

HOUSE BILL NO. 440
INTRODUCED BY D. BROWN, CODY

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 10, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 11, 1989	PRINTING REPORT.
FEBRUARY 13, 1989	SECOND READING, DO PASS.
FEBRUARY 14, 1989	ENGROSSING REPORT.
FEBRUARY 15, 1989	THIRD READING, PASSED. AYES, 80; NOES, 17.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 21, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 22, 1989	SECOND READING, CONCURRED IN.
MARCH 27, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989	RECEIVED FROM SENATE.
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MARCH 31, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 440
2 INTRODUCED BY Dave Brown, Cody
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A 1
5 PERCENT LONGEVITY PAYMENT FOR COUNTY SHERIFFS; EXCLUDING
6 ADDITIONAL SALARY AMOUNTS FROM THE BASE SALARY OF THE
7 SHERIFF FOR PURPOSES OF COMPUTING THE SALARY FOR DEPUTY
8 SHERIFFS AND UNDERSHERIFFS; AMENDING SECTION 7-4-2503, MCA;
9 AND PROVIDING AN EFFECTIVE DATE."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 **Section 1.** Section 7-4-2503, MCA, is amended to read:
13 "7-4-2503. Salary schedule for certain county
14 officers. (1) The salary paid to the county treasurer,
15 county clerk and recorder, clerk of the district court,
16 county assessor, county superintendent of schools, and
17 county sheriff; the county surveyor in counties where county
18 surveyors receive salaries as provided in 7-4-2812; and the
19 county auditor in all counties ~~wherein~~ such where the office
20 is authorized, for the fiscal year beginning July 1, 1981,
21 is computed by adding the annual base salary of:
22 (a) \$14,000 for the counties of the first through
23 fifth class to the population increment of \$10 for each 100
24 persons or major fraction thereof included in the county's
25 population as determined by the 1980 federal decennial

1 census; or
2 (b) \$12,000 for counties of the sixth and seventh
3 class to the population increment of \$20 per 100 persons or
4 major fraction thereof in the county's population as
5 determined by the 1980 federal decennial census.
6 (2) (a) An elected county superintendent of schools
7 shall receive, in addition to the salary based upon
8 subsection (1), the sum of \$400 per year, except that an
9 elected county superintendent of schools who holds a master
10 of arts degree or a master's degree in education, with an
11 endorsement in school administration, from a unit of the
12 Montana university system or an equivalent institution may,
13 at the discretion of the county commissioners, receive, in
14 addition to the salary based upon subsection (1), up to
15 \$2,000 per year.
16 (b) The county sheriff shall receive, in addition to
17 the salary based upon subsection (1), the sum of \$2,000 per
18 year plus a longevity payment amounting to 1% of the base
19 salary set forth in subsection (1) for each year of service
20 with the sheriff's department. The additional salary amounts
21 provided for in this subsection may not be included in the
22 base salary for purposes of computing the compensation for
23 undersheriffs and deputy sheriffs as provided in 7-4-2508.
24 (3) (a) In each county with a population in excess of
25 30,000, the county attorney shall be a full-time official

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

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

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

1 other officers as provided in 7-4-2504(1), set the salary at
2 the prior fiscal year level if that level is lower than the
3 level required by this subsection (3)(c). The
4 cost-of-living increment for the fiscal year beginning July
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 at the level of
8 salaries received in the prior fiscal year. In such this
9 case the cost-of-living increment that would have been
10 received for such fiscal year, computed on the prior fiscal
11 year, may not be added to previous increments.

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

24 (ii) The years of service as a deputy county attorney
25 accumulated prior to July 1, 1985, must be included in the

1 calculation of the longevity increase, but years of service
2 during any year in which the salary was set at the level of
3 the salary of the prior fiscal year may not be included in
4 any calculation of longevity increases.

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

17 NEW SECTION. **Section 2.** Effective date. [This act] is
18 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB440, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act providing for a one percent longevity payment for county sheriffs; excluding additional salary amounts from the base salary of the sheriff for purposes of computing the salary for deputy sheriffs and undersheriffs; amending Section 7-4-2503, MCA; and providing an effective date.

FISCAL IMPACT: None

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The one percent longevity payment would be an additional cost of the county.

Ray Shackelford

2/2/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Dave Brown

2/4/89

DAVE BROWN, PRIMARY SPONSOR DATE

Fiscal Note for HB440, as introduced

HB 440

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 House BILL NO. 440
2 INTRODUCED BY Dave Brown, Cady
3
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6 ADDITIONAL SALARY AMOUNTS FROM THE BASE SALARY OF THE
7 SHERIFF FOR PURPOSES OF COMPUTING THE SALARY FOR DEPUTY
8 SHERIFFS AND UNDERSHERIFFS; AMENDING SECTION 7-4-2503, MCA;
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13 "7-4-2503. Salary schedule for certain county
14 officers. (1) The salary paid to the county treasurer,
15 county clerk and recorder, clerk of the district court,
16 county assessor, county superintendent of schools, and
17 county sheriff; the county surveyor in counties where county
18 surveyors receive salaries as provided in 7-4-2812; and the
19 county auditor in all counties wherein-such where the office
20 is authorized, for the fiscal year beginning July 1, 1981,
21 is computed by adding the annual base salary of:

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

1 census; or

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

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

16 (b) The county sheriff shall receive, in addition to
17 the salary based upon subsection (1), the sum of \$2,000 per
18 year plus a longevity payment amounting to 1% of the base
19 salary set forth in subsection (1) for each year of service
20 with the sheriff's department. The additional salary amounts
21 provided for in this subsection may not be included in the
22 base salary for purposes of computing the compensation for
23 undersheriffs and deputy sheriffs as provided in 7-4-2508.

24 (3) (a) In each county with a population in excess of
25 30,000, the county attorney shall be a full-time official

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

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

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

1 other officers as provided in 7-4-2504(1), set the salary at
 2 the prior fiscal year level if that level is lower than the
 3 level required by this subsection (3)(c). The
 4 cost-of-living increment for the fiscal year beginning July
 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 at the level of
 8 salaries received in the prior fiscal year. In such this
 9 case the cost-of-living increment that would have been
 10 received for such fiscal year, computed on the prior fiscal
 11 year, may not be added to previous increments.

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

24 (ii) The years of service as a deputy county attorney
 25 accumulated prior to July 1, 1985, must be included in the

1 calculation of the longevity increase, but years of service
2 during any year in which the salary was set at the level of
3 the salary of the prior fiscal year may not be included in
4 any calculation of longevity increases.

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

17 NEW SECTION. **Section 2.** Effective date. [This act] is
18 effective July 1, 1989.

-End-

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7 shall receive, in addition to the salary based upon
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10 of arts degree or a master's degree in education, with an
11 endorsement in school administration, from a unit of the
12 Montana university system or an equivalent institution may,
13 at the discretion of the county commissioners, receive, in
14 addition to the salary based upon subsection (1), up to
15 \$2,000 per year.

16 (b) The county sheriff shall receive, in addition to
17 the salary based upon subsection (1), the sum of \$2,000 per
18 year plus a longevity payment amounting to 1% of the base
19 salary set forth in subsection (1) for each year of service
20 with the sheriff's department. The additional salary amounts
21 provided for in this subsection may not be included in the
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23 undersheriffs and deputy sheriffs as provided in 7-4-2508.

24 (3) (a) In each county with a population in excess of
25 30,000, the county attorney shall be a full-time official

1 under 7-4-2704, and his salary for the fiscal year beginning
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 3 population less than 30,000, the county attorney who is a
 4 part-time official for a county of the first, second, or
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 6 60% of the annual salary of a full-time county attorney. A
 7 county attorney who is a part-time official for a county of
 8 the fourth, fifth, sixth, or seventh class is entitled to
 9 receive an annual salary equal to 50% of the annual salary
 10 of a full-time county attorney.

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

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 16 succeeding year, each county attorney shall be entitled to
 17 an increase in salary calculated by adding to his annual
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 19 previous calendar year's consumer price index for all urban
 20 consumers, U.S. department of labor, bureau of labor
 21 statistics, or other index that the bureau of business and
 22 economic research of the university of Montana may in the
 23 future recognize as the successor to that index. However,
 24 the county commissioners may, for all or the remainder of
 25 each fiscal year, in conjunction with setting salaries for

1 other officers as provided in 7-4-2504(1), set the salary at
 2 the prior fiscal year level if that level is lower than the
 3 level required by this subsection (3)(c). The
 4 cost-of-living increment for the fiscal year beginning July
 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 at the level of
 8 salaries received in the prior fiscal year. In such this
 9 case the cost-of-living increment that would have been
 10 received for such fiscal year, computed on the prior fiscal
 11 year, may not be added to previous increments.

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

24 (ii) The years of service as a deputy county attorney
 25 accumulated prior to July 1, 1985, must be included in the

1 calculation of the longevity increase, but years of service
2 during any year in which the salary was set at the level of
3 the salary of the prior fiscal year may not be included in
4 any calculation of longevity increases.

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

17 NEW SECTION. **Section 2.** Effective date. [This act] is
18 effective July 1, 1989.

-End-

SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 16, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 440 (third reading copy -- blue), respectfully report that HB 440 be amended and as so amended be concurred in:

Sponsor: Brown, D. (Walker)

1. Title, line 5.
Following: "EXCLUDING"
Insert: "THAT"
2. Title, line 6.
Strike: "AMOUNTS"
Insert: "AMOUNT"
3. Title, line 8.
Following: "UNDERSHERIFFS;"
Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES;"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-4-2503"
Insert: "AND 7-4-2504"
4. Page 2, line 18.
Following: "year"
Insert: "."
Strike: "plus"
Insert: "(c) The county sheriff shall receive"
5. Page 2, line 20.
Following: "department"
Insert: ", but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases"
6. Page 2, line 20.
Strike: "amounts"
Insert: "amount"
7. Page 5, line 16
Following: "certify."
Insert: "Section 2. Section 7-4-2504, MCA, is amended to read:
"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district

continued

SCRHB440.316

SENATE COMMITTEE ON LOCAL GOVERNMENT, HB 440
page 2 of 2

court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

+2+(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

+3+(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year."

Renumber: subsequent section

AND AS AMENDED BE CONCURRED IN

Signed 
Ethel M. Harding, Chairman

SENATE
HB 440

HOUSE BILL NO. 440

INTRODUCED BY D. BROWN, CODY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A 1 PERCENT LONGEVITY PAYMENT FOR COUNTY SHERIFFS; EXCLUDING THAT ADDITIONAL SALARY AMOUNTS AMOUNT FROM THE BASE SALARY OF THE SHERIFF FOR PURPOSES OF COMPUTING THE SALARY FOR DEPUTY SHERIFFS AND UNDERSHERIFFS; ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES; AMENDING SECTION SECTIONS 7-4-2503 AND 7-4-2504, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2503, MCA, is amended to read:

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

(a) \$14,000 for the counties of the first through

fifth class to the population increment of \$10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

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

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

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

(C) THE COUNTY SHERIFF SHALL RECEIVE a longevity payment amounting to 1% of the base salary set forth in subsection (1) for each year of service with the sheriff's department, BUT YEARS OF SERVICE DURING ANY YEAR IN WHICH

THE SALARY WAS SET AT THE LEVEL OF THE SALARY OF THE PRIOR FISCAL YEAR MAY NOT BE INCLUDED IN ANY CALCULATION OF LONGEVITY INCREASES. The additional salary amounts AMOUNT provided for in this subsection may not be included in the base salary for purposes of computing the compensation for undersheriffs and deputy sheriffs as provided in 7-4-2508.

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

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

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual

salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such this case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

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

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

7 (ii) The years of service as a deputy county attorney
 8 accumulated prior to July 1, 1985, must be included in the
 9 calculation of the longevity increase, but years of service
 10 during any year in which the salary was set at the level of
 11 the salary of the prior fiscal year may not be included in
 12 any calculation of longevity increases.

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

25 **SECTION 2. SECTION 7-4-2504, MCA, IS AMENDED TO READ:**

1 "7-4-2504. Salaries to be fixed by resolution --
 2 cost-of-living increments. (1) The county governing body
 3 shall by resolution, on or before July 1, 1982, and on or
 4 before July 1 of each year thereafter adjust and uniformly
 5 fix the salaries of the county treasurer, county clerk,
 6 county assessor, county school superintendent, county
 7 sheriff, and the clerk of the district court; the county
 8 auditor (if there is one); and the county surveyor (if he
 9 receives a salary) for cost-of-living increase by adding to
 10 the annual salary computed under 7-4-2503 an increment
 11 calculated by applying to the annual salary established by
 12 7-4-2503(1) plus previous cost-of-living increments, 70% of
 13 the last previous calendar year's consumer price index for
 14 all urban consumers, U.S. department of labor, bureau of
 15 labor statistics, or other index that the bureau of business
 16 and economic research of the university of Montana may in
 17 the future recognize as the successor to that index. The
 18 county governing body may, however, for all or the remainder
 19 of each fiscal year, in conjunction with setting salaries
 20 for the same action on the salaries of justices of the peace
 21 (if applicable), the county governing body, county attorney,
 22 and coroner, set the salary at the prior fiscal year level
 23 if that level is lower than the level required by this
 24 subsection. The cost-of-living increment for the fiscal
 25 year beginning July 1, 1983, and for each subsequent fiscal

1 year shall be added to all cost-of-living increments granted
 2 for previous years unless salaries were set for the fiscal
 3 year at the level of salaries received in the prior fiscal
 4 year. In such case the cost-of-living increment that would
 5 have been received for such fiscal year, computed on the
 6 prior fiscal year, may not be added to previous increments.

7 (2) The county governing body may, in any subsequent
 8 fiscal year, restore for 1 or more years the annual
 9 cost-of-living increments withheld pursuant to subsection
 10 (1). If cost-of-living increments are restored, the
 11 longevity increases provided for sheriffs in [section 1]
 12 must also be restored for the years for which the
 13 cost-of-living increment was restored.

14 ~~(2)~~(3) If the application of 7-4-2503 does not qualify
 15 a county official for a salary increase of at least 7% on
 16 July 1, 1981, his salary on that date shall be increased by
 17 an amount sufficient to provide him total salary equal to 7%
 18 more than during the previous year.

19 ~~(3)~~(4) The county governing body shall by resolution,
 20 prior to July 1 of each year, establish the salary of the
 21 coroner and may, for all or the remainder of each fiscal
 22 year, in conjunction with setting salaries for other
 23 officers as provided in subsection (1), set the salary at
 24 the prior fiscal year level. The salary must be in effect
 25 upon the first day of each ensuing fiscal year."

1 NEW SECTION. Section 3. Effective date. [This act] is
 2 effective July 1, 1989.

-End-