

SECOND REGULAR SESSION

HOUSE BILL NO. 1069

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), VILLA,
MUCKLER AND JACKSON (Co-sponsors).

Read 1st time January 14, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3687L.011

AN ACT

To repeal sections 86.223 and 86.353, RSMo, and to enact in lieu thereof two new sections relating to police relief and pension systems.

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

Section A. Sections 86.223 and 86.353, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 86.223 and 86.353, to read as follows:

2 86.223. [Each trustee shall be entitled to one vote in the board. Six votes shall be
2 necessary for a decision by the trustees at any meeting of the board] **Six trustees shall constitute
3 a quorum for the transaction of business, and any official action of the board shall be
4 based on the majority vote of the trustees present.**

2 86.353. **1.** The right of any person to a benefit, any other right accrued or accruing to
2 any person under the provisions of sections 86.200 to 86.366 and the moneys created pursuant
3 to sections 86.200 to 86.366 are not subject to execution, garnishment, attachment or any other
4 process whatsoever and are unassignable except as in sections 86.200 to 86.366 specifically
5 provided. Notwithstanding the foregoing, nothing in this section shall prevent the board of
6 trustees from honoring the terms of a court order requiring the retirement system to pay all or any
7 portion of the retirement benefit otherwise payable to a retired or disabled member to a third
8 party to satisfy the member's obligation to pay child support or maintenance. Any relief
9 association created pursuant to section 86.500 shall be exempt from the tax imposed by sections
10 143.011 to 143.1013, RSMo.

11 **2.** No court shall divide or set aside any federal old-age survivors or disability
12 insurance benefit provided to any party pursuant to the federal Social Security Act, 42
13 U.S.C. Section 200 et seq., in any proceeding for dissolution of marriage.

14 **3.** A court of competent jurisdiction may divide the pension, annuity, benefits,

15 **rights, and retirement allowance provided pursuant to sections 86.200 to 86.366 between**
16 **the parties to any action for dissolution of marriage, to the same extent and in the same**
17 **manner the court may divide any federal old-age survivors or disability insurance benefit**
18 **of the parties provided pursuant to the federal Social Security Act. This section shall be**
19 **applicable to dissolution of marriage proceedings pending or initiated on or after**
20 **September 2, 2004.**