

SECOND REGULAR SESSION

SENATE BILL NO. 1004

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SCHNEIDER AND WIGGINS.

Read 1st time February 10, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4407S.011

AN ACT

To repeal section 477.010, RSMo 1994, relating to the supreme court, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

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

Section A. Section 477.010, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 477.010, to read as follows:

477.010. **1.** The supreme court shall have the power to direct the form of writs and process; and to promulgate general rules for all courts of the state. No such forms or rules shall abridge, enlarge or modify the substantive rights of any litigant nor be contrary to or inconsistent with the laws in force for the time being.

2. Any administrative rule of the supreme court ordered pursuant to article V, section 4 of the Missouri Constitution which conflicts with any law enacted by the general assembly is void and unenforceable.

3. Pursuant to subsection 2 of this section, administrative rule 6.05 of the supreme court is declared null and void. Said rule is in conflict with sections 478.240 and 478.245, RSMo, as well as article V, section 5 of the constitution of the state of Missouri. The adoption of local rules are the prerogative of only the circuit judges of the circuit, are not subject to veto by the presiding judge and assignment of a case to a judge shall not be contrary to the provisions of any local circuit court rule unless such local court rule is inconsistent with a supreme court rule.

Section B. Because of the need for uniform operation of the court system, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety,

and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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