

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 615, Page 1, in the Title, Line 7, by
2 deleting the phrase "court costs" and inserting in lieu thereof the phrase "the administration of
3 justice"; and

4
5 Further amend said bill, Page 9, Section 476.385, Line 186, by inserting after all of said section and
6 line the following:

7
8 "478.320. 1. In counties having a population of thirty thousand or less, there shall be one
9 associate circuit judge. In counties having a population of more than thirty thousand and less than
10 one hundred thousand, there shall be two associate circuit judges. In counties having a population of
11 one hundred thousand or more, there shall be three associate circuit judges and one additional
12 associate circuit judge for each additional one hundred thousand inhabitants.

13 2. [When the office of state courts administrator indicates in an annual judicial weighted
14 workload model for three consecutive years or more the need for four or more full-time judicial
15 positions in any judicial circuit having a population of one hundred thousand or more, there shall be
16 one additional associate circuit judge position in such circuit for every four full-time judicial
17 positions needed as indicated in the weighted workload model. In a multicounty circuit, the
18 additional associate circuit judge positions shall be apportioned among the counties in the circuit on
19 the basis of population, starting with the most populous county, then the next most populous county,
20 and so forth.

21 3.] For purposes of this section, notwithstanding the provisions of section 1.100, population
22 of a county shall be determined on the basis of the last previous decennial census of the United
23 States; and, beginning after certification of the year 2000 decennial census, on the basis of annual
24 population estimates prepared by the United States Bureau of the Census, provided that the number
25 of associate circuit judge positions in a county shall be adjusted only after population estimates for
26 three consecutive years indicate population change in the county to a level provided by subsection 1
27 of this section.

28 [4.] 3. Except in circuits where associate circuit judges are selected under the provisions of
29 Sections 25(a) to (g) of Article V of the constitution, the election of associate circuit judges shall in
30 all respects be conducted as other elections and the returns made as for other officers.

31 [5.] 4. In counties not subject to Sections 25(a) to (g) of Article V of the constitution,
32 associate circuit judges shall be elected by the county at large.

33 [6.] 5. No associate circuit judge shall practice law, or do a law business, nor shall he or she
34 accept, during his or her term of office, any public appointment for which he or she receives
35 compensation for his or her services.

36 [7.] 6. No person shall be elected as an associate circuit judge unless he or she has resided in

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1 the county for which he or she is to be elected at least one year prior to the date of his or her election;
2 provided that, a person who is appointed by the governor to fill a vacancy may file for election and
3 be elected notwithstanding the provisions of this subsection.

4 478.437. [The circuit court of the county of St. Louis, comprising circuit number
5 twenty-one, shall be composed of nineteen divisions and nineteen judges] 1. Beginning in fiscal year
6 2015, there shall be twenty circuit judges in the twenty-first judicial circuit. These judges shall sit in
7 twenty divisions, and each of the judges shall separately try causes, exercise the powers and perform
8 all the duties imposed upon circuit judges.

9 2. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position
10 in the twenty-first judicial circuit. This associate circuit judgeship shall not be included in the
11 statutory formula for authorizing additional judgeships per county under section 478.320.

12 478.464. [1.] In the sixteenth judicial circuit, [associate circuit divisions shall hereafter be
13 numbered beginning with the number 25:

14 (1) Division 101 shall hereafter be division 25;

15 (2) Division 102 shall hereafter be division 26;

16 (3) Division 103 shall hereafter be division 27;

17 (4) Division 104 shall hereafter be division 28;

18 (5) Division 105 shall hereafter be division 29;

19 (6) Division 106 shall hereafter be division 30;

20 (7) Division 107 shall hereafter be division 31; and

21 (8) Division 108 shall hereafter be division 32.

22 2. Twelve months after construction of two new courtrooms in Independence is completed,
23 there shall be one additional associate circuit judge in the sixteenth judicial circuit, to be known as
24 division 33. The presiding judge of such circuit shall certify to the state of administration office the
25 actual date of completion of said construction.

26 3.] there shall be ten associate circuit judges. These judges shall sit in ten divisions, which
27 shall be numbered beginning with the number 25. Divisions 25, 26, 27, 29, and 31 shall sit in
28 Kansas City and divisions 28, 30, 32, and 33 shall sit in Independence. Division 34 shall sit in the
29 location determined by the court en banc. The tenth associate circuit judgeship shall not be included
30 in the statutory formula for authorizing additional associate circuit judgeships per county under
31 section 478.320.

32 478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit [consisting of
33 the county of Greene]. These judges shall sit in divisions numbered one, two, three, four and five.

34 2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions
35 one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

36 3. Beginning in fiscal year 2015, there shall be one additional associate circuit judge in the
37 thirty-first judicial circuit, and there shall continue to be the associate judge position authorized in
38 fiscal year 2014. Neither associate circuit judgeship shall be included in the statutory formula for
39 authorizing additional associate circuit judgeships per county under section 478.320.

40 478.600. 1. There shall be four circuit judges in the eleventh judicial circuit [consisting of
41 the county of St. Charles]. These judges shall sit in divisions numbered one, two, three and four.
42 Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and
43 these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five
44 associate circuit judge position and the division seven associate circuit judge position shall become
45 circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

46 2. The circuit judge in division two shall be elected in 1980. The circuit judge in division
47 four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit
48 judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall

1 be elected for a six-year term in 2006.

2 3. Beginning January 1, 2007, the family court commissioner positions in the eleventh
3 judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all
4 respects and shall be designated as divisions nine and ten respectively. These positions may retain
5 the duties and responsibilities with regard to the family court. The associate circuit judges in
6 divisions nine and ten shall be elected in 2006 for full four-year terms.

7 4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh
8 judicial circuit appointed under section 478.003 shall become an associate circuit judge position in
9 all respects and shall be designated as division eleven. This position retains the duties and
10 responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006
11 for a full four-year term. This associate circuit judgeship shall not be included in the statutory
12 formula for authorizing additional associate circuit judgeships per county under section 478.320.

13 5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position
14 in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016, and such judicial
15 position shall not be considered vacant or filled until January 1, 2017. This associate circuit
16 judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships
17 per county under section 478.320.

18 478.740. 1. There shall be two circuit judges in the thirty-eighth judicial circuit. These
19 judges shall sit in divisions numbered one and two.

20 2. The circuit judge in division two shall be elected in 2016, and such judicial position shall
21 not be considered vacant or filled until January 1, 2017. The judge in division one shall be elected in
22 2018."; and

23
24 Further amend said bill, Pages 13-14, Section 488.2240, Lines 1-10, by deleting all of said section
25 and lines from the bill; and

26
27 Further amend said bill, Page 14, Section 488.2240, Line 10, by inserting immediately after said line
28 the following:

29
30 "610.021. Except to the extent disclosure is otherwise required by law, a public
31 governmental body is authorized to close meetings, records and votes, to the extent they relate to the
32 following:

33 (1) Legal actions, causes of action or litigation involving a public governmental body and
34 any confidential or privileged communications between a public governmental body or its
35 representatives and its attorneys. However, any minutes, vote or settlement agreement relating to
36 legal actions, causes of action or litigation involving a public governmental body or any agent or
37 entity representing its interests or acting on its behalf or with its authority, including any insurance
38 company acting on behalf of a public government body as its insured, shall be made public upon
39 final disposition of the matter voted upon or upon the signing by the parties of the settlement
40 agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court
41 after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly
42 outweighs the public policy considerations of section 610.011, however, the amount of any moneys
43 paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in
44 matters involving the exercise of the power of eminent domain, the vote shall be announced or
45 become public immediately following the action on the motion to authorize institution of such a
46 legal action. Legal work product shall be considered a closed record;

47 (2) Leasing, purchase or sale of real estate by a public governmental body where public
48 knowledge of the transaction might adversely affect the legal consideration therefor. However, any

1 minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real
2 estate by a public governmental body shall be made public upon execution of the lease, purchase or
3 sale of the real estate;

4 (3) Hiring, firing, disciplining or promoting of particular employees by a public
5 governmental body when personal information about the employee is discussed or recorded.
6 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
7 promote or discipline an employee of a public governmental body shall be made available with a
8 record of how each member voted to the public within seventy-two hours of the close of the meeting
9 where such action occurs; provided, however, that any employee so affected shall be entitled to
10 prompt notice of such decision during the seventy-two-hour period before such decision is made
11 available to the public. As used in this subdivision, the term "personal information" means
12 information relating to the performance or merit of individual employees;

13 (4) The state militia or national guard or any part thereof;

14 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
15 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
16 treatment;

17 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
18 records of individual test or examination scores; however, personally identifiable student records
19 maintained by public educational institutions shall be open for inspection by the parents, guardian or
20 other custodian of students under the age of eighteen years and by the parents, guardian or other
21 custodian and the student if the student is over the age of eighteen years;

22 (7) Testing and examination materials, before the test or examination is given or, if it is to be
23 given again, before so given again;

24 (8) Welfare cases of identifiable individuals;

25 (9) Preparation, including any discussions or work product, on behalf of a public
26 governmental body or its representatives for negotiations with employee groups;

27 (10) Software codes for electronic data processing and documentation thereof;

28 (11) Specifications for competitive bidding, until either the specifications are officially
29 approved by the public governmental body or the specifications are published for bid;

30 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and
31 related documents or any documents related to a negotiated contract until a contract is executed, or
32 all proposals are rejected;

33 (13) Individually identifiable personnel records, performance ratings or records pertaining to
34 employees or applicants for employment, except that this exemption shall not apply to the names,
35 positions, salaries and lengths of service of officers and employees of public agencies once they are
36 employed as such, and the names of private sources donating or contributing money to the salary of a
37 chancellor or president at all public colleges and universities in the state of Missouri and the amount
38 of money contributed by the source;

39 (14) Records which are protected from disclosure by law;

40 (15) Meetings and public records relating to scientific and technological innovations in
41 which the owner has a proprietary interest;

42 (16) Records relating to municipal hotlines established for the reporting of abuse and
43 wrongdoing;

44 (17) Confidential or privileged communications between a public governmental body and its
45 auditor, including all auditor work product; however, all final audit reports issued by the auditor are
46 to be considered open records pursuant to this chapter;

47 (18) Operational guidelines, policies and specific response plans developed, adopted, or
48 maintained by any public agency responsible for law enforcement, public safety, first response, or

1 public health for use in responding to or preventing any critical incident which is or appears to be
2 terrorist in nature and which has the potential to endanger individual or public safety or health.
3 Financial records related to the procurement of or expenditures relating to operational guidelines,
4 policies or plans purchased with public funds shall be open. When seeking to close information
5 pursuant to this exception, the public governmental body shall affirmatively state in writing that
6 disclosure would impair the public governmental body's ability to protect the security or safety of
7 persons or real property, and shall in the same writing state that the public interest in nondisclosure
8 outweighs the public interest in disclosure of the records;

9 (19) Existing or proposed security systems and structural plans of real property owned or
10 leased by a public governmental body, and information that is voluntarily submitted by a nonpublic
11 entity owning or operating an infrastructure to any public governmental body for use by that body to
12 devise plans for protection of that infrastructure, the public disclosure of which would threaten
13 public safety:

14 (a) Records related to the procurement of or expenditures relating to security systems
15 purchased with public funds shall be open;

16 (b) When seeking to close information pursuant to this exception, the public governmental
17 body shall affirmatively state in writing that disclosure would impair the public governmental body's
18 ability to protect the security or safety of persons or real property, and shall in the same writing state
19 that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

20 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
21 receiving agency within ninety days of submission to determine if retention of the document is
22 necessary in furtherance of a state security interest. If retention is not necessary, the documents shall
23 be returned to the nonpublic governmental body or destroyed;

24 (20) The portion of a record that identifies security systems or access codes or authorization
25 codes for security systems of real property;

26 (21) Records that identify the configuration of components or the operation of a computer,
27 computer system, computer network, or telecommunications network, and would allow unauthorized
28 access to or unlawful disruption of a computer, computer system, computer network, or
29 telecommunications network of a public governmental body. This exception shall not be used to
30 limit or deny access to otherwise public records in a file, document, data file or database containing
31 public records. Records related to the procurement of or expenditures relating to such computer,
32 computer system, computer network, or telecommunications network, including the amount of
33 moneys paid by, or on behalf of, a public governmental body for such computer, computer system,
34 computer network, or telecommunications network shall be open;

35 (22) Credit card numbers, personal identification numbers, digital certificates, physical and
36 virtual keys, access codes or authorization codes that are used to protect the security of electronic
37 transactions between a public governmental body and a person or entity doing business with a public
38 governmental body. Nothing in this section shall be deemed to close the record of a person or entity
39 using a credit card held in the name of a public governmental body or any record of a transaction
40 made by a person using a credit card or other method of payment for which reimbursement is made
41 by a public governmental body; and

42 (23) Records submitted by an individual, corporation, or other business entity to a public
43 institution of higher education in connection with a proposal to license intellectual property or
44 perform sponsored research and which contains sales projections or other business plan information
45 the disclosure of which may endanger the competitiveness of a business.

46 (24) Individually identifiable records submitted to the office of the lieutenant governor
47 concerning or relating to reports of waste, fraud, and abuse of public resources.

48 Section B. Because of the necessity of constitutionally protected expedient access to the

1 courts and ensuring the continued efficient administration of justice, sections 478.320, 478.437,
2 478.464, 478.513, 478.600, and 478.740 are deemed necessary for the immediate preservation of the
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution and this act shall be in full force and effect upon its passage and
5 approval."; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.