

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 585
98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, January 14, 2016, with recommendation that the Senate Committee Substitute do pass.

4895S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 211.393, 478.170, and 478.191, RSMo, and to enact in lieu thereof six new sections relating to the division of multicounty judicial circuits, with an emergency clause.

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

Section A. Sections 211.393, 478.170, and 478.191, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 211.393,
3 478.011, 478.170, 478.188, 478.191, and 478.577, to read as follows:

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

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

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

10 (3) "Juvenile officer", any juvenile officer appointed pursuant to section
11 211.351;

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

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

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

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

21 (1) The juvenile officer employed in such circuits on and prior to July 1,
22 1999, shall:

23 (a) Be state employees on that portion of their salary received from the
24 state pursuant to section 211.381, and in addition be county employees on that
25 portion of their salary provided by the county at a rate determined pursuant to
26 section 50.640;

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

36 (c) Receive creditable prior service in the state retirement plan for service
37 rendered as a juvenile court employee prior to July 1, 1999, to the extent they
38 have not already received credit for such service in a county retirement plan on
39 salary paid to them for such service, if such service was rendered in a single
40 county circuit or a multicounty circuit; except that if the juvenile officer forfeited
41 such credit in such county retirement plan prior to being eligible to receive
42 creditable prior service under this paragraph, they may receive service under this
43 paragraph;

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

52 (e) Receive creditable prior service for service rendered as a juvenile court
53 employee in a multicounty circuit in a position that was financed in whole or in
54 part by a public or private grant, pursuant to the provisions of paragraph (e) of

55 subdivision (1) of subsection 3 of this section;

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

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

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

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

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

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

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

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

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

79 (b) The state may reimburse a single county circuit up to fifty percent of
80 such circuit's total calendar year 1997 juvenile court personnel budget, subject to
81 appropriations. The state may reimburse, subject to appropriations, the following
82 percentages of such circuits' total juvenile court personnel budget, expended for
83 calendar year 1997, excluding the salary for a juvenile officer, and excluding all
84 costs of retirement, health and other fringe benefits: thirty percent beginning
85 July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until June
86 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive
87 any reimbursement from the state in an amount less than the greater of:

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

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

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

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

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

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

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

112 (a) Not be state employees unless they receive all salary from the state,
113 which shall include any salary as provided in section 211.381 in addition to any
114 salary provided by the applicable county or counties during calendar year 1997
115 and any general salary increase approved by the state of Missouri for fiscal year
116 1999 and fiscal year 2000;

117 (b) Participate in the state retirement plan;

118 (c) Receive creditable prior service in the state retirement plan for service
119 rendered as a juvenile court employee prior to July 1, 1999, to the extent they
120 have not already received credit for such service in a county retirement plan on
121 salary paid to them for such service if such service was rendered in a single
122 county circuit or a multicounty circuit, except that if they forfeited such credit in
123 such county retirement plan prior to being eligible to receive creditable prior
124 service under this paragraph, they may receive creditable service under this
125 paragraph;

126 (d) Receive creditable prior service pursuant to paragraph (c) of this

127 subdivision even though they already have received credit for such creditable
128 service in a county retirement plan if they elect within six months from the date
129 they become participants in the state retirement plan pursuant to this section to
130 forfeit their service from such plan in which case such plan shall transfer to the
131 state retirement plan an amount equal to the actuarial accrued liability for the
132 forfeited creditable service, determined as if the person was going to continue to
133 be an active member of the county retirement plan, less the amount of any
134 refunds of member contributions;

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

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

143 b. Received credit for such creditable service in a county retirement plan,
144 they may not receive creditable prior service pursuant to paragraph (e) of this
145 subdivision unless they elect to forfeit their service from such plan, in which case
146 such plan shall transfer to the state retirement plan an amount equal to the
147 actuarial liability for the forfeited creditable service, determined as if the person
148 was going to continue to be an active member of the county retirement plan, less
149 the amount of any refunds of member contributions;

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

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

160 e. Purchased creditable prior service pursuant to section 104.344 or
161 section 105.691 based on service as a juvenile court employee in a position that
162 was financed in whole or in part by a public or private grant, they shall receive

163 a refund based on the amount paid for such purchased service;

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

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

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

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

187 4. The receipt of creditable prior service as described in paragraph (c) of
188 subdivision (1) of subsection 2 of this section and paragraph (c) of subdivision (1)
189 of subsection 3 of this section is contingent upon the office of the state courts
190 administrator providing the state retirement plan information, in a form subject
191 to verification and acceptable to the state retirement plan, indicating the dates
192 of service and amount of monthly salary paid to each juvenile court employee for
193 such creditable prior service.

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

197 6. Each county in every circuit in which a juvenile court employee
198 becomes a state employee shall maintain each year in the local juvenile court

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

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

226 8. (1) Any juvenile officer who is employed as a state employee in a
227 multicounty circuit on or after July 1, 1999, shall not be eligible to participate in
228 the state retirement plan as provided by this section unless such juvenile officer
229 elects to:

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

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

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

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

**478.011. This state is divided into forty-six judicial circuits,
2 numbered consecutively from one to forty-six.**

478.170. **1. Until December 31, 2016,** circuit number thirty-eight shall
2 consist of the counties of Christian and Taney.

3 **2. Beginning January 1, 2017, circuit number thirty-eight shall**
4 **consist of the county of Christian.**

478.188. Beginning January 1, 2017, circuit number forty-six shall
2 **consist of the county of Taney.**

478.191. The repeal of sections 478.075, 478.077, 478.080, 478.085,
2 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107,
3 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130,
4 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153,
5 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175,
6 478.177, 478.180, 478.183, 478.185, 478.186, **478.188**, and the repeal and
7 reenactment of section 487.010 shall become effective December 31, 2020.

478.577. Beginning January 1, 2017, there shall be one circuit
2 **judge in the forty-sixth judicial circuit who shall be elected in 2016 for**
3 **a two-year term and thereafter in 2018 for a full six-year term.**

Section B. Because immediate action is necessary to enable the judiciary
2 to continue serving the citizens of Missouri efficiently and effectively, section A
3 of this act is deemed necessary for the immediate preservation of the public
4 health, welfare, peace and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and section A of this act shall be in full
6 force and effect upon its passage and approval.

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