

SECOND REGULAR SESSION

SENATE BILL NO. 697

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Pre-filed December 3, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3010S.011

AN ACT

To repeal sections 14.010, 14.020, 14.030, 59.020, 59.041, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260, 59.300, 483.010, 483.015, 483.020, 483.055, 483.060, 483.065, 483.075, 483.080, 483.082, 483.140, 483.150, 483.165, 483.170, 483.175, 483.180, 483.190, 483.195, 483.200, 483.205, 483.240, 483.245, 483.360, 483.390, 483.445 and 483.450, RSMo 1994, and sections 50.333 and 483.083, RSMo Supp. 1999, relating to the appointment of certain judicial personnel, and to enact in lieu thereof thirty-one new sections relating to the same subject.

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

Section A. Sections 14.010, 14.020, 14.030, 59.020, 59.041, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260, 59.300, 483.010, 483.015, 483.020, 483.055, 483.060, 483.065, 483.075, 483.080, 483.082, 483.140, 483.150, 483.165, 483.170, 483.175, 483.180, 483.190, 483.195, 483.200, 483.205, 483.240, 483.245, 483.360, 483.390, 483.445 and 483.450, RSMo 1994, and sections 50.333 and 483.083, RSMo Supp. 1999, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 14.010, 14.020, 14.030, 50.333, 59.020, 59.041, 59.090, 59.100, 59.130, 59.150, 59.250, 59.255, 59.257, 59.333, 483.010, 483.015, 483.018, 483.020, 483.055, 483.065, 483.075, 483.080, 483.082, 483.083, 483.140, 483.150, 483.240, 483.245, 483.360, 483.390 and 483.445, to read as follows:

14.010. 1. Notices of liens for internal revenue taxes payable to the United States of America and certificates discharging such liens shall be filed in the office of the recorder of deeds [or in the office of the clerk of the circuit court as ex officio recorder of deeds] of the county within which the property subject to the liens is situated.

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

2. Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens shall be filed in the office of the recorder of deeds of the county in which the real property subject to the liens is situated.

3. All federal lien notices, which under any act of Congress or any regulation adopted thereto are required to be filed in the same manner as notices of federal tax liens, shall be filed and discharged in accordance with the provisions of sections 14.010 to 14.040.

14.020. When a notice of such tax lien is filed, the recorder [or clerk] shall forthwith enter the same in an alphabetical federal tax lien index to be provided by the county commission, showing on one line the name and residence of the taxpayer named in such notice, the collector's serial number of such notice, the date and hour of filing and the amount of tax and penalty assessed. He shall file and keep all original notices so filed in numerical order in a file to be provided by the county commission and designated "federal tax lien notices".

14.030. When a certificate of discharge of any tax lien issued by the collector of internal revenue or other proper officer is filed in the office of the recorder [or clerk] where the original notice of lien is filed, said recorder [or clerk] shall enter the same with the date of filing in said federal tax lien index on the line where the notice of the lien so discharged is entered and permanently attach the original certificate of discharge to the original notice of lien.

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

2. The **county** clerk [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 **county** clerk [of the circuit court] shall forthwith set the earliest date possible for a meeting of the salary commission. The [circuit] **county** clerk 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;
- (4) The sheriff;
- (5) The county commissioners;
- (6) The collector or treasurer ex officio collector;
- (7) The treasurer or treasurer ex officio collector;
- (8) The assessor;
- (9) The auditor;

(10) The public administrator; and

(11) The coroner. Members of the salary commission shall receive no additional compensation for their services as members of the salary commission. A majority of members shall constitute a quorum.

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

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

6. For purposes of this section, the 1988 base compensation is the compensation paid on September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to the presiding commissioner or the sheriff, whichever is greater, of that county for the year beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation paid on September 1, 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall determine the compensation to be paid to every county officer holding office on January 1, 1988. The salary commission shall establish the compensation for each office at an amount not greater than that set by law as the maximum compensation. If the salary commission votes to increase compensation, but not to pay the maximum amount authorized by law for any officer or office, then the increase in compensation shall be the same percentage increase for all officers and offices and shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation being received at the time of the vote. If two-thirds of the members of the salary commission vote to decrease the compensation being received at the time of the vote below that compensation, all officers shall receive the same percentage decrease. The commission may vote not to increase or decrease the compensation and that compensation shall continue to be the salary of such offices and officers during the subsequent term of office.

7. For the year 1989 and every second year thereafter, the salary commission shall meet in every county as many times as it deems necessary on or prior to November thirtieth of any such year for the purpose of determining the amount of compensation to be paid to county officials. For each year in which the commission meets, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the

commission once the chairman is elected, and shall keep minutes of the meeting. The salary commission shall then consider the compensation to be paid for the next term of office for each county officer to be elected at their next general election. If the commission votes not to increase or decrease the compensation, the salary being paid during the term in which the vote was taken shall continue as the salary of such offices and officers during the subsequent term of office. If the salary commission votes to increase the compensation, all officers or offices whose compensation is being considered by the commission at that time, shall receive the same percentage of the maximum allowable compensation. However, for any county in which all offices' and officers' salaries have been set at one hundred percent of the maximum allowable compensation, the commission may vote to increase the compensation of all offices except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary commission without regard to any law or maximum limitation established by law. Such increase shall be expressed as a percentage of the compensation being paid during the term of office when the vote is taken, and each officer or office whose compensation is being established by the salary commission at that time shall receive the same percentage increase over the compensation being paid for that office during the term when the vote is taken. This increase shall be in addition to any increase mandated by an official's salary schedule because of changes in assessed valuation during the current term. If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes, and all officers and offices shall receive the same percentage decrease.

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

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

9. For the meeting in 1989 and every meeting thereafter, in the event a salary commission in any county fails, neglects or refuses to meet as provided in this section, or in the event a majority of the salary commission is unable to reach an agreement and so reports or fails to certify

a salary report to the clerk of the county commission by December fifteenth of any year in which a report is required to be certified by this section, then the compensation being paid to each affected office or officer on such date shall continue to be the compensation paid to the affected office or officer during the succeeding term of office.

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

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

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

13. At the salary commission meeting in 1997 which establishes the salaries for those officers to be elected at the general election in 1998, the salary commission of each noncharter county may provide salary increases for associate county commissioners elected in 1996. This one-time increase is necessitated by the change from two- to four-year terms for associate

commissioners pursuant to [house bill 256, passed by the first regular session of the eighty-eighth general assembly in 1995] **section 49.020, RSMo.**

59.020. In all counties [of the first and second classes, and in counties of the third class] where the offices of clerk of the circuit court and recorder of deeds are separate, the qualified electors thereof, in the November election in the year [1946] **2002** and every four years thereafter, shall elect some suitable person as recorder who shall hold office for four years and until his successor is elected, commissioned, and qualified. He shall enter upon the duties of his office on the first day of January next following the election.

59.041. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any other provision of law in conflict with the provisions of this section, in any county [which becomes a county of the second class after September 28, 1987, and] wherein the offices of circuit clerk and recorder of deeds are combined, such combination shall continue until the voters of the county authorize the separation of the offices as provided in section 59.040 **or approve appointment of the circuit clerk as provided by section 483.018, RSMo.**

59.090. **1. In all counties [of the fourth class,] where the clerks of the circuit court [shall be] have been ex officio [recorder] recorders for their respective counties prior to the voters adopting appointment of the circuit clerk as provided by section 483.018, RSMo, the circuit clerk ex officio recorder of deeds last holding office shall deliver up all funds, moneys, records, books, papers, writing, computer and electronic records and equipment, seals, furniture and apparatus belonging to the office relating to the duties of the recorder of deeds, complete, secure and undefaced, to the recorder of deeds taking office thereafter.**

2. All references in statute to the "circuit clerk ex officio recorder of deeds" for any county shall be deemed to refer to the recorder of deeds of the county, or the circuit clerk as is appropriate in the context of the reference.

59.100. Every [clerk and every] recorder elected as provided in section 59.020, before entering upon the duties of the office as recorder, shall enter into bond to the state, in a sum set by the county commission of not less than one thousand dollars, with sufficient sureties, not less than two, to be approved by the commission, conditioned for the faithful performance of the duties enjoined on him by law as recorder, and for the delivering up of the records, books, papers, writings, seals, furniture and apparatus belonging to the office, whole, safe and undefaced, to such officer's successor.

59.130. [He] **Every recorder of deeds** shall have a seal of office, and shall have power to take the acknowledgment of proof of deeds and instruments of writing[, and to take the relinquishments of dower of married women, and certify the same, under his seal of office, in all cases and in the same manner, with like effect, as clerks of circuit courts may do by law].

[59.140. When the clerk of the circuit court is ex officio recorder of the county, he

shall use the seal of said court in all cases in which his official seal is to be affixed.]

59.150. [Hereafter] Whenever, under any law of this state relating to the duties of the recorder of deeds in any county of this state, it becomes necessary for any person to be sworn to any statement, affidavit or other papers of any kind, the recorder of deeds shall be authorized to administer an oath to any person in matters relating to the duties of his office[, with like effect as clerks of courts of record; provided, he use his seal of office to the jurat, as clerks of courts of record do. He shall receive the same compensation allowed by law for like service as clerks of courts are now allowed].

59.250. 1. The recorder of deeds [in counties of the third class, wherein there is a separate circuit clerk and recorder,] shall keep a full, true and faithful account of all fees of every kind received. He shall make a report thereof each year to the county commission.

2. It shall be the duty of the recorder of deeds to charge, receive and collect in all cases every fee, charge or money due his office by law. He shall also, when he makes and files the report herein required at the end of each year of his official term, verify the same by affidavit, and the report shall show the source and amount of every fee or charge collected. All fees, charges and moneys collected by the recorder of deeds shall be the property of the county. **Every recorder of deeds shall be liable on his or her official bond for all fees collected and not accounted for by him or her, and paid into the county treasury as herein provided.**

59.255. The recorder of deeds in each county [of the third class wherein the offices of circuit clerk and recorder of deeds are separate and the circuit clerk and ex officio recorder of deeds in each county of the fourth class and in each county of the third class wherein the offices are combined] shall keep in his office a [well-bound book to be] **record** known as the "Marginal Release of Deeds of Trust" in which [he shall enter in appropriately ruled and headed columns] **was recorded**, at the time of the execution of a marginal release of a deed of trust[, the following items:] **executed prior to August 28, 1991**, the names of the grantors and grantees, the book and page of release, the date of release and to whom delivered.

59.257. The recorder of deeds [in counties of the third class, wherein there is a separate circuit clerk and recorder,] is entitled to appoint the deputies that the recorder of deeds, with the approval of the county commission, deems necessary for the prompt and proper discharge of the duties of his office. The deputies shall possess the **same** qualifications [of clerks of courts of record] **as the recorder** and may, in the name of their principal, perform the duties of the recorder of deeds, but all recorders of deeds and their sureties are responsible for the official conduct of their deputies. The deputies appointed as herein provided shall receive the salaries that are fixed by the recorder of deeds, with the approval of the county commission, from the general revenue of the county. The appointment of every deputy shall be in writing, endorsed with an oath of office similar to that taken by the recorder of deeds and subscribed to by the deputy appointed, and filed by the recorder with the county commission.

[59.260. It shall be the duty of the circuit clerk and recorder of counties of the third class, wherein the offices shall have been combined, and in all counties of the fourth class, to charge and collect for the county in all cases every fee accruing to his office as recorder of the county to which he may be entitled under the law, and shall at the end of each month, file with the county clerk a report of all fees charged and accruing to his office during such month, together with the names of persons paying such fees. It shall be the duty of the circuit clerk and recorder, upon the filing of said report, to forthwith pay over to the county treasurer, all moneys that shall have been collected by him as recorder during the month and required to be shown in such monthly report as herein provided, taking duplicate receipts therefor, one of which shall be filed with the county clerk; and every such circuit clerk and recorder shall be liable on his official bond for all fees collected and not accounted for by him, and paid into the county treasury as herein provided.]

[59.300. The circuit clerk and recorder in counties of the fourth class, and in counties of the third class wherein the offices shall have been combined, as recorder of the county, may appoint in writing one or more deputies, to be approved by the circuit judge of the circuit court, which appointment with the like oath of office as their principals, to be taken by them and endorsed thereon shall be filed in the office of the county clerk. Such deputy recorders shall possess the qualifications of clerks of courts of record, and may, in the name of their principals, perform the duties of recorders of deeds, but all circuit clerks and recorders and their sureties shall be responsible for the official conduct of their deputies.]

59.333. Beginning January 1, 2001, notwithstanding any other condition precedent required by law to the recording of any instruments specified in subdivisions (1) and (2) of subsection 1 of section 59.330, an additional fee of ten dollars shall be charged and collected by every recorder of deeds in every county of this state. All of such funds shall be paid over to the state courts administrator within thirty days of collection and deposited into a special fund created pursuant to this section, not within the state treasury, which shall be maintained by the state courts administrator. Moneys in such fund shall be distributed only to such counties that adopt or have adopted a system of appointed circuit clerks as provided by subsection 2 of section 483.015, RSMo, or section 483.018, RSMo, in the same amount as is collected in each such county and paid in the special fund. Twenty percent of the amount of such fees received in a particular county shall be paid to the recorder in that same county to be used for the purposes set forth in subsection 1 of section 59.319. Eighty percent of such fees received in a particular county shall be deposited into a special fund in the county treasury to be used only to pay the costs associated with the operation of the office of the recorder of deeds in that same county. The remaining amount of such fees

collected in counties which do not adopt a system of appointed circuit clerks as provided by subsection 2 of section 483.015, RSMo, and paid into the special fund established pursuant to this section shall be deposited into the state general revenue fund at the end of each calendar year.

483.010. 1. No person shall be appointed or elected **circuit clerk or court administrator, however denominated**, of any court, unless he **or she** be a citizen of the United States[,] **and** above the age of twenty-one years[, and shall have resided within the state one whole year, and within the geographical area over which the court has jurisdiction or, in the case of circuit clerks, within the county from which elected, three months before the appointment or election; and every clerk shall, after his appointment or election, reside in the geographical area over which the court he serves has jurisdiction or, in the case of circuit clerks, in the county for which he is clerk].

2. The circuit clerk shall be an officer and employee of the judicial department of state government, and shall serve subject to the direction and authority of the circuit court served by the circuit clerk.

3. Any reference in law to "circuit clerk" shall apply to any person exercising the authority provided by this chapter, however denominated.

483.015. 1. **Except as provided by subsection 2 of this section and section 483.018**, at the general election in the year 1982, and every four years thereafter, except as herein provided and except as otherwise provided by law, circuit clerks shall be elected by the qualified voters of each county and of the city of St. Louis, who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first day in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office.

2. [The court administrator for Jackson County provided by the charter of Jackson County shall be selected as provided in the county charter and shall exercise all of the powers and duties of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

3.] When provision is made in a county charter **or constitution** for the appointment of a court administrator to perform the duties of a circuit clerk or for the [appointment] **selection** of a circuit clerk, [such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be elected.] the persons [appointed] **selected** to fill any such appointive positions shall be paid by the counties as provided by the county charter, **constitution** or ordinance; provided, however, that [if provision is now or hereafter made by law for the salaries of circuit clerks to be paid by the state,] the state shall pay over to the county a sum which is equivalent to the salary that would be payable by law by the state to [an elected] **a** circuit clerk in such county if such [charter provision was not in effect] **person is appointed by the circuit court en banc**

as provided by this subsection. The sum shall be paid in [semimonthly or monthly] **such periodic** installments[,] **as is** designated by the commissioner of administration.

3. Each appointed circuit clerk shall hold and exercise the duties of such office under the direction of the judges of the circuit en banc, subject to the administrative rules of the supreme court relating to the circuit court personnel system.

4. The circuit clerk shall deliver up all records, books, papers, writings, computer and electronic records and equipment, seals, furniture and apparatus belonging to the office, complete, secure and undefaced, to such circuit clerk's successor elected or appointed by the court pursuant to this section.

483.018. 1. In any county, except counties of the first classification having a charter or constitution form of government, in which the circuit clerk is elected, the question of making the circuit clerk appointed rather than elected may be submitted to the voters of the county by order of the county commission or upon petition of voters signed by a minimum of five percent of the registered voters in the county voting in the last gubernatorial election.

2. The question shall be submitted in substantially the following form:

Shall the office of circuit clerk in (name of county) be appointed?

☐ **YES**

☐ **NO**

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. If the issue is approved by a majority of the voters in the county, prior to expiration of the term of office of the circuit clerk holding office on the election date that the issue is approved, the circuit court en banc of the judicial circuit in which the county is located shall appoint the circuit clerk holding office upon said date as circuit clerk, to take effect on the day after the date his or her term expires. Each such circuit clerk shall hold and exercise the duties of such office under the direction of the judges of the circuit en banc, subject to the administrative rules of the supreme court relating to the circuit court personnel system.

483.020. When any vacancy shall occur in the office of any circuit clerk [so elected, by death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the case of an elected clerk to], the circuit court en banc shall fill such vacancy by appointing some eligible person to said office, who shall discharge the duties thereof under the supervision of the circuit court en banc, subject to the administrative rules of the supreme court relating to the circuit court personnel system. If the vacancy occurs in a county in which the circuit clerk is elected, the appointed clerk shall hold office until the next general election, at which time a clerk shall be [chosen] elected for the remainder of the term, who shall hold his office until his successor is duly elected and qualified, unless sooner removed.

483.055. Each clerk shall preserve the seal and other property belonging to his office[, and

shall provide and preserve suitable books, stationery and furniture for his office, and keep a correct account thereof; and each court shall audit such accounts, and allow such as shall be reasonable; but no article charged on any such account shall be allowed unless it properly comes within the description of those expressly named, except for fuel furnished for such office, for which the court shall make a reasonable allowance].

[483.060. All such allowances made to the clerks of the supreme court and the districts of the Missouri court of appeals shall be paid by the state, and those made to circuit and division clerks by the proper county except as otherwise provided by law. Allowances for clerks serving municipal divisions of the circuit court shall be paid by the municipality served by the clerk.]

483.065. Each clerk shall keep his office at such places as the court shall direct, and shall there keep the records, papers, seal and property belonging to his office and transact his official business; except that, each clerk may store closed court files and the records and papers pertinent thereto at any secure place [within the county wherein] **with the approval of the court [is held]**, if adequate provisions are made for the examination and use of same.

483.075. 1. Every clerk shall record the judgments, rules, orders and other proceedings of the court; issue and attest all process when required by law and affix the seal of his office thereto, or if none be provided, then his private seal; keep a perfect account of all moneys coming into his hands on account of costs or otherwise, and punctually pay over the same.

2. [Provided, that where] **If** the clerk of the circuit court is a party, plaintiff or defendant, whether singly or jointly with others, to a suit or action, the writ of summons and all other process shall be issued by [the] **a deputy circuit clerk [of the county commission] designated by the circuit court to act as circuit clerk with respect to that particular case**, the reason therefor being noted [on said process] **in the order designating the deputy circuit clerk**, and [said latter named] **the designated deputy circuit clerk** shall, on the trial of said cause, act as temporary clerk of the circuit court and otherwise perform in said cause all the duties of the circuit court clerk, **all under the supervision of the circuit court en banc of the judicial circuit.**

483.080. Every clerk may appoint such number of deputies or assistants as may be authorized to be appointed [under procedures provided by law] **pursuant to appropriations authorized for such purpose and administrative rules of the supreme court**, who shall be at least seventeen years of age and have all other qualifications [of their principals] **as provided by administrative rules of the supreme court** and take the like oath, and may in the name of their principals perform the duties of clerk **under the supervision of the appointing clerk**; but all clerks and their sureties shall be responsible for the conduct of their deputies or assistants.

483.082. 1. [Notwithstanding the provision of any other statute to the contrary] **Subject**

only to the provisions of section 483.240, it shall be the duty of the clerks of all courts to keep such records of the courts and in such a manner as may be directed by rule of the supreme court so that they shall accurately record all essential matters relating to the causes and matters within the jurisdiction of the court which are and have been pending before the court, including pleadings, motions and related documents, transactions, orders and judgments or decrees related thereto showing the course and disposition of causes and matters, the taxing and collection of court costs, and the setting of trial calendars or dockets of pending cases.

2. Recognizing that improved methods and systems of keeping records and data have been and will continue to be developed from time to time and that all court clerks should be empowered to utilize improved methods, systems and techniques of keeping records of essential matters, and notwithstanding the provisions of any other statute to the contrary, the methods, form and systems of keeping all [such] **court** files and records shall be as directed and approved by rule of the supreme court.

483.083. 1. Each circuit clerk shall annually receive as compensation the [following amounts as] base salary[:

(1) In counties of the first classification, thirty-six thousand one hundred forty-five dollars; except those counties where court is held in two cities, in which instance an additional four thousand dollars shall be added to the base salary;

(2) In all counties of the second or fourth classification, thirty-one thousand nine hundred seventy-eight dollars; except those counties where court is held in two cities, thirty-five thousand five hundred forty-nine dollars;

(3) In the counties of the third classification, twenty-seven thousand two hundred eighteen dollars except those counties where court is held in two cities; thirty thousand three hundred eight dollars; except Marion County circuit clerks, district one and district two in Hannibal, thirty-one thousand three hundred eighty-three dollars;

(4) In the city of St. Louis, sixty-seven thousand three hundred sixty dollars;

(5) The compensation of circuit clerks provided by this subsection shall annually be increased by an amount equivalent] **they were entitled to receive, and any additional amounts receivable for maintaining offices in two or more locations or other extra duties provided by law, as of December 31, 2002, in addition to [the] any annual salary adjustment approved pursuant to section 476.405, RSMo, for employees of the judicial department, due and payable on and after January 1, 2003.**

2. Such circuit clerks shall receive [in addition to any salary provided by this section], **on and after January 1, 2003, a salary determined pursuant to administrative rule of the supreme court and any salary adjustment provided after January 1, 2003,** pursuant to section 476.405, RSMo.

3. [In the event the judge orders child support payments in Marion County to be made

through the clerk, the clerk shall annually, on or before February first of each year, charge ten dollars per year to each such person so obligated to make child support payments, which fee shall be paid to the state.

4.] Payment of the compensation provided in this section shall be payable in [equal monthly] installments, except that [the salary of the circuit clerk of the city of St. Louis shall be paid in semimonthly installments and except that] all such compensation paid by the state shall be paid in installments as provided in section 33.100, RSMo. The compensation of all circuit clerks shall be paid by the state and they shall be considered state employees [for all purposes except the manner of their selection, appointment or removal from office]; except that, the circuit clerk **or similar official or person fulfilling the duties of circuit clerk, by whatever title**, of the city of St. Louis[, the circuit clerk of St. Louis County and the court administrator of Jackson County] **and any county adopting a charter or constitution pursuant to article VI, sections 18(a) to 18(r) of the state constitution** shall continue to be paid by the city and those counties [and shall not become state employees], but the city of St. Louis[, St. Louis County and Jackson County] **and any such charter or constitution county providing for appointment of its circuit clerk** shall each be paid an amount which is equivalent to a circuit clerk's salary as provided in subsection [3] **2** of section 483.015.

[5.] **4.** The compensation provided in this section shall be in lieu of all fees, and all fees collected shall be paid over to the state or to the counties and the city of St. Louis as otherwise provided by law.

483.140. It shall be the special duty of every judge [of a court of record] to examine into and superintend the manner in which the rolls and records of the court are made up and kept; to prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the business of the court; to require that the records and files be properly maintained and entries be made at the proper times as required by law or supreme court rule, and that the duties of the clerks be performed according to law and supreme court rule; and if any clerk fail to comply with the law, the court shall proceed against him as for a misdemeanor].

483.150. The [clerks of the several courts of record] **circuit clerk** shall keep a true account of all fines, penalties, forfeitures and judgments imposed, adjudged or rendered in favor of the state or any county by their respective courts, distinguishing those payable to the state from those payable to the county, and shall keep the same open for the inspection of the judges of the respective courts and the county treasurer.

[483.165. If any clerk shall knowingly and willfully do any act contrary to the duties of his office, or shall knowingly and willfully fail to perform any act or duty required of him by law, he shall be deemed guilty of a misdemeanor in office.]

[483.170. 1. When any court shall believe from its own knowledge or from information secured from others given to the court under oath or affirmation, that the

clerk of the court has committed some act or acts constituting a misdemeanor in office, the court shall give notice thereof, stating the charge or charges against such clerk, to the attorney general of the state or the prosecuting attorney of the county, requiring him to prosecute the same; and such court may by order of record suspend such clerk from office until a trial upon such charge or charges can be had.

2. Pending such suspension, the court shall appoint some person possessing the qualifications required for the regular clerks of such court to act and perform the duties of the clerk of said court. Before entering upon the duties of his office such temporary clerk shall take and subscribe an oath or affirmation and give bond as required for clerks of said courts. Such temporary clerk shall possess the same powers and perform the same duties as provided for clerks of the court to which they are appointed, and shall continue in office until the regular clerk of such court shall resume his office, or his successor shall be duly elected and qualified, as the case may be.

3. Provided, however, that when the court shall prefer charges against the clerk of any court as herein provided the said clerk shall remain in possession of and continue to perform the duties of this office by giving bond to the state with at least two solvent sureties, the amount of said bond to be fixed and the bond to be approved by the chief or presiding judge of the court, conditioned that said clerk and his sureties shall pay all costs, damages and fines which may be assessed against him upon his trial; and if said clerk shall fail to furnish said bond within fifteen days after receiving notice to do so, his suspension shall become fully effective and he shall surrender up his said office to the temporary clerk.]

[483.175. Whenever the attorney general or prosecuting attorney shall be required to prosecute charges against any clerk, he shall make out each charge in due form, and cause a copy thereof to be served on him, together with a notice requiring him to appear before the court, on some day in term time, to be specified in such notice, and answer the said charges.]

[483.180. Such notice and a copy of the charges shall be delivered to such clerk thirty days at least before the day so appointed, and the attorney general or prosecuting attorney shall file such charges in the office of the clerk of the circuit court in the county where the clerk's office is located, and shall cause witnesses to be summoned to support the same, and shall prosecute such charges with all convenient speed.]

[483.190. A jury may be summoned to try the truth of the charges, if they are denied, or the whole matter may be submitted to the court for its determination.]

[483.195. If any clerk against whom charges shall be exhibited as aforesaid shall be found guilty thereof, he shall be removed from his office, and be fined at the discretion of the court in any sum not exceeding one thousand dollars to the use of the state; and he

shall pay all the costs of the proceedings.]

[483.200. If any such clerk shall be acquitted, he shall be reinstated in his office, and the state shall pay the cost.]

[483.205. In addition to the mode herein provided, any clerk may, for any misdemeanor in office, be removed and otherwise punished by indictment in the circuit court.]

483.240. 1. Each circuit clerk shall have administrative control over, and be responsible for, the safekeeping of the records of the circuit court of each county or of the city of St. Louis, except for the following:

(1) Records in probate divisions; **provided, however, that this subdivision shall not apply to records in any circuit court where the keeping of court records for the probate division has been consolidated under the circuit clerk;**

(2) Records in cases while they are pending in divisions presided over by an associate circuit judge; provided, however, this subdivision (2) shall not apply to [cases pending before associate circuit judges in the circuit court of the city of St. Louis] **records in any circuit court where the keeping of court records for the associate circuit division has been consolidated under the circuit clerk;**

(3) Records in cases [while they are pending] in the municipal divisions[]; and

(4) Records of the traffic violation bureaus] **in municipalities electing to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, RSMo, or to employ judicial personnel pursuant to section 479.060, RSMo.**

2. Associate circuit judges and judges of the probate divisions who are authorized to appoint division clerks shall have administrative control over the division clerks they appoint and the records of their divisions. With respect to divisions which are staffed by division clerks rather than by the circuit clerk or deputy circuit clerks, the judge appointing the division clerks for that division shall designate a chief division clerk who shall be primarily responsible for the safekeeping of the records of that division.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, by majority vote of the circuit and associate circuit judges of a circuit, en banc, the circuit court may adopt a system whereby the circuit clerks within the circuit shall have administrative control over and be responsible for the safekeeping of court records.

483.245. 1. [The provisions of this section shall become effective on July 1, 1981.

2.] **Subject to appropriations authorized for such purpose and administrative rules of the supreme court,** the circuit clerk[, or person exercising the authority of the circuit clerk pursuant to county charter,] shall appoint all deputy circuit clerks, including deputy circuit clerks serving in courtrooms, and shall prescribe and assign the duties of such deputy circuit clerks[.], **and** the circuit clerk may remove from office any deputy circuit clerk whom he

appoints. **Subject to appropriations authorized for such purpose and administrative rules of the supreme court**, all division clerks, as defined in section 483.241, shall be appointed by the judge of the division such clerks serve, and such judge may remove from office any division clerk whom he appoints.

[3. Notwithstanding the provisions of subsection 2 of this section, if, on June 30, 1981, in any county or in the city of St. Louis, there exists by reason of local charter, a plan of merit selection and retention or other similar personnel plan, providing for selection, tenure or retention of deputy circuit clerks or division clerks, after July 1, 1981, as to clerical personnel who were, on June 30, 1981, under such a plan, the provisions for merit retention and tenure shall continue to apply as to such persons insofar as is reasonably possible even though they are paid by the state and become state employees, and the circuit court en banc shall be considered as the commission or board for determining the propriety of any disciplinary or dismissal action.

4.] **2.** In addition to the authority to remove deputy circuit clerks and division clerks hereinabove provided, the circuit court en banc may remove from office a deputy circuit clerk or division clerk [for cause], **subject to the administrative rules of the supreme court relating to the circuit court personnel system.**

[5.] **3.** The maximum number of **state-funded** deputy circuit clerks for each county and the maximum number of **state-funded** division clerks for a particular division shall be determined by [order of the circuit court en banc. Such order may be modified for cause by order of the supreme court, or if no order is entered providing for the number of deputy circuit clerks and division clerks, the supreme court may enter such order] **administrative rule of the supreme court and shall be subject to appropriations authorized for such purpose.**

[6.] **4.** The salaries of deputy circuit clerks and division clerks shall be established [by the circuit clerk in the case of deputy circuit clerks, or the judge appointing the division clerk in the case of division clerks, within salary ranges and classifications which may from time to time be established by] **pursuant to** administrative rule of the supreme court within the limit of funds appropriated for this purpose. The salaries of **such** deputy circuit clerks and division clerks shall be paid by the state, and they shall be state employees.

[7.] **5.** Notwithstanding the other provisions of this section providing for the establishment of the number of deputy circuit clerks and division clerks serving the various circuit courts and the determination of their salaries, such determinations shall not be construed as mandating appropriations to fund such positions, and the payment of the salaries and emoluments of deputy circuit clerks and division clerks shall be subject to the availability of moneys appropriated for those purposes by the general assembly or federal grant moneys.

[8.] **6.** For purposes of this section, the circuit court en banc shall be deemed to include all circuit and associate circuit judges of the entire circuit, and determinations or orders of the circuit court en banc shall be by action of a majority of such judges in office.

483.360. It shall be the duty of the circuit clerk, on or before the adjournment of any term of said court, to make and certify under the seal of said court an abstract of any judgment or decree rendered therein, and all liens and notices of same filed therein [(within twenty-four hours after the filing of such liens and notices)] and file and record the same [in a book to be kept for that purpose in his office at the county seat of said county, for which he shall receive a fee of one dollar, to be taxed as costs in the case;] **in the manner required by law and supreme court rule to such effect.** Said abstract shall contain the names of all the parties, plaintiffs and defendants, the amount of such judgment or nature of such decree, against whom and in favor of whom rendered, and the date thereof.

483.390. [1.] **Subject to supreme court rule and local circuit court rules promulgated in accordance with such supreme court rule,** in all civil actions any party interested therein may, upon payment of the fees, have any or all of the following papers recorded in the office of the clerk of the circuit court [in the county] in which such action is brought: Petitions, summons, affidavit for publication of notice to nonresident or unknown defendants, sheriff's, or other officer's, return of service to summons, proof of publication of notices to nonresident or unknown defendants, answers, motions, notices of sale of property involved and proof of its publication, return of sale by any sheriff, commissioner, or other officer, in case of sale of real estate, affidavit of commissioner, notice to parties by commissioner in partition, and any other paper or pleading tending to show the service on the defendants for their appearance in such case.

[2. The clerk of the circuit court shall charge the sum of ten cents per one hundred words for the recording of papers as provided in this section, which sum shall be paid into the county treasury.]

483.445. **1. Until January 1, 2003, and except as provided in subsection 2 of this section,** there shall be a clerk of district number 2 of the circuit court of Marion County, who shall possess the qualifications of other clerks of the circuit courts, who shall be elected by the qualified voters of the townships of Mason and Miller in Marion County, at the same times, in the same manner and for the same time as shall be provided by law for the clerks of the circuit courts and who shall continue in office until his successor is elected and qualified. The clerk of district number 2 of the circuit court of Marion County shall have all of the rights, powers and duties of circuit clerk within Mason and Miller townships in Marion County and shall be paid as a circuit clerk except to the extent specifically otherwise provided. **The clerk of district number 2 of the circuit court of Marion County shall maintain his or her office in the city of Hannibal, and shall perform his or her duties under the supervision of the circuit court. Except as provided in subsection 2 of this section,** all vacancies in his office shall be [supplied] **filled** in the same manner as in like cases in the office of the circuit clerk. [The clerk provided by this section shall be in addition to the circuit clerk of Marion County.] **Except**

as provided in subsection 2 of this section, the circuit clerk of [Marion County shall serve] district number 1 of the circuit court of Marion County shall serve the remaining townships of Marion County, and shall [serve as the ex officio recorder of deeds for all of Marion County.] maintain his or her office in the city of Palmyra. Both of such clerks shall serve in the manner provided by this chapter for all other circuit clerks, unless the position of clerk of district number 1 or 2 of the circuit court of Marion County is not filled as provided in subsection 2 of this section; in which event, the circuit clerk shall fulfill his or her duties as directed by the circuit court.

2. After January 1, 2003, should a vacancy occur in the office of clerk of district number 1 or 2 in the circuit court of Marion County, such vacancy shall be filled only from funds allocated for that specific purpose. If the vacancy first occurs in the office of clerk of district number 1, and such vacancy is not filled, then the clerk of district number 2 in the circuit court of Marion County shall be the circuit clerk of Marion County.

[483.450. The clerk of district number 2 of the circuit court of Marion County shall reside in said city of Hannibal, and shall keep his office open at all reasonable hours.]

Bill

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