

FIRST REGULAR SESSION

# HOUSE BILL NO. 934

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOVIS.

0468H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 3.150, 57.952, 57.955, 57.961, 57.962, 57.967, 483.088, and 488.024, RSMo, and to enact in lieu thereof four new sections relating to funding of the sheriffs' retirement system.

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

Section A. Sections 3.150, 57.952, 57.955, 57.961, 57.962, 57.967, 483.088, and  
2 488.024, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as  
3 sections 3.150, 57.952, 57.961, and 57.967, to read as follows:

3.150. Notwithstanding the provisions of this chapter to the contrary the revisor of  
2 statutes is hereby directed to codify all sections of law or portions of sections of law imposing  
3 court costs, fees, miscellaneous charges and surcharges imposed in connection with filing and  
4 prosecution of judicial cases, both civil and criminal, into one chapter of the revised statutes  
5 of Missouri. The revisor shall recodify those sections or portions of sections of existing law  
6 which impose such court costs, including, but not limited to, sections ~~[56.310,]~~ 56.765,  
7 57.280, 57.290, ~~[57.955,]~~ 66.110, 67.133, 193.205, 193.265, 221.070, 221.120, 455.205,  
8 476.053, 478.401, 479.260, 479.261, 482.345, 483.500, 483.505, 483.530, 483.535, 483.550,  
9 483.580, 483.591, 485.100, 485.120, 487.170, 488.305, 488.605, 488.1005, 488.1010,  
10 491.280, 491.420, 494.455, 494.480, 513.623, 517.151, 561.035, 577.048, 590.140 and  
11 595.045, chapters 514 and 550, subsection 2 of sections 476.385 and 488.2205, and any other  
12 sections or portions of sections of law which impose such court costs, both existing and  
13 future, into one chapter of the revised statutes which deals with court costs, which shall be  
14 titled to reflect that all sections relating to such court costs are contained within said chapter.  
15 From time to time, the revisor of statutes shall call upon the state courts administrator for

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 assistance in determining what sections, or portions of sections, of law impose court costs for  
17 purposes of this section.

57.952. **1.** There is hereby authorized a "Sheriffs' Retirement Fund" which shall be  
2 under the management of a board of directors described in section 57.958. The board of  
3 directors shall be responsible for the administration and the investment of the funds of such  
4 sheriffs' retirement fund. ~~Neither~~ The general assembly ~~nor~~ **and** the governing body of a  
5 county ~~shall~~ **may** appropriate funds for deposit in the sheriffs' retirement fund. If  
6 insufficient funds are generated to provide the benefits payable pursuant to the provisions of  
7 sections 57.949 to 57.997, the board shall proportion the benefits according to the funds  
8 available.

9 **2. The board may accept gifts, donations, grants, and bequests from public or**  
10 **private sources to the sheriffs' retirement fund.**

11 **3. Each county shall make the payroll deductions for member contributions**  
12 **mandated under section 57.961, and the county shall transmit such moneys to the board**  
13 **for deposit into the sheriffs' retirement fund.**

57.961. **1.** On and after the effective date of the establishment of the system, as an  
2 incident to his **or her** employment or continued employment, each person employed as an  
3 elected or appointed sheriff of a county shall become a member of the system. Such  
4 membership shall continue as long as the person continues to be an employee, or receives or  
5 is eligible to receive benefits under the provisions of sections 57.949 to 57.997.

6 **2. Notwithstanding any other provision to the contrary, each person who**  
7 **becomes a member of the system on or after January 1, 2024, shall be required to**  
8 **contribute five percent of the member's pay to the retirement system. Such contribution**  
9 **shall be made notwithstanding that the minimum salary or wages provided by law for**  
10 **any member shall thereby be changed. Each member shall be deemed to consent and**  
11 **agree to the deduction made and provided for herein. Payment of a member's**  
12 **compensation less such deduction shall be a full and complete discharge and acquittance**  
13 **of all claims and demands whatsoever for services rendered by him or her to a county,**  
14 **except as to benefits provided by this system.**

15 **3. The officer or officers responsible for making up the payrolls for each county**  
16 **shall cause the contribution provided for in this section to be deducted from the**  
17 **compensation of the member in the employ of the county, on each and every payroll, for**  
18 **each and every payroll to the date his or her membership terminates. When deducted,**  
19 **each contribution shall be paid by the county to the system; the payments shall be made**  
20 **in the manner and shall be accompanied by such supporting data as the board shall**  
21 **from time to time prescribe. When paid to the system, each of the contributions shall be**  
22 **credited to the member from whose compensation the contributions were deducted.**

23 **The contributions so deducted shall be treated as employer contributions for purposes**  
24 **of determining the member's pay that is includable in the member's gross income for**  
25 **federal income tax purposes.**

26 **4. Member contributions deducted and paid into the system by the county shall**  
27 **be paid from the same source of funds used for the payment of pay to a member. A**  
28 **deduction shall be made from each member's pay equal to the amount of the member's**  
29 **contributions picked up by the employer. This deduction, however, shall not reduce the**  
30 **member's pay for purposes of computing benefits under the retirement system under**  
31 **this chapter.**

32 **5. The contributions, although designated as employee contributions, shall be**  
33 **paid by the county in lieu of the contributions by the member. The member shall not**  
34 **have the option of choosing to receive the contributed amounts directly instead of**  
35 **having them paid by the county to the retirement system.**

36 **6. A vested former member or a former member who is not vested may request a**  
37 **refund of his or her contributions and interest credited thereon. Such refund shall be**  
38 **paid by the system after ninety days from the date of termination of employment or the**  
39 **request, whichever is later, and shall include all contributions made to any retirement**  
40 **plan administered by the system and interest credited thereon. A vested former member**  
41 **shall not request a refund after such member becomes eligible for normal retirement. A**  
42 **vested former member or a former member who is not vested who receives a refund**  
43 **shall forfeit all the member's credited service. If such member subsequently becomes an**  
44 **employee and works continuously for at least one year, the credited service previously**  
45 **forfeited shall be restored if the member returns to the system the amount previously**  
46 **refunded plus interest at a rate established by the board.**

47 **7. The beneficiary of any member who made contributions shall receive a refund**  
48 **upon the member's death equal to the amount, if any, of such contributions and interest**  
49 **credited thereon less any retirement benefits received by the member unless an annuity**  
50 **is payable to a survivor or beneficiary as a result of the member's death. In that event,**  
51 **the beneficiary of the survivor or beneficiary who received the annuity shall receive a**  
52 **refund upon the survivor's or beneficiary's death equal to the amount, if any, of the**  
53 **member's contributions less any annuity amounts received by the member and the**  
54 **survivor or beneficiary.**

55 **[2-] 8. Beginning September 1, 1986, any city not within a county and any county**  
56 **having a charter form of government may elect, by a majority vote of its governing body, to**  
57 **come under the provisions of sections 57.949 to 57.997 [except for the provisions of section**  
58 **57.955]. Notice in writing of such election shall be given to the board, and the person**  
59 **employed as sheriff of such county, as an incident of his contract of employment or continued**

60 employment, shall become a member of the system on the first day of the month immediately  
61 following the date the board receives notice. Such membership shall continue as long as the  
62 person continues to be an employee, or receives or is eligible to receive benefits under the  
63 provisions of sections 57.949 to 57.997, and upon becoming a member he shall receive credit  
64 for all prior service as if he had become a member on December 22, 1983.

65 **9. Subject to the limitations under sections 57.949 to 57.997, the board shall have**  
66 **the authority to formulate and adopt rules and regulations for the administration of**  
67 **these provisions.**

57.967. 1. The normal annuity of a retired member shall equal two percent of the  
2 final average compensation of the retired member multiplied by the number of years of  
3 creditable service of the retired member, except that the normal annuity shall not exceed  
4 seventy-five percent of the retired member's average final compensation. **Such annuity shall**  
5 **be not less than one thousand dollars per month.**

6 2. The board, at its last meeting of each calendar year, shall determine the monthly  
7 amount for medical insurance premiums to be paid to each retired member during the next  
8 following calendar year. The monthly amount shall not exceed four hundred fifty dollars.  
9 The monthly payments are at the discretion of the board on the advice of the actuary. The  
10 anticipated sum of all such payments during the year plus the annual normal cost plus the  
11 annual amount to amortize the unfunded actuarial accrued liability in no more than thirty  
12 years shall not exceed the anticipated moneys credited to the system pursuant to section  
13 ~~[57.955]~~ **57.952**. The money amount granted here shall not be continued to any survivor.

14 3. If a member with eight or more years of service dies before becoming eligible for  
15 retirement, the member's surviving spouse, if he or she has been married to the member for at  
16 least two years prior to the member's death, shall be entitled to survivor benefits under option  
17 1 as set forth in section 57.979 as if the member had retired on the date of the member's death.  
18 The member's monthly benefit shall be calculated as the member's accrued benefit at his or  
19 her death reduced by one-fourth of one percent per month for an early commencement from  
20 the member's normal retirement date: age fifty-five with twelve or more years of creditable  
21 service or age sixty-two with eight years of creditable service, to the member's date of death.  
22 Such benefit shall be payable on the first day of the month following the member's death and  
23 shall be payable during the surviving spouse's lifetime.

2 ~~[57.955. 1. There shall be assessed and collected a surcharge of three~~  
3 ~~dollars in all civil actions filed in the courts of this state and in all criminal~~  
4 ~~cases including violation of any county ordinance or any violation of criminal~~  
5 ~~or traffic laws of this state, including infractions, but no such surcharge shall~~  
6 ~~be assessed when the costs are waived or are to be paid by the state, county or~~  
7 ~~municipality or when a criminal proceeding or the defendant has been~~  
~~dismissed by the court. For purposes of this section, the term "county~~

8 ordinance" shall not include any ordinance of the city of St. Louis. The clerk  
9 responsible for collecting court costs in civil and criminal cases, shall collect  
10 and disburse such amounts as provided by sections 488.010 to 488.020. Such  
11 funds shall be payable to the sheriffs' retirement fund. Moneys credited to the  
12 sheriffs' retirement fund shall be used only for the purposes provided for in  
13 sections 57.949 to 57.997 and for no other purpose.

14 2. ~~The board may accept gifts, donations, grants and bequests from~~  
15 ~~public or private sources to the sheriffs' retirement fund.]~~

2 ~~[57.962. Other provisions of law to the contrary notwithstanding, any~~  
3 ~~county or city not within a county who has elected or elects in the future to~~  
4 ~~come under the provisions of sections 57.949 to 57.997 shall, after August 28,~~  
5 ~~2002, or on the date that such election is approved by the board of directors of~~  
6 ~~the retirement system, whichever later occurs, be subject to the provisions of~~  
~~section 57.955.]~~

2 ~~[483.088. Each circuit clerk shall prepare a summary of all amounts~~  
3 ~~collected pursuant to section 57.955 during the preceding calendar year and~~  
4 ~~shall annually, by July first of the succeeding year, send a copy of such~~  
5 ~~summary to the state auditor.]~~

2 ~~[488.024. As provided by section 57.955, there shall be assessed and~~  
3 ~~collected a surcharge of three dollars in all civil actions filed in the courts of~~  
4 ~~this state and in all criminal cases including violation of any county ordinance~~  
5 ~~or any violation of criminal or traffic laws of this state, including infractions,~~  
6 ~~but no such surcharge shall be assessed when the costs are waived or are to be~~  
7 ~~paid by the state, county or municipality or when a criminal proceeding or the~~  
8 ~~defendant has been dismissed by the court. For purposes of this section, the~~  
9 ~~term "county ordinance" shall not include any ordinance of the City of St.~~  
10 ~~Louis. The clerk responsible for collecting court costs in civil and criminal~~  
11 ~~cases shall collect and disburse such amounts as provided by sections 488.010~~  
~~to 488.020. Such funds shall be payable to the sheriffs' retirement fund.]~~

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