

FIRST REGULAR SESSION

HOUSE BILL NO. 659

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAGAN-HARRELL.

Read 1st time February 6, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1673L.011

AN ACT

To repeal section 104.370, RSMo 2000, relating to Missouri state employees' retirement system, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 104.370, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 104.370, to read as follows:

104.370. 1. Any member of the general assembly who has served at least three full biennial assemblies as a member of the general assembly and who meets the conditions for retirement at or after the member's normal retirement age shall be entitled to a normal annuity in a monthly amount equal to one hundred [fifty] **sixty** dollars multiplied by the number of biennial assemblies in which such member has served. For the purpose of calculating benefits due [under] **pursuant to** this subsection:

(1) Service in any portion of a biennial assembly after service in at least three biennial assemblies shall be credited as service in a full biennial assembly; and

(2) Any person who is elected as a member of the general assembly at a special election and who serves the remainder of that term to which he **or she** was elected at such special election shall receive credit for a full biennial assembly for such service.

2. If a member of either retirement system established by this chapter, who has served at least three full biennial assemblies as a member of the general assembly, is elected to a state office, appointed to a state office, or employed by the state before, after, or before and after his **or her** service as a member of the general assembly, the member may, at the end of such employment, receive upon retirement, at or after the member's normal retirement age, the amount

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 which shall be due the member for creditable service as a member of the general assembly. If
18 he **or she** has not fully vested as a result of his **or her** employment as other than a member of
19 the general assembly, he **or she** shall be credited with additional service as a legislator just as
20 though all of the service combined had in fact been rendered as a member of the general
21 assembly and receive a normal annuity. If the member retires before normal retirement age, the
22 member shall receive the actuarial reduction approved by the board. Nothing in this section shall
23 allow any member to simultaneously accumulate service in more than one state retirement
24 system as a member of the general assembly and an employee or state officer.

25 3. A member who has fully vested as a state officer or employee and has service as a
26 member of the general assembly of less than three full biennial assemblies, upon retirement, at
27 or after the member's normal retirement age, shall be credited with additional service as a state
28 officer or employee for the time he **or she** served as a member of the general assembly. If the
29 member retires before normal retirement age, he **or she** shall receive the actuarial reduction
30 approved by the board.

31 4. Any member of the general assembly who has served at least three full biennial
32 assemblies and whose service as such terminates on or after October 1, 1984, and who served
33 as an employee, as that term is defined in section 104.010, prior to the respective dates on which
34 the retirement systems to which such sections apply originally became effective, but was not
35 such an employee on such dates, shall be entitled to the creditable prior service that such
36 employee would have been entitled to in either or both systems had such employee become a
37 member on the date of inception of either or both systems. The maximum number of years of
38 creditable prior service to which a member may become entitled pursuant to this section is less
39 than ten years. The benefits attributable to such service shall be calculated as if all service was
40 rendered as a member of the general assembly.

41 5. Any former member of the general assembly who is receiving benefits [under]
42 **pursuant to** the provisions of this section shall, upon written request to the board, be made,
43 constituted, appointed and employed by the board as a special consultant on the problems of
44 retirement and other related matters and shall upon request of the board give opinions in writing
45 or orally in response to such requests. As compensation for such services, the retired member
46 shall have his **or her** retirement benefits recalculated the first of the month next following his
47 **or her** application [under] **pursuant to** this subsection to reflect that any portion of a year of
48 creditable service shall be counted as one full biennial session.

49 6. Any retired member who is receiving benefits from the system and is elected to the
50 general assembly but does not serve at least three biennial sessions shall receive creditable
51 service for the time he **or she** served in the general assembly and upon leaving the general
52 assembly shall have an additional benefit calculated using such service.

53 7. Benefits paid for service credited to legislative service shall be funded as provided in
54 section 104.436.

55 8. Any former member of the general assembly not retired on August 28, 1994, who is
56 fifty-five years of age or more and who has creditable service in the general assembly of at least
57 three full biennial assemblies and has not used such services as creditable services in any other
58 retirement system shall be made and employed by the board as a special consultant on the
59 problems related to retirement and shall, when requested by the board, give opinions either
60 written or orally on such problems. As compensation for such duties the former member of the
61 general assembly shall be entitled to retire with a normal annuity effective the first of the month
62 following receipt by the board of a written application.

63 9. Notwithstanding any other law to the contrary, any active member of the Missouri
64 state employees' retirement system who is vested, on August 28, 1994, [under] **pursuant to** the
65 provisions of subsection 1 of this section, and who has served as an elected county official and
66 who, by virtue of such service was a member of a retirement system other than the Missouri state
67 employees' retirement system but was not vested in such other retirement system, or was not a
68 member of any retirement system, shall receive creditable prior service in the Missouri state
69 employees' retirement system for such previous service as an elected county official.

70 **10. Effective August 28, 2001, any former member of the general assembly who**
71 **served at least two full biennial assemblies and had no creditable service for the same**
72 **period of service in another retirement system shall be made and employed by the board**
73 **as a special consultant on the problems related to retirement and shall, when requested by**
74 **the board, give opinions either written or orally on such problems. As compensation for**
75 **such duties the former member of the general assembly shall be entitled to retire with a**
76 **normal annuity effective the first of the month following receipt by the board of a written**
77 **application. In no event shall retroactive benefits be paid.**