SENATE BILL NO. 330

94TH GENERAL ASSEMBLY

AN ACT

To repeal section 483.245, RSMo, and to enact in lieu thereof one new section relating to deputy circuit clerks.

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

Section A. Section 483.245, RSMo, is repealed and one new section

2 enacted in lieu thereof, to be known as section 483.245, to read as follows:

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

2 1, 1981.

3 	2. The circuit clerk, or person exercising the authority of the circuit clerk

4 pursuant to county charter, shall appoint all deputy circuit clerks, including

5 deputy circuit clerks serving in courtrooms, and shall prescribe and assign the

6 duties of such deputy circuit clerks. The circuit clerk may remove from office any

7 deputy circuit clerk whom he appoints. All division clerks, as defined in section

8 483.241, shall be appointed by the judge of the division such clerks serve, and

9 such judge may remove from office any division clerk whom he appoints.

10 	3. Notwithstanding the provisions of subsection 2 of this section, if, on

11 June 30, 1981, in any county or in the city of St. Louis, there exists by reason of

12 local charter, a plan of merit selection and retention or other similar personnel

13 plan, providing for selection, tenure or retention of deputy circuit clerks or

14 division clerks, after July 1, 1981, as to clerical personnel who were, on June 30,

15 1981, under such a plan, the provisions for merit retention and tenure shall

16 continue to apply as to such persons insofar as is reasonably possible even though

17 they are paid by the state and become state employees, and the circuit court en

18 banc shall be considered as the commission or board for determining the propriety

19 of any disciplinary or dismissal action.

20 	4. In addition to the authority to remove deputy circuit clerks and division

21   clerks hereinabove provided, the circuit court en banc may remove from office a

22   deputy circuit clerk or division clerk for cause.

23   5. The maximum number of deputy circuit clerks for each county and the

24   maximum number of division clerks for a particular division shall be determined

25   by order of the circuit court en banc. Such order may be modified for cause by

26   order of the supreme court, or if no order is entered providing for the number of

27   deputy circuit clerks and division clerks, the supreme court may enter such

28   order. **Each county shall have a minimum of one full-time deputy circuit**

29   **clerk.**

30   6. The salaries of deputy circuit clerks and division clerks shall be

31   established by the circuit clerk in the case of deputy circuit clerks, or the judge

32   appointing the division clerk in the case of division clerks, within salary ranges

33   and classifications which may from time to time be established by administrative

34   rule of the supreme court within the limit of funds appropriated for this

35   purpose. The salaries of deputy circuit clerks and division clerks shall be paid

36   by the state, and they shall be state employees.

37   7. Notwithstanding the other provisions of this section providing for the

38   establishment of the number of deputy circuit clerks and division clerks serving

39   the various circuit courts and the determination of their salaries, such

40   determinations shall not be construed as mandating appropriations to fund such

41   positions, and the payment of the salaries and emoluments of deputy circuit

42   clerks and division clerks shall be subject to the availability of moneys

43   appropriated for those purposes by the general assembly or federal grant moneys.

44   8. For purposes of this section, the circuit court en banc shall be deemed

45   to include all circuit and associate circuit judges of the entire circuit, and

46   determinations or orders of the circuit court en banc shall be by action of a

47   majority of such judges in office.

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