

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1217
92ND GENERAL ASSEMBLY

Reported from the Committee on Pensions and General Laws, April 14, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3988S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 86.223 and 86.690, RSMo, and to enact in lieu thereof two new sections relating to retirement systems of police employees within Kansas City and St. Louis.

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

Section A. Sections 86.223 and 86.690, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 86.223 and 86.690, to read as follows:

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

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

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

(2) If the member has at least five, but less than twenty years of creditable service, the member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, an annuity. Such annuity shall be one-half of the member's accrued annuity at date of death as computed in section 86.650. The effective date of the election shall be the latter of the first day of the month after the member's

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

15 death or attainment of what would have been the member's early retirement date as
16 provided in section 86.660.

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

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

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

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

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

44 3. Any surviving spouse of a member who dies in service or retired prior to
45 August 28, 2001, who otherwise qualifies for benefits pursuant to subsection 1 or 2 of
46 this section and who has not remarried prior to August 28, 2001, but remarries
47 thereafter, shall upon application to the retirement board be appointed by the retirement
48 board as a special consultant on the problems of retirement, aging and other matters,
49 and upon request of the retirement board shall give opinions in writing or orally in
50 response to such requests, as may be required. For such services, such surviving spouse

51 shall be compensated in an amount equal to the benefits such spouse would have
52 received pursuant to sections 86.600 to 86.790 in the absence of such remarriage.

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

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

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

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