

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1526
103RD GENERAL ASSEMBLY

3100H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 211.393, RSMo, and to enact in lieu thereof one new section relating to retirement credited service.

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

Section A. Section 211.393, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.393, to read as follows:

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

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

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

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

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

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

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

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

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

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.

17 (a) Be state employees on that portion of their salary received from the state pursuant
18 to section 211.381, and in addition be county employees on that portion of their salary
19 provided by 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
22 members in a county retirement plan on that portion of their salary provided by the county
23 except any juvenile officer whose service as a juvenile court officer is being credited based on
24 all salary received from any source in a county retirement plan on June 30, 1999, shall not be
25 eligible to receive state-provided benefits, including retirement benefits, or any creditable
26 prior service as described in this section but shall continue to participate in such county
27 retirement plan;

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

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

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

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

48 (a) Be county employees and receive salary from the county at a rate determined
49 pursuant to section 50.640 subject to reimbursement by the state as provided in section
50 211.381; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101 (b) Participate in the state retirement plan;

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

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

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

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

124 b. Received credit for such creditable service in a county retirement plan, they may
125 not receive creditable prior service pursuant to paragraph (e) of this subdivision unless they
126 elect to forfeit their service from such plan, in which case such plan shall transfer to the state

127 retirement plan an amount equal to the actuarial liability for the forfeited creditable service,
128 determined as if the person was going to continue to be an active member of the county
129 retirement plan, less the amount of any refunds of member contributions;

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

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

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

143 **(f) Receive creditable service for service rendered as a juvenile court employee in**
144 **a multicounty circuit on or after July 1, 1999, in a position for which the salary was paid**
145 **in whole or in part by two or more counties to the extent the juvenile court employee or**
146 **former employee has not received credit for such service in any retirement system or**
147 **plan as defined under section 105.691, if the employee or former employee was**
148 **continuously employed in such position on and after July 1, 1999, and:**

149 a. The employee or former employee submits to the state retirement plan written
150 notification of the election to receive credit in the state retirement plan for such
151 individual's service in which the individual performed duties for the multicounty
152 district during not less than one thousand forty hours per year;

153 b. The state retirement plan receives payment of an amount equal to what would
154 have been contributed by the employer on such individual's behalf had the individual
155 been a member of the state retirement plan for the period for which the service credit is
156 elected to be received, calculated based on payroll records reflecting the employee's or
157 former employee's compensation for such period, including all salary and wages paid
158 during such employment for personal services performed for the multicounty circuit
159 and excluding any nonrecurring single sum payments;

160 c. No individual shall receive credit for such service until the state retirement
161 plan receives such payment in full;

162 d. When the election to receive such creditable service becomes effective, such
163 employee or former employee shall thereby forfeit and not be eligible to purchase

164 **creditable service or receive credit or service under another retirement system or plan**
165 **as defined under section 105.691 for the same time period of service being received**
166 **under the provisions of this paragraph;**

167 **e. When the election to receive such creditable service becomes effective, such**
168 **employee's or former employee's prospective benefit eligibility shall be determined as if**
169 **such individual had become a member of the state retirement plan on the first day of the**
170 **period for which the service credit was received;**

171 **f. Any employee who has received creditable service under this paragraph and**
172 **whose qualifying employment continues after the end date of such creditable service**
173 **received may elect to request additional service credit prior to retirement if such**
174 **additional service would otherwise be available to be received under this paragraph;**

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

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

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

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

196 4. The receipt of creditable prior service as described in paragraph (c) of subdivision
197 (1) of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this
198 section is contingent upon the office of the state courts administrator providing the state
199 retirement plan information, in a form subject to verification and acceptable to the state

200 retirement plan, indicating the dates of service and amount of monthly salary paid to each
201 juvenile court employee for such creditable prior service.

202 5. No juvenile court employee employed by any single or multicounty circuit shall be
203 eligible to participate in the county employees' retirement system fund pursuant to sections
204 50.1000 to 50.1200.

205 6. Each county in every circuit in which a juvenile court employee becomes a state
206 employee shall maintain each year in the local juvenile court budget an amount, defined as
207 "maintenance of effort funding", not less than the total amount budgeted for all employees of
208 the juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile
209 court employees in calendar year 1997, minus the state reimbursements as described in this
210 section received for the calendar year 1997 personnel costs for the salaries of all such juvenile
211 court employees who become state employees. The juvenile court shall provide a proposed
212 budget to the county commission each year. The budget shall contain a separate section
213 specifying all funds to be expended in the juvenile court. Such funding may be used for
214 contractual costs for detention services, guardians ad litem, transportation costs for those
215 circuits without detention facilities to transport children to and from detention and hearings,
216 short-term residential services, indebtedness for juvenile facilities, expanding existing
217 detention facilities or services, continuation of services funded by public grants or subsidy,
218 and enhancing the court's ability to provide prevention, probation, counseling and treatment
219 services. The county commission may review such budget and may appeal the proposed
220 budget to the judicial finance commission pursuant to section 50.640.

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

230 8. (1) Any juvenile officer who is employed as a state employee in a multicounty
231 circuit on or after July 1, 1999, shall not be eligible to participate in the state retirement plan
232 as provided by this section unless such juvenile officer elects to:

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

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

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

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

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