

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

673H0455

HOUSE BILL NO. 1171

Introduced by: Representatives Bartling, Broderick, Brown (Richard), Duniphan, Flowers, Fryslie, Konold, Monroe, Olson (Mel), and Pederson (Gordon) and Senators Hutmacher, Albers, Diedtrich (Elmer), Everist, Koetzle, McIntyre, Moore, Olson (Ed), Putnam, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to adjust the salary schedule for the office of state's
2 attorney.

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. The ~~state's attorney shall receive a salary established by each board of county~~
6 ~~commissioners~~ board of county commissioners shall establish, by resolution, ~~but the salary~~
7 payable to the state's attorney. The salary payable may not be less than the following schedule
8 as based upon the most recent decennial federal census of population for counties: ~~Upon the first~~
9 ~~four thousand of population, or less, the sum of twenty-one thousand two hundred forty-one~~
10 ~~dollars per year, and four hundred seventy-one dollars for each additional one thousand~~
11 ~~population or fraction thereof up to and including twenty-two thousand population; in counties~~
12 ~~over twenty-two thousand population but less than thirty-five thousand population the sum of~~
13 ~~thirty thousand two hundred thirty-five dollars per year; in counties of thirty-five thousand~~
14 ~~population or more the sum of thirty-one thousand two hundred twenty-seven dollars per year;~~



1 in

<u>County Population</u>	<u>Salary Schedule</u>
<u>Below 5,000</u>	<u>\$23,750</u>
<u>5,000 - 9,999</u>	<u>\$26,100</u>
<u>10,000 - 20,000</u>	<u>\$31,300</u>
<u>20,000 - 49, 999</u>	<u>\$33,750</u>

7 In counties of over fifty thousand population where a full-time state's attorney is required or
8 in counties where the commissioners designate the position full-time the sum of ~~forty-nine~~ fifty-
9 one thousand ~~four~~ nine hundred ~~thirty-four~~ dollars per year. In counties of less than fifty
10 thousand population the commissioners may designate the position full-time. The decision by the
11 commissioners shall be adopted prior to the first day of January in the year of the election and
12 may not be amended for that term of office. However, if no state's attorney is elected to the
13 office at any general election, the board of county commissioners may contract for such legal
14 services and negotiate the compensation therefor on terms and conditions determined by the
15 board of county commissioners. The board of county commissioners may not decrease the salary
16 of the state's attorney during ~~the term~~ consecutive terms of office of the state's attorney.

17 Section 2. Section 1 of this Act is effective on January 1, 2003.

18 Section 3. That § 7-7-12 be amended to read as follows:

19 7-7-12. ~~The state's attorney shall receive a salary established by each board of county~~
20 ~~commissioners~~ board of county commissioners shall establish, by resolution, but the salary
21 payable to the state's attorney. The salary payable may not be less than the following schedule
22 as based upon the most recent decennial federal census of population for counties: Upon the first
23 ~~four thousand of population, or less, the sum of twenty-one thousand two hundred forty-one~~
24 ~~dollars per year, and four hundred seventy-one dollars for each additional one thousand~~
25 ~~population or fraction thereof up to and including twenty-two thousand population; in counties~~

1 ~~over twenty-two thousand population but less than thirty-five thousand population the sum of~~
 2 ~~thirty thousand two hundred thirty-five dollars per year; in counties of thirty-five thousand~~
 3 ~~population or more the sum of thirty-one thousand two hundred twenty-seven dollars per year;~~
 4 ~~in~~

<u>County Population</u>	<u>Salary Schedule</u>
6 <u>Below 5,000</u>	<u>\$26,250</u>
7 <u>5,000 - 9,999</u>	<u>\$28,600</u>
8 <u>10,000 - 20,000</u>	<u>\$33,800</u>
9 <u>20,000 - 49, 999</u>	<u>\$36,250</u>

10 In counties of over fifty thousand population where a full-time state's attorney is required or
 11 in counties where the commissioners designate the position full-time the sum of ~~forty-nine~~ fifty-
 12 four thousand four hundred ~~thirty-four~~ dollars per year. In counties of less than fifty thousand
 13 population the commissioners may designate the position full-time. The decision by the
 14 commissioners shall be adopted prior to the first day of January in the year of the election and
 15 may not be amended for that term of office. However, if no state's attorney is elected to the
 16 office at any general election, the board of county commissioners may contract for such legal
 17 services and negotiate the compensation therefor on terms and conditions determined by the
 18 board of county commissioners. The board of county commissioners may not decrease the salary
 19 of the state's attorney during ~~the term~~ consecutive terms of office of the state's attorney.

20 Section 4. Section 3 of this Act is effective on January 1, 2004.