

FIRST REGULAR SESSION

# HOUSE BILL NO. 552

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CRUMP,  
HAGAN-HARRELL AND GRIESHEIMER (Co-sponsors).

Read 1<sup>st</sup> time January 25, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1545L.011

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### AN ACT

To repeal sections 104.374 and 104.610, RSMo 2000, relating to retirement of certain state employees, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 104.374 and 104.610, RSMo 2000, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 104.374 and 104.610, to read as follows:

104.374. 1. The normal annuity of a member, other than a member of the general  
2 assembly or a member who served in an elective state office, shall be an amount equal to one and  
3 six-tenths percent of the average compensation of the member multiplied by the number of years  
4 of creditable service of the member. Years of membership service and twelfths of a year are to  
5 be used in calculating any annuity. Absences for sickness and injury of less than twelve months  
6 or for military service or training under subsection 2 of section 104.330 shall be counted as years  
7 of membership service.

8 2. In addition to the amount determined pursuant to subsection 1 of this section, the  
9 normal annuity of a uniformed member of the water patrol shall be increased by thirty-three and  
10 one-third percent of the benefit.

11 3. Employees who are fully vested at the age of sixty-five years and who continue to be  
12 employed by an agency covered under the system or members of the general assembly who serve  
13 in the general assembly after the age of sixty-five years shall have added to their normal annuity  
14 when they retire or die an amount equal to the total of all annual cost-of-living increases that the  
15 retired members of the system received during the years between when the employee or member  
16 of the general assembly reached sixty-five years of age and the year that the employee or member  
17 of the general assembly terminated employment or died. In no event shall the total increase in  
18 compensation granted under this subsection and subsection 2 of section 104.612 exceed

19 sixty-five percent of the person's normal annuity calculated at the time of retirement or death.

20 **4. In addition to the amount determined pursuant to subsection 1 of this section,**  
21 **the normal annuity of a uniformed conservation agent shall be increased by thirty-three**  
22 **and one-third of the benefit.**

104.610. 1. Any person, who is receiving or hereafter may receive state retirement  
2 benefits from the Missouri state employees' retirement system other than a person with twelve  
3 or more years of service in statewide state elective office receiving benefits pursuant to the  
4 provisions of section 104.371, a legislators' retirement system, or the highways and  
5 transportation employees' and highway patrol retirement system, upon application to the board  
6 of trustees of the system from which he or she is receiving retirement benefits, shall be made,  
7 constituted, appointed and employed by the board as a special consultant on the problems of  
8 retirement, aging, and other state matters, for the remainder of the person's life, and upon request  
9 of the board, or other state agencies where such person was employed prior to retirement, give  
10 opinions, and be available to give opinions in writing, or orally, in response to such requests, as  
11 may be required, and for such services shall be compensated monthly, in an amount, which,  
12 when added to any monthly state retirement benefits received on his or her retirement, shall be  
13 equal to the state retirement benefits the person would be receiving currently if the person had  
14 benefited from changes in the law effecting increases in the rate in the formula for calculating  
15 benefits in his or her respective retirement system, for his or her type of employment or for those  
16 persons having accrued thirty-five or more years of creditable service, changes in the law  
17 pertaining to the age and service requirements for a normal annuity in his or her respective  
18 retirement system, made subsequent to the date of his or her retirement; except that in calculating  
19 such benefits the meaning of "average compensation" shall be that ascribed to it by the law in  
20 effect on the date on which the benefits pursuant to this section are calculated.

21 2. In lieu of any other benefits pursuant to the provisions of this section, any member of  
22 the Missouri state employees' retirement system who has or may hereafter retire pursuant to the  
23 provisions of section 104.371, pertaining to those members who have held statewide state  
24 elective office for at least twelve years, may apply pursuant to this section to be employed as a  
25 special consultant and for such services shall be compensated monthly, in an amount, which,  
26 when added to any monthly state retirement benefits received initially on his or her retirement,  
27 shall be equal to the state retirement benefits the person would be receiving if the person had  
28 benefited from changes in the law affecting increases in compensation for statewide state elective  
29 offices, pursuant to house substitute for senate bill no. 528, second regular session of the  
30 eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

31 3. This compensation shall be consolidated with any other retirement benefits payable  
32 to the person, and shall be funded as provided in section 104.436.

33           4. This compensation shall be treated as any other state retirement benefits payable by  
34 the Missouri state employees' retirement system or the highways and transportation employees'  
35 and highway patrol retirement system are treated and shall not be subject to execution,  
36 garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and  
37 shall be unassignable, anything to the contrary notwithstanding.

38           5. The employment provided for by this section shall in no way affect any person's  
39 eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of  
40 reducing retirement benefits, anything to the contrary notwithstanding.

41           6. In order to determine the total monthly state retirement compensation due each retiree  
42 who is eligible for the additional amount provided for in subsection 1 of this section, the  
43 following formula shall be used:

44           (1) The retiree's base monthly retirement compensation shall be determined by dividing  
45 the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate  
46 in the formula for calculating benefits in his or her respective retirement system plus any annual  
47 increases granted such retiree as a result of his or her being a consultant, by twelve;

48           (2) The amount determined pursuant to subdivision (1) of this subsection shall be  
49 increased by an amount equal to the base monthly retirement compensation calculated pursuant  
50 to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the  
51 formula;

52           (3) The sum obtained from completing the calculations contained in subdivisions (1) and  
53 (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any  
54 retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit  
55 pursuant to subsection 1 of this section was not calculated in accordance with the procedure  
56 provided in this subsection shall have his or her total monthly retirement compensation for all  
57 months beginning on or after September 28, 1985, recalculated in accordance with this  
58 subsection.

59           7. The provisions of this section are severable. If any provision of this section is found  
60 by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining  
61 provisions of this section are valid unless the court finds that such valid provisions, standing  
62 alone, are incomplete and incapable of being executed in accordance with the legislative intent.

63           8. Any person who terminates employment or retires prior to July 1, 2000, shall be made,  
64 constituted, appointed and employed by the board as a special consultant on the problems of  
65 retirement, aging, and other state matters, for the remainder of the person's life, and upon request  
66 of the board, or other state agencies where such person was employed prior to retirement, give  
67 opinions, and be available to give opinions in writing, or orally, in response to such requests, as  
68 may be required, and for such services shall be eligible to elect to receive a retirement annuity

69 pursuant to the year 2000 plan as provided in this chapter.

70       9. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to  
71 the death of a member prior to retirement, who was married less than two years to the member  
72 at the time of the member's death, shall, upon application to the board, be made, constituted,  
73 appointed and employed by the board as a special consultant on the problems of retirement,  
74 aging and other state matters. As a special consultant pursuant to the provisions of this  
75 subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to  
76 what the system would have paid the person had the person been eligible for such survivor  
77 benefit upon the death of the member. Such benefit shall commence the first of the month  
78 following receipt by the system of an application from such person, but not earlier than  
79 September 1, 2000. In no event shall any retroactive benefits be paid.

80       **10. Any person who is receiving or hereafter may receive retirement benefits**  
81 **pursuant to section 104.374, and would qualify for a benefit pursuant to subsection 4 of**  
82 **section 104.374 if such person were an active employee or beneficiary of an active**  
83 **employee, shall, upon application to the board of trustees of the system from which he or**  
84 **she is receiving retirement benefits, be made, constituted, appointed and employed by the**  
85 **board as a special consultant on the problems of retirement, aging and other state matters,**  
86 **for the remainder of the person's life, and upon request of the board, or other state**  
87 **agencies where such person was employed prior to retirement, give opinions in writing, or**  
88 **orally, in response to such requests, as may be required, and for such services shall be**  
89 **compensated monthly, in an amount which, when added to any monthly state retirement**  
90 **benefits received on his or her retirement, shall be equal to the retirement benefits the**  
91 **person would be receiving currently if the person had benefited from changes in the law**  
92 **effecting increases pursuant to subsection 4 of section 104.374.**