

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 568

99TH GENERAL ASSEMBLY

2018

4919S.09T

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## 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.

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*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Section A. Sections 50.327 and 50.333, RSMo, are repealed and two new  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.