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Refn to Fiscal Review



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS SCS HB 799 _____ entitled:

AN ACT

To repeal sections 67.320, 476.083, 478.170, 478.191, 478.430, 478.433, 478.463, 478.740, 488.2206, and 600.042, RSMo, and to enact in lieu thereof fourteen new sections relating to judicial circuits.

With SA 1, SA 2, SA 3

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse

Adriane D. Crouse
Secretary of the Senate

MAY 67 2015

MAY 07 2015

Rec'd 5/6/15

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SENATE AMENDMENT NO. 1

Offered by Dixon of Greene

Amend SS/SCS/House Bill No. 799, Page 9, Section 488.2244, Line 25,

2 of said page, by inserting after all of said line the following:

3 "5. The provisions of this section shall expire on August
4 28, 2025."; and

5 Further amend said bill, Page 11, Section 488.2257, Line 7
6 of said page, by inserting after all of said line the following:

7 "3. The provisions of this section shall expire on August
8 28, 2025."

Offered 5/6/15
Adopted "

SENATE AMENDMENT NO. 2Offered by Wasson of 20Amend SS/SCS/House Bill No. 799, Page 3, Section 67.320, Line 6

2 of said page, by inserting after all of said line the following:

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

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

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

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

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

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

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

Offered 5/6/15
Adopted "

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

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

5 (a) Be state employees on that portion of their salary
6 received from the state pursuant to section 211.381, and in
7 addition be county employees on that portion of their salary
8 provided by the county at a rate determined pursuant to section
9 50.640;

10 (b) Receive state-provided benefits, including retirement
11 benefits from the state retirement plan, on that portion of their
12 salary paid by the state and may participate as members in a
13 county retirement plan on that portion of their salary provided
14 by the county except any juvenile officer whose service as a
15 juvenile court officer is being credited based on all salary
16 received from any source in a county retirement plan on June 30,
17 1999, shall not be eligible to receive state-provided benefits,
18 including retirement benefits, or any creditable prior service as
19 described in this section but shall continue to participate in
20 such county retirement plan;

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

1 service under this paragraph;

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

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

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

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

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

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

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

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

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

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

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

15 (b) The state may reimburse a single county circuit up to
16 fifty percent of such circuit's total calendar year 1997 juvenile
17 court personnel budget, subject to appropriations. The state may
18 reimburse, subject to appropriations, the following percentages
19 of such circuits' total juvenile court personnel budget, expended
20 for calendar year 1997, excluding the salary for a juvenile
21 officer, and excluding all costs of retirement, health and other
22 fringe benefits: thirty percent beginning July 1, 2000, until
23 June 30, 2001; forty percent beginning July 1, 2001, until June
24 30, 2002; fifty percent beginning July 1, 2002; however, no
25 county shall receive any reimbursement from the state in an
26 amount less than the greater of:

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

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

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

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

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

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

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

28 (a) Not be state employees unless they receive all salary
29 from the state, which shall include any salary as provided in

1 section 211.381 in addition to any salary provided by the
2 applicable county or counties during calendar year 1997 and any
3 general salary increase approved by the state of Missouri for
4 fiscal year 1999 and fiscal year 2000;

5 (b) Participate in the state retirement plan;

6 (c) Receive creditable prior service in the state
7 retirement plan for service rendered as a juvenile court employee
8 prior to July 1, 1999, to the extent they have not already
9 received credit for such service in a county retirement plan on
10 salary paid to them for such service if such service was rendered
11 in a single county circuit or a multicounty circuit, except that
12 if they forfeited such credit in such county retirement plan
13 prior to being eligible to receive creditable prior service under
14 this paragraph, they may receive creditable service under this
15 paragraph;

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

27 (e) Receive creditable prior service for service rendered
28 as a juvenile court employee in a multicounty circuit in a
29 position that was financed in whole or in part by a public or

1 private grant to the extent they have not already received credit
2 for such service in a county retirement plan on salary paid to
3 them for such service except that if they:

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

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

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

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

29 e. Purchased creditable prior service pursuant to section

1 104.344 or section 105.691 based on service as a juvenile court
2 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
4 amount paid for such purchased service;

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

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

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

27 (5) Any juvenile court employee in a single county circuit
28 that changed from a multicounty circuit on or after August 28,
29 2015, shall be a state employee, receive state-provided benefits,

1 including retirement benefits from the state retirement plan, and
2 not be subject to subsection 2 of this section.

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

12 5. No juvenile court employee employed by any single or
13 multicounty circuit shall be eligible to participate in the
14 county employees' retirement system fund pursuant to sections
15 50.1000 to 50.1200.

16 6. Each county in every circuit in which a juvenile court
17 employee becomes a state employee shall maintain each year in the
18 local juvenile court budget an amount, defined as "maintenance of
19 effort funding", not less than the total amount budgeted for all
20 employees of the juvenile court including any juvenile officer,
21 deputy juvenile officer, or other juvenile court employees in
22 calendar year 1997, minus the state reimbursements as described
23 in this section received for the calendar year 1997 personnel
24 costs for the salaries of all such juvenile court employees who
25 become state employees. The juvenile court shall provide a
26 proposed budget to the county commission each year. The budget
27 shall contain a separate section specifying all funds to be
28 expended in the juvenile court. Such funding may be used for
29 contractual costs for detention services, guardians ad litem,

1 transportation costs for those circuits without detention
2 facilities to transport children to and from detention and
3 hearings, short-term residential services, indebtedness for
4 juvenile facilities, expanding existing detention facilities or
5 services, continuation of services funded by public grants or
6 subsidy, and enhancing the court's ability to provide prevention,
7 probation, counseling and treatment services. The county
8 commission may review such budget and may appeal the proposed
9 budget to the judicial finance commission pursuant to section
10 50.640.

11 7. Any person who is employed on or after July 1, 1999, in
12 a position covered by the state retirement plan or the
13 transportation department and highway patrol retirement system
14 and who has rendered service as a juvenile court employee in a
15 judicial circuit that was not a single county of the first
16 classification shall be eligible to receive creditable prior
17 service in such plan or system as provided in subsections 2 and 3
18 of this section. For purposes of this subsection, the provisions
19 of paragraphs (c) and (d) of subdivision (1) of subsection 2 of
20 this section and paragraphs (c) and (d) of subdivision (1) of
21 subsection 3 of this section that apply to the state retirement
22 plan shall also apply to the transportation department and
23 highway patrol retirement system.

24 8. (1) Any juvenile officer who is employed as a state
25 employee in a multicounty circuit on or after July 1, 1999, shall
26 not be eligible to participate in the state retirement plan as
27 provided by this section unless such juvenile officer elects to:

28 (a) Receive retirement benefits from the state retirement
29 plan based on all years of service as a juvenile officer and a

1 final average salary which shall include salary paid by the
2 county and the state; and

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

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

11 9. The elections described in this section shall be made on
12 forms developed and made available by the state retirement
13 plan."; and

14 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 3

Offered by WALLINGFORD of DISTRICT 27

Amend SS/SCS/House Bill No. 799, Page 11, Section 488.2257, Line 7,

2 by inserting after all of said line the following:

3 "488.2265. 1. In addition to all other court costs
4 prescribed by law, a surcharge of up to ten dollars shall be
5 assessed as costs in each court proceeding filed in any court in
6 the state located in any county of the first classification with
7 more than seventy thousand but fewer than eighty-three thousand
8 inhabitants and with a city of the fourth classification with
9 more than thirteen thousand five hundred but fewer than sixteen
10 thousand inhabitants as the county seat in all civil and criminal
11 cases including violations of any county or municipal ordinance
12 or infractions, except that no such surcharge shall be collected
13 for any violation of a traffic law or ordinance or in any
14 proceeding when the proceeding or defendant has been dismissed by
15 the court or when costs are to be paid by the state, county, or
16 municipality. For violations of the criminal laws of the state
17 or county ordinances, including infractions, no such surcharge
18 shall be collected unless it is authorized by order, ordinance,
19 or resolution by the county government where the violation
20 occurred. For violations of municipal ordinances, no such
21 surcharge shall be collected unless it is authorized by order,
22 ordinance, or resolution by the municipal government where the

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Adopted "

1 violation occurred. Such surcharges shall be collected and
2 disbursed by the clerk of each respective court responsible for
3 collecting court costs in the manner provided by sections 488.010
4 to 488.020, and shall be payable to the treasurer of the
5 political subdivision authorizing such surcharge.

6 2. Each county or municipality shall use all funds received
7 pursuant to this section only to pay for the costs associated
8 with the land assemblage and purchase, planning, and construction
9 of a new facility, maintenance, and operation of any county or
10 municipal judicial facility or justice center including, but not
11 limited to, architectural, engineering, and other plans and
12 studies, utilities, maintenance, and building security of any
13 judicial facility. The county or municipality shall establish
14 and maintain a separate account known as the "justice center
15 fund" limited to the uses authorized by this section. The county
16 or municipality shall maintain records identifying all surcharges
17 and expenditures made from the justice center fund."; and

18 Further amend the title and enacting clause accordingly.