

SECOND REGULAR SESSION

HOUSE BILL NO. 2696

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAGG.

6268H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 50.640, 50.641, 50.642, and 476.270, RSMo, and to enact in lieu thereof four new sections relating to circuit court expenditures.

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

Section A. Sections 50.640, 50.641, 50.642, and 476.270, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 50.640, 50.641, 50.642, and
3 476.270, to read as follows:

2 ~~[50.640. 1. Except as otherwise provided in this section, all offices,~~
3 ~~departments, courts, institutions, commissions or other agencies spending~~
4 ~~moneys of the county shall perform the duties and observe the restrictions set~~
5 ~~forth in sections 50.540 to 50.630 relating to budget procedure and~~
6 ~~appropriations. The estimates of the circuit court, including all activities~~
7 ~~thereof and of the circuit clerk, shall be transmitted to the budget officer by the~~
8 ~~circuit clerk. The estimates of the circuit clerk shall bear the approval of the~~
9 ~~circuit court. The budget officer or the county commission shall not change~~
10 ~~the estimates of the circuit court or of the circuit clerk without the consent of~~
11 ~~the circuit court or the circuit clerk, respectively, but shall appropriate in the~~
12 ~~appropriation order the amounts estimated as originally submitted or as~~
13 ~~changed, with their consent.~~

14 ~~2. If the county governing body deems the estimates of the circuit~~
15 ~~court to be unreasonable, the governing body may file a petition for review~~
16 ~~with the judicial finance commission on a form provided by the judicial~~
17 ~~finance commission after the estimates are included in the county budget. An~~
18 ~~amount equal to the difference between the estimates of the circuit court and~~
19 ~~the amounts deemed appropriate by the governing body shall be placed in a~~
20 ~~separate escrow account, and shall not be appropriated and expended until a~~
~~final determination is made by the judicial finance commission under this~~

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.

21 subsection. The form provided by the judicial finance commission shall
22 include an opportunity for the governing body and the circuit court to state
23 their positions in a summary fashion. If a petition for review is filed, the
24 circuit court shall have the burden of convincing the judicial finance
25 commission that the amount estimated by it and included in the budget is
26 reasonable. In determining if the circuit court estimate is reasonable, the
27 judicial finance commission shall consider the expenditures necessary to
28 support the circuit court in relation to the expenditures necessary for the
29 administration of all other county functions, the actual or estimated operating
30 deficit or surplus from prior years, all interest and debt redemption charges, all
31 capital projects expenditures, and the total estimated available revenues from
32 all sources available for financing the proposed expenditures. In determining
33 the reasonableness of any budget estimate involving compensation, the
34 judicial finance commission shall also consider compensation for county
35 employees with similar duties, length of service and educational qualifications.
36 The judicial finance commission shall immediately order a settlement
37 conference to determine if the matter can be resolved before ordering briefs
38 and oral argument. The judicial finance commission, to the maximum extent
39 practicable, shall resolve the dispute prior to the beginning of the fiscal year in
40 question, however, if the dispute is submitted within ninety days of the end of
41 the fiscal year, the commission shall resolve the dispute within ninety days of
42 the beginning of the subsequent fiscal year. The county governing body may
43 file and prosecute a petition for review without representation by counsel.]

2 [50.641. 1. The estimates of the circuit court referred to in section
3 50.640 which are to be included within the county budget by the budget
4 officers and the county commissions without change shall include those
5 categories of expenditures to support the operations of the circuit court which
6 are attributable to the business of the circuit judges, associate circuit judges
7 and the staffs serving such judges. Such estimates shall also include those
8 categories of expenditures to support the operations of all juvenile officers and
9 other juvenile court personnel within the circuit that are funded, in whole or in
10 part, by the county.

11 2. Nothing contained in section 50.640 shall be construed as providing
12 for the budgeting of county funds to fund the operation of municipal divisions
of the circuit court.]

2 [50.642. 1. The presiding judge of each circuit court, or the presiding
3 judge's designee, shall, not later than fifteen days prior to filing the budget
4 estimates with the county budget officer as required by section 50.640, meet
5 with the county commission and budget officer of each county or their
6 respective designees, and confer and discuss with them the circuit court's
7 estimates of its requirements for expenditures and its estimates of its revenues
8 for the next budget year. After the presiding judge and county commissions or
9 their representatives have met, conferred and discussed the estimates, the
10 estimates of the circuit court shall be transmitted to the budget officer of each
county in the same manner as provided by section 50.640.

11 2. ~~In all respects other than as provided in subsection 1 of this section,~~
12 ~~the budget of the circuit court shall follow the same course and be subject to~~
13 ~~the same rights, obligations and processes as otherwise provided by law.]~~

 476.270. All expenditures accruing in the circuit courts, ~~[except salaries and clerk~~
2 ~~hire which is payable by the state, except all expenditures accruing in the municipal divisions~~
3 ~~of the circuit court, and]~~ except as otherwise provided by law, shall be paid out of the treasury
4 of the ~~[county in which the court is held]~~ **state** in the same manner as other demands.

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