

FIRST REGULAR SESSION

SENATE BILL NO. 542

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Read 1st time February 19, 2003, and 1,000 copies ordered printed.

1684S.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 287.615, 287.845, 476.320, and 476.675, RSMo, and to enact in lieu thereof five new sections relating to administrative law judges.

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

Section A. Sections 287.615, 287.845, 476.320, and 476.675, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 287.615, 287.813, 287.845, 476.320, and 476.675, to read as follows:

287.615. 1. The division may appoint or employ such persons as may be necessary to the proper administration of this chapter. All salaries to clerical employees shall be fixed by the division and approved by the labor and industrial relations commission. The annual salary of each legal advisor, administrative law judge, administrative law judge in charge, and chief legal advisor shall be as follows:

(1) For each legal advisor, compensation at [eighty percent of] the rate at which an associate division circuit judge is compensated;

(2) [For each chief legal advisor, compensation at the same rate as a legal advisor plus two thousand dollars;

(3)] For each administrative law judge, compensation [at ninety percent of] the rate at which [an associate division] circuit judge is compensated[;

(4) For each administrative law judge in charge, compensation at the same rate as an administrative law judge plus five thousand dollars].

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2. The salary of the director of the division of workers' compensation shall be set by the director of the department of labor and industrial relations, but shall not be less than the salary [plus two thousand dollars] of an administrative law judge [in charge]. The appointees in each classification shall be selected as nearly as practicable in equal numbers from each of the two political parties casting the highest and the next highest number of votes for governor in the last preceding state election.

287.813. Any administrative law judge appointed pursuant to section 287.610 and who is employed on or after January 1, 2004, and who has not previously been covered by the administrative law judge's and legal advisor's retirement system pursuant to sections 287.812 to 287.856, shall not be eligible to participate in that system. Such administrative law judge or legal advisor shall participate in the judicial retirement system pursuant to chapter 476, RSMo.

287.845. 1. The board shall administer the provisions of sections 287.812 to 287.855 and shall have the same powers, duties, and obligations in regard to the funds and the system provided for in such sections as it has in regard to the Missouri state employees' retirement system. The system shall calculate the annuity for an administrative law judge or legal advisor, as defined in section 287.812 based on the law in effect at the time the administrative law judge's or legal [advisory's] **advisor's** employment was terminated.

2. The commissioner of administration, the state treasurer, and the secretary of the Missouri state employees' retirement system shall perform the same duties in regard to the retirement system established pursuant to the provisions of sections 287.812 to 287.855 that are prescribed for such officers in sections 104.436 and 104.438, RSMo, in regard to the Missouri state employees' retirement system. Funds so certified and transferred for the retirement system established pursuant to the provisions of sections 287.812 to 287.855 shall be deposited in a separate account of the Missouri state employees' retirement fund and shall be disbursed only for the purposes of sections 287.812 to 287.855.

3. Effective January 1, 2004, the liabilities and assets of the administrative law judge's and legal advisor's retirement system attributable to those persons appointed pursuant to section 287.610 and making election pursuant to section 287.613 shall be transferred and combined with the judicial retirement system. The contribution rate certified by the board pursuant to section 476.580, RSMo, for the judicial retirement system after January 1, 2004, shall include amounts necessary to cover the costs of the administrative law judge's transferring pursuant to this section to the judicial retirement system. No alteration, amendment, or repeal of the administrative law judge's retirement system shall affect any vested rights of beneficiaries or potential beneficiaries.

476.320. There is hereby established "The Judicial Conference of the State of

Missouri". The conference shall consist of the judges and commissioners of the supreme court and of the court of appeals, the circuit judges, associate circuit judges, family court commissioners, the commissioners of the juvenile division of the circuit courts, **administrative law judges of the division of workers' compensation**, and all judges and commissioners who have retired under any of the provisions of sections 476.450 to 476.595 heretofore or hereafter in effect. The chief justice of the supreme court, or in his absence the vice president elected by the executive council, shall be the presiding officer.

476.675. Any person who is a commissioner of the juvenile division of the circuit court, appointed pursuant to section 211.023, RSMo, on October 1, 1989, may elect to transfer membership service earned under the provisions of the Missouri state employees' retirement system as a commissioner of the juvenile division of the circuit court to creditable service as a judge as defined in section 476.515, if such person makes written application to the board of trustees of the Missouri state employees' retirement system and to the state courts administrator to transfer such service prior to December 31, 1989, provided application is made prior to the person receiving retirement benefits for such service. **An administrative law judge appointed pursuant to subsection 1 of section 287.610, RSMo, may elect to transfer membership service earned pursuant to the provisions of the administrative law judges and legal advisor's retirement plan as an administrative law judge of the division of workers' compensation, to creditable service as a judge as defined in section 476.515, if such person makes written application to the board of trustees of the Missouri state employees' retirement system and to the state courts administrator to transfer such service prior to the person receiving retirement benefits for such service. The retirement, age, and service requirements pursuant to section 287.815, RSMo, shall continue to apply as shall the provisions pursuant to this chapter.** In no event shall a person receive credit for the same period of service under more than one retirement system or plan.

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