

SECOND REGULAR SESSION

HOUSE BILL NO. 1712

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON (90).

Read 1st time February 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4960L.01I

AN ACT

To repeal sections 50.1000, 50.1010, and 211.393, RSMo, and to enact in lieu thereof three new sections relating to juvenile court employees.

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

Section A. Sections 50.1000, 50.1010, and 211.393, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 50.1000, 50.1010, and 211.393, to read
3 as follows:

50.1000. As used in sections 50.1000 to 50.1300, the following words and terms mean:

2 (1) "Annuity", annual payments, made in equal monthly installments, to a retired
3 member from funds provided for in, or authorized by, the provisions of sections 50.1000 to
4 50.1300;

5 (2) "Average final compensation", the monthly average of the two highest years of
6 annual compensation received by the member;

7 (3) "Board of directors" or "board", the board of directors established by the provisions
8 of sections 50.1000 to 50.1300;

9 (4) "Compensation", all salary and other compensation payable to a county employee for
10 personal services rendered as a county employee, but not including travel and mileage
11 reimbursement, and not including compensation in excess of the limit imposed by 26 U.S.C.
12 401(a)(17);

13 (5) "County", each county in the state, except any city not within a county and counties
14 of the first classification with a charter form of government;

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.

15 (6) "Creditable service", a member's period of employment as an employee, including
16 the member's prior service, except as provided in sections 50.1090 and 50.1140;

17 (7) "Effective date of the establishment of the system", August 28, 1994, the date the
18 retirement system was established;

19 (8) "Employee", any county elective or appointive officer or employee who is hired and
20 fired by the county or by the circuit court located in a county of the first classification without
21 a charter form of government which is not participating in LAGERS, **and any juvenile court**
22 **employee, as defined by section 211.393, RSMo, employed as such on or after July 1, 1999,**
23 **and located in any judicial circuit comprised of a single county of the first classification**
24 **without a charter form of government**, whose work and responsibilities are directed and
25 controlled by the county or by the circuit court [located in a county of the first classification
26 without a charter form of government which is not participating in LAGERS], who is
27 compensated directly from county funds, and whose position requires the actual performance of
28 duties during not less than one thousand hours per year, except county prosecuting attorneys
29 covered pursuant to sections 56.800 to 56.840, RSMo, circuit clerks and deputy circuit clerks
30 covered under the Missouri state retirement system and county sheriffs covered pursuant to
31 sections 57.949 to 57.997, RSMo, in each county of the state, except for any city not within a
32 county and any county of the first classification having a charter form of government;

33 (9) "LAGERS", the local government employees' retirement system presently codified
34 at sections 70.600 to 70.755, RSMo;

35 (10) "Primary Social Security amount", the old age insurance benefit pursuant to Section
36 202 of the Social Security Act (42 U.S.C. 402) payable to a member at age sixty-two. The
37 primary Social Security amount shall be determined pursuant to the Social Security Act as in
38 effect at the time the employee's normal annuity pursuant to section 50.1060 is determined. Such
39 determination shall be at the time that creditable service ends without assuming any future
40 increases in compensation, any future increases in the taxable wage base, any changes in the
41 formulas used pursuant to the Social Security Act, or any future increases in the consumer price
42 index. However, it shall be assumed that the employee will continue to receive compensation
43 at the same rate as that received at the time the determination is being made, until the member
44 reaches age sixty-two. Only compensation with respect to creditable service as a county
45 employee shall be considered, and the first year of compensation as a county employee shall be
46 regressed at three percent per year with respect to years prior to the period of creditable service;

47 (11) "Prior service", service of a member rendered prior to August 28, 1994, the effective
48 date of the establishment of the system;

49 (12) "Required beginning date", the April first of the calendar year following the later
50 of the calendar year in which the member reaches age seventy and one-half, or the calendar year
51 in which the member retires;

52 (13) "Retirement fund" or "fund", the funds held by the county employees' retirement
53 system;

54 (14) "Retirement system" or "system", the county employees' retirement system
55 authorized by the provisions of sections 50.1000 to 50.1300;

56 (15) "Target replacement ratio":

57 (a) Eighty percent, if a member's average final compensation is thirty thousand dollars
58 or less;

59 (b) Seventy-seven percent, if a member's average final compensation is forty thousand
60 dollars or less, but greater than thirty thousand dollars;

61 (c) Seventy-two percent, if a member's average final compensation is fifty thousand
62 dollars or less, but greater than forty thousand dollars;

63 (d) Seventy percent, if a member's average final compensation is greater than fifty
64 thousand dollars.

50.1010. There is hereby authorized a "County Employees' Retirement Fund" which shall
2 be under the management of a board of directors described in section 50.1030. The board of
3 directors shall be responsible for the administration and the investment of the funds of such
4 county employees' retirement fund. If insufficient funds are generated to provide the benefits
5 payable pursuant to the provisions of sections 50.1000 to 50.1200, the board shall apportion the
6 benefits according to the funds available. [Notwithstanding any provision of sections 50.1000
7 to 50.1200 to the contrary, an individual who is in a job classification that the retirement system
8 finds not eligible for coverage under the retirement system as of September 1, 2001, shall not be
9 considered an employee for purposes of coverage in the retirement system, unless adequate
10 additional funds are provided for the costs associated with such coverage.]

211.393. 1. For purposes of this section, the following words and phrases mean:

2 (1) "County retirement plan", any public employees' defined benefit retirement plan
3 established by law that provides retirement benefits to county or city employees, [but not to
4 include] **including** the county employees' retirement system as provided in sections 50.1000 to
5 50.1200, RSMo;

6 (2) "Juvenile court employee", any person who is employed by a juvenile court in a
7 position normally requiring one thousand hours or more of service per year but not including any
8 service in such a position that was financed in whole or in part by a public or private grant on
9 or after July 1, 1999;

10 (3) "Juvenile officer", any juvenile officer appointed pursuant to section 211.351;

11 (4) "Multicounty circuit", all other judicial circuits not included in the definition of a
12 single county circuit;

13 (5) "Single county circuit", a judicial circuit composed of a single county of the first
14 classification, including the circuit for the city of St. Louis;

15 (6) "State retirement plan", the public employees' retirement plan administered by the
16 Missouri state employees' retirement system pursuant to chapter 104, RSMo.

17 2. Juvenile court employees employed in a single county circuit shall be subject to the
18 following provisions:

19 (1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:

20 (a) Be state employees on that portion of their salary received from the state pursuant to
21 section 211.381, and in addition be county employees on that portion of their salary provided by
22 the county at a rate determined pursuant to section 50.640, RSMo;

23 (b) Receive state-provided benefits, including retirement benefits from the state
24 retirement plan, on that portion of their salary paid by the state and may participate as members
25 in a county retirement plan on that portion of their salary provided by the county except any
26 juvenile officer whose service as a juvenile court officer is being credited based on all salary
27 received from any source in a county retirement plan on June 30, 1999, shall not be eligible to
28 receive state-provided benefits, including retirement benefits, or any creditable prior service as
29 described in this section but shall continue to participate in such county retirement plan;

30 (c) Receive creditable prior service in the state retirement plan for service rendered as
31 a juvenile court employee, to the extent they have not already received credit for such service in
32 a county retirement plan on salary paid to them for such service, if such service was rendered in
33 a judicial circuit that was not a single county of the first classification;

34 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
35 though they already have received credit for such creditable service in a county retirement plan
36 if they elect to forfeit their creditable service from such plan in which case such plan shall
37 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
38 forfeited creditable service, determined as if the person were going to continue to be an active
39 member of the county retirement plan, less the amount of any refunds of member contributions;

40 (e) Receive creditable prior service for service rendered as a juvenile court employee in
41 a position that was financed in whole or in part by a public or private grant prior to July 1, 1999,
42 pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of this section;

43 (2) Juvenile officers who begin employment for the first time as a juvenile officer in a
44 single county circuit on or after July 1, 1999, shall:

45 (a) Be county employees and receive salary from the county at a rate determined
46 pursuant to section 50.640, RSMo, subject to reimbursement by the state as provided in section
47 211.381; and

48 (b) Participate as members in the applicable county retirement plan subject to
49 reimbursement by the state for the retirement contribution due on that portion of salary
50 reimbursed by the state;

51 (3) All other juvenile court employees who are employed in a single county circuit on
52 or after July 1, 1999:

53 (a) Shall be county employees and receive a salary from the county at a rate determined
54 pursuant to section 50.640, RSMo; and

55 (b) Shall, in accordance with their status as county employees, receive other
56 county-provided benefits including retirement benefits from the applicable county retirement
57 plan if such employees otherwise meet the eligibility requirements for such benefits;

58 (4) (a) The state shall reimburse each county comprised of a single county circuit for an
59 amount equal to the greater of:

60 a. Twenty-five percent of such circuit's total juvenile court personnel budget, excluding
61 the salary for a juvenile officer, for calendar year 1997, and excluding all costs of retirement,
62 health and other fringe benefits; or

63 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
64 officer class I, as provided in section 211.381;

65 (b) The state may reimburse a single county circuit up to fifty percent of such circuit's
66 total calendar year 1997 juvenile court personnel budget, subject to appropriations. The state
67 may reimburse, subject to appropriations, the following percentages of such circuits' total
68 juvenile court personnel budget, expended for calendar year 1997, excluding the salary for a
69 juvenile officer, and excluding all costs of retirement, health and other fringe benefits: thirty
70 percent beginning July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until
71 June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive any
72 reimbursement from the state in an amount less than the greater of:

73 a. Twenty-five percent of the total juvenile court personnel budget of the single county
74 circuit expended for calendar year 1997, excluding fringe benefits; or

75 b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile
76 officer class I, as provided in section 211.381;

77 (5) Each single county circuit shall file a copy of its initial 1997 and each succeeding
78 year's budget with the office of administration after January first each year and prior to
79 reimbursement. The office of administration shall make payment for the reimbursement from
80 appropriations made for that purpose on or before July fifteenth of each year following the

81 calendar year in which the expenses were made. The office of administration shall submit the
82 information from the budgets relating to full-time juvenile court personnel from each county to
83 the general assembly;

84 (6) Any single county circuit may apply to the office of the state courts administrator to
85 become subject to subsection 3 of this section, and such application shall be approved subject
86 to appropriation of funds for that purpose;

87 (7) The state auditor may audit any single county circuit to verify compliance with the
88 requirements of this section, including an audit of the 1997 budget.

89 3. Juvenile court employees in multicounty circuits shall be subject to the following
90 provisions:

91 (1) Juvenile court employees including detention personnel hired in 1998 in those
92 multicounty circuits who began actual construction on detention facilities in 1996, employed in
93 a multicounty circuit on or after July 1, 1999, shall:

94 (a) Be state employees and receive all salary from the state, which shall include any
95 salary as provided in section 211.381 in addition to any salary provided by the applicable county
96 or counties during calendar year 1997 and any general salary increase approved by the state of
97 Missouri for fiscal year 1999 and fiscal year 2000;

98 (b) Participate in the state retirement plan;

99 (c) Receive creditable prior service in the state retirement plan for service rendered as
100 a juvenile court employee, to the extent they have not already received credit for such service in
101 a county retirement plan on salary paid to them for such service if such service was rendered in
102 a judicial circuit that was not a single county of the first classification, except that if they
103 forfeited such credit in such county retirement plan prior to being eligible to receive creditable
104 prior service under this paragraph, they may receive creditable service under this paragraph;

105 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even
106 though they already have received credit for such creditable service in a county retirement plan
107 if they elect within six months from the date they become participants in the state retirement plan
108 pursuant to this section to forfeit their service from such plan in which case such plan shall
109 transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
110 forfeited creditable service, determined as if the person was going to continue to be an active
111 member of the county retirement plan, less the amount of any refunds of member contributions;

112 (e) Receive creditable prior service for service rendered as a juvenile court employee in
113 a position that was financed in whole or in part by a public or private grant prior to July 1, 1999:

114 a. Pursuant to paragraph (c) of this subdivision, except that if they already received credit
115 for such creditable service in a county retirement plan, they may not receive creditable prior
116 service pursuant to paragraph (c) of this subdivision unless they elect to forfeit their service from

117 such plan, in which case such plan shall transfer to the state retirement plan an amount equal to
118 the actuarial liability for the forfeited creditable service, determined as if the person was going
119 to continue to be an active member of the county retirement plan, less the amount of any refunds
120 of member contributions;

121 b. Pursuant to subparagraph a. of this paragraph, if they terminated employment prior
122 to August 28, 2004, and apply to the board of trustees of the state retirement plan to be made and
123 employed as a special consultant and be available to give opinions regarding retirement;

124 c. Pursuant to subparagraph a. of this paragraph, if they retired prior to August 28, 2004,
125 and apply to the board of trustees of the state retirement plan to be made and employed as a
126 special consultant and be available to give opinions regarding retirement, in which case they shall
127 have their retirement benefits adjusted so they receive retirement benefits equal to the amount
128 they would have received had their retirement benefit been initially calculated to include such
129 creditable prior service;

130 d. Pursuant to subparagraph a. of this paragraph, if they purchased creditable prior
131 service pursuant to section 104.344, RSMo, or section 105.691, RSMo, based on service as a
132 juvenile court employee in a position that was financed in whole or in part by a public or private
133 grant prior to July 1, 1999, in which case they shall receive a refund based on the amount paid
134 for such purchased service;

135 (2) Juvenile court employee positions added after December 31, 1997, shall be
136 terminated and not subject to the provisions of subdivision (1) of this subsection, unless the
137 office of the state courts administrator requests and receives an appropriation specifically for
138 such positions;

139 (3) The salary of any juvenile court employee who becomes a state employee, effective
140 July 1, 1999, shall be limited to the salary provided by the state of Missouri, which shall be set
141 in accordance with guidelines established by the state pursuant to a salary survey conducted by
142 the office of the state courts administrator, but such salary shall in no event be less than the
143 amount specified in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any
144 provision to the contrary in subsection 1 of section 211.394, such employees shall not be entitled
145 to additional compensation paid by a county as a public officer or employee. Such employees
146 shall be considered employees of the judicial branch of state government for all purposes;

147 (4) All other employees of a multicounty circuit who are not juvenile court employees
148 as defined in subsection 1 of this section shall be county employees subject to the county's own
149 terms and conditions of employment.

150 4. The receipt of creditable prior service as described in paragraph (c) of subdivision (1)
151 of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this section
152 is contingent upon the office of the state courts administrator providing the state retirement plan

153 information, in a form subject to verification and acceptable to the state retirement plan,
154 indicating the dates of service and amount of monthly salary paid to each juvenile court
155 employee for such creditable prior service.

156 5. [No juvenile court employee employed by any single or multicounty circuit shall be
157 eligible to participate in the county employees' retirement system fund pursuant to sections
158 50.1000 to 50.1200, RSMo.

159 6.] Each county in every circuit in which a juvenile court employee becomes a state
160 employee shall maintain each year in the local juvenile court budget an amount, defined as
161 "maintenance of effort funding", not less than the total amount budgeted for all employees of the
162 juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court
163 employees in calendar year 1997, minus the state reimbursements as described in this section
164 received for the calendar year 1997 personnel costs for the salaries of all such juvenile court
165 employees who become state employees. The juvenile court shall provide a proposed budget to
166 the county commission each year. The budget shall contain a separate section specifying all
167 funds to be expended in the juvenile court. Such funding may be used for contractual costs for
168 detention services, guardians ad litem, transportation costs for those circuits without detention
169 facilities to transport children to and from detention and hearings, short-term residential services,
170 indebtedness for juvenile facilities, expanding existing detention facilities or services,
171 continuation of services funded by public grants or subsidy, and enhancing the court's ability to
172 provide prevention, probation, counseling and treatment services. The county commission may
173 review such budget and may appeal the proposed budget to the judicial finance commission
174 pursuant to section 50.640, RSMo.

175 [7.] 6. Any person who is employed on or after July 1, 1999, in a position covered by the
176 state retirement plan or the transportation department and highway patrol retirement system and
177 who has rendered service as a juvenile court employee in a judicial circuit that was not a single
178 county of the first classification shall be eligible to receive creditable prior service in such plan
179 or system as provided in subsections 2 and 3 of this section. For purposes of this subsection, the
180 provisions of paragraphs (c) and (d) of subdivision (1) of subsection 2 of this section and
181 paragraphs (c) and (d) of subdivision (1) of subsection 3 of this section that apply to the state
182 retirement plan shall also apply to the transportation department and highway patrol retirement
183 system.

184 [8.] 7. (1) Any juvenile officer who is employed as a state employee in a multicounty
185 circuit on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as
186 provided by this section unless such juvenile officer elects to:

187 (a) Receive retirement benefits from the state retirement plan based on all years of
188 service as a juvenile officer and a final average salary which shall include salary paid by the
189 county and the state; and

190 (b) Forfeit any county retirement benefits from any county retirement plan based on
191 service rendered as a juvenile officer.

192 (2) Upon making the election described in this subsection, the county retirement plan
193 shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the
194 forfeited creditable service determined as if the person was going to continue to be an active
195 member of the county retirement plan, less the amount of any refunds of member contributions.

196 **[9.] 8.** The elections described in this section shall be made on forms developed and
197 made available by the state retirement plan.

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