# SENATE BILL NO. 370

# INTRODUCED BY WEEDING

# IN THE SENATE

FEBRUARY 8, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.

FIRST READING.

FEBRUARY 20, 1989 ON MOTION, TAKEN FROM COMMITTEE, PRINTED, AND PLACED ON SECOND READING THIS DAY.

SECOND READING, DO PASS AS AMENDED.

ENGROSSING REPORT.

FEBRUARY 21, 1989 THIRD READING, PASSED. AYES, 36; NOES, 14.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989

MARCH 10, 1989

MARCH 11, 1989

MARCH 13, 1989

INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 77; NOES, 22.

RETURNED TO SENATE.

IN THE SENATE

MARCH 14, 1989

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RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

51st Legislature

LC 1672/01

INTRODUCED BY ( Level r 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY 4 5 GOVERNING BODY TO RESTORE ALL OR PART OF THE ANNHAL 6 COST-OF-LIVING INCREASES OF COUNTY OFFICERS AND THE 7 LONGEVITY INCREASES OF DEPUTY COUNTY ATTORNEYS THAT WERE 8 LOST AS A RESULT OF COUNTY WAGE FREEZES; AMENDING SECTIONS 9 7-4-2503 AND 7-4-2504, MCA; AND PROVIDING AN EFFECTIVE 10 DATE."

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

Section 1. Section 7-4-2503, MCA, is amended to read: 13 14 "7-4-2503. Salary schedule for certain county officers. 15 (1) The salary paid to the county treasurer, county clerk 16 and recorder, clerk of the district court, county assessor, 17 county superintendent of schools, and county sheriff; the 18 county surveyor in counties where county surveyors receive 19 salaries as provided in 7-4-2812; and the county auditor in 20 all counties wherein such office is authorized, for the 21 fiscal year beginning July 1, 1981, is computed by adding 22 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

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

7 (2) (a) An elected county superintendent of schools 8 shall receive, in addition to the salary based upon 9 subsection (1), the sum of \$400 per year, except that an 10 elected county superintendent of schools who holds a master 11 of arts degree or a master's degree in education, with an 12 endorsement in school administration, from a unit of the 13 Montana university system or an equivalent institution may, at the discretion of the county commissioners, receive, in 14 15 addition to the salary based upon subsection (1), up to 16 \$2,000 per year.

17 (b) The county sheriff shall receive, in addition to 18 the salary based upon subsection (1), the sum of \$2,000 per 19 year.

(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

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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.

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

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

1, 1983, and for each subsequent fiscal year shall be added 1 2 to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of 3 salaries received in the prior fiscal year. In-such-case-the 4 5 Unless restored pursuant to 7-4-2504(2), any cost-of-living increment that would have been received for such fiscal К year, computed on the prior fiscal year, may not be added to 7 8 previous increments.

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(d) (i) After completing 4 years of service as deputy 9 county attorney, each deputy county attorney is entitled to 10 11 an increase in salary of \$1,000 on the anniversary date of 12 his employment as deputy county attorney. After completing 5 13 years of service as deputy county attorney, each deputy county attorney is entitled to an additional increase in 14 15 salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as deputy county 16 attorney and for each year of service thereafter up to 17 18 completion of the llth year of service, each deputy county 19 attorney is entitled to an additional annual increase in 20 salary of \$500.

(ii) The years of service as a deputy county attorney
accumulated prior to July 1, 1985, must be included in the
calculation of the longevity increase, but, <u>unless longevity</u>
<u>increases are restored pursuant to 7-4-2504(2), the</u> years of
service during any year in which the salary was set at the

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level of the salary of the prior fiscal year may not be
 included in any calculation of longevity increases.

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

15 Section 2. Section 7-4-2504, MCA, is amended to read: 16 "7-4-2504. Salaries to be fixed by resolution --17 cost-of-living increments. (1) The county governing body 18 shall by resolution, on or before July 1, 1982, and on or 19 before July 1 of each year thereafter adjust and uniformly 20 fix the salaries of the county treasurer, county clerk, 21 county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county 22 23 auditor (if there is one); and the county surveyor (if he 24 receives a salary) for cost-of-living increase by adding to 25 the annual salary computed under 7-4-2503 an increment

1 calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of 2 the last previous calendar year's consumer price index for 3 4 all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business 5 6 and economic research of the university of Montana may in 7 the future recognize as the successor to that index. The 8 county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries 9 10 for the same action on the salaries of justices of the peace 11 (if applicable), the county governing body, county attorney, 12 and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this 13 14 subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal 15 year shall be added to all cost-of-living increments granted 16 17 for previous years unless salaries were set for the fiscal 18 year at the level of salaries received in the prior fiscal 19 year. In such case the cost-of-living increment that would 20 have been received for such fiscal year, computed on the 21 prior fiscal year, may not be added to previous increments. (2) The county governing body may, in any subsequent 22 fiscal year, restore for 1 or more years the annual 23

24 cost-of-living increments withheld pursuant to subsection
25 (1). If cost-of-living increments are restored, the

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longevity increases provided for deputy county attorneys in
 7-4-2503(3)(d)(i) must also be restored for the years for

3 which the cost-of-living increment was restored.

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

9 (3)(4) The county governing body shall by resolution, 10 prior to July 1 of each year, establish the salary of the 11 coroner and may, for all or the remainder of each fiscal 12 year, in conjunction with setting salaries for other 13 officers as provided in subsection (1), set the salary at 14 the prior fiscal year level. The salary must be in effect 15 upon the first day of each ensuing fiscal year."

16 <u>NEW SECTION.</u> Section 3. Effective date. [This act] is
17 effective June 30, 1989.

-End-

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51st Legislature

LC 1672/01 APPROVED BY COMM. ON LOCAL GOVERNMENT

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5	GOVERNING BODY TO RESTORE ALL OR PART OF THE ANNUAL
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23 (a) \$14,000 for the counties of the first through fifth
24 class to the population increment of \$10 for each 100
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population as determined by the 1980 federal decennial census; or

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18 the salary based upon subsection (1), the sum of \$2,000 per
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(3) (a) In each county with a population in excess of
30,000, the county attorney shall be a full-time official
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-2- SECOND READING 53 370

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

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

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(d) (i) After completing 4 years of service as deputy 9 10 county attorney, each deputy county attorney is entitled to 11 an increase in salary of \$1,000 on the anniversary date of his employment as deputy county attorney. After completing 5 12 years of service as deputy county attorney, each deputy 13 14 county attorney is entitled to an additional increase in 15 salary of \$1,500 on the anniversary date of his employment. 16 After completing 6 years of service as deputy county 17 attorney and for each year of service thereafter up to 18 completion of the 11th year of service, each deputy county 19 attorney is entitled to an additional annual increase in salary of \$500. 20

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 included in any calculation of longevity increases.

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

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16 <u>NEW SECTION.</u> Section 3. Effective date. [This act] is
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Montana Legislative Council

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SB 370 THIRD READING AS AMENDED

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SB 370

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SB 370

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SENATE BILL NO. 370

RESULT OF COUNTY WAGE FREEZES; AMENDING SECTIONS 7-4-2503 9 AND 7-4-2504, MCA; AND PROVIDING AN EFFECTIVE DATE." 10

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SB 0370/02

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SB 370 **REFERENCE BILL** 

n series in the series of the series were as the series of the

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.

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

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

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1 1, 1983, and for each subsequent fiscal year shall be added 2 to all cost-of-living increments granted for previous years 3 unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In-such-case-the 4 5 Unless restored pursuant to 7-4-2504(2), any cost-of-living 6 increment that would have been received for such fiscal 7 year, computed on the prior fiscal year, may not be added to previous increments. 8

(d) (i) After completing 4 years of service as deputy 9 10 county attorney, each deputy county attorney is entitled to 11 an increase in salary of \$1,000 on the anniversary date of his employment as deputy county attorney. After completing 5 12 13 years of service as deputy county attorney, each deputy 14 county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of his employment. 15 After completing 6 years of service as deputy county 16 attorney and for each year of service thereafter up to 17 completion of the 11th year of service, each deputy county 18 19 attorney is entitled to an additional annual increase in 20 salary of \$500.

(ii) The years of service as a deputy county attorney
accumulated prior to July 1, 1985, must be included in the
calculation of the longevity increase, but, unless longevity
increases are restored pursuant to 7-4-2504(2), the years of
service during any year in which the salary was set at the

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level of the salary of the prior fiscal year may not be
 included in any calculation of longevity increases.

(4) For each 10th year after the fiscal year beginning 3 July 1, 1981, the latest federal decennial census statistics 4 5 shall be the basis for computation of population increments under this section. During the intervening 9 years, the 6 computation of population increments applicable on July 1 of 7 each year shall be based on the last calendar year's annual 8 populations compiled by the estimates of counties' 9 federal-state cooperative program for estimates of the 10 university of Montana bureau of business and economic 11 research and the U.S. bureau of the census or other estimate 12 that the bureau of business and economic research may 13 14 certify."

Section 2. Section 7-4-2504, MCA, is amended to read: 15 "7-4-2504. Salaries to be fixed by resolution --16 cost-of-living increments. (1) The county governing body 17 shall by resolution, on or before July 1, 1982, and on or 18 before July 1 of each year thereafter adjust and uniformly 19 fix the salaries of the county treasurer, county clerk, 20 21 county assessor, county school superintendent, county sheriff, and the clerk of the district court; the county 22 auditor (if there is one); and the county surveyor (if he 23 24 receives a salary) for cost-of-living increase by adding to 25 the annual salary computed under 7-4-2503 an increment

calculated by applying to the annual salary established by 1 7-4-2503(1) plus previous cost-of-living increments, 70% of 2 the last previous calendar year's consumer price index for 3 all urban consumers, U.S. department of labor, bureau of 4 labor statistics, or other index that the bureau of business 5 and economic research of the university of Montana may in 6 the future recognize as the successor to that index. The 7 8 county governing body may, however, for all or the remainder 9 of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace 10 (if applicable), the county governing body, county accorney, 11 12 and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this 13 14 subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal 15 year shall be added to all cost-of-living increments granted 16 for previous years unless salaries were set for the fiscal 17 year at the level of salaries received in the prior fiscal 18 year. In such case the cost-of-living increment that would 19 have been received for such fiscal year, computed on the 20 prior fiscal year, may not be added to previous increments. 21 (2) The county governing body may, in any subsequent 22 23 fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection 24 (1). If cost-of-living increments are restored, the 25

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longevity increases provided for deputy county attorneys in
 7-4-2503(3)(d)(i) AND FOR UNDERSHERIFFS AND DEPUTY SHERIFFS
 IN 7-4-2510 must also be restored for the years for which
 the cost-of-living increment was restored.
 t27(3) If the application of 7-4-2503 does not qualify

6 a county official for a salary increase of at least 7% on 7 July 1, 1981, his salary on that date shall be increased by 8 an amount sufficient to provide him total salary equal to 7% 9 more than during the previous year.

10 (3)(4) The county governing body shall by resolution, 11 prior to July 1 of each year, establish the salary of the 12 coroner and may, for all or the remainder of each fiscal 13 year, in conjunction with setting salaries for other 14 officers as provided in subsection (1), set the salary at 15 the prior fiscal year level. The salary must be in effect 16 upon the first day of each ensuing fiscal year."

17 <u>NEW SECTION.</u> Section 3. Effective date. [This act] is
18 effective June 30, 1989.

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