



MACo ALERT

June 21, 2007

COUNTY ATTORNEY SALARIES

HB 12 was the result of a cooperative effort during the Interim between the Department of Justice, the County Attorney's Association and MACo. The intent was to clarify the state's reimbursement to counties for felony prosecution and abuse and neglect case services.

It has been brought to our attention that there is still considerable confusion on the intent of HB 12 and how County Attorney's salaries are to be set. We hope this alert will assist all parties with clarification of this issue.

1. County Attorney salaries are to be set by the County Compensation Board and approved by the County Commissioners. This applies to both full and part time County Attorneys.
2. The County Attorney salary for FY 07 (current year – 7/1/06 to 6/30/07) is calculated by adding the portion of the County Attorney's salary paid by the state and the portion of the County Attorney's salary by the county. (State Portion + County Portion = Salary)
3. The FY 08 (7/1/07 to 6/30/08) salary is to be calculated based on the FY 07 amount, plus at least the same increase awarded to all other elected officials (i.e. COLA, cost of living, etc).
4. There is no longer a 50-50 split, nor a \$50,000 base for County Attorney salaries.
5. A County Attorney's salary cannot exceed a District Court Judges' salary. We do not recommend decreasing a County Attorney's salary.
6. The County is responsible for payment of 100% of a County Attorney's salary, including all taxes and any benefits included by County policy or state law (health insurance, retirement, etc). The state will no longer be issuing paychecks to County Attorneys.
7. The County Attorney's salary is in no way tied to, or based on, a District Court Judges salary – unless the Board of County Commissioners have previously tied the County Attorney's salary to a District Court Judges' salary.
8. The payments received from the State beginning July 1, 2007 have no connection whatsoever to a County Attorney's salary. This is a payment from the state to the county for services. It is not intended to be used as a basis for calculating County Attorney's salaries; however, Commissioners may do so if they choose.

We have attached the following links for more information regarding the intent of this bill. Please take the time to read and listen to the audio (including the question and answer period) for additional clarification.

[August 31, 2006 Law & Justice Interim Committee Minutes](#)

January 12 - House Appropriations Hearing: [Minutes](#)
[Audio](#) (scroll down to Appropriations committee and click on January 12 icon)

April 9 – Senate Finance and Claims Hearing: [Minutes](#)
[Audio](#) (scroll down to Finance & Claims committee and click on April 9 icon)

[Bill Status Report](#) – The progression of the Bill and committee and floor voting record.

If you have any questions, please do not hesitate to contact us:

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