

FIRST REGULAR SESSION

SENATE BILL NO. 418

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Read 1st time February 5, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1760S.011

AN ACT

To repeal section 477.010, RSMo 2000, and supreme court administrative rule 6.05, 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Section A. Section 477.010, RSMo 2000, and supreme court rule 6.05, are repealed and one new section enacted in lieu thereof, to be known as section 477.010, to read as follows: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 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. 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Section B. Supreme court administrative rule 6.05 is repealed, to read as follows:

[6.05. All local circuit court rules shall be approved both by the presiding circuit judge and a majority of the circuit court, en banc, consisting of all circuit and associate a circuit judges of the circuit. Except as provided in Administrative Rule No. 14, no local

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

circuit court rule shall require a circuit judge to hear cases governed by Supreme Court Rule 37 or chapters 479, 482, 517, 534, 535 or 543, RSMo, other than upon trial de novo, unless the circuit judge consents to hear such cases. The clerk of the Supreme Court shall not file any local circuit court rule failing to comply with the provisions of this Administrative Rule No. 6.05.]

Section C. 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.

Unofficial

Bill

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