

House Study Bill 34

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing a minimum annual salary for a county attorney,
2 requiring a county to use certain funds to ensure that the
3 minimum salary requirement for a county attorney is satisfied,
4 and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1464HC 83
7 md/sc/24

PAG LIN

1 1 Section 1. Section 331.752, subsection 5, Code 2009, 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, 2009, 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, 2010, 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, 2011, 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, 2009, 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, 2010, 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, 2011, 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 2009,
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 Sec. 4. Section 602.8107, subsection 4, paragraph c,
4 26 subparagraph (1), Code 2009, is amended to read as follows:
4 27 (1) Forty percent of the amounts collected by the county

4 28 attorney or the person procured or designated by the county
4 29 attorney shall be deposited in the general fund of the county
4 30 if the county attorney has filed the notice required by this
4 31 subsection, unless the county attorney has discontinued
4 32 collection efforts on a particular delinquent amount. Before
4 33 moneys collected by the county attorney or the person
4 34 designated by the county attorney and deposited in the general
4 35 fund of the county can be used for any other purpose, the
5 1 county shall apply a portion of the amount collected to
5 2 satisfy the county attorney minimum salary requirements under
5 3 section 331.752A.

5 4 Sec. 5. Section 602.8107, subsection 4, paragraph d, Code
5 5 2009, is amended to read as follows:

5 6 d. Any additional moneys collected by an individual county
5 7 after the distributions in paragraph "c" shall be distributed
5 8 by the state court administrator as follows: forty percent of
5 9 any additional moneys collected by the county attorney or the
5 10 person procured or designated by the county attorney shall be
5 11 deposited in the general fund of the county where the moneys
5 12 were collected and shall be used to satisfy the county
5 13 attorney minimum salary requirements under section 331.752A

5 14 before the moneys collected may be used for any other purpose;
5 15 twenty percent of the remaining sixty percent collected by the
5 16 county attorney or the person procured or designated by the
5 17 county attorney shall be deposited with the office of the
5 18 county attorney that collected the moneys; and the remainder
5 19 shall be paid to the clerk of the district court for
5 20 distribution under section 602.8108 or the state court
5 21 administrator may distribute the remainder under section
5 22 602.8108 if the additional moneys have already been received
5 23 by the state court administrator.

5 24 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
5 25 immediate importance, takes effect upon enactment.

5 26 EXPLANATION

5 27 This bill makes changes relating to the salary of county
5 28 attorneys and the use of certain moneys collected by the
5 29 office of county attorney.

5 30 The bill provides a minimum annual salary to be paid to
5 31 county attorneys. Based upon the population of the county in
5 32 which the county attorney serves, the county attorney shall
5 33 receive an amount which is a percentage of the annual salary
5 34 received by a district judge. The minimum salary requirement
5 35 is phased in over three years, beginning with fiscal year
6 1 2009=2010. The bill addresses both full-time and part-time
6 2 county attorneys.

6 3 The bill requires the county compensation board to consider
6 4 the minimum salary amounts when setting the salary of the
6 5 county attorney. The bill also prohibits a county board of
6 6 supervisors, in determining the final compensation schedule
6 7 for each elected county officer, from reducing a county
6 8 attorney's salary increase below the applicable minimum
6 9 amounts.

6 10 The bill also requires counties to use the moneys deposited
6 11 in the county's general fund, as a result of the collection of
6 12 fines, penalties, court costs, fees, surcharges, and
6 13 restitution by the county attorney under Code section
6 14 602.8107, to satisfy the county attorney minimum salary
6 15 requirements before those moneys may be used for any other
6 16 purpose.

6 17 The bill takes effect upon enactment.

6 18 LSB 1464HC 83

6 19 md/sc/24