

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 489**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Education, April 19, 2007, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1215S.05C

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**AN ACT**

To repeal sections 162.431, 162.720, 169.070, 169.466, 169.471, and 169.670, RSMo,  
and to enact in lieu thereof eight new sections relating to education.

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

Section A. Sections 162.431, 162.720, 169.070, 169.466, 169.471, and  
2 169.670, RSMo, are repealed and eight new sections enacted in lieu thereof, to be  
3 known as sections 162.431, 162.720, 168.350, 169.070, 169.466, 169.471, 169.670,  
4 and 210.205, to read as follows:

162.431. 1. When it is necessary to change the boundary lines between  
2 seven-director school districts, in each district affected, ten percent of the voters  
3 by number of those voting for school board members in the last annual school  
4 election in each district may petition the district boards of education in the  
5 districts affected, regardless of county lines, for a change in boundaries. The  
6 question shall be submitted at the next [general municipal] election, **as**  
7 **referenced in section 115.123, RSMo.**

8 2. The voters shall decide the question by a majority vote of those who  
9 vote upon the question. If assent to the change is given by each of the various  
10 districts voting, each voting separately, the boundaries are changed from that  
11 date.

12 3. If one of the districts votes against the change and the other votes for  
13 the change, the matter may be appealed to the state board of education, in  
14 writing, within fifteen days of the submission of the question by either one of the  
15 districts affected, or in the above event by a majority of the signers of the petition  
16 requesting a vote on the proposal. At the first meeting of the state board  
17 following the appeal, a board of arbitration composed of three members, none of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is  
intended to be omitted in the law.**

18 whom shall be a resident of any district affected, shall be appointed. In  
19 determining whether it is necessary to change the boundary line between  
20 seven-director districts, the board of arbitration shall base its decision upon the  
21 following:

- 22 (1) The presence of school-aged children in the affected area;  
23 (2) The presence of actual educational harm to school-aged children, either  
24 due to a significant difference in the time involved in transporting students or  
25 educational deficiencies in the district which would have its boundary adversely  
26 affected; and  
27 (3) The presence of an educational necessity, not of a commercial benefit  
28 to landowners or to the district benefitting for the proposed boundary adjustment.

29 4. Within twenty days after notification of appointment, the board of  
30 arbitration shall meet and consider the necessity for the proposed changes and  
31 shall decide whether the boundaries shall be changed as requested in the petition  
32 or be left unchanged, which decision shall be final. The decision by the board of  
33 arbitration shall be rendered not more than thirty days after the matter is  
34 referred to the board. The chairman of the board of arbitration shall transmit the  
35 decision to the secretary of each district affected who shall enter the same upon  
36 the records of his district and the boundaries shall thereafter be in accordance  
37 with the decision of the board of arbitration. The members of the board of  
38 arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the  
39 appeal is made by the district taking the appeal or by the petitioners should they  
40 institute the appeal.

41 5. If the board of arbitration decides that the boundaries shall be left  
42 unchanged, no new petition for the same, or substantially the same, boundary  
43 change between the same districts shall be filed until after the expiration of two  
44 years from the date of the municipal election at which the question was submitted  
45 to the voters of the districts.

162.720. 1. [Where a sufficient number of children are determined to be  
2 gifted and their development requires programs or services beyond the level of  
3 those ordinarily provided in regular public school programs, districts may  
4 establish special programs for such gifted children.

5 **2.] Each school district shall identify which of the district's**  
6 **students are academically gifted as established under the rules**  
7 **prescribed by the department of elementary and secondary**  
8 **education. The department shall develop a list of identification criteria**

9 with emphasis on early identification.

10 2. Each school district may establish special programs or  
11 services for students who are identified as academically gifted under  
12 subsection 1 of this section and whose development requires programs  
13 or services beyond the level of programs ordinarily provided in regular  
14 public school programs.

15 3. The state board of education shall determine standards or services  
16 for such programs. Approval of such programs shall be made by the state  
17 department of elementary and secondary education based upon project  
18 applications submitted [by July fifteenth of each year] in a format and at a  
19 time established by the department. Each school district shall report  
20 annually to the department, by a date established by the department.

168.350. 1. The department of elementary and secondary  
2 education shall develop standards for high-quality mentoring for  
3 beginning teachers and beginning principals no later than June 30,  
4 2008. The standards shall be applicable to all public schools.

5 2. Such standards shall be established for both of the required  
6 years of mentoring under subsection 3 of section 168.021 and shall be  
7 based upon, but not be limited to, the following principles:

8 (1) Every district shall have a teacher-driven mentor program in  
9 collaboration with and support of the administration;

10 (2) Guidance and support are required for all beginning  
11 teachers, regardless of when they enter the profession;

12 (3) Communication between mentors and beginning teachers is  
13 open and confidential;

14 (4) Quality mentors are necessary to establish beginning  
15 teachers' trust and respect for their colleagues and profession; and

16 (5) All staff members provide informal support for beginning  
17 teachers.

18 3. Quality mentor programs shall include, but not be limited to,  
19 the following:

20 (1) An introduction to the cultural environment of the  
21 community and the school district;

22 (2) A systemic and ongoing evaluation by all stakeholders;

23 (3) An individualized plan for beginning teachers that aligns  
24 with the district's goals and needs;

25 (4) Appropriate criteria for selecting mentors;

26           **(5) Comprehensive mentor training;**

27           **(6) A complete list of responsibilities for the mentor, beginning**  
28 **teacher, and administrators; and**

29           **(7) Sufficient time for mentors to observe beginning teachers and**  
30 **for the beginning teachers to observe master teachers.**

31           **4. In developing such standards, the department shall involve**  
32 **representatives from the state teacher organizations, administration**  
33 **and principal organizations, Missouri advisory council for the**  
34 **certification of educators as created by section 168.015, Missouri Staff**  
35 **Development Council, and from colleges and universities.**

169.070. 1. The retirement allowance of a member whose age at  
2 retirement is sixty years or more and whose creditable service is five years or  
3 more, or whose sum of age and creditable service equals eighty years or more, or  
4 who has attained age fifty-five and whose creditable service is twenty-five years  
5 or more or whose creditable service is thirty years or more regardless of age, may  
6 be the sum of the following items, not to exceed one hundred percent of the  
7 member's final average salary:

8           (1) Two and five-tenths percent of the member's final average salary for  
9 each year of membership service;

10          (2) Six-tenths of the amount payable for a year of membership service for  
11 each year of prior service not exceeding thirty years.

12 In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2)  
13 of this subsection, a member may elect to receive a retirement allowance of:

14          (3) Between July 1, 1998, and July 1, [2008] **2013**, two and four-tenths  
15 percent of the member's final average salary for each year of membership service,  
16 if the member's creditable service is twenty-nine years or more but less than  
17 thirty years, and the member has not attained age fifty-five;

18          (4) Between July 1, 1998, and July 1, [2008] **2013**, two and  
19 thirty-five-hundredths percent of the member's final average salary for each year  
20 of membership service, if the member's creditable service is twenty-eight years  
21 or more but less than twenty-nine years, and the member has not attained age  
22 fifty-five;

23          (5) Between July 1, 1998, and July 1, [2008] **2013**, two and three-tenths  
24 percent of the member's final average salary for each year of membership service,  
25 if the member's creditable service is twenty-seven years or more but less than  
26 twenty-eight years, and the member has not attained age fifty-five;

27           (6) Between July 1, 1998, and July 1, [2008] **2013**, two and  
28 twenty-five-hundredths percent of the member's final average salary for each year  
29 of membership service, if the member's creditable service is twenty-six years or  
30 more but less than twenty-seven years, and the member has not attained age  
31 fifty-five;

32           (7) Between July 1, 1998, and July 1, [2008] **2013**, two and two-tenths  
33 percent of the member's final average salary for each year of membership service,  
34 if the member's creditable service is twenty-five years or more but less than  
35 twenty-six years, and the member has not attained age fifty-five;

36           (8) Between July 1, 2001, and July 1, [2008] **2013**, two and fifty-five  
37 hundredths percent of the member's final average salary for each year of  
38 membership service, if the member's creditable service is thirty-one years or more  
39 regardless of age.

40           2. In lieu of the retirement allowance provided in subsection 1 of this  
41 section, a member whose age is sixty years or more on September 28, 1975, may  
42 elect to have the member's retirement allowance calculated as a sum of the  
43 following items:

44           (1) Sixty cents plus one and five-tenths percent of the member's final  
45 average salary for each year of membership service;

46           (2) Six-tenths of the amount payable for a year of membership service for  
47 each year of prior service not exceeding thirty years;

48           (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of  
49 this subsection for each month of attained age in excess of sixty years but not in  
50 excess of age sixty-five.

51           3. (1) In lieu of the retirement allowance provided either in subsection 1  
52 or 2 of this section, collectively called "option 1", a member whose creditable  
53 service is twenty-five years or more or who has attained the age of fifty-five with  
54 five or more years of creditable service may elect in the member's application for  
55 retirement to receive the actuarial equivalent of the member's retirement  
56 allowance in reduced monthly payments for life during retirement with the  
57 provision that:

58           Option 2. Upon the member's death the reduced retirement allowance  
59 shall be continued throughout the life of and paid to such person as has an  
60 insurable interest in the life of the member as the member shall have nominated  
61 in the member's election of the option, and provided further that if the person so  
62 nominated dies before the retired member, the retirement allowance will be

63 increased to the amount the retired member would be receiving had the retired  
64 member elected option 1;

65 OR

66 Option 3. Upon the death of the member three-fourths of the reduced  
67 retirement allowance shall be continued throughout the life of and paid to such  
68 person as has an insurable interest in the life of the member and as the member  
69 shall have nominated in an election of the option, and provided further that if the  
70 person so nominated dies before the retired member, the retirement allowance  
71 will be increased to the amount the retired member would be receiving had the  
72 member elected option 1;

73 OR

74 Option 4. Upon the death of the member one-half of the reduced  
75 retirement allowance shall be continued throughout the life of, and paid to, such  
76 person as has an insurable interest in the life of the member and as the member  
77 shall have nominated in an election of the option, and provided further that if the  
78 person so nominated dies before the retired member, the retirement allowance  
79 shall be increased to the amount the retired member would be receiving had the  
80 member elected option 1;

81 OR

82 Option 5. Upon the death of the member prior to the member having  
83 received one hundred twenty monthly payments of the member's reduced  
84 allowance, the remainder of the one hundred twenty monthly payments of the  
85 reduced allowance shall be paid to such beneficiary as the member shall have  
86 nominated in the member's election of the option or in a subsequent nomination.  
87 If there is no beneficiary so nominated who survives the member for the  
88 remainder of the one hundred twenty monthly payments, the total of the  
89 remainder of such one hundred twenty monthly payments shall be paid to the  
90 estate of the last person to receive a monthly allowance. If the total of the one  
91 hundred twenty payments paid to the retired individual and the beneficiary of the  
92 retired individual is less than the total of the member's accumulated  
93 contributions, the difference shall be paid to the beneficiary in a lump sum;

94 OR

95 Option 6. Upon the death of the member prior to the member having  
96 received sixty monthly payments of the member's reduced allowance, the  
97 remainder of the sixty monthly payments of the reduced allowance shall be paid  
98 to such beneficiary as the member shall have nominated in the member's election

99 of the option or in a subsequent nomination. If there is no beneficiary so  
100 nominated who survives the member for the remainder of the sixty monthly  
101 payments, the total of the remainder of such sixty monthly payments shall be  
102 paid to the estate of the last person to receive a monthly allowance. If the total  
103 of the sixty payments paid to the retired individual and the beneficiary of the  
104 retired individual is less than the total of the member's accumulated  
105 contributions, the difference shall be paid to the beneficiary in a lump sum.

106 (2) The election of an option may be made only in the application for  
107 retirement and such application must be filed prior to the date on which the  
108 retirement of the member is to be effective. If either the member or the person  
109 nominated to receive the survivorship payments dies before the effective date of  
110 retirement, the option shall not be effective, provided that:

111 (a) If the member or a person retired on disability retirement dies after  
112 acquiring twenty-five or more years of creditable service or after attaining the age  
113 of fifty-five years and acquiring five or more years of creditable service and before  
114 retirement, except retirement with disability benefits, and the person named by  
115 the member as the member's beneficiary has an insurable interest in the life of  
116 the deceased member, the designated beneficiary may elect to receive either  
117 survivorship benefits under option 2 or a payment of the accumulated  
118 contributions of the member. If survivorship benefits under option 2 are elected  
119 and the member at the time of death would have been eligible to receive an  
120 actuarial equivalent of the member's retirement allowance, the designated  
121 beneficiary may further elect to defer the option 2 payments until the date the  
122 member would have been eligible to receive the retirement allowance provided in  
123 subsection 1 or 2 of this section;

124 (b) If the member or a person retired on disability retirement dies before  
125 attaining age fifty-five but after acquiring five but fewer than twenty-five years  
126 of creditable service, and the person named as the member's beneficiary has an  
127 insurable interest in the life of the deceased member, the designated beneficiary  
128 may elect to receive either a payment of the member's accumulated contributions,  
129 or survivorship benefits under option 2 to begin on the date the member would  
130 first have been eligible to receive an actuarial equivalent of the member's  
131 retirement allowance, or to begin on the date the member would first have been  
132 eligible to receive the retirement allowance provided in subsection 1 or 2 of this  
133 section.

134 4. If the total of the retirement or disability allowance paid to an

135 individual before the death of the individual is less than the accumulated  
136 contributions at the time of retirement, the difference shall be paid to the  
137 beneficiary of the individual, or to the (1) surviving spouse, (2) surviving children  
138 in equal shares, (3) surviving parents in equal shares, or (4) estate of the  
139 individual in that order of precedence. If an optional benefit as provided in  
140 option 2, 3 or 4 in subsection 3 of this section had been elected, and the  
141 beneficiary dies after receiving the optional benefit, and if the total retirement  
142 allowance paid to the retired individual and the beneficiary of the retired  
143 individual is less than the total of the contributions, the difference shall be paid  
144 to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving  
145 parents in equal shares, or (4) estate of the beneficiary, in that order of  
146 precedence, unless the retired individual designates a different recipient with the  
147 board at or after retirement.

148         5. If a member dies before receiving a retirement allowance, the member's  
149 accumulated contributions at the time of the death of the member shall be paid  
150 to the beneficiary of the member or, if there is no beneficiary, to the (1) surviving  
151 spouse, (2) surviving children in equal shares, (3) surviving parents in equal  
152 shares, or (4) to the estate of the member in that order of precedence; except that,  
153 no such payment shall be made if the beneficiary elects option 2 in subsection 3  
154 of this section, unless the beneficiary dies before having received benefits  
155 pursuant to that subsection equal to the accumulated contributions of the  
156 member, in which case the amount of accumulated contributions in excess of the  
157 total benefits paid pursuant to that subsection shall be paid to the (1) surviving  
158 spouse, (2) surviving children in equal shares, (3) surviving parents in equal  
159 shares, or (4) estate of the beneficiary, in that order of precedence.

160         6. If a member ceases to be a public school employee as herein defined  
161 and certifies to the board of trustees that such cessation is permanent, or if the  
162 membership of the person is otherwise terminated, the member shall be paid the  
163 member's accumulated contributions with interest.

164         7. Notwithstanding any provisions of sections 169.010 to 169.141 to the  
165 contrary, if a member ceases to be a public school employee after acquiring five  
166 or more years of membership service in Missouri, the member may at the option  
167 of the member leave the member's contributions with the retirement system and  
168 claim a retirement allowance any time after reaching the minimum age for  
169 voluntary retirement. When the member's claim is presented to the board, the  
170 member shall be granted an allowance as provided in sections 169.010 to 169.141



171 on the basis of the member's age, years of service, and the provisions of the law  
172 in effect at the time the member requests the member's retirement to become  
173 effective.

174         8. The retirement allowance of a member retired because of disability  
175 shall be nine-tenths of the allowance to which the member's creditable service  
176 would entitle the member if the member's age were sixty, or fifty percent of  
177 one-twelfth of the annual salary rate used in determining the member's  
178 contributions during the last school year for which the member received a year  
179 of creditable service immediately prior to the member's disability, whichever is  
180 greater, except that no such allowance shall exceed the retirement allowance to  
181 which the member would have been entitled upon retirement at age sixty if the  
182 member had continued to teach from the date of disability until age sixty at the  
183 same salary rate.

184         9. Notwithstanding any provisions of sections 169.010 to 169.141 to the  
185 contrary, from October 13, 1961, the contribution rate pursuant to sections  
186 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member  
187 of the system for whom federal Old Age and Survivors Insurance tax is paid from  
188 state or local tax funds on account of the member's employment entitling the  
189 person to membership in the system. The monetary benefits for a member who  
190 elected not to exercise an option to pay into the system a retroactive contribution  
191 of four percent on that part of the member's annual salary rate which was in  
192 excess of four thousand eight hundred dollars but not in excess of eight thousand  
193 four hundred dollars for each year of employment in a position covered by this  
194 system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of  
195 this section as it appears in RSMo, 1969, shall be the sum of:

196             (1) For years of service prior to July 1, 1946, six-tenths of the full amount  
197 payable for years of membership service;

198             (2) For years of membership service after July 1, 1946, in which the full  
199 contribution rate was paid, full benefits under the formula in effect at the time  
200 of the member's retirement;

201             (3) For years of membership service after July 1, 1957, and prior to July  
202 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except  
203 that if the member has at least thirty years of creditable service at retirement the  
204 member shall receive the benefit payable pursuant to that section as though the  
205 member's age were sixty-five at retirement;

206             (4) For years of membership service after July 1, 1961, in which the

207 two-thirds contribution rate was paid, two-thirds of the benefits under the  
208 formula in effect at the time of the member's retirement.

209         10. The monetary benefits for each other member for whom federal Old  
210 Age and Survivors Insurance tax is or was paid at any time from state or local  
211 funds on account of the member's employment entitling the member to  
212 membership in the system shall be the sum of:

213             (1) For years of service prior to July 1, 1946, six-tenths of the full amount  
214 payable for years of membership service;

215             (2) For years of membership service after July 1, 1946, in which the full  
216 contribution rate was paid, full benefits under the formula in effect at the time  
217 of the member's retirement;

218             (3) For years of membership service after July 1, 1957, in which the  
219 two-thirds contribution rate was paid, two-thirds of the benefits under the  
220 formula in effect at the time of the member's retirement.

221         11. Any retired member of the system who was retired prior to September  
222 1, 1972, or beneficiary receiving payments under option 1 or option 2 of  
223 subsection 3 of this section, as such option existed prior to September 1, 1972,  
224 will be eligible to receive an increase in the retirement allowance of the member  
225 of two percent for each year, or major fraction of more than one-half of a year,  
226 which the retired member has been retired prior to July 1, 1975. This increased  
227 amount shall be payable commencing with January, 1976, and shall thereafter  
228 be referred to as the member's retirement allowance. The increase provided for  
229 in this subsection shall not affect the retired member's eligibility for  
230 compensation provided for in section 169.580 or 169.585, nor shall the amount  
231 being paid pursuant to these sections be reduced because of any increases  
232 provided for in this section.

233         12. If the board of trustees determines that the cost of living, as measured  
234 by generally accepted standards, increases two percent or more in the preceding  
235 fiscal year, the board shall increase the retirement allowances which the retired  
236 members or beneficiaries are receiving by two percent of the amount being  
237 received by the retired member or the beneficiary at the time the annual increase  
238 is granted by the board with the provision that the increases provided for in this  
239 subsection shall not become effective until the fourth January first following the  
240 member's retirement or January 1, 1977, whichever later occurs, or in the case  
241 of any member retiring on or after July 1, 2000, the increase provided for in this  
242 subsection shall not become effective until the third January first following the

243 member's retirement, or in the case of any member retiring on or after July 1,  
244 2001, the increase provided for in this subsection shall not become effective until  
245 the second January first following the member's retirement. Commencing with  
246 January 1, 1992, if the board of trustees determines that the cost of living has  
247 increased five percent or more in the preceding fiscal year, the board shall  
248 increase the retirement allowances by five percent. The total of the increases  
249 granted to a retired member or the beneficiary after December 31, 1976, may not  
250 exceed eighty percent of the retirement allowance established at retirement or as  
251 previously adjusted by other subsections. If the cost of living increases less than  
252 five percent, the board of trustees may determine the percentage of increase to  
253 be made in retirement allowances, but at no time can the increase exceed five  
254 percent per year. If the cost of living decreases in a fiscal year, there will be no  
255 increase in allowances for retired members on the following January first.

256 13. The board of trustees may reduce the amounts which have been  
257 granted as increases to a member pursuant to subsection 12 of this section if the  
258 cost of living, as determined by the board and as measured by generally accepted  
259 standards, is less than the cost of living was at the time of the first increase  
260 granted to the member; except that, the reductions shall not exceed the amount  
261 of increases which have been made to the member's allowance after December 31,  
262 1976.

263 14. Any application for retirement shall include a sworn statement by the  
264 member certifying that the spouse of the member at the time the application was  
265 completed was aware of the application and the plan of retirement elected in the  
266 application.

267 15. Notwithstanding any other provision of law, any person retired prior  
268 to September 28, 1983, who is receiving a reduced retirement allowance under  
269 option 1 or option 2 of subsection 3 of this section, as such option existed prior to  
270 September 28, 1983, and whose beneficiary nominated to receive continued  
271 retirement allowance payments under the elected option dies or has died, shall  
272 upon application to the board of trustees have his or her retirement allowance  
273 increased to the amount he or she would have been receiving had the option not  
274 been elected, actuarially adjusted to recognize any excessive benefits which would  
275 have been paid to him or her up to the time of application.

276 16. Benefits paid pursuant to the provisions of the public school  
277 retirement system of Missouri shall not exceed the limitations of Section 415 of  
278 Title 26 of the United States Code except as provided pursuant to this

279 subsection. Notwithstanding any other law to the contrary, the board of trustees  
280 may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United  
281 States Code. Such plan shall be created solely for the purpose described in  
282 Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees  
283 may promulgate regulations necessary to implement the provisions of this  
284 subsection and to create and administer such benefit plan.

285         17. Notwithstanding any other provision of law to the contrary, any  
286 person retired before, on, or after May 26, 1994, shall be made, constituted,  
287 appointed and employed by the board as a special consultant on the matters of  
288 education, retirement and aging, and upon request shall give written or oral  
289 opinions to the board in response to such requests. As compensation for such  
290 duties the person shall receive an amount based on the person's years of service  
291 so that the total amount received pursuant to sections 169.010 to 169.141 shall  
292 be at least the minimum amounts specified in subdivisions (1) to (4) of this  
293 subsection. In determining the minimum amount to be received, the amounts in  
294 subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the  
295 actuarial adjustment, if any, that was applied to the person's retirement  
296 allowance. In determining the minimum amount to be received, beginning  
297 September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection  
298 shall be adjusted in accordance with the actuarial adjustment, if any, that was  
299 applied to the person's retirement allowance due to election of an optional form  
300 of retirement having a continued monthly payment after the person's  
301 death. Notwithstanding any other provision of law to the contrary, no person  
302 retired before, on, or after May 26, 1994, and no beneficiary of such a person,  
303 shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based  
304 on the person's years of service less than the following amounts:

- 305         (1) Thirty or more years of service, one thousand two hundred dollars;  
306         (2) At least twenty-five years but less than thirty years, one thousand  
307 dollars;  
308         (3) At least twenty years but less than twenty-five years, eight hundred  
309 dollars;  
310         (4) At least fifteen years but less than twenty years, six hundred dollars.

311         18. Notwithstanding any other provisions of law to the contrary, any  
312 person retired prior to May 26, 1994, and any designated beneficiary of such a  
313 retired member who was deceased prior to July 1, 1999, shall be made,  
314 constituted, appointed and employed by the board as a special consultant on the

315 matters of education, retirement or aging and upon request shall give written or  
316 oral opinions to the board in response to such requests. Beginning September 1,  
317 1996, as compensation for such service, the member shall have added, pursuant  
318 to this subsection, to the member's monthly annuity as provided by this section  
319 a dollar amount equal to the lesser of sixty dollars or the product of two dollars  
320 multiplied by the member's number of years of creditable service. Beginning  
321 September 1, 1999, the designated beneficiary of the deceased member shall as  
322 compensation for such service have added, pursuant to this subsection, to the  
323 monthly annuity as provided by this section a dollar amount equal to the lesser  
324 of sixty dollars or the product of two dollars multiplied by the member's number  
325 of years of creditable service. The total compensation provided by this section  
326 including the compensation provided by this subsection shall be used in  
327 calculating any future cost-of-living adjustments provided by subsection 12 of this  
328 section.

329         19. Any member who has retired prior to July 1, 1998, and the designated  
330 beneficiary of a deceased retired member shall be made, constituted, appointed  
331 and employed by the board as a special consultant on the matters of education,  
332 retirement and aging, and upon request shall give written or oral opinions to the  
333 board in response to such requests. As compensation for such duties the person  
334 shall receive a payment equivalent to eight and seven-tenths percent of the  
335 previous month's benefit, which shall be added to the member's or beneficiary's  
336 monthly annuity and which shall not be subject to the provisions of subsections  
337 12 and 13 of this section for the purposes of the limit on the total amount of  
338 increases which may be received.

339         20. Any member who has retired shall be made, constituted, appointed  
340 and employed by the board as a special consultant on the matters of education,  
341 retirement and aging, and upon request shall give written or oral opinions to the  
342 board in response to such request. As compensation for such duties, the  
343 beneficiary of the retired member, or, if there is no beneficiary, the (1) surviving  
344 spouse, (2) surviving children in equal shares, (3) surviving parents in equal  
345 shares, or (4) estate of the retired member, in that order of precedence, shall  
346 receive as a part of compensation for these duties a death benefit of five thousand  
347 dollars.

348         21. Any member who has retired prior to July 1, 1999, and the designated  
349 beneficiary of a retired member who was deceased prior to July 1, 1999, shall be  
350 made, constituted, appointed and employed by the board as a special consultant

351 on the matters of education, retirement and aging, and upon request shall give  
352 written or oral opinions to the board in response to such requests. As  
353 compensation for such duties, the person shall have added, pursuant to this  
354 subsection, to the monthly annuity as provided by this section a dollar amount  
355 equal to five dollars times the member's number of years of creditable service.

356         22. Any member who has retired prior to July 1, 2000, and the designated  
357 beneficiary of a deceased retired member shall be made, constituted, appointed  
358 and employed by the board as a special consultant on the matters of education,  
359 retirement and aging, and upon request shall give written or oral opinions to the  
360 board in response to such requests. As compensation for such duties, the person  
361 shall receive a payment equivalent to three and five-tenths percent of the  
362 previous month's benefit, which shall be added to the member or beneficiary's  
363 monthly annuity and which shall not be subject to the provisions of subsections  
364 12 and 13 of this section for the purposes of the limit on the total amount of  
365 increases which may be received.

366         23. Any member who has retired prior to July 1, 2001, and the designated  
367 beneficiary of a deceased retired member shall be made, constituted, appointed  
368 and employed by the board as a special consultant on the matters of education,  
369 retirement and aging, and upon request shall give written or oral opinions to the  
370 board in response to such requests. As compensation for such duties, the person  
371 shall receive a dollar amount equal to three dollars times the member's number  
372 of years of creditable service, which shall be added to the member's or  
373 beneficiary's monthly annuity and which shall not be subject to the provisions of  
374 subsections 12 and 13 of this section for the purposes of the limit on the total  
375 amount of increases which may be received.

169.466. 1. Any retired member with fifteen or more years of creditable  
2 service at retirement receiving [a pension] **retirement benefits** on August 28,  
3 1997, shall receive on January first of each year, commencing on January 1, 1998,  
4 an increase in the amount of [pension] **benefits** received by the retired member  
5 pursuant to sections 169.410 to 169.540 during the preceding year of one hundred  
6 percent of the increase in the consumer price index calculated in the manner  
7 provided in this section; except that, no such increase in [pension] **retirement**  
8 **benefits** shall be paid for any year if such increase in the consumer price index  
9 is less than one percent. Such annual [pension] **retirement benefit** increase,  
10 however, shall not exceed three percent [and the total increases in the amount  
11 of pension benefits received by any retired member shall not, in the aggregate,

12 exceed ten percent of the pension benefits such retired member received during  
13 the year preceding January first of the first year the retired member is entitled  
14 to receive an increase pursuant to this section]. A retired member qualified to  
15 receive an annual [pension] **retirement benefit** increase pursuant to this  
16 section shall not be eligible to receive an additional benefit until the January first  
17 after the first anniversary of the date on which he or she commenced receiving  
18 [a pension] **retirement benefits** pursuant to sections 169.410 to  
19 169.540. Benefits shall not be decreased in the case of a decrease in the  
20 consumer price index for any year.

21         2. For the purpose of this section, any increase in the consumer price  
22 index shall be determined by the board of trustees in November of each year  
23 based on the consumer price index for the twelve-month period ended on  
24 September thirtieth of such year over the consumer price index for the  
25 twelve-month period ended on September thirtieth of the year immediately prior  
26 thereto. Any increase so determined shall be applied by the board of trustees in  
27 calculating increases in [pension] **retirement** benefits that become payable  
28 pursuant to this section for the twelve-month period beginning on the January  
29 first immediately following such determination.

30         3. An annual increase in [pension] **retirement** benefits, if any, shall be  
31 payable monthly with monthly installments of other [pension] **retirement**  
32 benefits pursuant to sections 169.410 to 169.540.

169.471. 1. The board of education is authorized from time to time, in its  
2 discretion, to increase the [pension] **retirement** benefits now or hereafter  
3 provided pursuant to sections 169.410 to 169.540 and to adopt and implement  
4 additional [pension] **retirement** benefits and plans, including without limitation,  
5 early retirement plans, deferred retirement option plans and cost-of-living  
6 adjustments, but excluding compensation to retired members pursuant to section  
7 169.475, and for such purpose the contribution rate of members of the retirement  
8 system may be increased to provide part of the cost thereof, subject to the  
9 following conditions:

10         (1) Any such increase in [pension] **retirement** benefits and additional  
11 [pension] **retirement** benefits and plans shall be approved by the board of  
12 trustees;

13         (2) The board of trustees shall have presented to the board of education  
14 the projected increases in rates of contribution which will be required to be made  
15 by members and the board of education to the retirement system to pay the cost

16 of such increases in [pension] **retirement** benefits and additional [pension]  
17 **retirement** benefits and plans; and

18 (3) Any increase in the contribution rate of members of the retirement  
19 system shall be approved by the board of trustees and shall be deducted from the  
20 compensation of each member by the employing board and transferred and  
21 credited to the individual account of each member from whose compensation the  
22 deduction was made, and shall be administered in accordance with sections  
23 169.410 to 169.540; provided that, any such increase in the members' contribution  
24 rate shall not exceed one-half of one percent of compensation in any year for such  
25 increases to [pension] **retirement** benefits and additional [pension] **retirement**  
26 benefits and plans adopted during such year by the board of education pursuant  
27 to this section, and all such increases in the members' contribution rate shall, in  
28 the aggregate, not exceed two percent of compensation.

29 **2. The board of trustees is authorized from time to time, in its**  
30 **discretion, to increase the retirement benefits, now or hereinafter**  
31 **provided under sections 169.410 to 169.540, and to adopt and implement**  
32 **additional retirement benefits for persons who have retired, including**  
33 **cost-of-living adjustments, provided that the board of trustees finds the**  
34 **additional benefit will not require an increase in the contribution rate**  
35 **required by the members, will not increase the contribution required**  
36 **from the board of education, and is actuarially sound. In the event the**  
37 **board of trustees authorizes an increase under this section, it shall**  
38 **certify in writing to the board of education the findings, including but**  
39 **not limited to all actuarial assumptions, upon which the board of**  
40 **trustees determined that the increase in benefits would result in no**  
41 **increase in contributions by members or the board of education.**

169.670. 1. The retirement allowance of a member whose age at  
2 retirement is sixty years or more and whose creditable service is five years or  
3 more, or whose sum of age and creditable service equals eighty years or more, or  
4 whose creditable service is thirty years or more regardless of age, shall be the  
5 sum of the following items:

6 (1) For each year of membership service, one and sixty-one hundredths  
7 percent of the member's final average salary;

8 (2) Six-tenths of the amount payable for a year of membership service for  
9 each year of prior service;

10 (3) Eighty-five one-hundredths of one percent of any amount by which the



11 member's average compensation for services rendered prior to July 1, 1973,  
12 exceeds the average monthly compensation on which federal Social Security taxes  
13 were paid during the period over which such average compensation was  
14 computed, for each year of membership service credit for services rendered prior  
15 to July 1, 1973, plus six-tenths of the amount payable for a year of membership  
16 service for each year of prior service credit;

17 (4) In lieu of the retirement allowance otherwise provided by subdivisions  
18 (1) to (3) of this subsection, between July 1, 2001, and July 1, [2008] **2013**, a  
19 member may elect to receive a retirement allowance of:

20 (a) One and fifty-nine hundredths percent of the member's final average  
21 salary for each year of membership service, if the member's creditable service is  
22 twenty-nine years or more but less than thirty years and the member has not  
23 attained the age of fifty-five;

24 (b) One and fifty-seven hundredths percent of the member's final average  
25 salary for each year of membership service, if the member's creditable service is  
26 twenty-eight years or more but less than twenty-nine years, and the member has  
27 not attained the age of fifty-five;

28 (c) One and fifty-five hundredths percent of the member's final average  
29 salary for each year of membership service, if the member's creditable service is  
30 twenty-seven years or more but less than twenty-eight years and the member has  
31 not attained the age of fifty-five;

32 (d) One and fifty-three hundredths percent of the member's final average  
33 salary for each year of membership service, if the member's creditable service is  
34 twenty-six years or more but less than twenty-seven years and the member has  
35 not attained the age of fifty-five;

36 (e) One and fifty-one hundredths percent of the member's final average  
37 salary for each year of membership service, if the member's creditable service is  
38 twenty-five years or more but less than twenty-six years and the member has not  
39 attained the age of fifty-five; and

40 (5) In addition to the retirement allowance provided in subdivisions (1)  
41 to (3) of this subsection, a member retiring on or after July 1, 2001, whose  
42 creditable service is thirty years or more or whose sum of age and creditable  
43 service is eighty years or more, shall receive a temporary retirement allowance  
44 equivalent to eight-tenths of one percent of the member's final average salary  
45 multiplied by the member's years of service until such time as the member  
46 reaches the minimum age for Social Security retirement benefits.

47           2. If the board of trustees determines that the cost of living, as measured  
48 by generally accepted standards, increases five percent or more in the preceding  
49 fiscal year, the board shall increase the retirement allowances which the retired  
50 members or beneficiaries are receiving by five percent of the amount being  
51 received by the retired member or the beneficiary at the time the annual increase  
52 is granted by the board; provided that, the increase provided in this subsection  
53 shall not become effective until the fourth January first following a member's  
54 retirement or January 1, 1982, whichever occurs later, and the total of the  
55 increases granted to a retired member or the beneficiary after December 31, 1981,  
56 may not exceed eighty percent of the retirement allowance established at  
57 retirement or as previously adjusted by other provisions of law. If the cost of  
58 living increases less than five percent, the board of trustees may determine the  
59 percentage of increase to be made in retirement allowances, but at no time can  
60 the increase exceed five percent per year. If the cost of living decreases in a fiscal  
61 year, there will be no increase in allowances for retired members on the following  
62 January first.

63           3. The board of trustees may reduce the amounts which have been granted  
64 as increases to a member pursuant to subsection 2 of this section if the cost of  
65 living, as determined by the board and as measured by generally accepted  
66 standards, is less than the cost of living was at the time of the first increase  
67 granted to the member; provided that, the reductions shall not exceed the amount  
68 of increases which have been made to the member's allowance after December 31,  
69 1981.

70           4. (1) In lieu of the retirement allowance provided in subsection 1 of this  
71 section, called "option 1", a member whose creditable service is twenty-five years  
72 or more or who has attained age fifty-five with five or more years of creditable  
73 service may elect, in the application for retirement, to receive the actuarial  
74 equivalent of the member's retirement allowance in reduced monthly payments  
75 for life during retirement with the provision that:

76           Option 2. Upon the member's death, the reduced retirement allowance  
77 shall be continued throughout the life of and paid to such person as has an  
78 insurable interest in the life of the member as the member shall have nominated  
79 in the member's election of the option, and provided further that if the person so  
80 nominated dies before the retired member, the retirement allowance will be  
81 increased to the amount the retired member would be receiving had the member  
82 elected option 1;

83

OR

84           Option 3. Upon the death of the member three-fourths of the reduced  
85 retirement allowance shall be continued throughout the life of and paid to such  
86 person as has an insurable interest in the life of the member and as the member  
87 shall have nominated in an election of the option, and provided further that if the  
88 person so nominated dies before the retired member, the retirement allowance  
89 will be increased to the amount the retired member would be receiving had the  
90 member elected option 1;

91

OR

92           Option 4. Upon the death of the member one-half of the reduced  
93 retirement allowance shall be continued throughout the life of, and paid to, such  
94 person as has an insurable interest in the life of the member and as the member  
95 shall have nominated in an election of the option, and provided further that if the  
96 person so nominated dies before the retired member, the retirement allowance  
97 shall be increased to the amount the retired member would be receiving had the  
98 member elected option 1;

99

OR

100          Option 5. Upon the death of the member prior to the member having  
101 received one hundred twenty monthly payments of the member's reduced  
102 allowance, the remainder of the one hundred twenty monthly payments of the  
103 reduced allowance shall be paid to such beneficiary as the member shall have  
104 nominated in the member's election of the option or in a subsequent nomination.  
105 If there is no beneficiary so nominated who survives the member for the  
106 remainder of the one hundred twenty monthly payments, the reserve for the  
107 remainder of such one hundred twenty monthly payments shall be paid to the  
108 estate of the last person to receive a monthly allowance. If the total of the one  
109 hundred twenty payments paid to the retired individual and the beneficiary of the  
110 retired individual is less than the total of the member's accumulated  
111 contributions, the difference shall be paid to the beneficiary in a lump sum;

112

OR

113          Option 6. Upon the death of the member prior to the member having  
114 received sixty monthly payments of the member's reduced allowance, the  
115 remainder of the sixty monthly payments of the reduced allowance shall be paid  
116 to such beneficiary as the member shall have nominated in the member's election  
117 of the option or in a subsequent nomination. If there is no beneficiary so  
118 nominated who survives the member for the remainder of the sixty monthly

119 payments, the reserve for the remainder of such sixty monthly payments shall be  
120 paid to the estate of the last person to receive a monthly allowance. If the total  
121 of the sixty payments paid to the retired individual and the beneficiary of the  
122 retired individual is less than the total of the member's accumulated  
123 contributions, the difference shall be paid to the beneficiary in a lump sum;

124 OR

125 Option 7. A plan of variable monthly benefit payments which provides, in  
126 conjunction with the member's retirement benefits under the federal Social  
127 Security laws, level or near-level retirement benefit payments to the member for  
128 life during retirement, and if authorized, to an appropriate beneficiary designated  
129 by the member. Such a plan shall be actuarially equivalent to the retirement  
130 allowance under option 1 and shall be available for election only if established by  
131 the board of trustees under duly adopted rules.

132 (2) The election of an option may be made only in the application for  
133 retirement and such application must be filed prior to the date on which the  
134 retirement of the member is to be effective. If either the member or the person  
135 nominated dies before the effective date of retirement, the option shall not be  
136 effective, provided that:

137 (a) If the member or a person retired on disability retirement dies after  
138 attaining age fifty-five and acquiring five or more years of creditable service or  
139 after acquiring twenty-five or more years of creditable service and before  
140 retirement, except retirement with disability benefits, and the person named by  
141 the member as the member's beneficiary has an insurable interest in the life of  
142 the deceased member, the designated beneficiary may elect to receive either  
143 survivorship payments under option 2 or a payment of the member's accumulated  
144 contributions. If survivorship benefits under option 2 are elected and the member  
145 at the time of death would have been eligible to receive an actuarial equivalent  
146 of the member's retirement allowance, the designated beneficiary may further  
147 elect to defer the option 2 payments until the date the member would have been  
148 eligible to receive the retirement allowance provided in subsection 1 of this  
149 section.

150 (b) If the member or a person retired on disability retirement dies before  
151 attaining age fifty-five but after acquiring five but fewer than twenty-five years  
152 of creditable service, and the person named as the beneficiary has an insurable  
153 interest in the life of the deceased member or disability retiree, the designated  
154 beneficiary may elect to receive either a payment of the person's accumulated

155 contributions, or survivorship benefits under option 2 to begin on the date the  
156 member would first have been eligible to receive an actuarial equivalent of the  
157 person's retirement allowance, or to begin on the date the member would first  
158 have been eligible to receive the retirement allowance provided in subsection 1  
159 of this section.

160         5. If the total of the retirement or disability allowances paid to an  
161 individual before the person's death is less than the person's accumulated  
162 contributions at the time of the person's retirement, the difference shall be paid  
163 to the person's beneficiary or, if there is no beneficiary, to the (1) surviving  
164 spouse, (2) surviving children in equal shares, (3) surviving parents in equal  
165 shares, or (4) person's estate in that order of precedence; provided, however, that  
166 if an optional benefit, as provided in option 2, 3 or 4 in subsection 4, had been  
167 elected and the beneficiary dies after receiving the optional benefit, then, if the  
168 total retirement allowances paid to the retired individual and the individual's  
169 beneficiary are less than the total of the contributions, the difference shall be  
170 paid to the (1) surviving spouse, (2) surviving children in equal shares, (3)  
171 surviving parents in equal shares, or (4) estate of the beneficiary, in that order  
172 of precedence, unless the retired individual designates a different recipient with  
173 the board at or after retirement.

174         6. If a member dies before receiving a retirement allowance, the member's  
175 accumulated contributions at the time of the member's death shall be paid to the  
176 member's beneficiary or, if there is no beneficiary, to the (1) surviving spouse, (2)  
177 surviving children in equal shares, (3) surviving parents in equal shares, or (4)  
178 to the member's estate; provided, however, that no such payment shall be made  
179 if the beneficiary elects option 2 in subsection 4 of this section, unless the  
180 beneficiary dies before having received benefits pursuant to that subsection equal  
181 to the accumulated contributions of the member, in which case the amount of  
182 accumulated contributions in excess of the total benefits paid pursuant to that  
183 subsection shall be paid to the (1) surviving spouse, (2) surviving children in  
184 equal shares, (3) surviving parents in equal shares, or (4) estate of the  
185 beneficiary, in that order of precedence.

186         7. If a member ceases to be an employee as defined in section 169.600 and  
187 certifies to the board of trustees that such cessation is permanent or if the  
188 person's membership is otherwise terminated, the person shall be paid the  
189 person's accumulated contributions with interest.

190         8. Notwithstanding any provisions of sections 169.600 to 169.715 to the

191 contrary, if a member ceases to be an employee as defined in section 169.600 after  
192 acquiring five or more years of creditable service, the member may, at the option  
193 of the member, leave the member's contributions with the retirement system and  
194 claim a retirement allowance any time after the member reaches the minimum  
195 age for voluntary retirement. When the member's claim is presented to the  
196 board, the member shall be granted an allowance as provided in sections 169.600  
197 to 169.715 on the basis of the member's age and years of service.

198         9. The retirement allowance of a member retired because of disability  
199 shall be nine-tenths of the allowance to which the member's creditable service  
200 would entitle the member if the member's age were sixty.

201         10. Notwithstanding any provisions of sections 169.600 to 169.715 to the  
202 contrary, any member who is a member prior to October 13, 1969, may elect to  
203 have the member's retirement allowance computed in accordance with sections  
204 169.600 to 169.715 as they existed prior to October 13, 1969.

205         11. Any application for retirement shall include a sworn statement by the  
206 member certifying that the spouse of the member at the time the application was  
207 completed was aware of the application and the plan of retirement elected in the  
208 application.

209         12. Notwithstanding any other provision of law, any person retired prior  
210 to August 14, 1984, who is receiving a reduced retirement allowance under option  
211 1 or 2 of subsection 4 of this section, as the option existed prior to August 14,  
212 1984, and whose beneficiary nominated to receive continued retirement allowance  
213 payments under the elected option dies or has died, shall upon application to the  
214 board of trustees have the person's retirement allowance increased to the amount  
215 the person would have been receiving had the person not elected the option,  
216 actuarially adjusted to recognize any excessive benefits which would have been  
217 paid to the person up to the time of the application.

218         13. Benefits paid pursuant to the provisions of the public education  
219 employee retirement system of Missouri shall not exceed the limitations of  
220 Section 415 of Title 26 of the United States Code, except as provided under this  
221 subsection. Notwithstanding any other law, the board of trustees may establish  
222 a benefit plan under Section 415(m) of Title 26 of the United States Code. Such  
223 plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of  
224 Title 26 of the United States Code. The board of trustees may promulgate  
225 regulations necessary to implement the provisions of this subsection and to create  
226 and administer such benefit plan.

227           14. Any member who has retired prior to July 1, 1999, and the designated  
228 beneficiary of a deceased retired member upon request shall be made, constituted,  
229 appointed and employed by the board as a special consultant on the matters of  
230 education, retirement and aging. As compensation for such duties the person  
231 shall receive a payment equivalent to seven and four-tenths percent of the  
232 previous month's benefit, which shall be added to the member's or beneficiary's  
233 monthly annuity and which shall not be subject to the provisions of subsections  
234 2 and 3 of this section for the purposes of the limit on the total amount of  
235 increases which may be received.

236           15. Any member who has retired prior to July 1, 2000, and the designated  
237 beneficiary of a deceased retired member upon request shall be made, constituted,  
238 appointed and employed by the board as a special consultant on the matters of  
239 education, retirement and aging. As compensation for such duties the person  
240 shall receive a payment equivalent to three and four-tenths percent of the  
241 previous month's benefit, which shall be added to the member's or beneficiary's  
242 monthly annuity and which shall not be subject to the provisions of subsections  
243 2 and 3 of this section for the purposes of the limit on the total amount of  
244 increases which may be received.

245           16. Any member who has retired prior to July 1, 2001, and the designated  
246 beneficiary of a deceased retired member upon request shall be made, constituted,  
247 appointed and employed by the board as a special consultant on the matters of  
248 education, retirement and aging. As compensation for such duties the person  
249 shall receive a payment equivalent to seven and one-tenth percent of the previous  
250 month's benefit, which shall be added to the member's or beneficiary's monthly  
251 annuity and which shall not be subject to the provisions of subsections 2 and 3  
252 of this section for the purposes of the limit on the total amount of increases which  
253 may be received.

**210.205. 1. By September 1, 2007, the department of social  
2 services in collaboration with the departments of health and senior  
3 services, elementary and secondary education, and mental health shall  
4 develop a quality rating system for early childhood and before- and  
5 after-school programs licensed by the department of health and senior  
6 services that operate in this state. Such ratings shall be built upon  
7 Missouri's current system of licensing and regulation. The base level  
8 of the rating system shall be licensing, and the highest level of the  
9 rating system shall include accreditation by a state or nationally**

10 recognized accrediting agency. The department of social services shall  
11 utilize the model from the existing Missouri quality rating system pilots  
12 developed by the University of Missouri Center for Family Policy and  
13 Research, or any successor organization, to establish this system.

14 2. The quality rating system shall:

15 (1) Provide information for consumers and parents to evaluate  
16 and select high quality programs;

17 (2) Create an accountability system for policymakers and those  
18 who fund early childhood and before- and after-school programs;

19 (3) Guide providers through a system of ever increasing levels  
20 of quality with specific outcomes.

21 3. By July 1, 2014, one hundred percent of all licensed facilities  
22 shall be rated using the quality rating system established under this  
23 section. The coordinating board for early childhood, established under  
24 section 210.102, shall develop a plan for a tiered system of  
25 reimbursement for child care subsidies based on the quality rating  
26 system established under this section. The plan shall be submitted to  
27 the general assembly with recommendations for implementation of the  
28 reimbursement system, to begin July 1, 2009.

29 4. There is hereby created in the state treasury the "Quality  
30 Rating System Program Improvement Grant Fund". Within this fund  
31 there is created a first sub-account which shall consist of all gifts,  
32 donations, transfers, and bequests to the fund. Notwithstanding the  
33 provisions of section 33.080, RSMo, to the contrary, any moneys  
34 remaining in this first sub-account shall not revert to the credit of the  
35 general revenue fund. There is also created a second sub-account  
36 consisting of moneys appropriated by the general assembly. Any  
37 moneys remaining in this second sub-account shall at the end of the  
38 biennium revert to the credit of the general revenue fund. The state  
39 treasurer shall be custodian of the fund and may approve  
40 disbursements from the fund in accordance with sections 30.170 and  
41 30.180, RSMo. Upon appropriation, money in the fund shall be used  
42 solely for the administration of this section to provide grants directly  
43 to licensed providers seeking assistance for quality improvements to  
44 undergo evaluation under the quality rating system established under  
45 this section or to community-based organizations assisting providers  
46 with such improvements. The fund shall be administered by the



47 department of social services. The state treasurer shall invest moneys  
48 in the fund in the same manner as other funds are invested. Any  
49 interest and moneys earned on such investments shall be credited to  
50 the fund.

51 5. The departments of social services in collaboration with the  
52 departments of health and senior services and elementary and  
53 secondary education shall be responsible for:

54 (1) Collecting and distributing resource materials to educate the  
55 public and early childhood and before- and after-school programs in  
56 Missouri about the quality rating system established under this section;

57 (2) Developing and distributing educational materials, including  
58 but not limited to brochures and other media as part of a  
59 comprehensive public relations campaign about the useful and  
60 informational system of assessing the quality of child care and early  
61 childhood programs in Missouri; and

62 (3) Posting the ratings of the quality rating system on the  
63 Internet in a format easily understood and accessible by the public by  
64 January 1, 2009.

65 6. The department of social services shall promulgate rules to  
66 implement the provisions of this section. Any rule or portion of a rule,  
67 as that term is defined in section 536.010, RSMo, that is created under  
68 the authority delegated in this section shall become effective only if it  
69 complies with and is subject to all of the provisions of chapter 536,  
70 RSMo, and, if applicable, section 536.028, RSMo. This section and  
71 chapter 536, RSMo, are nonseverable and if any of the powers vested  
72 with the general assembly pursuant to chapter 536, RSMo, to review, to  
73 delay the effective date, or to disapprove and annul a rule are  
74 subsequently held unconstitutional, then the grant of rulemaking  
75 authority and any rule proposed or adopted after August 28, 2007, shall  
76 be invalid and void.

77 7. For purposes of this section, "early childhood program" shall  
78 mean programs that are both centered and home-based and providing  
79 services for children from birth to kindergarten.

80 8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

81 (1) The provisions of the new program authorized under this  
82 section shall automatically sunset six years after the effective date of  
83 this section unless reauthorized by an act of the general assembly; and

84           (2) If such program is reauthorized, the program authorized  
85 under this section shall automatically sunset six years after the  
86 effective date of the reauthorization of this section; and

87           (3) This section shall terminate on September first of the  
88 calendar year immediately following the calendar year in which the  
89 program authorized under this section is sunset.

✓