

CHAPTER NO. 669

HOUSE BILL NO. 682

INTRODUCED BY HAND, SCULLY, KEYSER, YARDLEY

IN THE HOUSE

February 9, 1979	Introduced and referred to Committee on Local Government. Rereferred to Committee on Judiciary.
February 16, 1979	Committee recommend bill do pass as amended. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 21, 1979	Committee recommend bill be concurred in. Report adopted.
March 23, 1979	Second reading, concurred in as amended.
March 26, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 27, 1979	Returned from second house. Concurred in as amended.
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March 29, 1979	Second reading, amendments rejected.
	On motion, Joint Conference Committee requested.
March 30, 1979	Joint Conference Committee appointed.
April 4, 1979	Joint Conference Committee dissolved.
	On motion, Free Joint Conference Committee requested.
April 5, 1979	Free Joint Conference Committee appointed.
April 6, 1979	Free Joint Conference Committee reported.
April 7, 1979	Second reading, adopted.
April 9, 1979	Third reading, adopted.
April 11, 1979	Adopted by Senate.
	Sent to enrolling.
	Reported correctly enrolled.

1 *House* BILL NO. *682*
 2 INTRODUCED BY *Hand Sully Goyson*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY
 5 COMMISSIONERS IN CERTAIN COUNTIES TO ESTABLISH THE OFFICE OF
 6 COUNTY ATTORNEY AS A FULL-TIME POSITION; TO INCREASE THE
 7 SALARY OF CERTAIN COUNTY ATTORNEYS; AND TO PROVIDE FOR THE
 8 RENDITION OF COUNTY LEGAL SERVICES BY PERSONS OTHER THAN THE
 9 COUNTY ATTORNEY; AMENDING SECTION 7-4-2503, MCA."

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

12 NEW SECTION. Section 1. County attorney may be full
 13 time -- resolution -- salary. In any county with a
 14 population of less than 30,000, the county commissioners
 15 may, upon the consent of the county attorney, on July 1 of
 16 any year by resolution establish the office of county
 17 attorney as a full-time position subject to the provisions
 18 of 7-4-2701 and 7-4-2704. The salary for this position is
 19 the salary provided by 7-4-2503 for the office of county
 20 attorney in a county with a population in excess of 30,000.

21 NEW SECTION. Section 2. Contract for services of
 22 county attorney from another county. The county
 23 commissioners of any county may upon the consent of the
 24 county attorney, by agreement with the commissioners and
 25 county attorney of any other county, contract in writing to

1 employ any other county attorney or attorney member of his
 2 staff to perform civil or criminal legal services for the
 3 county at a reasonable rate. The provisions of this section
 4 are subject to the provisions of interlocal cooperative
 5 agreements.

6 NEW SECTION. Section 3. Contract for services of any
 7 other attorney. In any county with a population of less than
 8 30,000, the county commissioners may, upon consent of the
 9 county attorney, employ any other attorney licensed in
 10 Montana to perform any legal service in connection with the
 11 civil business of the county.

12 Section 4. Section 7-4-2503, MCA, is amended to read:
 13 "7-4-2503. Salaries of certain county officers. (1)
 14 Except as provided in subsection (2), the total salary paid
 15 to the county treasurer, county clerk and recorder, clerk of
 16 the district court, county attorney, county assessor, county
 17 superintendent of schools, and county sheriff; the county
 18 surveyor in counties where county surveyors receive salaries
 19 as provided in 7-4-2812; and the county auditor in all
 20 counties wherein such office is authorized shall be the sum
 21 of the salary shown in column A, based on population as of
 22 January 1, 1977, when added to the salary shown in column B,
 23 based on taxable valuation as of January 1, 1977, as
 24 follows:

25 (a) Population of County Column A

-2- *HB 682*
 INTRODUCED BILL

1	Below 3,000.....	\$4,494
2	3,000 to 3,999.....	\$4,729
3	4,000 to 4,999.....	\$4,833
4	5,000 to 5,999.....	\$4,938
5	6,000 to 6,999.....	\$5,058
6	7,000 to 7,999.....	\$5,394
7	8,000 to 8,999.....	\$5,487
8	9,000 to 9,999.....	\$5,617
9	10,000 to 12,499.....	\$5,708
10	12,500 to 14,999.....	\$5,826
11	15,000 to 17,499.....	\$5,943
12	17,500 to 19,999.....	\$6,048
13	20,000 to 24,999.....	\$6,165
14	25,000 to 29,999.....	\$6,270
15	30,000 to 39,999.....	\$6,387
16	40,000 to 49,999.....	\$6,544
17	50,000 to 59,999.....	\$6,779
18	60,000 to 69,999.....	\$7,014
19	70,000 to 79,999.....	\$7,275
20	80,000 to 89,999.....	\$7,432
21	90,000 to 99,999.....	\$7,676
22	100,000 and over.....	\$7,902
23	(b) Taxable Valuation of County	Column B
24	Below \$2,000,000.....	\$4,598
25	2,000,000 to 2,999,999.....	\$4,729

1	3,000,000 to 3,999,999.....	\$4,833
2	4,000,000 to 4,999,999.....	\$4,938
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24	75,000,000 to 79,999,999.....	\$8,843
25	80,000,000 to 84,999,999.....	\$9,078

1	85,000,000 to 89,999,999.....	\$9,313
2	90,000,000 to 94,999,999.....	\$9,548
3	95,000,000 to 99,999,999.....	\$9,783
4	100,000,000 to 109,999,999.....	\$10,019
5	110,000,000 to 119,999,999.....	\$10,195
6	120,000,000 to 129,999,999.....	\$10,398
7	130,000,000 to 139,999,999.....	\$10,606
8	140,000,000 to 149,999,999.....	\$10,817
9	150,000,000 and over.....	\$11,035

10 (2) (a) The county superintendent of schools shall
11 receive, in addition to the salary based upon the totals of
12 columns A and B above, the sum of \$400 per year.

13 (b) The county sheriff shall receive, in addition to
14 the salary based upon the totals of columns A and B above,
15 the sum of \$1,200 per year.

16 (c) Except in counties of population greater than
17 30,000, the county attorney shall receive, in addition to
18 the salary based upon the totals of column A and B above,
19 the sum of \$1,200. In each county with a population in
20 excess of 30,000 and in those counties where the office of
21 county attorney has been established as a full-time position
22 pursuant to [section 1], the salary of the county attorney
23 shall be ~~\$30,000~~ \$34,200 per year."

-End-

HB 682

STATE OF MONTANA

Request No. 365-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 1979, there is hereby submitted a Fiscal Note for House Bill 682 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 682 allows counties of under 30,000 population to establish full-time county attorneys and raises the salaries of county attorneys in counties of over 30,000 population.

ASSUMPTIONS:

1. Of the counties under 30,000 population, the four counties between 15,000 and 30,000 population will either establish full-time county attorneys or contract with private attorneys pursuant to section 3 of the bill in amounts equal to the salary of a full-time attorney.
2. Seven counties over 30,000 will raise salaries.
3. Employee benefits are 13.5% of gross salaries.

FISCAL IMPACT:

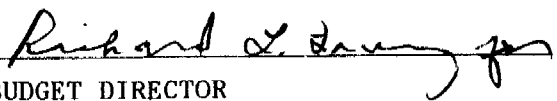
No fiscal impact on state government.

LOCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Personal services expenditures under proposed law	\$426,303	\$426,303
Personal services expenditures under current law	<u>300,950</u>	<u>300,950</u>
Increased personal services expenditures under proposed law	<u>\$125,353</u>	<u>\$125,353</u>

COMMENT:

No data is available on the total salaries currently paid deputy county attorneys, however historically the salaries of deputies have increased proportionately to those of county attorneys.


 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 2/20/79

Approved by Committee on Judiciary

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

NEW SECTION. Section 1. County attorney may be full time -- resolution -- salary. In any county with a population of less than 30,000, the county commissioners may, upon the consent of the county attorney, on July 1 of any year by resolution establish the office of county attorney as a full-time position subject to the provisions of 7-4-2701 and 7-4-2704. The salary for this position is the salary provided by 7-4-2503 for the office of county attorney in a county with a population in excess of 30,000.

NEW SECTION. Section 2. Contract for services of county attorney from another county. The county commissioners of any county may upon the consent of the county attorney, by agreement with the commissioners and county attorney of any other county, contract in writing to

employ any other county attorney or attorney member of his staff to perform civil or criminal legal services for the county at a reasonable rate. The provisions of this section are subject to the provisions of interlocal cooperative agreements.

NEW SECTION. Section 3. Contract for services of any other attorney. In any county with a population of less than 30,000, the county commissioners may, upon consent of the county attorney, employ any other attorney licensed in Montana to perform any legal service in connection with the civil business of the county.

Section 4. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salaries of certain county officers. (1) Except as provided in subsection (2), the total salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county attorney, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized shall be the sum of the salary shown in column A, based on population as of January 1, 1977, when added to the salary shown in column B, based on taxable valuation as of January 1, 1977, as follows:

(a) Population of County Column A

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-End-

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20 excess of 30,000 and in those counties where the office of
21 county attorney has been established as a full-time position
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-End-

HB 682

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4	6,000,000 to 6,999,999.....	\$5,394
5	7,000,000 to 7,999,999.....	\$5,487
6	8,000,000 to 9,999,999.....	\$5,617
7	10,000,000 to 11,999,999.....	\$5,708
8	12,000,000 to 13,999,999.....	\$5,826
9	14,000,000 to 15,999,999.....	\$5,942
10	16,000,000 to 17,999,999.....	\$6,047
11	18,000,000 to 19,999,999.....	\$6,165
12	20,000,000 to 22,499,999.....	\$6,270
13	22,500,000 to 24,999,999.....	\$6,387
14	25,000,000 to 29,999,999.....	\$6,544
15	30,000,000 to 34,999,999.....	\$6,779
16	35,000,000 to 39,999,999.....	\$7,014
17	40,000,000 to 44,999,999.....	\$7,275
18	45,000,000 to 49,999,999.....	\$7,432
19	50,000,000 to 54,999,999.....	\$7,667
20	55,000,000 to 59,999,999.....	\$7,902
21	60,000,000 to 64,999,999.....	\$8,138
22	65,000,000 to 69,999,999.....	\$8,372
23	70,000,000 to 74,999,999.....	\$8,607
24	75,000,000 to 79,999,999.....	\$8,843
25	80,000,000 to 84,999,999.....	\$9,078

1	85,000,000 to 89,999,999.....	\$9,313
2	90,000,000 to 94,999,999.....	\$9,548
3	95,000,000 to 99,999,999.....	\$9,783
4	100,000,000 to 109,999,999.....	\$10,019
5	110,000,000 to 119,999,999.....	\$10,195
6	120,000,000 to 129,999,999.....	\$10,398
7	130,000,000 to 139,999,999.....	\$10,606
8	140,000,000 to 149,999,999.....	\$10,817
9	150,000,000 and over.....	\$11,035

10 (2) (a) The county superintendent of schools shall
11 receive, in addition to the salary based upon the totals of
12 columns A and B above, the sum of \$400 per year.

13 (b) The county sheriff shall receive, in addition to
14 the salary based upon the totals of columns A and B above,
15 the sum of \$1,200 per year.

16 (c) Except in counties of population greater than
17 30,000, the county attorney shall receive, in addition to
18 the salary based upon the totals of column A and B above,
19 the sum of \$1,200. In each county with a population in
20 excess of 30,000 and in those counties where the office of
21 county attorney has been established as a full-time position
22 pursuant to [section 1], the salary of the county attorney
23 shall be NOT EXCEED \$30,000 ~~\$34,200~~ ~~\$30,000~~ per year."

-End-

HOUSE BILL NO. 682

INTRODUCED BY HAND, SCULLY, KEYSER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY COMMISSIONERS IN CERTAIN COUNTIES TO ESTABLISH THE OFFICE OF COUNTY ATTORNEY AS A FULL-TIME POSITION; TO INCREASE THE SALARY OF CERTAIN COUNTY ATTORNEYS; AND TO PROVIDE FOR THE RENDITION OF COUNTY LEGAL SERVICES BY PERSONS OTHER THAN THE COUNTY ATTORNEY; AMENDING SECTION 7-4-2503, MCA."

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

NEW SECTION. Section 1. County attorney may be full time -- resolution -- salary. In any county with a population of less than 30,000, the county commissioners may, upon the consent of the county attorney, on July 1 of any year by resolution establish the office of county attorney as a full-time position subject to the provisions of 7-4-2701 and 7-4-2704. The salary for this position is the salary provided by 7-4-2503 for the office of county attorney in a county with a population in excess of 30,000.

NEW SECTION. Section 2. Contract for services of county attorney from another county. The county commissioners of any county may upon the consent of the county attorney, by agreement with the commissioners and county attorney of any other county, contract in writing to

employ any other county attorney or attorney member of his staff to perform civil or criminal legal services for the county at a reasonable rate. The provisions of this section are subject to the provisions of interlocal cooperative agreements.

NEW SECTION. Section 3. Contract for services of any other attorney. In any county with a population of less than 30,000, the county commissioners may, upon consent of the county attorney, employ any other attorney licensed in Montana to perform any legal service in connection with the civil business of the county.

Section 4. Section 7-4-2503, MCA, is amended to read: "7-4-2503. Salaries of certain county officers. (1) Except as provided in subsection (2), the total salary paid to the county treasurer, county clerk and recorder, clerk of the district court, county attorney, county assessor, county superintendent of schools, and county sheriff; the county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812; and the county auditor in all counties wherein such office is authorized shall be the sum of the salary shown in column A, based on population as of January 1, 1977, when added to the salary shown in column B, based on taxable valuation as of January 1, 1977, as follows:

(a) Population of County Column A

1	Below 3,000.....	\$4,494
2	3,000 to 3,999.....	\$4,729
3	4,000 to 4,999.....	\$4,833
4	5,000 to 5,999.....	\$4,938
5	6,000 to 6,999.....	\$5,058
6	7,000 to 7,999.....	\$5,394
7	8,000 to 8,999.....	\$5,487
8	9,000 to 9,999.....	\$5,617
9	10,000 to 12,499.....	\$5,708
10	12,500 to 14,999.....	\$5,826
11	15,000 to 17,499.....	\$5,943
12	17,500 to 19,999.....	\$6,048
13	20,000 to 24,999.....	\$6,165
14	25,000 to 29,999.....	\$6,270
15	30,000 to 39,999.....	\$6,387
16	40,000 to 49,999.....	\$6,544
17	50,000 to 59,999.....	\$6,779
18	60,000 to 69,999.....	\$7,014
19	70,000 to 79,999.....	\$7,275
20	80,000 to 89,999.....	\$7,432
21	90,000 to 99,999.....	\$7,676
22	100,000 and over.....	\$7,902
23	(b) Taxable Valuation of County	Column B
24	Below \$2,000,000.....	\$4,598
25	2,000,000 to 2,999,999.....	\$4,729

1	3,000,000 to 3,999,999.....	\$4,833
2	4,000,000 to 4,999,999.....	\$4,938
3	5,000,000 to 5,999,999.....	\$5,069
4	6,000,000 to 6,999,999.....	\$5,394
5	7,000,000 to 7,999,999.....	\$5,487
6	8,000,000 to 9,999,999.....	\$5,617
7	10,000,000 to 11,999,999.....	\$5,708
8	12,000,000 to 13,999,999.....	\$5,826
9	14,000,000 to 15,999,999.....	\$5,942
10	16,000,000 to 17,999,999.....	\$6,047
11	18,000,000 to 19,999,999.....	\$6,165
12	20,000,000 to 22,499,999.....	\$6,270
13	22,500,000 to 24,999,999.....	\$6,387
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15	30,000,000 to 34,999,999.....	\$6,779
16	35,000,000 to 39,999,999.....	\$7,014
17	40,000,000 to 44,999,999.....	\$7,275
18	45,000,000 to 49,999,999.....	\$7,432
19	50,000,000 to 54,999,999.....	\$7,667
20	55,000,000 to 59,999,999.....	\$7,902
21	60,000,000 to 64,999,999.....	\$8,138
22	65,000,000 to 69,999,999.....	\$8,372
23	70,000,000 to 74,999,999.....	\$8,607
24	75,000,000 to 79,999,999.....	\$8,843
25	80,000,000 to 84,999,999.....	\$9,078

1	85,000,000 to 89,999,999.....	\$9,313
2	90,000,000 to 94,999,999.....	\$9,548
3	95,000,000 to 99,999,999.....	\$9,783
4	100,000,000 to 109,999,999.....	\$10,019
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8	140,000,000 to 149,999,999.....	\$10,817
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16 (c) Except in counties of population greater than
 17 30,000, the county attorney shall receive, in addition to
 18 the salary based upon the totals of column A and B above,
 19 the sum of \$1,200. In each county with a population in
 20 excess of 30,000 ~~and in those counties where the office of~~
 21 ~~county attorney has been established as a full-time position~~
 22 ~~pursuant to [section 1],~~ the salary of the county attorney
 23 shall be ~~NOT EXCEED BE \$30,000 \$24,200 \$30,000~~ \$30,000 per year.

24 (D) IN THOSE COUNTIES WHERE THE OFFICE OF THE COUNTY
 25 ATTORNEY HAS BEEN ESTABLISHED AS A FULL-TIME POSITION

1 PURSUANT TO [SECTION 1], THE SALARY OF THE COUNTY ATTORNEY
 2 SHALL BE SET BY RESOLUTION OF THE COUNTY COMMISSION BUT IT
 3 SHALL NOT EXCEED THE SALARY OF THE COUNTY ATTORNEY IN A
 4 COUNTY WITH A POPULATION IN EXCESS OF 30,000."

-End-

March 23, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 682, third reading bill, be amended as follows:

1. Page 5, line 23.
Following: "shall"
Strike: "be"
Insert: "not exceed"