

HOUSE BILL 1003

Introduced by McCarthy, et al.

3/20	Introduced
3/20	Referred to Appropriations
3/20	First Reading
3/20	Fiscal Note Requested
3/22	Rereferred to Taxation
3/25	Fiscal Note Received
	Died in Committee

*HOUSE* BILL NO. *1,003*

INTRODUCED BY

*F. M. ... Dan ...*  
*David T. ...*

A BILL FOR AN ACT ENTITLED: "AN ACT EXCEPTING PROBATION AND PAROLE OFFICERS IN THE DEPARTMENT OF INSTITUTIONS FROM THE STATEWIDE CLASSIFICATION AND PAY PLAN; STATUTORILY PROVIDING FOR A SEPARATE CLASSIFICATION SYSTEM; REQUIRING THAT PROBATIONERS AND PAROLEES PAY A SUPERVISORY FEE TO THE STATE; STATUTORILY APPROPRIATING THE MONEY COLLECTED FROM THE FEES TO THE DEPARTMENT OF INSTITUTIONS TO SUPPLEMENT THE SALARIES AND TRAINING OF PROBATION AND PAROLE OFFICERS; APPROPRIATING GENERAL FUND MONEY FOR THE OFFICERS' SALARIES; AMENDING SECTIONS 2-18-103, 17-7-502, AND 46-22-1004, MCA; AND PROVIDING EFFECTIVE DATES."

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

**Section 1.** Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

- (1) elected officials;
- (2) county assessors and their chief deputy;
- (3) officers and employees of the legislative branch;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the

- governor, the legislature, or other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;
- (9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;
- (10) teachers under the authority of the department of institutions or family services;
- (11) investment officer, assistant investment officer, executive director, and three professional staff positions of the board of investments;
- (12) four professional staff positions under the board of oil and gas conservation;
- (13) assistant director for security of the Montana state lottery;
- (14) executive director and senior investment officer of the Montana board of science and technology development; and
- (15) executive director and employees of the state compensation mutual insurance fund; and
- (16) probation and parole officers appointed by the department of institutions under the provisions of



1 46-23-1002."

2 **Section 2.** Section 17-7-502, MCA, is amended to read:

3 **"17-7-502. Statutory appropriations -- definition --**  
4 **requisites for validity.** (1) A statutory appropriation is an  
5 appropriation made by permanent law that authorizes spending  
6 by a state agency without the need for a biennial  
7 legislative appropriation or budget amendment.

8 (2) Except as provided in subsection (4), to be  
9 effective, a statutory appropriation must comply with both  
10 of the following provisions:

11 (a) The law containing the statutory authority must be  
12 listed in subsection (3).

13 (b) The law or portion of the law making a statutory  
14 appropriation must specifically state that a statutory  
15 appropriation is made as provided in this section.

16 (3) The following laws are the only laws containing  
17 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
18 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
19 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
20 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
21 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
22 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;  
23 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
24 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
25 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; [section 6];

1 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;  
2 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;  
3 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;  
4 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws  
5 of 1985.

6 (4) There is a statutory appropriation to pay the  
7 principal, interest, premiums, and costs of issuing, paying,  
8 and securing all bonds, notes, or other obligations, as due,  
9 that have been authorized and issued pursuant to the laws of  
10 Montana. Agencies that have entered into agreements  
11 authorized by the laws of Montana to pay the state  
12 treasurer, for deposit in accordance with 17-2-101 through  
13 17-2-107, as determined by the state treasurer, an amount  
14 sufficient to pay the principal and interest as due on the  
15 bonds or notes have statutory appropriation authority for  
16 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
17 664, L. 1987, the inclusion of 39-71-2504 terminates June  
18 30, 1991.)"

19 **Section 3.** Section 46-23-1004, MCA, is amended to read:

20 **"46-23-1004. Duties of the department.** The department  
21 is responsible for any investigation and supervision  
22 requested by the board or the courts. The department shall:

23 (1) divide the state into districts and assign  
24 probation and parole officers to serve in these districts  
25 and courts;

1       (2) administer the job classification system for  
2 probation and parole officers as set forth in [section 4];

3       †2†(3) obtain any necessary office quarters for the  
4 staff in each district;

5       †3†(4) assign the secretarial, bookkeeping, and  
6 accounting work to the clerical employees, including receipt  
7 and disbursement of money;

8       †4†(5) direct the work of the probation and parole  
9 officers and other employees;

10       †5†(6) formulate methods of investigation, supervision,  
11 recordkeeping, and reports;

12       †6†(7) conduct training courses for the staff;

13       †7†(8) cooperate with all agencies, public and private,  
14 which are concerned with the treatment or welfare of persons  
15 on probation or parole;

16       †8†(9) administer the interstate compact for the  
17 supervision of parolees and probationers."

18       NEW SECTION. Section 4. Classification of probation  
19 and parole officers. Position classifications and  
20 compensation determinations for probation and parole  
21 officers must correspond to pay ranges and grades provided  
22 in 2-18-312, according to the following provisions:

23       (1) A newly hired probation or parole officer must be  
24 appointed as a temporary probation or parole officer I,  
25 grade 13.

1       (2) A probation or parole officer who has successfully  
2 completed the probationary period set forth in the  
3 department's rules must be appointed as a permanent  
4 probation or parole officer II, grade 14, and is entitled  
5 to:

6       (a) appointment as a probation or parole officer III,  
7 grade 15, after 2 years of service;

8       (b) appointment as a probation or parole officer IV,  
9 grade 16, after 5 years of service; and

10       (c) appointment as a probation or parole officer V,  
11 grade 17, after 10 years of service.

12       NEW SECTION. Section 5. Supervisory fees. (1) (a)  
13 Except as provided in subsection (1)(b), a probationer or  
14 parolee shall pay to the state a supervisory fee of \$25 a  
15 month. The fee must be collected by the supervising  
16 probation or parole officer during the probationer's or  
17 parolee's period of supervision under this part.

18       (b) The court or the board may waive or reduce the fee  
19 or suspend the monthly payment of the fee if it determines  
20 that the payment would cause the probationer or parolee a  
21 significant financial hardship.

22       (2) Probation and parole officers shall deposit the  
23 fees collected under the provisions of subsection (1) into  
24 the state special revenue fund to be statutorily  
25 appropriated to the department as provided in [section 6].

1        NEW SECTION.    **Section 6.**    Statutory appropriation. All  
2 fees collected and deposited under the provisions of  
3 [section 5] are statutorily appropriated, as provided in  
4 17-7-502, to the department and must be used to supplement  
5 the salaries and training of probation and parole officers.

6        NEW SECTION.    **Section 7.**    Appropriation.    There are  
7 appropriated the following amounts from the general fund to  
8 the department of institutions for the training of probation  
9 and parole officers and for their reclassification as  
10 provided in [section 4]:

11	Fiscal year 1992	\$16,225
12	Fiscal year 1993	\$448,007

13        NEW SECTION.    **Section 8.**    Codification    instruction.  
14 [Sections 4 through 6] are intended to be codified as an  
15 integral part of Title 46, chapter 23, part 10, and the  
16 provisions of Title 46, chapter 23, part 10, apply to  
17 [sections 4 through 6].

18        NEW SECTION.    **Section 9.**    Effective dates. (1) [Sections  
19 5 and 7] are effective July 1, 1991.

20        (2) [Sections 1 through 4 and 6] are effective July 1,  
21 1993.

-End-