

HB 909 INTRODUCED BY BARDANOUVE
DEPARTMENT OF REVENUE TO AUTHORIZE AND SET PAY FOR
DEPUTY COUNTY ASSESSORS
BY REQUEST OF HOUSE APPROPRIATIONS COMMITTEE

3/30 INTRODUCED
3/30 REFERRED TO APPROPRIATIONS
3/31 COMMITTEE REPORT--BILL PASSED
4/01 2ND READING NOT PASSED 48 47

1 House BILL NO. 909
 2 INTRODUCED BY Basano
 3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT A
 6 PROVISION OF THE GENERAL APPROPRIATION ACT BY REQUIRING THE
 7 DEPARTMENT OF REVENUE TO AUTHORIZE DEPUTY COUNTY ASSESSORS
 8 AND DETERMINE THEIR COMPENSATION; AMENDING SECTIONS
 9 7-4-2401, 7-4-2402, 7-4-2502, AND 7-4-2505, MCA; AND
 10 PROVIDING AN EFFECTIVE DATE."

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

13 Section 1. Section 7-4-2401, MCA, is amended to read:
 14 "7-4-2401. Deputy officers. (1) Every county and
 15 township officer, except justice of the peace and assessor,
 16 may appoint as many deputies or assistants as may be
 17 necessary for the faithful and prompt discharge of the
 18 duties of his office. All compensation or salary of any
 19 deputy or assistant shall be as provided in this code.

20 (2) The appointment of deputies, clerks, and
 21 subordinate officers of counties, districts, and townships
 22 must be made in writing and filed in the office of the
 23 county clerk."

24 Section 2. Section 7-4-2402, MCA, is amended to read:
 25 "7-4-2402. Authorization to exceed limitation on

1 number of deputy officers. (1) The board of county
 2 commissioners in each county is hereby authorized to fix and
 3 determine the number of county deputy officers, except
 4 deputy county assessors, and to allow the several county
 5 officers to appoint a greater number of deputies than the
 6 maximum number allowed by law when, in the judgment of the
 7 board, such greater number of deputies is needed for the
 8 faithful and prompt discharge of the duties of any county
 9 office.

10 (2) The department of revenue shall determine for each
 11 county whether a deputy county assessor is needed. The
 12 determination must be based upon the number of hours each
 13 county assessor must work to accomplish the duties he is
 14 required by law to perform. If the department determines
 15 that a deputy county assessor is needed, it shall set the
 16 number of hours the deputy may be employed during the fiscal
 17 year, not to exceed 2,080 hours."

18 Section 3. Section 7-4-2502, MCA, is amended to read:
 19 "7-4-2502. Payment of salaries of county officials and
 20 assistants. (1) Except as provided in 7-4-2505(2)(c) and
 21 subsection (2) of this section, the salaries of the county
 22 officers and their assistants may be paid monthly, twice
 23 monthly, or every 2 weeks out of the general fund of the
 24 county and upon the order of the board of county
 25 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 salary of the county attorney payable one-half from
4 the general fund of the county and the other one-half from
5 the state treasury upon the warrant of the state auditor.

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

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

23 Section 4. Section 7-4-2505, MCA, is amended to read:

24 "7-4-2505. Amount of compensation for deputies and
25 assistants. (1) Subject to subsection (2), the boards of

1 county commissioners in the several counties in the state
2 shall have the power to fix the compensation allowed any
3 deputy or assistant of the following officers:

- 4 (a) clerk and recorder;
- 5 (b) clerk of the district court;
- 6 (c) treasurer;
- 7 ~~(d)~~--assessor;
- 8 ~~(e)~~(d) county attorney;
- 9 ~~(f)~~(e) auditor.

10 (2) (a) The salary of a deputy or an assistant listed
11 in subsection (1), other than a deputy county attorney, may
12 not be more than 90% of the salary of the officer under whom
13 such deputy or assistant is serving. The salary of a deputy
14 county attorney, including longevity payments provided in
15 7-4-2503(3)(d), may not exceed the salary of the county
16 attorney under whom he is serving.

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

23 (c) Deputy assessors' salaries shall be ~~the same as~~
24 ~~paid--the--deputy--clerk--and--recorder~~ determined by the
25 department of revenue in accordance with the state employee

LC 1854/01

1 classification and compensation plans in Title 2, chapter

2 18."

3 NEW SECTION. Section 5. Effective date. This act is

4 effective July 1, 1987.

-End-

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