

HOUSE BILL NO. 231

INTRODUCED BY B. HOVEN

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A BILL FOR AN ACT ENTITLED: "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."

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



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

5 (e) The county treasurer may receive, in addition to the base salary provided in subsection (1)(a), up to
6 \$2,000 a year. The additional salary provided for in this subsection (2)(e) may not be included as salary for the
7 purposes of computing the compensation of any other county officers or employees.

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

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

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

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

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

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

23 (i) the county commissioners;

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

26 (iii) the county attorney;

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

30 (v) (A) subject to subsection (4)(a)(v)(B), one resident taxpayer appointed by each of the three county

1 officials described in subsection (4)(a)(ii).

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

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

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

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

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

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18 **Section 2.** Section 7-4-2505, MCA, is amended to read:

19 **"7-4-2505. Amount of compensation for deputies and assistants.** (1) Subject to subsection (2), the
20 boards of county commissioners in the several counties in the state shall fix the compensation allowed any deputy
21 or assistant of the following officers:

22 (a) clerk and recorder;

23 (b) clerk of the district court;

24 (c) treasurer;

25 (d) county attorney;

26 (e) auditor; and

27 (f) sheriff.

28 (2) (a) The salary of a deputy or an assistant listed in subsection (1), other than a deputy county attorney
29 or undersheriff, may not be more than 90% of the salary of the officer under whom the deputy or assistant is
30 serving. The salary of a deputy county attorney, including longevity payments provided in 7-4-2503(3)(c), may

1 not exceed the salary of the county attorney under whom the deputy is serving. The compensation of an
 2 undersheriff, not including longevity payments provided for in 7-4-2510, may not exceed 95% of the salary of the
 3 sheriff under whom the undersheriff is serving.

4 (b) The compensation of a deputy sheriff, not including longevity payments provided for in 7-4-2510,
 5 must be adjusted after consultation with the sheriff according to a rank structure in the sheriff's office.

6 ~~(b)~~(c) If a deputy or assistant is employed for a period of less than 1 year, the compensation of the
 7 deputy or assistant must be for the time employed and the rate of compensation may not be in excess of the rates
 8 provided by law for similar deputies and assistants."

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10 **Section 3.** Section 7-4-2507, MCA, is amended to read:

11 **"7-4-2507. Deputy sheriff and undersheriff provisions -- construction.** If there is a conflict between
 12 ~~7-4-2508 through 7-4-2505, 7-4-2509, and 7-4-2510~~ and any other law, ~~7-4-2508 through 7-4-2505, 7-4-2509,~~
 13 and 7-4-2510 govern with respect to undersheriffs and deputy sheriffs."

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15 **Section 4.** Section 7-4-2510, MCA, is amended to read:

16 **"7-4-2510. Sheriff's office -- longevity payments.** Beginning on the date of the deputy sheriff's or
 17 undersheriff's first anniversary of employment with the office and adjusted annually, a deputy sheriff or
 18 undersheriff is entitled to receive a longevity payment amounting to 1% of the minimum base annual salary as
 19 set by the county commissioners pursuant to 7-4-2505 for each year of service with the office, but years of service
 20 during any year in which the salary was set at the same level as the salary of the prior fiscal year may not be
 21 included in any calculation of longevity increases. This payment must be made in equal monthly installments."

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23 **Section 5.** Section 7-32-104, MCA, is amended to read:

24 **"7-32-104. Salaries.** The provisions of 7-4-2503 notwithstanding, the salaries of the director and
 25 employees of the department of public safety shall be established by the public safety commission and shall be
 26 paid by the city or town with the board of county commissioners. The salary of the director may not be less than
 27 that specified for the sheriff in 7-4-2503. The salaries of employees may not be less than the deputy sheriff
 28 salaries specified in ~~7-4-2508~~ 7-4-2505 and 7-4-2510; however, employees are not required to be paid any fixed
 29 percentage of the director's or sheriff's salary."

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1 **NEW SECTION. Section 6. Repealer.** The following section of the Montana Code Annotated is
2 repealed:

3 7-4-2508. Compensation of undersheriff and deputy sheriff.

4 - END -