

FIRST REGULAR SESSION

HOUSE BILL NO. 720

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRD.

Read 1st time March 7, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2014L.011

AN ACT

To repeal section 50.333, RSMo, and to enact in lieu thereof one new section relating to the chair of the salary commission.

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

Section A. Section 50.333, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 50.333, to read as follows:

50.333. 1. There shall be a salary commission in every nonchartered county.

2. The **county** clerk [of the circuit court of the judicial circuit] in which such county is located shall set a date, time and place for the salary commission meeting and serve as temporary chairman of the salary commission until the members of the commission elect a chairman from their number. Upon written request of a majority of the salary commission members the **county** clerk [of the circuit court] shall forthwith set the earliest date possible for a meeting of the salary commission. The [circuit] **county** clerk shall give notice of the time and place of any meeting of the salary commission. Such notice shall be published in a newspaper of general circulation in such county at least five days prior to such meeting. Such notice shall contain a general description of the business to be discussed at such meeting.

3. The members of the salary commission shall be:

(1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;

(2) The county clerk;

(3) The prosecuting attorney;

(4) The sheriff;

(5) The county commissioners;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 (6) The collector or treasurer ex officio collector;
- 18 (7) The treasurer or treasurer ex officio collector;
- 19 (8) The assessor;
- 20 (9) The auditor;
- 21 (10) The public administrator; and
- 22 (11) The coroner.

23

24 Members of the salary commission shall receive no additional compensation for their services
25 as members of the salary commission. A majority of members shall constitute a quorum.

26 4. Notwithstanding the provisions of sections 610.021 and 610.022, RSMo, all meetings
27 of a county salary commission shall be open meetings and all votes taken at such meetings shall
28 be open records. Any vote taken at any meeting of the salary commission shall be taken by
29 recorded yeas and nays.

30 5. In every county, the salary commission shall meet at least once before November
31 thirtieth of each odd-numbered year. The salary commission may meet as many times as it
32 deems necessary and may meet after November thirtieth and prior to December fifteenth of any
33 odd-numbered year if the commission has met at least once prior to November thirtieth of that
34 year. At any meeting of the salary commission, the members shall elect a chairman from their
35 number. The county clerk shall present a report on the financial condition of the county to the
36 commission once the chairman is elected, and shall keep the minutes of the meeting.

37 6. For purposes of this section, the 1988 base compensation is the compensation paid on
38 September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to
39 the presiding commissioner or the sheriff, whichever is greater, of that county for the year
40 beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference
41 between the maximum allowable compensation and the compensation paid on September 1,
42 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall
43 determine the compensation to be paid to every county officer holding office on January 1, 1988.
44 The salary commission shall establish the compensation for each office at an amount not greater
45 than that set by law as the maximum compensation. If the salary commission votes to increase
46 compensation, but not to pay the maximum amount authorized by law for any officer or office,
47 then the increase in compensation shall be the same percentage increase for all officers and
48 offices and shall be expressed as a percentage of the difference between the maximum allowable
49 compensation and the compensation being received at the time of the vote. If two-thirds of the
50 members of the salary commission vote to decrease the compensation being received at the time
51 of the vote below that compensation, all officers shall receive the same percentage decrease. The
52 commission may vote not to increase or decrease the compensation and that compensation shall

53 continue to be the salary of such offices and officers during the subsequent term of office.

54 7. For the year 1989 and every second year thereafter, the salary commission shall meet
55 in every county as many times as it deems necessary on or prior to November thirtieth of any
56 such year for the purpose of determining the amount of compensation to be paid to county
57 officials. For each year in which the commission meets, the members shall elect a chairman
58 from their number. The county clerk shall present a report on the financial condition of the
59 county to the commission once the chairman is elected, and shall keep minutes of the meeting.
60 The salary commission shall then consider the compensation to be paid for the next term of
61 office for each county officer to be elected at their next general election. If the commission votes
62 not to increase or decrease the compensation, the salary being paid during the term in which the
63 vote was taken shall continue as the salary of such offices and officers during the subsequent
64 term of office. If the salary commission votes to increase the compensation, all officers or
65 offices whose compensation is being considered by the commission at that time, shall receive
66 the same percentage of the maximum allowable compensation. However, for any county in
67 which all offices' and officers' salaries have been set at one hundred percent of the maximum
68 allowable compensation, the commission may vote to increase the compensation of all offices
69 except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary
70 commission without regard to any law or maximum limitation established by law. Such increase
71 shall be expressed as a percentage of the compensation being paid during the term of office when
72 the vote is taken, and each officer or office whose compensation is being established by the
73 salary commission at that time shall receive the same percentage increase over the compensation
74 being paid for that office during the term when the vote is taken. This increase shall be in
75 addition to any increase mandated by an official's salary schedule because of changes in assessed
76 valuation during the current term. If the salary commission votes to decrease the compensation,
77 a vote of two-thirds or more of all the members of the salary commission shall be required before
78 the salary or other compensation of any county office shall be decreased below the compensation
79 being paid for the particular office on the date the salary commission votes, and all officers and
80 offices shall receive the same percentage decrease.

81 8. The salary commission shall issue, not later than December fifteenth of any year in
82 which it meets, a report of compensation to be paid to each officer and the compensation so set
83 shall be paid beginning with the start of the subsequent term of office of each officer. The report
84 of compensation shall be certified to the clerk of the county commission for the county and shall
85 be in substantially the following form:

86 The salary commission for County hereby certifies that it has met pursuant
87 to law to establish compensation for county officers to be paid to such officers during the next
88 term of office for the officers affected. The salary commission reports that there shall be (no

89 increase in compensation) (an increase of percent) (a decrease of percent)
90 (county officer's salaries set at percent of the maximum allowable compensation).
91 Salaries shall be adjusted each year on the official's year of incumbency for any change in the last
92 completed assessment that would affect the maximum allowable compensation for that office.

93 9. For the meeting in 1989 and every meeting thereafter, in the event a salary
94 commission in any county fails, neglects or refuses to meet as provided in this section, or in the
95 event a majority of the salary commission is unable to reach an agreement and so reports or fails
96 to certify a salary report to the clerk of the county commission by December fifteenth of any year
97 in which a report is required to be certified by this section, then the compensation being paid to
98 each affected office or officer on such date shall continue to be the compensation paid to the
99 affected office or officer during the succeeding term of office.

100 10. Other provisions of law notwithstanding, in every instance where an officer or
101 employee of any county is paid a mileage allowance or reimbursement, the county commission
102 shall allow or reimburse such officers or employees out of the county treasury at the highest rate
103 paid to any county officer for each mile actually and necessarily traveled in the performance of
104 their official duties. The county commission of any county may elect to pay a mileage allowance
105 for any county commissioner for travel going to and returning from the place of holding
106 commission meetings and for all other necessary travel on official county business in the
107 personal motor vehicle of the commissioner presenting the claim. The governing body of any
108 county of the first classification not having a charter form of government may provide by order
109 for the payment of mileage expenses of elected and appointed county officials by payment of a
110 certain amount monthly which would reflect the average monthly mileage expenses of such
111 officer based on the amount allowed pursuant to state law for the payment of mileage for state
112 employees. Any order entered for such purpose shall not be construed as salary, wages or other
113 compensation for services rendered.

114 11. The term "maximum allowable compensation" as used in this section means the
115 highest compensation which may be paid to the specified officer or office in the particular county
116 based on the salary schedule established by law for the specified officer or office. If the salary
117 commission at its meeting in 1987 voted for one hundred percent of the maximum allowable
118 compensation and does not change such vote at its meeting held within thirty days after May 13,
119 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on
120 the basis of the total allowable compensation permitted after May 13, 1988.

121 12. At the salary commission meeting which establishes the percentage rate to be applied
122 to county officers during the next term of office, the salary commission may authorize the further
123 adjustment of such officers' compensation as a cost-of-living component and effective January
124 first of each year, the compensation for county officers may be adjusted by the county

125 commission, and if the adjustment of compensation is authorized, the percentage increase shall
126 be the same for all county officers, not to exceed the percentage increase given to the other
127 county employees. The compensation for all county officers may be set as a group, although the
128 change in compensation will not become effective until the next term of office for each officer.

129 13. At the salary commission meeting in 1997 which establishes the salaries for those
130 officers to be elected at the general election in 1998, the salary commission of each noncharter
131 county may provide salary increases for associate county commissioners elected in 1996. This
132 one-time increase is necessitated by the change from two- to four-year terms for associate
133 commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth
134 general assembly in 1995.