

SECOND REGULAR SESSION

SENATE BILL NO. 614

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Pre-filed December 19, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2241.02I

AN ACT

To amend chapter 478, RSMo, by adding thereto one new section relating to probate commissioners.

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

Section A. Chapter 478, RSMo, is amended by adding thereto one new section to be known as section 478.269, to read as follows:

478.269. 1. Notwithstanding the provisions of sections 478.265, 478.266 or 478.267, each county of the first class, by a majority of the circuit judges, meeting en banc, may appoint one person, who shall possess the same qualifications as a circuit judge, to act as commissioner of the probate division of the circuit court. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be the same as that of a circuit judge, payable in the same manner and from the same source as the compensation of the judge who serves in the probate division of the circuit court. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the judge. The judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by him. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of their confirmation.

2. The judge of the probate division of the circuit court of each county of the first class may appoint a person to be known as deputy commissioner of the probate division of the circuit court, who shall possess the same qualifications and take and subscribe a like oath as such judge. The deputy commissioner shall be appointed for a term of four years. The compensation of the deputy commissioner shall be the same as that of an associate circuit judge of the circuit court in a county of the first class,

payable in the same manner and from the same source as the compensation of an associate circuit judge of the circuit court of a first class county. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the clerk of the probate division and such judge; but the judge shall by order of record reject or confirm all orders, judgments, and decrees of the deputy commissioner within the time such judge could set aside such orders, judgments, or decrees, had the same been made by him; and if so confirmed such orders, judgments, and decrees shall have the same effect as if made by the judge on the date of such confirmation.

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