

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1053-01
Bill No.: HB 515 with SA1 and SA2
Subject: Law Enforcement Officers and Agencies; Retirement - Local Government;
Retirement Systems and Benefits - General
Type: Original
Date: April 27, 2015

Bill Summary: This proposal modifies provisions regarding local government retirement systems.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§86.200 - 86.320 - Retirement Systems:

Officials from the **Joint Committee on Public Employee Retirement** state that this legislation would not create a substantial proposed change in future plan benefits as defined in Section 105.660(10).

Officials from the **Kansas City Police Retirement System** and the **St. Louis Police Retirement System** each assume the current proposal would not fiscally impact their respective agencies.

Senate Amendment 1 - St. Louis City:

In response to a similar proposal from this year, HB 643, officials from the **Joint Committee on Public Retirement** and the **City of Kansas City** each assumed the current proposal would not create a substantial proposed change to the respective agencies.

In response to a similar proposal from this year, HB 643, officials from the **Missouri Local Government Employees Retirement System** assumed the proposal would not have a fiscal impact on their agency.

Oversight assumes this proposal is discretionary and would have no local fiscal impact without action by the governing body.

Senate Amendment 2 - Kansas City:

In response to a similar proposal, SB 300, officials from the **Joint Committee on Public Employee Retirement** stated that the legislation would not create a substantial proposed change in future plan benefits as defined in Section 105.660(10).

In response to a similar proposal, SB 300, officials from the **Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City** stated that every five years the Internal Revenue Service requires a review and re-application for qualified plan status for the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City. The most recent application was submitted in January 2014. The IRS has granted continued qualified plan status with the understanding that the plans would submit legislation to include certain language in the plan documents (state statutes).

ASSUMPTION (continued)

Currently the IRS allows the non-spouse beneficiary, who receives a distribution from the retirement system (a refund of member contributions in the absence of an eligible spouse or child under age 18) to elect to directly roll over the distribution to an IRA or Roth IRA. The retirement systems comply with IRS roll over rules for distributions to a non-spouse beneficiary but our statutes do not specifically reference the roll over provisions. Proposed legislation would amend section 86.1270.9 RSMo, in the Police plan and section 86.1630.9 RSMo, in the Civilian Employees' plan.

Military leave provisions under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) requires the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City to restore creditable service in the retirement systems, for time missed due to a military leave of absence, by paying their member contributions for such time to the retirement system. Members are not required to restore such service, instead they may choose to extend their career and work the amount of time they were on leave for military service.

As a result of involuntary military assignments following the events of September 11, 2001, legislation was submitted to the General Assembly allowing the Retirement Systems to grant a benefit to members of the military that went beyond the requirements of USERRA. That legislation, which became law in 2005, waived the required member contributions and granted creditable service to members returning from a military leave of absence. The original language included provisions that we anticipated would prevent granting creditable service for voluntary military assignments.

Nine years later, voluntary military assignments are the norm rather than the exception. The two plans have waived a total of \$1.5 million in member and employer contributions for military leaves of absence for the 75 members serving in the military. Five of those members have been on military leave for more than five years. The Retirement Board recognizes the importance of military service by our members but in light of recent pension reforms, approved by the General Assembly and increases in member contribution rates, it is time to make changes to our military leave provisions.

The proposed legislation puts a process in place that more closely follows the requirements of USERRA but still provides a benefit to military members that is above and beyond the USERRA. Members returning from active duty military leave would be eligible to restore their leave time by paying the member contribution rate. For members with orders under Title 10 or Title 32 U.S. Code and discharged from active duty with documentation in the form of a DD214 or NGB23, the member contributions could be waived for up to three years of military leave

ASSUMPTION (continued)

(current statutes allow for waiving contributions for up to five years). Should a member be on military leave for more than three years, but no more than five years, the member would be eligible, under USERRA, to restore creditable service by paying the amount of member contributions for the leave period.

There would be no fiscal impact to the Police Retirement System of Kansas City or the Civilian Employees' Retirement System of the Police Department of Kansas City.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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.

FISCAL DESCRIPTION

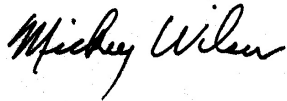
The proposed legislation appears to have no direct fiscal impact.

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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SOURCES OF INFORMATION

Joint Committee on Public Employee Retirement
Kansas City Police Retirement
St. Louis Police Retirement
City of Kansas City
Missouri Local Area Government Employees Retirement Systems



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Director
April 27, 2015

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April 27, 2015