

SECOND REGULAR SESSION

HOUSE BILL NO. 1793

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORRIS.

5169H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 211.393, 478.170, 478.191, and 478.740, RSMo, and to enact in lieu thereof six new sections relating to the division of multicounty judicial circuits, with an emergency clause.

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

Section A. Sections 211.393, 478.170, 478.191, and 478.740, RSMo, are repealed and
2 six new sections enacted in lieu thereof, to be known as sections 211.393, 478.011, 478.170,
3 478.188, 478.191, and 478.740, to read as follows:

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 the county employees' retirement system as provided in sections 50.1000 to 50.1200;

5 (2) "Juvenile court employee", any person who is employed by a juvenile court in a
6 position normally requiring one thousand hours or more of service per year;

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

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

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

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

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

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.

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

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

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

27 (c) Receive creditable prior service in the state retirement plan for service rendered as
28 a juvenile court employee prior to July 1, 1999, to the extent they have not already received
29 credit for such service in a county retirement plan on salary paid to them for such service, if such
30 service was rendered in a single county circuit or a multicounty circuit; except that if the juvenile
31 officer forfeited such credit in such county retirement plan prior to being eligible to receive
32 creditable prior service under this paragraph, they may receive service under this paragraph;

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

39 (e) Receive creditable prior service for service rendered as a juvenile court employee in
40 a multicounty circuit in a position that was financed in whole or in part by a public or private
41 grant, pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of this
42 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 subject to reimbursement by the state as provided in section 211.381;
47 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; 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 the state courts administrator after January first each year and
79 prior to reimbursement. The office of the state courts administrator shall make payment for the
80 reimbursement from appropriations made for that purpose on or before July fifteenth of each year
81 following the calendar year in which the expenses were made. The office of the state courts
82 administrator shall submit the information from the budgets relating to full-time juvenile court
83 personnel from each county to 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) Not be state employees unless they receive all salary from the state, which shall
95 include any salary as provided in section 211.381 in addition to any salary provided by the
96 applicable county or counties during calendar year 1997 and any general salary increase approved
97 by the state of 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 prior to July 1, 1999, to the extent they have not already received
101 credit for such service in a county retirement plan on salary paid to them for such service if such
102 service was rendered in a single county circuit or a multicounty circuit, 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 multicounty circuit in a position that was financed in whole or in part by a public or private
114 grant to the extent they have not already received credit for such service in a county retirement
115 plan on salary paid to them for such service except that if they:

116 a. Forfeited such credit in such county retirement plan prior to being eligible to receive
117 creditable service under this paragraph, they may receive creditable service under paragraph (e)
118 of this subdivision;

119 b. Received credit for such creditable service in a county retirement plan, they may not
120 receive creditable prior service pursuant to paragraph (e) of this subdivision unless they elect to
121 forfeit their service from such plan, in which case such plan shall transfer to the state retirement
122 plan an amount equal to the actuarial liability for the forfeited creditable service, determined as

123 if the person was going to continue to be an active member of the county retirement plan, less
124 the amount of any refunds of member contributions;

125 c. Terminated employment prior to August 28, 2007, and apply to the board of trustees
126 of the state retirement plan to be made and employed as a special consultant and be available to
127 give opinions regarding retirement they may receive creditable service under paragraph (e) of
128 this subdivision;

129 d. Retired prior to August 28, 2007, and apply to the board of trustees of the state
130 retirement plan to be made and employed as a special consultant and be available to give
131 opinions regarding retirement, they shall have their retirement benefits adjusted so they receive
132 retirement benefits equal to the amount they would have received had their retirement benefit
133 been initially calculated to include such creditable prior service; or

134 e. Purchased creditable prior service pursuant to section 104.344 or section 105.691
135 based on service as a juvenile court employee in a position that was financed in whole or in part
136 by a public or private grant, they shall receive a refund based on the amount paid for such
137 purchased service;

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

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

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

153 **(5) In a single county circuit that changed from a multicounty circuit on or after**
154 **August 28, 2016, any juvenile court employee, who receives all salary from the state, shall**
155 **be a state employee, receive state-provided benefits under this subsection, including**
156 **retirement benefits from the state retirement plan, and not be subject to subsection 2 of this**
157 **section while employed in that circuit.**

158 4. The receipt of creditable prior service as described in paragraph (c) of subdivision (1)
159 of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this section
160 is contingent upon the office of the state courts administrator providing the state retirement plan
161 information, in a form subject to verification and acceptable to the state retirement plan,
162 indicating the dates of service and amount of monthly salary paid to each juvenile court
163 employee for such creditable prior service.

164 5. No juvenile court employee employed by any single or multicounty circuit shall be
165 eligible to participate in the county employees' retirement system fund pursuant to sections
166 50.1000 to 50.1200.

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

183 7. Any person who is employed on or after July 1, 1999, in a position covered by the
184 state retirement plan or the transportation department and highway patrol retirement system and
185 who has rendered service as a juvenile court employee in a judicial circuit that was not a single
186 county of the first classification shall be eligible to receive creditable prior service in such plan
187 or system as provided in subsections 2 and 3 of this section. For purposes of this subsection, the
188 provisions of paragraphs (c) and (d) of subdivision (1) of subsection 2 of this section and
189 paragraphs (c) and (d) of subdivision (1) of subsection 3 of this section that apply to the state
190 retirement plan shall also apply to the transportation department and highway patrol retirement
191 system.

192 8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit
193 on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided
194 by this section unless such juvenile officer elects to:

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

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

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

204 9. The elections described in this section shall be made on forms developed and made
205 available by the state retirement plan.

**478.011. This state is divided into forty-six judicial circuits, numbered consecutively
2 from one to forty-six.**

478.170. **1. Until December 31, 2016,** circuit number thirty-eight shall consist of the
2 counties of Christian and Taney.

3 **2. Beginning January 1, 2017, circuit number thirty-eight shall consist of the county**
4 **of Christian. There shall be two circuit judges who shall sit in divisions numbered one and**
5 **two. The circuit judge who sat as the only circuit judge in the thirty-eighth judicial circuit**
6 **on December 31, 2016, shall, beginning January 1, 2017, sit in division one and shall hold**
7 **office for the remainder of the term to which he or she was elected or appointed and until**
8 **his or her successor is elected and qualified. The circuit judge in division two shall be**
9 **elected in 2016.**

**478.188. Beginning January 1, 2017, circuit number forty-six shall consist of the
2 county of Taney.**

478.191. The repeal of sections 478.075, 478.077, 478.080, 478.085, 478.087, 478.090,
2 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115,
3 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140,
4 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165,
5 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, **478.188**, and
6 the repeal and reenactment of section 487.010 shall become effective December 31, 2020.

478.740. [1. There shall be two circuit judges in the thirty-eighth judicial circuit. These
2 judges shall sit in divisions numbered one and two.

3 2. The circuit judge in division two shall be elected in 2016, and such judicial position
4 shall not be considered vacant or filled until January 1, 2017. The judge in division one shall be
5 elected in 2018.] **The circuit judge of judicial circuit number forty-six shall be elected in**
6 **2016 for a two-year term and thereafter in 2018 for a full six-year term.**

 Section B. Because immediate action is necessary to enable the judiciary to continue
2 serving the citizens of Missouri efficiently and effectively, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section A of
5 this act shall be in full force and effect upon its passage and approval.

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