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SENATE BILL NO. 117

INTRODUCED BY Hertel

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY COMMISSIONERS TO SET THE COST-OF-LIVING INCREMENT FOR SALARIES AT A PERCENTAGE OF THE CONSUMER PRICE INDEX; 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) (a) 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 $\frac{1}{2}$  and the county auditor in all counties where the office is authorized, ~~for the fiscal year beginning July 1, 1991, and each year thereafter~~ must be established by the county governing body at no less than 80% of the annual base salary of:

(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 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 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~~ must 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~~ must receive, in addition to the salary based upon subsection (1), the  
2 sum of \$2,000 per year.

3 (c) The county sheriff ~~shall~~ must receive a longevity payment amounting to 1% of the base salary  
4 set 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 a  
12 county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the annual  
13 salary of a full-time county attorney. A county attorney who is a part-time official for a county of the  
14 fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary  
15 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~~ On July 1 of each ~~succeeding~~ year, each county attorney is  
20 entitled to an increase in salary calculated by adding to the annual salary ~~on July 1, 1991, the percentage~~  
21 change in a percentage of up to 100% of the previous calendar year's consumer price index for all urban  
22 consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business  
23 and economic research of the university of Montana may in the future recognize as the successor to that  
24 index. However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction  
25 with setting salaries for other officers as provided in 7-4-2504(1), set the salary at the prior fiscal year level  
26 if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for ~~the~~  
27 ~~fiscal year beginning July 1, 1982, and for each subsequent~~ fiscal year must be added to all cost-of-living  
28 increments granted for previous years unless salaries were set for the fiscal year at the level of salaries  
29 received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), ~~any~~ a cost-of-living increment  
30 that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to

1 previous 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~~ a 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~~ a calculation of longevity increases.

13 (4) ~~For each 10th year after the fiscal year beginning July 1, 1981, the~~ 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."  
20

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 governing  
23 body shall by resolution on or before ~~July 1, 1992, and on or before~~ July 1 of each year ~~thereafter~~ adjust  
24 and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school  
25 superintendent, county sheriff, ~~and the~~ clerk of the district court, ~~the~~ county auditor (if there is one),<sup>2</sup> and  
26 ~~the~~ county surveyor (if the surveyor receives a salary). ~~Except as provided in subsection (3), the~~ The  
27 salaries fixed may be no less than 80% of the annual base salary provided for in 7-4-2503(1) plus a  
28 cost-of-living increment based on a percentage of up to 100% of the previous calendar year's consumer  
29 price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that  
30 the bureau of business and economic research of the university of Montana may in the future recognize as

1 the successor to that index. The county governing body may, however, for all or the remainder of each  
 2 fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace  
 3 (if applicable), the county governing body, the county attorney, and the coroner, set the salary at the prior  
 4 fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment  
 5 for ~~the fiscal year beginning July 1, 1992, and for each subsequent~~ fiscal year must be added to all  
 6 cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level  
 7 of salaries received in the prior fiscal year. In such a case, the cost-of-living increment that would have  
 8 been received for the fiscal year, computed on the prior fiscal year, may not be added to previous  
 9 increments.

10 (2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the  
 11 annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are  
 12 restored, the longevity increases provided for sheriffs in 7-4-2503, for deputy county attorneys in  
 13 7-4-2503(3)(d)(i), and for undersheriffs and deputy sheriffs in 7-4-2510 must also be restored for the years  
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15 ~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase, the salary~~  
 16 ~~base for the fiscal year beginning July 1, 1991, must be the fiscal year 1990-91 salary plus 100% of the~~  
 17 ~~last previous calendar year's consumer price index for all urban consumers, as set forth in subsection (1).~~

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

22

23 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 1995.

24

-END-

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SENATE BILL NO. 117

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INTRODUCED BY Hertel

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(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).

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(2) (a) An elected county superintendent of schools ~~shall~~ must 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.

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10 (2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the  
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 19 salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting  
 20 salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The  
 21 salary must be in effect upon the first day of each ensuing fiscal year."

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23 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 1995.

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## 1 SENATE BILL NO. 117

2 INTRODUCED BY HERTEL

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY COMMISSIONERS TO SET THE  
5 COST-OF-LIVING INCREMENT FOR SALARIES AT A PERCENTAGE OF THE CONSUMER PRICE INDEX;  
6 AMENDING SECTIONS 7-4-2503 AND 7-4-2504, MCA; AND PROVIDING AN EFFECTIVE DATE."  
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9

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

11 **"7-4-2503. Salary schedule for certain county officers.** (1) (a) The salary paid to the county  
12 treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of  
13 schools, ~~and~~ county sheriff; ~~the~~ county surveyor in counties where county surveyors receive salaries as  
14 provided in 7-4-2812 $\frac{1}{2}$ , and the county auditor in all counties where the office is authorized, ~~for the fiscal~~  
15 ~~year beginning July 1, 1991, and each year thereafter~~ must be established by the county governing body  
16 at no less than 80% of the annual base salary of:

17 (i) \$25,000 for ~~the~~ counties of the first through fifth class added to the population increment of  
18 \$10 for each 100 persons or major fraction ~~thereof~~ of 100 included in the county's population as  
19 determined by the 1990 federal decennial census; or

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

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

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

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

3 (c) The county sheriff ~~shall~~ must receive a longevity payment amounting to 1% of the base salary  
4 set 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 a  
12 county of the first, second, or third class is entitled to receive an annual salary equal to 60% of the annual  
13 salary of a full-time county attorney. A county attorney who is a part-time official for a county of the  
14 fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary  
15 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~~ On July 1 of each ~~succeeding~~ year, each county attorney is  
20 entitled to an increase in salary calculated by adding to the annual salary ~~on July 1, 1991, the percentage~~  
21 ~~change in a percentage of up to 100% of~~ the previous calendar year's consumer price index for all urban  
22 consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business  
23 and economic research of the university of Montana may in the future recognize as the successor to that  
24 index. However, the county commissioners may, for all or the remainder of each fiscal year, in conjunction  
25 with setting salaries for other officers as provided in 7-4-2504(1), set the salary at the prior fiscal year level  
26 if that level is lower than the level required by this subsection (3)(c). The cost-of-living increment for ~~the~~  
27 ~~fiscal year beginning July 1, 1983, and for each subsequent~~ fiscal year must be added to all cost-of-living  
28 increments granted for previous years unless salaries were set for the fiscal year at the level of salaries  
29 received in the prior fiscal year. Unless restored pursuant to 7-4-2504(2), ~~any~~ a cost-of-living increment  
30 that would have been received for the fiscal year, computed on the prior fiscal year, may not be added to

1 previous 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 a~~ 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 a~~ calculation of longevity increases.

13 (4) ~~For each 10th year after the fiscal year beginning July 1, 1981, the~~ 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."  
20

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 governing  
23 body shall by resolution on or before ~~July 1, 1992, and on or before~~ July 1 of each year ~~thereafter~~ adjust  
24 and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school  
25 superintendent, county sheriff, ~~and the~~ clerk of the district court, ~~the~~ county auditor (if there is one),<sup>2</sup> and  
26 ~~the~~ county surveyor (if the surveyor receives a salary). ~~Except as provided in subsection (3), the~~ The  
27 salaries fixed may be no less than 80% of the annual base salary provided for in 7-4-2503(1) plus a  
28 cost-of-living increment based on a percentage of up to 100% of the previous calendar year's consumer  
29 price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that  
30 the bureau of business and economic research of the university of Montana may in the future recognize as

1 the successor to that index. The county governing body may, however, for all or the remainder of each  
 2 fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace  
 3 (if applicable), the county governing body, the county attorney, and the coroner, set the salary at the prior  
 4 fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment  
 5 ~~for the fiscal year beginning July 1, 1992, and for each subsequent~~ fiscal year must be added to all  
 6 cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level  
 7 of salaries received in the prior fiscal year. In such a case, the cost-of-living increment that would have  
 8 been received for the fiscal year, computed on the prior fiscal year, may not be added to previous  
 9 increments.

10 (2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the  
 11 annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are  
 12 restored, the longevity increases provided for sheriffs in 7-4-2503, for deputy county attorneys in  
 13 7-4-2503(3)(d)(i), and for undersheriffs and deputy sheriffs in 7-4-2510 must also be restored for the years  
 14 for which the cost-of-living increment was restored.

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

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

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23 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 1995.

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