

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1830-01
Bill No.: Perfected SB 552
Subject: Civil Procedure; Courts; Employees - Employers; Liens
Type: Original
Date: April 3, 2003

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| | | | |
| | | | |
| Total Estimated Net Effect on Other State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2004 | FY 2005 | FY 2006 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Commissioner's Office, Division of Budget and Planning, Division of Accounting, Police Retirement System of Kansas City, Joint Committee on Public Employee Retirement, County Commission of Jefferson County, Cass County, City of Jefferson City, City of Kansas City, City of Springfield, County Employees Retirement System, Public School Retirement System, State Courts Administrator, Missouri State Employees' Retirement System, Office of Prosecuting Services and City of St. Joseph** assume there will be no fiscal impact to their agency.

Officials from the **Local Government Employees Retirement System** assume that adding the reference to IRC section 401(a) plans, the amended statute would create a conflict, since LAGERS, as a governmental plan, is exempt from the QDRO provisions of the Internal Revenue Code and ERISA. Since federal law already exempts governmental plans from claims of an alternate payee pursuant to a QRDO, the proposed amendment would be contrary to, and pre-empted by, existing federal law. In addition, if the proposed bill were passed and signed into law, by continuing to comply with our specific statute, section 70.695, RSMo, which prohibits assignment of LAGERS benefits. LAGERS would be put in the untenable position of violating section 513.430, RSMo.

| <u>FISCAL IMPACT - State Government</u> | FY 2004 (10 Mo.) | FY 2005 | FY 2006 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2004 (10 Mo.) | FY 2005 | FY 2006 |
|---|---------------------|------------|------------|
| | <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

This act expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt.

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

SOURCES OF INFORMATION

Office of Administration -
Commissioner's Office
Division of Budget and Planning
Division of Accounting
Police Retirement System of Kansas City
Joint Committee on Public Employee Retirement
County Commission - Jefferson County, Missouri
Cass County, Missouri
City of Jefferson
City of Kansas City

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City of Springfield
Local Government Employees' Retirement System

SOURCES OF INFORMATION (continued)

County Employees' Retirement System
City of St. Joseph
Public School Retirement System
Office of Prosecuting Services
State Courts Administrator
Missouri State Employees' Retirement System



Mickey Wilson, CPA
Director
April 3, 2003