

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 465

92ND GENERAL ASSEMBLY
2003

1635L.03T

AN ACT

To repeal sections 50.640 and 477.600, RSMo, and to enact in lieu thereof two new sections relating to the judicial finance commission.

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

Section A. Sections 50.640 and 477.600, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.640 and 477.600, to read as follows:

50.640. 1. Except as otherwise provided in this section, all offices, departments, courts, institutions, commissions or other agencies spending moneys of the county shall perform the duties and observe the restrictions set forth in sections 50.540 to 50.630 relating to budget procedure and appropriations. The estimates of the circuit court, including all activities thereof and of the circuit clerk, shall be transmitted to the budget officer by the circuit clerk. The estimates of the circuit clerk shall bear the approval of the circuit court. The budget officer or the county commission shall not change the estimates of the circuit court or of the circuit clerk without the consent of the circuit court or the circuit clerk, respectively, but shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with their consent.

2. If the county governing body deems the estimates of the circuit court to be unreasonable, the governing body may file a petition for review with the judicial finance commission on a form provided by the judicial finance commission after the estimates are included in the county budget. An amount equal to the difference between the estimates of the circuit court and the amounts deemed appropriate by the governing body shall be placed in a separate

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

escrow account, and shall not be appropriated and expended until a final determination is made by the judicial finance commission under this subsection. The form provided by the judicial finance commission shall include an opportunity for the governing body and the circuit court to state their positions in a summary fashion. If a petition for review is filed, the circuit court shall have the burden of convincing the judicial finance commission that the amount estimated by it and included in the budget is reasonable. In determining if the circuit court estimate is reasonable, the judicial finance commission shall consider the expenditures necessary to support the circuit court in relation to the expenditures necessary for the administration of all other county functions, the actual or estimated operating deficit or surplus from prior years, all interest and debt redemption charges, all capital projects expenditures, and the total estimated available revenues from all sources available for financing the proposed expenditures. In determining the reasonableness of any budget estimate involving compensation, the judicial finance commission shall also consider compensation for county employees with similar duties, length of service and educational qualifications. The judicial finance commission shall immediately order a settlement conference to determine if the matter can be resolved before ordering briefs and oral argument. The judicial finance commission, to the maximum extent practicable, shall resolve the dispute prior to the beginning of the fiscal year in question, **however, if the dispute is submitted within ninety days of the end of the fiscal year, the commission shall resolve the dispute within ninety days of the beginning of the subsequent fiscal year.** The county governing body may file and prosecute a petition for review without representation by counsel.

477.600. 1. There is hereby created within the judicial department a "Judicial Finance Commission". The commission shall be composed of seven members appointed by the supreme court. At least one member of the commission shall be a member of a county governing body from a county of the third class, one member of the commission shall be a member of the county governing body of a county of the first class, and one member of the commission shall be a member of a county governing body from any class of county. The supreme court shall designate one member to serve as chairman and one member as vice chairman. The vice chairman shall preside in the absence of the chairman.

2. The members of the commission shall serve for terms of three years and until their successors are appointed and qualified; except that of the initial members appointed, three shall serve for terms of one year, two shall serve for terms of two years and two shall serve for terms of three years, as designated by the court.

3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve the unexpired portion of the term and may be appointed to successive terms.

4. The commission shall promulgate rules of procedure which shall become effective upon approval by the supreme court. The supreme court may adopt such other rules as it deems

appropriate to govern the procedures of the commission.

5. The commission shall:

(1) Examine the budget request of the circuit court upon the petition by the county governing body as provided in section 50.640, RSMo, or any budget or item in the budget estimated by the court including, but not limited to, compensation of deputy sheriffs and assistants, as set forth in section 57.250, RSMo;

(2) Issue a written opinion addressed to the presiding circuit judge and the presiding officer of the county. The opinion shall state the conclusions of the commission as to the reasonableness of the circuit court budget request. The opinion of the commission shall state clearly the reasons for its decision. Any member of the commission who disagrees with the commission's findings may file a minority report;

(3) Maintain accurate records of the cost and expenses of the judicial and law enforcement agencies for each county;

(4) Submit an annual report to the governor, general assembly, and supreme court on the finances of the judicial department. The report shall examine both the revenues of the department and the expenses of the department. The report shall [separately report on] **include the information from all divisions of the circuit court of each county including the circuit, probate, associate circuit, juvenile and municipal divisions [of the circuit court of each county]. The information shall be reported separately except where the divisions are combined or consolidated.**

6. In discharging its responsibilities, the commission may:

(1) Conduct public hearings, take testimony, summon witnesses, and subpoena records and documents;

(2) Conduct surveys and collect data from county governments and the circuit courts on the operations of the judicial and law enforcement agencies in each county. The commission and its staff shall be granted access at any reasonable time to all books, records, and data the commission deems necessary for the administration of its duties;

(3) Within the limits of appropriations made for the purpose, appoint special committees, accept and expend grant funds, and employ consultants and others to assist the commission in its work.

7. Upon receipt of the written opinion of the commission or upon refusal of the commission to accept a petition for review, the circuit court or the county governing body may seek a review by the supreme court by filing a petition for review in the supreme court within thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the supreme court, then the recommendation of the commission shall take effect notwithstanding the provisions of section 50.600, RSMo. If the commission refused to review a petition and no petition is filed in the supreme court, the circuit court budget is approved as submitted to the

county governing body. The supreme court shall consider the petition for review de novo.

8. The commission shall meet as necessary at the call of the chairman or on written request of four members. Four members constitute a quorum for the transaction of business. Upon request of the chairman, the supreme court may appoint a temporary replacement for any commissioner who is unable to hear a case or who is disqualified from any case. No member of the commission shall participate in any proceeding involving the county or circuit where the member resides.

9. Members of the commission shall receive no compensation for their services but shall be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses incurred in the performance of their duties.

10. The clerk of the supreme court shall provide suitable staff for the commission out of any funds appropriated for this purpose. The commission may also employ court reporters as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters shall be compensated at a rate established by the commission out of any funds appropriated for this purpose.

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