

HCS HB 235, 171, 237, 238 & 292 -- COURT PROCEDURES

SPONSOR: Stevenson

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 0.

This substitute changes the laws regarding court procedures. In its main provisions, the substitute:

(1) Extends the expiration date of the Statewide Court Automation Fund fee from September 1, 2009, to September 1, 2019, and allows the Court Automation Committee to continue to function until September 1, 2021;

(2) Exempts a tenant from liability for rent payments during the remainder of the term of the lease agreement when his or her residence is destroyed by an act of God or other natural or man-made disaster unless the tenant caused the disaster;

(3) Removes the certified mail requirement for service of summons in landlord tenant actions and replaces it with a regular mail requirement;

(4) Removes the 30-day provision regarding court summons and requires a defendant to appear within 10 days. Currently, a court summons requires a defendant to appear before an associate circuit judge no less than 10 days nor more than 30 days from the date the summons was delivered;

(5) Allows, beginning January 1, 2010, a corporation to file a corporate registration report on a biennial basis and to change the month of its corporate registration report by designating the desired month and paying an additional \$20 fee. Corporations incorporated in an even-numbered year may only file a report in an even-numbered year, and corporations incorporated in an odd-numbered year may only file a report in odd-numbered years. The fee for filing the biennial report will be \$80 if filed in a written format and \$30 if in an electronic format. Any corporation filing a biennial report must maintain the registration for two years, but may choose to file an annual registration in subsequent years. The Secretary of State is allowed to collect an additional \$10 fee for each biennial corporate report to be credited to the Secretary of State's Technology Trust Fund Account;

(6) Authorizes the Secretary of State to charge a \$45 fee for a corporate filing of the original articles of organization in an electronic format;

(7) Changes the deadline when the Secretary of State may commence a proceeding to dissolve a corporation for failing to deliver its corporate registration report to within 90 days after it is due. Currently, the Secretary of State may commence a proceeding if the report is not delivered within 30 days after it is due;

(8) Allows the Secretary of State to administratively cancel the articles of organization of limited liability companies and limited liability partnerships if the period of duration on the articles expires and the company or partnership does not amend the articles in a timely manner. The Secretary of State may rescind a cancellation under certain circumstances;

(9) Allows anyone 18 years of age or older who was found incompetent under Section 632, RSMo, by admission either voluntary or involuntarily into a mental health facility, to petition the probate court for a removal of the disqualification to purchase, possess, or transfer a firearm. Individuals must prove that they no longer suffer from the condition that rendered them incompetent and that they pose no danger to themselves or others;

(10) Reclassifies all state court commissioners to associate circuit court judges and adds associate circuit court judges in the 16th, 20th, 31st, 38th, and 40th judicial circuits;

(11) Creates a lien on trial de novo judgments entered by associate circuit court judges;

(12) Allows the required annual report of the Judicial Finance Commission to be combined with any other annual report prepared by the Missouri Supreme Court or the Office of State Courts Administrator if it is distributed to the required parties;

(13) Changes certain caseload reporting requirements for municipal and associate circuit court judges;

(14) Reduces various motor vehicle misdemeanors to infractions;

(15) Requires court clerks to remove Social Security numbers from certain family court filings;

(16) Allows providers of targeted case management clients in the Division of Developmental Disabilities within the Department of Mental Health to be treated as agents of the division; and

(17) Allows the costs and expenses related to the prosecution of a suit by an indigent person to be waived without motion and court approval if the person has enlisted the assistance of a law

student legal aid clinic to represent him or her.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$1,469,913 in FY 2010, \$2,218,307 in FY 2011, and \$2,915,550 in FY 2012. Estimated Income on Other State Funds of \$141,958 in FY 2010, \$266,750 in FY 2011, and \$100,000 in FY 2012.

PROPONENTS: Supporters of House Bill 235 say that the bill will extend court automation enabling public services like Casenet to continue. Eliminating court automation would lead to information taking months to get to the people who need it.

Supporters of House Bill 171 say that the bill will protect tenants in cases where property is destroyed by a natural or man-made disaster and should be under no responsibility to pay.

Supporters of House Bill 237 say that the bill will allow cases to be heard faster and will lead to judicial efficiency and timeliness in the administration of justice.

Supporters of House Bill 238 say that the bill will eliminate duplicate filings and will lead to more efficiency in judicial reporting.

Supporters of House Bill 292 say that the bill will reduce paper and filing difficulties for small businesses.

Testifying for HB 235 were Representative Smith (150); Missouri Bar; Dan O'Hearn, Missouri Judicial Commission; Office of State Courts Administrator; and Phil Wright, Associate Circuit Court Judges and Probate Judges.

Testifying for HB 171 were Representative Cox; Jessica Agnelli, Missouri Trial Lawyers Care; and Missouri Association of Trial Attorneys.

Testifying for HB 237 were Representative Smith (150); Missouri Bar; and Dan O'Hearn, Missouri Judicial Commission.

Testifying for HB 238 were Representative Smith (150); and Dan O'Hearn, Missouri Judicial Commission.

Testifying for HB 292 were Representative Jones (117); Office of the Secretary of State; and Greater Kansas City Chamber of Commerce.

OPPONENTS: There was no opposition voiced to the committee.