

FIRST REGULAR SESSION

SENATE BILL NO. 442

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Read 1st time February 11, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S1950.011

AN ACT

To repeal sections 287.812 and 287.815, RSMo Supp. 1998, relating to administrative law judge's retirement, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 287.812 and 287.815, RSMo Supp. 1998, are repealed and two new sections enacting in lieu thereof, to be known as sections 287.812 and 287.815, to read as follows:

287.812. As used in sections 287.812 to 287.855, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Administrative law judge", any person appointed pursuant to section 287.610 or section 621.015, RSMo, or any person who hereafter may have by law all of the powers now vested by law in administrative law judges appointed under the provisions of the workers' compensation law, **or any attorney, other than the general counsel or any attorney who serves under the general counsel, who is appointed by the public service commission to preside over matters pending before the commission and who is licensed to practice law in this state;**

(2) "Beneficiary", a surviving spouse married to the deceased administrative law judge or legal advisor of the division of workers' compensation continuously for a period of at least two years immediately preceding the administrative law judge's or legal advisor's death and also on the day of the last termination of such person's employment as an administrative law judge or legal advisor for the division of workers' compensation, or if there is no surviving spouse eligible to receive benefits, any minor child of the deceased administrative law judge or legal advisor, or any child of the deceased administrative law judge or legal advisor who, regardless of age, is unable to support himself because of mental retardation, disease or disability, or any physical handicap or disability, who shall share in the benefits on an equal basis with all other beneficiaries;

(3) "Benefit", a series of equal monthly payments payable during the life of an administrative law judge or legal advisor of the division of workers' compensation retiring pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as provided in sections 287.812 to 287.850;

(4) "Board", the board of trustees of the Missouri state employees' retirement system;

(5) "Division", the division of workers' compensation of the state of Missouri;

(6) "Legal advisor", any person appointed or employed pursuant to section 287.600, 287.615, or 287.616 to serve in the capacity as a legal advisor or an associate administrative law judge and any person appointed pursuant to section 286.010, RSMo, or pursuant to section 295.030, RSMo, and any attorney or legal counsel appointed or employed pursuant to section 286.070, RSMo;

(7) "Salary", the total annual compensation paid for personal services as an administrative law judge or legal advisor, or both, of the division of workers' compensation by the state or any of its political subdivisions.

287.815. 1. Any person, sixty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twelve years or any person, fifty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twenty years, continuously or otherwise, as an administrative law judge or legal advisor, or both, of the division, and who, on or after August 13, 1984, ceases to hold office by reason of the expiration of his term, voluntary resignation, retirement under the provisions of sections 287.812 to 287.855, or removal by the governor for any nondisciplinary reason, shall receive benefits as provided in sections 287.812 to 287.855. The twelve years' or twenty years' requirement of this section may be fulfilled by service as an administrative law judge or legal advisor, or both, of the division at any time prior to or after August 13, 1984. If a person appointed under section 286.010, RSMo, or a chairman appointed under section 295.030, RSMo, does not have twelve years' service as an administrative law judge or legal advisor, or both, but the person has served in the general assembly, each biennial assembly or partial biennial assembly either served or purchased shall be deemed and credited as two full years of creditable service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided by his service as a member of the general assembly.

2. Any aggregate of twelve years or more of such service shall entitle the person to retirement benefits provided in sections 287.812 to 287.855 regardless of whether or not the person was so employed upon reaching sixty-five years of age. However, the retirement benefits shall not be paid to the person until that person attains sixty-five years of age.

3. If a person appointed under section 286.010, RSMo, or under section 295.030, RSMo, or under section 621.105, RSMo, or an attorney or legal counsel appointed or employed under section 286.070, RSMo, **or any attorney, other than the general counsel or any attorney**

who serves under the general counsel, who is appointed by the public service commission to preside over matters pending before the commission and who is licensed to practice law in this state, does not have twelve years' service as an administrative law judge or legal advisor, or both, but the person has creditable service under the Missouri state employees' retirement system, he may elect that such service be credited as service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided for other service. Persons appointed under section 621.105, RSMo, shall be required to have served a majority of a term in order to qualify for benefits pursuant to sections 287.812 to 287.855.

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