

FIRST REGULAR SESSION

HOUSE BILL NO. 373

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRD.

Read 1st time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0344L.011

AN ACT

To repeal sections 483.015 and 483.083, RSMo, and to enact in lieu thereof two new sections relating to appointment of certain circuit clerks.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 483.015 and 483.083, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 483.015 and 483.083, to read as follows:

483.015. 1. At the general election in the year 1982, and every four years thereafter,
2 except as herein provided and except as otherwise provided by law, circuit clerks shall be elected
3 by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned
4 by the governor, and shall enter upon the discharge of their duties on the first day in January next
5 ensuing their election, and shall hold their offices for the term of four years, and until their
6 successors shall be duly elected and qualified, unless sooner removed from office.

7 2. The court administrator for Jackson County provided by the charter of Jackson County
8 shall be selected as provided in the county charter and shall exercise all of the powers and duties
9 of the circuit clerk of Jackson County. The director of judicial administration and the circuit
10 clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

11 3. **The circuit clerk of any city not within a county shall be appointed by a majority**
12 **of the circuit judges and associate circuit judges of the circuit court of such city, en banc.**
13 **The circuit clerk shall be removable for cause by a majority of the circuit judges and**
14 **associate circuit judges of such circuit, en banc, in accordance with supreme court**
15 **administrative rules governing court personnel. This subsection shall become effective on**
16 **January 1, 2004, and the circuit clerk in office at that time shall continue to hold such**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

17 **office as if such clerk had been appointed pursuant to the terms of this subsection.**

18 **4.** When provision is made in a county charter for the appointment of a court
19 administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk,
20 such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to
21 be elected. The persons appointed to fill any such appointive positions shall be paid by the
22 counties as provided by the county charter or ordinance; provided, however, that if provision is
23 now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state
24 shall pay over to the county a sum which is equivalent to the salary that would be payable by law
25 by the state to an elected circuit clerk in such county if such charter provision was not in effect.
26 The sum shall be paid in semimonthly or monthly installments, as designated by the
27 commissioner of administration.

 483.083. 1. Each circuit clerk shall annually receive as compensation the following
2 amounts as base salary:

3 (1) In counties of the first classification, thirty-six thousand one hundred forty-five
4 dollars; except those counties where court is held in two cities, in which instance an additional
5 four thousand dollars shall be added to the base salary;

6 (2) In all counties of the second or fourth classification, thirty-one thousand nine hundred
7 seventy-eight dollars; except those counties where court is held in two cities, thirty-five thousand
8 five hundred forty-nine dollars;

9 (3) In the counties of the third classification, twenty-seven thousand two hundred
10 eighteen dollars except those counties where court is held in two cities; thirty thousand three
11 hundred eight dollars; except Marion County circuit clerks, district one and district two in
12 Hannibal, thirty-one thousand three hundred eighty-three dollars;

13 (4) In the city of St. Louis, sixty-seven thousand three hundred sixty dollars;

14 (5) The compensation of circuit clerks provided by this subsection shall annually be
15 increased by an amount equivalent to the annual salary adjustment approved pursuant to section
16 476.405, RSMo, for employees of the judicial department.

17 2. Such circuit clerks shall receive in addition to any salary provided by this section any
18 salary adjustment provided pursuant to section 476.405, RSMo.

19 3. In the event the judge orders child support payments in Marion County to be made
20 through the clerk, the clerk shall annually, on or before February first of each year, charge ten
21 dollars per year to each such person so obligated to make child support payments, which fee shall
22 be paid to the state.

23 4. Payment of the compensation provided in this section shall be payable in equal
24 monthly installments, except that the salary of the circuit clerk of the city of St. Louis shall be
25 paid in semimonthly installments and except that all such compensation paid by the state shall

26 be paid in installments as provided in section 33.100, RSMo. The compensation of all circuit
27 clerks shall be paid by the state and they shall be considered state employees for all purposes
28 except the manner of their selection, appointment or removal from office; except that, the circuit
29 clerk of the city of St. Louis, the circuit clerk of St. Louis County and the court administrator of
30 Jackson County shall continue to be paid by the city and those counties and shall not become
31 state employees, but the city of St. Louis, St. Louis County and Jackson County shall each be
32 paid an amount which is equivalent to a circuit clerk's salary as provided in subsection [3] 4 of
33 section 483.015.

34 5. The compensation provided in this section shall be in lieu of all fees, and all fees
35 collected shall be paid over to the state or to the counties and the city of St. Louis as otherwise
36 provided by law.