

SECOND REGULAR SESSION

HOUSE BILL NO. 1643

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON (47).

Read 1st time March 9, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4704L.021

AN ACT

To repeal sections 86.387 and 86.630, RSMo, and to enact in lieu thereof two new sections relating to police military leave.

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

Section A. Sections 86.387 and 86.630, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 86.387 and 86.630, to read as follows:

86.387. **1.** Should any member be absent by authority of the board of police
2 commissioners in military service or should he **or she** be granted temporary leave of absence by
3 the board of police commissioners [after the passage of sections 86.370 to 86.497,] he **or she**
4 shall not, because of such absence, cease to be a member. [A member absent for military service
5 shall be entitled to such credits as are permitted by section 86.430.]

6 **2.** If a member is on temporary leave of absence for one month or less, such member
7 shall receive service credit for such time.

8 **3. Except as provided in subsection 4 of this section,** if a member is on temporary
9 leave of absence for more than one month without compensation, such member shall not receive
10 service credits for such time unless such member shall, within one year of his **or her** return from
11 such absence, pay into the retirement system fund an amount equal to the member's contribution
12 percentage at the time such absence began times an assumed salary figure for the period of such
13 absence, computed by assuming that such member received a salary during his **or her** absence
14 at the rate of the base annual salary the member was receiving immediately prior to his **or her**
15 absence.

16 **4. Notwithstanding any other provision of sections 86.370 to 86.497, a member who**

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

17 is on leave of absence for military service during any portion of which leave the United
18 States is in a state of declared war, or a compulsory draft is in effect for any of the military
19 branches of the United States, or any units of the military reserves of the United States,
20 including the National Guard, are mobilized for combat military operations, and who
21 becomes entitled to reemployment rights and other employment benefits under Title 38,
22 Chapter 43 of the U.S. Code relating to employment and reemployment rights of members
23 of the uniformed services by meeting the requirements for such rights and benefits under
24 section 4312 of said chapter, or the corresponding provisions of any subsequent applicable
25 U.S. statute, shall be entitled to service credit for the time spent in such military service for
26 all purposes of sections 86.370 to 86.497, and such member shall not be required to pay any
27 member contributions for such time. If it becomes necessary for the years of such service
28 to be included in the calculation of such member's compensation for any purpose, such
29 member shall be deemed to have received the same compensation throughout such period
30 of service as the member's base annual salary immediately prior to the commencement of
31 such leave of absence.

86.630. 1. The years of future creditable service of an employee member shall be the
2 number of years and months of completed membership in the retirement system up to the time
3 of retirement during which [he] **the member** has received compensation. The years and months
4 of creditable service prior to October 13, 1965, shall be the continuous years and months of
5 service from the latest date of employment. When an employee has been given a leave of
6 absence prior to October 13, 1965, because of illness or disability and at the time [he] **such**
7 **employee** had reached the retirement age prescribed in sections 86.600 to 86.790, [he] **the**
8 **employee** shall be entitled to retire and the number of years served by [him] **such employee** up
9 to the time of the leave of absence are the years and months of creditable service. Whenever a
10 member is given a leave of absence for military service and [he] **the member** returns to his **or**
11 **her** employment within ninety days after his **or her** discharge from the service, [he] **the member**
12 shall be entitled to creditable service for the years of his **or her** employment prior to the leave
13 of absence.

14 2. Members who terminate membership and later return to membership may receive
15 credit for prior service and membership service after they have been reemployed for at least two
16 consecutive years and have repaid withdrawn contributions if an election to return to
17 membership is made within three years of reemployment. Such repayment of withdrawn
18 contributions shall be accompanied by additional payment of interest in the amount of the actual
19 net yield earned or incurred by the pension fund, including both net income after expenses and
20 net appreciation or depreciation in values of the fund, whether realized or unrealized, during the
21 period of time from the date upon which such contributions have been withdrawn to the date of

22 repayment thereof, determined in accordance with such rules for valuation and accounting as
23 may be adopted by the retirement board for such purposes.

24 3. Creditable service shall not include any time a member was suspended from service
25 without pay. No contribution is required from either the member or from the city under section
26 86.760 for such time.

27 4. Any active member on August 28, 1995, who served on active duty in the armed
28 forces of the United States and who became a member, or returned to membership, after
29 discharge under honorable conditions, may elect, prior to retirement but in no case later than
30 August 28, 1997, to purchase creditable service equivalent to such service in the armed forces,
31 not to exceed two years, provided the member is not receiving and is not eligible to receive
32 retirement credits or benefits from any other public or private retirement plan for the service to
33 be purchased, other than a United States military service retirement system or United States
34 Social Security benefits attributable to such military service, and an affidavit so stating is filed
35 by the member with the retirement system. A member electing to make such purchase shall pay
36 to the retirement system an amount equal to the actuarial value of the additional benefits
37 attributable to the creditable service so purchased, as of the date the member elects to make such
38 purchase. The retirement system shall determine the value using accepted actuarial methods and
39 the same assumptions with respect to interest rates, mortality, future salary increases and all
40 related factors used in performing the most recent regular actuarial valuation of the retirement
41 system. Payment in full of the amount due from a member electing to purchase creditable
42 service under this section shall be made over a period not to exceed five years, measured from
43 the date of election, or prior to the commencement date for payment of benefits to the member
44 from the retirement system, whichever is earlier, including interest on unpaid balances
45 compounded annually at the interest rate assumed from time to time for actuarial valuations of
46 the retirement system. If payment in full including interest is not made within the prescribed
47 period, any partial payments made by the member shall be refunded, and no creditable service
48 attributable to such election or as a result of any such partial payments shall be allowed; provided
49 that if a benefit commencement date occurs because of the death or disability of a member who
50 has made an election under this subsection and if the member is current in payments under an
51 approved installment payment plan at the time of the death or disability, such election shall be
52 valid if the member, the surviving spouse or other person entitled to benefit payments pays the
53 entire balance of the remaining amount due, including interest to the date of such payment,
54 within sixty days after the member's death or disability. The time of a disability shall be deemed
55 to be the time when such member is determined by the retirement board to be totally and
56 permanently disabled as provided in section 86.670.

57 5. Any individual who becomes a member of the retirement system subsequent to August

58 28, 1995, and who served on active duty in the armed forces of the United States and who
59 became a member, or returned to membership, after discharge under honorable conditions, may
60 elect, prior to retirement but in no case later than two years after the effective date of his
61 membership in the retirement system, to purchase creditable service equivalent to such service
62 in the armed forces, not to exceed two years, provided the member is not receiving and is not
63 eligible to receive retirement credits or benefits from any other public or private retirement plan
64 for the service to be purchased, other than a United States military service retirement system or
65 United States Social Security benefits attributable to such military service, and an affidavit so
66 stating is filed by the member with the retirement system. A member electing to make such
67 purchase shall pay to the retirement system an amount equal to the actuarial value of the
68 additional benefits attributable to the additional service credit to be purchased, as of the date the
69 member elects to make the purchase. The retirement system shall determine such value using
70 accepted actuarial methods and the same assumptions with respect to interest rates, mortality,
71 future salary increases and all related factors used in performing the most recent regular actuarial
72 valuation of the retirement system. Payment in full of the amount due from a member electing
73 to purchase creditable service under this section shall be made over a period not to exceed five
74 years, measured from the date of election, or prior to the commencement date for payment of
75 benefits to the member from the retirement system, whichever is earlier, including interest on
76 unpaid balances compounded annually at the interest rate assumed from time to time for actuarial
77 valuations of the retirement system. If payment in full including interest is not made within the
78 prescribed time period, any partial payments made by the member shall be refunded, and no
79 creditable service attributable to such election, or as a result of any such partial payments, shall
80 be allowed; provided that if a benefit commencement date occurs because of the death or
81 disability of a member who has made an election under this section and if the member is current
82 in payments at the time of death or disability, under an approved installment plan, such election
83 shall be valid if the member, the surviving spouse or other person entitled to benefit payments
84 shall pay the entire balance of remaining amount due, including interest to the date of such
85 payment, within sixty days after the member's death or disability. The time of a disability shall
86 be deemed to be the time when such member is determined by the retirement board to be totally
87 and permanently disabled as provided in section 86.670.

88 **6. Notwithstanding any other provision of sections 86.600 to 86.790, a member who**
89 **is on leave of absence for military service during any portion of which leave the United**
90 **States is in a state of declared war, or a compulsory draft is in effect for any of the military**
91 **branches of the United States, or any units of the military reserves of the United States,**
92 **including the National Guard, are mobilized for combat military operations, and who**
93 **becomes entitled to reemployment rights and other employment benefits under Title 38,**

94 **Chapter 43 of the U.S. Code relating to employment and reemployment rights of members**
95 **of the uniformed services by meeting the requirements for such rights and benefits under**
96 **section 4312 of said chapter, or the corresponding provisions of any subsequent applicable**
97 **U.S. statute, shall be entitled to service credit for the time spent in such military service for**
98 **all purposes of sections 86.600 to 86.790, and such member shall not be required to pay any**
99 **member contributions for such time. If it becomes necessary for the years of such service**
100 **to be included in the calculation of such member's compensation for any purpose, such**
101 **member shall be deemed to have received the same compensation throughout such period**
102 **of service as the member's base annual salary immediately prior to the commencement of**
103 **such leave of absence.**