

SECOND REGULAR SESSION

HOUSE BILL NO. 1138

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (47) (Sponsor), SMITH (118), KRAUS, LOWE (44),
CURLS AND JOLLY (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

3894L.01I

AN ACT

To repeal sections 86.1110 and 86.1500, 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Section A. Sections 86.1110 and 86.1500, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 86.1110 and 86.1500, to read as follows:

86.1110. 1. Whenever a member is given a leave of absence for military service and
2 returns to employment after discharge from the service, such member shall be entitled to
3 creditable service for the years of employment prior to the leave of absence.

4 2. Any member who served on active duty in the armed forces of the United States and
5 who became a member, or returned to membership, after discharge under honorable conditions,
6 may elect prior to retirement to purchase creditable service equivalent to such service in the
7 armed forces, not to exceed two years, provided the member is not receiving and is not eligible
8 to receive retirement credits or benefits from any other public or private retirement plan for the
9 service to be purchased, other than a United States military service retirement system or United
10 States Social Security benefits attributable to such military service, and an affidavit so stating
11 is filed by the member with the retirement system. A member electing to make such purchase
12 shall pay to the retirement system an amount equal to the actuarial value of the additional
13 benefits attributable to the additional service credit to be purchased, as of the date the member
14 elects to make such purchase. The retirement system shall determine such value using accepted

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 actuarial methods and the same assumptions with respect to interest rates, mortality, future salary
16 increases, and all related factors used in performing the most recent regular actuarial valuation
17 of the retirement system. Payment in full of the amount due from a member electing to purchase
18 creditable service under this subsection shall be made over a period not to exceed five years,
19 measured from the date of election, or prior to the commencement date for payment of benefits
20 to the member from the retirement system, whichever is earlier, including interest on unpaid
21 balances compounded annually at the interest rate assumed from time to time for actuarial
22 valuations of the retirement system. If payment in full including interest is not made within the
23 prescribed period, any partial payments made by the member shall be refunded, and no creditable
24 service attributable to such election, or as a result of any such partial payments, shall be allowed;
25 provided that if a benefit commencement date occurs because of the death or disability of a
26 member who has made an election under this subsection and if the member is current in
27 payments under an approved installment plan at the time of the death or disability, such election
28 shall be valid if the member, the surviving spouse, or other person entitled to benefit payments
29 pays the entire balance of the remaining amount due, including interest to the date of such
30 payment, within sixty days after the member's death or disability. The time of a disability shall
31 be deemed to be the time when such member is retired by the board of police commissioners for
32 reason of disability as provided in sections 86.900 to 86.1280.

33 **3. Notwithstanding any other provision of sections 86.900 to 86.1280, a member**
34 **who is on leave of absence for military service during any portion of which leave the United**
35 **States is in a state of declared war, or a compulsory draft is in effect for any of the military**
36 **branches of the United States, or any units of the military reserves of the United States,**
37 **including the National Guard, are mobilized for combat military operations, and who**
38 **becomes entitled to reemployment rights and other employment benefits under Title 38,**
39 **Chapter 43 of the U.S. Code relating to employment and reemployment rights of members**
40 **of the uniformed services by meeting the requirements for such rights and benefits under**
41 **section 4312 of said chapter, or the corresponding provisions of any subsequent applicable**
42 **U.S. statute, shall be entitled to service credit for the time spent in such military service for**
43 **all purposes of sections 86.900 to 86.1280 and such member shall not be required to pay**
44 **any member contributions for such time. If it becomes necessary for the years of service**
45 **to be included in the calculation of such member's compensation for any purpose, such**
46 **member shall be deemed to have received the same compensation throughout such period**
47 **of service as the member's base annual salary immediately prior to the commencement of**
48 **such leave of absence.**

86.1500. 1. Whenever a member is given a leave of absence for military service and returns to employment after discharge from the service, such member shall be entitled to creditable service for the years of employment prior to the leave of absence.

2. Any member who served on active duty in the armed forces of the United States and who became a member, or returned to membership, after discharge under honorable conditions, may elect prior to retirement to purchase creditable service equivalent to such service in the armed forces, not to exceed two years, provided the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, other than a United States military service retirement system or United States Social Security benefits attributable to such military service, and an affidavit so stating is filed by the member with the retirement system. A member electing to make such purchase shall pay to the retirement system an amount equal to the actuarial value of the additional benefits attributable to the additional service credit to be purchased, as of the date the member elects to make such purchase. The retirement system shall determine such value using accepted actuarial methods and the same assumptions with respect to interest rates, mortality, future salary increases, and all related factors used in performing the most recent regular actuarial valuation of the retirement system. Payment in full of the amount due from a member electing to purchase creditable service under this subsection shall be made over a period not to exceed five years, measured from the date of election, or prior to the commencement date for payment of benefits to the member from the retirement system, whichever is earlier, including interest on unpaid balances compounded annually at the interest rate assumed from time to time for actuarial valuations of the retirement system. If payment in full including interest is not made within the prescribed period, any partial payments made by the member shall be refunded, and no creditable service attributable to such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit commencement date occurs because of the death or disability of a member who has made an election under this subsection and if the member is current in payments under an approved installment plan at the time of the death or disability, such election shall be valid if the member, the surviving spouse or other person entitled to benefit payments pays the entire balance of the remaining amount due, including interest to the date of such payment, within sixty days after the member's death or disability. The time of a disability shall be deemed to be the time when such member is determined by the retirement board to be totally and permanently disabled as provided in section 86.1560.

3. Notwithstanding any other provision of sections 86.900 to 86.1280, a member who is on leave of absence for military service during any portion of which leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the military branches of the United States, or any units of the military reserves of the United States,

37 including the National Guard, are mobilized for combat military operations, and who
38 becomes entitled to reemployment rights and other employment benefits under Title 38,
39 Chapter 43 of the U.S. Code relating to employment and reemployment rights of members
40 of the uniformed services by meeting the requirements for such rights and benefits under
41 section 4312 of said chapter, or the corresponding provisions of any subsequent applicable
42 U.S. statute, shall be entitled to service credit for the time spent in such military service for
43 all purposes of sections 86.900 to 86.1280 and such member shall not be required to pay
44 any member contributions for such time. If it becomes necessary for the years of service
45 to be included in the calculation of such member's compensation for any purpose, such
46 member shall be deemed to have received the same compensation throughout such period
47 of service as the member's base annual salary immediately prior to the commencement of
48 such leave of absence.

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