

FIRST REGULAR SESSION

SENATE BILL NO. 342

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Read 1st time January 25, 1999, and 1,000 copies ordered printed.

S1593.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 476, RSMo, by adding thereto one new section relating to the commission on judicial resources.

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

Section A. Chapter 476, RSMo, is amended by adding thereto one new section, to be known as section 476.417, to read as follows:

476.417. 1. As used in this section, the term "vacancy" shall mean either when a death, removal or vacancy occurs in any judicial office during the term of such office; or when any incumbent judge chooses not to seek reelection to or retention in a judicial office at the expiration of the judge's term of office.

2. Upon a vacancy occurring in any circuit in which the commission finds the number of judges to be in excess of that needed for the adequate and efficient administration of justice, subject to the minimum number of judges as set forth in section 16, article V of the constitution of Missouri, the commission shall declare such position to be vacated and not filled. The commission shall certify such declaration to the governor and the general assembly along with a statement of findings demonstrating that the number of judicial positions in that circuit exceed that required for adequate and efficient administration of justice in that circuit. Upon such certification, such vacancy shall not be filled unless the general assembly nullifies the declaration of the commission by concurrent resolution adopted by both the house of representatives and the senate and signed by the governor within six months of the date of the commission's declaration.

3. In the event the commission declares a vacancy as provided in subsection 1 of this section in any circuit judge or associate circuit judge position within any circuit in which the judges of that circuit are elected to office, the commission shall

file a plan of reassignment for judges within that circuit along with its certification of declared vacancy to the governor and the general assembly. Such plan shall specify the number of circuit and associate circuit positions to be assigned to the circuit after the vacancy and shall designate the county or counties to which each associate circuit judge shall be assigned and the judges of that circuit shall be elected within the circuit and from the counties provided by the plan; except that, the general assembly may provide by concurrent resolution a different plan for the assignment of counties for the associate judges within that circuit.

4. At the time the commission declares a vacancy as provided in subsection 1 of this section, or in any circuit in which the commission finds that there are not a sufficient number of judicial positions for the adequate and efficient administration of justice for such circuit, the commission shall recommend that a circuit judge position or an associate circuit judge position be created in such circuit and to be thereafter filled by election or selection as provided by law or the Missouri constitution for that circuit. The commission shall certify its recommendation to the governor and the general assembly. Such vacancy shall thereafter be filled upon the approval of the general assembly by concurrent resolution adopted by both the house of representatives and the senate and signed by the governor.

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