

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/Senate Bill No. 704, Page 7, Section 54.140, Line 9

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

"56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in _____ County?

YES NO

If a majority of the voters voting on the proposition vote in

1 favor of making the county prosecutor a full-time position, it
2 shall become effective upon the date that the prosecutor who is
3 elected at the next election subsequent to the passage of such
4 proposal is sworn into office. The position shall then qualify
5 for the retirement benefits available to a full-time prosecutor
6 of a county of the first classification. Any county that elects
7 to make the position of prosecuting attorney full-time shall pay
8 into the Missouri prosecuting attorneys and circuit attorneys'
9 retirement fund at the same contribution amount as paid by
10 counties of the first classification.

11 2. The provisions of subsection 1 of this section
12 notwithstanding, in any county where the proposition of making
13 the county prosecutor a full-time position was submitted to the
14 voters at a general election in 1998 and where a majority of the
15 voters voting on the proposition voted in favor of making the
16 county prosecutor a full-time position, the proposition shall
17 become effective on May 1, 1999. Any prosecuting attorney whose
18 position becomes full time on May 1, 1999, under the provisions
19 of this subsection shall have the additional duty of providing
20 not less than three hours of continuing education to peace
21 officers in the county served by the prosecuting attorney in each
22 year of the term beginning January 1, 1999.

23 3. In counties that, prior to August 28, 2001, have elected
24 pursuant to this section to make the position of prosecuting
25 attorney a full-time position, the county commission may at any
26 time elect to have that position also qualify for the retirement
27 benefit available for a full-time prosecutor of a county of the
28 first classification. Such election shall be made by a majority
29 vote of the county commission and once made shall be irrevocable,

1 unless the voters of the county elect to change the position of
2 prosecuting attorney back to a part-time position under
3 subsection 4 of this section. When such an election is made, the
4 results shall be transmitted to the Missouri prosecuting
5 attorneys and circuit attorneys' retirement system fund, and the
6 election shall be effective on the first day of January following
7 such election. Such election shall also obligate the county to
8 pay into the Missouri prosecuting attorneys and circuit
9 attorneys' system retirement fund the same retirement
10 contributions for full-time prosecutors as are paid by counties
11 of the first classification.

12 4. In any county of the third classification without a
13 township form of government and with more than twelve thousand
14 but fewer than fourteen thousand inhabitants and with a city of
15 the fourth classification with more than one thousand seven
16 hundred but fewer than one thousand nine hundred inhabitants as
17 the county seat that has elected to make the county prosecutor a
18 full-time position under this section after August 28, 2014, the
19 county commission may on its own motion and shall upon the
20 petition of ten percent of the total number of people who voted
21 in the previous general election in the county submit to the
22 voters at a general or special election the proposition of
23 changing the full-time prosecutor position to a part-time
24 position. The commission shall cause notice of the election to
25 be published in a newspaper published within the county, or if no
26 newspaper is published within the county, in a newspaper
27 published in an adjoining county, for three weeks consecutively,
28 the last insertion of which shall be at least ten days and not
29 more than thirty days before the day of the election, and by

1 posting printed notices thereof at three of the most public
2 places in each township in the county. The proposition shall be
3 put before the voters substantially in the following form:

4 Shall the office of prosecuting attorney be made a part-time
5 position in _____ County?

6 YES

NO

7 If a majority of the voters vote in favor of making the county
8 prosecutor a part-time position, it shall become effective upon
9 the date that the prosecutor who is elected at the next election
10 subsequent to the passage of such proposal is sworn into office.

11 5. In any county that has elected to make the full-time
12 position of county prosecutor a part-time position under
13 subsection 4 of this section, the county's retirement
14 contribution to the retirement system and the retirement benefit
15 earned by the member shall prospectively be that of a part-time
16 prosecutor as established in this chapter. Any retirement
17 contribution made and retirement benefit earned prior to the
18 effective date of the voter-approved proposition under subsection
19 4 of this section shall be maintained by the retirement system
20 and used to calculate the retirement benefit for such prior
21 full-time position service. Under no circumstances shall a
22 member in a part-time prosecutor position earn full-time position
23 retirement benefit service accruals for time periods after the
24 effective date of the proposition changing the county prosecutor
25 back to a part-time position.

26 56.805. As used in sections 56.800 to 56.840, the following
27 words and terms mean:

28 (1) "Annuity", annual payments, made in equal monthly
29 installments, to a retired member from funds provided for, in, or

1 authorized by, the provisions of sections 56.800 to 56.840;

2 (2) "Average final compensation", the average compensation
3 of an employee for the two consecutive years prior to retirement
4 when the employee's compensation was greatest;

5 (3) "Board of trustees" or "board", the board of trustees
6 established by the provisions of sections 56.800 to 56.840;

7 (4) "Compensation", all salary and other compensation
8 payable by a county to an employee for personal services rendered
9 as an employee, including any salary reduction amounts under a
10 cafeteria plan that satisfies 26 U.S.C. Section 125 or an
11 eligible deferred compensation plan that satisfies 26 U.S.C.
12 Section 457 but not including [travel and mileage] reimbursement
13 for any expenses, any consideration for agreeing to terminate
14 employment, or any other nonrecurring or unusual payment that is
15 not part of regular remuneration;

16 (5) "County", the City of St. Louis and each county in the
17 state;

18 (6) "Creditable service", the sum of both membership
19 service and creditable prior service;

20 (7) "Effective date of the establishment of the system",
21 August 28, 1989;

22 (8) "Employee", an elected or appointed prosecuting
23 attorney or circuit attorney who is employed by a county or a
24 city not within a county;

25 (9) "Membership service", service as a prosecuting attorney
26 or circuit attorney after becoming a member that is creditable in
27 determining the amount of the member's benefits under this
28 system;

29 (10) "Prior service", service of a member rendered prior to

1 the effective date of the establishment of the system which is
2 creditable under section 56.823;

3 (11) "Retirement system" or "system", the prosecuting
4 attorneys and circuit attorneys' retirement system authorized by
5 the provisions of sections 56.800 to 56.840.

6 56.807. 1. Beginning August 28, 1989, and continuing
7 monthly thereafter until August 27, 2003, the funds for
8 prosecuting attorneys and circuit attorneys provided for in
9 subsection 2 of this section shall be paid from county or city
10 funds.

11 2. Beginning August 28, 1989, and continuing monthly
12 thereafter until August 27, 2003, each county treasurer shall pay
13 to the system the following amounts to be drawn from the general
14 revenues of the county:

15 (1) For counties of the third and fourth classification
16 except as provided in subdivision (3) of this subsection, three
17 hundred seventy-five dollars;

18 (2) For counties of the second classification, five hundred
19 forty-one dollars and sixty-seven cents;

20 (3) For counties of the first classification, and, except
21 as otherwise provided under section 56.363, counties which
22 pursuant to section 56.363 elect to make the position of
23 prosecuting attorney a full-time position after August 28, 2001,
24 or whose county commission has elected a full-time retirement
25 benefit pursuant to subsection 3 of section 56.363, and the City
26 of St. Louis, one thousand two hundred ninety-one dollars and
27 sixty-seven cents.

28 3. Beginning August 28, 1989, and continuing until August
29 27, 2003, the county treasurer shall at least monthly transmit

1 the sums specified in subsection 2 of this section to the
2 Missouri office of prosecution services for deposit to the credit
3 of the "Missouri Prosecuting Attorneys and Circuit Attorneys'
4 Retirement System Fund", which is hereby created. All moneys
5 held by the state treasurer on behalf of the system shall be paid
6 to the system within ninety days after August 28, 1993. Moneys
7 in the Missouri prosecuting attorneys and circuit attorneys'
8 retirement system fund shall be used only for the purposes
9 provided in sections 56.800 to 56.840 and for no other purpose.

10 4. Beginning August 28, 2003, the funds for prosecuting
11 attorneys and circuit attorneys provided for in this section
12 shall be paid from county or city funds and the surcharge
13 established in this section and collected as provided by this
14 section and sections 488.010 to 488.020.

15 5. (1) Beginning August 28, 2003, each county treasurer
16 shall pay to the system the following amounts to be drawn from
17 the general revenues of the county:

18 (a) For counties of the third and fourth classification
19 except as provided in paragraph (c) of this subdivision, one
20 hundred eighty-seven dollars;

21 (b) For counties of the second classification, two hundred
22 seventy-one dollars;

23 (c) For counties of the first classification, counties
24 which pursuant to section 56.363 elect to make the position of
25 prosecuting attorney a full-time position after August 28, 2001,
26 or whose county commission has elected a full-time retirement
27 benefit pursuant to subsection 3 of section 56.363, and the City
28 of St. Louis, six hundred forty-six dollars.

29 (2) Beginning August 28, 2015, the county contribution set

1 forth in paragraphs (a) to (c) of subdivision (1) of this
2 subsection shall be adjusted in accordance with the following
3 schedule based upon the prosecuting attorneys and circuit
4 attorneys' retirement system's annual actuarial valuation report.
5 If the system's funding ratio is:

6 (a) One hundred twenty percent or more, no monthly sum
7 shall be transmitted;

8 (b) More than one hundred ten percent but less than one
9 hundred twenty percent, the monthly sum transmitted shall be
10 reduced fifty percent;

11 (c) At least ninety percent and up to and including one
12 hundred ten percent, the monthly sum transmitted shall remain the
13 same;

14 (d) At least eighty percent and less than ninety percent,
15 the monthly sum transmitted shall be increased fifty percent; and

16 (e) Less than eighty percent, the monthly sum transmitted
17 shall be increased one hundred percent.

18 6. Beginning August 28, 2003, the county treasurer shall at
19 least monthly transmit the sums specified in subsection 5 of this
20 section to the Missouri office of prosecution services for
21 deposit to the credit of the Missouri prosecuting attorneys and
22 circuit attorneys' retirement system fund. Moneys in the
23 Missouri prosecuting attorneys and circuit attorneys' retirement
24 system fund shall be used only for the purposes provided in
25 sections 56.800 to 56.840, and for no other purpose.

26 7. Beginning August 28, 2003, the following surcharge for
27 prosecuting attorneys and circuit attorneys shall be collected
28 and paid as follows:

29 (1) There shall be assessed and collected a surcharge of

1 four dollars in all criminal cases filed in the courts of this
2 state including violation of any county ordinance, any violation
3 of criminal or traffic laws of this state, including infractions,
4 and against any person who has pled guilty for any violation and
5 paid a fine through a fine collection center, but no such
6 surcharge shall be assessed when the costs are waived or are to
7 be paid by the state, county, or municipality or when a criminal
8 proceeding or the defendant has been dismissed by the court. For
9 purposes of this section, the term "county ordinance" shall
10 include any ordinance of the City of St. Louis;

11 (2) The clerk responsible for collecting court costs in
12 criminal cases shall collect and disburse such amounts as
13 provided by sections 488.010 to 488.026. Such funds shall be
14 payable to the prosecuting attorneys and circuit attorneys'
15 retirement fund. Moneys credited to the prosecuting attorneys
16 and circuit attorneys' retirement fund shall be used only for the
17 purposes provided for in sections 56.800 to 56.840 and for no
18 other purpose.

19 8. The board may accept gifts, donations, grants and
20 bequests from private or public sources to the Missouri
21 prosecuting attorneys and circuit attorneys' retirement system
22 fund.

23 9. No state moneys shall be used to fund section 56.700 and
24 sections 56.800 to 56.840 unless provided for by law.

25 10. Beginning January first following the effective date of
26 this act, all members, who upon vesting and retiring are eligible
27 to receive a normal annuity equal to fifty percent of the final
28 average compensation and, as a condition of participation, shall
29 contribute two percent of their gross salary to the fund.

1 Beginning on January 1, 2020, each such member shall contribute
2 four percent of their gross salary to the fund. Each county
3 treasurer shall deduct the appropriate amount from the gross
4 salary of the prosecuting attorney or circuit attorney and, at
5 least monthly, shall transmit the sum to the prosecuting attorney
6 and circuit attorney retirement system for deposit in the
7 prosecuting attorneys and circuit attorneys' retirement fund.

8 11. Upon separation from the system, a nonvested member
9 shall receive a lump sum payment equal to the total contribution
10 of the member without interest or other increases in value.

11 12. Upon retirement and in the sole discretion of the board
12 on the advice of the actuary, a member shall receive a lump sum
13 payment equal to the total contribution of the member without
14 interest or other increases in value, but such lump sum shall not
15 exceed twenty-five percent of the final average compensation of
16 the member. This amount shall be in addition to any retirement
17 benefits to which the member is entitled.

18 13. Upon the death of a nonvested member or the death of a
19 vested member prior to retirement, the lump sum payment in
20 subsection 11 or 12 of this section shall be made to the
21 designated beneficiary of the member or, if no beneficiary has
22 been designated, to the member's estate.

23 56.814. 1. Any [member] person who became a member prior
24 to January 1, 2019, who has attained the age of sixty-two years
25 and who has twelve years or more of creditable service as
26 prosecuting attorney or circuit attorney may retire with a normal
27 annuity as determined in subsection 3 of section 56.840.

28 2. Any person who becomes a member on or after January 1,
29 2019, who has attained the age of sixty-five and who has twelve

1 years or more of creditable service as a prosecuting attorney or
2 circuit attorney may retire with a normal annuity.

3 56.833. 1. Upon termination of employment, any [member
4 with twelve or more years of creditable service] person who
5 became a member prior to January 1, 2019, shall be entitled to a
6 deferred normal annuity, payable at age fifty-five with twelve or
7 more years of creditable service as determined in subsection 3 of
8 section 56.840. Upon termination of employment, any person who
9 became a member on or after January 1, 2019, shall be entitled to
10 a deferred normal annuity, payable at age sixty with twelve or
11 more years of creditable service as determined in subsection 3 of
12 section 56.840. Any member with less than twelve years of
13 creditable service shall forfeit all rights in the fund,
14 including the member's accrued creditable service as of the date
15 of the member's termination of employment.

16 2. A former member who has forfeited creditable service may
17 have the creditable service restored by again becoming an
18 employee [and] within ten years of the date of the termination of
19 employment, completing four years of continuous membership
20 service, and contributing an amount to the fund equal to any lump
21 sum payment received under subsections 11 and 12 of section
22 56.807. Notwithstanding any other provision of section 104.800
23 to the contrary, a former member shall not be entitled to
24 transfer creditable service into this retirement system unless
25 the member previously vested in this system.

26 3. Absences for sickness or injury of less than twelve
27 months shall be counted as membership service.

28 56.840. 1. Annuity payments to retired employees under the
29 provisions of sections 56.800 to 56.840 shall be available

1 beginning January first next succeeding the expiration of two
2 calendar years from the effective date of the establishment of
3 the system to eligible retired employees, and employees with at
4 least twelve years of creditable service shall have vested rights
5 and upon reaching the required age shall be entitled to
6 retirement benefits.

7 2. All members serving as a prosecuting attorney or circuit
8 attorney in a county of the first classification, a county with a
9 charter form of government, or a city not within a county shall
10 receive one year of creditable service for each year served.

11 3. Notwithstanding any provision of law to the contrary,
12 members serving as a prosecuting attorney in counties that
13 elected to make the position of prosecuting attorney a full-time
14 position shall receive one year of creditable vesting service for
15 each year served as a part-time or full-time prosecuting
16 attorney. Such members shall receive one year of creditable
17 benefit service for each year served as a full-time prosecuting
18 attorney and six-tenths of a year of creditable benefit service
19 for each year served as a part-time prosecuting attorney. Upon
20 retirement, any member who has less than twelve years of
21 creditable benefit service shall receive a reduced full-time
22 benefit in a sum equal to the portion that the member's
23 creditable benefit years bear to twelve vesting years.

24 4. Members restoring creditable service under subsection 2
25 of section 56.833 shall receive one year of creditable service
26 for each restored year served as a full-time prosecuting attorney
27 and six-tenths of a year of creditable service for each restored
28 year served as a part-time prosecuting attorney. Unless
29 otherwise permitted by law, no member shall receive credit for

1 any partial year of employment.

2 5. Notwithstanding any provision of law to the contrary,
3 any member who vested in the system as a part-time prosecuting
4 attorney and who ceased being a member for more than six months
5 before returning as a full-time prosecuting attorney shall be
6 entitled only to retirement benefits as a part-time prosecuting
7 attorney. Any creditable service earned by such an employee upon
8 returning to the system as a full-time prosecuting attorney shall
9 begin a new vesting period subject to the provision of the system
10 in effect at the time of the member's return. No member shall
11 receive benefits while employed as a prosecuting attorney or
12 circuit attorney."; and

13 Further amend the title and enacting clause accordingly.