

FIRST REGULAR SESSION

SENATE BILL NO. 239

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS BARTLE AND JUSTUS.

Read 1st time January 26, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1106S.021

AN ACT

To repeal section 476.682, RSMo, and to enact in lieu thereof one new section relating to compensation of senior judges and senior commissioners.

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

Section A. Section 476.682, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 476.682, to read as follows:

476.682. 1. Any person assigned as a senior judge or senior commissioner
2 pursuant to section 26 of article V of the Missouri Constitution and who has
3 served in this state an aggregate of at least two years, continuously or otherwise,
4 as a judge or commissioner, shall receive for each day of service an amount equal
5 to [fifty] **seventy-five** percent of the current annual salary of the office from
6 which the judge or senior commissioner retired attributable to one day of
7 service. Notwithstanding the foregoing, any judge or commissioner who has
8 retired prior to August 28, 1999, who serves subsequent to said date as a senior
9 judge or commissioner may receive compensation pursuant to this section
10 regardless of their length of service; and no senior judge or senior commissioner
11 shall receive less daily compensation than an amount, that when added to the
12 daily amount of annual compensation payable pursuant to sections 476.450 to
13 476.595, is less than one hundred percent of the current annual salary of the
14 office from which the judge or commissioner retired attributable to one day of
15 service. For purposes of this subsection, one year shall equal two hundred
16 thirty-five days. No senior judge or senior commissioner shall receive
17 compensation pursuant to this subsection in a total amount that when such
18 compensation is added to the annual compensation, salary or retirement
19 compensation payable pursuant to sections 476.450 to 476.595, the sum is greater

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

20 than the current annual salary of the office from which the judge or commissioner
21 retired.

22 2. A senior judge or senior commissioner assigned pursuant to section 26
23 of article V of the Missouri Constitution for service outside the county where he
24 or she resides shall be reimbursed for his or her travel and other actual and
25 necessary expenses incurred in the performance of his or her services.

26 3. On or before the tenth day of each month a senior judge or senior
27 commissioner shall certify to the state courts administrator the period during the
28 previous month during which he or she was assigned services and, if such
29 services were completed, the date thereof and at the same time shall certify his
30 or her expenses incurred and allowable under this section. The state courts
31 administrator shall then issue a warrant to the state treasurer for the payment
32 of the salary and expenses to the extent and within limitations provided for in
33 this section. The state treasurer upon receipt of such warrant shall pay the same
34 out of any appropriations made for this purpose on the last day of the month
35 during which the warrant was received by him or her.

36 4. On or before the twentieth day of each month the state courts
37 administrator shall certify the period of service reported by each senior judge or
38 senior commissioner pursuant to subsection 3 of this section to the Missouri state
39 employees' retirement system. Any senior judge or senior commissioner
40 accumulating two hundred thirty-five days of such service shall receive credit for
41 one year of judicial service for purposes of sections 476.520 and 476.545, for each
42 two hundred thirty-five days of service certified by the state courts administrator
43 to the Missouri state employees' retirement system, except, if a pro rata portion
44 of two hundred thirty-five days would cause the senior judge's or senior
45 commissioner's total judicial service to equal twelve years, the Missouri state
46 employees' retirement system shall credit the service at the time the pro rata
47 portion is certified. Upon receipt of such certification, the retirement benefit of
48 the senior judge or senior commissioner shall be recalculated to reflect the
49 attainment of twelve years; the adjusted benefit will become effective the first of
50 the month following certification.

51 5. Notwithstanding the provisions of section 476.510 or 476.565, no person
52 shall receive benefits pursuant to the provisions of this section if the person is
53 engaged in the private practice of law or doing a law business.

54 6. The judicial conference of the state of Missouri shall annually report
55 on the use of senior judges and senior commissioners pursuant to this

56 section. Such report shall include at least the number of senior judges and senior
57 commissioners assigned, the number of cases assigned and disposed of by senior
58 judges and senior commissioners, and the expenditures made for that purpose.

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