

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

843U0456

## SENATE BILL NO. 86

Introduced by: Senators Kirkeby, Lederman, Lucas, and Tieszen and Representatives Rounds, Craig, Heinert, Nelson, Rozum, Tulson, and Tyler

1 FOR AN ACT ENTITLED, An Act to increase the minimum salary payable to county officials,  
2 state's attorneys, and sheriffs.

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

4 Section 1. That § 7-7-9.1 be amended to read as follows:

5 7-7-9.1. The board of county commissioners shall establish, by resolution, the salary payable  
6 to the county treasurer, county auditor, and county register of deeds. The salary payable may not  
7 be less than the following schedule as based upon the most recent decennial federal census of  
8 population for counties:

9	County Population	Salary Schedule
10	Below 10,000	<del>\$29,270</del> <u>\$31,465</u>
11	10,000-14,999	<del>29,891</del> <u>\$32,133</u>
12	15,000-24,999	<del>31,111</del> <u>\$33,444</u>
13	25,000-69,999	<del>34,163</del> <u>\$36,725</u>
14	70,000 and over	<del>36,830</del> <u>\$39,592</u>

15 The board of county commissioners may not decrease the salary of the county treasurer,



1 county auditor, or county register of deeds during consecutive terms of office of the county  
2 treasurer, county auditor, or county register of deeds.

3 Section 2. That § 7-7-9.1 be amended to read as follows:

4 7-7-9.1. The board of county commissioners shall establish, by resolution, the salary payable  
5 to the county treasurer, county auditor, and county register of deeds. The salary payable may not  
6 be less than the following schedule as based upon the most recent decennial federal census of  
7 population for counties:

8	County Population	Salary Schedule
9	Below 10,000	<del>\$29,270</del> <u>\$33,825</u>
10	10,000-14,999	<del>29,891</del> <u>\$34,543</u>
11	15,000-24,999	<del>31,111</del> <u>\$35,952</u>
12	25,000-69,999	<del>34,163</del> <u>\$39,479</u>
13	70,000 and over	<del>36,830</del> <u>\$42,561</u>

14 The board of county commissioners may not decrease the salary of the county treasurer,  
15 county auditor, or county register of deeds during consecutive terms of office of the county  
16 treasurer, county auditor, or county register of deeds.

17 Section 3. That § 7-7-10.1 be amended to read as follows:

18 7-7-10.1. The board of county commissioners shall establish, by resolution, the salary  
19 payable for the combination of two or more of the following county elected positions. The salary  
20 payable may not be less than the minimum salary provided by this section as based upon the  
21 most recent decennial federal census of population for counties.

22 For the combination of two of the following: county treasurer, county auditor, or county  
23 register of deeds, the minimum salary for counties shall be:

24	County Population	Salary Schedule
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1	Below 10,000	<del>\$30,764</del> <u>\$33,071</u>
2	10,000-14,999	<del>32,475</del> <u>\$34,911</u>
3	15,000-24,999	<del>34,185</del> <u>\$36,749</u>
4	25,000-69,999	<del>37,600</del> <u>\$40,420</u>
5	70,000 and over	<del>41,018</del> <u>\$44,094</u>

6 For the combination of all three of the following: county treasurer, county auditor, and  
7 county register of deeds, the minimum salary for counties shall be:

8	County Population	Salary Schedule
9	Below 10,000	<del>\$33,045</del> <u>\$35,523</u>
10	10,000-14,999	<del>34,752</del> <u>\$37,358</u>
11	15,000-24,999	<del>36,460</del> <u>\$39,195</u>
12	25,000-69,999	<del>39,880</del> <u>\$42,871</u>
13	70,000 and over	<del>44,437</del> <u>\$47,770</u>

14 Section 4. That § 7-7-10.1 be amended to read as follows:

15 7-7-10.1. The board of county commissioners shall establish, by resolution, the salary  
16 payable for the combination of two or more of the following county elected positions. The salary  
17 payable may not be less than the minimum salary provided by this section as based upon the  
18 most recent decennial federal census of population for counties.

19 For the combination of two of the following: county treasurer, county auditor, or county  
20 register of deeds, the minimum salary for counties shall be:

21	County Population	Salary Schedule
22	Below 10,000	<del>\$30,764</del> <u>\$35,551</u>
23	10,000-14,999	<del>32,475</del> <u>\$37,529</u>
24	15,000-24,999	<del>34,185</del> <u>\$39,505</u>
25	25,000-69,999	<del>37,600</del> <u>\$43,452</u>
26	70,000 and over	<del>41,018</del> <u>\$47,401</u>

1 For the combination of all three of the following: county treasurer, county auditor, and  
2 county register of deeds, the minimum salary for counties shall be:

3	County Population	Salary Schedule
4	Below 10,000	<del>\$33,045</del> <u>\$38,187</u>
5	10,000-14,999	<del>34,752</del> <u>\$40,160</u>
6	15,000-24,999	<del>36,460</del> <u>\$42,135</u>
7	25,000-69,999	<del>39,880</del> <u>\$46,086</u>
8	70,000 and over	<del>44,437</del> <u>\$51,353</u>

9 Section 5. That § 7-7-12 be amended to read as follows:

10 7-7-12. The board of county commissioners shall establish, by resolution, the salary payable  
11 to the state's attorney. The salary payable may not be less than the following schedule as based  
12 upon the most recent decennial federal census of population for counties:

13	County Population	Salary Schedule
14	Below 5,000	<del>\$29,900</del> <u>\$32,143</u>
15	5,000 - 9,999	<del>\$32,600</del> <u>\$35,045</u>
16	10,000 - 20,000	<del>\$38,500</del> <u>\$41,388</u>
17	20,000 - 49,999	<del>\$41,300</del> <u>\$44,398</u>

18 In counties of over fifty thousand population where a full-time state's attorney is required  
19 or in counties where the commissioners designate the position full-time the sum of ~~sixty-one~~  
20 ~~thousand nine hundred~~ sixty-six thousand five hundred forty-three dollars per year. In counties  
21 of less than fifty thousand population the commissioners may designate the position full-time.  
22 The decision by the commissioners shall be adopted prior to the first day of January in the year  
23 of the election and may not be amended for that term of office. However, if no state's attorney  
24 is elected to the office at any general election, the board of county commissioners may contract  
25 for such legal services and negotiate the compensation therefor on terms and conditions

1 determined by the board of county commissioners. The board of county commissioners may not  
2 decrease the salary of the state's attorney during consecutive terms of office of the state's  
3 attorney.

4 Section 6. That § 7-7-12 be amended to read as follows:

5 7-7-12. The board of county commissioners shall establish, by resolution, the salary payable  
6 to the state's attorney. The salary payable may not be less than the following schedule as based  
7 upon the most recent decennial federal census of population for counties:

8 County Population	Salary Schedule
9 Below 5,000	\$ <del>29,900</del> <u>\$34,554</u>
10 5,000 - 9,999	\$ <del>32,600</del> <u>\$37,673</u>
11 10,000 - 20,000	\$ <del>38,500</del> <u>\$44,492</u>
12 20,000 - 49,999	\$ <del>41,300</del> <u>\$47,728</u>

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

24 Section 7. That § 7-12-15 be amended to read as follows:

25 7-12-15. The board of county commissioners shall establish, by resolution, the salary

1 payable to the sheriff. The salary payable may not be less than the following schedule based  
2 upon the most recent decennial federal census of population of counties.

3	County Population	Salary Schedule
4	Below 10,000	<del>\$35,700</del> <u>\$38,378</u>
5	10,000-14,999	<del>\$38,700</del> <u>\$41,603</u>
6	15,000-24,999	<del>\$39,900</del> <u>\$42,893</u>
7	25,000-69,999	<del>\$44,700</del> <u>\$48,053</u>
8	70,000 and over	<del>\$48,600</del> <u>\$52,245</u>

9 The board of county commissioners may not decrease the salary of the sheriff during  
10 consecutive terms of office of the sheriff. Any sheriff having responsibility for managing a full-  
11 time jail shall receive an additional ten percent added to the base salary listed in this section.

12 Section 8. That § 7-12-15 be amended to read as follows:

13 7-12-15. The board of county commissioners shall establish, by resolution, the salary  
14 payable to the sheriff. The salary payable may not be less than the following schedule based  
15 upon the most recent decennial federal census of population of counties.

16	County Population	Salary Schedule
17	Below 10,000	<del>\$35,700</del> <u>\$41,256</u>
18	10,000-14,999	<del>\$38,700</del> <u>\$44,723</u>
19	15,000-24,999	<del>\$39,900</del> <u>\$46,110</u>
20	25,000-69,999	<del>\$44,700</del> <u>\$51,657</u>
21	70,000 and over	<del>\$48,600</del> <u>\$56,163</u>

22 The board of county commissioners may not decrease the salary of the sheriff during  
23 consecutive terms of office of the sheriff. Any sheriff having responsibility for managing a full-  
24 time jail shall receive an additional ten percent added to the base salary listed in this section.

25 Section 9. The provisions of sections 1, 3, 5, and 7 of this Act are effective on January 1,

1 2014.

2 Section 10. The provisions of sections 2, 4, 6, and 8 are effective on January 1, 2015.