

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

583A0485

HOUSE BILL NO. 1119

Introduced by: Representatives Matthews, Brown (Richard), Kredit, and Roe and Senators
Whiting and Aker

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the compensation
2 and employment status of state's attorneys.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 7-7-12 be amended to read as follows:

5 7-7-12. In counties of more than fifty thousand population, the state's attorney's position shall
6 be full-time. In counties of less than fifty thousand population, the state's attorney's position shall
7 be part-time, unless the board of county commissioners and state's attorney agree, at any time,
8 that the office of state's attorney shall be full-time for all or a portion of the term of office of that
9 state's attorney. The state's attorney shall receive a salary established by each board of county
10 commissioners, by resolution, but which may not be less than the following:

11 Upon the first four thousand of population, or less, the sum of twenty-one thousand two hundred
12 forty-one dollars per year, and four hundred seventy-one dollars for each additional one thousand
13 population or fraction thereof up to and including twenty-two thousand population; in counties
14 over twenty-two thousand population but less than thirty-five thousand population the sum of
15 thirty thousand two hundred thirty-five dollars per year; in counties of thirty-five thousand

1 population or more the sum of thirty-one thousand two hundred twenty-seven dollars per year;
2 in counties of over fifty thousand population where a full-time state's attorney is required or in
3 counties where the commissioners ~~designate the position full-time and state's attorney agree that~~
4 the position shall be full-time for all or a portion of the term of office the sum of forty-nine
5 thousand four hundred thirty-four dollars per year. ~~In counties of less than fifty thousand~~
6 ~~population the commissioners may designate the position full-time. The decision by the~~
7 ~~commissioners shall be adopted prior to the first day of January in the year of the election and~~
8 ~~may not be amended for that term of office. However, if~~ The board of county commissioners
9 may not decrease the salary of the state's attorney during the term of office of the state's
10 attorney. However, in the case of counties of less than fifty thousand population, the state's
11 attorney's salary may be increased or decreased to reflect any agreement of the board of county
12 commissioners and state's attorney pursuant to this section as to the full-time or part-time status
13 of the position. If no state's attorney is elected to the office at any general election, the board
14 of county commissioners may contract for such legal services and negotiate the compensation
15 therefor on terms and conditions determined by the board of county commissioners. ~~The board~~
16 ~~of county commissioners may not decrease the salary of the state's attorney during the term of~~
17 ~~office of the state's attorney.~~

18 Section 2. Any agreement between a board of county commissioners and a state's attorney
19 which was made prior to the effective date of this Act which is in compliance with the provisions
20 of section 1 of this Act is hereby cured and validated.