

HCS HB 1754 -- JUDICIAL CIRCUITS

SPONSOR: Smith, 150 (Cox)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judicial Reform by a vote of 10 to 2.

This substitute changes the laws regarding the judicial circuits. In its main provisions, the substitute:

(1) Eliminates, beginning January 1, 2015, all court commissioner positions except for family court commissioners whose salaries are partially paid by county funds and creates new associate judge or circuit judge positions to replace the commissioner positions. The salary of the commissioner will determine whether his or her position is replaced by an associate judge or circuit judge position;

(2) Terminates the authority of any court to appoint commissioner positions but allows courts to continue to regulate the practice areas of associate judges;

(3) Moves Laclede County from the 26th Circuit to the 30th Circuit, moves Benton County from the 30th Circuit to the 26th Circuit, moves Carter County from the 37th Circuit to the 36th Circuit, and moves Wayne County from the 42nd Circuit to the 36th Circuit. All circuit judges will continue to serve in the same judicial circuit in which they were serving prior to the effective date of the substitute, but associate judges will transfer to the new circuit if their county has been reassigned;

(4) Reduces, using the method of attrition based on vacancies in office, the number of circuit judge positions in the 22nd circuit by three positions and creates three new circuit judge positions in the 38th, 31st, and 19th judicial circuits respectively as the vacancies occur in the 22nd circuit; and

(5) Requires the election or appointment, as mandated by the Missouri Constitution and general law, of circuit and associate circuit judges necessitated by the substitute to be completed by December 31, 2014, so that the judges will be seated in their appropriate circuits by January 1, 2015. This provision will not apply to the new circuit judge positions created by the process eliminating three judge positions in the 22nd Circuit.

The substitute has an effective date of December 31, 2014.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$0 in FY 2013, \$0 in FY 2014, and \$975,865 to \$1,475,865 in FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the bill will achieve a more balanced workload for all judges based on comprehensive statewide studies of judicial workloads. The current circuit map dates from the 1950's and is in need of revision. This reallocation will be the most cost effective way to balance judicial workloads without requiring the expenditure of additional funds to create new judge positions.

Testifying for the bill was Representative Cox.

OPPONENTS: Those who oppose the bill say that moving some of the counties into a new circuit without adding a new judge would cause difficulties and increased caseloads. Some stated that their circuit is very efficient and should not be divided. Others agreed on the need for some counties to move to a different circuit but suggested more study is needed before this legislation should proceed.

Testifying against the bill was Melissa Young, Cathy Lloyd, and Sue Crane.

OTHERS: Others testifying on the bill say that achieving a more balanced caseload for all Missouri judges is a good goal. It is important to consider the effects of illness on judicial workloads as well as travel time. Studies of judicial efficiency are beneficial and should help the legislature with the reallocation process.

Testifying on the bill were Honorable Stan Moore, Circuit Judges Association; and Missouri Bar Association.