

HOUSE BILL NO. 461

INTRODUCED BY S. LAVIN, J. ESSMANN, S. FITZPATRICK, F. GARNER, L. RANDALL,
N. SCHWADERER, N. SWANDAL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING THE SALARY SCHEDULE OF A JUSTICE OF THE PEACE AND A DEPUTY COUNTY ATTORNEY; CLARIFYING THAT A JUSTICE OF THE PEACE MAY RECEIVE COMPENSATION IN ADDITION TO THE JUSTICE'S BASE SALARY; PROVIDING FOR LONGEVITY INCREASES FOR DEPUTY COUNTY ATTORNEYS; AMENDING SECTION 7-4-2503, 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 -- county compensation board. (1) (a) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, county coroner, and county auditor in all counties in which the office is authorized must be established by the county governing body based upon the recommendations of the county compensation board provided for in subsection (4).

(b) Except as provided in subsection (2), the annual salary established pursuant to subsection (1)(a) must be uniform for all county officers referred to in subsection (1)(a).

(2) (a) An elected county superintendent of schools must receive, in addition to the salary based upon subsection (1), the sum of \$400 a 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 a year.

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

(c) The county sheriff must receive a longevity payment amounting to 1% of the salary determined under subsection (1) for each year of service with the sheriff's office, but years of service during any year in which the

1 salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity
 2 increases. The additional salary amount provided for in this subsection may not be included in the salary for
 3 purposes of computing the compensation for undersheriffs and deputy sheriffs as provided in 7-4-2508.

4 (d) If the clerk and recorder is also the county election administrator, the clerk and recorder may receive,
 5 in addition to the base salary provided in subsection (1)(a), up to \$2,000 a year. The additional salary provided
 6 for in this subsection (2)(d) may not be included as salary for the purposes of computing the compensation of any
 7 other county officers or employees.

8 (e) The county treasurer may receive, in addition to the base salary provided in subsection (1)(a), up to
 9 \$2,000 a year. The additional salary provided for in this subsection (2)(e) may not be included as salary for the
 10 purposes of computing the compensation of any other county officers or employees.

11 (f) The county coroner may be a part-time position, and the salary may be set accordingly.

12 (g) The justice of the peace for a justice's court of record may receive, in addition to the base salary
 13 provided in subsection (1)(a), compensation up to an amount allowed by 3-10-207.

14 (3) (a) Subject to subsection (3)(b), the salary for the county attorney must be set as provided in
 15 subsection (4).

16 (b) If the uniform base salary set for county officials pursuant to subsection (1) is increased, then the
 17 county attorney is entitled to at least the same increase unless the increase would cause the county attorney's
 18 salary to exceed the salary of a district court judge.

19 (c) (i) After completing 4 years of service as deputy county attorney, each deputy county attorney is
 20 entitled to an increase in salary of \$1,000 on the anniversary date of employment as deputy county attorney. After
 21 completing 5 years of service as deputy county attorney, each deputy county attorney is entitled to an additional
 22 increase in salary of \$1,500 on the anniversary date of employment. After completing 6 years of service as deputy
 23 county attorney and for each year of additional service up to completion of the 11th year of service, each deputy
 24 county attorney is entitled to an additional annual ~~increase in longevity salary increase~~ of \$500 or a greater
 25 amount based on the schedule developed and recommended by the county compensation board as provided in
 26 subsection (4) but not to exceed \$1,500. Any additional annual longevity salary increase provided for in this
 27 section after the 11th year of service may be based on NOT EXCEED THE AMOUNT PROVIDED IN the schedule
 28 developed and recommended by the county compensation board but may not exceed \$2,500.

29 (ii) The years of service accumulated after the 11th year of service as a deputy county attorney prior to
 30 July 1, 2015, may not be included in the calculation of the longevity increases by the county compensation board

1 under this section.

2 (ii)(iii) The years of service as a deputy county attorney accumulated prior to July 1, 1985, must be
3 included in the calculation of the longevity increase.

4 (4) (a) There is a county compensation board consisting of:

5 (i) the county commissioners;

6 (ii) three of the county officials described in subsection (1) appointed by the board of county
7 commissioners;

8 (iii) the county attorney;

9 (iv) two to four resident taxpayers appointed initially by the board of county commissioners to staggered
10 terms of 3 years, with the initial appointments of one or two taxpayer members for a 2-year term and one or two
11 taxpayer members for a 3-year term; and

12 (v) (A) subject to subsection (4)(a)(v)(B), one resident taxpayer appointed by each of the three county
13 officials described in subsection (4)(a)(ii).

14 (B) The appointments in subsection (4)(a)(v)(A) are not mandatory.

15 (b) The county compensation board shall hold hearings annually for the purpose of reviewing the
16 compensation paid to county officers. The county compensation board may consider the compensation paid to
17 comparable officials in other Montana counties, other states, state government, federal government, and private
18 enterprise.

19 (c) The county compensation board shall prepare a compensation schedule for the elected county
20 officials, including the county attorney, for the succeeding fiscal year. The schedule must take into consideration
21 county variations, including population, the number of residents living in unincorporated areas, assessed
22 valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the
23 variations in the workloads and responsibilities of county officials as well as the tax resources of the county.

24 (d) A recommended compensation schedule requires a majority vote of the county compensation board,
25 and at least two county commissioners must be included in the majority. A recommended compensation schedule
26 may not reduce the salary of a county officer that was in effect on May 1, 2001.

27 (e) The provisions of this subsection (4) do not apply to a county that has adopted a charter form of
28 government or to a charter, consolidated city-county government."
29

30 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2015.

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