

FIRST REGULAR SESSION

# HOUSE BILL NO. 234

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STORCH (Sponsor), ZWEIFEL AND DONNELLY (Co-sponsors).

Read 1<sup>st</sup> time January 13, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0998L.011

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### AN ACT

To repeal section 287.815, RSMo, and to enact in lieu thereof one new section relating to the administrative law judge retirement system.

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

Section A. Section 287.815, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.815, to read as follows:

287.815. 1. Effective August 28, 1999, any person, sixty-two years of age or older, who has served or who has creditable service in this state for an aggregate of at least twelve years, or any person, sixty years of age or older, who has served or who has creditable service in this state for an aggregate of at least fifteen years or any person, fifty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twenty years, continuously or otherwise, as an administrative law judge or legal advisor, or both, of the division, and who, on or after August 13, 1984, ceases to hold office by reason of the expiration of his or her term, voluntary resignation, retirement pursuant to the provisions of sections 287.812 to 287.856, or removal by the governor for any nondisciplinary reason, shall receive benefits as provided in sections 287.812 to 287.856. The twelve years', fifteen years' or twenty years' requirement of this section may be fulfilled by service as an administrative law judge or legal advisor, or both, of the division at any time prior to or after August 13, 1984. If a person appointed pursuant to section 286.010, RSMo, or a chairman appointed pursuant to section 295.030, RSMo, does not have twelve years' or fifteen years' service, as required pursuant to this subsection, as an administrative law judge or legal advisor, or both, but the person has served in the general assembly, each biennial assembly or partial biennial assembly either served or purchased shall be deemed and

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

17 credited as two full years of creditable service as an administrative law judge or legal advisor if  
18 the person waives in writing all right to any other retirement benefit provided by his or her  
19 service as a member of the general assembly.

20         2. Any aggregate of twelve years or more of such service shall entitle the person to  
21 retirement benefits provided in sections 287.812 to 287.856 regardless of whether or not the  
22 person was so employed upon reaching the age of eligibility as described in subsection 1 of this  
23 section. However, the retirement benefits shall not be paid to the person until that person attains  
24 the age of eligibility as described in subsection 1 of this section.

25         3. If a person appointed pursuant to section 286.010, RSMo, or pursuant to section  
26 295.030, RSMo, or pursuant to section 621.015, RSMo, or an attorney or legal counsel appointed  
27 or employed pursuant to section 286.070, RSMo, does not have twelve years' service as an  
28 administrative law judge or legal advisor, or both, but the person has creditable service under the  
29 Missouri state employees' retirement system, such person may elect that such service be credited  
30 as service as an administrative law judge or legal advisor if the person waives in writing all right  
31 to any other retirement benefit provided for other service. Persons appointed pursuant to section  
32 621.015, RSMo, shall be required to have served a majority of a term in order to qualify for  
33 benefits pursuant to sections 287.812 to 287.856.

34         4. Any person who has been appointed and has served pursuant to section 621.015,  
35 RSMo, prior to August 28, 1999, who is receiving or thereafter is qualified to receive retirement  
36 benefits pursuant to section 104.374, RSMo, shall upon application be made, constituted,  
37 appointed and employed by the board of trustees of the Missouri state employees' retirement  
38 system as a special consultant on the problems of retirement, aging and other state matters for  
39 the remainder of the person's life. Upon request of the board or the administrative hearing  
40 commission, the consultant shall give opinions or be available to give opinions in writing or  
41 orally in response to such requests. As compensation for such services and in lieu of receiving  
42 benefits pursuant to section 104.374, RSMo, each such special consultant shall be eligible for  
43 all benefits payable pursuant to sections 287.812 to 287.856, effective upon the later of August  
44 28, 1999, or the date retirement benefits become payable. In no event shall retroactive benefits  
45 be paid.

46         **5. After August 28, 2005, all persons who for the first time become eligible for**  
47 **benefits as provided pursuant to sections 287.812 to 287.856 shall accrue benefits under**  
48 **chapter 104, RSMo, for the first three years of service notwithstanding any provisions to**  
49 **the contrary under chapter 287. After three years of such service, such persons shall**  
50 **become eligible for benefits under sections 287.812 to 287.856, and the person's first three**  
51 **years of service shall be credited as service under sections 287.812 to 287.856 and no longer**  
52 **be credited under chapter 104, RSMo. Persons appointed after August 28, 2005, under**

53 **section 286.010, RSMo, section 295.030, RSMo, and section 621.015, RSMo, who fail to**  
54 **receive senate confirmation shall not be eligible for any benefits under chapter 104, RSMo,**  
55 **or sections 287.812 to 287.856 for any service pursuant to such appointment.**