

FIRST REGULAR SESSION

# HOUSE BILL NO. 853

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor) AND SMITH (150) (Co-sponsor).

Read 1st time February 13, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2040L.011

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### AN ACT

To repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual judicial reports.

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Section A. Section 477.600, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 477.600, to read as follows:

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

18           5. The commission shall:

19           (1) Examine the budget request of the circuit court upon the petition by the county  
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget  
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and  
22 assistants, as set forth in section 57.250, RSMo;

23           (2) Issue a written opinion addressed to the presiding circuit judge and the presiding  
24 officer of the county. The opinion shall state the conclusions of the commission as to the  
25 reasonableness of the circuit court budget request. The opinion of the commission shall state  
26 clearly the reasons for its decision. Any member of the commission who disagrees with the  
27 commission's findings may file a minority report;

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

30           (4) Submit an annual report to the governor, general assembly, and supreme court on the  
31 finances of the judicial department. The report shall examine both the revenues of the  
32 department and the expenses of the department. The report shall include the information from  
33 all divisions of the circuit court of each county including the circuit, associate circuit, probate,  
34 juvenile and municipal divisions. The information shall be reported separately except where the  
35 divisions are combined or consolidated. **In lieu of separate publication, the supreme court**  
36 **may direct the annual report described in this subdivision to be consolidated with any**  
37 **annual report prepared by the supreme court or the office of state courts administrator,**  
38 **provided that such report is distributed to the parties described in this subdivision.**

39           6. In discharging its responsibilities, the commission may:

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

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

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

49           7. Upon receipt of the written opinion of the commission or upon refusal of the  
50 commission to accept a petition for review, the circuit court or the county governing body may

51 seek a review by the supreme court by filing a petition for review in the supreme court within  
52 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the  
53 supreme court, then the recommendation of the commission shall take effect notwithstanding the  
54 provisions of section 50.600, RSMo. If the commission refused to review a petition and no  
55 petition is filed in the supreme court, the circuit court budget is approved as submitted to the  
56 county governing body. The supreme court shall consider the petition for review de novo.

57 8. The commission shall meet as necessary at the call of the chairman or on written  
58 request of four members. Four members constitute a quorum for the transaction of business.  
59 Upon request of the chairman, the supreme court may appoint a temporary replacement for any  
60 commissioner who is unable to hear a case or who is disqualified from any case. No member  
61 of the commission shall participate in any proceeding involving the county or circuit where the  
62 member resides.

63 9. Members of the commission shall receive no compensation for their services but shall  
64 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses  
65 incurred in the performance of their duties.

66 10. The clerk of the supreme court shall provide suitable staff for the commission out  
67 of any funds appropriated for this purpose. The commission may also employ court reporters  
68 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters  
69 shall be compensated at a rate established by the commission out of any funds appropriated for  
70 this purpose.

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