

FIRST REGULAR SESSION

SENATE BILL NO. 53

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0416S.01I

AN ACT

To repeal sections 483.015 and 483.083, RSMo, and to enact in lieu thereof two new sections relating to the appointment of certain circuit clerks, with an effective date.

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

Section A. Sections 483.015 and 483.083, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as section 483.015 and 483.083, to read as follows:

483.015. 1. 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. **The circuit clerk of any city not within a county shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court of such city, en banc. The circuit clerk shall be removable for cause by a majority of the circuit judges and associate**

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

circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. The provisions of this subsection shall become effective on January 1, 2006, and the circuit clerk in office at that time shall continue to hold such office as if such clerk had been appointed pursuant to the terms of this subsection.

4. When provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment 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 to fill any such appointive positions shall be paid by the counties as provided by the county charter 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 circuit clerk in such county if such charter provision was not in effect. The sum shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

[4.] 5. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. This subsection shall become effective on January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall continue to hold such office for the remainder of their elected terms as if they had been appointed pursuant to the terms of this subsection.

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 to the annual salary adjustment approved pursuant to section 476.405, RSMo, for employees of the judicial department.

2. Such circuit clerks shall receive in addition to any salary provided by this section any salary adjustment provided 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 of the city of St. Louis, the circuit clerk of St. Louis County and the court administrator of Jackson County 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 shall each be paid an amount which is equivalent to a circuit clerk's salary as provided in subsection [3] 4 of section 483.015.

5. 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.

T