

SECOND REGULAR SESSION

SENATE BILL NO. 1047

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

Read 1st time February 26, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5573S.011

AN ACT

To repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to proceedings of the judicial finance commission.

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Section A. Section 477.600, RSMo, is repealed and one new section
2 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
2 "Judicial Finance Commission". The commission shall be composed of seven
3 members appointed by the supreme court. At least one member of the
4 commission shall be a member of a county governing body from a county of the
5 third class, one member of the commission shall be a member of the county
6 governing body of a county of the first class, and one member of the commission
7 shall be a member of a county governing body from any class of county. The
8 supreme court shall designate one member to serve as chairman and one member
9 as vice chairman. The vice chairman shall preside in the absence of the
10 chairman.

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

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

19 4. The commission shall promulgate rules of procedure which shall become
20 effective upon approval by the supreme court. The supreme court may adopt such

21 other rules as it deems appropriate to govern the procedures of the commission.

22 5. The commission shall:

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

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

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

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

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

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

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

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

57 7. Upon receipt of the written opinion of the commission or upon refusal
58 of the commission to accept a petition for review, the circuit court or the county
59 governing body may seek a review by the supreme court by filing a petition for
60 review in the supreme court within thirty days of the receipt of the commission's
61 opinion. If a petition for review is not filed in the supreme court, then the
62 recommendation of the commission shall take effect notwithstanding the
63 provisions of section 50.600. If the commission refused to review a petition and
64 no petition is filed in the supreme court, the circuit court budget is approved as
65 submitted to the county governing body. The supreme court shall consider the
66 petition for review de novo.

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

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

77 10. The clerk of the supreme court shall provide suitable staff for the
78 commission out of any funds appropriated for this purpose. The commission may
79 also employ court reporters as necessary to take testimony at hearings held
80 pursuant to section 50.640. The reporters shall be compensated at a rate
81 established by the commission out of any funds appropriated for this purpose.

82 **11. Any legal services required for representation of the circuit**
83 **court in a proceeding of the judicial finance commission, including the**
84 **review of any petitions pursuant to section 50.640, shall be provided by**
85 **the attorney general and any legal fees incurred by the circuit court in**
86 **any proceeding of the judicial finance commission shall be paid from**
87 **the state legal expense fund and not from any funds of any county**
88 **involved in the proceeding before the judicial finance commission.**

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