

SENATE BILL NO. 647

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

2461S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 3.150, 57.952, 57.955, 57.961, 57.962, 57.967, 483.088, and 488.024, RSMo, and to enact in lieu thereof four new sections relating to the sheriffs' retirement system.

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

Section A. Sections 3.150, 57.952, 57.955, 57.961,
2 57.962, 57.967, 483.088, and 488.024, RSMo, are repealed and
3 four new sections enacted in lieu thereof, to be known as
4 sections 3.150, 57.952, 57.961, and 57.967, to read as follows:

3.150. Notwithstanding the provisions of this chapter
2 to the contrary the revisor of statutes is hereby directed
3 to codify all sections of law or portions of sections of law
4 imposing court costs, fees, miscellaneous charges and
5 surcharges imposed in connection with filing and prosecution
6 of judicial cases, both civil and criminal, into one chapter
7 of the revised statutes of Missouri. The revisor shall
8 recodify those sections or portions of sections of existing
9 law which impose such court costs, including, but not
10 limited to, sections [56.310,] 56.765, 57.280, 57.290,
11 [57.955,] 66.110, 67.133, 193.205, 193.265, 221.070,
12 221.120, 455.205, 476.053, 478.401, 479.260, 479.261,
13 482.345, 483.500, 483.505, 483.530, 483.535, 483.550,
14 483.580, 483.591, 485.100, 485.120, 487.170, 488.305,
15 488.605, 488.1005, 488.1010, 491.280, 491.420, 494.455,
16 494.480, 513.623, 517.151, 561.035, 577.048, 590.140 and
17 595.045, chapters 514 and 550, subsection 2 of sections

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

18 476.385 and 488.2205, and any other sections or portions of
19 sections of law which impose such court costs, both existing
20 and future, into one chapter of the revised statutes which
21 deals with court costs, which shall be titled to reflect
22 that all sections relating to such court costs are contained
23 within said chapter. From time to time, the revisor of
24 statutes shall call upon the state courts administrator for
25 assistance in determining what sections, or portions of
26 sections, of law impose court costs for purposes of this
27 section.

57.952. 1. There is hereby authorized a "Sheriffs'
2 Retirement Fund" which shall be under the management of a
3 board of directors described in section 57.958. The board
4 of directors shall be responsible for the administration and
5 the investment of the funds of such sheriffs' retirement
6 fund. [Neither] The general assembly [nor] **and** the
7 governing body of a county [shall] **may** appropriate funds for
8 deposit in the sheriffs' retirement fund. If insufficient
9 funds are generated to provide the benefits payable pursuant
10 to the provisions of sections 57.949 to 57.997, the board
11 shall proportion the benefits according to the funds
12 available.

13 **2. The board may accept gifts, donations, grants, and**
14 **bequests from public or private sources to the sheriffs'**
15 **retirement fund.**

16 **3. Each county shall make the payroll deductions for**
17 **member contributions mandated under section 57.961, and the**
18 **county shall transmit such moneys to the board for deposit**
19 **into the sheriffs' retirement fund.**

57.961. 1. On and after the effective date of the
2 establishment of the system, as an incident to his **or her**
3 employment or continued employment, each person employed as

4 an elected or appointed sheriff of a county shall become a
5 member of the system. Such membership shall continue as
6 long as the person continues to be an employee, or receives
7 or is eligible to receive benefits under the provisions of
8 sections 57.949 to 57.997.

9 2. Notwithstanding any other provision of law to the
10 contrary, each person who becomes a member of the system on
11 or after January 1, 2024, shall be required to contribute
12 five percent of the member's pay to the retirement system.
13 Such contribution shall be made notwithstanding that the
14 minimum salary or wages provided by law for any member shall
15 thereby be changed. Each member shall be deemed to consent
16 and agree to the deduction made and provided for by this
17 subsection. Payment of a member's compensation less such
18 deduction shall be a full and complete discharge and
19 acquittance of all claims and demands whatsoever for
20 services rendered by him or her to a county, except as to
21 benefits provided by this system.

22 3. The officer or officers responsible for making up
23 the payrolls for each county shall cause the contribution
24 provided for in this section to be deducted from the
25 compensation of the member in the employ of the county, on
26 each and every payroll, for each and every payroll to the
27 date his or her membership terminates. When deducted, each
28 contribution shall be paid by the county to the system; the
29 payments shall be made in the manner and shall be
30 accompanied by such supporting data as the board shall from
31 time to time prescribe. When paid to the system, each of
32 the contributions shall be credited to the member from whose
33 compensation the contributions were deducted. The
34 contributions so deducted shall be treated as employer
35 contributions for purposes of determining the member's pay

36 that is includable in the member's gross income for federal
37 income tax purposes.

38 4. Member contributions deducted and paid into the
39 system by the county shall be paid from the same source of
40 funds used for the payment of pay to a member. A deduction
41 shall be made from each member's pay equal to the amount of
42 the member's contributions picked up by the employer. This
43 deduction, however, shall not reduce the member's pay for
44 purposes of computing benefits under the retirement system
45 under this chapter.

46 5. The contributions, although designated as employee
47 contributions, shall be paid by the county in lieu of the
48 contributions by the member. The member shall not have the
49 option of choosing to receive the contributed amounts
50 directly instead of having them paid by the county to the
51 retirement system.

52 6. A former member who is not vested may request a
53 refund of his or her contributions. Such refund shall be
54 paid by the system after ninety days from the date of
55 termination of employment or the request, whichever is
56 later, and shall include all contributions made to any
57 retirement plan administered by the system.

58 7. The beneficiary of any member who made
59 contributions shall receive a refund upon the member's death
60 equal to the amount, if any, of such contributions less any
61 retirement benefits received by the member unless an annuity
62 is payable to a survivor or beneficiary as a result of the
63 member's death. In that event, the beneficiary of the
64 survivor or beneficiary who received the annuity shall
65 receive a refund upon the survivor's or beneficiary's death
66 equal to the amount, if any, of the member's contributions

67 **less any annuity amounts received by the member and the**
68 **survivor or beneficiary.**

69 [2.] 8. Beginning September 1, 1986, any city not
70 within a county and any county having a charter form of
71 government may elect, by a majority vote of its governing
72 body, to come under the provisions of sections 57.949 to
73 57.997 [except for the provisions of section 57.955].
74 Notice in writing of such election shall be given to the
75 board, and the person employed as sheriff of such county, as
76 an incident of his contract of employment or continued
77 employment, shall become a member of the system on the first
78 day of the month immediately following the date the board
79 receives notice. Such membership shall continue as long as
80 the person continues to be an employee, or receives or is
81 eligible to receive benefits under the provisions of
82 sections 57.949 to 57.997, and upon becoming a member he
83 shall receive credit for all prior service as if he had
84 become a member on December 22, 1983.

85 **9. Subject to the limitations under sections 57.949 to**
86 **57.997, the board shall have the authority to formulate and**
87 **adopt rules and regulations for the administration of these**
88 **provisions.**

57.967. 1. The normal annuity of a retired member
2 shall equal two percent of the final average compensation of
3 the retired member multiplied by the number of years of
4 creditable service of the retired member, except that the
5 normal annuity shall not exceed seventy-five percent of the
6 retired member's average final compensation. **Such annuity**
7 **shall be not less than one thousand dollars per month.**

8 2. The board, at its last meeting of each calendar
9 year, shall determine the monthly amount for medical
10 insurance premiums to be paid to each retired member during

11 the next following calendar year. The monthly amount shall
12 not exceed four hundred fifty dollars. The monthly payments
13 are at the discretion of the board on the advice of the
14 actuary. The anticipated sum of all such payments during
15 the year plus the annual normal cost plus the annual amount
16 to amortize the unfunded actuarial accrued liability in no
17 more than thirty years shall not exceed the anticipated
18 moneys credited to the system pursuant to section [57.955]
19 **57.952.** The money amount granted here shall not be
20 continued to any survivor.

21 3. If a member with eight or more years of service
22 dies before becoming eligible for retirement, the member's
23 surviving spouse, if he or she has been married to the
24 member for at least two years prior to the member's death,
25 shall be entitled to survivor benefits under option 1 as set
26 forth in section 57.979 as if the member had retired on the
27 date of the member's death. The member's monthly benefit
28 shall be calculated as the member's accrued benefit at his
29 or her death reduced by one-fourth of one percent per month
30 for an early commencement from the member's normal
31 retirement date: age fifty-five with twelve or more years
32 of creditable service or age sixty-two with eight years of
33 creditable service, to the member's date of death. Such
34 benefit shall be payable on the first day of the month
35 following the member's death and shall be payable during the
36 surviving spouse's lifetime.

2 [57.955. 1. There shall be assessed and
3 collected a surcharge of three dollars in all
4 civil actions filed in the courts of this state
5 and in all criminal cases including violation of
6 any county ordinance or any violation of
7 criminal or traffic laws of this state,
8 including infractions, but no such surcharge
9 shall be assessed when the costs are waived or
10 are to be paid by the state, county or
municipality or when a criminal proceeding or

11 the defendant has been dismissed by the court.
12 For purposes of this section, the term "county
13 ordinance" shall not include any ordinance of
14 the city of St. Louis. The clerk responsible
15 for collecting court costs in civil and criminal
16 cases, shall collect and disburse such amounts
17 as provided by sections 488.010 to 488.020.
18 Such funds shall be payable to the sheriffs'
19 retirement fund. Moneys credited to the
20 sheriffs' retirement fund shall be used only for
21 the purposes provided for in sections 57.949 to
22 57.997 and for no other purpose.

23 2. The board may accept gifts, donations,
24 grants and bequests from public or private
25 sources to the sheriffs' retirement fund.]

2 [57.962. Other provisions of law to the
3 contrary notwithstanding, any county or city not
4 within a county who has elected or elects in the
5 future to come under the provisions of sections
6 57.949 to 57.997 shall, after August 28, 2002,
7 or on the date that such election is approved by
8 the board of directors of the retirement system,
9 whichever later occurs, be subject to the
provisions of section 57.955.]

2 [483.088. Each circuit clerk shall prepare
3 a summary of all amounts collected pursuant to
4 section 57.955 during the preceding calendar
5 year and shall annually, by July first of the
6 succeeding year, send a copy of such summary to
the state auditor.]

2 [488.024. As provided by section 57.955,
3 there shall be assessed and collected a
4 surcharge of three dollars in all civil actions
5 filed in the courts of this state and in all
6 criminal cases including violation of any county
7 ordinance or any violation of criminal or
8 traffic laws of this state, including
9 infractions, but no such surcharge shall be
10 assessed when the costs are waived or are to be
11 paid by the state, county or municipality or
12 when a criminal proceeding or the defendant has
13 been dismissed by the court. For purposes of
14 this section, the term "county ordinance" shall
15 not include any ordinance of the City of St.
16 Louis. The clerk responsible for collecting
17 court costs in civil and criminal cases shall
18 collect and disburse such amounts as provided by
19 sections 488.010 to 488.020. Such funds shall
be payable to the sheriffs' retirement fund.]

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