

SUPREME COURT OF MISSOURI

Missouri Prosecuting Attorneys and Circuit Attorneys Retirement
System v. Barton County

311 S.W.3d 737 (Mo. banc 2010) · No. SC 89896 · Decided March 23, 2010

SUMMARY

The Supreme Court of Missouri held that pension contributions required from counties under section 56.807 are included within the constitutional phrase "compensation of county officers" in article VI, section 11. Because that provision exempts such compensation increases from treatment as new or increased services under the Hancock Amendment, the statute did not violate the Missouri Constitution. The court reversed the trial court's judgment and remanded the case.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Laura Denvir Stith; Price, C.J.; Breckenridge, J.; Wolff, J.; Teitelman, J.; Russell, J.; Fischer, J.
JURISDICTION	Missouri
DECIDED	March 23, 2010
DOCKET	SC 89896
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	PACARS appealed from a judgment denying its petition for a writ of mandamus and holding that section 56.807 violated the Hancock Amendment because it required Barton County to make pension contributions without state reimbursement.
STANDARD OF REVIEW	De novo review applied because the case was submitted on stipulated facts and the dispositive issues involved statutory and constitutional interpretation.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.
PARTIES	Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System v. Barton County, Gerry Miller, John Stockdale, Dennis Wilson

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QUESTIONS PRESENTED

1. Whether article VI, section 11 of the Missouri Constitution excludes increases in the compensation of county officers from the Hancock Amendment's restrictions on unfunded state mandates.
2. Whether pension contributions made on behalf of county prosecutors and circuit attorneys constitute compensation of county officers under article VI, section 11.
3. Whether section 56.807 therefore violates the Hancock Amendment by requiring counties to make pension contributions without state reimbursement.

HOLDINGS

1. Pension contributions made on behalf of county prosecutors and circuit attorneys are included within the phrase "compensation of county officers" in article VI, section 11.
2. Section 56.807 does not violate the Hancock Amendment to the extent it requires counties to make pension contributions for their prosecutors and circuit attorneys without state reimbursement.

KEY QUOTATIONS

"In light of the purpose of amending article VI, section 11 to permit the increase in "compensation of county officers" without limitation in regard to either the type of compensation or the type of officer involved, the Court concludes that article VI, section 11 includes within its scope contributions to pension funds on behalf of county prosecutors and circuit attorneys." (311 S.W.3d at 747)

"Clearly fees are not salary; so if the provision of the section quoted supra includes salary at all—and no one would be so bold as to deny that it does—then the word "compensation" is the generic term, and includes, as used in the above provision of the Constitution, salary, fees, pay, remuneration for official services performed, in whatever form or manner or at whatsoever periods the same may be paid." (311 S.W.3d at 744)

FACTUAL BACKGROUND

Missouri's PACARS statutes established a retirement fund for prosecuting attorneys and circuit attorneys and required counties to fund specified contributions. Barton County made contributions beginning in 1989, but after the Department of Social Services ceased reimbursing the county in January 2002, the county voted to discontinue participation and refused PACARS's demand for payment. The parties stipulated that Barton County had made no payments from January 2002 forward.

PROCEDURAL HISTORY

PACARS sought mandamus to compel Barton County and its commissioners to make pension contributions for county prosecutors under section 56.807. Barton County stopped making contributions after state reimbursement ceased in 2002. The trial court held that the statute violated the Hancock Amendment and declined to compel payment. The Supreme Court of Missouri reviewed the matter de novo on stipulated facts and reversed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded after reversal of the trial court's judgment. The trial court was to proceed consistently with the determination that section 56.807 validly requires the county to make the PACARS pension contributions.

CASES CITED

- Schroeder v. Horack, 592 S.W.2d 742, 744 (Mo. banc 1979)
- Drysdale v. Cornerstone Bank, 562 S.W.2d 182, 183 (Mo. App. 1978)
- Gash v. Lafayette County, 245 S.W.3d 229, 231 (Mo. banc 2008)
- Akers v. City of Oak Grove, 246 S.W.3d 916, 919 (Mo. banc 2008)
- Missouri Prosecuting Attorneys & Circuit Attorneys Retirement System v. Pemiscot County, 256 S.W.3d 98, 102 (Mo. banc 2008)
- United C.O.D. v. State, 150 S.W.3d 311, 313 (Mo. banc 2004)
- Boone County v. State, 631 S.W.2d 321, 324, 326 (Mo. banc 1982)
- State ex inf. Martin v. City of Independence, 518 S.W.2d 63, 65 (Mo. 1974)
- State ex inf. Danforth v. Cason, 507 S.W.2d 405, 408-09 (Mo. banc 1973)
- Concerned Parents v. Caruthersville School District, 548 S.W.2d 554 (Mo. banc 1977)
- State ex rel. Curators of the University of Missouri v. Neill, 397 S.W.2d 666 (Mo. banc 1966)
- Rathjen v. Reorganized School District R-II of Shelby County, 284 S.W.2d 516, 522-23 (Mo. 1955)
- O'Malley v. Continental Life Insurance, 75 S.W.2d 837 (Mo. 1934)
- Towne v. Eisner, 245 U.S. 418, 38 S. Ct. 158, 62 L. Ed. 372 (1918)
- Civil Service Commission of City of St. Louis v. Members of Board of Aldermen, 92 S.W.3d 785, 788 (Mo. banc 2003)
- Miles v. Lear Corp., 259 S.W.3d 64, 75 (Mo. App. 2008)
- Kuchta v. Kuchta, 636 S.W.2d 663, 665 (Mo. banc 1982)
- Shill v. Shill, 599 P.2d 1004, 1007 (Idaho 1979)
- Redlinger v. Redlinger, 111 S.W.3d 413, 415 (Mo. App. 2003)
- In re Marriage of Cranor, 78 S.W.3d 150, 155 (Mo. App. 2002)
- Coffman v. Coffman, 215 S.W.3d 309 (Mo. App. 2007)
- State ex rel. Heaven v. Ziegenhein, 45 S.W. 1099 (Mo. 1898)

- State ex rel. Emmons v. Farmer, 196 S.W. 1106, 1108 (Mo. banc 1917)
- Sihnhold v. Missouri State Employees' Retirement System, 248 S.W.3d 596, 597-98 (Mo. banc 2008)
- Bauer v. City of Grandview, 138 S.W.3d 810, 811-13 (Mo. App. 2004)
- State ex rel. Nixon v. Koonce, 173 S.W.3d 277, 286 (Mo. App. 2005)
- Kansas City v. Brouse, 468 S.W.2d 15, 16 (Mo. banc 1971)
- State ex rel. Missouri Public Defender Commission v. Pratte, 298 S.W.3d 870 (Mo. banc 2009)

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