

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SCS/HCS/House Bill No. 831, Page 31, Section 169.715, Line 35,

by inserting after all of said line the following:

"476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits as provided in sections [476.445 to 476.688] 476.450 to 476.690 subject to the provisions of this section. However, any person who filed as a candidate in 2010 to become a judge, was ultimately elected in 2010 and became a judge in 2011 as a result of such election, was eligible in 2010 to receive a future annuity under section 104.1084, and is a judge on the effective date of this section, shall not be subject to the provisions of this section.

2. Any person who is at least sixty-seven years of age, has served in this state an aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be fulfilled by service as judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an

1 aggregate of twelve years. Any judge who is at least sixty-seven  
2 years of age and who has served less than twelve years and is  
3 otherwise qualified under sections 476.515 to 476.565 may retire  
4 after reaching age sixty-seven, or thereafter, at a reduced  
5 retirement compensation in a sum equal to the proportion of the  
6 retirement compensation provided in section 476.530 that his or  
7 her period of judicial service bears to twelve years.

8 3. Any person who is at least sixty-two years of age or  
9 older, has served in this state an aggregate of at least twenty  
10 years, continuously or otherwise, as a judge, and ceases to hold  
11 office by reason of the expiration of the judge's term, voluntary  
12 resignation, or retirement pursuant to the provisions of  
13 Subsection 2 of Section 24 of Article V of the Constitution of  
14 Missouri may receive benefits as provided in sections 476.515 to  
15 476.565. The twenty-year requirement of this subsection may be  
16 fulfilled by service as a judge in any of the courts covered, or  
17 by service in any combination as judge of such courts, totaling  
18 an aggregate of twenty years. Any judge who is at least  
19 sixty-two years of age and who has served less than twenty years  
20 and is otherwise qualified under sections 476.515 to 476.565 may  
21 retire after reaching age sixty-two, at a reduced retirement  
22 compensation in a sum equal to the proportion of the retirement  
23 compensation provided in section 476.530 that his or her period  
24 of judicial service bears to twenty years.

25 4. All judges under this section required by the provisions  
26 of Section 26 of Article V of the Constitution of Missouri to  
27 retire at the age of seventy years shall retire upon reaching  
28 that age.

29 5. The provisions of sections 104.344, 476.524, and 476.690

1 shall not apply to judges covered by this section.

2 6. A judge shall be required to contribute four percent of  
3 the judge's compensation to the retirement system, which shall  
4 stand to the judge's credit in his or her individual account with  
5 the system, together with investment credits thereon, for  
6 purposes of funding retirement benefits payable as provided in  
7 sections 476.515 to 476.565, subject to the following provisions:

8 (1) The state of Missouri employer, pursuant to the  
9 provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay  
10 the contributions that would otherwise be payable by the judge  
11 under this section. The contributions so picked up shall be  
12 treated as employer contributions for purposes of determining the  
13 judge's compensation that is includable in the judge's gross  
14 income for federal income tax purposes;

15 (2) Judge contributions picked up by the employer shall be  
16 paid from the same source of funds used for the payment of  
17 compensation to a judge. A deduction shall be made from each  
18 judge's compensation equal to the amount of the judge's  
19 contributions picked up by the employer. This deduction,  
20 however, shall not reduce the judge's compensation for purposes  
21 of computing benefits under the retirement system pursuant to  
22 this chapter;

23 (3) Judge contributions so picked up shall be credited to a  
24 separate account within the judge's individual account so that  
25 the amounts contributed pursuant to this section may be  
26 distinguished from the amounts contributed on an after-tax basis;

27 (4) The contributions, although designated as employee  
28 contributions, are being paid by the employer in lieu of the  
29 contributions by the judge. The judge shall not have the option

1 of choosing to receive the contributed amounts directly instead  
2 of having them paid by the employer to the retirement system;

3 (5) Interest shall be credited annually on June thirtieth  
4 based on the value in the account as of July first of the  
5 immediately preceding year at a rate of four percent. Interest  
6 credits shall cease upon retirement of the judge;

7 (6) A judge whose employment is terminated may request a  
8 refund of his or her contributions and interest credited thereon.  
9 If such judge is married at the time of such request, such  
10 request shall not be processed without consent from the spouse.  
11 A judge is not eligible to request a refund if the judge's  
12 retirement benefit is subject to a division of benefit order  
13 pursuant to section 104.312. Such refund shall be paid by the  
14 system after ninety days from the date of termination of  
15 employment or the request, whichever is later and shall include  
16 all contributions made to any retirement plan administered by the  
17 system and interest credited thereon. A judge may not request a  
18 refund after such judge becomes eligible for retirement benefits  
19 under sections 476.515 to 476.565. A judge who receives a refund  
20 shall forfeit all the judge's service and future rights to  
21 receive benefits from the system and shall not be eligible to  
22 receive any long-term disability benefits; provided that any  
23 judge or former judge receiving long-term disability benefits  
24 shall not be eligible for a refund. If such judge subsequently  
25 becomes a judge and works continuously for at least one year, the  
26 service previously forfeited shall be restored if the judge  
27 returns to the system the amount previously refunded plus  
28 interest at a rate established by the board;

29 (7) The beneficiary of any judge who made contributions

1 shall receive a refund upon the judge's death equal to the  
2 amount, if any, of such contributions less any retirement  
3 benefits received by the judge unless an annuity is payable to a  
4 survivor or beneficiary as a result of the judge's death. In  
5 that event, the beneficiary of the survivor or beneficiary who  
6 received the annuity shall receive a refund upon the survivor's  
7 or beneficiary's death equal to the amount, if any, of the  
8 judge's contributions less any annuity amounts received by the  
9 judge and the survivor or beneficiary.

10 7. The employee contribution rate, the benefits provided  
11 under sections 476.515 to 476.565 to judges covered under this  
12 section, and any other provision of sections 476.515 to 476.565  
13 with regard to judges covered under this section may be altered,  
14 amended, increased, decreased, or repealed, but only with respect  
15 to services rendered by the judge after the effective date of  
16 such alteration, amendment, increase, decrease, or repeal, or,  
17 with respect to interest credits, for periods of time after the  
18 effective date of such alteration, amendment, increase, decrease,  
19 or repeal.

20 8. Any judge who is receiving retirement compensation under  
21 section 476.529 or 476.530 who becomes employed as an employee  
22 eligible to participate in the closed plan or in the year 2000  
23 plan under chapter 104, shall not receive such retirement  
24 compensation for any calendar month in which the retired judge is  
25 so employed. Any judge who is receiving retirement compensation  
26 under section 476.529 or section 476.530 who subsequently serves  
27 as a judge as defined pursuant to subdivision (4) of subsection 1  
28 of section 476.515 shall not receive such retirement compensation  
29 for any calendar month in which the retired judge is serving as a

1 judge; except that upon retirement such judge's annuity shall be  
2 recalculated to include any additional service or salary accrued  
3 based on the judge's subsequent service. A judge who is  
4 receiving compensation under section 476.529 or 476.530 may  
5 continue to receive such retirement compensation while serving as  
6 a senior judge or senior commissioner and shall receive  
7 additional credit and salary for such service pursuant to section  
8 476.682."; and

9 Further amend the title and enacting clause accordingly.