

FIRST REGULAR SESSION

HOUSE BILL NO. 337

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILDBERGER.

Read 1st time January 26, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0991L.011

AN ACT

To repeal sections 70.645 and 70.646, RSMo, and to enact in lieu thereof two new sections relating to local government employee retirement.

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

Section A. Sections 70.645 and 70.646, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 70.645 and 70.646, to read as follows:

70.645. Any member in service may retire with an allowance provided for in section
2 70.655 upon his **or her** written application to the board setting forth at what time not less than
3 thirty days nor more than ninety days subsequent to the execution and filing of his **or her**
4 application he **or she** desires to be retired; except that, at the time specified for his **or her**
5 retirement the member must have attained his **or her** minimum service retirement age, or if an
6 election has been made in accordance with section 70.646 to provide for alternate eligibility,
7 [have years of attained age and years of credited service in force which total eighty or more,] **the**
8 **member shall meet the alternate elected unreduced age and service eligibility condition** and
9 must have five or more years of credited service in force, and notwithstanding that during the
10 period of notification he **or she** may have separated from service. [He] **The member** shall have
11 the right to elect an option provided for in section 70.660.

70.646. 1. Each political subdivision may, by majority vote of its governing body, elect
2 from time to time, with respect to its members retiring in the future, to provide an alternate for
3 unreduced age and service retirement eligibility for its members, which alternate shall allow for
4 unreduced age and service retirement for its members [who have years of attained age and years

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.

5 of credited service in force which total eighty or more]. **The alternate unreduced age and**
6 **service eligibility conditions which may be elected are as follows:**

7 **(1) Rule of eighty: Unreduced age and service eligibility is attained for its members**
8 **who have years of attained age and years of credited service in force which total eighty or**
9 **more;**

10 **(2) Rule of seventy: Unreduced age and service eligibility is attained for its**
11 **policemen and firemen members who have years of attained age and years of credited**
12 **service in force which total seventy or more; and**

13 **(3) Rule of seventy and rule of eighty: Unreduced age and service eligibility is**
14 **attained for its policemen and firemen members who have years of attained age and years**
15 **of credited service in force which total seventy or more; unreduced age and service**
16 **eligibility is attained for its members, who are not policemen or firemen members, who**
17 **have years of attained age and credited service which total eighty or more.**

18

19 If a political subdivision makes no election under this section, the minimum age and service
20 requirements of section 70.645 shall be in effect. The clerk or secretary of the political
21 subdivision shall certify an election concerning age and service eligibility to the board within ten
22 days after such vote. The effective date of the political subdivision's age and service eligibility
23 election is the first day of the calendar month specified by such governing body, or the first day
24 of the calendar month next following receipt by the board of the certification of the age and
25 service eligibility election, or the effective date of the political subdivision's becoming an
26 employer, whichever is the latest date. Such age and service eligibility may be changed from
27 time to time by a majority vote of the governing body, but not more than once in two years. If
28 such election is to adopt [the] **an** alternate age and service eligibility provided for in this section,
29 such alternate provisions shall be applicable to allowances for which the employer is financially
30 responsible for all of the employer's employees who accrue credited service with the employer
31 while such alternate is in effect. If the election is to limit retirement eligibility to the minimum
32 eligibility provisions of section 70.645, such election shall be applicable to employees of the
33 employer who did not accrue service credit with the employer while the alternate may have been
34 in effect.

35 2. Should an employer change its age and service eligibility election as provided in this
36 section, the employer contributions shall be correspondingly changed effective the same date as
37 the age and service eligibility change.

38 3. The limitation on increases in an employer's contributions provided by subsection 6
39 of section 70.730 shall not apply to any contribution increase resulting from an employer's
40 making an age and service eligibility election under the provisions of this section.