

1 HOUSE BILL NO. 130

2 INTRODUCED BY M. HANSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THAT THE SALARY OF CERTAIN COUNTY
5 OFFICIALS MAY NOT BE REDUCED AS A RESULT OF A RECLASSIFICATION OF THE COUNTY THAT THE
6 OFFICIAL SERVES; AMENDING SECTIONS 7-1-2112 AND 7-4-2503, MCA; AND PROVIDING AN
7 EFFECTIVE DATE."

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

10
11 **Section 1.** Section 7-1-2112, MCA, is amended to read:

12 **"7-1-2112. Designation of county classification by county commissioners.** (1) ~~The several boards~~
13 Each board of county commissioners ~~must shall~~, at ~~their~~ its regular session in September of each year,
14 make an order designating the class to which ~~such~~ the county belongs, as determined by the taxable
15 valuation of ~~such~~ the county for the year in which ~~such~~ the order is made, ~~under and as provided in~~
16 ~~accordance with the provisions of 7-1-2111.~~

17 (2) ~~Such~~ The classification ~~shall~~ does not change the government of the county then in existence
18 until the next ~~succeeding~~ first Monday in January.

19 (3) A change in the classification of a county from a higher class, such as first class, to a lower
20 class, such as second class, does not affect the salary of any county officer or of the officer's deputies or
21 assistants for whom a salary is calculated pursuant to Title 7, chapter 4, part 25."

22
23 **Section 2.** Section 7-4-2503, MCA, is amended to read:

24 **"7-4-2503. Salary schedule for certain county officers.** (1) (a) The salary paid to the county
25 treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of
26 schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided
27 in 7-4-2812, and county auditor in all counties where the office is authorized must be established by the
28 county governing body at no less than 80% of the annual base salary of:

29 (i) \$25,000 for counties of the first through fifth class added to the population increment of \$10
30 for each 100 persons or major fraction of 100 persons included in the county's population as determined

1 by the 1990 federal decennial census; or

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

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

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

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

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

21 (3) (a) In each county with a population in excess of 30,000, the county attorney must be a
22 full-time official under 7-4-2704, and the salary is \$50,000 per year. In counties with a population less than
23 30,000, the county attorney who is a part-time official for a county of the first, second, or third class is
24 entitled to receive an annual salary equal to 60% of the annual salary of a full-time county attorney. A
25 county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled
26 to receive an annual salary equal to 50% of the annual salary of a full-time county attorney.

27 (b) In those counties ~~where~~ in which the office of the county attorney has been established as a
28 full-time position pursuant to 7-4-2706, the salary of the county attorney is the same as that established
29 for full-time county attorneys in subsection (3)(a).

30 (c) On August 1 of each year, each county attorney is entitled to an increase in salary calculated

1 by adding to the annual salary a percentage of up to 100% of the previous calendar year's consumer price
2 index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the
3 bureau of business and economic research of the university of Montana-Missoula may in the future
4 recognize as the successor to that index. However, the county commissioners may, for all or the remainder
5 of each fiscal year, in conjunction with setting salaries for other officers as provided in 7-4-2504(1), set
6 the salary at the prior fiscal year level if that level is lower than the level required by this subsection (3)(c).
7 The cost-of-living increment for each fiscal year must be added to all cost-of-living increments granted for
8 previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal
9 year. Unless restored pursuant to 7-4-2504(2), a cost-of-living increment that would have been received
10 for the fiscal year, computed on the prior fiscal year, may not be added to previous increments.

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

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

22 (4) The latest federal decennial census statistics are the basis for computation of population
23 increments under this section. During the intervening 9 years, the computation of population increments
24 applicable on July 1 of each year is based on the most current calendar year's estimates of counties'
25 populations compiled by the federal-state cooperative program for estimates of the university of
26 Montana-Missoula bureau of business and economic research and the U.S. bureau of the census or other
27 estimate that the bureau of business and economic research may certify.

28 (5) A change made pursuant to 7-1-2112 in the classification of a county from a higher class, such
29 as first class, to a lower class, such as second class, does not affect the salary of any county officer or of
30 the officer's deputies or assistants for whom a salary is calculated pursuant to this part."

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0130, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act specifying that the salary of certain county officials may not be reduced as a result of a reclassification of the county that the official serves.

ASSUMPTIONS:

1. At least one county, and possibly more, will experience a reclassification from a class five or higher to a class six or lower which would result, under current law, in a reduction in the salaries of certain county officials.
2. The county that is reclassified maintains budgeting authority from its previous classification.
3. There is no fiscal impact on the state.

FISCAL IMPACT:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There would be no short-term effect on county expenditures.

A county which meets the criteria of reclassification from a class five or higher to a class six or lower, under current law, would experience a reduction in salary costs of a minimum of \$7,000 for each of the elected officials enumerated in Section 7-4-2503(1)(a), MCA, plus the monetary effects relating to the salaries of the deputies and assistants.

If the proposed bill passed, a county which meets the criteria of reclassification from a class five or higher to a class six or lower would not experience any savings in salary costs resulting from the reclassification since salaries could not be affected.

Dave Lewis 1-11-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Marian A. Hanson 1-13-97
MARIAN HANSON, PRIMARY SPONSOR DATE

Fiscal Note for HB0130, as introduced

HB 130