

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 426

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 1, 2007, and ordered printed.

Read 2nd time February 5, 2007, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee March 8, 2007, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 26, 2007. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

1970S.01P

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## AN ACT

To repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual judicial reports.

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

Section A. Section 477.600, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 477.600, to read as follows:

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

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

16 3. If a vacancy occurs the court shall appoint a replacement. The

17 replacement shall serve the unexpired portion of the term and may be appointed  
18 to successive terms.

19           4. The commission shall promulgate rules of procedure which shall become  
20 effective upon approval by the supreme court. The supreme court may adopt such  
21 other rules as it deems appropriate to govern the procedures of the commission.

22           5. The commission shall:

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

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

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

36           (4) Submit an annual report to the governor, general assembly, and  
37 supreme court on the finances of the judicial department. The report shall  
38 examine both the revenues of the department and the expenses of the  
39 department. The report shall include the information from all divisions of the  
40 circuit court of each county including the circuit, associate circuit, probate,  
41 juvenile and municipal divisions. The information shall be reported separately  
42 except where the divisions are combined or consolidated. **In lieu of separate  
43 publication, the supreme court may direct the annual report described  
44 in this subdivision to be consolidated with any annual report prepared  
45 by the supreme court or the office of state courts administrator,  
46 provided that such report is distributed to the parties described in this  
47 subdivision.**

48           6. In discharging its responsibilities, the commission may:

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

51           (2) Conduct surveys and collect data from county governments and the  
52 circuit courts on the operations of the judicial and law enforcement agencies in

53 each county. The commission and its staff shall be granted access at any  
54 reasonable time to all books, records, and data the commission deems necessary  
55 for the administration of its duties;

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

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

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

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

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

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