

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 142

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

Read 2nd time January 18, 1999, and referred to the Committee on Judiciary.

Reported from the Committee March 1, 1999, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 9, 1999. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

S0197.02P

AN ACT

To repeal sections 476.681 and 476.682, RSMo 1994, relating to the retirement of judges, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 476.681 and 476.682, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 476.681 and 476.682, to read as follows:

476.681. 1. Any retired judge **or retired commissioner** receiving retirement benefits under any of the applicable provisions of this chapter, who is willing to serve as a senior judge **or senior commissioner, respectively**, may make application for such service with the clerk of the supreme court on forms provided by the clerk. The application shall contain information relating to the prior legal and judicial experience of the applicant, the applicant's physical and mental health, and the times of the applicant's availability. The clerk may request physical or mental examinations of any applicant and may request that the applicant furnish or authorize the furnishing of any relevant medical or other health records. An application shall be submitted to the supreme court for approval or disapproval and shall be valid for a period of one year from the date of approval.

2. Upon written request of the chief judge of any district of the court of appeals or the presiding judge of any circuit, the supreme court may appoint a senior judge **or senior**

commissioner from the file of approved applications maintained by the clerk of the supreme court. Appointments to serve shall be based on caseload and need, as determined by the supreme court in its discretion, taking into consideration reports filed pursuant to section 476.412, recommendations made by the judicial resources commission created herein and such other matters that the court deems relevant. The appointment may be made for a specific case or cases or for a specified period of time not to exceed one year. The appointment may be extended for additional periods of time not to exceed one year each if the appointed senior judge **or senior commissioner** maintains an annual updated and approved application for appointment. Persons serving as a senior judge **or senior commissioner** pursuant to the provisions of this section shall receive compensation as provided in section 476.682.

476.682. 1. Any person assigned as a senior judge **or senior commissioner** pursuant to section 26 of article V of the Missouri Constitution shall receive for each day of service an amount that when added to the daily amount of annual compensation, salary or retirement compensation payable pursuant to sections 476.450 to 476.595, equals one hundred percent of the current annual salary of the office from which the judge **or senior commissioner** retired attributable to one day of service. For purposes of this subsection, one year shall equal two hundred thirty-five days.

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

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

4. On or before the twentieth day of each month the state courts administrator shall certify the period of service reported by each senior judge **or senior commissioner** pursuant to subsection 3 of this section to the Missouri state employees' retirement system. Any senior judge **or senior commissioner** accumulating two hundred thirty-five days of such service shall receive credit for one year of judicial service for purposes of sections 476.520 and 476.545, for each two hundred thirty-five days of service certified by the state courts administrator to the Missouri state employees' retirement system, except, if a pro rata portion of two hundred thirty-five days would cause the senior judge's **or senior commissioner's** total judicial service to equal twelve years, the Missouri state employees' retirement system shall credit the service at the time the pro rata

portion is certified. Upon receipt of such certification, the retirement benefit of the senior judge **or senior commissioner** shall be recalculated to reflect the attainment of twelve years; the adjusted benefit will become effective the first of the month following certification.

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

6. The judicial conference of the state of Missouri shall annually report on the use of senior judges **and senior commissioners** pursuant to this section. Such report shall include at least the number of senior judges **and senior commissioners** assigned, the number of cases assigned and disposed of by senior judges **and senior commissioners**, and the expenditures made for that purpose.

Unofficial

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