

SECOND REGULAR SESSION

HOUSE BILL NO. 1109

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FLOOK (Sponsor).

Pre-filed December 13, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3228L.01I

AN ACT

To repeal section 211.393, and to enact in lieu thereof one new section relating to juvenile officer retirement.

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Section A. Section 211.393, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.393, to read as follows: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, RSMo;
- (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 but not including any service in such a position that was financed in whole or in part by a public or private grant on or after July 1, 1999;
- (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;

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.

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

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

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

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

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

43 (e) Receive creditable prior service for service rendered as a juvenile court employee in
44 a position that was financed in whole or in part by a public or private grant prior to July 1, 1999,
45 pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of 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, RSMo, 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 determined
57 pursuant to section 50.640, RSMo; and

58 (b) Shall, in accordance with their status as county employees, receive other
59 county-provided benefits including retirement benefits from the applicable county retirement
60 plan if 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 an
62 amount equal to the greater of:

63 a. Twenty-five percent of such circuit's total juvenile court personnel budget, excluding
64 the salary for a juvenile officer, for calendar year 1997, and excluding all costs of retirement,
65 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, until
74 June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive any
75 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 county
77 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 administration after January first each year and prior to
82 reimbursement. The office of administration shall make payment for the reimbursement from
83 appropriations made for that purpose on or before July fifteenth of each year following the
84 calendar year in which the expenses were made. The office of administration shall submit the
85 information from the budgets relating to full-time juvenile court personnel from each county to
86 the general assembly;

87 (6) Any single county circuit may apply to the office of the state courts administrator to
88 become subject to subsection 3 of this section, and such application shall be approved subject
89 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 in
96 a multicounty circuit on or after July 1, 1999, shall:

97 (a) Be state employees and receive all salary from the state, which shall include any
98 salary as provided in section 211.381 in addition to any salary provided by the applicable county
99 or counties during calendar year 1997 and any general salary increase approved by the state of
100 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, to the extent they have not already received credit for such service in
104 a county retirement plan on salary paid to them for such service if such service was rendered in
105 a judicial circuit that was not a single county of the first classification, except that if they
106 forfeited such credit in such county retirement plan prior to being eligible to receive creditable
107 prior service under this paragraph, they may receive creditable service under this paragraph;

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

115 (e) Receive creditable prior service for service rendered as a juvenile court employee in
116 a position that was financed in whole or in part by a public or private grant prior to July 1, 1999:

117 a. Pursuant to paragraph (c) of this subdivision, except that if they already received credit
118 for such creditable service in a county retirement plan, they may not receive creditable prior
119 service pursuant to paragraph (c) of this subdivision unless they elect to forfeit their service from
120 such plan, in which case such plan shall transfer to the state retirement plan an amount equal to
121 the actuarial liability for the forfeited creditable service, determined as if the person was going

122 to continue to be an active member of the county retirement plan, less the amount of any refunds
123 of member contributions;

124 b. Pursuant to subparagraph a. of this paragraph, if they terminated employment prior
125 to August 28, 2004, and apply to the board of trustees of the state retirement plan to be made and
126 employed as a special consultant and be available to give opinions regarding retirement;

127 c. Pursuant to subparagraph a. of this paragraph, if they retired prior to August 28, 2004,
128 and apply to the board of trustees of the state retirement plan to be made and employed as a
129 special consultant and be available to give opinions regarding retirement, in which case they shall
130 have their retirement benefits adjusted so they receive retirement benefits equal to the amount
131 they would have received had their retirement benefit been initially calculated to include such
132 creditable prior service;

133 d. Pursuant to subparagraph a. of this paragraph, if they purchased creditable prior
134 service pursuant to section 104.344, RSMo, or section 105.691, RSMo, based on service as a
135 juvenile court employee in a position that was financed in whole or in part by a public or private
136 grant prior to July 1, 1999, in which case they shall receive a refund based on the amount paid
137 for such purchased service;

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

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

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

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

157 indicating the dates of service and amount of monthly salary paid to each juvenile court
158 employee for such creditable prior service.

159 5. No juvenile court employee employed by any single or multicounty circuit shall be
160 eligible to participate in the county employees' retirement system fund pursuant to sections
161 50.1000 to 50.1200, RSMo.

162 6. Each county in every circuit in which a juvenile court employee becomes a state
163 employee shall maintain each year in the local juvenile court budget an amount, defined as
164 "maintenance of effort funding", not less than the total amount budgeted for all employees of the
165 juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court
166 employees in calendar year 1997, minus the state reimbursements as described in this section
167 received for the calendar year 1997 personnel costs for the salaries of all such juvenile court
168 employees who become state employees. The juvenile court shall provide a proposed budget to
169 the county commission each year. The budget shall contain a separate section specifying all
170 funds to be expended in the juvenile court. Such funding may be used for contractual costs for
171 detention services, guardians ad litem, transportation costs for those circuits without detention
172 facilities to transport children to and from detention and hearings, short-term residential services,
173 indebtedness for juvenile facilities, expanding existing detention facilities or services,
174 continuation of services funded by public grants or subsidy, and enhancing the court's ability to
175 provide prevention, probation, counseling and treatment services. The county commission may
176 review such budget and may appeal the proposed budget to the judicial finance commission
177 pursuant to section 50.640, RSMo.

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

187 8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit
188 on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided
189 by this section unless such juvenile officer elects to:

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

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

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

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

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