

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by
2 inserting after said section and line the following:

3
4 "211.393. 1. For purposes of this section, the following words and phrases mean:

5 (1) "County retirement plan", any public employees' defined benefit retirement plan
6 established by law that provides retirement benefits to county or city employees, but not to include
7 the county employees' retirement system as provided in sections 50.1000 to 50.1200;

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

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 single
12 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.

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 the
22 county at a rate determined pursuant to section 50.640;

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

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

36 (d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even

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though they already have received credit for such creditable service in a county retirement plan if they elect to forfeit their creditable service from such plan in which case such plan shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the forfeited creditable service, determined as if the person were going to continue to be an active member of the county retirement plan, less the amount of any refunds of member contributions;

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Each single county circuit shall file a copy of its initial 1997 and each succeeding year's budget with the office of the state courts administrator after January first each year and prior to reimbursement. The office of the state courts administrator shall make payment for the reimbursement from appropriations made for that purpose on or before July fifteenth of each year following the calendar year in which the expenses were made. The office of the state courts administrator shall submit the information from the budgets relating to full-time juvenile court personnel from each county to the general assembly;

(6) Any single county circuit may apply to the office of the state courts administrator to

1 become subject to subsection 3 of this section, and such application shall be approved subject to
2 appropriation of funds for that purpose;

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

5 3. Except for chief juvenile officers who are members of the Missouri Bar Association,
6 juvenile court employees in multicounty circuits shall be subject to the following provisions:

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

10 (a) Not be state employees unless they receive all salary from the state, which shall include
11 any salary as provided in section 211.381 in addition to any salary provided by the applicable county
12 or counties during calendar year 1997 and any general salary increase approved by the state of
13 Missouri for fiscal year 1999 and fiscal year 2000;

14 (b) Participate in the state retirement plan;

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

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

28 (e) Receive creditable prior service for service rendered as a juvenile court employee in a
29 multicounty circuit in a position that was financed in whole or in part by a public or private grant to
30 the extent they have not already received credit for such service in a county retirement plan on
31 salary paid to them for such service except that if they:

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

35 b. Received credit for such creditable service in a county retirement plan, they may not
36 receive creditable prior service pursuant to paragraph (e) of this subdivision unless they elect to
37 forfeit their service from such plan, in which case such plan shall transfer to the state retirement plan
38 an amount equal to the actuarial liability for the forfeited creditable service, determined as if the
39 person was going to continue to be an active member of the county retirement plan, less the amount
40 of any refunds of member contributions;

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

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

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

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

8 (3) The salary of any juvenile court employee who becomes a state employee, effective July
9 1, 1999, shall be limited to the salary provided by the state of Missouri, which shall be set in
10 accordance with guidelines established by the state pursuant to a salary survey conducted by the
11 office of the state courts administrator, but such salary shall in no event be less than the amount
12 specified in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any provision to
13 the contrary in subsection 1 of section 211.394, such employees shall not be entitled to additional
14 compensation paid by a county as a public officer or employee. Such employees shall be considered
15 employees of the judicial branch of state government for all purposes;

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

19 (5) In a single county circuit that changed from a multicounty circuit on or after August 28,
20 2016, any juvenile court employee, who receives all salary from the state, shall be a state employee,
21 receive state-provided benefits under this subsection, including retirement benefits from the state
22 retirement plan, and not be subject to subsection 2 of this section while employed in that circuit.

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

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

32 6. Each county in every circuit in which a juvenile court employee becomes a state
33 employee shall maintain each year in the local juvenile court budget an amount, defined as
34 "maintenance of effort funding", not less than the total amount budgeted for all employees of the
35 juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court
36 employees in calendar year 1997, minus the state reimbursements as described in this section
37 received for the calendar year 1997 personnel costs for the salaries of all such juvenile court
38 employees who become state employees. The juvenile court shall provide a proposed budget to the
39 county commission each year. The budget shall contain a separate section specifying all funds to be
40 expended in the juvenile court. Such funding may be used for contractual costs for detention
41 services, guardians ad litem, transportation costs for those circuits without detention facilities to
42 transport children to and from detention and hearings, short-term residential services, indebtedness
43 for juvenile facilities, expanding existing detention facilities or services, continuation of services
44 funded by public grants or subsidy, and enhancing the court's ability to provide prevention,
45 probation, counseling and treatment services. The county commission may review such budget and
46 may appeal the proposed budget to the judicial finance commission pursuant to section 50.640.

47 7. Any person who is employed on or after July 1, 1999, in a position covered by the state
48 retirement plan or the transportation department and highway patrol retirement system and who has
49 rendered service as a juvenile court employee in a judicial circuit that was not a single county of the

1 first classification shall be eligible to receive creditable prior service in such plan or system as
2 provided in subsections 2 and 3 of this section. For purposes of this subsection, the provisions of
3 paragraphs (c) and (d) of subdivision (1) of subsection 2 of this section and paragraphs (c) and (d) of
4 subdivision (1) of subsection 3 of this section that apply to the state retirement plan shall also apply
5 to the transportation department and highway patrol retirement system.

6 8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit on
7 or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided by
8 this section unless such juvenile officer elects to:

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

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

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

18 9. The elections described in this section shall be made on forms developed and made
19 available by the state retirement plan."; and
20

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