

SECOND REGULAR SESSION

**HOUSE BILL NO. 1217**

**92ND GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVES JOHNSON (47) (Sponsor), CURLS, SKAGGS, YOUNG, BLAND,  
MEINERS, YATES, MOORE, BISHOP, LeVOTA, BURNETT, JOLLY, WALKER, WILLOUGHBY,  
SAGER AND DUSENBERG (Co-sponsors).

Read 1<sup>st</sup> time January 22, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3988L.011

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**AN ACT**

To repeal section 86.690, RSMo, and to enact in lieu thereof one new section relating to civilian employees retirement system of the police department of Kansas City.

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

Section A. Section 86.690, RSMo, is repealed and one new section enacted in lieu  
2 thereof, to be known as section 86.690, to read as follows:

86.690. 1. Upon death after August 28, 2001, of a member for any cause prior to  
2 retirement, the following amounts shall be payable subject to subsection 5 of this section, as full  
3 and final settlement of any and all claims for benefits under this retirement system:

4 (1) If the member has less than five years of creditable service, the member's surviving  
5 spouse shall be paid, in a lump sum, the amount of accumulated contributions and interest. If  
6 there be no surviving spouse, payment shall be made to the member's designated beneficiary, or  
7 if none, to the executor or administrator of the member's estate.

8 (2) If the member has at least five, but less than twenty years of creditable service, the  
9 member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of  
10 this subsection, an annuity. Such annuity shall be one-half of the member's accrued annuity at  
11 date of death as computed in section 86.650. The effective date of the election shall be the latter  
12 of the first day of the month after the member's death or attainment of what would have been the  
13 member's early retirement date as provided in section 86.660.

14 (3) If the member has at least twenty years of creditable service, the member's surviving  
15 spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, the  
16 larger of the annuity as computed in subdivision (2) of this subsection or an annuity determined  
17 on a joint and survivor's basis from the actuarial value of the member's accrued annuity at date

18 of death.

19 (4) Any death of a retired member occurring before the date of first payment of the  
20 retirement annuity shall be deemed to be a death before retirement.

21 (5) Benefits payable pursuant to this section shall continue for the lifetime of such  
22 surviving spouse without regard to remarriage.

23 (6) No surviving spouse of a member who dies in service after August 28, 2001, shall  
24 be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was  
25 married to the member at the time of the member's death in service.

26 2. Upon death following retirement for any cause after August 28, 2001, of a member  
27 who has not elected the optional annuity pursuant to section 86.650, the member's surviving  
28 spouse shall receive a pension payable for life, equaling one-half of the member's normal  
29 retirement allowance, computed under section 86.650, as of the member's actual retirement date,  
30 subject to adjustments provided in subsection 5 of section 86.675, if any; provided, no surviving  
31 spouse of a member who retires after August 28, 2001, shall be entitled to receive any benefits  
32 pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time  
33 of the member's retirement. Any surviving spouse who was married to such a member at the  
34 time of the member's retirement shall be entitled to all benefits for surviving spouses pursuant  
35 to sections 86.600 to 86.790 for the life of such surviving spouse without regard to remarriage.  
36 If there be no surviving spouse, payment of the member's accumulated contributions less the  
37 amount of any prior payments from the retirement system to the member or to any beneficiary  
38 of the member shall be made to the member's designated beneficiary or, if none, to the personal  
39 representative of the member's estate.

40 3. Any surviving spouse of a member who dies in service or retired prior to August 28,  
41 2001, who otherwise qualifies for benefits pursuant to subsection 1 or 2 of this section and who  
42 has not remarried prior to August 28, 2001, but remarries thereafter, shall upon application to  
43 the retirement board be appointed by the retirement board as a special consultant on the problems  
44 of retirement, aging and other matters, and upon request of the retirement board shall give  
45 opinions in writing or orally in response to such requests, as may be required. For such services,  
46 such surviving spouse shall be compensated in an amount equal to the benefits such spouse  
47 would have received pursuant to sections 86.600 to 86.790 in the absence of such remarriage.

48 4. Should the total amount paid from the retirement system to a member, the member's  
49 surviving spouse, any other beneficiary of the member, and the funeral benefit under subsection  
50 6 of this section be less than the member's accumulated contributions, an amount equal to such  
51 difference shall be paid to the member's designated beneficiary or, if none, to the personal  
52 representative of the member's estate, and such payment shall constitute full and final payment  
53 of any and all claims for benefits under the retirement system.

54           5. Any beneficiary of benefits pursuant to sections 86.600 to 86.790 who becomes the  
55 surviving spouse of more than one member shall be paid all benefits due a surviving spouse of  
56 that member whose entitlements produce the largest surviving spouse benefits for such  
57 beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than  
58 one member, except that any surviving spouse for whom an election has been made for an  
59 optional annuity under subsection 2 of section 86.650 shall be entitled to every annuity for which  
60 such surviving spouse has so contracted.

61           6. Upon receipt of the proper proof of death of a member in service after August 28,  
62 2003, or the death of a member in service on or after August 28, 2003, who dies after having  
63 been retired and pensioned, there shall be paid in addition to all other benefits a funeral benefit  
64 of one thousand dollars. **Any member who was retired on or before August 28, 2003, and**  
65 **is receiving retirement benefits from the retirement system, upon application to the**  
66 **retirement board, shall be appointed by the retirement board as a special consultant on the**  
67 **problems of retirement, aging, and other matters for the remainder of such member's life,**  
68 **and upon request of the retirement board shall give opinions and be available to give**  
69 **opinions in writing or orally, in response to such requests, as may be required. Upon**  
70 **receipt of the proper proof of death of such member, there shall be paid in addition to all**  
71 **other benefits a funeral benefit of one thousand dollars.**