

SENATE BILL NO. 82

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INTRODUCED BY Hertel

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE FOR SETTING THE SALARIES OF COUNTY OFFICERS; AMENDING SECTION 7-4-2504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. 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, 1992, and on or before July~~ August 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 court; the~~ county auditor (if there is one), and ~~the~~ county surveyor (if the surveyor receives a salary). Except as provided in subsection (3), the salaries fixed may be no less than 80% of the annual base salary provided for in 7-4-2503(1) plus a cost-of-living increment based on the 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, 1992, and for each subsequent~~ fiscal year must 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 a case, the cost-of-living increment that would have been received for the 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 7-4-2503, for deputy county attorneys in

1 7-4-2503(3)(d)(i), and for undersheriffs and deputy sheriffs in 7-4-2510 must also be restored for the years
2 for which the cost-of-living increment was restored.

3 ~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase, the salary~~
4 ~~base for the fiscal year beginning July 1, 1991, must be the fiscal year 1990-91 salary plus 100% of the~~
5 ~~last previous calendar year's consumer price index for all urban consumers, as set forth in subsection (1).~~

6 ~~(4)(3)~~ The county governing body shall by resolution, prior to ~~July~~ August 1 of each year, establish
7 the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting
8 salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The
9 salary must be in effect ~~upon~~ on the first day of each ensuing fiscal year."

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11 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE FOR SETTING THE SALARIES OF COUNTY OFFICERS; AMENDING ~~SECTION~~ SECTIONS 7-4-2503 AND 7-4-2504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(i) \$25,000 for the counties of the first through fifth class added to the population increment of \$10 for each 100 persons or major fraction ~~thereof~~ of 100 persons included in the county's population as determined by the 1990 federal decennial census; or

(ii) \$18,000 for counties of the sixth and seventh class added to the population increment of \$10 per 100 persons or major fraction ~~thereof~~ of 100 persons in the county's population as determined by the 1990 federal decennial census.

(b) The annual base established by the county governing body in subsection (1) must be uniform for all county officers referred to in subsection (1).

(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.

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

3 (c) The county sheriff shall receive a longevity payment amounting to 1% of the base salary set
4 forth in subsection (1) for each year of service with the sheriff's department, but years of service during
5 any year in which the salary was set at the level of the salary of the prior fiscal year may not be included
6 in any calculation of longevity increases. The additional salary amount provided for in this subsection may
7 not be included in the base salary for purposes of computing the compensation for undersheriffs and deputy
8 sheriffs as provided in 7-4-2508.

9 (3) (a) In each county with a population in excess of 30,000, the county attorney must be a
10 full-time official under 7-4-2704, and the salary for the fiscal year beginning July 1, 1991, is \$50,000 per
11 year. In counties with a population less than 30,000, the county attorney who is a part-time official for
12 a county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the
13 annual salary of a full-time county attorney. A county attorney who is a part-time official for a county of
14 the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual
15 salary of a full-time county attorney.

16 (b) In those counties where the office of the county attorney has been established as a full-time
17 position pursuant to 7-4-2706, the salary of the county attorney for the fiscal year beginning July 1, 1991,
18 is the same as that established for full-time county attorneys in subsection (3)(a).

19 (c) ~~Beginning July 1, 1991, and on July 1~~ On August 1 of each ~~succeeding~~ year, each county
20 attorney is entitled to an increase in salary calculated by adding to the annual salary on July 1, 1991, the
21 percentage change in the previous calendar year's consumer price index for all urban consumers, U.S.
22 department of labor, bureau of labor statistics, or other index that the bureau of business and economic
23 research of the university of Montana may in the future recognize as the successor to that index. However,
24 the county commissioners may, for all or the remainder of each fiscal year, in conjunction with setting
25 salaries for other officers as provided in 7-4-2504(1), set the salary at the prior fiscal year level if that level
26 is lower than the level required by this subsection (3)(c). The cost-of-living increment for the fiscal year
27 beginning July 1, 1983, and for each subsequent fiscal year must be added to all cost-of-living increments
28 granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the
29 prior fiscal year. Unless restored pursuant to 7-4-2504(2), any cost-of-living increment that would have
30 been received for the fiscal year, computed on the prior fiscal year, may not be added to previous

1 increments.

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

9 (ii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be
10 included in the calculation of the longevity increase, but, unless longevity increases are restored pursuant
11 to 7-4-2504(2), the years of service during any year in which the salary was set at the level of the salary
12 of the prior fiscal year may not be included in any calculation of longevity increases.

13 (4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial
14 census statistics are the basis for computation of population increments under this section. During the
15 intervening 9 years, the computation of population increments applicable on July 1 of each year is based
16 on the most current calendar year's estimates of counties' populations compiled by the federal-state
17 cooperative program for estimates of the university of Montana bureau of business and economic research
18 and the U.S. bureau of the census or other estimate that the bureau of business and economic research
19 may certify."
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21 **Section 2.** Section 7-4-2504, MCA, is amended to read:

22 **"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments.** (1) The county
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24 ~~thereafter~~ adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor,
25 county school superintendent, county sheriff, ~~and the clerk of the district court;~~ ~~the~~ county auditor (if there
26 is one);~~2~~ and ~~the~~ county surveyor (if the surveyor receives a salary). Except as provided in subsection (3),
27 the salaries fixed may be no less than 80% of the annual base salary provided for in 7-4-2503(1) plus a
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 22 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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19 (c) ~~Beginning July 1, 1991, and on July 1~~ On August 1 of each ~~succeeding~~ year, each county
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 10 annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are
 11 restored, the longevity increases provided for sheriffs in 7-4-2503, for deputy county attorneys in
 12 7-4-2503(3)(d)(i), and for undersheriffs and deputy sheriffs in 7-4-2510 must also be restored for the years
 13 for which the cost-of-living increment was restored.

14 ~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase, the salary~~
 15 ~~base for the fiscal year beginning July 1, 1991, must be the fiscal year 1990-91 salary plus 100% of the~~
 16 ~~last previous calendar year's consumer price index for all urban consumers, as set forth in subsection (1).~~

17 ~~(4)(3)~~ The county governing body shall by resolution, prior to ~~July~~ August 1 of each year, establish
 18 the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting
 19 salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The
 20 salary must be in effect ~~upon~~ on the first day of each ensuing fiscal year."

21
 22 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

23 -END-