

FIRST REGULAR SESSION

# HOUSE BILL NO. 606

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LEMBKE.

Read 1<sup>st</sup> time February 22, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1348L.011

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### AN ACT

To repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

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

Section A. Sections 86.260, 86.280, 86.283, and 86.287, RSMo, are repealed and four  
2 new sections enacted in lieu thereof, to be known as sections 86.260, 86.280, 86.283, and 86.287,  
3 to read as follows:

86.260. 1. Upon termination of employment as a police officer and actual retirement for  
2 ordinary disability a member shall receive a service retirement allowance if the member has  
3 attained the age of fifty-five or completed twenty years of creditable service; otherwise the  
4 member shall receive an ordinary disability retirement allowance which shall be equal to ninety  
5 percent of the member's accrued service retirement in section 86.253, but not less than one-fourth  
6 of the member's average final compensation; provided, however, that no such allowance shall  
7 exceed ninety percent of the member's accrued service retirement benefit based on continuation  
8 of the member's creditable service to the age set out in section 86.250.

9 2. Effective October 1, 1999, the ordinary disability retirement allowance will be  
10 increased by fifteen percent of the member's average final compensation for each unmarried  
11 dependent child of the disabled member who is under the age of eighteen, or who, regardless of  
12 age, is totally and permanently mentally or physically disabled and incapacitated from engaging  
13 in gainful occupation sufficient to support himself or herself[, but not in excess of a total of three  
14 children; provided, however, that the combined benefit shall not exceed seventy percent of such  
15 average final compensation].

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.

16           3. Any member receiving benefits pursuant to the provisions of this section immediately  
17 prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted,  
18 appointed and employed by the board of trustees as a special consultant on the problems of  
19 retirement, aging and other matters while the member is receiving such benefits, and upon  
20 request of the board of trustees shall give opinions in writing or orally in response to such  
21 requests as may be required. Beginning October 1, 1999, for such services as may be required,  
22 there shall be payable an additional monthly compensation of one hundred dollars or five percent  
23 of the member's average final compensation, whichever is greater, for each unmarried dependent  
24 child of the member[, but not in excess of a total of three children].

25           4. Any benefit payable to or for the benefit of a child or children under the age of  
26 eighteen years pursuant to the provisions of subsections 2 and 3 of this section shall continue to  
27 be paid beyond the age of eighteen years through the age of twenty-two years in those cases  
28 where the child is a full-time student at a regularly accredited college, business school, nursing  
29 school, school for technical or vocational training, or university, but such extended benefit shall  
30 cease whenever the child ceases to be a student. A college or university shall be deemed to be  
31 regularly accredited which maintains membership in good standing in a national or regional  
32 accrediting agency recognized by any state college or university.

33           5. No benefits pursuant to this section shall be paid to a child over eighteen years of age  
34 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
35 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
36 reaching the age of eighteen.

          86.280. Upon the receipt of proper proofs of the death of a member in service and  
2 provided no other benefits are payable under the retirement system, there shall be paid the  
3 following benefits:

4           (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving  
5 spouse dies or remarries, whichever is earlier, of forty percent of the deceased member's average  
6 final compensation plus fifteen percent of such compensation to, or for the benefit of, each  
7 unmarried dependent child of the deceased member, who is either under the age of eighteen, or  
8 who, regardless of age, is totally and permanently mentally or physically disabled and  
9 incapacitated from engaging in gainful occupation sufficient to support himself or herself[, but  
10 not in excess of a total of three children];

11           (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to  
12 the provisions of this section immediately prior to October 1, 1999, shall, upon application to  
13 the board of trustees, be made, constituted, appointed and employed by the board of trustees as  
14 a special consultant on the problems of retirement, aging and other matters while the surviving  
15 spouse or unmarried dependent child is receiving such benefits, and upon request of the board

16 of trustees shall give opinions in writing or orally in response to such requests as may be  
17 required. Beginning October 1, 1999, for such services as may be required, the surviving spouse  
18 shall receive additional monthly compensation in an amount equal to fifteen percent of the  
19 deceased member's average final compensation, and there shall be payable an additional monthly  
20 compensation of one hundred dollars or five percent of the member's average final compensation,  
21 whichever is greater, for each unmarried dependent child of the member[, but not in excess of  
22 a total of three children]. The additional monthly compensation payable to a surviving spouse  
23 pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant  
24 to subdivision (8) of this section, to the benefit the surviving spouse was receiving prior to  
25 October 1, 1999;

26 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of  
27 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of  
28 this section had there been a surviving spouse shall be divided among the unmarried dependent  
29 children under age eighteen and such unmarried dependent children, regardless of age, who are  
30 totally and permanently mentally or physically disabled and incapacitated from engaging in a  
31 gainful occupation sufficient to support themselves. The benefit shall be divided equally among  
32 the eligible dependent children, and the share of a child who is no longer eligible shall be divided  
33 equally among the remaining eligible dependent children; provided that not more than one-half  
34 of the surviving spouse's benefit shall be paid for one child;

35 (4) If there is no surviving spouse or dependent children, the return of accumulated  
36 contributions to the designated beneficiary as set forth in section 86.293;

37 (5) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
38 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
39 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
40 reaching the age of eighteen;

41 (6) Wherever any dependent child designated by the board of trustees to receive benefits  
42 pursuant to this section is in the care of the surviving spouse of the deceased member, such  
43 benefits may be paid to such surviving spouse for the child;

44 (7) Any benefit payable to, or for the benefit of, a child or children under the age of  
45 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond  
46 the age of eighteen years through the age of twenty-two years if the child is a full-time student  
47 at a regularly accredited college, business school, nursing school, school for technical or  
48 vocational training, or university, but such extended benefit shall cease whenever the child  
49 ceases to be a student. A college or university shall be deemed to be regularly accredited which  
50 maintains membership in good standing in a national or regional accrediting agency recognized  
51 by any state college or university;

52 (8) The benefits payable pursuant to this section to the surviving spouse of a member  
53 who died in service after attaining the age of fifty- five or completing twenty years of creditable  
54 service shall be increased in the same percentages and pursuant to the same method as is  
55 provided in section 86.253 for adjustments in the service retirement allowance of a retired  
56 member.

86.283. Upon receipt of proper proofs of the death of a retired member who retired while  
2 in service, including retirement for service, ordinary disability or accidental disability, and  
3 provided no other benefits are payable from the retirement system, there shall be paid the  
4 following benefits:

5 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving  
6 spouse dies or remarries, whichever is earlier, of **an amount equal to the officer's then current**  
7 **benefit for a period of one year, and thereafter** forty percent of the deceased member's  
8 average final compensation plus fifteen percent of such compensation to, or for the benefit of,  
9 each unmarried dependent child of the deceased member, who is either under the age of eighteen,  
10 or who, regardless of age, is totally and permanently mentally or physically disabled and  
11 incapacitated from engaging in a gainful occupation sufficient to support himself or herself[, but  
12 not in excess of three children];

13 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to  
14 this section immediately prior to October 1, 1999, shall upon application to the board of trustees,  
15 be made, constituted, appointed and employed by the board of trustees as a special consultant  
16 on the problems of retirement, aging and other matters while the surviving spouse or unmarried  
17 dependent child is receiving such benefits, and upon request of the board of trustees shall give  
18 opinions in writing or orally in response to such requests as may be required. Beginning October  
19 1, 1999, for such services as may be required, a surviving spouse shall receive additional  
20 monthly compensation equal to the amount which when added to the benefits the surviving  
21 spouse was receiving pursuant to this section prior to October 1, 1999, determined without  
22 regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision  
23 (8) of this section, will increase the surviving spouse's total monthly payment pursuant to this  
24 section to forty percent of the deceased member's average final compensation, and there shall be  
25 payable an additional monthly compensation of one hundred dollars or five percent of the  
26 member's average final compensation, whichever is greater, for each unmarried dependent child  
27 of the member, but not in excess of a total of three children. The additional monthly  
28 compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for any  
29 cost-of-living increases that apply to the benefit the surviving spouse was receiving prior to  
30 October 1, 1999;

31 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of

32 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of  
33 this section had there been a surviving spouse, determined without regard to any increase which  
34 would have applied to the surviving spouse's benefits pursuant to subdivision (8) of this section,  
35 shall be divided among the unmarried dependent children under age eighteen and unmarried  
36 dependent children, regardless of age, who are totally and permanently mentally or physically  
37 disabled and incapacitated from engaging in a gainful occupation sufficient to support  
38 themselves. The benefit shall be divided equally among the eligible dependent children, and the  
39 share of a child who is no longer eligible shall be divided equally among the remaining eligible  
40 dependent children; provided that not more than one-half of the surviving spouse's benefits shall  
41 be paid for one child;

42 (4) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
43 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
44 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
45 reaching the age of eighteen;

46 (5) Whenever any dependent child designated by the board of trustees to receive benefits  
47 pursuant to this section is in the care of the surviving spouse of the deceased member, such  
48 benefits may be paid to such surviving spouse for the child;

49 (6) In the event of the death of a retired member receiving accidental disability benefits  
50 before such benefits have been paid for five years, the member's surviving spouse until the  
51 surviving spouse dies or remarries, whichever is earlier, shall receive an additional pension of  
52 ten percent of the deceased member's final average compensation;

53 (7) Any benefit payable to, or for the benefit of, a child or children under the age of  
54 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond  
55 the age of eighteen years through the age of twenty-two years if the child is a full-time student  
56 at a regularly accredited college, business school, nursing school, school for technical or  
57 vocational training, or university, but such extended benefit shall cease whenever the child  
58 ceases to be a student. A college or university shall be deemed to be regularly accredited which  
59 maintains membership in good standing in a national or regional accrediting agency recognized  
60 by any state college or university;

61 (8) The benefits payable pursuant to this section to the surviving spouse of a retired  
62 member who received or was entitled to receive a service retirement allowance shall be increased  
63 in the same percentages and pursuant to the same method as is provided in section 86.253 for  
64 adjustments in the service retirement allowance of a retired member.

2 86.287. Upon the receipt by the board of trustees of evidence and proof that the death  
3 of a member was the natural and proximate result of an accident occurring at some definite time  
and place while the member was in the actual performance of duty and not caused by negligence

4 on the part of the member, there shall be paid in lieu of the benefits pursuant to sections 86.280  
5 to 86.283:

6 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving  
7 spouse dies or remarries, whichever is earlier, of seventy-five percent of the deceased member's  
8 average final compensation plus fifteen percent of such compensation to, or for the benefit of,  
9 each unmarried dependent child of the deceased member, who is either under the age of eighteen,  
10 or who, regardless of age, is totally and permanently disabled and incapacitated from engaging  
11 in a gainful occupation sufficient to support himself or herself[, but not in excess of three  
12 children];

13 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to  
14 this section immediately prior to October 1, 1999, shall upon application to the board of trustees,  
15 be made, constituted, appointed and employed by the board of trustees as a special consultant  
16 on the problems of retirement, aging and other matters while the surviving spouse or unmarried  
17 dependent child is receiving such benefits, and upon request of the board of trustees shall give  
18 opinions in writing or orally in response to such requests as may be required. Beginning October  
19 1, 1999, for such services as may be required, a surviving spouse shall receive additional  
20 monthly compensation equal to the amount which when added to the benefits the surviving  
21 spouse was receiving pursuant to this section prior to October 1, 1999, will increase the surviving  
22 spouse's total monthly benefit payment pursuant to this section to seventy-five percent of the  
23 deceased member's average final compensation, and there shall be payable an additional monthly  
24 compensation of one hundred dollars or five percent of the member's average final compensation,  
25 whichever is greater, for each unmarried dependent child of the member, but not in excess of a  
26 total of three children;

27 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of  
28 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of  
29 this section had there been a surviving spouse shall be divided among the unmarried dependent  
30 children under age eighteen and such unmarried dependent children, regardless of age, who are  
31 totally and permanently disabled and incapacitated from engaging in a gainful occupation  
32 sufficient to support themselves. The benefit shall be divided equally among the eligible  
33 dependent children, and the share of a child who is no longer eligible shall be divided equally  
34 among the remaining eligible dependent children; provided that not more than one-half of the  
35 surviving spouse's benefit shall be paid for one child;

36 (4) If there is no surviving spouse or unmarried dependent children of either class  
37 mentioned in subdivision (3) of this section, then an amount equal to the surviving spouse's  
38 benefit shall be paid to the member's dependent father or dependent mother to continue until  
39 remarriage or death;

40           (5) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
41 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
42 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
43 reaching the age of eighteen;

44           (6) Wherever any dependent child designated by the board of trustees to receive benefits  
45 pursuant to this section is in the care of the surviving spouse of the deceased member, such  
46 benefits may be paid to such surviving spouse for the child;

47           (7) Any benefit payable to, or for the benefit of, a child or children under the age of  
48 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond  
49 the age of eighteen years through the age of twenty-two years in those cases where the child is  
50 a full-time student at a regularly accredited college, business school, nursing school, school for  
51 technical or vocational training, or university, but such extended benefit shall cease whenever  
52 the child ceases to be a student. A college or university shall be deemed to be regularly  
53 accredited which maintains membership in good standing in a national or regional accrediting  
54 agency recognized by any state college or university.