

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1095-05  
Bill No.: Truly Agreed to and Finally Passed HCS for SCS for SB 202, 33, 45, 183 and 217  
Subject: Retirement - State; Retirement Systems and Benefits; Judges  
Type: Original  
Date: April 12, 2005

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	\$6,060	\$6,060	\$6,060
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$6,060</b>	<b>\$6,060</b>	<b>\$6,060</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Workers' Compensation	\$12,879	\$12,879	\$24,862
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$12,879</b>	<b>\$12,879</b>	<b>\$24,862</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
Federal Funds	\$0	\$0	\$4,381
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,381</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
Local Government	\$0	\$0	\$0

**FISCAL ANALYSIS**

**ASSUMPTION**

The **Joint Committee on Public Employee Retirement (JCPER)** has reviewed this proposal and has determined an actuarial study is not needed under the provisions of section 105.660, subdivision (5).

Officials from the **Division of Labor and Industrial Relations (DOL)** assume under the proposal the director and chief legal advisor and administrative law judges and legal advisors employed by the Division of Workers' Compensation, the chair of the State Board of Mediation, commissioners and attorneys employed by the Labor and Industrial Relations Commission that are first employed on or after January 1, 2006 and are not previously covered by the ALJ retirement system would automatically be covered under the MOSERS' retirement system. This would result in a cost savings to the workers' compensation administrative fund.

The DOL used the following assumptions/methodology to determine fiscal impact.

The DOL assumes the legislation will be signed in May 2005. Since the legislation has an emergency clause, the DOL assumes savings will begin in June 2005.

ASSUMPTION (continued)

The contribution rate for the ALJ retirement plan is 21.79% and 12.59% for the MOSERS retirement plan. The difference is 9.2%.

There are three commissioner positions within the Labor and Industrial Relations Commission. The DOL assumes that one commission position (employee representative) will be filled in fiscal year 2008. While another commissioner's term expires in 2006, the Department assumes the current commissioner will be reappointed. Commissioner salary is \$95,229. The funding for this position is split between the workers' compensation fund and federal funds.

FY 2008 - \$8,761 ( $\$95,229 \times 9.2\%$ )

There are four attorney positions within the Labor and Industrial Relations Commission. The average length of tenure for these positions is 5 years. Currently, only one employee in these positions has a tenure of over five years. Therefore, the DOL assumes that one legal counsel position will be filled during fiscal years 2006 - 2008. The legal counsel salary is \$57,360 and is funded through the workers' compensation fund.

FY 2006, 2007 & 2008 - \$5,277 ( $\$57,360 \times 9.2\%$ )

The term for the current chair of the State Board of Mediation has expired and could be filled at anytime. Based on that information, the DOL assumes this position will be filled prior to July 1, 2005. The average length of tenure for this position is five years. This position's salary is \$65,868 and funded through General Revenue.

FY 2006, 2007, & 2008 - \$6,060 ( $\$65,868 \times 9.2\%$ )

Currently, there are no vacancies for the director, chief legal advisor, administrative law judges (ALJ) and legal advisors (LA) employed by the Division of Workers' Compensation. The DOL doesn't anticipate any turnover in the director or chief legal advisor positions in the next three years. Based on historical data, the average length of tenure of ALJs and Las is 13 years. While there is not a large amount of turnover in these positions, a few ALJs and LAs are eligible for retirement. While the DOL is unable to predict the exact amount of turnover in these positions for the next three years, it is reasonable to assume one vacancy every other year. Since the DOL experienced a vacancy in 2004, the next vacancy will occur in 2006 and again in 2008.

The average salary for an ALJ/LA for fiscal year 2006 is \$82,632 ( $\$4,131,600/50$  positions). The ALJ/LA positions are funded through the workers' compensation fund.

ASSUMPTION (continued)

FY 2006 & 2007 - \$7,602 (\$82,632\*9.2%)  
 FY 2008 - \$15,204 (\$82,632\*9.2%\*2 positions)

Officials from the **Missouri State Employees Retirement Plan (MOSERS)** assume the rates for the FY 2006 have already been certified. To the extent that payroll is used to determine dollar contributions, if assets and liabilities from the ALJLAP are merged with MOSERS on January 1, 2006, then the contribution rate applied to the ALJLAP would decrease to 12.595% from 21.79% for 6 months until June 30, 2006. Then the MSEP rate would presumably include the ALJLAP actives hired before January 1, 2006 under current provisions and a few new hires after January 1, 2006 under MSEP 2000 provisions for regular state employees.

This rate when converted to contribution dollars would be very similar to the combined result of the existing two plans. It would be slightly higher than the current 12.59% rate in the absence of other losses or changes. This would gradually trend toward the otherwise existing rate as the membership of the ALJLAP, under current provisions, leave employment and are replaced by new hires after January 1, 2006 under MSEP 2000 provisions. Therefore, the long-term implications are that the future projected dollar contributions will be less than under the current benefit structure.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (6 Mo.)	FY 2007	FY 2008
<b>GENERAL REVENUE</b>			
<u>Cost Savings - State Board of Mediation</u>	<u>\$6,060</u>	<u>\$6,060</u>	<u>\$6,060</u>
<b>TOTAL ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$6,060</u></b>	<b><u>\$6,060</u></b>	<b><u>\$6,060</u></b>
<b>WORKERS' COMPENSATION FUNDS</b>			
<u>Cost Savings - Workers's Compensation</u>	<u>\$12,879</u>	<u>\$12,879</u>	<u>\$24,862</u>
<b>TOTAL ESTIMATED NET EFFECT ON ALL WORKERS' COMP FUNDS</b>	<b><u>\$12,879</u></b>	<b><u>\$12,879</u></b>	<b><u>\$24,862</u></b>

**FEDERAL FUNDS**

<u>Cost Savings - Federal Funds</u>	<u>\$0</u>	<u>\$0</u>	<u>\$4,381</u>
<b>TOTAL ESTIMATED NET EFFECT ON ALL FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$4,381</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (6 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Under the provisions of this act, any Administrative Law Judge or Legal Advisor who is originally employed as such on or after January 1, 2006 will no longer be eligible to participate in the Administrative Law Judge and Legal Advisor's Retirement System. Instead, such persons will be covered under the state employees' retirement system. However, no Administrative Law Judge or Legal Advisor who is employed before January 1, 2006, or who has retired before that date will be affected by this act.

The liabilities and assets of the Administrative Law Judge's and Legal Advisor's retirement system are transferred and combined with the state employees' retirement system. The contribution rate certified by the board shall include amounts necessary to cover the costs of the Administrative Law Judge's and Legal Advisor's retirement system.

This act has an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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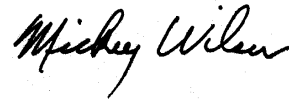
April 12, 2005

SOURCES OF INFORMATION

Joint Committee on Public Employee Retirement

Missouri State Employees Retirement Plan

Division of Labor and Industrial Relations

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA

Director

April 12, 2005