

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 568
99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

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ADRIANE D. CROUSE, Secretary.

4919S.09P

AN ACT

To repeal sections 50.327 and 50.333, RSMo, and to enact in lieu thereof two new sections relating to salaries of county officials.

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

Section A. Sections 50.327 and 50.333, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 50.327 and 50.333, to
3 read as follows:

50.327. 1. Notwithstanding any other provisions of law to the contrary,
2 the salary schedules contained in section 49.082, sections 50.334 and 50.343,
3 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, 57.317,
4 58.095, and 473.742 shall be set as a base schedule for those county
5 officials. Except when it is necessary to increase newly elected or reelected
6 county officials' salaries, in accordance with Section 13, Article VII, Constitution
7 of Missouri, to comply with the requirements of this section, the salary
8 commission in all counties except charter counties in this state shall be
9 responsible for the computation of salaries of all county officials; provided,
10 however, that any percentage salary adjustments in a county shall be equal for
11 all such officials in that county.

12 **2. Upon majority approval of the salary commission, the annual**
13 **compensation of part-time prosecutors contained in section 56.265 and**
14 **the county offices contained in sections 49.082, 50.334, 50.343, 51.281,**
15 **51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742**

16 may be increased by up to two thousand dollars greater than the
17 compensation provided by the salary schedules; provided, however,
18 that any vote to increase compensation be effective for all county
19 offices in that county.

20 3. Upon majority approval of the salary commission, the annual
21 compensation of a county sheriff as provided in section 57.317 may be
22 increased by up to six thousand dollars greater than the compensation
23 provided by the salary schedule of such section.

24 4. The salary commission of any county of the third classification
25 may amend the base schedules for the computation of salaries for
26 county officials referenced in subsection 1 of this section to include
27 assessed valuation factors in excess of three hundred million dollars;
28 provided that the percentage of any adjustments in assessed valuation
29 factors shall be equal for all such officials in that county.

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

3 2. The clerk or court administrator of the circuit court of the judicial
4 circuit in which such county is located shall set a date, time and place for the
5 salary commission meeting and serve as temporary chairman of the salary
6 commission until the members of the commission elect a chairman from their
7 number. Upon written request of a majority of the salary commission members
8 the clerk or court administrator of the circuit court shall forthwith set the earliest
9 date possible for a meeting of the salary commission. The circuit clerk or court
10 administrator shall give notice of the time and place of any meeting of the salary
11 commission. Such notice shall be published in a newspaper of general circulation
12 in such county at least five days prior to such meeting. Such notice shall contain
13 a general description of the business to be discussed at such meeting.

14 3. The members of the salary commission shall be:

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

17 (2) The county clerk;

18 (3) The prosecuting attorney;

19 (4) The sheriff;

20 (5) The county commissioners;

21 (6) The collector or treasurer ex officio collector;

22 (7) The treasurer or treasurer ex officio collector;

- 23 (8) The assessor;
24 (9) The auditor;
25 (10) The public administrator; and
26 (11) The coroner.

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

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

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

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

59 commission vote to decrease the compensation being received at the time of the
60 vote below that compensation, all officers shall receive the same percentage
61 decrease. The commission may vote not to increase or decrease the compensation
62 and that compensation shall continue to be the salary of such offices and officers
63 during the subsequent term of office.

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

95 all officers and offices shall receive the same percentage decrease.

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

102 The salary commission for _____ County hereby certifies that it has met
103 pursuant to law to establish compensation for county officers to be paid to such
104 officers during the next term of office for the officers affected. The salary
105 commission reports that there shall be (no increase in compensation) (an increase
106 of _____ percent) (a decrease of _____ percent) (county officer's salaries set at
107 _____ percent of the maximum allowable compensation).

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

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

119 10. Other provisions of law notwithstanding, in every instance where an
120 officer or employee of any county is paid a mileage allowance or reimbursement,
121 the county commission shall allow or reimburse such officers or employees out of
122 the county treasury at the highest rate paid to any county officer for each mile
123 actually and necessarily traveled in the performance of their official duties. The
124 county commission of any county may elect to pay a mileage allowance for any
125 county commissioner for travel going to and returning from the place of holding
126 commission meetings and for all other necessary travel on official county business
127 in the personal motor vehicle of the commissioner presenting the claim. The
128 governing body of any county of the first classification not having a charter form
129 of government may provide by order for the payment of mileage expenses of
130 elected and appointed county officials by payment of a certain amount monthly

131 which would reflect the average monthly mileage expenses of such officer based
132 on the amount allowed pursuant to state law for the payment of mileage for state
133 employees. Any order entered for such purpose shall not be construed as salary,
134 wages or other compensation for services rendered.

135 11. The term "maximum allowable compensation" as used in this section
136 means the highest compensation which may be paid to the specified officer or
137 office in the particular county based on the salary schedule established by law for
138 the specified officer or office. If the salary commission at its meeting in 1987
139 voted for one hundred percent of the maximum allowable compensation and does
140 not change such vote at its meeting held within thirty days after May 13, 1988,
141 as provided in subsection 6 of this section, the one hundred percent shall be
142 calculated on the basis of the total allowable compensation permitted after May
143 13, 1988.

144 12. At the salary commission meeting which establishes the percentage
145 rate to be applied to county officers during the next term of office, the salary
146 commission may authorize the further adjustment of such officers' compensation
147 as a cost-of-living component and effective January first of each year, the
148 compensation for county officers may be adjusted by the county commission, and
149 if the adjustment of compensation is authorized, the percentage increase shall be
150 the same for all county officers, not to exceed the percentage increase given to the
151 other county employees. The compensation for all county officers may be set as
152 a group, although the change in compensation will not become effective until the
153 next term of office for each officer.

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

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