

OFFICERS AND EMPLOYEES

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Depending on the form of government, local governments have wide discretion to establish county offices as governed by [Title 7, chapter 4, MCA](#). Most choose to elect county officers, but county commissions may appoint some officers. Regardless of election or appointment, all county officials must be of voting age, a citizen of Montana, and an elector of the county in which they would like to serve. County governments may have a:

1. County attorney
2. Clerk of district court
3. County clerk
4. Sheriff
5. Treasurer
6. Auditor
7. County surveyor
8. Assessor
9. Coroner
10. Public Administrator
11. Justice of the Peace
12. Superintendent of Schools

Many counties have consolidated these offices, such as sheriff and coroner, or share an official between many counties, such as is often done with county attorneys. Additionally, counties with populations below 15,000 aren't required to have an auditor on staff, but are still required to complete audits, so most county auditors are shared or consolidated with other positions.

Depending on class, cities and towns may have officers similar to counties. Smaller third-class towns often elect only a mayor and town council and then depend on county officials to fulfill other needed services. First-class cities, on the other hand, often have their own officials who conduct business similar to county officials. Both counties and municipalities are allowed employees, whose numbers may fluctuate based on need.

Legislative Services Division Materials: None

Other Materials:

[Directory of Montana County Officials](#) - Montana Association of Counties

[Directory of Montana Municipal Officials](#) – Montana League of Cities and Towns

[County Leadership Handbook](#) – National Association of Counties

[Survey Regarding the Employment Status of Montana’s City Attorneys](#) – MSU Local Government Center, 2006

Introduced Legislation

2019

[HB 98](#) - Chapter Number Assigned - AN ACT GENERALLY REVISING PEACE OFFICER STANDARDS AND CERTIFICATION LAWS; REVISING CERTIFICATION LAWS FOR PEACE OFFICERS ON ACTIVE RESERVE STATUS; REVISING THE RULEMAKING AUTHORITY OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL; REVISING DUTIES OF APPOINTING AUTHORITIES; REVISING PENALTIES FOR A PEACE OFFICER WHOSE BASIC CERTIFICATE IS SUSPENDED; AND AMENDING SECTIONS 7-32-240 AND 7-32-303, MCA.

[SB 104](#) - Chapter Number Assigned - AN ACT GENERALLY REVISING LAWS RELATED TO THE OFFICE OF COUNTY AUDITOR; ALLOWING A COUNTY TO CREATE A FULL-TIME, PART-TIME, OR COMBINATION POSITION FOR THE OFFICE OF COUNTY AUDITOR; AND AMENDING 7-6-2401, MCA.

[HB 131](#) - Died in Process - AN ACT SPECIFYING A COUNTY ATTORNEY’S OBLIGATION IN CERTAIN LEGAL MATTERS; AND AMENDING SECTION 7-4-2711, MCA.

[HB 333](#) - Died in Process - AN ACT REQUIRING THAT A SHERIFF SUBJECT TO ELECTION BE ELECTED ONLY ON A NONPARTISAN BASIS; AMENDING SECTIONS 7-3-219, 7-3-314, 7-3-413, 7-3-433, 7-3-513, AND 7-3-705, MCA.

[HB 512](#) - Died in Standing Committee - AN ACT REVISING AND CLARIFYING LAWS RELATED TO FILLING A VACANCY IN ELECTED COUNTY OFFICES; PROVIDING THAT AN INDIVIDUAL APPOINTED BY THE COUNTY COMMISSIONERS AS AN INTERIM OFFICER FOR AN ELECTED COUNTY OFFICE SERVES AT THE PLEASURE OF THE COUNTY COMMISSIONERS; AND AMENDING SECTION 7-4-2206, MCA.

[SB 161](#) - Died in Standing Committee - AN ACT ALLOWING A PERSON TO FILE FOR, BE ELECTED TO, AND CONCURRENTLY SERVE AS A DIRECTOR FOR A WATER AND SEWER DISTRICT AND AS A TRUSTEE OF A RURAL FIRE DISTRICT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 13-10-201, 13-10-211, 13-14-112, AND 13-14-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE

[SB 277](#) - Died in Standing Committee - AN ACT GENERALLY REVISING LAWS RELATED TO THE OFFICE OF COUNTY AUDITOR; ALLOWING A COUNTY AUDITOR TO BE ELECTED OR APPOINTED IN A COUNTY THAT HAS AN ELECTED COUNTY OFFICIAL FORM OF GOVERNMENT; REVISING THE QUALIFICATIONS OF A COUNTY AUDITOR; AND AMENDING SECTIONS 7-3-111 AND 7-6-2403, MCA.

2017

[House Bill 405](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS; PROVIDING FOR FILLING A VACANCY ON A COUNTY ADMINISTRATIVE BOARD AND A SPECIAL DISTRICT BOARD; REVISING THE DATE FOR FILLING A VACANCY IN A COUNTY OFFICE; INCREASING THE AMOUNT OF A CONTRACT FOR WHICH THE STATE RESIDENT BIDDING PREFERENCE WOULD APPLY; PROVIDING FOR PROTEST OF A PROPOSED DISSOLUTION OF A SPECIAL DISTRICT; CLARIFYING THAT THE BOARD OF COUNTY COMMISSIONERS IS THE ENTITY TO APPOINT A RURAL FIRE DISTRICT TRUSTEE IF THERE IS NOT A CANDIDATE FOR A TRUSTEE OFFICE; CLARIFYING THAT THE BOARD OF COUNTY COMMISSIONERS IS THE ENTITY TO RECEIVE NOTICE OF A CANCELLATION OF AN ELECTION AND TO FILL A POSITION UPON CANCELLATION OF AN ELECTION; CLARIFYING REQUIREMENTS FOR COUNTY LEGAL ADVERTISING AND COUNTY PRINTING CONTRACTS; AMENDING SECTIONS 7-1-201, 7-4-2206, 7-5-2309, 7-11-1021, 7-11-1029, 7-13-2233, 7-33-2106, 13-1-402, 13-1-403, 13-1-501, 13-1-502, 15-17-122, 18-7-411, 18-7-412, AND 18-7-413, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill 422](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO LOCAL GOVERNMENT; WITHHOLDING CERTAIN PAYMENTS TO A LOCAL GOVERNMENT UNDER CERTAIN CIRCUMSTANCES; REQUIRING THE ATTORNEY GENERAL TO REVIEW COMPLAINTS CONCERNING THE ALLEGED OFFICIAL MISCONDUCT OF LOCAL GOVERNMENT PUBLIC OFFICERS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 2-7-517, 15-1-121, 15-36-331, 15-36-332, 15-37-117, 15-39-110, AND 20-9-310, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill 94](#) – Veto Override Failed in Legislature -- AN ACT GENERALLY REVISING PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL LAWS; CLARIFYING EDUCATION REQUIREMENTS FOR COUNTY CORONERS AND DEPUTY CORONERS; REVISING PEACE OFFICER EMPLOYMENT, EDUCATION, AND CERTIFICATION STANDARDS; REVISING COUNCIL DUTIES; REVISING LAWS RELATED TO THE SUSPENSION OR REVOCATION OF A PUBLIC SAFETY OFFICER'S CERTIFICATION; REVISING DUTIES OF APPOINTING AUTHORITIES; PROVIDING A PENALTY FOR A VIOLATION OF CERTAIN PUBLIC SAFETY OFFICER CERTIFICATION REQUIREMENTS; PROVIDING REQUIREMENTS FOR PRETRIAL SERVICES OFFICERS; CLARIFYING TRAINING REQUIREMENTS FOR PROBATION AND PAROLE OFFICERS EMPLOYED BY THE DEPARTMENT OF CORRECTIONS; EXTENDING THE BOARD'S RULEMAKING AUTHORITY; AND AMENDING SECTIONS 7-4-2901, 7-4-2904, 7-4-2905, 7-32-240, 7-32-303, 44-4-401, 44-4-403, 44-4-404, 46-9-108, 46-9-505, 46-23-1001, 46-23-1003, 46-23-1005, AND 46-23-1012, MCA.

[House Bill 202](#) – Vetoed by Governor -- AN ACT REVISING LAWS RELATED TO PUBLIC OFFICERS AND EMPLOYEES; ALLOWING PUBLIC OFFICERS AND EMPLOYEES TO REPORT CERTAIN MATTERS OF PUBLIC CONCERN; CREATING A CIVIL PENALTY FOR A PERSON THAT SUPPRESSES A PUBLIC EMPLOYEE FROM COMMUNICATING MATTERS OF PUBLIC CONCERN WITH A LEGISLATOR; AND PROVIDING PENALTIES.

2015

[House Bill 274](#) – Missed Deadline for General Bill Transmittal -- AN ACT GENERALLY REVISING LAWS REGARDING COOPERATION AND COMMUNICATION BETWEEN FEDERAL LAW ENFORCEMENT OFFICERS AND COUNTY SHERIFFS; REGULATING ARRESTS, SEARCHES, AND SEIZURES BY FEDERAL EMPLOYEES; REQUIRING FEDERAL EMPLOYEES TO OBTAIN A COUNTY SHERIFF'S PERMISSION TO ARREST, SEARCH, AND SEIZE IF REQUIRED BY THE SHERIFF; PROVIDING EXCEPTIONS;

PROVIDING FOR PROSECUTION OF FEDERAL EMPLOYEES FOR VIOLATIONS IN CERTAIN CASES; REJECTING FEDERAL LAWS PURPORTING TO GIVE FEDERAL EMPLOYEES THE AUTHORITY OF A COUNTY SHERIFF; PROVIDING THAT THE COUNTY SHERIFF IS THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY; AMENDING SECTION 7-32-2121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 461](#) – Chapter Number Assigned -- 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.

[House Bill 366](#) – Chapter Number Assigned -- AN ACT ALLOWING A CLERK OF DISTRICT COURT AND JUSTICE OF THE PEACE TO RECEIVE UP TO \$2,000 A YEAR IN ADDITION TO BASE SALARY; AMENDING SECTION 7-4-2503, MCA; AND PROVIDING AN EFFECTIVE DATE.

2013

[House Bill 193](#) – Chapter Number Assigned -- AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO APPOINT AN INTERIM OFFICER TO A COUNTY OFFICE UPON OCCURRENCE OF A VACANCY; REQUIRING THE INTERIM OFFICER TO HAVE THE QUALIFICATIONS REQUIRED OF THE OFFICE; PROVIDING THAT THE INTERIM OFFICER IS AUTHORIZED TO PERFORM THE DUTIES OF THE OFFICE; AND AMENDING SECTION 7-4-2206, MCA.

[House Bill 231](#) – Died in Standing Committee -- AN ACT REVISING THE METHOD OF SETTING COMPENSATION FOR UNDERSHERIFFS AND SHERIFF'S DEPUTIES; AMENDING SECTIONS 7-4-2503, 7-4-2505, 7-4-2507, 7-4-2510, AND 7-32-104, MCA; AND REPEALING SECTION 7-4-2508, MCA.

2011

[House Bill 212](#) – Chapter Number Assigned -- AN ACT ELIMINATING COUNTY CLASSIFICATIONS; REPLACING REFERENCES TO COUNTY CLASSIFICATIONS WITH AMOUNT OF TAXABLE VALUATION OR POPULATION; AMENDING SECTIONS 2-18-641, 2-18-702, 7-2-2213, 7-2-2218, 7-2-2222, 7-2-2225, 7-3-1214, 7-3-1306, 7-3-1341, 7-4-2405, 7-4-2601, 7-4-2602, 7-4-2703, 7-4-2705, 7-4-3006, 7-6-2102, 7-6-2401, 7-6-2413, 7-21-3211, 7-22-2142, 7-32-101, 7-32-2102, 7-32-2111, 13-17-101, 15-23-703, 15-24-3001, 15-36-332, 15-39-110, 30-14-122, 39-4-107, 80-7-814, AND 90-6-1001, MCA; REPEALING SECTIONS 7-1-2111 AND 7-1-2112, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill 45](#) – Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS RELATING TO NOTARIES PUBLIC; ALLOWING ELECTRONIC FILING OF THE NOTARY PUBLIC APPLICATION, OATH, AND BOND; REMOVING THE AUTHORITY OF THE COUNTY CLERK AND RECORDER TO CERTIFY THE OFFICIAL CHARACTER OF A NOTARY PUBLIC; CLARIFYING THAT THE SIGNER IS REQUIRED TO APPEAR IN PERSON; CLARIFYING WHICH NOTARIES PUBLIC MAY MAKE OR NOTICE A PROTEST; CLARIFYING

WHEN SIGNATURES ARE REQUIRED FOR JOURNAL ENTRIES; SPECIFYING THE NOTARY JOURNAL IS A PRIVATE DOCUMENT; REQUIRING THE NOTARY JOURNAL TO BE TRANSFERRED TO THE SECRETARY OF STATE UPON TERMINATION FROM OFFICE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 1-5-405, 1-5-407, 1-5-408, 1-5-416, 1-5-419, AND 1-5-603, MCA; REPEALING SECTION 1-5-420, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Prepared By:

Toni Henneman, Research Analyst
Office of Research and Policy Analysis