

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

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

MARCH 10, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 11, 1989

SECOND READING, CONCURRED IN.

MARCH 13, 1989

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

RETURNED TO SENATE.

IN THE SENATE

MARCH 14, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 370
2 INTRODUCED BY *Leib*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY
5 GOVERNING BODY TO RESTORE ALL OR PART OF THE ANNUAL
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."
11

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

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

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:

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

1 population as determined by the 1980 federal decennial
2 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,
14 at the discretion of the county commissioners, receive, in
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.

20 (3) (a) In each county with a population in excess of
21 30,000, the county attorney shall be a full-time official
22 under 7-4-2704, and his salary for the fiscal year beginning
23 July 1, 1981, shall be \$36,500. In counties with a
24 population less than 30,000, the county attorney who is a
25 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 case the~~ Unless restored pursuant to 7-4-2504(2), any 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 salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as deputy county attorney and for each year of service thereafter up to completion of the 11th year of service, each deputy county attorney is entitled to an additional annual increase in 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

1 level of the salary of the prior fiscal year may not be
2 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
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."

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
22 sheriff, and the clerk of the district court; the county
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
2 7-4-2503(1) plus previous cost-of-living increments, 70% of
3 the last previous calendar year's consumer price index for
4 all urban consumers, U.S. department of labor, bureau of
5 labor statistics, or other index that the bureau of business
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
9 of each fiscal year, in conjunction with setting salaries
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
13 if that level is lower than the level required by this
14 subsection. The cost-of-living increment for the fiscal
15 year beginning July 1, 1983, and for each subsequent fiscal
16 year shall be added to all cost-of-living increments granted
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.

22 (2) The county governing body may, in any subsequent
23 fiscal year, restore for 1 or more years the annual
24 cost-of-living increments withheld pursuant to subsection
25 (1). If cost-of-living increments are restored, the

LC 1672/01

1 longevity increases provided for deputy county attorneys in
2 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 NEW SECTION. Section 3. Effective date. [This act] is
17 effective June 30, 1989.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

Senate BILL NO. 370

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE ANNUAL COST-OF-LIVING INCREASES OF COUNTY OFFICERS AND THE LONGEVITY INCREASES OF DEPUTY COUNTY ATTORNEYS THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES; AMENDING 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 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.

(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

1 third class is entitled to receive an annual salary equal to
2 60% of the annual salary of a full-time county attorney. A
3 county attorney who is a part-time official for a county of
4 the fourth, fifth, sixth, or seventh class is entitled to
5 receive an annual salary equal to 50% of the annual salary
6 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
25 cost-of-living increment for the fiscal year beginning July

1 1, 1981, 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
4 salaries received in the prior fiscal year. ~~in such case the~~
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
8 previous increments.

9 (d) (i) After completing 4 years of service as deputy
10 county attorney, each deputy county attorney is entitled to
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
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
20 salary of \$500.

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

1 level of the salary of the prior fiscal year may not be
2 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
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."

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
22 sheriff, and the clerk of the district court; the county
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
2 7-4-2503(1) plus previous cost-of-living increments, 70% of
3 the last previous calendar year's consumer price index for
4 all urban consumers, U.S. department of labor, bureau of
5 labor statistics, or other index that the bureau of business
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
9 of each fiscal year, in conjunction with setting salaries
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
13 if that level is lower than the level required by this
14 subsection. The cost-of-living increment for the fiscal
15 year beginning July 1, 1983, and for each subsequent fiscal
16 year shall be added to all cost-of-living increments granted
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.

22 (2) The county governing body may, in any subsequent
23 fiscal year, restore for 1 or more years the annual
24 cost-of-living increments withheld pursuant to subsection
25 (1). If cost-of-living increments are restored, the

LC 1672/01

1 longevity increases provided for deputy county attorneys in
2 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 NEW SECTION. Section 3. Effective date. [This act] is
17 effective June 30, 1989.

-End-

SENATE BILL NO. 370

INTRODUCED BY WEEDING

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE ANNUAL COST-OF-LIVING INCREASES OF COUNTY OFFICERS AND THE LONGEVITY INCREASES OF DEPUTY COUNTY ATTORNEYS, UNDERSHERIFFS, AND DEPUTY SHERIFFS THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES; AMENDING 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 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.

(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

1 third class is entitled to receive an annual salary equal to
 2 60% of the annual salary of a full-time county attorney. A
 3 county attorney who is a part-time official for a county of
 4 the fourth, fifth, sixth, or seventh class is entitled to
 5 receive an annual salary equal to 50% of the annual salary
 6 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
 25 cost-of-living increment for the fiscal year beginning July

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
 4 salaries received in the prior fiscal year. ~~in such case the~~
 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
 8 previous increments.

9 (d) (i) After completing 4 years of service as deputy
 10 county attorney, each deputy county attorney is entitled to
 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
 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
 20 salary of \$500.

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

1 level of the salary of the prior fiscal year may not be
2 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
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."

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
22 sheriff, and the clerk of the district court; the county
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
2 7-4-2503(1) plus previous cost-of-living increments, 70% of
3 the last previous calendar year's consumer price index for
4 all urban consumers, U.S. department of labor, bureau of
5 labor statistics, or other index that the bureau of business
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
9 of each fiscal year, in conjunction with setting salaries
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
13 if that level is lower than the level required by this
14 subsection. The cost-of-living increment for the fiscal
15 year beginning July 1, 1983, and for each subsequent fiscal
16 year shall be added to all cost-of-living increments granted
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.

22 (2) The county governing body may, in any subsequent
23 fiscal year, restore for 1 or more years the annual
24 cost-of-living increments withheld pursuant to subsection
25 (1). If cost-of-living increments are restored, the

SB 0370/02

1 longevity increases provided for deputy county attorneys in
2 7-4-2503(3)(d)(i) AND FOR UNDERSHERIFFS AND DEPUTY SHERIFFS
3 IN 7-4-2510 must also be restored for the years for which
4 the cost-of-living increment was restored.

5 ~~†2†~~(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 NEW SECTION. Section 3. Effective date. [This act] is
18 effective June 30, 1989.

-End-

SENATE BILL NO. 370

INTRODUCED BY WEEDING

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE ANNUAL COST-OF-LIVING INCREASES OF COUNTY OFFICERS AND THE LONGEVITY INCREASES OF DEPUTY COUNTY ATTORNEYS, UNDERSHERIFFS, AND DEPUTY SHERIFFS THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES; AMENDING 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 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.

(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

1 third class is entitled to receive an annual salary equal to
 2 60% of the annual salary of a full-time county attorney. A
 3 county attorney who is a part-time official for a county of
 4 the fourth, fifth, sixth, or seventh class is entitled to
 5 receive an annual salary equal to 50% of the annual salary
 6 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
 25 cost-of-living increment for the fiscal year beginning July

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
 4 salaries received in the prior fiscal year. ~~In such case the~~
 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
 8 previous increments.

9 (d) (i) After completing 4 years of service as deputy
 10 county attorney, each deputy county attorney is entitled to
 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
 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
 20 salary of \$500.

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

1 level of the salary of the prior fiscal year may not be
2 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
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."

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
22 sheriff, and the clerk of the district court; the county
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
2 7-4-2503(1) plus previous cost-of-living increments, 70% of
3 the last previous calendar year's consumer price index for
4 all urban consumers, U.S. department of labor, bureau of
5 labor statistics, or other index that the bureau of business
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
9 of each fiscal year, in conjunction with setting salaries
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
13 if that level is lower than the level required by this
14 subsection. The cost-of-living increment for the fiscal
15 year beginning July 1, 1983, and for each subsequent fiscal
16 year shall be added to all cost-of-living increments granted
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.

22 (2) The county governing body may, in any subsequent
23 fiscal year, restore for 1 or more years the annual
24 cost-of-living increments withheld pursuant to subsection
25 (1). If cost-of-living increments are restored, the

SB 0370/02

1 longevity increases provided for deputy county attorneys in
2 7-4-2503(3)(d)(i) AND FOR UNDERSHERIFFS AND DEPUTY SHERIFFS
3 IN 7-4-2510 must also be restored for the years for which
4 the cost-of-living increment was restored.

5 †2†(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 NEW SECTION. **Section 3.** **Effective date.** [This act] is
18 effective June 30, 1989.

-End-