

FIRST REGULAR SESSION

SENATE BILL NO. 384

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 3, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0966S.011

AN ACT

To repeal sections 50.333 and 57.317, RSMo, and to enact in lieu thereof two new sections relating to salaries of county officers.

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

Section A. Sections 50.333 and 57.317, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.333 and 57.317, to read as follows: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 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 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;

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] **2016** 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. **Compensation for each county office holder shall**
74 **increase at least five percent the beginning of each term of office**
75 **starting in 2016 and then increase at least five percent each term of**
76 **office thereafter, for cost of living increases, until the year when**
77 **maximum allowable compensation is reached for each office holder**
78 **unless the salary commission votes to disapprove the minimum**
79 **percentage increases.** If the commission votes [not to] **to reject an** increase
80 [or decrease the] **in** compensation, the salary being paid during the term in which
81 the vote was taken shall continue as the salary of such offices and officers during
82 the subsequent term of office. If the salary commission votes to increase the
83 compensation **beyond the minimum cost of living increase**, all officers or
84 offices whose compensation is being considered by the commission at that time
85 shall receive the same percentage of the maximum allowable
86 compensation. However, for any county in which all offices' and officers' salaries
87 have been set at one hundred percent of the maximum allowable compensation,
88 the commission may vote to increase the compensation of all offices except that
89 of full-time prosecuting attorneys at that or any subsequent meeting of the salary
90 commission without regard to any law or maximum limitation established by

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

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

109 The salary commission for County hereby certifies that it has met
110 pursuant to law to establish compensation for county officers to be paid to such
111 officers during the next term of office for the officers affected. The salary
112 commission reports that there shall be (no increase in compensation) (an increase
113 of percent) (a decrease of percent) (county officer's salaries set at
114 percent of the maximum allowable compensation). Salaries shall be adjusted each
115 year on the official's year of incumbency for any change in the last completed
116 assessment that would affect the maximum allowable compensation for that
117 office.

118 9. For the meeting in [1989] **2016** and every meeting thereafter, in the
119 event a salary commission in any county fails, neglects or refuses to meet as
120 provided in this section, or in the event a majority of the salary commission is
121 unable to reach an agreement and so reports or fails to certify a salary report to
122 the clerk of the county commission by December fifteenth of any year in which a
123 report is required to be certified by this section, then the compensation being paid
124 to each affected office or officer on such date shall continue to be the
125 compensation paid to the affected office or officer during the succeeding term of
126 office, **except as otherwise provided by subsection 7 of section 50.333.**

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

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

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

162 13. At the salary commission meeting in 1997 which establishes the

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

57.317. 1. The county sheriff in any county, other than in a first
 2 classification chartered county, shall receive [an] **no less than the** annual salary
 3 computed as set forth in the following schedule. The assessed valuation factor
 4 shall be the amount thereof as shown for the year next preceding the
 5 computation. The provisions of this section shall not permit or require a
 6 reduction in the amount of compensation being paid for the office of sheriff on
 7 January 1, [1997] **2016**.

8	Assessed Valuation	Salary
9	\$ 18,000,000 to 40,999,999	[\$36,000] 55,000
10	41,000,000 to 53,999,999	[37,000] 60,000
11	54,000,000 to 65,999,999	[38,000] 65,000
12	66,000,000 to 85,999,999	[39,000] 70,000
13	86,000,000 to 99,999,999	[40,000] 75,000
14	100,000,000 to 130,999,999	[42,000] 80,000
15	131,000,000 to 159,999,999	[44,000] 85,000
16	160,000,000 to 189,999,999	[45,000] 90,000
17	190,000,000 to 249,999,999	[46,000] 95,000
18	250,000,000 to 299,999,999	[48,000] 100,000
19	300,000,000 to 449,999,999	[50,000] 105,000
20	450,000,000 to 599,999,999	[52,000] 110,000
21	600,000,000 to 749,999,999	[54,000] 115,000
22	750,000,000 to 899,999,999	[56,000] 120,000
23	900,000,000 to 1,049,999,999	[58,000] 125,000
24	1,050,000,000 to 1,199,999,999	[60,000] 130,000
25	1,200,000,000 to 1,349,999,999	[62,000] 135,000
26	1,350,000,000 and over	[64,000] 140,000

27 **Starting in the year 2016, the maximum allowable compensation of**
 28 **sheriff shall be no more than two times the salary set forth in this**
 29 **subsection.**

30 2. Two thousand dollars of the salary authorized in this section shall be

31 payable to the sheriff only if the sheriff has completed at least twenty hours of
32 classroom instruction each calendar year relating to the operations of the sheriff's
33 office when approved by a professional association of the county sheriffs of
34 Missouri unless exempted from the training by the professional association. The
35 professional association approving the program shall provide a certificate of
36 completion to each sheriff who completes the training program and shall send a
37 list of certified sheriffs to the treasurer of each county. Expenses incurred for
38 attending the training session may be reimbursed to the county sheriff in the
39 same manner as other expenses as may be appropriated for that purpose.

40 3. The county sheriff in any county, other than a first classification
41 charter county, shall not, except upon two-thirds vote of all the members of the
42 salary commission, receive an annual compensation less than the total
43 compensation being received for the office of county sheriff in the particular
44 county for services rendered or performed on the date the salary commission
45 votes.

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Bill

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