

FIRST REGULAR SESSION

HOUSE BILL NO. 218

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

0947L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 476.682, RSMo, and to enact in lieu thereof one new section relating to compensation of senior judges and commissioners.

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

Section A. Section 476.682, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 476.682, to read as follows:

476.682. 1. Any person assigned as a senior judge or senior commissioner pursuant to section 26 of article V of the Missouri Constitution and who has served in this state an aggregate of at least two years, continuously or otherwise, as a judge or commissioner, shall receive for each day of service an amount equal to fifty percent of the current annual salary of the office from which the judge or senior commissioner retired attributable to one day of service, **except that in times of budget stress, such senior judge or senior commissioner may elect to forgo this amount and receive only the minimum wage.** Notwithstanding the foregoing, any judge or commissioner who has retired prior to August 28, 1999, who serves subsequent to said date as a senior judge or commissioner may receive compensation pursuant to this section regardless of their length of service; and no senior judge or senior commissioner shall receive less daily compensation than an amount, that when added to the daily amount of annual compensation payable pursuant to sections 476.450 to 476.595, is less than one hundred percent of the current annual salary of the office from which the judge or commissioner retired attributable to one day of service. For purposes of this subsection, one year shall equal two hundred thirty-five days. No senior judge or senior commissioner shall receive compensation pursuant to this subsection in a total amount that when such compensation is added to the annual compensation, salary or

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.

17 retirement compensation payable pursuant to sections 476.450 to 476.595, the sum is greater
18 than the current annual salary of the office from which the judge or commissioner retired.

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

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

31 4. On or before the twentieth day of each month the state courts administrator shall
32 certify the period of service reported by each senior judge or senior commissioner pursuant to
33 subsection 3 of this section to the Missouri state employees' retirement system. Any senior judge
34 or senior commissioner accumulating two hundred thirty-five days of such service shall receive
35 credit for one year of judicial service for purposes of sections 476.520 and 476.545, for each two
36 hundred thirty-five days of service certified by the state courts administrator to the Missouri state
37 employees' retirement system, except, if a pro rata portion of two hundred thirty-five days would
38 cause the senior judge's or senior commissioner's total judicial service to equal twelve years, the
39 Missouri state employees' retirement system shall credit the service at the time the pro rata
40 portion is certified. Upon receipt of such certification, the retirement benefit of the senior judge
41 or senior commissioner shall be recalculated to reflect the attainment of twelve years; the
42 adjusted benefit will become effective the first of the month following certification.

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

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