

# Senate File 408 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1182)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing a minimum annual salary for a county attorney.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 1951SV 82  
4 eg/es/88

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1 1 Section 1. Section 331.752, subsection 5, Code 2007, is  
1 2 amended to read as follows:  
1 3 5. The resolution changing the status of a county attorney  
1 4 shall state the initial annual salary to be paid to the county  
1 5 attorney when the full-time or part-time status is effective.  
1 6 The annual salary specified in the resolution shall remain  
1 7 effective until changed as provided in section 331.907.  
1 8 ~~Except in counties having a population of more than two~~  
1 9 ~~hundred thousand, the annual salary of a full-time county~~  
1 10 ~~attorney shall be an amount which is between forty-five~~  
1 11 ~~percent and one hundred percent of the annual salary received~~  
1 12 ~~by a district court judge.~~  
1 13 Sec. 2. NEW SECTION. 331.752A MINIMUM SALARY FOR COUNTY  
1 14 ATTORNEY.  
1 15 The minimum annual salary of a county attorney shall be  
1 16 determined based upon the population of the county and  
1 17 calculated as a percentage of the annual salary received by a  
1 18 district judge as follows:  
1 19 1. a. For the fiscal year beginning July 1, 2007, the  
1 20 minimum annual salary for a full-time county attorney is  
1 21 calculated as follows:  
1 22 (1) A county with a population of up to twenty-six  
1 23 thousand, sixty percent.  
1 24 (2) A county with a population of more than twenty-six  
1 25 thousand up to fifty thousand, seventy percent.  
1 26 (3) A county with a population of more than fifty thousand  
1 27 up to one hundred thousand, eighty percent.  
1 28 (4) A county with a population of more than one hundred  
1 29 thousand, eighty-five percent.  
1 30 b. For the fiscal year beginning July 1, 2008, the minimum  
1 31 annual salary for a full-time county attorney is calculated as  
1 32 follows:  
1 33 (1) A county with a population of up to twenty-six  
1 34 thousand, sixty-five percent.  
1 35 (2) A county with a population of more than twenty-six  
2 1 thousand up to fifty thousand, seventy-five percent.  
2 2 (3) A county with a population of more than fifty thousand  
2 3 up to one hundred thousand, eighty-five percent.  
2 4 (4) A county with a population of more than one hundred  
2 5 thousand, ninety percent.  
2 6 c. For the fiscal year beginning July 1, 2009, and  
2 7 succeeding fiscal years, the minimum annual salary for a  
2 8 full-time county attorney is calculated as follows:  
2 9 (1) A county with a population of up to twenty-six  
2 10 thousand, seventy percent.  
2 11 (2) A county with a population of more than twenty-six  
2 12 thousand up to fifty thousand, eighty percent.  
2 13 (3) A county with a population of more than fifty thousand  
2 14 up to one hundred thousand, ninety percent.  
2 15 (4) A county with a population of more than one hundred  
2 16 thousand, ninety-five percent.  
2 17 2. a. For the fiscal year beginning July 1, 2007, the  
2 18 minimum annual salary of a part-time county attorney is  
2 19 calculated as follows:

2 20 (1) A county with a population of up to twenty=six  
2 21 thousand, forty=five percent.  
2 22 (2) A county with a population of more than twenty=six  
2 23 thousand up to fifty thousand, fifty=five percent.  
2 24 (3) A county with a population of more than fifty thousand  
2 25 up to one hundred thousand, sixty=five percent.  
2 26 (4) A county with a population of more than one hundred  
2 27 thousand, seventy=five percent.

2 28 b. For the fiscal year beginning July 1, 2008, the minimum  
2 29 annual salary of a part=time county attorney is calculated as  
2 30 follows:

2 31 (1) A county with a population of up to twenty=six  
2 32 thousand, fifty percent.  
2 33 (2) A county with a population of more than twenty=six  
2 34 thousand up to fifty thousand, sixty percent.  
2 35 (3) A county with a population of more than fifty thousand  
3 1 up to one hundred thousand, seventy percent.  
3 2 (4) A county with a population of more than one hundred  
3 3 thousand, eighty percent.

3 4 c. For the fiscal year beginning July 1, 2009, and  
3 5 succeeding fiscal years, the minimum annual salary of a  
3 6 part=time county attorney is calculated as follows:

3 7 (1) A county with a population of up to twenty=six  
3 8 thousand, fifty=five percent.  
3 9 (2) A county with a population of more than twenty=six  
3 10 thousand up to fifty thousand, sixty=five percent.  
3 11 (3) A county with a population of more than fifty thousand  
3 12 up to one hundred thousand, seventy=five percent.  
3 13 (4) A county with a population of more than one hundred  
3 14 thousand, eighty=five percent.

3 15 Sec. 3. Section 331.907, subsections 1 and 2, Code 2007,  
3 16 are amended to read as follows:

3 17 1. The annual compensation of the auditor, treasurer,  
3 18 recorder, sheriff, county attorney, and supervisors shall be  
3 19 determined as provided in this section.

3 20 a. The county compensation board annually shall review the  
3 21 compensation paid to comparable officers in other counties of  
3 22 this state, other states, private enterprise, and the federal  
3 23 government.

3 24 b. In setting the salary of the county sheriff, the county  
3 25 compensation board shall consider setting the sheriff's salary  
3 26 so that it is comparable to salaries paid to professional law  
3 27 enforcement administrators and command officers of the state  
3 28 patrol, the division of criminal investigation of the  
3 29 department of public safety, and city police agencies in this  
3 30 state.

3 31 c. In setting the salary of the county attorney, the  
3 32 county compensation board shall consider the required minimum  
3 33 salary of county attorneys as set forth in section 331.752A.

3 34 d. The county compensation board shall prepare a  
3 35 compensation schedule for the elective county officers for the  
4 1 succeeding fiscal year. A recommended compensation schedule  
4 2 requires a majority vote of the membership of the county  
4 3 compensation board.

4 4 2. At the public hearing held on the county budget as  
4 5 provided in section 331.434, the county compensation board  
4 6 shall submit its recommended compensation schedule for the  
4 7 next fiscal year to the board of supervisors for inclusion in  
4 8 the county budget. The board of supervisors shall review the  
4 9 recommended compensation schedule for the elected county  
4 10 officers and determine the final compensation schedule which  
4 11 shall not exceed the compensation schedule recommended by the  
4 12 county compensation board. In determining the final  
4 13 compensation schedule if the board of supervisors wishes to  
4 14 reduce the amount of the recommended compensation schedule,  
4 15 the amount of salary increase proposed for each elected county  
4 16 officer shall be reduced an equal percentage. However, the  
4 17 amount of salary increase for a county attorney shall not be  
4 18 reduced by a percentage that would cause the county attorney's  
4 19 salary to fall below the applicable minimum amount in section  
4 20 331.752A. A copy of the final compensation schedule shall be  
4 21 filed with the county budget at the office of the director of  
4 22 the department of management. The final compensation schedule  
4 23 takes effect on July 1 following its adoption by the board of  
4 24 supervisors.

4 25 EXPLANATION  
4 26 This bill provides a minimum annual salary to be paid to  
4 27 county attorneys. Based upon the population of the county in  
4 28 which the county attorney serves, the county attorney shall  
4 29 receive an amount which is a percentage of the annual salary  
4 30 received by a district judge. The minimum salary requirement

4 31 is phased in over three years, beginning with fiscal year  
4 32 2007-2008 and ending with fiscal year 2009-2010. The bill  
4 33 addresses both full-time and part-time county attorneys.  
4 34 The bill requires the county compensation board to consider  
4 35 the minimum salary amounts when setting the salary of the  
5 1 county attorney. The bill also prohibits a county board of  
5 2 supervisors, in determining the final compensation schedule  
5 3 for each elected county officer, from reducing a county  
5 4 attorney's salary increase below the applicable minimum  
5 5 amounts in Code section 331.752A.  
5 6 LSB 1951SV 82  
5 7 eg:sc/es/88