

FIRST REGULAR SESSION

# HOUSE BILL NO. 411

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DENISON (Sponsor), WILSON (119), MYERS, LAMPE,  
DOUGHERTY, BROWN (50), SATER, BEHNEN, WHORTON, MEINERS, SANDER,  
WETER AND MOORE (Co-sponsors).

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

STEPHEN S. DAVIS, Chief Clerk

1237L.011

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### AN ACT

To repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to employment of retirees of the public school retirement system.

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

Section A. Section 169.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.560, to read as follows:

169.560. **1.** Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employing school district does not utilize a salary schedule, or if the position in question is not subject to the employing district's salary schedule, a retiree employed in accordance with the provisions of this [section] **subsection** may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for

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.

15 the position in the employing school district that is most comparable to the position filled by the  
16 retiree. In any case where a retiree fills more than one position during the school year, the  
17 fifty-percent limit on permitted earning shall be based solely on the annual compensation of the  
18 highest paid position occupied by the retiree for at least one-fifth of the total hours worked  
19 during the year. Such a person shall not contribute to the retirement system or to the nonteacher  
20 school employee retirement system established by sections 169.600 to 169.715 because of  
21 earnings during such period of employment. If such a person is employed in any capacity by  
22 such a district on a regular, full-time basis, the person shall not be eligible to receive the person's  
23 retirement allowance for any month during which the person is so employed and shall contribute  
24 to the retirement system.

25 **2. Any person retired and currently receiving a retirement allowance under**  
26 **sections 169.010 to 169.141, other than for disability, may be employed in a district**  
27 **included in the retirement system created by those sections in a certified staff position paid**  
28 **on the regular teachers' salary schedule on either a part-time or temporary-substitute basis**  
29 **for more than five hundred fifty hours but not to exceed a total of eight hundred hours in**  
30 **any one school year, and through such employment may earn up to seventy-five percent**  
31 **of the annual compensation payable under the employing district's salary schedule for the**  
32 **position or positions filled by the retiree, given such person's level of experience and**  
33 **education, without a discontinuance of the person's retirement allowance. If the position**  
34 **or positions did not previously exist, the compensation limit shall be determined in**  
35 **accordance with rules duly adopted by the board of trustees of the retirement system;**  
36 **provided that, it shall not exceed seventy-five percent of the annual compensation payable**  
37 **for the position in the employing school district that is most comparable to the position**  
38 **filled by the retiree. In any case where a retiree fills more than one position during the**  
39 **school year, the seventy-five percent limit on permitted earning shall be based solely on the**  
40 **annual compensation of the highest paid position occupied by the retiree for at least one-**  
41 **fifth of the total hours worked during the year. Such a person shall not contribute to the**  
42 **retirement system because of earnings during such period of employment, and the district**  
43 **shall contribute to the retirement system on the basis of such earnings at the percentage**  
44 **rate established under this chapter for full-time employees of the retirement system. Such**  
45 **a person shall not accrue service credit upon the basis of employment authorized under**  
46 **this subsection. If such a person is employed in any capacity by such a district on a**  
47 **regular, full-time basis, the person shall not be eligible to receive the person's retirement**  
48 **allowance for any month during which the person is so employed and shall contribute to**  
49 **the retirement system.**