

FIRST REGULAR SESSION

HOUSE BILL NO. 1273

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AUSTIN.

2620H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 476.458 and 476.515, RSMo, and to enact in lieu thereof two new sections relating to judicial retirement benefits.

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

Section A. Sections 476.458 and 476.515, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 476.458 and 476.515, to read as follows:

476.458. 1. Except as otherwise provided in this section, or by any other law, magistrate judges, probate judges, and probate ex officio magistrate judges shall retire at the age of seventy years and may participate, if otherwise eligible, in the retirement plan established by sections 476.515 to 476.570, except that, the provisions of sections 476.458, 478.015, 478.021, 478.071, 478.072, 482.040, 482.090, 482.230, 482.300 to 482.365 and 483.497 shall not prevent any person holding the office of magistrate judge, probate judge or probate ex officio magistrate judge, or any person elected or appointed to the office of magistrate judge, probate judge or probate ex officio magistrate judge from holding office during the remainder of the term to which he was elected or appointed.

2. Any magistrate judge, probate judge not under the nonpartisan court plan, or probate ex officio magistrate judge who on August 13, 1976, or within six months thereafter, is seventy years of age or older, may petition the commission on retirement, removal and discipline to continue to serve until age seventy-six if he has not completed a total of twelve years of service as a judge. Except as otherwise provided by any other law, any magistrate judge, probate judge not under the nonpartisan court plan, or probate ex officio magistrate judge, who is in office on August 13, 1976, may, within six months before attaining the age of seventy years, petition the commission on retirement, removal, and discipline to be allowed to serve after he has attained

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 that age until age seventy-six or has completed a total of twelve years of service as a judge,
19 whichever shall occur first. If the commission finds the petitioner to be able to perform his
20 duties and approves such service, the petitioner may continue to serve as such a judge until age
21 seventy-six if he has not completed a total of twelve years of service as a judge at such age. No
22 person shall be permitted to serve as such a judge beyond the age of seventy-six years regardless
23 of whether or not he has completed a total of twelve years except for the purpose of completing
24 the term to which he was elected or appointed, as provided in subsection 1 of this section.

25 3. Any magistrate, regardless of age elected in 1976 to fill an unexpired term shall be
26 permitted to complete that term.

27 **4. Any commissioner of the court of appeals or commissioner or deputy**
28 **commissioner of the circuit court may serve to the age of seventy-five years regardless of**
29 **whether he or she has completed a total of twelve years of service.**

476.515. 1. As used in sections 476.515 to 476.565, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Beneficiary", a surviving spouse married to the deceased judge continuously for a
4 period of at least two years immediately preceding the judge's death or if there is no surviving
5 spouse eligible to receive benefits pursuant to sections 476.515 to 476.565, the term
6 "beneficiary" shall mean any child under age twenty-one of the deceased judge, who shall share
7 in the benefits on an equal basis with all other beneficiaries;

8 (2) "Benefit", a series of equal monthly payments payable during the life of a judge
9 retiring pursuant to the provisions of sections 476.515 to 476.565 or payable to a beneficiary as
10 provided in sections 476.515 to 476.565; all benefits paid pursuant to sections 476.515 to
11 476.565 in excess of any contributions made to the system by a judge shall be considered to be
12 a part of the compensation provided a judge for the judge's services;

13 (3) "Commissioner of administration", the commissioner of administration of the state
14 of Missouri;

15 (4) "Judge", any person who has served or is serving as a judge or commissioner of the
16 supreme court or **a judge of the court of appeals or, for purposes of calculating retirement**
17 **benefits under the provisions of sections 476.515 to 476.565, a commissioner of the court**
18 **of appeals**; or as a judge of any circuit court, probate court, magistrate court, court of common
19 pleas or court of criminal corrections of this state; as a justice of the peace; or, **for the purposes**
20 **of calculating retirement benefits under the provisions of sections 476.515 to 476.565**, as
21 commissioner or deputy commissioner of the circuit court appointed after February 29, 1972;

22 (5) "Salary", the total compensation paid for personal services as a judge by the state or
23 any of its political subdivisions.

24 2. A surviving spouse whose benefits were terminated because of remarriage prior to
25 October 1, 1984, shall, upon written application to the board within six months after October 1,
26 1984, have the surviving spouse's rights as a beneficiary restored. Benefits shall resume as of
27 October 1, 1984.

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