

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 45**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 14, 2013, with recommendation that the Senate Committee Substitute do pass.

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TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 487.020 and 488.426, RSMo, and to enact in lieu thereof two new sections relating to reimbursement for family court commissioners.

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

Section A. Sections 487.020 and 488.426, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 487.020 and 488.426, to  
3 read as follows:

487.020. 1. In each circuit or a county having a family court, a majority  
2 of the circuit and associate circuit judges en banc, in the circuit, may appoint  
3 commissioners, subject to appropriations, to hear family court cases and make  
4 findings as provided for in sections 487.010 to 487.190. Any person serving as a  
5 commissioner of the juvenile division of the circuit court on August 28, 1993, shall  
6 become a commissioner of the family court. In each circuit or a county therein  
7 having a family court, a majority of the circuit and associate circuit judges en  
8 banc may appoint, in addition to those commissioners serving as commissioners  
9 of the juvenile division and becoming commissioners of the family court pursuant  
10 to the provisions of sections 487.020 to 487.040, no more than three additional  
11 commissioners to hear family court cases and make findings and  
12 recommendations as provided in sections 487.010 to 487.190. The number of  
13 additional commissioners added as a result of the provisions of sections 487.010  
14 to 487.190 may be appointed only to the extent that the state is reimbursed for  
15 the salaries of the commissioners as provided in sections 487.010 to 487.190 or  
16 by federal or county funds or by gifts or grants made for such purposes. A  
17 commissioner shall be appointed for a term of four years. Commissioners

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

18 appointed pursuant to sections 487.020 to 487.040 shall serve in addition to  
19 circuit judges, associate circuit court judges and commissioners authorized to hear  
20 actions classified under section 487.080.

21         2. The circuit [court] **courts** in the eleventh judicial circuit **and in the**  
22 **thirty-first judicial circuit** may, in substitution of [a] **each** family court  
23 commissioner currently appointed pursuant to this section whose salary is  
24 reimbursable, appoint [one] **a** family court commissioner whose compensation  
25 shall be payable by the state without necessity of reimbursement. The provisions  
26 of this subsection shall not be construed to allow appointment of a family court  
27 commissioner in **the eleventh judicial circuit in** addition to the number of  
28 such family court commissioners holding office in the eleventh judicial circuit as  
29 of January 1, 1999[, and]. **The provisions of this subsection shall not be**  
30 **construed to allow appointment of a family court commissioner in the**  
31 **thirty-first judicial circuit in addition to the number of such family**  
32 **court commissioners holding office in the circuit as of January 1,**  
33 **2013.** The appointment of the state-paid commissioner shall be subject to  
34 appropriations for such purpose.

35         3. Each commissioner of the family court shall possess the same  
36 qualifications as a circuit judge. The compensation and retirement benefits of  
37 each commissioner shall be the same as that of an associate circuit judge, payable  
38 in the same manner and from the same source as that of an associate circuit  
39 judge.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this  
2 state may require any party filing a civil case in the circuit court, at the time of  
3 filing the suit, to deposit with the clerk of the court a surcharge in addition to all  
4 other deposits required by law or court rule. Sections 488.426 to 488.432 shall  
5 not apply to proceedings when costs are waived or are to be paid by the county  
6 or state or any city.

7         2. The surcharge in effect on August 28, 2001, shall remain in effect until  
8 changed by the circuit court. The circuit court in any circuit, except the circuit  
9 court in Jackson County **or the circuit court in any circuit that reimburses**  
10 **the state for the salaries of family court commissioners pursuant to**  
11 **section 487.020**, may change the fee to any amount not to exceed fifteen  
12 dollars. The circuit court in Jackson County **or the circuit court in any**  
13 **circuit that reimburses the state for the salaries of family court**  
14 **commissioners pursuant to section 487.020** may change the fee to any

15 amount not to exceed twenty dollars. A change in the fee shall become effective  
16 and remain in effect until further changed.

17 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs  
18 are waived or are paid by the county or state or any city.

19 4. In addition to any fee authorized by subsection 1 of this section, any  
20 county of the first classification with more than ninety-three thousand eight  
21 hundred but less than ninety-three thousand nine hundred inhabitants may  
22 impose an additional fee of ten dollars excluding cases concerning adoption and  
23 those in small claims court. The provisions of this subsection shall expire on  
24 December 31, 2014.

Unofficial

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Bill

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