

SECOND REGULAR SESSION

HOUSE BILL NO. 1825

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUSICK.

5057H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 50.333, RSMo, and to enact in lieu thereof one new section relating to county salary commissions.

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Section A. Section 50.333, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 50.333, to read as follows: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 clerk or court administrator 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~~ **chair** of the salary commission until the members of the commission elect a ~~chairman~~ **chair** from their number. Upon written request of a majority of the salary commission members the clerk or court administrator of the circuit court shall forthwith set the earliest date possible for a meeting of the salary commission. The circuit clerk or court administrator 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;~~

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.

- 18 ~~(5)~~ The county commissioners;
19 ~~[(6)]~~ (4) The collector or treasurer ex officio collector;
20 ~~[(7)]~~ (5) The treasurer or treasurer ex officio collector;
21 ~~[(8)]~~ (6) The assessor;
22 ~~[(9)]~~ (7) The auditor;
23 ~~[(10)]~~ (8) The public administrator; and
24 ~~[(11)]~~ (9) The coroner.

25

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

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

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

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

55 all officers shall receive the same percentage decrease. The commission may vote not to
56 increase or decrease the compensation and that compensation shall continue to be the salary
57 of such offices and officers during the subsequent term of office.

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

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

91 The salary commission for _____ County hereby certifies that it has met pursuant to
92 law to establish compensation for county officers to be paid to such officers during the next
93 term of office for the officers affected. The salary commission reports that there shall be (no
94 increase in compensation) (an increase of _____percent) (a decrease of _____percent)
95 (county officer's salaries set at _____percent of the maximum allowable compensation).

96

97 Salaries shall be adjusted each year on the official's year of incumbency for any change in the
98 last completed assessment that would affect the maximum allowable compensation for that
99 office.

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

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

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

128 12. At the salary commission meeting which establishes the percentage rate to be
129 applied to county officers during the next term of office, the salary commission may authorize
130 the further adjustment of such officers' compensation as a cost-of-living component and
131 effective January first of each year, the compensation for county officers may be adjusted by
132 the county commission, and if the adjustment of compensation is authorized, the percentage
133 increase shall be the same for all county officers, not to exceed the percentage increase given
134 to the other county employees. The compensation for all county officers may be set as a
135 group, although the change in compensation will not become effective until the next term of
136 office for each officer.

137 ~~[13. At the salary commission meeting in 1997 which establishes the salaries for~~
138 ~~those officers to be elected at the general election in 1998, the salary commission of each~~
139 ~~noncharter county may provide salary increases for associate county commissioners elected in~~
140 ~~1996. This one-time increase is necessitated by the change from two- to four-year terms for~~
141 ~~associate commissioners pursuant to house bill 256, passed by the first regular session of the~~
142 ~~eighty-eighth general assembly in 1995.]~~

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