

FIRST REGULAR SESSION

# HOUSE BILL NO. 552

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DEMPSEY.

Read 1st time January 24, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1668L.01I

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### AN ACT

To repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof two new sections relating to reemployment after retirement.

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

Section A. Sections 104.380 and 104.1039, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 104.380 and 104.1039, to read as follows:

104.380. If a retired member is elected to any state office or is appointed to any state  
2 office or is employed by a department in a position normally requiring the performance by the  
3 person of duties during not less than one thousand **forty** hours per year, the member shall not  
4 receive an annuity for any month or part of a month for which the member serves as an officer  
5 or employee, but the member shall be considered to be a new employee with no previous  
6 creditable service and must accrue creditable service **continuously for at least one year** in order  
7 to receive any additional annuity. Any retired member who again becomes an employee and who  
8 accrues additional creditable service and later retires shall receive an additional amount of  
9 monthly annuity calculated to include only the creditable service and the average compensation  
10 earned by the member since such employment or creditable service earned as a member of the  
11 general assembly. Years of membership service and twelfths of a year are to be used in  
12 calculating any additional annuity except for creditable service earned as a member of the general  
13 assembly, and such additional annuity shall be based on the type of service accrued. In either  
14 event, the original annuity and the additional annuity, if any, shall be paid commencing with the  
15 end of the first month after the month during which the member's term of office has been

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 completed, or the member's employment terminated. If a retired member is employed by a  
17 department in a position that does not normally require the person to perform duties during at  
18 least one thousand **forty** hours per year, the member shall not be considered an employee as  
19 defined pursuant to section 104.010. A retired member who becomes reemployed as an  
20 employee on or after August 28, 2001, in a position covered by the highways and transportation  
21 employees' and highway patrol retirement system shall not be eligible to receive retirement  
22 benefits or additional creditable service from the state employees' retirement system.

104.1039. If a retiree is employed as an employee by a department, the retiree shall not  
2 receive an annuity payment for any calendar month in which the retiree is so employed. While  
3 reemployed the retiree shall be considered to be a new employee with no previous credited  
4 service [upon subsequent retirement] **and shall accrue credited service continuously for at**  
5 **least one year in order to receive any additional annuity.** Such retiree shall receive an  
6 additional annuity in addition to the original annuity, calculated based only on the credited  
7 service and the pay earned by such retiree during reemployment and paid in accordance with the  
8 annuity option originally elected; provided such retiree who ceases to receive an annuity pursuant  
9 to this section shall not receive such additional annuity if such retiree is employed by a  
10 department in a position that is covered by a state-sponsored defined benefit retirement plan not  
11 created pursuant to this chapter. The original annuity and any additional annuity shall be paid  
12 commencing as of the end of the first month after the month during which the retiree's  
13 reemployment terminates.

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