any deputy or assistant is employed for a
4 period of less than 1 year, the compensation of such deputy
5 or assistant shall be for the time so employed, provided the
6 rate of such compensation shall not be in excess of the
7 rates now provided by law for similar deputies and
8 assistants except as provided herein.

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

11 Section 10. Section 7-14-2126, MCA, is amended to
12 read:

13 "7-14-2126. Compensation for making inspections. The
14 person or persons making the inspections authorized by
15 7-14-2125 shall receive a daily salary equal to that
16 established ~~in-7-4-2107(2)~~ by the county salary commission
17 for county commissioners and actual expenses if he receives
18 no other compensation for that day and is not on an annual
19 salary. The claims shall be audited and allowed in the same
20 manner as other claims against the county."

21 Section 11. Section 7-14-2610, MCA, is amended to
22 read:

23 "7-14-2610. Payment of damages and expenses. All
24 awards of damages estimated by the board or made by the
25 proper court and all expenses, including those of the

1 members of the board and their per diem authorized by
2 7-4-2107--and 7-4-2108, shall be paid out of the county road
3 fund on the order of the board."

4 Section 12. Section 7-32-104, MCA, is amended to read:

5 "7-32-104. Salaries. The ~~provisions---of---7-4-2503~~
6 ~~notwithstanding,--the~~ salaries of the director and employees
7 of the department of public safety shall be established by
8 the public safety commission and shall be paid by the city
9 or town with the board of county commissioners. The salary
10 of the director may not be less than that specified for the
11 sheriff ~~in-7-4-2503~~ by the county salary commission. The
12 salaries of employees may not be less than the salaries
13 specified in 7-4-2508 and 7-4-2510; however, employees are
14 not required to be paid any fixed percentage of the
15 director's or sheriff's salary."

16 Section 13. Section 3-10-101, MCA, is amended to read:

17 "3-10-101. Number and location of justices' courts --
18 authorization to combine with city court. (1) There must be
19 at least one justice's court in each county of the state,
20 which must be located at the county seat.

21 (2) The board of county commissioners of each county
22 of the state shall have authority to constitute:

23 (a) as it considers necessary, one additional
24 justice's court which may be located anywhere in the county;
25 and

1 (b) one additional justice's court located in each
2 city having a population of over 5,000, as provided in
3 subsection (3).

4 (3) A city having a population of over 5,000 may, by
5 resolution, request the board of county commissioners to
6 constitute a justice's court in the city. A justice's court
7 shall be established in the city if the board of county
8 commissioners approves the request by resolution.

9 (4) A justice of the peace of a court constituted
10 pursuant to subsection (3) may act as the city judge upon
11 passage of a city ordinance authorizing such action and upon
12 approval of the ordinance by resolution of the board of
13 county commissioners. If such an ordinance and such a
14 resolution are passed, the city and the county shall enter
15 into an agreement for proportionate payment of the justice's
16 salary as established under ~~3-10-207~~ and 3-11-202 and
17 [section 3] and for proportionate reimbursement for the use
18 of facilities."

19 NEW SECTION. Section 14. Repealer. Sections 3-10-207,
20 7-4-2107, and 7-4-2504, MCA, are repealed.

21 NEW SECTION. Section 15. Codification instruction.
22 Sections 1 through 5 are intended to be codified as an
23 integral part of Title 7, chapter 4, and the provisions of
24 Title 7, chapter 4, apply to sections 1 through 5.

25 NEW SECTION. Section 16. Applicability. This act

1 applies to salaries paid in fiscal year 1989 and subsequent
2 fiscal years.

3 NEW SECTION. Section 17. Effective date. This act is
4 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB380, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This proposed legislation requires counties to establish a salary commission and amends existing statutes concerning county commissioner mileage allowances, salaries of county officials, their deputies and assistants other than county attorneys.

ASSUMPTIONS:

1. All 56 counties will establish the salary commission and each county will hold only the minimum of two meetings per year.
2. Each Board of County Commissioners will provide clerical support, office and meeting space for the salary commission within existing county budgets.
3. No county will raise salaries and benefits above fiscal year 1987 levels in accordance with the freeze provisions of Chapter 12 of the Laws of Montana from the June Special Session of the 49th Legislature.
4. No county will incur expenses for consultants or additional county staff during the 1989 biennium.
5. Reimbursable expenses of the 5-member salary commission will be mileage and meals for two meetings per year in FY88 and FY89.
6. Average county expense of salary commission of \$228.75/yr can be absorbed within existing county budgets without applying the 1 mill authorized by the proposed legislation.

FISCAL IMPACT:

Expenditures:

	<u>FY88</u>		<u>FY89</u>	
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Current Law</u>	<u>Proposed Law</u>
Increased Statewide County Expenditures for salary commission	0	0	0	\$12,810 or \$228.75/County
Increased mill for salary commission	0	0	0	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

See fiscal impact above.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None noted.

David L. Hunter DATE 1/23/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Dave Brown DATE 1/24/87
 DAVE BROWN, PRIMARY SPONSOR

Fiscal Note for HB380, as introduced.

HB 380

Fiscal Note Request, HB380, as introduced.

Form BD-15

Page 2

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

The effect of I 105 would be felt if any county were to levy the one mill authorized in this legislation to support the salary commission. The county would have to reduce other programs by the equivalent of the one mill.

HB 380

ADVERSE COMMITTEE REPORT
ON MOTION, PRINTED AND
PLACED ON SECOND READING

1
2 INTRODUCED BY *House* BILL NO. *380*
Carlson *Bob Brown* *Ed Ferguson* *Staple*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTIES TO
5 ESTABLISH A SALARY COMMISSION; PROVIDING FOR APPOINTMENT,
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24 charter form of government shall have a salary commission
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2 following manner:

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5 commissioners are elected by all elected county officials
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7 (c) Two county residents who are not elected county
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12 (2)(b). The list of six must be compiled after advertising
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15 county on or before December 31, 1987, and the first members
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18 shall serve until December 31, 1988.

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23 commission shall serve until December 31, 1989, and the
24 other county resident appointed to the commission shall
25 serve until December 31, 1991.



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16 subsequent fiscal year. The initial salary and benefits for
17 each office must equal or exceed the salary and benefits for
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24 or private; and

25 (d) engage in other activities consistent with and

1 reasonably required to carry out the purpose stated in this
2 section.

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4 commission must be submitted to the board in the form of a
5 report on or before June 1 each year. The board shall
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19 All meetings of the commission are open to the public as
20 provided in Title 2, chapter 3, part 2.

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22 compensation other than for actual and necessary expenses
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 16 ~~commissioners in--counties-of-the-first, second, third, and~~
 17 ~~fourth-class~~ shall receive a mileage allowance as provided
 18 in 2-18-503 for the distance necessarily traveled in going
 19 to and returning from the county seat and his place of
 20 residence, each day that such trip is actually made and
 21 while engaged in the performance of his official duties.
 22 (2) ~~Each member of the board in all other counties--is~~
 23 ~~entitled--to-a-mileage-allowance-as-provided-in-2-18-503-for~~
 24 ~~the-distance-necessarily-traveled-in-going-to-and--returning~~
 25 ~~from--the--county--seat--and-his-place-of-residence-each-day~~

1 ~~that-such-trip-is-actually-made-to-perform-official--duties--~~
 2 Any county commissioner whose place of residence is 50 miles
 3 or more from the county seat, as measured by the usual route
 4 of travel, and who elects to remain more than one day in the
 5 county seat to attend sessions of the board or perform his
 6 official duties is entitled to receive, in addition to
 7 mileage for one round trip between his place of residence
 8 and the county seat, \$18 per day as expenses for each day's
 9 attendance on sessions of the board while engaged in the
 10 performance of his official duties.
 11 (3) All claims for lodging expense reimbursement
 12 allowed under this section must be documented by an
 13 appropriate receipt.
 14 (4) When other than commercial, nonreceiptable lodging
 15 facilities are utilized by a county commissioner, the amount
 16 of \$7 will be authorized for lodging expenses for each day
 17 in which travel involves an overnight stay in lieu of the
 18 amount authorized in this section. However, when overnight
 19 accommodations are provided at the expense of any government
 20 entity, no reimbursement may be claimed for lodging.
 21 (5) This section does not apply to counties that have
 22 adopted charter form of government."
 23 Section 7. Section 7-4-2502, MCA, is amended to read:
 24 "7-4-2502. Payment of salaries of county officials and
 25 assistants. (1) Except as provided in subsection (2), the

1 salaries of the county officers and their assistants may be
2 paid monthly, twice monthly, or every 2 weeks out of the
3 general fund of the county and upon the order of the board
4 of county commissioners.

5 (2) (a) The salaries of the county attorney and deputy
6 county attorneys authorized by 7-4-2703 are payable monthly,
7 with the salary of the county attorney payable one-half from
8 the general fund of the county and the other one-half from
9 the state treasury upon the warrant of the state auditor.

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

19 (3) The board has jurisdiction and power, under such
20 limitations and restrictions as are prescribed by law, to
21 fix the compensation of all county officers not otherwise
22 fixed by law and to provide for the payment of the same and
23 may, for all or the remainder of each fiscal year, in
24 conjunction with setting salaries for other officers as
25 provided in 7-4-2504~~(1)~~, set their salaries at the prior

1 fiscal year level.

2 (4) The county salary commission established under
3 [section 2] has jurisdiction and power to fix the
4 compensation of all elected county officers except the
5 county attorney, and the board of county commissioners shall
6 provide for the payment of the salaries and benefits fixed
7 by the county salary commission."

8 Section 8. Section 7-4-2503, MCA, is amended to read:

9 "7-4-2503. Salary schedule for certain county officers
10 ~~attorneys and their deputies. (1) The salary paid to the~~
11 ~~county treasurer, county clerk and recorder, clerk of the~~
12 ~~district court, county assessor, county superintendent of~~
13 ~~schools, and county sheriff; the county surveyor in counties~~
14 ~~where county surveyors receive salaries as provided in~~
15 ~~7-4-2012, and the county auditor in all counties wherein~~
16 ~~such office is authorized, for the fiscal year beginning~~
17 ~~July 1, 1981, is computed by adding the annual base salary~~
18 ~~of:~~

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

24 ~~(b) \$12,000 for counties of the sixth and seventh~~
25 ~~class to the population increment of \$20 per 100 persons or~~

1 major fraction thereof in the county's population as
2 determined by the 1980 federal decennial census.

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

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

16 (3)(a)(1) 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)(2) In those counties where the office of the
4 county 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)(3) Beginning on July 1, 1982, and on July 1 of
8 each succeeding year, each county attorney shall be entitled
9 to an increase in salary calculated by adding to his annual
10 salary on July 1, 1981, an increment of 70% of the last
11 previous calendar year's consumer price index for all urban
12 consumers, U.S. department of labor, bureau of labor
13 statistics, or other index that the bureau of business and
14 economic research of the university of Montana may in the
15 future recognize as the successor to that index. However,
16 the county commissioners may, for all or the remainder of
17 each fiscal year, in conjunction with setting salaries for
18 other officers as provided in 7-4-2504(1), set the salary at
19 the prior fiscal year level if that level is lower than the
20 level required by this subsection (3)(c). The
21 cost-of-living increment for the fiscal year beginning July
22 1, 1983, and for each subsequent fiscal year shall be added
23 to all cost-of-living increments granted for previous years
24 unless salaries were set for the fiscal year at the level of
25 salaries received in the prior fiscal year. In such case the

1 cost-of-living increment that would have been received for
2 such fiscal year, computed on the prior fiscal year, may not
3 be added to previous increments.

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

16 ~~(b)~~ (b) The years of service as a deputy county
17 attorney accumulated prior to July 1, 1985, must be included
18 in the calculation of the longevity increase, but years of
19 service during any year in which the salary was set at the
20 level of the salary of the prior fiscal year may not be
21 included in any calculation of longevity increases.

22 ~~(4)~~~~For each 10th year after the fiscal year beginning~~
23 ~~July 1, 1981, the latest federal decennial census statistics~~
24 ~~shall be the basis for computation of population increments~~
25 ~~under this section. During the intervening 9 years, the~~

1 ~~computation of population increments applicable on July 1 of~~
2 ~~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 9. Section 7-4-2505, MCA, is amended to read:
10 "7-4-2505. Amount of compensation for deputies and
11 assistants. (1) Subject to subsection (2), the boards of
12 county commissioners commissions in the several counties in
13 the state shall have the power to fix the compensation
14 allowed any deputy or assistant of the following officers:

- 15 (a) clerk and recorder;
16 (b) clerk of the district court;
17 (c) treasurer;
18 (d) assessor;
19 (e) county attorney;
20 (f) auditor.

21 (2) (a) The salary of a deputy or an assistant listed
22 in subsection (1), other than a deputy county attorney, may
23 not be more than 90% of the salary of the officer under whom
24 such deputy or assistant is serving. The salary of a deputy
25 county attorney, including longevity payments provided in

1 7-4-2503~~(3)~~~~(d)~~(4), may not exceed the salary of the county
2 attorney under whom he is serving.

3 (b) Where any deputy or assistant is employed for a
4 period of less than 1 year, the compensation of such deputy
5 or assistant shall be for the time so employed, provided the
6 rate of such compensation shall not be in excess of the
7 rates now provided by law for similar deputies and
8 assistants except as provided herein.

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

11 Section 10. Section 7-14-2126, MCA, is amended to
12 read:

13 "7-14-2126. Compensation for making inspections. The
14 person or persons making the inspections authorized by
15 7-14-2125 shall receive a daily salary equal to that
16 established ~~in-7-4-2107(2)~~ by the county salary commission
17 for county commissioners and actual expenses if he receives
18 no other compensation for that day and is not on an annual
19 salary. The claims shall be audited and allowed in the same
20 manner as other claims against the county."

21 Section 11. Section 7-14-2610, MCA, is amended to
22 read:

23 "7-14-2610. Payment of damages and expenses. All
24 awards of damages estimated by the board or made by the
25 proper court and all expenses, including those of the

1 members of the board and their per diem authorized by
2 ~~7-4-2107~~ and 7-4-2108, shall be paid out of the county road
3 fund on the order of the board."

4 Section 12. Section 7-32-104, MCA, is amended to read:

5 "7-32-104. Salaries. The ~~provisions---of---7-4-2503~~
6 ~~notwithstanding~~ the salaries of the director and employees
7 of the department of public safety shall be established by
8 the public safety commission and shall be paid by the city
9 or town with the board of county commissioners. The salary
10 of the director may not be less than that specified for the
11 sheriff ~~in-7-4-2503~~ by the county salary commission. The
12 salaries of employees may not be less than the salaries
13 specified in 7-4-2508 and 7-4-2510; however, employees are
14 not required to be paid any fixed percentage of the
15 director's or sheriff's salary."

16 Section 13. Section 3-10-101, MCA, is amended to read:

17 "3-10-101. Number and location of justices' courts --
18 authorization to combine with city court. (1) There must be
19 at least one justice's court in each county of the state,
20 which must be located at the county seat.

21 (2) The board of county commissioners of each county
22 of the state shall have authority to constitute:

23 (a) as it considers necessary, one additional
24 justice's court which may be located anywhere in the county;
25 and

1 (b) one additional justice's court located in each
 2 city having a population of over 5,000, as provided in
 3 subsection (3).

4 (3) A city having a population of over 5,000 may, by
 5 resolution, request the board of county commissioners to
 6 constitute a justice's court in the city. A justice's court
 7 shall be established in the city if the board of county
 8 commissioners approves the request by resolution.

9 (4) A justice of the peace of a court constituted
 10 pursuant to subsection (3) may act as the city judge upon
 11 passage of a city ordinance authorizing such action and upon
 12 approval of the ordinance by resolution of the board of
 13 county commissioners. If such an ordinance and such a
 14 resolution are passed, the city and the county shall enter
 15 into an agreement for proportionate payment of the justice's
 16 salary as established under ~~3-10-207~~ and 3-11-202 and
 17 [section 3] and for proportionate reimbursement for the use
 18 of facilities."

19 NEW SECTION. Section 14. Repealer. Sections 3-10-207,
 20 7-4-2107, and 7-4-2504, MCA, are repealed.

21 NEW SECTION. Section 15. Codification instruction.
 22 Sections 1 through 5 are intended to be codified as an
 23 integral part of Title 7, chapter 4, and the provisions of
 24 Title 7, chapter 4, apply to sections 1 through 5.

25 NEW SECTION. Section 16. Applicability. This act

1 applies to salaries paid in fiscal year 1989 and subsequent
 2 fiscal years.

3 NEW SECTION. Section 17. Effective date. This act is
 4 effective July 1, 1987.

-End-