

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 394, Page 48, Section 169.715, Line 32,  
2 by inserting after all of said line the following:

3  
4 "476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person  
5 who first becomes a judge on or after January 1, 2011, and continues to be a judge may receive  
6 benefits as provided in sections [476.445] 476.450 to [476.688] 476.690 subject to the provisions of  
7 this section. However, any person who filed as a candidate in 2010 to become a judge who was  
8 ultimately elected and became a judge in 2011 shall not be subject to the provisions of this section.

9 2. Any person who is at least sixty-seven years of age, has served in this state an aggregate  
10 of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of  
11 the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of  
12 Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as  
13 provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be  
14 fulfilled by service as judge in any of the courts covered, or by service in any combination as judge  
15 of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of  
16 age and who has served less than twelve years and is otherwise qualified under sections 476.515 to  
17 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement  
18 compensation in a sum equal to the proportion of the retirement compensation provided in section  
19 476.530 that his or her period of judicial service bears to twelve years.

20 3. Any person who is at least sixty-two years of age or older, has served in this state an  
21 aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office  
22 by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the  
23 provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive  
24 benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection  
25 may be fulfilled by service as a judge in any of the courts covered, or by service in any combination  
26 as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two  
27 years of age and who has served less than twenty years and is otherwise qualified under sections  
28 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in  
29 a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or  
30 her period of judicial service bears to twenty years.

31 4. All judges under this section required by the provisions of Section 26 of Article V of the  
32 Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

33 5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges  
34 covered by this section.

35 6. A judge shall be required to contribute four percent of the judge's compensation to the  
36 retirement system, which shall stand to the judge's credit in his or her individual account with the

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1 system, together with investment credits thereon, for purposes of funding retirement benefits  
2 payable as provided in sections 476.515 to 476.565, subject to the following provisions:

3 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section  
4 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge  
5 under this section. The contributions so picked up shall be treated as employer contributions for  
6 purposes of determining the judge's compensation that is includable in the judge's gross income for  
7 federal income tax purposes;

8 (2) Judge contributions picked up by the employer shall be paid from the same source of  
9 funds used for the payment of compensation to a judge. A deduction shall be made from each  
10 judge's compensation equal to the amount of the judge's contributions picked up by the employer.  
11 This deduction, however, shall not reduce the judge's compensation for purposes of computing  
12 benefits under the retirement system pursuant to this chapter;

13 (3) Judge contributions so picked up shall be credited to a separate account within the  
14 judge's individual account so that the amounts contributed pursuant to this section may be  
15 distinguished from the amounts contributed on an after-tax basis;

16 (4) The contributions, although designated as employee contributions, are being paid by the  
17 employer in lieu of the contributions by the judge. The judge shall not have the option of choosing  
18 to receive the contributed amounts directly instead of having them paid by the employer to the  
19 retirement system;

20 (5) Interest shall be credited annually on June thirtieth based on the value in the account as  
21 of July first of the immediately preceding year at a rate of four percent. Interest credits shall cease  
22 upon retirement of the judge;

23 (6) A judge whose employment is terminated may request a refund of his or her  
24 contributions and interest credited thereon. If such judge is married at the time of such request,  
25 such request shall not be processed without consent from the spouse. A judge is not eligible to  
26 request a refund if the judge's retirement benefit is subject to a division of benefit order pursuant to  
27 section 104.312. Such refund shall be paid by the system after ninety days from the date of  
28 termination of employment or the request, whichever is later and shall include all contributions  
29 made to any retirement plan administered by the system and interest credited thereon. A judge may  
30 not request a refund after such judge becomes eligible for retirement benefits under sections  
31 476.515 to 476.565. A judge who receives a refund shall forfeit all the judge's service and future  
32 rights to receive benefits from the system and shall not be eligible to receive any long-term  
33 disability benefits; provided that any judge or former judge receiving long-term disability benefits  
34 shall not be eligible for a refund. If such judge subsequently becomes a judge and works  
35 continuously for at least one year, the service previously forfeited shall be restored if the judge  
36 returns to the system the amount previously refunded plus interest at a rate established by the board;

37 (7) The beneficiary of any judge who made contributions shall receive a refund upon the  
38 judge's death equal to the amount, if any, of such contributions less any retirement benefits received  
39 by the judge unless an annuity is payable to a survivor or beneficiary as a result of the judge's death.  
40 In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a  
41 refund upon the survivor's or beneficiary's death equal to the amount, if any, of the judge's  
42 contributions less any annuity amounts received by the judge and the survivor or beneficiary.

43 7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565  
44 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with  
45 regard to judges covered under this section may be altered, amended, increased, decreased, or  
46 repealed, but only with respect to services rendered by the judge after the effective date of such  
47 alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods  
48 of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

1           8. Any judge who is receiving retirement compensation under section 476.529 or 476.530  
2 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000  
3 plan under chapter 104, shall not receive such retirement compensation for any calendar month in  
4 which the retired judge is so employed. Any judge who is receiving retirement compensation under  
5 section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to  
6 subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation  
7 for any calendar month in which the retired judge is serving as a judge; except that upon retirement  
8 such judge's annuity shall be recalculated to include any additional service or salary accrued based  
9 on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or  
10 476.530 may continue to receive such retirement compensation while serving as a senior judge or  
11 senior commissioner and shall receive additional credit and salary for such service pursuant to  
12 section 476.682."; and  
13

14 Further amend said bill by amending the title, enacting clause, and intersectional references  
15 accordingly.