

FIRST REGULAR SESSION

# SENATE BILL NO. 348

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

0852S.011

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to proceedings of the judicial finance commission.

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Section A. Section 477.600, RSMo, is repealed and one new  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

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

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

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

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

26           5. The commission shall:

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

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

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

43           (4) Submit an annual report to the governor, general  
44 assembly, and supreme court on the finances of the judicial  
45 department. The report shall examine both the revenues of  
46 the department and the expenses of the department. The  
47 report shall include the information from all divisions of  
48 the circuit court of each county including the circuit,  
49 associate circuit, probate, juvenile and municipal  
50 divisions. The information shall be reported separately

51 except where the divisions are combined or consolidated. In  
52 lieu of separate publication, the supreme court may direct  
53 the annual report described in this subdivision to be  
54 consolidated with any annual report prepared by the supreme  
55 court or the office of state courts administrator, provided  
56 that such report is distributed to the parties described in  
57 this subdivision.

58 6. In discharging its responsibilities, the commission  
59 may:

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

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

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

73 7. Upon receipt of the written opinion of the  
74 commission or upon refusal of the commission to accept a  
75 petition for review, the circuit court or the county  
76 governing body may seek a review by the supreme court by  
77 filing a petition for review in the supreme court within  
78 thirty days of the receipt of the commission's opinion. If  
79 a petition for review is not filed in the supreme court,  
80 then the recommendation of the commission shall take effect  
81 notwithstanding the provisions of section 50.600. If the  
82 commission refused to review a petition and no petition is

83 filed in the supreme court, the circuit court budget is  
84 approved as submitted to the county governing body. The  
85 supreme court shall consider the petition for review de novo.

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

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

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

107 **11. Any legal services required for representation of**  
108 **the circuit court in a proceeding of the judicial finance**  
109 **commission, including the review of any petitions pursuant**  
110 **to section 50.640, shall be provided by the attorney general**  
111 **and any legal fees incurred by the circuit court in any**  
112 **proceeding of the judicial finance commission shall be paid**  
113 **from the state legal expense fund and not from any funds of**

114 any county involved in the proceeding before the judicial  
115 finance commission.

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