

SECOND REGULAR SESSION

# SENATE BILL NO. 835

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 6, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5818S.02I

## AN ACT

To repeal sections 50.333 and 57.280, RSMo, and to enact in lieu thereof two new sections relating to compensation for county sheriffs.

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

Section A. Sections 50.333 and 57.280, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 50.333 and 57.280, to  
3 read as follows:

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;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 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. The salary commission may meet  
36 as many times as it deems necessary and may meet after November thirtieth and  
37 prior to December fifteenth of any odd-numbered year if the commission has met  
38 at least once prior to November thirtieth of that year. At any meeting of the  
39 salary commission, the members shall elect a chairman from their number. The  
40 county clerk shall present a report on the financial condition of the county to the  
41 commission once the chairman is elected, and shall keep the minutes of the  
42 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. **Sheriff compensation shall increase fifteen percent on**  
74 **September 1, 2014, for the remainder of that calendar year and starting**  
75 **January 1, 2015, shall increase ten percent per annum and then five**  
76 **percent per annum as of January 1 of each calendar year thereafter, to**  
77 **be paid for with funding provided by subsection 3 of section 57.280.** If  
78 the commission votes not to increase or decrease the compensation, the salary  
79 being paid during the term in which the vote was taken shall continue as the  
80 salary of such offices and officers during the subsequent term of office, **except**  
81 **that of sheriff as provided herein.** If the salary commission votes to increase  
82 the compensation, all officers or offices whose compensation is being considered  
83 by the commission at that time shall receive the same percentage of the  
84 maximum allowable compensation. However, for any county in which all offices'  
85 and officers' salaries have been set at one hundred percent of the maximum  
86 allowable compensation, the commission may vote to increase the compensation  
87 of all offices except that of full-time prosecuting attorneys at that or any  
88 subsequent meeting of the salary commission without regard to any law or  
89 maximum limitation established by law. Such increase shall be expressed as a  
90 percentage of the compensation being paid during the term of office when the vote

91 is taken, and each officer or office whose compensation is being established by the  
92 salary commission at that time shall receive the same percentage increase over  
93 the compensation being paid for that office during the term when the vote is  
94 taken. This increase shall be in addition to any increase mandated by an  
95 official's salary schedule because of changes in assessed valuation during the  
96 current term. If the salary commission votes to decrease the compensation, a vote  
97 of two-thirds or more of all the members of the salary commission shall be  
98 required before the salary or other compensation of any county office shall be  
99 decreased below the compensation being paid for the particular office on the date  
100 the salary commission votes, and all officers and offices shall receive the same  
101 percentage decrease.

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

108 The salary commission for ..... County hereby certifies that it has met  
109 pursuant to law to establish compensation for county officers to be paid to such  
110 officers during the next term of office for the officers affected. The salary  
111 commission reports that there shall be (no increase in compensation) (an increase  
112 of ..... percent) (a decrease of ..... percent) (county officer's salaries set at .....  
113 percent of the maximum allowable compensation).

114 Salaries shall be adjusted each year on the official's year of incumbency for any  
115 change in the last completed assessment that would affect the maximum  
116 allowable compensation for that office. **Sheriff compensation shall increase  
117 fifteen percent on September 1, 2014, for the remainder of that calendar  
118 year and starting January 1, 2015, shall increase ten percent per annum  
119 and then five percent per annum as of January 1 of each calendar year  
120 thereafter, to be paid for with funding provided by subsection 3 of  
121 section 57.280.**

122 9. For the meeting in 1989 and every meeting thereafter, in the event a  
123 salary commission in any county fails, neglects or refuses to meet as provided in  
124 this section, or in the event a majority of the salary commission is unable to reach  
125 an agreement and so reports or fails to certify a salary report to the clerk of the  
126 county commission by December fifteenth of any year in which a report is

127 required to be certified by this section, then the compensation being paid to each  
128 affected office or officer on such date shall continue to be the compensation paid  
129 to the affected office or officer during the succeeding term of office, **except that**  
130 **of sheriff as provided by subsection 7 of section 50.333.**

131       10. Other provisions of law notwithstanding, in every instance where an  
132 officer or employee of any county is paid a mileage allowance or reimbursement,  
133 the county commission shall allow or reimburse such officers or employees out of  
134 the county treasury at the highest rate paid to any county officer for each mile  
135 actually and necessarily traveled in the performance of their official duties. The  
136 county commission of any county may elect to pay a mileage allowance for any  
137 county commissioner for travel going to and returning from the place of holding  
138 commission meetings and for all other necessary travel on official county business  
139 in the personal motor vehicle of the commissioner presenting the claim. The  
140 governing body of any county of the first classification not having a charter form  
141 of government may provide by order for the payment of mileage expenses of  
142 elected and appointed county officials by payment of a certain amount monthly  
143 which would reflect the average monthly mileage expenses of such officer based  
144 on the amount allowed pursuant to state law for the payment of mileage for state  
145 employees. Any order entered for such purpose shall not be construed as salary,  
146 wages or other compensation for services rendered.

147       11. The term "maximum allowable compensation" as used in this section  
148 means the highest compensation which may be paid to the specified officer or  
149 office in the particular county based on the salary schedule established by law for  
150 the specified officer or office. If the salary commission at its meeting in 1987  
151 voted for one hundred percent of the maximum allowable compensation and does  
152 not change such vote at its meeting held within thirty days after May 13, 1988,  
153 as provided in subsection 6 of this section, the one hundred percent shall be  
154 calculated on the basis of the total allowable compensation permitted after May  
155 13, 1988.

156       12. At the salary commission meeting which establishes the percentage  
157 rate to be applied to county officers during the next term of office, the salary  
158 commission may authorize the further adjustment of such officers' compensation  
159 as a cost-of-living component and effective January first of each year, the  
160 compensation for county officers may be adjusted by the county commission, and  
161 if the adjustment of compensation is authorized, the percentage increase shall be  
162 the same for all county officers, not to exceed the percentage increase given to the

163 other county employees. The compensation for all county officers may be set as  
164 a group, although the change in compensation will not become effective until the  
165 next term of office for each officer.

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

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ  
2 or other order of court, in connection with any civil case, and making on the same  
3 either a return indicating service, a non est return or a nulla bona return, the  
4 sum of twenty dollars for each item to be served, except that a sheriff shall  
5 receive a charge for service of any subpoena, and making a return on the same,  
6 the sum of ten dollars; however, no such charge shall be collected in any  
7 proceeding when court costs are to be paid by the state, county or municipality.  
8 In addition to such charge, the sheriff shall be entitled to receive for each mile  
9 actually traveled in serving any summons, writ, subpoena or other order of court  
10 the rate prescribed by the Internal Revenue Service for all allowable expenses for  
11 motor vehicle use expressed as an amount per mile, provided that such mileage  
12 shall not be charged for more than one subpoena or summons or other writ served  
13 in the same cause on the same trip. All of such charges shall be received by the  
14 sheriff who is requested to perform the service. Except as otherwise provided by  
15 law, all charges made pursuant to this section shall be collected by the court clerk  
16 as court costs and are payable prior to the time the service is rendered; provided  
17 that if the amount of such charge cannot be readily determined, then the sheriff  
18 shall receive a deposit based upon the likely amount of such charge, and the  
19 balance of such charge shall be payable immediately upon ascertainment of the  
20 proper amount of said charge. A sheriff may refuse to perform any service in any  
21 action or proceeding, other than when court costs are waived as provided by law,  
22 until the charge provided by this section is paid. Failure to receive the charge  
23 shall not affect the validity of the service.

24 2. The sheriff shall receive for receiving and paying moneys on execution  
25 or other process, where lands or goods have been levied and advertised and sold,  
26 five percent on five hundred dollars and four percent on all sums above five

27 hundred dollars, and half of these sums, when the money is paid to the sheriff  
28 without a levy, or where the lands or goods levied on shall not be sold and the  
29 money is paid to the sheriff or person entitled thereto, his agent or attorney. The  
30 party at whose application any writ, execution, subpoena or other process has  
31 issued from the court shall pay the sheriff's costs for the removal, transportation,  
32 storage, safekeeping and support of any property to be seized pursuant to legal  
33 process before such seizure. The sheriff shall be allowed for each mile, going and  
34 returning from the courthouse of the county in which he resides to the place  
35 where the court is held, the rate prescribed by the Internal Revenue Service for  
36 all allowable expenses for motor vehicle use expressed as an amount per  
37 mile. The provisions of this subsection shall not apply to garnishment proceeds.

38         3. The sheriff upon the receipt of the charge herein provided for shall pay  
39 into the treasury of the county any and all charges received pursuant to the  
40 provisions of this section. The funds collected pursuant to this section, not to  
41 exceed fifty thousand dollars in any calendar year, shall be held in a fund  
42 established by the county treasurer, which may be expended at the discretion of  
43 the sheriff for the furtherance of the sheriff's set duties **provided, however, the**  
44 **balance thereof first be encumbered and dedicated in sufficient**  
45 **amounts to comply with the provisions of subsection 7 of section**  
46 **50.333.** Any such funds in excess of fifty thousand dollars in any calendar year  
47 shall be placed to the credit of the general revenue fund of the county. Moneys  
48 in the fund shall be used only for the procurement of services and equipment to  
49 support the operation of the sheriff's office. Moneys in the fund established  
50 pursuant to this subsection shall not lapse to the county general revenue fund at  
51 the end of any county budget or fiscal year.

52         4. Notwithstanding the provisions of subsection 3 of this section to the  
53 contrary, the sheriff shall receive ten dollars for service of any summons, writ,  
54 subpoena, or other order of the court included under subsection 1 of this section,  
55 in addition to the charge for such service that each sheriff receives under  
56 subsection 1 of this section. The money received by the sheriff under this  
57 subsection shall be paid into the county treasury and the county treasurer shall  
58 make such money payable to the state treasurer. The state treasurer shall  
59 deposit such moneys in the deputy sheriff salary supplementation fund created  
60 under section 57.278.

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