

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1138
93RD GENERAL ASSEMBLY

3894L.02T

2006

AN ACT

To repeal sections 86.1110, 86.1140, 86.1490, and 86.1500, RSMo, and to enact in lieu thereof four 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Section A. Sections 86.1110, 86.1140, 86.1490, and 86.1500, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 86.1110, 86.1140, 86.1490,
3 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] **Except as provided in subsection 3 of this section,** a member who served on
5 active duty in the armed forces of the United States and who became a member, or returned to
6 membership, after discharge under honorable conditions, may elect prior to retirement to
7 purchase creditable service equivalent to such service in the armed forces, not to exceed two
8 years, provided the member is not receiving and is not eligible to receive retirement credits or
9 benefits from any other public or private retirement plan for the service to be purchased, other
10 than a United States military service retirement system or United States Social Security benefits

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.

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

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

47 **member shall be deemed to have received the same compensation throughout such period**
48 **of service as the member's base annual salary immediately prior to the commencement of**
49 **such leave of absence.**

86.1140. 1. Should any member be granted leave of absence by the board of police commissioners, such member shall not, because of such absence, cease to be a member.

2. If a member is on leave of absence by authority of the board of police commissioners for thirty consecutive days or less, such member shall receive creditable service for such time.

3. **Except as provided in subsection 3 of section 86.1110**, if a member is on leave of absence for more than thirty consecutive days without compensation, such member shall not receive service credits for such time unless such member shall, within one year after returning from such absence, pay into the retirement system an amount equal to the member's contribution percentage at the time such absence began times an assumed salary figure for the period of such absence, computed by assuming that such member received a salary during such absence at the rate of the base annual salary the member was receiving immediately prior to such absence.

86.1490. 1. **Except as provided in subsection 3 of section 86.1500**, creditable service at retirement on which the retirement allowance of a member is based consists of the membership service rendered by such member for which such member received compensation since such member last became a member.

2. Creditable service also includes any prior service credit to which a member may be entitled by virtue of an authorized purchase of such credit or as otherwise provided in sections 86.1310 to 86.1640.

3. Creditable service shall not include any time a member was suspended from service without compensation. No contribution is required from either the member under section 86.1400 or from the city under section 86.1390 for such time.

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] Except as provided in subsection 3 of this section**, a 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

13 an amount equal to the actuarial value of the additional benefits attributable to the additional
14 service credit to be purchased, as of the date the member elects to make such purchase. The
15 retirement system shall determine such value using accepted actuarial methods and the same
16 assumptions with respect to interest rates, mortality, future salary increases, and all related
17 factors used in performing the most recent regular actuarial valuation of the retirement system.
18 Payment in full of the amount due from a member electing to purchase creditable service under
19 this subsection shall be made over a period not to exceed five years, measured from the date of
20 election, or prior to the commencement date for payment of benefits to the member from the
21 retirement system, whichever is earlier, including interest on unpaid balances compounded
22 annually at the interest rate assumed from time to time for actuarial valuations of the retirement
23 system. If payment in full including interest is not made within the prescribed period, any partial
24 payments made by the member shall be refunded, and no creditable service attributable to such
25 election, or as a result of any such partial payments, shall be allowed; provided that if a benefit
26 commencement date occurs because of the death or disability of a member who has made an
27 election under this subsection and if the member is current in payments under an approved
28 installment plan at the time of the death or disability, such election shall be valid if the member,
29 the surviving spouse or other person entitled to benefit payments pays the entire balance of the
30 remaining amount due, including interest to the date of such payment, within sixty days after the
31 member's death or disability. The time of a disability shall be deemed to be the time when such
32 member is determined by the retirement board to be totally and permanently disabled as provided
33 in section 86.1560.

34 **3. Notwithstanding any other provision of sections 86.1310 to 86.1640, a member**
35 **who is on leave of absence for military service during any portion of which leave the United**
36 **States is in a state of declared war, or a compulsory draft is in effect for any of the military**
37 **branches of the United States, or any units of the military reserves of the United States,**
38 **including the National Guard, are mobilized for combat military operations, and who**
39 **becomes entitled to reemployment rights and other employment benefits under Title 38,**
40 **Chapter 43 of the U.S. Code relating to employment and reemployment rights of members**
41 **of the uniformed services by meeting the requirements for such rights and benefits under**
42 **section 4312 of said chapter, or the corresponding provisions of any subsequent applicable**
43 **U.S. statute, shall be entitled to service credit for the time spent in such military service for**
44 **all purposes of sections 86.1310 to 86.1640 and such member shall not be required to pay**
45 **any member contributions for such time. If it becomes necessary for the years of service**
46 **to be included in the calculation of such member's compensation for any purpose, such**
47 **member shall be deemed to have received the same compensation throughout such period**

48 of service as the member's base annual salary immediately prior to the commencement of
49 such leave of absence.

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