

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1825

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUSICK.

5057H.01P

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Section A. Section 50.333, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 50.333, to read as follows: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

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.

- 16 (3) ~~[The prosecuting attorney;~~
17 ~~(4) The sheriff;~~
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 **In a county with more than one hundred fifty thousand but fewer than two hundred**
27 **thousand inhabitants, the prosecuting attorney and the sheriff shall be members of the**
28 **salary commission. In any county that utilizes assistant prosecuting attorneys, such**
29 **assistant prosecuting attorneys shall be members of the salary commission.**

30 4. Members of the salary commission shall receive no additional compensation for
31 their services as members of the salary commission. A majority of members shall constitute a
32 quorum.

33 ~~[4-]~~ 5. Notwithstanding the provisions of sections 610.021 and 610.022, all meetings
34 of a county salary commission shall be open meetings and all votes taken at such meetings
35 shall be open records. Any vote taken at any meeting of the salary commission shall be taken
36 by recorded yeas and nays.

37 ~~[5-]~~ 6. In every county, the salary commission shall meet at least once before
38 November thirtieth of each odd-numbered year and may meet in any even-numbered year.
39 The salary commission may meet as many times as it deems necessary and may meet after
40 November thirtieth and prior to December fifteenth of any odd-numbered year if the
41 commission has met at least once prior to November thirtieth of that year. At any meeting of
42 the salary commission, the members shall elect a ~~[chairman]~~ **chair** from their number. The
43 county clerk shall present a report on the financial condition of the county to the commission
44 once the ~~[chairman]~~ **chair** is elected, and shall keep the minutes of the meeting.

45 ~~[6-]~~ 7. For purposes of this section, the 1988 base compensation is the compensation
46 paid on September 1, 1987, plus the same percentage increase paid or allowed, whichever is
47 greater, to the presiding commissioner or the sheriff, whichever is greater, of that county for
48 the year beginning January 1, 1988. Such increase shall be expressed as a percentage of the
49 difference between the maximum allowable compensation and the compensation paid on
50 September 1, 1987. ~~[At its meeting in 1987 and at any meeting held in 1988, the salary~~
51 ~~commission shall determine the compensation to be paid to every county officer holding~~
52 ~~office on January 1, 1988.]~~ The salary commission shall establish the compensation for each

53 office at an amount not greater than that set by law as the maximum compensation. If the
54 salary commission votes to increase compensation, but not to pay the maximum amount
55 authorized by law for any officer or office, then the increase in compensation shall be the
56 same percentage increase for all officers and offices and shall be expressed as a percentage of
57 the difference between the maximum allowable compensation and the compensation being
58 received at the time of the vote. If two-thirds of the members of the salary commission vote
59 to decrease the compensation being received at the time of the vote below that compensation,
60 all officers shall receive the same percentage decrease. The commission may vote not to
61 increase or decrease the compensation and that compensation shall continue to be the salary
62 of such offices and officers during the subsequent term of office.

63 ~~[7.]~~ **8.** For the year 1989 and every second year thereafter, the salary commission
64 shall meet in every county as many times as it deems necessary on or prior to November
65 thirtieth of any such year for the purpose of determining the amount of compensation to be
66 paid to county officials. For each year in which the commission meets, the members shall
67 elect a ~~[chairman]~~ **chair** from their number. The county clerk shall present a report on the
68 financial condition of the county to the commission once the ~~[chairman]~~ **chair** is elected, and
69 shall keep minutes of the meeting. The salary commission shall then consider the
70 compensation to be paid for the next term of office for each county officer to be elected at
71 their next general election. If the commission votes not to increase or decrease the
72 compensation, the salary being paid during the term in which the vote was taken shall
73 continue as the salary of such offices and officers during the subsequent term of office. If the
74 salary commission votes to increase the compensation, all officers or offices whose
75 compensation is being considered by the commission at that time shall receive the same
76 percentage of the maximum allowable compensation. However, for any county in which all
77 offices' and officers' salaries have been set at one hundred percent of the maximum allowable
78 compensation, the commission may vote to increase the compensation of all offices except
79 that of full-time prosecuting attorneys at that or any subsequent meeting of the salary
80 commission without regard to any law or maximum limitation established by law. Such
81 increase shall be expressed as a percentage of the compensation being paid during the term of
82 office when the vote is taken, and each officer or office whose compensation is being
83 established by the salary commission at that time shall receive the same percentage increase
84 over the compensation being paid for that office during the term when the vote is taken. This
85 increase shall be in addition to any increase mandated by an official's salary schedule because
86 of changes in assessed valuation during the current term. If the salary commission votes to
87 decrease the compensation, a vote of two-thirds or more of all the members of the salary
88 commission shall be required before the salary or other compensation of any county office
89 shall be decreased below the compensation being paid for the particular office on the date the

90 salary commission votes, and all officers and offices shall receive the same percentage
91 decrease.

92 ~~[8-]~~ 9. The salary commission shall issue, not later than December fifteenth of any
93 year in which it meets, a report of compensation to be paid to each officer and the
94 compensation so set shall be paid beginning with the start of the subsequent term of office of
95 each officer. The report of compensation shall be certified to the clerk of the county
96 commission for the county and shall be in substantially the following form:

97 The salary commission for _____County hereby certifies that it has met pursuant to
98 law to establish compensation for county officers to be paid to such officers during the next
99 term of office for the officers affected. The salary commission reports that there shall be (no
100 increase in compensation) (an increase of _____percent) (a decrease of _____percent)
101 (county officer's salaries set at _____percent of the maximum allowable compensation).

102

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

106 ~~[9-]~~ 10. For the meeting in 1989 and every meeting thereafter, in the event a salary
107 commission in any county fails, neglects or refuses to meet as provided in this section, or in
108 the event a majority of the salary commission is unable to reach an agreement and so reports
109 or fails to certify a salary report to the clerk of the county commission by December fifteenth
110 of any year in which a report is required to be certified by this section, then the compensation
111 being paid to each affected office or officer on such date shall continue to be the
112 compensation paid to the affected office or officer during the succeeding term of office.

113 ~~[10-]~~ 11. Other provisions of law notwithstanding, in every instance where an officer
114 or employee of any county is paid a mileage allowance or reimbursement, the county
115 commission shall allow or reimburse such officers or employees out of the county treasury at
116 the highest rate paid to any county officer for each mile actually and necessarily traveled in
117 the performance of their official duties. The county commission of any county may elect to
118 pay a mileage allowance for any county commissioner for travel going to and returning from
119 the place of holding commission meetings and for all other necessary travel on official county
120 business in the personal motor vehicle of the commissioner presenting the claim. The
121 governing body of any county of the first classification ~~[not having a charter form of~~
122 ~~government]~~ may provide by order for the payment of mileage expenses of elected and
123 appointed county officials by payment of a certain amount monthly which would reflect the
124 average monthly mileage expenses of such officer based on the amount allowed pursuant to
125 state law for the payment of mileage for state employees. Any order entered for such purpose
126 shall not be construed as salary, wages or other compensation for services rendered.

127 ~~[11.]~~ 12. The term "maximum allowable compensation" as used in this section means
128 the highest compensation which may be paid to the specified officer or office in the particular
129 county based on the salary schedule established by law for the specified officer or office. If
130 the salary commission at its meeting in 1987 voted for one hundred percent of the maximum
131 allowable compensation and does not change such vote at its meeting held within thirty days
132 after May 13, 1988, as provided in subsection 6 of this section, the one hundred percent shall
133 be calculated on the basis of the total allowable compensation permitted after May 13, 1988.

134 ~~[12.]~~ 13. At the salary commission meeting which establishes the percentage rate to
135 be applied to county officers during the next term of office, the salary commission may
136 authorize the further adjustment of such officers' compensation as a cost-of-living component
137 and effective January first of each year, the compensation for county officers may be adjusted
138 by the county commission, and if the adjustment of compensation is authorized, the
139 percentage increase shall be the same for all county officers, not to exceed the percentage
140 increase given to the other county employees. The compensation for all county officers may
141 be set as a group, although the change in compensation will not become effective until the
142 next term of office for each officer.

143 ~~[13. At the salary commission meeting in 1997 which establishes the salaries for~~
144 ~~those officers to be elected at the general election in 1998, the salary commission of each~~
145 ~~noncharter county may provide salary increases for associate county commissioners elected in~~
146 ~~1996. This one time increase is necessitated by the change from two to four year terms for~~
147 ~~associate commissioners pursuant to house bill 256, passed by the first regular session of the~~
148 ~~eighty-eighth general assembly in 1995.]~~

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