

SENATE BILL NO. 116

INTRODUCED BY AKLESTAD, GOULD, MENAHAN,  
KEENAN, HALLIGAN, PINSONEAULT, KOLSTAD, HART,  
ADDY, LORY, MCCALLUM, HOLLIDAY, ABRAMS, IVERSON,  
HAFFEY, SCHYE, KOEHNKE, REAM, JANET MOORE, GALT

IN THE SENATE

January 15, 1985	Introduced and referred to Committee on Local Government.
January 18, 1985	Fiscal Note requested.
January 28, 1985	Fiscal Note returned.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted.
February 23, 1985	Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass as amended.
February 26, 1985	Correctly engrossed.
February 27, 1985	Third reading, passed. Ayes, 45; Noes, 5.
	Transmitted to House.

IN THE HOUSE

March 7, 1985	Introduced and referred to Committee on Judiciary.
	New Fiscal Note requested.
March 12, 1985	New Fiscal Note returned.
March 30, 1985	Committee recommend bill be concurrent in as amended. Report adopted.

April 1, 1985

Second reading, concurred in  
as amended.

Third reading, concurred in.

Returned to Senate with  
amendments.

#### IN THE SENATE

April 1, 1985

Received from House.

April 4, 1985

On motion, passed for the day.  
Motion adopted.

April 5, 1985

Second reading, amendments not  
concurred in. Ayes, 33;  
Noes, 9.

On motion, Free Conference  
Committee requested.

April 11, 1985

Second new Fiscal Note  
requested.

April 15, 1985

Free Conference Committee  
appointed.

April 16, 1985

Second new Fiscal Note  
returned.

April 23, 1985

Free Conference Committee  
reported.

Free Conference Committee  
report rejected by House.

April 24, 1985

Second reading, Free  
Conference Committee report  
adopted.

Third reading, Free Conference  
Committee report adopted.

April 24, 1985

On motion, new Free Conference Committee requested and appointed.

New Free Conference Committee reported.

April 25, 1985

Second reading, new Free Conference Committee report adopted.

Third reading, new Free Conference Committee report adopted.

New Free Conference Committee report adopted by House.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *116* *M. Kelly*  
 2 INTRODUCED BY *DR. D. D. Keenan*  
 3 *Shelley* *Shelley* *Shelley* *Shelley* *Shelley*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PAY  
 5 STRUCTURE FOR PROSECUTING ATTORNEYS; ADJUSTING THE SALARY OF  
 6 PART-TIME COUNTY ATTORNEYS; REQUIRING THE STATE TO PAY  
 7 ONE-HALF OF THE SALARY OF AUTHORIZED DEPUTY COUNTY  
 8 ATTORNEYS; PROVIDING LONGEVITY PAY FOR COUNTY ATTORNEYS AND  
 9 THEIR DEPUTIES; PROVIDING FUNDING BY IMPOSING A CHARGE ON  
 10 PERSONS CONVICTED OF CRIMINAL OFFENSES OR WHO FORFEIT BOND  
 11 OR BAIL; AMENDING SECTIONS 7-4-2502, 7-4-2503, AND 7-4-2505,  
 12 MCA; AND PROVIDING AN EFFECTIVE DATE."  
 13

14 WHEREAS, the purpose of this act is to maintain and  
 15 improve the quality of the prosecution function in Montana  
 16 by adjusting the salary of part-time county attorneys,  
 17 requiring the state to pay one-half of the salary of the  
 18 deputy county attorneys authorized by 7-4-2703, and  
 19 providing longevity pay for county attorneys and their  
 20 deputies; and

21 WHEREAS, it is appropriate that necessary funding be  
 22 derived from a charge to be assessed upon persons convicted  
 23 of a crime or who forfeit bail or bond, thus providing that  
 24 costs of maintaining and improving the quality of the  
 25 prosecution function will be borne, in part, by those who

1 necessitate the operation of the criminal justice system.

2  
 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 NEW SECTION. Section 1. Imposition of charge upon  
 5 conviction or forfeiture -- administration. (1) Except as  
 6 provided in subsection (2), there must be imposed by all  
 7 courts of original jurisdiction on a defendant upon his  
 8 conviction for a criminal offense or upon forfeiture of bond  
 9 or bail a charge that is in addition to other taxable court  
 10 costs, fees, or fines, as follows:

11 (a) \$10 in each misdemeanor case; and

12 (b) the greater of \$20 or 10% of the fine levied in  
 13 each felony case.

14 (2) If a convicting court determines under 46-18-231  
 15 and 46-18-232 that the defendant is not able to pay the fine  
 16 and costs or that he is unable to pay within a reasonable  
 17 time, the court must waive payment of the charge imposed by  
 18 this section.

19 (3) The charge imposed by this section is not a fine  
 20 and may not be used in determining the jurisdiction of any  
 21 court.

22 (4) The charges collected under subsection (1) must be  
 23 deposited with the local government finance officer or  
 24 treasurer. The finance officer or treasurer shall record the  
 25 amount of charges collected that are on deposit with him. On

1 or before the last day of the month following each calendar  
 2 quarter, the finance officer or treasurer shall remit funds  
 3 collected during the preceding quarter to the state  
 4 treasurer for deposit in the state general fund. A local  
 5 government may retain 10% of funds collected to be deposited  
 6 in its general fund to cover costs of administering this  
 7 section.

8 Section 2. Section 7-4-2502, MCA, is amended to read:

9 "7-4-2502. Payment of salaries of county officials and  
 10 assistants. (1) Except as provided in subsection (2), the  
 11 salaries of the county officers and their assistants may be  
 12 paid monthly, twice monthly, or every 2 weeks out of the  
 13 general fund of the county and upon the order of the board  
 14 of county commissioners.

15 (2) (a) The salary salaries of the county attorney is  
 16 and deputy county attorneys authorized by 7-4-2703 are  
 17 payable monthly, with one-half from the general fund of the  
 18 county and the other one-half from the state treasury upon  
 19 the warrant of the state auditor. Such salaries include the  
 20 longevity increases provided by 7-4-2503(3)(d).

21 (b) The county commissioners of each county shall,  
 22 within 30 days after the election or appointment to fill a  
 23 vacancy for any cause in the office of county attorney or  
 24 within 30 days after the appointment of a deputy county  
 25 attorney authorized by 7-4-2703, certify the election or

1 appointment to the state auditor, who shall thereafter draw  
 2 warrants for such salary in the same manner as for state  
 3 officers. In case of a vacancy, the county commissioners  
 4 shall immediately notify the state auditor, and the auditor  
 5 shall compute the salary due on the basis of the  
 6 notification.

7 (3) The board has jurisdiction and power, under such  
 8 limitations and restrictions as are prescribed by law, to  
 9 fix the compensation of all county officers not otherwise  
 10 fixed by law and to provide for the payment of the same."

11 Section 3. Section 7-4-2503, MCA, is amended to read:

12 "7-4-2503. Salary schedule for certain county  
 13 officers. (1) The salary paid to the county treasurer,  
 14 county clerk and recorder, clerk of the district court,  
 15 ~~part-time---county---attorney~~, county assessor, county  
 16 superintendent of schools, and county sheriff; the county  
 17 surveyor in counties where county surveyors receive salaries  
 18 as provided in 7-4-2812; and the county auditor in all  
 19 counties wherein such office is authorized, for the fiscal  
 20 year beginning July 1, 1981, is computed by adding the  
 21 annual base salary of:

22 (a) \$14,000 for the counties of the first through  
 23 fifth class to the population increment of \$10 for each 100  
 24 persons or major fraction thereof included in the county's  
 25 population as determined by the 1980 federal decennial

1 census; or

2 (b) \$12,000 for counties of the sixth and seventh  
3 class to the population increment of \$20 per 100 persons or  
4 major fraction thereof in the county's population as  
5 determined by the 1980 federal decennial census.

6 (2) (a) The county superintendent of schools shall  
7 receive, in addition to the salary based upon subsection  
8 (1), the sum of \$400 per year.

9 (b) The county sheriff shall receive, in addition to  
10 the salary based upon subsection (1), the sum of \$2,000 per  
11 year.

12 ~~{c}--in--counties--with--a--population--less--than--30,000,~~  
13 ~~the--county--attorney--who--is--a--part-time--official--shall~~  
14 ~~receive--in--addition--to--the--salary--based--upon--subsection~~  
15 ~~{i}--the--sum--of--\$1,200--per--year--~~

16 (3) (a) In each county with a population in excess of  
17 30,000, the county attorney shall be a full-time official  
18 under 7-4-2704, and his salary for the fiscal year beginning  
19 July 1, 1981, shall be \$36,500. In counties with a  
20 population less than 30,000, the county attorney who is a  
21 part-time official for a county of the first, second, third,  
22 fourth, or fifth class is entitled to receive an annual base  
23 salary equal to 60% of the annual base salary of a full-time  
24 county attorney. A county attorney who is a part-time  
25 official for a county of the sixth or seventh class is

1 entitled to receive an annual base salary equal to 50% of  
2 the annual base salary of a full-time county attorney.

3 ~~{d}{b}~~ In those counties where the office of the  
4 county attorney has been established as a full-time position  
5 pursuant to 7-4-2706, the salary of the county attorney for  
6 the fiscal year beginning July 1, 1981, shall be \$36,500.

7 (c) Beginning on July 1, 1982, and on July 1 of each  
8 succeeding year, each county attorney shall be entitled to  
9 an increase in salary calculated by adding to his annual  
10 salary on July 1, 1981, an increment of 70% of the last  
11 previous calendar year's consumer price index for all urban  
12 consumers, U.S. department of labor, bureau of labor  
13 statistics, or other index that the bureau of business and  
14 economic research of the university of Montana may in the  
15 future recognize as the successor to that index. The  
16 cost-of-living increment for the fiscal year beginning July  
17 1, 1983, and for each subsequent fiscal year shall be added  
18 to all cost-of-living increments granted for previous years.

19 (d) (i) After completing 4 years of service as county  
20 attorney or deputy county attorney, each county attorney or  
21 deputy county attorney is entitled to an increase in salary  
22 of \$1,000 on the anniversary date of his employment as  
23 county attorney or deputy county attorney. After completing  
24 5 years of service as county attorney or deputy county  
25 attorney, each county attorney or deputy county attorney is

entitled to an additional increase in salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as county attorney or deputy county attorney and for each year of service thereafter up to completion of the 11th year of service, each county attorney or deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) If a county attorney has formerly served as deputy county attorney, his years of service as deputy must be included in the calculation of the longevity increase provided in this subsection (3)(d).

(iii) The years of service as a county attorney or deputy county attorney accumulated prior to [the effective date of this act] must be included in the calculation of the longevity increase.

~~(e)~~(4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana bureau of business and economic research and the U.S. bureau of the census or other estimate

that the bureau of business and economic research may certify."

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

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

- (a) clerk and recorder;
- (b) clerk of the district court;
- (c) treasurer;
- (d) assessor;
- (e) county attorney;
- (f) auditor.

(2) (a) The salary of a deputy or an assistant listed in subsection (1), excluding longevity payments provided in 7-4-2503(3)(d), may not be more than 90% of the salary of the officer under whom such deputy or assistant is serving.

(b) Where any deputy or assistant is employed for a period of less than 1 year, the compensation of such deputy or assistant shall be for the time so employed, provided the rate of such compensation shall not be in excess of the rates now provided by law for similar deputies and assistants except as provided herein.

(c) Deputy assessors' salaries shall be the same as

LC 0655/01

1 paid the deputy clerk and recorder."  
2 NEW SECTION. Section 5. Effective date. This act is  
3 effective July 1, 1985.

-End-



STATE OF MONTANA  
FISCAL NOTE

AMENDED  
REQUEST NO. FNN 129-85

Form BD-15

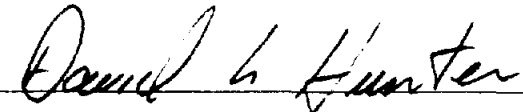
In compliance with a written request received March 7, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 116 - Amended pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 116, as amended, adjusts the salary of part-time county attorneys; requires the State to pay one-half of the salary of no more than two authorized deputy county attorneys; provides funding by imposing a charge on persons convicted of criminal offenses.

ASSUMPTIONS:

1. The reports that provide the volume of felony cases are incomplete. It is assumed that the missing data represents non-convicted and/or indigent cases.
2. It is assumed that the 55MPH summons represent 57% of the total number of summons issued by the Highway Patrol. These summons are not misdemeanor violations and would not be included in the calculation of the total number of misdemeanor cases.
3. Since fiscal data is not readily available on felony cases, it is assumed that \$20/case is a proper amount.
4. The data on court cases is FY 1982 data. It is assumed that the number of cases will continue at a constant rate.
5. In order to calculate county attorney salary increases, it is assumed that the CPI will increase 4.3% in FY 1985 and 5.4% in FY 1986.
6. It is assumed that the number of part-time and deputy county attorneys will remain constant.
7. It is assumed that the data from the "Subcommittee on Judiciary Questionnaire (May 1982)" is valid for the 1986-87 biennium.



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: March 12, 1985

**SB116**  
**Amended**

FISCAL IMPACT:

State Impact:

Revenue:	<u>FY 1986</u>	<u>FY 1987</u>
Under Current Law	-0-	-0-
Under Proposed Law	<u>\$1,150,000</u>	<u>\$1,150,000</u>
Increase Revenue	\$1,150,000	\$1,150,000
Expenditures:		
Under Current Law	787,840	818,330
Under Proposed Law	<u>1,347,179</u>	<u>1,398,812</u>
Increased Expenditures	559,339	580,482
Net increase in revenue to the General Fund	<u>\$ 590,661</u>	<u>\$ 569,518</u>

County Impact:

Decreased Expenditures	<u>\$ 457,751</u>	<u>\$ 475,054</u>
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STATE OF MONTANA  
FISCAL NOTE

Amended  
REQUEST NO. 129-85  
Form BD-15

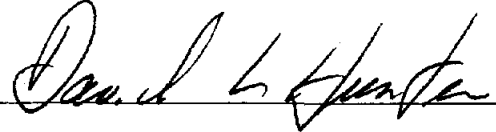
In compliance with a written request received April 11, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 116 Amended pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 116 revises the pay structure for prosecuting attorneys; adjusts the salary of part-time county attorneys; requires the State to pay one-half of the salary of no more than two authorized deputy county attorneys; provides longevity pay for county attorneys and their deputies; and provides funding by imposing a charge on persons convicted of criminal offenses.

ASSUMPTIONS:

1. The reports that provide the volume of felony cases are incomplete. It is assumed that the missing data represents non-convicted and/or indigent cases.
2. It is assumed that the 55 MPH summons represent 57% of the total number of summons issued by the Highway Patrol. These summons are not misdemeanor violations and would not be included in the calculation of the total number of misdemeanor cases.
3. Since fiscal data is not readily available on felony cases, it is assumed that \$20/case is a proper amount.
4. The data on court cases is FY 1982 data. It is assumed that the number of cases will continue at a constant rate.
5. In order to calculate county attorney salary increases, it is assumed that the CPI will increase 4.3% in FY 1985 and 5.4% in FY 1986.
6. It is assumed that the number of part-time and deputy county attorneys will remain constant.
7. It is assumed that the data from the "Subcommittee on Judiciary Questionnaire (May 1982)" is valid for the 1986-87 biennium.



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: April 16, 1985

FISCAL IMPACT:

	<u>FY 1986</u>	<u>FY 1987</u>
State General Fund:		
New Revenue	\$ <u>826,434</u>	\$ <u>826,434</u>
Less Increased Expenditures	<u>781,688</u>	<u>825,523</u>
Net Increase in Revenue	\$ <u><u>44,746</u></u>	\$ <u><u>911</u></u>
County Impact:		
Net Decrease in Expenditures	\$ <u><u>283,591</u></u>	\$ <u><u>279,949</u></u>
City Impact:		
Increased funds available to pay city attorneys and their deputies	\$ <u><u>358,670</u></u>	\$ <u><u>358,670</u></u>

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

## SENATE BILL NO. 116

INTRODUCED BY AKLESTAD, GOULD, MENAHAN,  
KEENAN, HALLIGAN, PINSONEAULT, KOLSTAD, HART,  
ADDY, LORY, MCCALLUM, HOLLIDAY, ABRAMS, IVERSON,  
HAFFEY, SCHYE, KOEHNKE, REAM, JANET MOORE, GALT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING--THE--PAY  
STRUCTURE--FOR--PROSECUTING--ATTORNEYS; ADJUSTING THE SALARY OF  
PART-TIME COUNTY ATTORNEYS; REQUIRING THE STATE TO PAY  
ONE-HALF OF THE SALARY OF NO MORE THAN TWO AUTHORIZED DEPUTY  
COUNTY ATTORNEYS; PROVIDING--LONGEVITY--PAY---FOR---COUNTY  
ATTORNEYS--AND--THEIR--DEPUTIES; PROVIDING FUNDING BY IMPOSING  
A CHARGE ON PERSONS CONVICTED OF CRIMINAL OFFENSES OR WHO  
FORFEIT BOND OR BAIL; AMENDING SECTIONS 7-4-2502, AND  
7-4-2503, AND 7-4-2505, MCA; AND PROVIDING AN EFFECTIVE  
DATE."

WHEREAS, the purpose of this act is to maintain and  
improve the quality of the prosecution function in Montana  
by adjusting the salary of part-time county attorneys; AND  
requiring the state to pay one-half of the salary of the TWO  
deputy county attorneys authorized by 7-4-2703;--and  
providing--longevity--pay--for--county--attorneys--and--their  
deputies; and

WHEREAS, it is appropriate that necessary funding be

derived from a charge to be assessed upon persons convicted  
of a crime or who forfeit bail or bond, thus providing that  
costs of maintaining and improving the quality of the  
prosecution function will be borne, in part, by those who  
necessitate the operation of the criminal justice system.

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

NEW SECTION. Section 1. Imposition of charge upon  
conviction or forfeiture -- administration. (1) Except as  
provided in subsection (2), there must be imposed by all  
courts of original jurisdiction on a defendant upon his  
conviction for a criminal offense or upon forfeiture of bond  
or bail a charge that is in addition to other taxable court  
costs, fees, or fines, as follows:

(a) \$10 in each misdemeanor case; and

(b) the greater of \$20 or 10% of the fine levied in  
each felony case.

(2) If a convicting court determines under 46-18-231  
and 46-18-232 that the defendant is not able to pay the fine  
and costs or that he is unable to pay within a reasonable  
time, the court must waive payment of the charge imposed by  
this section.

(3) The charge imposed by this section is not a fine  
and may not be used in determining the jurisdiction of any  
court.

(4) The charges collected under subsection (1) must be deposited with the local government finance officer or treasurer. The finance officer or treasurer shall record the amount of charges collected that are on deposit with him. On or before the last day of the month following each calendar quarter, the finance officer or treasurer shall remit funds collected during the preceding quarter to the state treasurer for deposit in the state general fund. A local government may retain 10% of funds collected to be deposited in its general fund to cover costs of administering this section.

Section 2. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) The ~~salary~~ salaries of the county attorney ~~is~~ and deputy county attorneys authorized by 7-4-2703 are payable monthly, with THE SALARIES OF THE COUNTY ATTORNEY AND NO MORE THAN TWO DEPUTIES PAYABLE one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. Such salaries---include---the---longevity---increases---provided---by

~~7-4-2503(3)(d)-~~

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same."

Section 3. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers. (1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, ~~part-time---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, for the fiscal

1 year beginning July 1, 1981, is computed by adding the  
2 annual base salary of:

3 (a) \$14,000 for the counties of the first through  
4 fifth class to the population increment of \$10 for each 100  
5 persons or major fraction thereof included in the county's  
6 population as determined by the 1980 federal decennial  
7 census; or

8 (b) \$12,000 for counties of the sixth and seventh  
9 class to the population increment of \$20 per 100 persons or  
10 major fraction thereof in the county's population as  
11 determined by the 1980 federal decennial census.

12 (2) (a) The county superintendent of schools shall  
13 receive, in addition to the salary based upon subsection  
14 (1), the sum of \$400 per year.

15 (b) The county sheriff shall receive, in addition to  
16 the salary based upon subsection (1), the sum of \$2,000 per  
17 year.

18 ~~(c) --in--counties--with--a--population--less--than--30,000,~~  
19 ~~the--county--attorney--who--is--a--part--time--official--shall~~  
20 ~~receive,--in--addition--to--the--salary--based--upon--subsection~~  
21 ~~(1),--the--sum--of--\$1,200--per--year.~~

22 (3) (a) In each county with a population in excess of  
23 30,000, the county attorney shall be a full-time official  
24 under 7-4-2704, and his salary for the fiscal year beginning  
25 July 1, 1981, shall be \$36,500. In counties with a

1 population less than 30,000, the county attorney who is a  
2 part-time official for a county of the first, second, third,  
3 fourth, or fifth class is entitled to receive an annual base  
4 salary equal to 60% of the annual base salary of a full-time  
5 county attorney. A county attorney who is a part-time  
6 official for a county of the sixth or seventh class is  
7 entitled to receive an annual base salary equal to 50% of  
8 the annual base salary of a full-time county attorney.

9 ~~(d)(b)~~ In those counties where the office of the  
10 county attorney has been established as a full-time position  
11 pursuant to 7-4-2706, the salary of the county attorney for  
12 the fiscal year beginning July 1, 1981, shall be \$36,500.

13 (c) Beginning on July 1, 1982, and on July 1 of each  
14 succeeding year, each county attorney shall be entitled to  
15 an increase in salary calculated by adding to his annual  
16 salary on July 1, 1981, an increment of 70% of the last  
17 previous calendar year's consumer price index for all urban  
18 consumers, U.S. department of labor, bureau of labor  
19 statistics, or other index that the bureau of business and  
20 economic research of the university of Montana may in the  
21 future recognize as the successor to that index. The  
22 cost-of-living increment for the fiscal year beginning July  
23 1, 1983, and for each subsequent fiscal year shall be added  
24 to all cost-of-living increments granted for previous years.

25 ~~(d) --(f) After completing 4 years of service as county~~

~~attorney--or-deputy-county-attorney; each-county-attorney-or  
deputy-county-attorney-is-entitled-to-an-increase-in-salary  
of--\$1,000--on--the--anniversary--date--of-his-employment-as  
county-attorney-or-deputy-county-attorney--After--completing  
5--years--of--service--as--county--attorney-or-deputy-county  
attorney; each-county-attorney-or-deputy-county-attorney--is  
entitled--to--an--additional-increase-in-salary-of-\$1,500-on  
the-anniversary-date-of-his-employment--After--completing--6  
years--of--service--as--county--attorney--or--deputy--county  
attorney-and-for-each-year--of--service--thereafter--up--to  
completion-of-the-11th-year-of-service; each-county-attorney  
or--deputy--county--attorney--is--entitled--to--an--additional  
annual-increase-in-salary-of-\$500;~~

~~{ii}-If-a-county-attorney-has-formerly-served-as-deputy  
county-attorney; his-years-of--service--as--deputy--must--be  
included--in--the--calculation--of--the--longevity--increase  
provided-in-this-subsection-(3)(d);~~

~~{iii}-The-years-of-service--as--a--county--attorney--or  
deputy--county--attorney-accumulated-prior-to-{the-effective  
date-of-this-act}-must-be-included-in-the-calculation-of-the  
longevity-increase;~~

~~{e}(4) For each 10th year after the fiscal year  
beginning July 1, 1981, the latest federal decennial census  
statistics shall be the basis for computation of population  
increments under this section. During the intervening 9~~

years, the computation of population increments applicable  
on July 1 of each year shall be based on the last calendar  
year's annual estimates of counties' populations compiled by  
the federal-state cooperative program for estimates of the  
university of Montana bureau of business and economic  
research and the U.S. bureau of the census or other estimate  
that the bureau of business and economic research may  
certify."

~~Section-4--Section--7-4-2505--MEA--is-amended-to-read:~~

~~"7-4-2505--Amount-of--compensation--for--deputies--and  
assistants---{i}-Subject--to-subsection-(2); the-boards-of  
county-commissioners-in-the-several-counties--in--the--state  
shall--have--the--power--to-fix-the-compensation-allowed-any  
deputy-or-assistant-of-the-following-officers:~~

~~{a)--clerk-and-recorder;~~

~~{b)--clerk-of-the-district-court;~~

~~{c)--treasurer;~~

~~{d)--assessor;~~

~~{e)--county-attorney;~~

~~{f)--auditor;~~

~~{2}--(a)-The-salary-of-a-deputy-or-an-assistant--listed  
in--subsection-(1);--excluding-longevity-payments-provided-in~~

~~7-4-2503(3)(d); may-not-be-more-than-90%--of--the--salary--of  
the--officer-under-whom-such-deputy-or-assistant-is-serving--~~

~~{b)--Where-any-deputy-or-assistant-is--employed--for--a~~



1 period--of-less-than-1-year,-the-compensation-of-such-deputy  
2 or-assistant-shall-be-for-the-time-so-employed,-provided-the  
3 rate-of-such-compensation-shall-not--be--in--excess--of--the  
4 rates---now---provided--by--law--for--similar--deputies--and  
5 assistants-except-as-provided-herein-

6 (c)--Deputy-assessors'-salaries-shall-be--the--same--as  
7 paid-the-deputy-clerk-and-recorder."

8 NEW SECTION. Section 4. Effective date. This act is  
9 effective July 1, 1985.

-End-

## 1 SENATE BILL NO. 116

2 INTRODUCED BY AKLESTAD, GOULD, MENAHAN,

3 KEENAN, HALLIGAN, PINSONEAULT, KOLSTAD, HART,

4 ADDY, LORY, MCCALLUM, HOLLIDAY, ABRAMS, IVERSON,

5 HAFLEY, SCHYE, KOEHNKE, REAM, JANET MOORE, GALT

6  
7 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING--THE--PAY  
8 ~~STRUCTURE-FOR-PROSECUTING-ATTORNEYS~~, ADJUSTING THE SALARY OF  
9 PART-TIME COUNTY ATTORNEYS; REQUIRING THE STATE TO PAY  
10 ONE-HALF OF THE SALARY OF NO MORE THAN TWO AUTHORIZED DEPUTY  
11 COUNTY ATTORNEYS; ~~PROVIDING--LONGEVITY--PAY---FOR---COUNTY~~  
12 ~~ATTORNEYS--AND-THEIR-DEPUTIES~~; PROVIDING FUNDING BY IMPOSING  
13 A CHARGE ON PERSONS CONVICTED OF CRIMINAL OFFENSES OR WHO  
14 FORFEIT BOND OR BAIL; AMENDING SECTIONS 7-4-2502, AND  
15 7-4-2503, ~~AND-7-4-2505~~, MCA; AND PROVIDING AN EFFECTIVE  
16 DATE."

17  
18 WHEREAS, the purpose of this act is to maintain and  
19 improve the quality of the prosecution function in Montana  
20 by adjusting the salary of part-time county attorneys, AND  
21 requiring the state to pay one-half of the salary of the TWO  
22 deputy county attorneys authorized by 7-4-2703, ~~---and~~  
23 ~~providing--longevity--pay--for--county--attorneys--and-their~~  
24 ~~deputies~~; and

25 WHEREAS, it is appropriate that necessary funding be

1 derived from a charge to be assessed upon persons convicted  
2 of a crime or who forfeit bail or bond, thus providing that  
3 costs of maintaining and improving the quality of the  
4 prosecution function will be borne, in part, by those who  
5 necessitate the operation of the criminal justice system.  
6

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

8 NEW SECTION. Section 1. Imposition of charge upon  
9 conviction or forfeiture -- administration. (1) Except as  
10 provided in subsection (2), there must be imposed by all  
11 courts of original jurisdiction on a defendant upon his  
12 conviction for a criminal offense or upon forfeiture of bond  
13 or bail a charge that is in addition to other taxable court  
14 costs, fees, or fines, as follows:

15 (a) \$10 in each misdemeanor case; and

16 (b) the greater of \$20 or 10% of the fine levied in  
17 each felony case.

18 (2) If a convicting court determines under 46-18-231  
19 and 46-18-232 that the defendant is not able to pay the fine  
20 and costs or that he is unable to pay within a reasonable  
21 time, the court must waive payment of the charge imposed by  
22 this section.

23 (3) The charge imposed by this section is not a fine  
24 and may not be used in determining the jurisdiction of any  
25 court.

1 (4) The charges collected under subsection (1) must be  
 2 deposited with the local government finance officer or  
 3 treasurer. The finance officer or treasurer shall record the  
 4 amount of charges collected that are on deposit with him. On  
 5 or before the last day of the month following each calendar  
 6 quarter, the finance officer or treasurer shall remit funds  
 7 collected during the preceding quarter to the state  
 8 treasurer for deposit in the state general fund. A local  
 9 government may retain 10% of funds collected to be deposited  
 10 in its general fund to cover costs of administering this  
 11 section.

12 Section 2. Section 7-4-2502, MCA, is amended to read:

13 "7-4-2502. Payment of salaries of county officials and  
 14 assistants. (1) Except as provided in subsection (2), the  
 15 salaries of the county officers and their assistants may be  
 16 paid monthly, twice monthly, or every 2 weeks out of the  
 17 general fund of the county and upon the order of the board  
 18 of county commissioners.

19 (2) (a) The salary salaries of the county attorney is  
 20 and deputy county attorneys authorized by 7-4-2703 are  
 21 payable monthly, with THE SALARIES OF THE COUNTY ATTORNEY  
 22 AND NO MORE THAN TWO DEPUTIES PAYABLE one-half from the  
 23 general fund of the county and the other one-half from the  
 24 state treasury upon the warrant of the state auditor. Such  
 25 salaries--include--the--longevity--increases--provided--by

1 7-4-2503(3)(d) :

2 (b) The county commissioners of each county shall,  
 3 within 30 days after the election or appointment to fill a  
 4 vacancy for any cause in the office of county attorney or  
 5 within 30 days after the appointment of a deputy county  
 6 attorney authorized by 7-4-2703, certify the election or  
 7 appointment to the state auditor, who shall thereafter draw  
 8 warrants for such salary in the same manner as for state  
 9 officers. In case of a vacancy, the county commissioners  
 10 shall immediately notify the state auditor, and the auditor  
 11 shall compute the salary due on the basis of the  
 12 notification.

13 (3) The board has jurisdiction and power, under such  
 14 limitations and restrictions as are prescribed by law, to  
 15 fix the compensation of all county officers not otherwise  
 16 fixed by law and to provide for the payment of the same."

17 Section 3. Section 7-4-2503, MCA, is amended to read:

18 "7-4-2503. Salary schedule for certain county  
 19 officers. (1) The salary paid to the county treasurer,  
 20 county clerk and recorder, clerk of the district court,  
 21 ~~part-time--county--attorney,~~ county assessor, county  
 22 superintendent of schools, and county sheriff; the county  
 23 surveyor in counties where county surveyors receive salaries  
 24 as provided in 7-4-2812; and the county auditor in all  
 25 counties wherein such office is authorized, for the fiscal

1 year beginning July 1, 1981, is computed by adding the  
2 annual base salary of:

3 (a) \$14,000 for the counties of the first through  
4 fifth class to the population increment of \$10 for each 100  
5 persons or major fraction thereof included in the county's  
6 population as determined by the 1980 federal decennial  
7 census; or

8 (b) \$12,000 for counties of the sixth and seventh  
9 class to the population increment of \$20 per 100 persons or  
10 major fraction thereof in the county's population as  
11 determined by the 1980 federal decennial census.

12 (2) (a) The county superintendent of schools shall  
13 receive, in addition to the salary based upon subsection  
14 (1), the sum of \$400 per year.

15 (b) The county sheriff shall receive, in addition to  
16 the salary based upon subsection (1), the sum of \$2,000 per  
17 year.

18 ~~(c) In counties with a population less than 30,000,~~  
19 ~~the county attorney who is a part-time official shall~~  
20 ~~receive, in addition to the salary based upon subsection~~  
21 ~~(1), the sum of \$1,200 per year.~~

22 (3) (a) In each county with a population in excess of  
23 30,000, the county attorney shall be a full-time official  
24 under 7-4-2704, and his salary for the fiscal year beginning  
25 July 1, 1981, shall be \$36,500. In counties with a

1 population less than 30,000, the county attorney who is a  
2 part-time official for a county of the first, second, third,  
3 fourth, or fifth class is entitled to receive an annual base  
4 salary equal to 60% of the annual base salary of a full-time  
5 county attorney. A county attorney who is a part-time  
6 official for a county of the sixth or seventh class FOR A  
7 COUNTY OF THE SECOND OR THIRD CLASS is entitled to receive  
8 an annual base salary equal to 50% 60% of the annual base  
9 salary of a full-time county attorney.

10 ~~(d)(b)~~ In those counties where the office of the  
11 county attorney has been established as a full-time position  
12 pursuant to 7-4-2706, the salary of the county attorney for  
13 the fiscal year beginning July 1, 1981, shall be \$36,500.

14 (c) Beginning on July 1, 1982, and on July 1 of each  
15 succeeding year, each county attorney shall be entitled to  
16 an increase in salary calculated by adding to his annual  
17 salary on July 1, 1981, an increment of 70% of the last  
18 previous calendar year's consumer price index for all urban  
19 consumers, U.S. department of labor, bureau of labor  
20 statistics, or other index that the bureau of business and  
21 economic research of the university of Montana may in the  
22 future recognize as the successor to that index. The  
23 cost-of-living increment for the fiscal year beginning July  
24 1, 1983, and for each subsequent fiscal year shall be added  
25 to all cost-of-living increments granted for previous years.

1 (d)--(i) After completing 4 years of service as county  
 2 attorney or deputy county attorney, each county attorney or  
 3 deputy county attorney is entitled to an increase in salary  
 4 of \$1,000 on the anniversary date of his employment as  
 5 county attorney or deputy county attorney. After completing  
 6 5 years of service as county attorney or deputy county  
 7 attorney, each county attorney or deputy county attorney is  
 8 entitled to an additional increase in salary of \$1,500 on  
 9 the anniversary date of his employment. After completing 6  
 10 years of service as county attorney or deputy county  
 11 attorney and for each year of service thereafter up to  
 12 completion of the 11th year of service, each county attorney  
 13 or deputy county attorney is entitled to an additional  
 14 annual increase in salary of \$500.

15 (ii) If a county attorney has formerly served as deputy  
 16 county attorney, his years of service as deputy must be  
 17 included in the calculation of the longevity increase  
 18 provided in this subsection (3)(d).

19 (iii) The years of service as a county attorney or  
 20 deputy county attorney accumulated prior to the effective  
 21 date of this act must be included in the calculation of the  
 22 longevity increase.

23 (e)(4) For each 10th year after the fiscal year  
 24 beginning July 1, 1981, the latest federal decennial census  
 25 statistics shall be the basis for computation of population

1 increments under this section. During the intervening 9  
 2 years, the computation of population increments applicable  
 3 on July 1 of each year shall be based on the last calendar  
 4 year's annual estimates of counties' populations compiled by  
 5 the federal-state cooperative program for estimates of the  
 6 university of Montana bureau of business and economic  
 7 research and the U.S. bureau of the census or other estimate  
 8 that the bureau of business and economic research may  
 9 certify."

10 Section 4--Section 7-4-2505, MCA, is amended to read:  
 11 "7-4-2505. Amount of compensation for deputies and  
 12 assistants--(1) Subject to subsection (2), the boards of  
 13 county commissioners in the several counties in the state  
 14 shall have the power to fix the compensation allowed any  
 15 deputy or assistant of the following officers:

- 16 (a) clerk and recorder;
- 17 (b) clerk of the district court;
- 18 (c) treasurer;
- 19 (d) assessor;
- 20 (e) county attorney;
- 21 (f) auditor;

22 (2) (a) The salary of a deputy or an assistant listed  
 23 in subsection (1), excluding longevity payments provided in  
 24 7-4-2503(3)(d), may not be more than 90% of the salary of  
 25 the officer under whom such deputy or assistant is serving.

1       (b)--Where--any--deputy--or--assistant--is--employed--for--a  
2       period--of--less--than--1--year--the--compensation--of--such--deputy  
3       or--assistant--shall--be--for--the--time--so--employed--provided--the  
4       rate--of--such--compensation--shall--not--be--in--excess--of--the  
5       rates--now--provided--by--law--for--similar--deputies--and  
6       assistants--except--as--provided--herein--

7       (c)--Deputy--assessors'--salaries--shall--be--the--same--as  
8       paid--the--deputy--clerk--and--recorder--"

9       NEW SECTION. Section 4. Effective date. This act is  
10      effective July 1, 1985.

-End-

# STANDING COMMITTEE REPORT Page 1 of 4

HOUSE

March 30 1985

MR. Speaker:

We, your committee on Judiciary

having had under consideration Senate Bill No. 116

Third reading copy (Blue color)

REVISING PAY STRUCTURE FOR PROSECUTING ATTORNEYS AND PROVIDING FUNDING

Respectfully report as follows: That Senate Bill No. 116 be amended as follows:

1. Title, line 8.  
Following: "ATTORNEYS,"  
Insert: "REVISING THE PAY STRUCTURE FOR PROSECUTING ATTORNEYS;"
2. Title, line 12.  
Following: "DEPUTIES,"  
Insert: "PROVIDING LONGEVITY PAY FOR COUNTY ATTORNEYS AND THEIR DEPUTIES;"
3. Title, line 14.  
Following: "7-4-2502,"  
Strike: "AND"  
Insert: " "

DOCKWXXX

CONTINUED

Chairman.

JOURNAL

Page 2 of 4  
SB 116

March 30 1985

4. Title, line 15.  
Following: "7-4-2503,"  
Insert: "AND 7-4-2505,"

5. Page 1, line 20.  
Following: "attorneys,"  
Strike: "AND"  
Insert: " "

6. Page 1, line 24.  
Following: "deputies"  
Insert: " , and providing longevity pay for county attorneys and their deputies"

7. Page 2, following line 25.  
Insert: "(4) The total of the charge imposed by this section and any fine assessed may not exceed the maximum fine authorized by law for the offense."  
Renumber: subsequent subsections.

8. Page 3, line 3.  
Following: "treasurer."  
Strike: remainder of subsection (5) in its entirety.  
Insert: "On or before the 10th day of each month, the local government finance officer or treasurer shall remit to the state treasurer for deposit to the state general fund \$10 for each misdemeanor case and the greater of \$20 or 10% of the fine levied in each felony case. A local government may retain up to 10% of the funds remitted to the state treasurer to cover only the costs of administering this section."

9. Page 4, line 1.  
Following: "7-4-2503-(3)-(d),"  
Insert: "Such salaries include the longevity increases provided by 7-4-2503 (3)(d)."

10. Page 6, line 7.  
Following: "COUNTY OF THE"  
Insert: "first,"

Following: "SECOND"  
Insert: " "

11. Page 6, line 8.  
Strike: "base" twice

12. Page 6, line 9.  
Following: "attorney."  
Insert: "A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an annual salary equal to 50% of the annual salary of a full-time county attorney."

CONTINUED

Chairman.

March 30 19 85

13. Page 7, following line 22.

Insert: "(d) (i) After completing 4 years of service as county attorney or deputy county attorney, each part-time county attorney or deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of his employment as county attorney or deputy county attorney. After completing 5 years of service as county attorney or deputy county attorney, each part-time county attorney or deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as county attorney or deputy county attorney and for each year of service thereafter up to completion of the 11th year of service, each part-time county attorney or deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) If a part-time county attorney has formerly served as deputy county attorney, his years of service as deputy must be included in the calculation of the longevity increase provided in this subsection (3)(d).

(iii) The years of service as a county attorney or deputy county attorney accumulated prior to [the effective date of this act] must be included in the calculation of the longevity increase."

14. Page 8, following line 9.

Insert: "Section 4. Section 7-4-2505, MCA, is amended to read:

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

- (a) clerk and recorder;
- (b) clerk of the district court;
- (c) treasurer;
- (d) assessor;
- (e) county attorney;
- (f) auditor.

(2) (a) The salary of a deputy or an assistant listed in subsection (1), excluding longevity payments provided in 7-4-2503(3)(d), may not be more than 90% of the salary of the officer under whom such deputy or assistant is serving.

(b) Where any deputy or assistant is employed for a period of less than 1 year, the compensation of such deputy or assistant shall be for the time so employed, provided the rate of such compensation shall not be in excess of the rates now provided by law for similar deputies and assistants except as provided herein.

(c) Deputy assessors' salaries shall be the same as paid the deputy clerk and recorder."

Renumber: subsequent sections.

CONTINUED

Chairman.

March 30 19 85

15. Page 9, following line 10.

Insert: "NEW SECTION. Section 6. Nonseverability. It is the intent of this legislature that each part of this act is essentially dependent upon every other part and if one part is held unconstitutional or invalid, all other parts are invalid."

AND AS AMENDED,  
BE CONCURRED IN

REP. TOM HANNAH

Chairman.



# COMMITTEE OF THE WHOLE AMENDMENT

4011045L.CW

HOUSE

4-1-85

DATE

10:45

TIME

MR. CHAIRMAN: I MOVE TO AMEND Senate Bill

No. 116

third reading copy ( blue ) as follows:  
Color

1. Page 6, following line 25.

Insert: "For the purposes of calculating cost-of-living increments under this subsection (3)(c), no longevity pay increase received under subsection (4)(d) may be included in the annual salary."

ADOPT

REJECT

*Rep. Hammond*  
Rep. Hammond

## SENATE BILL NO. 116

INTRODUCED BY AKLESTAD, GOULD, MENAHAN,

KEENAN, HALLIGAN, PINSONEAULT, KOLSTAD, HART,

ADDY, LORY, MCCALLUM, HOLLIDAY, ABRAMS, IVERSON,

HAFFEY, SCHYE, KOEHNKE, REAM, JANET MOORE, GALT

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REVISING--THE--PAY~~  
~~STRUCTURE---FOR--PROSECUTING--ATTORNEYS;~~ REVISING THE PAY  
STRUCTURE FOR PROSECUTING ATTORNEYS; ADJUSTING THE SALARY OF  
 PART-TIME COUNTY ATTORNEYS; REQUIRING THE STATE TO PAY  
 ONE-HALF OF THE SALARY OF NO MORE THAN TWO AUTHORIZED DEPUTY  
 COUNTY ATTORNEYS; ~~PROVIDING--LONGEVITY--PAY--FOR--COUNTY~~  
~~ATTORNEYS-AND-THEIR-DEPUTIES;~~ PROVIDING LONGEVITY PAY FOR  
COUNTY ATTORNEYS AND THEIR DEPUTIES; PROVIDING FUNDING BY  
 IMPOSING A CHARGE ON PERSONS CONVICTED OF CRIMINAL OFFENSES  
 OR WHO FORFEIT BOND OR BAIL; AMENDING SECTIONS 7-4-2502~~7~~1  
~~AND 7-4-2503, AND 7-4-2505,~~ AND 7-4-2505, MCA; AND PROVIDING  
 AN EFFECTIVE DATE."

WHEREAS, the purpose of this act is to maintain and  
 improve the quality of the prosecution function in Montana  
 by adjusting the salary of part-time county attorneys~~7~~1 ~~AND~~  
 requiring the state to pay one-half of the salary of the TWO  
 deputy county attorneys authorized by 7-4-2703~~7~~---and  
~~providing-longevity-pay-for-county-attorneys-and-their~~

deputies, AND PROVIDING LONGEVITY PAY FOR COUNTY ATTORNEYS  
AND THEIR DEPUTIES; and

WHEREAS, it is appropriate that necessary funding be  
 derived from a charge to be assessed upon persons convicted  
 of a crime or who forfeit bail or bond, thus providing that  
 costs of maintaining and improving the quality of the  
 prosecution function will be borne, in part, by those who  
 necessitate the operation of the criminal justice system.

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

NEW SECTION. Section 1. Imposition of charge upon  
 conviction or forfeiture -- administration. (1) Except as  
 provided in subsection (2), there must be imposed by all  
 courts of original jurisdiction on a defendant upon his  
 conviction for a criminal offense or upon forfeiture of bond  
 or bail a charge that is in addition to other taxable court  
 costs, fees, or fines, as follows:

(a) \$10 in each misdemeanor case; and

(b) the greater of \$20 or 10% of the fine levied in each felony case.

(2) If a convicting court determines under 46-18-231  
 and 46-18-232 that the defendant is not able to pay the fine  
 and costs or that he is unable to pay within a reasonable  
 time, the court must waive payment of the charge imposed by  
 this section.

(3) The charge imposed by this section is not a fine and may not be used in determining the jurisdiction of any court.

(4) THE TOTAL OF THE CHARGE IMPOSED BY THIS SECTION AND ANY FINE ASSESSED MAY NOT EXCEED THE MAXIMUM FINE AUTHORIZED BY LAW FOR THE OFFENSE.

~~{4}{5}~~ The charges collected under subsection (1) must be deposited with the local government finance officer or treasurer. ~~The finance officer or treasurer shall record the amount of charges collected that are on deposit with him, on or before the last day of the month following each calendar quarter, the finance officer or treasurer shall remit funds collected during the preceding quarter to the state treasurer for deposit in the state general fund, A local government may retain 10% of funds collected to be deposited in its general fund to cover costs of administering this section.~~ ON OR BEFORE THE 10TH DAY OF EACH MONTH, THE LOCAL GOVERNMENT FINANCE OFFICER OR TREASURER SHALL REMIT TO THE STATE TREASURER FOR DEPOSIT TO THE STATE GENERAL FUND \$10 FOR EACH MISDEMEANOR CASE AND THE GREATER OF \$20 OR 10% OF THE FINE LEVIED IN EACH FELONY CASE. A LOCAL GOVERNMENT MAY RETAIN UP TO 10% OF THE FUNDS REMITTED TO THE STATE TREASURER TO COVER ONLY THE COSTS OF ADMINISTERING THIS SECTION.

Section 2. Section 7-4-2502, MCA, is amended to read:

"7-4-2502. Payment of salaries of county officials and assistants. (1) Except as provided in subsection (2), the salaries of the county officers and their assistants may be paid monthly, twice monthly, or every 2 weeks out of the general fund of the county and upon the order of the board of county commissioners.

(2) (a) ~~The salary salaries~~ of the county attorney ~~is~~ and deputy county attorneys authorized by 7-4-2703 are payable monthly, with THE SALARIES OF THE COUNTY ATTORNEY AND NO MORE THAN TWO DEPUTIES PAYABLE one-half from the general fund of the county and the other one-half from the state treasury upon the warrant of the state auditor. ~~Such salaries include the longevity increases provided by 7-4-2503(3)(d).~~ SUCH SALARIES INCLUDE THE LONGEVITY INCREASES PROVIDED BY 7-4-2503(3)(D).

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the

1 notification.

2 (3) The board has jurisdiction and power, under such  
3 limitations and restrictions as are prescribed by law, to  
4 fix the compensation of all county officers not otherwise  
5 fixed by law and to provide for the payment of the same."

6 Section 3. Section 7-4-2503, MCA, is amended to read:

7 "7-4-2503. Salary schedule for certain county  
8 officers. (1) The salary paid to the county treasurer,  
9 county clerk and recorder, clerk of the district court,  
10 ~~part-time---county---attorney~~, county assessor, county  
11 superintendent of schools, and county sheriff; the county  
12 surveyor in counties where county surveyors receive salaries  
13 as provided in 7-4-2812; and the county auditor in all  
14 counties wherein such office is authorized, for the fiscal  
15 year beginning July 1, 1981, is computed by adding the  
16 annual base salary of:

17 (a) \$14,000 for the counties of the first through  
18 fifth class to the population increment of \$10 for each 100  
19 persons or major fraction thereof included in the county's  
20 population as determined by the 1980 federal decennial  
21 census; or

22 (b) \$12,000 for counties of the sixth and seventh  
23 class to the population increment of \$20 per 100 persons or  
24 major fraction thereof in the county's population as  
25 determined by the 1980 federal decennial census.

1 (2) (a) The county superintendent of schools shall  
2 receive, in addition to the salary based upon subsection  
3 (1), the sum of \$400 per year.

4 (b) The county sheriff shall receive, in addition to  
5 the salary based upon subsection (1), the sum of \$2,000 per  
6 year.

7 ~~{c}--in--counties--with--a--population--less--than--30,000,~~  
8 ~~the--county--attorney--who--is--a--part-time--official--shall~~  
9 ~~receive,--in--addition--to--the--salary--based--upon--subsection~~  
10 ~~{1},--the--sum--of--\$1,200--per--year.~~

11 {3} (a) In each county with a population in excess of  
12 30,000, the county attorney shall be a full-time official  
13 under 7-4-2704, and his salary for the fiscal year beginning  
14 July 1, 1981, shall be \$36,500. In counties with a  
15 population less than 30,000, the county attorney who is a  
16 part-time official for a county of the first, second, third,  
17 fourth, or fifth class is entitled to receive an annual base  
18 salary equal to 60% of the annual base salary of a full-time  
19 county attorney. A county attorney who is a part-time  
20 official for a county of the sixth or seventh class FOR A  
21 COUNTY OF THE FIRST, SECOND, OR THIRD CLASS is entitled to  
22 receive an annual base salary equal to 50% 60% of the annual  
23 base salary of a full-time county attorney. A COUNTY  
24 ATTORNEY WHO IS A PART-TIME OFFICIAL FOR A COUNTY OF THE  
25 FOURTH, FIFTH, SIXTH, OR SEVENTH CLASS IS ENTITLED TO

1 RECEIVE AN ANNUAL SALARY EQUAL TO 50% OF THE ANNUAL SALARY  
 2 OF A FULL-TIME COUNTY ATTORNEY.

3 (d)(b) In those counties where the office of the  
 4 county attorney has been established as a full-time position  
 5 pursuant to 7-4-2706, the salary of the county attorney for  
 6 the fiscal year beginning July 1, 1981, shall be \$36,500.

7 (c) Beginning on July 1, 1982, and on July 1 of each  
 8 succeeding year, each county attorney shall be entitled to  
 9 an increase in salary calculated by adding to his annual  
 10 salary on July 1, 1981, an increment of 70% of the last  
 11 previous calendar year's consumer price index for all urban  
 12 consumers, U.S. department of labor, bureau of labor  
 13 statistics, or other index that the bureau of business and  
 14 economic research of the university of Montana may in the  
 15 future recognize as the successor to that index. The  
 16 cost-of-living increment for the fiscal year beginning July  
 17 1, 1983, and for each subsequent fiscal year shall be added  
 18 to all cost-of-living increments granted for previous years.

19 FOR THE PURPOSES OF CALCULATING COST-OF-LIVING INCREMENTS  
 20 UNDER THIS SUBSECTION (3)(C), NO LONGEVITY PAY INCREASE  
 21 RECEIVED UNDER SUBSECTION (3)(D) MAY BE INCLUDED IN THE  
 22 ANNUAL SALARY.

23 (d)-(i)-After-completing-4-years-of-service-as-county  
 24 attorney-or-deputy-county-attorney, each-county-attorney-or  
 25 deputy-county-attorney-is-entitled-to-an-increase-in-salary

1 of-\$1,000-on-the-anniversary-date-of-his-employment-as  
 2 county-attorney-or-deputy-county-attorney. After-completing  
 3 5-years-of-service-as-county-attorney-or-deputy-county  
 4 attorney, each-county-attorney-or-deputy-county-attorney-is  
 5 entitled-to-an-additional-increase-in-salary-of-\$1,500-on  
 6 the-anniversary-date-of-his-employment. After-completing-6  
 7 years-of-service-as-county-attorney-or-deputy-county  
 8 attorney-and-for-each-year-of-service-thereafter-up-to  
 9 completion-of-the-11th-year-of-service, each-county-attorney  
 10 or-deputy-county-attorney-is-entitled-to-an-additional  
 11 annual-increase-in-salary-of-\$500.

12 (ii)-If-a-county-attorney-has-formerly-served-as-deputy  
 13 county-attorney, his-years-of-service-as-deputy-must-be  
 14 included-in-the-calculation-of-the-longevity-increase  
 15 provided-in-this-subsection-(3)(d).

16 (iii)-The-years-of-service-as-a-county-attorney-or  
 17 deputy-county-attorney-accumulated-prior-to-(the-effective  
 18 date-of-this-act)-must-be-included-in-the-calculation-of-the  
 19 longevity-increase.

20 (D) (I) AFTER COMPLETING 4 YEARS OF SERVICE AS COUNTY  
 21 ATTORNEY OR DEPUTY COUNTY ATTORNEY, EACH PART-TIME COUNTY  
 22 ATTORNEY OR DEPUTY COUNTY ATTORNEY IS ENTITLED TO AN  
 23 INCREASE IN SALARY OF \$1,000 ON THE ANNIVERSARY DATE OF HIS  
 24 EMPLOYMENT AS COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY.  
 25 AFTER COMPLETING 5 YEARS OF SERVICE AS COUNTY ATTORNEY OR

DEPUTY COUNTY ATTORNEY, EACH PART-TIME COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY IS ENTITLED TO AN ADDITIONAL INCREASE IN SALARY OF \$1,500 ON THE ANNIVERSARY DATE OF HIS EMPLOYMENT. AFTER COMPLETING 6 YEARS OF SERVICE AS COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY AND FOR EACH YEAR OF SERVICE THEREAFTER UP TO COMPLETION OF THE 11TH YEAR OF SERVICE, EACH PART-TIME COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY IS ENTITLED TO AN ADDITIONAL ANNUAL INCREASE IN SALARY OF \$500.

(II) IF A PART-TIME COUNTY ATTORNEY HAS FORMERLY SERVED AS DEPUTY COUNTY ATTORNEY, HIS YEARS OF SERVICE AS DEPUTY MUST BE INCLUDED IN THE CALCULATION OF THE LONGEVITY INCREASE PROVIDED IN THIS SUBSECTION (3)(D).

(III) THE YEARS OF SERVICE AS A COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY ACCUMULATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MUST BE INCLUDED IN THE CALCULATION OF THE LONGEVITY INCREASE.

(e)(4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the

university of Montana bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify."

~~Section-4:--Section--7-4-2505,--MCA,--is--amended--to--read:~~

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

~~(a)--clerk--and--recorder;~~

~~(b)--clerk--of--the--district--court;~~

~~(c)--treasurer;~~

~~(d)--assessor;~~

~~(e)--county--attorney;~~

~~(f)--auditor.~~

~~(2)--(a)--The--salary--of--a--deputy--or--an--assistant--listed in--subsection--(1),--excluding--longevity--payments--provided--in 7-4-2503(3)(d),--may--not--be--more--than--90%--of--the--salary--of the--officer--under--whom--such--deputy--or--assistant--is--serving.~~

~~(b)--Where--any--deputy--or--assistant--is--employed--for--a period--of--less--than--1--year,--the--compensation--of--such--deputy or--assistant--shall--be--for--the--time--so--employed,--provided--the rate--of--such--compensation--shall--not--be--in--excess--of--the rates--now--provided--by--law--for--similar--deputies--and~~

1 ~~assistants-except-as-provided-herein;~~

2 ~~(c)--Deputy-assessors'-salaries-shall-be-the-same-as~~  
3 ~~paid-the-deputy-clerk-and-recorder."~~

4 SECTION 4. SECTION 7-4-2505, MCA, IS AMENDED TO READ:

5 "7-4-2505. Amount of compensation for deputies and  
6 assistants. (1) Subject to subsection (2), the boards of  
7 county commissioners in the several counties in the state  
8 shall have the power to fix the compensation allowed any  
9 deputy or assistant of the following officers:

10 (a) clerk and recorder;

11 (b) clerk of the district court;

12 (c) treasurer;

13 (d) assessor;

14 (e) county attorney;

15 (f) auditor.

16 (2) (a) The salary of a deputy or an assistant listed  
17 in subsection (1), excluding longevity payments provided in  
18 7-4-2503(3)(d), may not be more than 90% of the salary of  
19 the officer under whom such deputy or assistant is serving.

20 (b) Where any deputy or assistant is employed for a  
21 period of less than 1 year, the compensation of such deputy  
22 or assistant shall be for the time so employed, provided the  
23 rate of such compensation shall not be in excess of the  
24 rates now provided by law for similar deputies and  
25 assistants except as provided herein.

1 (c) Deputy assessors' salaries shall be the same as  
2 paid the deputy clerk and recorder."

3 NEW SECTION. Section 5. Effective date. This act is  
4 effective July 1, 1985.

5 NEW SECTION. SECTION 6. NONSEVERABILITY. IT IS THE  
6 INTENT OF THIS LEGISLATURE THAT EACH PART OF THIS ACT IS  
7 ESSENTIALLY DEPENDENT UPON EVERY OTHER PART AND IF ONE PART  
8 IS HELD UNCONSTITUTIONAL OR INVALID, ALL OTHER PARTS ARE  
9 INVALID.

-End-

## CONFERENCE COMMITTEE REPORT

Report No. 1

APR 20, 1985

MR. SPEAKER

We, your FREE Conference Committee onSENATE BILL NO. 116, reference copy, salmon,met and considered SENATE BILL NO. 116 in its entirety on April 18.

We recommend as follows:

1. Title, line 14.  
Following: line 13  
Insert: "DEPUTY"  
Following: "ATTORNEYS"  
Strike: "AND THEIR DEPUTIES"

2. Page 2, line 1.  
Following: "FOR"  
Insert: "deputy"

3. Page 2, line 2.  
Strike: "AND THEIR DEPUTIES"

4. Page 2, line 15.  
Following: "for"  
Strike: "a criminal offense"  
Insert: "any conduct made criminal by state statute"

5. Page 3, line 8.  
Following: "the"  
Insert: "appropriate"

(CONTINUED)

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXX

XXXXXXXXXXXX

AB004 RE004

FOCSB 116

APR 20, 1985

6. Page 3, line 9.  
Following: "treasurer."  
Insert: "If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a justice court or district court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the county finance officer or treasurer."

7. Page 3, lines 17 and 18.  
Following: "MONTH, THE"  
Strike: remainder of line 17 through "GOVERNMENT" on line 18  
Insert: "county"

8. Page 3, line 21.  
Following: "A"  
Strike: "LOCAL GOVERNMENT"  
Insert: "county"

9. Page 3, line 24.  
Following: "SECTION."  
Insert: "A city or town finance officer or treasurer may retain the charges collected under subsection (1) by a city municipal court or a city or town court and may use that money for the payment of salaries of the city or town attorney and his deputies."

10. Page 4, line 14.  
Following: "SALARIES"  
Insert: "for the deputy county attorneys"

11. Page 7, lines 19 through 22.  
Strike: lines 19 through 22 in their entirety.

12. Page 8, lines 20 through 22.  
Following: "AS" on line 20  
Strike: remainder of line 20 through "OR" on line 21  
Following: "EACH" on line 21  
Strike: remainder of line 21 through "OR" on line 22

13. Page 8, line 24.  
Following: "AS"  
Strike: "COUNTY ATTORNEY OR"

14. Page 8, line 25.  
Following: "AS"  
Strike: remainder of line 25 in its entirety.

(CONTINUED)

Chairman.



APR 20, 1985

15. Page 9, line 1.

Following: "EACH"

Strike: remainder of line 1 in its entirety

16. Page 9, lines 4 and 5.

Following: "AS" on line 4

Strike: remainder of line 4 through "OR" on line 5

17. Page 9, line 7.

Following: "EACH"

Strike: "PART-TIME COUNTY ATTORNEY OR"

18. Page 9, lines 10 through 13.

Strike: subsection (3)(d)(ii) in its entirety

Renumber: subsequent subsection

19. Page 9, line 14.

Following: "AS A"

Strike: remainder of line 14 in its entirety

20. Page 11, lines 17 and 18.

Following: "(1)" on line 17

Strike: remainder of line 17 through "7-4-2503(3)(d)" on line 18

Insert: "other than a deputy county attorney"

21. Page 11, line 20.

Following: line 19

Insert: "The salary of a deputy county attorney, including longevity payments provided in 7-4-2503(3)(d), may not exceed the salary of the county attorney under whom he is serving."

AMEND2/hm/SB 116

And that this Conference Committee report be adopted.

HALLIGAN

VAN VALKENBURG

THAYER

ADOPT REJECT

DARKO

PECK

HANNAH

O'HARA

## CONFERENCE COMMITTEE REPORT

Report No. 2

April 24, 1985

MR. PRESIDENT

We, your FREE Conference Committee onSENATE BILL NO. 116, reference copy, salmonmet and considered SENATE BILL NO. 116 in its entirety on April 18.

We recommend as follows:

1. Title, line 14.  
Following: line 13  
Insert: "DEPUTY"  
Following: "ATTORNEYS"  
Strike: "AND THEIR DEPUTIES"

2. Page 2, line 1.  
Following: "FOR"  
Insert: "deputy"

3. Page 2, line 2.  
Strike: "AND THEIR DEPUTIES"

4. Page 2, line 15.  
Following: "for"  
Strike: "a criminal offense"  
Insert: "any conduct made criminal by state statute"

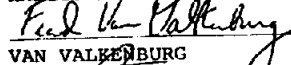
5. Page 3, line 8.  
Following: "the"  
Insert: "appropriate"

And that this Conference Committee report be adopted.

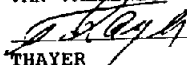
FOR THE SENATE



HALLIGAN



VAN VALKENBURG



THAYER

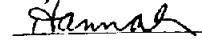
ADOPT REJECT

FOR THE HOUSE

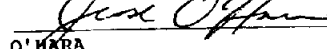
DARKO



PECK



HANNAH



O'HARA

Free CC Report SB 116

April 24, 1985

6. Page 3, line 9.

Following: "treasurer."

Insert: "If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a justice court or district court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the county finance officer or treasurer."

7. Page 3, lines 17 and 18.

Following: "MONTH, THE"

Strike: remainder of line 17 through "GOVERNMENT" on line 18

Insert: "county"

8. Page 3, line 21.

Following: "A"

Strike: "LOCAL GOVERNMENT"

Insert: "county"

9. Page 3, line 24.

Following: "SECTION."

Insert: "A city or town finance officer or treasurer may retain the charges collected under subsection (1) by a city municipal court or a city or town court and may use that money for the payment of salaries of the city or town attorney and his deputies."

10. Page 4, line 14.

Following: "SALARIES"

Insert: "for the deputy county attorneys"

11. Page 7, lines 19 through 22.

Strike: lines 19 through 22 in their entirety.

12. Page 8, lines 20 through 22.

Following: "As" on line 20Strike: remainder of line 20 through "OR" on line 21Following: "EACH" on line 21Strike: remainder of line 21 through "OR" on line 22

13. Page 8, line 24.

Following: "AS"Strike: "COUNTY ATTORNEY OR"

14. Page 8, line 25.

Following: "AS"

Strike: remainder of line 25 in its entirety.

..... April 24, 1985 .....

15. Page 9, line 1.

Following: "EACH"

Strike: remainder of line 1 in its entirety

16. Page 9, lines 4 and 5.

Following: "AS" on line 4

Strike: remainder of line 4 through "OR" on line 5

17. Page 9, line 7.

Following: "EACH"

Strike: "PART-TIME COUNTY ATTORNEY OR"

18. Page 9, lines 10 through 13.

Strike: subsection (3)(d)(ii) in its entirety

ReNUMBER: subsequent subsection

19. Page 9, line 14.

Following: "AS A"

Strike: remainder of line 14 in its entirety

20. Page 11, lines 17 and 18.

Following: "(1)," on line 17

Strike: remainder of line 17 through "7-4-2503(3)(d)" on line 18

Insert: "other than a deputy county attorney"

21. Page 11, line 20.

Following: line 19

Insert: "The salary of a deputy county attorney, including  
longevity payments provided in 7-4-2503(3)(d), may not  
exceed the salary of the county attorney under whom he is  
serving."

And that this Conference Committee report be adopted.

AMEND2/hm/SB 116

## SENATE BILL NO. 116

INTRODUCED BY AKLESTAD, GOULD, MENAHAN,

KEENAN, HALLIGAN, PINSONEAULT, KOLSTAD, HART,

ADDY, LORY, MCCALLUM, HOLLIDAY, ABRAMS, IVERSON,

HAFFEY, SCHYE, KOEHNKE, REAM, JANET MOORE, GALT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING--THE--PAY  
 STRUCTURE---FOR--PROSECUTING--ATTORNEYS; REVISING THE PAY  
 STRUCTURE FOR PROSECUTING ATTORNEYS; ADJUSTING THE SALARY OF  
 PART-TIME COUNTY ATTORNEYS; REQUIRING THE STATE TO PAY  
 ONE-HALF OF THE SALARY OF NO MORE THAN TWO AUTHORIZED DEPUTY  
 COUNTY ATTORNEYS; ~~PROVIDING--LONGEVITY--PAY--FOR--COUNTY~~  
~~ATTORNEYS-AND-THEIR-DEPUTIES~~; PROVIDING LONGEVITY PAY FOR  
DEPUTY COUNTY ATTORNEYS AND--THEIR-DEPUTIES; PROVIDING  
 FUNDING BY IMPOSING A CHARGE ON PERSONS CONVICTED OF  
 CRIMINAL OFFENSES OR WHO FORFEIT BOND OR BAIL; AMENDING  
 SECTIONS 7-4-2502~~7~~, AND 7-4-2503, ~~AND---7-4-2505~~, AND  
7-4-2505, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the purpose of this act is to maintain and  
 improve the quality of the prosecution function in Montana  
 by adjusting the salary of part-time county attorneys~~7~~, AND  
 requiring the state to pay one-half of the salary of the TWO  
 deputy county attorneys authorized by 7-4-2703~~7~~---and  
~~providing--longevity--pay--for--county--attorneys--and-their~~

deputies, AND PROVIDING LONGEVITY PAY FOR DEPUTY COUNTY  
ATTORNEYS AND-THEIR-DEPUTIES; and

WHEREAS, it is appropriate that necessary funding be  
 derived from a charge to be assessed upon persons convicted  
 of a crime or who forfeit bail or bond, thus providing that  
 costs of maintaining and improving the quality of the  
 prosecution function will be borne, in part, by those who  
 necessitate the operation of the criminal justice system.

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

NEW SECTION. Section 1. Imposition of charge upon  
 conviction or forfeiture -- administration. (1) Except as  
 provided in subsection (2), there must be imposed by all  
 courts of original jurisdiction on a defendant upon his  
 conviction for ~~a-criminal-offense~~ ANY CONDUCT MADE CRIMINAL  
BY STATE STATUTE or upon forfeiture of bond or bail a charge  
 that is in addition to other taxable court costs, fees, or  
 fines, as follows:

(a) \$10 in each misdemeanor case; and

(b) the greater of \$20 or 10% of the fine levied in each felony case.

(2) If a convicting court determines under 46-18-231  
 and 46-18-232 that the defendant is not able to pay the fine  
 and costs or that he is unable to pay within a reasonable  
 time, the court must waive payment of the charge imposed by

1 this section.

2 (3) The charge imposed by this section is not a fine  
3 and may not be used in determining the jurisdiction of any  
4 court.

5 (4) THE TOTAL OF THE CHARGE IMPOSED BY THIS SECTION  
6 AND ANY FINE ASSESSED MAY NOT EXCEED THE MAXIMUM FINE  
7 AUTHORIZED BY LAW FOR THE OFFENSE.

8 ~~(4)~~ (5) The charges collected under subsection (1) must  
9 be deposited with the APPROPRIATE local government finance  
10 officer or treasurer. IF A CITY MUNICIPAL COURT OR CITY OR  
11 TOWN COURT IS THE COURT OF ORIGINAL JURISDICTION, THE  
12 CHARGES COLLECTED UNDER SUBSECTION (1) MUST BE DEPOSITED  
13 WITH THE CITY OR TOWN FINANCE OFFICER OR TREASURER. IF A  
14 JUSTICE COURT OR DISTRICT COURT IS THE COURT OF ORIGINAL  
15 JURISDICTION, THE CHARGES COLLECTED UNDER SUBSECTION (1)  
16 MUST BE DEPOSITED WITH THE COUNTY FINANCE OFFICER OR  
17 TREASURER. The-finance-officer-or-treasurer-shall-record-the  
18 amount-of-charges-collected-that-are-on-deposit-with-him--On  
19 or-before-the-last-day-of-the-month-following-each--calendar  
20 quarter,--the-finance-officer-or-treasurer-shall-remit-funds  
21 collected--during--the--preceding--quarter--to--the--state  
22 treasurer--for--deposit--in--the--state-general-fund--A-local  
23 government-may-retain-10%-of-funds-collected-to-be-deposited  
24 in-its-general-fund-to-cover--costs--of--administering--this  
25 section. ON OR BEFORE THE 10TH DAY OF EACH MONTH, THE LOCAL

1 GOVERNMENT COUNTY FINANCE OFFICER OR TREASURER SHALL REMIT  
2 TO THE STATE TREASURER FOR DEPOSIT TO THE STATE GENERAL FUND  
3 \$10 FOR EACH MISDEMEANOR CASE AND THE GREATER OF \$20 OR 10%  
4 OF THE FINE LEVIED IN EACH FELONY CASE. A LOCAL--GOVERNMENT  
5 COUNTY MAY RETAIN UP TO 10% OF THE FUNDS REMITTED TO THE  
6 STATE TREASURER TO COVER ONLY THE COSTS OF ADMINISTERING  
7 THIS SECTION. A CITY OR TOWN FINANCE OFFICER OR TREASURER  
8 MAY RETAIN THE CHARGES COLLECTED UNDER SUBSECTION (1) BY A  
9 CITY MUNICIPAL COURT OR A CITY OR TOWN COURT AND MAY USE  
10 THAT MONEY FOR THE PAYMENT OF SALARIES OF THE CITY OR TOWN  
11 ATTORNEY AND HIS DEPUTIES.

12 Section 2. Section 7-4-2502, MCA, is amended to read:

13 "7-4-2502. Payment of salaries of county officials and  
14 assistants. (1) Except as provided in subsection (2), the  
15 salaries of the county officers and their assistants may be  
16 paid monthly, twice monthly, or every 2 weeks out of the  
17 general fund of the county and upon the order of the board  
18 of county commissioners.

19 (2) (a) The salary salaries of the county attorney is  
20 and deputy county attorneys authorized by 7-4-2703 are  
21 payable monthly, with THE SALARIES OF THE COUNTY ATTORNEY  
22 AND NO MORE THAN TWO DEPUTIES PAYABLE one-half from the  
23 general fund of the county and the other one-half from the  
24 state treasury upon the warrant of the state auditor. Such  
25 salaries--include--the--longevity--increases--provided--by

7-4-2503(3)(d): SUCH SALARIES FOR THE DEPUTY COUNTY ATTORNEYS INCLUDE THE LONGEVITY INCREASES PROVIDED BY 7-4-2503(3)(D).

(b) The county commissioners of each county shall, within 30 days after the election or appointment to fill a vacancy for any cause in the office of county attorney or within 30 days after the appointment of a deputy county attorney authorized by 7-4-2703, certify the election or appointment to the state auditor, who shall thereafter draw warrants for such salary in the same manner as for state officers. In case of a vacancy, the county commissioners shall immediately notify the state auditor, and the auditor shall compute the salary due on the basis of the notification.

(3) The board has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to fix the compensation of all county officers not otherwise fixed by law and to provide for the payment of the same."

Section 3. Section 7-4-2503, MCA, is amended to read:

"7-4-2503. Salary schedule for certain county officers. (1) The salary paid to the county treasurer, county clerk and recorder, clerk of the district court, part-time--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, for the fiscal year beginning July 1, 1981, is computed by adding the annual base salary of:

(a) \$14,000 for the counties of the first through fifth class to the population increment of \$10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

(b) \$12,000 for counties of the sixth and seventh class to the population increment of \$20 per 100 persons or major fraction thereof in the county's population as determined by the 1980 federal decennial census.

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

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

~~(c) in counties with a population less than 30,000, the county attorney who is a part-time official shall receive, in addition to the salary based upon subsection (1), the sum of \$1,200 per year.~~

(3) (a) In each county with a population in excess of 30,000, the county attorney shall be a full-time official

under 7-4-2704, and his salary for the fiscal year beginning July 1, 1981, shall be \$36,500. In counties with a population less than 30,000, the county attorney who is a part-time official for a county of the first, second, third, fourth, or fifth class is entitled to receive an annual base salary equal to 60% of the annual base salary of a full-time county attorney. A county attorney who is a part-time official for a county of the sixth or seventh class FOR A COUNTY OF THE FIRST, SECOND, OR THIRD CLASS is entitled to receive an annual base salary equal to 50% 60% of the annual base salary of a full-time county attorney. A COUNTY ATTORNEY WHO IS A PART-TIME OFFICIAL FOR A COUNTY OF THE FOURTH, FIFTH, SIXTH, OR SEVENTH CLASS IS ENTITLED TO RECEIVE AN ANNUAL SALARY EQUAL TO 50% OF THE ANNUAL SALARY OF A FULL-TIME COUNTY ATTORNEY.

(d)(b) In those counties where the office of the county attorney has been established as a full-time position pursuant to 7-4-2706, the salary of the county attorney for the fiscal year beginning July 1, 1981, shall be \$36,500.

(c) Beginning on July 1, 1982, and on July 1 of each succeeding year, each county attorney shall be entitled to an increase in salary calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor

statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years. FOR THE PURPOSES OF CALCULATING COST-OF-LIVING INCREMENTS UNDER THIS SUBSECTION--(3)(e), NO LONGEVITY PAY INCREASE RECEIVED UNDER SUBSECTION (3)(d) MAY BE INCLUDED IN THE ANNUAL SALARY.

(d)--(i) After completing 4 years of service as county attorney or deputy county attorney, each county attorney or deputy county attorney is entitled to an increase in salary of \$1,000 on the anniversary date of his employment as county attorney or deputy county attorney. After completing 5 years of service as county attorney or deputy county attorney, each county attorney or deputy county attorney is entitled to an additional increase in salary of \$1,500 on the anniversary date of his employment. After completing 6 years of service as county attorney or deputy county attorney and for each year of service thereafter up to completion of the 11th year of service, each county attorney or deputy county attorney is entitled to an additional annual increase in salary of \$500.

(ii) If a county attorney has formerly served as deputy

county attorney, his years of service as deputy must be included in the calculation of the longevity increase provided in this subsection (3)(d).

(iii) The years of service as a county attorney or deputy county attorney accumulated prior to the effective date of this act must be included in the calculation of the longevity increase.

(D) (1) AFTER COMPLETING 4 YEARS OF SERVICE AS COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY, EACH PART-TIME COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY IS ENTITLED TO AN INCREASE IN SALARY OF \$1,000 ON THE ANNIVERSARY DATE OF HIS EMPLOYMENT AS COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY. AFTER COMPLETING 5 YEARS OF SERVICE AS COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY, EACH PART-TIME COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY IS ENTITLED TO AN ADDITIONAL INCREASE IN SALARY OF \$1,500 ON THE ANNIVERSARY DATE OF HIS EMPLOYMENT. AFTER COMPLETING 6 YEARS OF SERVICE AS COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY AND FOR EACH YEAR OF SERVICE THEREAFTER UP TO COMPLETION OF THE 11TH YEAR OF SERVICE, EACH PART-TIME COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY IS ENTITLED TO AN ADDITIONAL ANNUAL INCREASE IN SALARY OF \$500.

(ii) IF A PART-TIME COUNTY ATTORNEY HAS FORMERLY SERVED AS DEPUTY COUNTY ATTORNEY, HIS YEARS OF SERVICE AS DEPUTY MUST BE INCLUDED IN THE CALCULATION OF THE LONGEVITY

INCREASE PROVIDED IN THIS SUBSECTION (3)(D).

(iii) (II) THE YEARS OF SERVICE AS A COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY ACCUMULATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MUST BE INCLUDED IN THE CALCULATION OF THE LONGEVITY INCREASE.

(e) (4) For each 10th year after the fiscal year beginning July 1, 1981, the latest federal decennial census statistics shall be the basis for computation of population increments under this section. During the intervening 9 years, the computation of population increments applicable on July 1 of each year shall be based on the last calendar year's annual estimates of counties' populations compiled by the federal-state cooperative program for estimates of the university of Montana bureau of business and economic research and the U.S. bureau of the census or other estimate that the bureau of business and economic research may certify."

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

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

(a) clerk and recorder;

(b) clerk of the district court;



(e) treasurer;

(d) assessor;

(e) county attorney;

(f) auditor.

(2) (a) The salary of a deputy or an assistant listed in subsection (1), ~~excluding longevity payments provided in 7-4-2503(3)(d)~~, may not be more than 90% of the salary of the officer under whom such deputy or assistant is serving.

(b) Where any deputy or assistant is employed for a period of less than 1 year, the compensation of such deputy or assistant shall be for the time so employed, provided the rate of such compensation shall not be in excess of the rates now provided by law for similar deputies and assistants except as provided herein.

(c) Deputy assessors' salaries shall be the same as paid the deputy clerk and recorder."

SECTION 4. SECTION 7-4-2505, MCA, IS AMENDED TO READ:

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

(a) clerk and recorder;

(b) clerk of the district court;

(c) treasurer;

(d) assessor;

(e) county attorney;

(f) auditor.

(2) (a) The salary of a deputy or an assistant listed in subsection (1), ~~excluding longevity payments provided in 7-4-2503(3)(d)~~ OTHER THAN A DEPUTY COUNTY ATTORNEY, may not be more than 90% of the salary of the officer under whom such deputy or assistant is serving. THE SALARY OF A DEPUTY COUNTY ATTORNEY, INCLUDING LONGEVITY PAYMENTS PROVIDED IN 7-4-2503(3)(D), MAY NOT EXCEED THE SALARY OF THE COUNTY ATTORNEY UNDER WHOM HE IS SERVING.

(b) Where any deputy or assistant is employed for a period of less than 1 year, the compensation of such deputy or assistant shall be for the time so employed, provided the rate of such compensation shall not be in excess of the rates now provided by law for similar deputies and assistants except as provided herein.

(c) Deputy assessors' salaries shall be the same as paid the deputy clerk and recorder."

NEW SECTION. Section 5. Effective date. This act is effective July 1, 1985.

NEW SECTION. SECTION 6. NONSEVERABILITY. IT IS THE INTENT OF THIS LEGISLATURE THAT EACH PART OF THIS ACT IS ESSENTIALLY DEPENDENT UPON EVERY OTHER PART AND IF ONE PART IS HELD UNCONSTITUTIONAL OR INVALID, ALL OTHER PARTS ARE

SB 0116/05

1 INVALID.

-End-