

SECOND REGULAR SESSION

# SENATE BILL NO. 614

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 6, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4247S.011

## AN ACT

To repeal sections 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.430, and 478.433, RSMo, and to enact in lieu thereof three new sections relating to judicial personnel.

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

Section A. Sections 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 2 477.180, 477.181, 477.190, 477.191, 478.430, and 478.433, RSMo, are repealed and 3 three new sections enacted in lieu thereof, to be known as sections 477.160, 4 477.170, and 477.180, to read as follows:

477.160. There shall be [twelve] **fourteen** judges of the eastern district 2 of the court of appeals.

477.170. There shall be [seven] **eleven** judges of the western district of 2 the court of appeals.

477.180. There shall be [five] **seven** judges of the southern district of the 2 court of appeals.

[476.445. 1. Any commissioner of the supreme court or 2 commissioner of a court of appeals who is unable to discharge the 3 duties of his office with efficiency by reason of continued sickness 4 or physical or mental infirmity shall be retired from office upon the 5 en banc order of the court appointing him.

6 2. No order retiring a commissioner shall be entered 7 without the commissioner involved having been given due notice 8 and an opportunity to be heard and without a finding by a majority 9 of the court involved that the commissioner's disability is 10 permanent.

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

11           3. Any commissioner retired under the provisions of this  
12 section shall receive as compensation during such retirement and  
13 until the end of the term for which he was appointed a sum equal  
14 to one-half of the regular compensation for that office.

15           4. Any commissioner retired under the provisions of this  
16 section shall not be eligible to be made, constituted and appointed  
17 a special commissioner as provided in sections 476.450 to 476.510  
18 (nor to receive the compensation provided therefor by sections  
19 476.450 to 476.510) during the period of his retirement under the  
20 provisions of this section but upon the completion of such period he  
21 shall be and become eligible to be made, constituted and appointed  
22 a special commissioner as provided in sections 476.450 to 476.510  
23 if he be otherwise qualified as to age and length of service.]

          [477.081. From January 1, 1972, no new commissioner shall  
2 be appointed by the supreme court or the court of appeals. All  
3 commissioners serving on January 1, 1972, are eligible for  
4 reappointment for additional four-year terms until they reach  
5 compulsory retirement age, or die, resign or are removed. Each  
6 commissioner shall possess the same qualifications, take and  
7 subscribe a like oath, and receive the same compensation payable  
8 in the same manner as judges of the court appointing them. The  
9 commissioners are subject to the rules and orders of the court  
10 appointing them and shall provide such services as the court may  
11 require.]

          [477.082. From January 1, 1972, the commissioners of the  
2 supreme court, in addition to their other duties, by order of the  
3 supreme court, may be temporarily assigned for the performance of  
4 judicial duties as special judges of the supreme court, of any  
5 district of the court of appeals, or of any circuit court when their  
6 services are required for the prompt and efficient administration  
7 of justice. During such temporary assignments, subject to the  
8 supervision of the regular judge or judges of the court, the  
9 commissioners shall exercise the same powers, duties, and  
10 responsibilities as are vested by law in the regular judges of the  
11 court to which they are assigned.]

          [477.152. Whenever a vacancy occurs after September 3,

2 1970, in the office of commissioner of the supreme court, a judge  
3 shall be appointed in the manner prescribed by sections 25(a)-(g),  
4 article V of the Constitution of Missouri to serve on the court of  
5 appeals. Appointments under this section shall be made to the  
6 districts of the court of appeals in the following order: eastern,  
7 western, southern, eastern, western, eastern.]

[477.181. 1. On July 1, 1979, the number of judges of the  
2 southern district of the court of appeals shall be increased by one  
3 judge.

4 2. The judge appointed pursuant to the provisions of this  
5 section shall be in addition to any other judges appointed to the  
6 southern district of the court of appeals pursuant to other  
7 provisions of law.]

[477.190. The judgeships authorized by sections 477.160,  
2 477.170 and 477.180 shall be in addition to those newly authorized  
3 after January 1, 1978, by the provisions of section 477.152 or by  
4 any other law enacted at or after the second regular session of the  
5 seventy-ninth general assembly.]

[477.191. 1. On January 1, 1979, the western district of the  
2 Missouri court of appeals shall be increased by three judges.

3 2. The judges appointed pursuant to the provisions of this  
4 section shall be in addition to any other judges appointed to the  
5 western district of the Missouri court of appeals under the  
6 provisions of any other law.]

[478.430. Each circuit judge of the circuit court of the city  
2 of St. Louis who is visually impaired or otherwise physically  
3 handicapped is hereby authorized to appoint one janitor-messenger  
4 whose duty it shall be to keep in an orderly and cleanly manner the  
5 chambers and other rooms used by such judge and his reporter in  
6 the performance of their respective duties, and equipment in use  
7 therein, and also the halls, stairways, and jury rooms used in  
8 connection with the courtroom over which such judge presides, and  
9 to perform such other duties as said judge shall direct from time to  
10 time. And the judge making said appointment shall report the  
11 same to the circuit court in general session for certification, and  
12 such janitor-messenger shall hold his appointment during the

13 pleasure of the judge making the same.]

2 [478.433. The janitor-messenger appointed under section  
3 478.430 shall receive and be paid, after proper appointment and  
4 certification by said court, or the presiding judge thereof, an  
5 annual salary of not less than two thousand two hundred  
6 dollars. Said salary shall be payable at the end of each and every  
7 month, in equal monthly installments, by the treasurer of the city  
8 of St. Louis out of any moneys appropriated therefor by the  
9 municipal assembly upon warrants drawn and countersigned by the  
10 proper officers of said city, pursuant to the charter thereof. It shall  
11 be the duty of the municipal assembly of said city to appropriate  
12 the money necessary for the payment of such salaries; provided  
13 further, that the court may, when sitting in general session,  
14 recommend to the St. Louis board of estimate and apportionment  
15 an increase in salary of janitor-messengers not exceeding two  
16 hundred dollars per annum, subject to the approval of said board. If  
17 said board of estimate and apportionment concur in such salary  
18 increase, the municipal assembly shall appropriate additional  
moneys for such salaries.]

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