

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 2104,
HOUSE BILL NO. 1574,
HOUSE BILL NO. 1706,**

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 1774,
HOUSE BILL NO. 2055**

AND

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2056

94TH GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, April 17, 2008, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4888S.06C

AN ACT

To repeal sections 57.280, 57.967, 57.980, 70.695, 70.710, 70.720, 70.730, 86.107, 86.200, 86.287, 86.590, 86.1180, 86.1200, 86.1230, 86.1560, 165.111, 169.010, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.141, 169.596, 169.630, 169.650, 169.655, 169.670, 169.673, 169.690, 169.715, 488.435, 650.350, RSMo, and section 86.1230 as enacted by senate bill no. 172, ninety-fourth general assembly, first regular session, and section 86.1230 as enacted by conference committee substitute no. 2 for house committee substitute no. 2 for senate bill no. 406, ninety-fourth general assembly, first regular session, and to enact in lieu thereof thirty-eight new sections relating to employee benefits, with penalty provisions.

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

Section A. Sections 57.280, 57.967, 57.980, 70.695, 70.710, 70.720, 70.730,

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

2 86.107, 86.200, 86.287, 86.590, 86.1180, 86.1200, 86.1230, 86.1560, 165.111,
3 169.010, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130,
4 169.141, 169.596, 169.630, 169.650, 169.655, 169.670, 169.673, 169.690, 169.715,
5 488.435, 650.350, RSMo, and section 86.1230 as enacted by senate bill no. 172,
6 ninety-fourth general assembly, first regular session, and section 86.1230 as
7 enacted by conference committee substitute no. 2 for house committee substitute
8 no. 2 for senate bill no. 406, ninety-fourth general assembly, first regular session,
9 are repealed and thirty-eight new sections enacted in lieu thereof, to be known
10 as sections 57.278, 57.280, 57.967, 57.980, 70.695, 70.710, 70.720, 70.730, 86.107,
11 86.200, 86.287, 86.590, 86.1180, 86.1200, 86.1230, 86.1560, 165.111, 169.010,
12 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.141,
13 169.562, 169.596, 169.630, 169.650, 169.655, 169.670, 169.673, 169.690, 169.715,
14 488.435, and 650.350, to read as follows:

57.278. 1. There is hereby created in the state treasury the
2 "Deputy Sheriff Salary Supplementation Fund", which shall consist of
3 money collected from charges for service received by county sheriffs
4 under subsection 4 of section 57.280. The money in the fund shall be
5 used solely to supplement the salaries, and employee benefits resulting
6 from such salary increases, of county deputy sheriffs. The state
7 treasurer shall be custodian of the fund and may approve
8 disbursements from the fund in accordance with sections 30.170 and
9 30.180, RSMo. The Missouri sheriff methamphetamine relief taskforce
10 created under section 650.350, RSMo, shall administer the fund.

2. Notwithstanding the provisions of section 33.080, RSMo, to the
12 contrary, any moneys remaining in the fund at the end of the biennium
13 shall not revert to the credit of the general revenue fund. The state
14 treasurer shall invest moneys in the fund in the same manner as other
15 funds are invested. Any interest and moneys earned on such
16 investments shall be credited to the fund.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ
2 or other order of court, in connection with any civil case, and making on the same
3 either a return indicating service, a non est return or a nulla bona return, the
4 sum of twenty dollars for each item to be served, except that a sheriff shall
5 receive a charge for service of any subpoena, and making a return on the same,
6 the sum of ten dollars; however, no such charge shall be collected in any
7 proceeding when court costs are to be paid by the state, county or municipality.
8 In addition to such charge, the sheriff shall be entitled to receive for each mile
9 actually traveled in serving any summons, writ, subpoena or other order of court,

10 the rate prescribed by the Internal Revenue Service for all allowable expenses for
11 motor vehicle use expressed as an amount per mile, provided that such mileage
12 shall not be charged for more than one subpoena or summons or other writ served
13 in the same cause on the same trip. All of such charges shall be received by the
14 sheriff who is requested to perform the service. Except as otherwise provided by
15 law, all charges made pursuant to this section shall be collected by the court clerk
16 as court costs and are payable prior to the time the service is rendered; provided
17 that if the amount of such charge cannot be readily determined, then the sheriff
18 shall receive a deposit based upon the likely amount of such charge, and the
19 balance of such charge shall be payable immediately upon ascertainment of the
20 proper amount of said charge. A sheriff may refuse to perform any service in any
21 action or proceeding, other than when court costs are waived as provided by law,
22 until the charge provided by this section is paid. Failure to receive the charge
23 shall not affect the validity of the service.

24 2. The sheriff shall receive for receiving and paying moneys on execution
25 or other process, where lands or goods have been levied and advertised and sold,
26 five percent on five hundred dollars and four percent on all sums above five
27 hundred dollars, and half of these sums, when the money is paid to the sheriff
28 without a levy, or where the lands or goods levied on shall not be sold and the
29 money is paid to the sheriff or person entitled thereto, his agent or attorney. The
30 party at whose application any writ, execution, subpoena or other process has
31 issued from the court shall pay the sheriff's costs for the removal, transportation,
32 storage, safekeeping and support of any property to be seized pursuant to legal
33 process before such seizure. The sheriff shall be allowed for each mile, going and
34 returning from the courthouse of the county in which he resides to the place
35 where the court is held, the rate prescribed by the Internal Revenue Service for
36 all allowable expenses for motor vehicle use expressed as an amount per
37 mile. The provisions of this subsection shall not apply to garnishment proceeds.

38 3. The sheriff upon the receipt of the charge herein provided for shall pay
39 into the treasury of the county any and all charges received pursuant to the
40 provisions of this section; however, in any county, any funds, not to exceed fifty
41 thousand dollars in any calendar year, other than as a result of regular budget
42 allocations or land sale proceeds, coming into the possession of the sheriff's office,
43 such as from the sale of recovered evidence, shall be held in a fund established
44 by the county treasurer, which may be expended at the discretion of the sheriff
45 for the furtherance of the sheriff's set duties. Any such funds in excess of fifty
46 thousand dollars, other than regular budget allocations or land sale proceeds,
47 shall be placed to the credit of the general revenue fund of the county. Moneys

48 in the fund shall be used only for the procurement of services and equipment to
49 support the operation of the sheriff's office. Moneys in the fund established
50 pursuant to this subsection shall not lapse to the county general revenue fund at
51 the end of any county budget or fiscal year.

52 **4. Notwithstanding the provisions of subsection 3 of this section**
53 **to the contrary, the sheriff shall receive ten dollars for service of any**
54 **summons, writ, subpoena, or other order of the court included under**
55 **subsection 1 of this section, in addition to the charge for such service**
56 **that each sheriff receives under subsection 1 of this section. The**
57 **money received by the sheriff under this subsection shall be paid into**
58 **the county treasury and the county treasurer shall make such money**
59 **payable to the state treasurer. The state treasurer shall deposit such**
60 **moneys in the deputy sheriff salary supplementation fund created**
61 **under section 57.278.**

57.967. 1. The normal annuity of a retired member shall equal two
2 percent of the final average compensation of the retired member multiplied by the
3 number of years of creditable service of the retired member, except that the
4 normal annuity shall not exceed seventy-five percent of the retired member's
5 average final compensation.

6 2. The board, at its last meeting of each calendar year, shall determine
7 the monthly amount for medical insurance premiums to be paid to each retired
8 member during the next following calendar year. The monthly amount shall not
9 exceed four hundred fifty dollars. The monthly payments are at the discretion of
10 the board on the advice of the actuary. [The anticipated sum of all such
11 payments during the year plus the annual normal cost plus the annual amount
12 to amortize the unfunded actuarial accrued liability in no more than thirty years
13 shall not exceed the anticipated moneys credited to the system pursuant to
14 section 57.955.] The money amount granted here shall not be continued to any
15 survivor.

16 3. If a member with eight or more years of service dies before becoming
17 eligible for retirement, the member's surviving spouse, if he or she has been
18 married to the member for at least two years prior to the member's death, shall
19 be entitled to survivor benefits under option 1 as set forth in section 57.979 as if
20 the member had retired on the date of the member's death. The member's
21 monthly benefit shall be calculated as the member's accrued benefit at his or her
22 death reduced by one-fourth of one percent per month for an early commencement
23 from the member's normal retirement date: age fifty-five with twelve or more
24 years of creditable service or age sixty-two with eight years of creditable service,

25 to the member's date of death. Such benefit shall be payable on the first day of
26 the month following the member's death and shall be payable during the
27 surviving spouse's lifetime.

57.980. 1. A death benefit of [ten] **twenty** thousand dollars shall be paid
2 to the designated beneficiary of every active member upon his **or her** death or
3 to his **or her** estate if there is no designated beneficiary[, or in lieu thereof, a
4 benefit of twenty thousand dollars shall be so paid if the member is killed in the
5 performance of his duty].

6 2. If a member dies during the performance of his **or her** duty, in
7 addition to the death benefit specified in subsection 1 of this section, his **or her**
8 surviving spouse shall be entitled to survivorship benefits of fifty percent of the
9 accrued benefit, payable for a period of five years.

10 3. If a member dies other than during the performance of his **or her** duty
11 and before retirement, after becoming eligible for retirement, his **or her**
12 surviving spouse, if **he or** she has been married to the member for at least two
13 years prior to his **or her** death, shall be entitled to survivorship benefits under
14 option one as set forth in section 57.979 as if the member had retired on the date
15 of his **or her** death.

70.695. The right of a person to an allowance, to the return of
2 accumulated contributions, the allowance itself, any allowance option, and any
3 other right accrued or accruing under the provisions of sections 70.600 to 70.755,
4 and all moneys belonging to the system shall not be subject to execution,
5 garnishment, attachment, the operation of bankruptcy or insolvency laws, or to
6 any other process of law whatsoever, and shall be unassignable, except as is
7 specifically provided in sections 70.600 to 70.755; except that:

8 (1) Any political subdivision shall have the right of setoff for any claim
9 arising from embezzlement by or fraud of a member, retirant, or beneficiary; and

10 (2) Such rights shall not be exempt from attachment or execution in a
11 proceeding instituted for the support and maintenance of children. In all such
12 actions described in this subdivision, the system shall be entitled to collect a fee
13 of up to twenty dollars chargeable against the person for each delinquent
14 attachment, execution, sequestration or garnishment payment;

15 (3) **A retirant may authorize the board to have deducted from his**
16 **or her allowance the payments required of him or her to provide for**
17 **health insurance or long-term care insurance premiums in accordance**
18 **with Section 402 of the Internal Revenue Code of 1986, as amended.**

70.710. 1. The "Employer Accumulation Fund" is hereby created. It is the
2 fund in which shall be accumulated the contributions made by employers for

3 benefits, and from which shall be made transfers, as provided in sections 70.600
4 to 70.755.

5 2. When paid to the system, the employer contributions provided for in
6 subsections 2 and 3 of section 70.730 shall be credited to the employer
7 accumulation fund account of the employer making the contributions.

8 3. When an allowance other than a disability allowance **or an allowance**
9 **that results from a member's death that was the natural and proximate**
10 **result of a personal injury or disease arising out of and in the course**
11 **of his or her actual performance of duty as an employee** first becomes due
12 and payable, there shall be transferred to the benefit reserve fund from his
13 employer's account in the employer accumulation fund the difference between the
14 reserve for the allowance and the accumulated contributions standing to his
15 credit in the members deposit fund at the time the allowance first becomes due
16 and payable, of the member or former member to whom or on whose behalf the
17 allowance is payable.

18 4. A separate account shall be maintained in the employer accumulation
19 fund for each employer. No employer shall be responsible for the employer
20 accumulation fund liabilities of another employer.

21 5. When a disability allowance **or an allowance that results from a**
22 **member's death that was the natural and proximate result of a personal**
23 **injury or disease arising out of and in the course of his or her actual**
24 **performance of duty as an employee** first becomes due and payable, the
25 accrued service pension reserve covering the retiring member shall be calculated
26 in the manner provided for in subsection 3 of section 70.730, as of the effective
27 date of the disability allowance. Such reserve shall be transferred to the benefit
28 reserve fund from the employer's account in the employer accumulation fund.

 70.720. 1. The "Casualty Reserve Fund" is hereby created. It is the fund
2 in which shall be accumulated the contributions made by employers for pensions
3 **either** to be paid members who retire on account of disability **or that result**
4 **from a member's death that was the natural and proximate result of a**
5 **personal injury or disease arising out of and in the course of his or her**
6 **actual performance of duty as an employee**, and from which shall be made
7 transfers as provided in sections 70.600 to 70.755.

8 2. When paid to the system, the employer contributions provided for in
9 subsection 4 of section 70.730 shall be credited to the casualty reserve fund.

10 3. When a disability allowance **or an allowance that results from a**
11 **member's death that was the natural and proximate result of a personal**
12 **injury or disease arising out of and in the course of his or her actual**

13 **performance of duty as an employee** first becomes due and payable, there
14 shall be transferred to the benefit reserve fund from the casualty reserve fund an
15 amount equal to the reserve for the allowance, minus:

16 (1) The accumulated contributions, standing to the member's credit in the
17 members deposit fund at the time the allowance first becomes due and payable;
18 and

19 (2) The accrued service pension reserve determined pursuant to subsection
20 5 of section 70.710.

70.730. 1. Each employer's contributions to the system shall be the total
2 of the contribution amounts provided for in subsections 2 through 5 of this
3 section; provided, that such contributions shall be subject to the provisions of
4 subsection 6 of this section.

5 2. An employer's normal cost contributions shall be determined as follows:
6 Using the financial assumptions adopted by the board from time to time, the
7 actuary shall annually compute the rate of contributions which, if paid annually
8 by each employer during the total service of its members, will be sufficient to
9 provide the pension reserves required at the time of their retirements to cover the
10 pensions to which they might be entitled or which might be payable on their
11 behalf. The board shall annually certify to the governing body of each employer
12 the amount of membership service contribution so determined, and each employer
13 shall pay such amount to the system during the employer's next fiscal year which
14 begins six months or more after the date of such board certification. Such
15 payments shall be made in such manner and form and in such frequency and
16 shall be accompanied by such supporting data as the board shall from time to
17 time determine. When received, such payments shall be credited to the
18 employer's account in the employer accumulation fund.

19 3. An employer's accrued service contributions shall be determined as
20 follows: Using the financial assumptions adopted by the board from time to time,
21 the actuary shall annually compute for each employer the portions of pension
22 reserves for pensions which will not be provided by future normal cost
23 contributions. The accrued service pension reserves so determined for each
24 employer less the employer's applicable balance in the employer accumulation
25 fund shall be amortized over a period of years, as determined by the board. Such
26 period of years shall not extend beyond the latest of (1) forty years from the date
27 the political subdivision became an employer, or (2) thirty years from the date the
28 employer last elected to increase its optional benefit program, or (3) fifteen years
29 from the date of the annual actuarial computation. The board shall annually
30 certify to the governing body of each employer the amount of accrued service

31 contribution so determined for the employer, and each employer shall pay such
32 amount to the system during the employer's next fiscal year which begins six
33 months or more after the date of such board certification. Such payments shall
34 be made in such manner and form and in such frequency and shall be
35 accompanied by such supporting data as the board shall from time to time
36 determine. When received, such payments shall be credited to the employer's
37 account in the employer accumulation fund.

38 4. The employer's contributions for the portions of disability pensions **or**
39 **pensions that result from a member's death that was the natural and**
40 **proximate result of a personal injury or disease arising out of and in**
41 **the course of his or her actual performance of duty as an employee** not
42 covered by accrued service pension reserves shall be determined on a one-year
43 term basis. The board may determine different rates of contributions for
44 employers having policeman members or having fireman members or having
45 neither policeman members nor fireman members. The board shall annually
46 certify to the governing body of each employer the amount of contribution so
47 ascertained for the employer, and each employer shall pay such amount to the
48 system during the employer's next fiscal year which begins six months or more
49 after the date of such board certification. Such payments shall be made in such
50 manner and form and in such frequency and shall be accompanied by such
51 supporting data as the board shall from time to time ascertain. When received,
52 such payments shall be credited to the casualty reserve fund.

53 5. Each employer shall provide its share, as determined by the board, of
54 the administrative expenses of the system and shall pay same to the system to
55 be credited to the income-expense fund.

56 6. The employer's total contribution to the system, expressed as a percent
57 of active member compensations, in any employer fiscal year, beginning with the
58 second fiscal year that the political subdivision is an employer, shall not exceed
59 its total contributions for the immediately preceding fiscal year, expressed as a
60 percent of active member compensations, by more than one percent.

86.107. The board of trustees shall be the trustees of the several funds
2 created by sections 86.010 to 86.193 as provided in section 86.123 and shall have
3 full power to invest and reinvest such funds [subject to all the terms, conditions,
4 limitations and restrictions imposed by law upon life insurance companies in the
5 state of Missouri in making and disposing of their investments, and subject to
6 like terms, conditions, limitations and restrictions said trustees] **and** shall have
7 full power to hold, purchase, sell, assign, transfer or dispose of any of the
8 securities and investments in which any of the funds created herein shall have

9 been invested, as well as of the proceeds of said investments and any moneys
10 belonging to said funds. **The board shall invest the funds of the system as**
11 **permitted by sections 105.687 to 105.690, RSMo.**

86.200. The following words and phrases as used in sections 86.200 to
2 86.366, unless a different meaning is plainly required by the context, shall have
3 the following meanings:

4 (1) "Accumulated contributions", the sum of all mandatory contributions
5 deducted from the compensation of a member and credited to the member's
6 individual account, together with members' interest thereon;

7 (2) "Actuarial equivalent", a benefit of equal value when computed upon
8 the basis of mortality tables and interest assumptions adopted by the board of
9 trustees;

10 (3) "Average final compensation":

11 (a) With respect to a member who earns no creditable service on or after
12 October 1, 2001, the average earnable compensation of the member during the
13 member's last three years of creditable service as a police officer, or if the member
14 has had less than three years of creditable service, the average earnable
15 compensation of the member's entire period of creditable service;

16 (b) With respect to a member who is not participating in the DROP
17 pursuant to section 86.251 on October 1, 2001, who did not participate in the
18 DROP at any time before such date, and who earns any creditable service on or
19 after October 1, 2001, the average earnable compensation of the member during
20 the member's last two years of creditable service as a policeman, or if the member
21 has had less than two years of creditable service, then the average earnable
22 compensation of the member's entire period of creditable service;

23 (c) With respect to a member who is participating in the DROP pursuant
24 to section 86.251 on October 1, 2001, or whose participation in DROP ended
25 before such date, who returns to active participation in the system pursuant to
26 section 86.251, and who terminates employment as a police officer for reasons
27 other than death or disability before earning at least two years of creditable
28 service after such return, the portion of the member's benefit attributable to
29 creditable service earned before DROP entry shall be determined using average
30 final compensation as defined in paragraph (a) of this subdivision; and the
31 portion of the member's benefit attributable to creditable service earned after
32 return to active participation in the system shall be determined using average
33 final compensation as defined in paragraph (b) of this subdivision;

34 (d) With respect to a member who is participating in the DROP pursuant
35 to section 86.251 on October 1, 2001, or whose participation in the DROP ended

36 before such date, who returns to active participation in the system pursuant to
37 section 86.251, and who terminates employment as a police officer after earning
38 at least two years of creditable service after such return, the member's benefit
39 attributable to all of such member's creditable service shall be determined using
40 the member's average final compensation as defined in paragraph (b) of this
41 subdivision;

42 (e) With respect to a member who is participating in the DROP pursuant
43 to section 86.251 on October 1, 2001, or whose participation in DROP ended
44 before such date, who returns to active participation in the system pursuant to
45 section 86.251, and whose employment as a police officer terminates due to death
46 or disability after such return, the member's benefit attributable to all of such
47 member's creditable service shall be determined using the member's average final
48 compensation as defined in paragraph (b) of this subdivision; and

49 (f) With respect to the surviving spouse or surviving dependent child of
50 a member who earns any creditable service on or after October 1, 2001, the
51 average earnable compensation of the member during the member's last two years
52 of creditable service as a police officer or, if the member has had less than two
53 years of creditable service, the average earnable compensation of the member's
54 entire period of creditable service;

55 (4) "Beneficiary", any person in receipt of a retirement allowance or other
56 benefit;

57 (5) "Board of police commissioners", any board of police commissioners,
58 police commissioners and any other officials or boards now or hereafter
59 authorized by law to employ and manage a permanent police force in such cities;

60 (6) "Board of trustees", the board provided in sections 86.200 to 86.366 to
61 administer the retirement system;

62 (7) "Creditable service", prior service plus membership service as provided
63 in sections 86.200 to 86.366;

64 (8) **"Dependent", an individual or individuals receiving at least**
65 **one-half of their support from the member at the time of his or her**
66 **death;**

67 (9) "DROP", the deferred retirement option plan provided for in section
68 86.251;

69 [(9)] (10) "Earnable compensation", the annual salary which a member
70 would earn during one year on the basis of the member's rank or position as
71 specified in the applicable salary matrix in section 84.160, RSMo, plus additional
72 compensation for academic work as provided in subsection 8 of section 84.160,
73 RSMo, plus shift differential as provided in subdivision (4) of subsection 9 of

74 section 84.160, RSMo. Such amount shall include the member's deferrals to a
75 deferred compensation plan pursuant to Section 457 of the Internal Revenue Code
76 or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or,
77 effective October 1, 2001, to a transportation fringe benefit program pursuant to
78 Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not
79 include a member's additional compensation for overtime, standby time, court
80 time, nonuniform time or unused vacation time. Notwithstanding the foregoing,
81 the earnable compensation taken into account under the plan established
82 pursuant to sections 86.200 to 86.366 with respect to a member who is a
83 noneligible participant, as defined in this subdivision, for any plan year beginning
84 on or after October 1, 1996, shall not exceed the amount of compensation that
85 may be taken into account under Section 401(a)(17) of the Internal Revenue Code,
86 as adjusted for increases in the cost of living, for such plan year. For purposes
87 of this subdivision, a "noneligible participant" is an individual who first becomes
88 a member on or after the first day of the first plan year beginning after the
89 earlier of:

90 (a) The last day of the plan year that includes August 28, 1995; or

91 (b) December 31, 1995;

92 ~~[(10)]~~ **(11)** "Internal Revenue Code", the federal Internal Revenue Code
93 of 1986, as amended;

94 ~~[(11)]~~ **(12)** "Mandatory contributions", the contributions required to be
95 deducted from the salary of each member who is not participating in DROP in
96 accordance with section 86.320;

97 ~~[(12)]~~ **(13)** "Medical board", the board of physicians provided for in
98 section 86.237;

99 ~~[(13)]~~ **(14)** "Member", a member of the retirement system as defined by
100 sections 86.200 to 86.366;

101 ~~[(14)]~~ **(15)** "Members' interest", interest on accumulated contributions at
102 such rate as may be set from time to time by the board of trustees;

103 ~~[(15)]~~ **(16)** "Membership service", service as a policeman rendered since
104 last becoming a member, except in the case of a member who has served in the
105 armed forces of the United States and has subsequently been reinstated as a
106 policeman, in which case "membership service" means service as a policeman
107 rendered since last becoming a member prior to entering such armed service;

108 ~~[(16)]~~ **(17)** "Partial dependent", **an individual or individuals**
109 **receiving less than fifty percent of their support from the member at**
110 **the time of his or her death;**

111 **(18)** "Plan year" or "limitation year", the twelve consecutive-month period

112 beginning each October first and ending each September thirtieth;
113 [(17)] **(19)** "Policeman" or "police officer", any member of the police force
114 of such cities who holds a rank in such police force for which the annual salary
115 is listed in section 84.160, RSMo;
116 [(18)] **(20)** "Prior service", all service as a policeman rendered prior to the
117 date the system becomes operative or prior to membership service which is
118 creditable in accordance with the provisions of sections 86.200 to 86.366;
119 [(19)] **(21)** "Retirement allowance", annual payments for life as provided
120 by sections 86.200 to 86.366 which shall be payable in equal monthly installments
121 or any benefits in lieu thereof granted to a member upon termination of
122 employment as a police officer and actual retirement;
123 [(20)] **(22)** "Retirement system", the police retirement system of the cities
124 as defined in sections 86.200 to 86.366;
125 [(21)] **(23)** "Surviving spouse", the surviving spouse of a member who was
126 the member's spouse at the time of the member's death.

86.287. Upon the receipt by the board of trustees of evidence and proof
2 that the death of a member was the natural and proximate result of an accident
3 occurring at some definite time and place while the member was in the actual
4 performance of duty and not caused by negligence on the part of the member,
5 there shall be paid in lieu of the benefits pursuant to sections 86.280 to 86.283:

6 (1) Effective October 1, 1999, a pension to the surviving spouse until the
7 surviving spouse dies or remarries, whichever is earlier, of seventy-five percent
8 of the deceased member's average final compensation plus fifteen percent of such
9 compensation to, or for the benefit of, each unmarried dependent child of the
10 deceased member, who is either under the age of eighteen, or who, regardless of
11 age, is totally and permanently disabled and incapacitated from engaging in a
12 gainful occupation sufficient to support himself or herself;

13 (2) Any surviving spouse or unmarried dependent child receiving benefits
14 pursuant to this section immediately prior to October 1, 1999, shall upon
15 application to the board of trustees be made, constituted, appointed and employed
16 by the board of trustees as a special consultant on the problems of retirement,
17 aging and other matters while the surviving spouse or unmarried dependent child
18 is receiving such benefits, and upon request of the board of trustees shall give
19 opinions in writing or orally in response to such requests as may be
20 required. Beginning October 1, 1999, for such services as may be required, a
21 surviving spouse shall receive additional monthly compensation equal to the
22 amount which when added to the benefits the surviving spouse was receiving
23 pursuant to this section prior to October 1, 1999, will increase the surviving

24 spouse's total monthly benefit payment pursuant to this section to seventy-five
25 percent of the deceased member's average final compensation, and there shall be
26 payable an additional monthly compensation of one hundred dollars or five
27 percent of the member's average final compensation, whichever is greater, for
28 each unmarried dependent child of the member;

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

40 (4) If there is no surviving spouse or unmarried dependent children of
41 either class mentioned in subdivision (3) of this section, then an amount equal to
42 the surviving spouse's benefit shall be paid to the member's dependent father or
43 dependent mother to continue until remarriage or death; **however, the board**
44 **of trustees shall review the application for benefits and determine on**
45 **the basis of the information presented whether the applicant or**
46 **applicants are dependent or partially dependent, and, if partially**
47 **dependent, the benefit shall be paid based upon the proportionate**
48 **share of support, considering all other sources actually provided by the**
49 **member to such an applicant;**

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

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

59 (7) Any benefit payable to, or for the benefit of, a child or children under
60 the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall
61 continue to be paid beyond the age of eighteen years through the age of

62 twenty-two years in those cases where the child is a full-time student at a
63 regularly accredited college, business school, nursing school, school for technical
64 or vocational training, or university, but such extended benefit shall cease
65 whenever the child ceases to be a student. A college or university shall be
66 deemed to be regularly accredited which maintains membership in good standing
67 in a national or regional accrediting agency recognized by any state college or
68 university.

86.590. The board of trustees of police and firemen's pension systems,
2 established under the provisions of section 86.583, may invest and reinvest the
3 moneys of the system, and may hold, purchase, sell, assign, transfer or dispose
4 of any of the securities and investments in which such moneys shall have been
5 invested, as well as the proceeds of such investments and such moneys[; except
6 that such investment and reinvestments shall be subject to all the terms,
7 conditions, limitations, and restrictions imposed by law upon life insurance or
8 casualty companies in the state of Missouri in making and disposing of their
9 investments, except that the percentage limitations of subsection 2 of section
10 376.305, RSMo, shall not apply]. The board of trustees of police and firemen's
11 pension systems, established under the provisions of section 86.583, shall [comply
12 with the prudent investor standard for investment fiduciaries as provided in
13 section 105.688, RSMo, when investing the assets of the system] **invest the**
14 **funds of the system as permitted by sections 105.687 to 105.690, RSMo.**

86.1180. 1. Any member **in active service** who is permanently unable
2 to perform the full and unrestricted duties of a police officer as the natural,
3 proximate, and exclusive result of an accident occurring within the actual
4 performance of duty at some definite time and place or through an occupational
5 disease arising exclusively out of and in the course of his or her employment shall
6 be retired by the board of police commissioners upon certification by one or more
7 physicians of the medical board that the member is mentally or physically unable
8 to perform the full and unrestricted duties of a police officer, that the inability is
9 permanent or likely to become permanent, and that the member should be
10 retired. The inability to perform the full and unrestricted duties of a police
11 officer means that the member is unable to perform all the essential job functions
12 for the position of police officer as established by the board of police
13 commissioners.

14 2. Upon such retirement on or after August 28, 2001, a member shall
15 receive a base pension equal to seventy-five percent of his or her final
16 compensation for so long as the permanent disability shall continue, during which
17 time such member shall for purposes of this section be referred to as a disability

18 beneficiary. Such pension may be subject to offset or reduction under section
19 86.1190 by amounts paid or payable under any workers' compensation law.

20 3. Once each year during the first five years following his or her
21 retirement, and at least once in every three-year period thereafter, the retirement
22 board may, and upon the member's application shall, require any disability
23 beneficiary who has not yet attained the age of sixty years to undergo a medical
24 examination at a place designated by the medical board or some member thereof.
25 If any disability beneficiary who has not attained the age of sixty years refuses
26 to submit to a medical examination his or her disability pension may be
27 discontinued until his or her withdrawal of such refusal, and if his or her refusal
28 continues for one year, all rights in and to such pension may be revoked by the
29 retirement board.

30 4. If one or more members of the medical board certify to the retirement
31 board that a disability beneficiary is able to perform the full and unrestricted
32 duties of a police officer, and if the retirement board concurs on the report, then
33 such beneficiary's disability pension shall cease.

34 5. If upon cessation of a disability pension under subsection 4 of this
35 section, the former disability beneficiary is restored to active service, such
36 member shall contribute to this retirement system thereafter at the same rate as
37 other members. Upon subsequent retirement, such member shall be credited with
38 all his or her creditable service, including any years in which such member
39 received a disability pension under this section.

40 6. If upon cessation of a disability pension under subsection 4 of this
41 section, the former disability beneficiary is not restored to active service, such
42 member shall be entitled to the retirement benefit to which such member would
43 have been entitled if such member had terminated service at the time of such
44 cessation of the disability pension. For the purpose of such retirement benefits,
45 such former disability beneficiary will be credited with all his or her creditable
46 service, including any years in which such member received a disability pension
47 under this section.

 86.1200. 1. Any member **in active service** who has completed ten or
2 more years of creditable service and who has become permanently unable to
3 perform the full and unrestricted duties of a police officer as the result of an
4 injury or illness not exclusively caused or induced by the actual performance of
5 his or her official duties or by his or her own negligence shall be retired by the
6 board of police commissioners upon certification by one or more physicians of the
7 medical board of the retirement board that the member is mentally or physically
8 unable to perform the full and unrestricted duties of a police officer, that the

9 inability is permanent or likely to become permanent, and that the member
10 should be retired. The inability to perform the full and unrestricted duties of a
11 police officer means that the member is unable to perform all the essential job
12 functions for the position of police officer as established by the board of police
13 commissioners.

14 2. Upon such retirement on or after August 28, 2001, a member shall
15 receive a base pension equal to two and one-half percent of final compensation
16 multiplied by the number of years of creditable service. Such pension shall be
17 paid for so long as the permanent disability shall continue, during which time
18 such member shall for purposes of this section be referred to as a nonduty
19 disability beneficiary.

20 3. Once each year during the first five years following such member's
21 retirement, and at least once in every three-year period thereafter, the retirement
22 board may, and upon the member's application shall, require any nonduty
23 disability beneficiary who has not yet attained the age of sixty years to undergo
24 a medical examination at a place designated by the medical board. If any
25 nonduty disability beneficiary who has not attained the age of sixty years refuses
26 to submit to a medical examination, his or her nonduty disability pension may be
27 discontinued until his or her withdrawal of such refusal, and if his or her refusal
28 continues for one year, all rights in and to such pension may be revoked by the
29 retirement board.

30 4. If one or more members of the medical board certify to the retirement
31 board that a nonduty disability beneficiary is able to perform the full and
32 unrestricted duties of a police officer, and if the retirement board concurs in the
33 report, then such beneficiary's nonduty disability pension shall cease.

[86.1230. 1. Any member who retires subsequent to August
2 28, 1991, with entitlement to a pension under sections 86.900 to
3 86.1280, shall receive each month, in addition to such member's
4 base pension and cost-of-living adjustments thereto under section
5 86.1220, and in addition to any other compensation or benefit to
6 which such member may be entitled under sections 86.900 to
7 86.1280, a supplemental retirement benefit of fifty dollars per
8 month. The amount of such supplemental retirement benefit may
9 be adjusted by cost-of-living adjustments determined by the
10 retirement board not more frequently than annually.

11 2. Any member who was retired on or before August 28,
12 1991, and is receiving retirement benefits from the retirement
13 system shall, upon application to the retirement board, be retained

as a consultant, and for such services such member shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually.

3. For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such person is the surviving spouse or on the date of death of such member if such member died prior to retirement; provided, that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits under subsection 2 of this section, and provided further, that no benefits shall be payable under this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried after the member's death and prior to August 28, 2000. All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death. In all events, the term "member" shall not include any children of the

52 member who would be entitled to receive part or all of the pension
53 which would be received by a surviving spouse if living.

54 4. Any member who is receiving benefits from the
55 retirement system and who either was retired under the provisions
56 of subsection 1 of section 86.1150, or who retired before August 28,
57 2001, under the provisions of section 86.1180 or section 86.1200,
58 shall, upon application to the retirement board, be retained as a
59 consultant. For such services such member shall receive each
60 month in addition to such member's base pension and cost-of-living
61 adjustments thereto under section 86.1220, and in addition to any
62 other compensation or benefit to which such member may be
63 entitled under sections 86.900 to 86.1280, an equalizing
64 supplemental compensation of ten dollars per month. This
65 appointment as a consultant shall in no way affect any member's
66 eligibility for retirement benefits under the provisions of sections
67 86.900 to 86.1280, or in any way have the effect of reducing
68 retirement benefits otherwise payable to such member. The
69 amount of equalizing supplemental compensation under this
70 subsection may be adjusted by cost-of-living adjustments,
71 determined by the retirement board not more frequently than
72 annually, but in no event shall the aggregate of such equalizing
73 supplemental compensation together with all such cost-of-living
74 adjustments thereto exceed twenty-five percent of the member's
75 base pension. Each cost-of-living adjustment to compensation
76 under this subsection shall be determined independently of any
77 cost-of-living adjustment to any other benefit under sections 86.900
78 to 86.1280. For the purposes of this subsection, the term "member"
79 shall include a surviving spouse entitled to benefits under the
80 provisions of sections 86.900 to 86.1280, and who is the surviving
81 spouse of a member who qualified, or would have qualified if living,
82 for compensation under this subsection. Such surviving spouse
83 shall, upon application to the retirement board, be retained as a
84 consultant, and for such services shall be compensated in an
85 amount equal to the compensation which would have been received
86 by the member under this subsection, if living. Any such surviving
87 spouse of a member who dies while entitled to payments under this
88 subsection shall succeed to the full amount of payment under this
89 subsection to which such member was entitled at the time of such

member's death, including any cost-of-living adjustments received by such member in the payment under this subsection prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007, of a member in service, and who is receiving benefits from the retirement system, shall, upon application to the retirement board, be retained as a special consultant, and for such services such surviving spouse shall receive each month an equalizing supplemental compensation of ten dollars per month. A surviving spouse entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death of a member in service on or after August 28, 2008, shall receive each month an equalizing supplemental benefit of ten dollars per month. All benefits payable to a surviving spouse under this subsection shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280 and shall in no way have the effect of reducing benefits otherwise payable to such surviving spouse. The amount of equalizing supplemental benefit or equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental benefit or compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the base pension of the surviving spouse. Each cost-of-living adjustment to an equalizing supplemental benefit or compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. In all events the term "surviving spouse" as used in this subsection shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. In determining and granting the cost-of-living

128 adjustments under this section, the retirement board shall adopt
129 such rules and regulations as may be necessary to effectuate the
130 purposes of this section, including provisions for the manner of
131 computation of such adjustments and the effective dates thereof.
132 The retirement board shall provide for such adjustments to be
133 determined once each year and granted on a date or dates to be
134 chosen by the board. The retirement board shall not be required
135 to prorate the initial adjustment to any benefit or compensation
136 under this section for any member.

137 7. The determination of whether the retirement system will
138 remain actuarially sound shall be made at the time any
139 cost-of-living adjustment under this section is granted. If at any
140 time the retirement system ceases to be actuarially sound, any
141 benefit compensation payments provided under this section shall
142 continue as adjusted by increases or decreases theretofore granted.
143 A member of the retirement board shall have no personal liability
144 for granting increases under this section if that retirement board
145 member in good faith relied and acted upon advice of a qualified
146 actuary that the retirement system would remain actuarially
147 sound.]

86.1230. 1. Any member who retires subsequent to August 28, 1991, with
2 entitlement to a pension under sections 86.900 to 86.1280, shall receive each
3 month, in addition to such member's base pension and cost-of-living adjustments
4 thereto under section 86.1220, and in addition to any other compensation or
5 benefit to which such member may be entitled under sections 86.900 to 86.1280,
6 a supplemental retirement benefit of fifty dollars per month. The amount of such
7 supplemental retirement benefit may be adjusted by cost-of-living adjustments
8 determined by the retirement board not more frequently than annually.

9 2. Any member who was retired on or before August 28, 1991, and is
10 receiving retirement benefits from the retirement system shall, upon application
11 to the retirement board, be retained as a consultant, and for such services such
12 member shall receive each month, in addition to such member's base pension and
13 cost-of-living adjustments thereto under section 86.1220, and in addition to any
14 other compensation or benefit to which such member may be entitled under
15 sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty
16 dollars per month. This appointment as a consultant shall in no way affect any
17 member's eligibility for retirement benefits under the provisions of sections
18 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits

19 otherwise payable to such member. The amount of such supplemental
20 compensation under this subsection may be adjusted by cost-of-living adjustments
21 determined by the retirement board not more frequently than annually.

22 3. For purposes of subsections 1 and 2 of this section, the term "member"
23 shall include a surviving spouse entitled to a benefit under sections 86.900 to
24 86.1280 who shall be deemed to have retired for purposes of this section on the
25 date of retirement of the member of whom such person is the surviving spouse or
26 on the date of death of such member if such member died prior to retirement;
27 provided, that if the surviving spouse of any member who retired prior to August
28 28, 2000, shall not have remarried prior to August 28, 2000, but remarries
29 thereafter, such surviving spouse shall thereafter receive benefits under
30 subsection 2 of this section, and provided further, that no benefits shall be
31 payable under this section to the surviving spouse of any member who retired
32 prior to August 28, 2000, if such surviving spouse was at any time remarried
33 after the member's death and prior to August 28, 2000. All benefits payable to
34 a surviving spouse under this section shall be in addition to all other benefits to
35 which such surviving spouse may be entitled under other provisions of sections
36 86.900 to 86.1280. Any such surviving spouse of a member who dies while
37 entitled to payments under this section shall succeed to the full amount of
38 payment under this section to which such member was entitled at the time of
39 such member's death, including any cost-of-living adjustments received by such
40 member in the payment under this section prior to such member's death. In all
41 events, the term "member" shall not include any children of the member who
42 would be entitled to receive part or all of the pension which would be received by
43 a surviving spouse if living.

44 4. Any member who is receiving benefits from the retirement system and
45 who either was retired under the provisions of subdivision (1) of subsection 1 of
46 section 86.1150, or who retired before August 28, 2001, under the provisions of
47 section 86.1180 or section 86.1200, shall, upon application to the retirement
48 board, be retained as a consultant. For such services such member shall receive
49 each month in addition to such member's base pension and cost-of-living
50 adjustments thereto under section 86.1220, and in addition to any other
51 compensation or benefit to which such member may be entitled under sections
52 86.900 to 86.1280, an equalizing supplemental compensation of ten dollars per
53 month. This appointment as a consultant shall in no way affect any member's
54 eligibility for retirement benefits under the provisions of sections 86.900 to
55 86.1280, or in any way have the effect of reducing retirement benefits otherwise
56 payable to such member. The amount of equalizing supplemental compensation

57 under this subsection may be adjusted by cost-of-living adjustments, determined
58 by the retirement board not more frequently than annually, but in no event shall
59 the aggregate of such equalizing supplemental compensation together with all
60 such cost-of-living adjustments thereto exceed twenty-five percent of the member's
61 base pension. Each cost-of-living adjustment to compensation under this
62 subsection shall be determined independently of any cost-of-living adjustment to
63 any other benefit under sections 86.900 to 86.1280. For the purposes of this
64 subsection, the term "member" shall include a surviving spouse entitled to
65 benefits under the provisions of sections 86.900 to 86.1280, and who is the
66 surviving spouse of a member who qualified, or would have qualified if living, for
67 compensation under this subsection. Such surviving spouse shall, upon
68 application to the retirement board, be retained as a consultant, and for such
69 services shall be compensated in an amount equal to the compensation which
70 would have been received by the member under this subsection, if living. Any
71 such surviving spouse of a member who dies while entitled to payments under
72 this subsection shall succeed to the full amount of payment under this subsection
73 to which such member was entitled at the time of such member's death, including
74 any cost-of-living adjustments received by such member in the payment under
75 this subsection prior to such member's death. In all events, the term "member"
76 shall not include any children of the member who would be entitled to receive
77 part or all of the pension that would be received by a surviving spouse, if living.

78 5. A surviving spouse who is entitled to benefits under the provisions of
79 subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007,
80 of a member in service, and who is receiving benefits from the retirement system,
81 shall, upon application to the retirement board, be retained as a consultant, and
82 for such services such surviving spouse shall receive each month an equalizing
83 supplemental compensation of ten dollars per month. A surviving spouse entitled
84 to benefits under the provisions of subsection 1 of section 86.1240 as a result of
85 the death of a member in service on or after August 28, 2007, shall receive each
86 month an equalizing supplemental benefit of ten dollars per month. All benefits
87 payable to a surviving spouse under this subsection shall be in addition to all
88 other benefits to which such surviving spouse may be entitled under other
89 provisions of sections 86.900 to 86.1280 and shall in no way have the effect of
90 reducing benefits otherwise payable to such surviving spouse. The amount of
91 equalizing supplemental benefit or equalizing supplemental compensation under
92 this subsection may be adjusted by cost-of-living adjustments, determined by the
93 retirement board not more frequently than annually, but in no event shall the
94 aggregate of such equalizing supplemental benefit or compensation together with

95 all such cost-of-living adjustments thereto exceed twenty-five percent of the base
96 pension of the surviving spouse. Each cost-of-living adjustment to an equalizing
97 supplemental benefit or compensation under this subsection shall be determined
98 independently of any cost-of-living adjustment to any other benefit under sections
99 86.900 to 86.1280. In all events the term "surviving spouse" as used in this
100 subsection shall not include any children of the member who would be entitled
101 to receive part or all of the pension that would be received by a surviving spouse,
102 if living.

103 6. In determining and granting the cost-of-living adjustments under this
104 section, the retirement board shall adopt such rules and regulations as may be
105 necessary to effectuate the purposes of this section, including provisions for the
106 manner of computation of such adjustments and the effective dates thereof. The
107 retirement board shall provide for such adjustments to be determined once each
108 year and granted on a date or dates to be chosen by the board. The retirement
109 board shall not be required to prorate the initial adjustment to any benefit or
110 compensation under this section for any member.

111 7. The determination of whether the retirement system will remain
112 actuarially sound shall be made at the time any cost-of-living adjustment under
113 this section is granted. If at any time the retirement system ceases to be
114 actuarially sound, any benefit or compensation payments provided under this
115 section shall continue as adjusted by increases or decreases theretofore granted.
116 A member of the retirement board shall have no personal liability for granting
117 increases under this section if that retirement board member in good faith relied
118 and acted upon advice of a qualified actuary that the retirement system would
119 remain actuarially sound.

86.1560. 1. A member **in active service** who becomes totally and
2 permanently disabled, as defined in this section, shall be entitled to retire and
3 to receive a base pension determined in accordance with the terms of this
4 section. Members who are eligible and totally and permanently disabled shall
5 receive a disability pension computed as follows:

6 (1) Duty disability, fifty percent of final compensation as of the date of
7 disability;

8 (2) Nonduty disability, thirty percent of final compensation as of the date
9 of disability, provided that a nonduty disability pension shall not be available to
10 any member with less than ten years creditable service;

11 (3) In no event shall the disability pension be less than the amount to
12 which the member would be entitled as a pension if the member retired on the
13 same date with equivalent age and creditable service.

14 2. The final payment due a member receiving a disability pension shall
15 be the payment due on the first day of the month in which such member's death
16 occurs. Such member's surviving spouse, if any, shall be entitled to such benefits
17 as may be provided under section 86.1610.

18 3. For purposes of sections 86.1310 to 86.1640, the following terms shall
19 mean:

20 (1) "Duty disability", total and permanent disability directly due to and
21 caused by actual performance of employment with the police department;

22 (2) "Nonduty disability", total and permanent disability arising from any
23 other cause than duty disability;

24 (3) "Total and permanent disability", a state or condition which
25 presumably prevents for the rest of a member's life the member's engaging in any
26 occupation or performing any work for remuneration or profit. Such disability,
27 whether duty or nonduty, must not have been caused by the member's own
28 negligence or willful self-infliction.

29 4. The retirement board in its sole judgment shall determine whether the
30 status of total and permanent disability exists. Its determination shall be
31 binding and conclusive. The retirement board shall rely upon the findings of a
32 medical board of three physicians, and shall procure the written recommendation
33 of at least one member thereof in each case considered by the retirement
34 board. The medical board shall be appointed by the retirement board and
35 expense for such examinations as are required shall be paid from funds of the
36 retirement system.

37 5. From time to time, the retirement board shall have the right to require
38 proof of continuing disability which may include further examination by the
39 medical board. Should the retirement board determine that disability no longer
40 exists, it shall terminate the disability pension. A member who immediately
41 returns to work with the police department shall again earn creditable service
42 beginning on the first day of such return. Creditable service prior to disability
43 retirement shall be reinstated. A member who does not return to work with the
44 police department shall be deemed to have terminated employment at the time
45 disability retirement commenced; but in calculating any benefits due upon such
46 presumption, the retirement system shall receive credit for all amounts paid such
47 member during the period of disability, except that such member shall not be
48 obligated in any event to repay to the retirement system any amounts properly
49 paid during such period of disability.

165.111. 1. The school board of each district, for any year for which it
2 does not cause an audit to be performed by October thirty-first after the close of

3 the school year, shall make and publish, not later than September first, in some
4 newspaper as described in section 493.050, RSMo, published in the school district,
5 and if there is none then in some newspaper of general circulation within the
6 district, a statement of all receipts of school moneys, when and from what source
7 derived, and all expenditures, and on what account; also, the present
8 indebtedness of the district and its nature, and the rate of taxation for all
9 purposes for the year, **including the property tax rate**. The statement shall
10 be duly attested by the president and secretary of the board, and the secretary
11 shall forward a copy to the state board of education on forms prescribed by the
12 board.

13 2. **The school board of each district for any given year shall**
14 **provide a full detailed financial statement that will include the names**
15 **and total compensation packages of, and any expenses made by or on**
16 **behalf of, the district's superintendent, and all assistant**
17 **superintendents. If consultants are hired for administrative duties, the**
18 **district shall publish the total compensation package of each**
19 **consultant, and the disclosure shall be made separate for each**
20 **individual administrator. The disclosure shall include whether**
21 **incentives under sections 168.710, 168.714, 168.716, and 168.720, RSMo,**
22 **are available or used. The statement shall be forwarded to the**
23 **department of elementary and secondary education, and all the**
24 **information included in the statement required under this subsection**
25 **shall be published on the department's Internet web site.**

26 3. **For purposes of subsection 2 of this section, "total**
27 **compensation package" includes, but is not limited to, base salary,**
28 **retirement benefits, dues and club memberships, housing and auto**
29 **allowances, entertainment allowances, cell phone or personal digital**
30 **assistant and service contract, deferred compensation, buy-out clause,**
31 **pay-for-performance goals, donations from school foundations, and any**
32 **other valuable consideration provided as cash, credit, or services as a**
33 **result of employment, expressed in dollars.**

34 4. The state board of education shall not release the state aid apportioned
35 to the district for the next ensuing school year until a copy of the required
36 statement has been received at its office in Jefferson City and has been approved
37 by it. Any school board which fails, refuses or neglects to order the statement to
38 be made, and any officer of the board who fails, refuses, or neglects to prepare,
39 publish and forward the statement, as required by this section, when ordered by
40 the board, is guilty of a misdemeanor and punishable by a fine not to exceed one

41 hundred dollars. Annual or biennial audit summaries shall be published
42 according to section 165.121.

169.010. The following words and phrases, as used in sections 169.010 to
2 169.130, unless a different meaning is plainly required by the context, shall have
3 the following meanings:

4 (1) "Accumulated contributions" shall mean the sum of the annual
5 contributions a member has made to the retirement system through deductions
6 from the member's salary, plus interest compounded annually on each year's
7 contributions from the end of the school year during which such contributions
8 were made;

9 (2) "Board" shall mean the board of trustees provided for in sections
10 169.010 to 169.130;

11 (3) "Creditable service" shall mean prior service or membership service,
12 or the sum of the two, if the member has both to the member's credit;

13 (4) "District" shall mean public school, as herein defined;

14 (5) "Employ" shall have a meaning agreeable with that herein given to
15 employer and employee;

16 (6) "Employee" shall be synonymous with the term "teacher" as the same
17 is herein defined;

18 (7) "Employer" shall mean the district that makes payment directly to the
19 teacher or employee for such person's services;

20 (8) "Final average salary" shall mean the total compensation payable to
21 a member for any three consecutive years of creditable service, as elected by the
22 member, divided by thirty-six; with the proviso that any annual compensation
23 entering into the total compensation shall not exceed twelve thousand six
24 hundred dollars for any year prior to July 1, 1967; and with the proviso that the
25 board may set a maximum percentage of increase in annual compensation from
26 one year to the next in the final average salary period. In no instance shall the
27 maximum percentage of increase in annual compensation from one year to the
28 next in the final average salary period exceed ten percent **for the**
29 **superintendent of schools or other certified central office personnel of**
30 **a school district or twenty percent for any other member.** This limit will
31 not apply to increases due to bonafide changes in position or employer increases
32 required by state statute, or districtwide salary schedule adjustments for
33 previously unrecognized education-related services;

34 (9) "Member" shall mean a person who holds membership in the
35 retirement system;

36 (10) "Membership service" shall mean service rendered by a member of

37 the retirement system after the system becomes operative, and may include a
38 period of service in the armed forces of the United States as provided for in
39 section 169.055;

40 (11) "Prior service" shall mean service rendered by a member of the
41 retirement system before the system becomes operative, and may include service
42 rendered by a member of the armed forces if the member was a teacher at the
43 time the member was inducted, for which credit has been approved by the board
44 of trustees;

45 (12) "Public school" shall mean any school conducted within the state
46 under the authority and supervision of a duly elected district or city or town
47 board of directors or board of education and the board of regents of the several
48 state teachers' colleges, or state colleges, board of trustees of the public school
49 retirement system of Missouri, and also the state of Missouri and each county
50 thereof, to the extent that the state and the several counties are employers of
51 teachers as herein designated;

52 (13) "Retirement allowance" shall mean a monthly payment for life during
53 retirement;

54 (14) "Retirement system" or "system" shall mean the public school
55 retirement system of Missouri created by sections 169.010 to 169.130;

56 (15) "Salary", "salary rate" or "compensation" shall mean the regular
57 remuneration, including any payments made pursuant to sections 168.500 to
58 168.515, RSMo, which is earned by a member as an employee of a district, but not
59 including employer-paid fringe benefits except the value of employer-paid medical
60 benefits (including dental and vision) for members, and not including
61 employer-paid medical benefits (including dental and vision) for anyone other
62 than the member, employer contributions to any deferred compensation plan,
63 consideration for agreeing to terminate employment or other nonrecurring or
64 unusual payments that are not a part of regular remuneration. The board by its
65 rules may further define salary, salary rate and compensation in a manner
66 consistent with this definition and with sections 169.010 to 169.141;

67 (16) "School year" shall mean the year from July first of one year to June
68 thirtieth of next year, inclusive, which shall also be the fiscal year of the system;

69 (17) "Teacher" shall mean any person who shall be employed by any public
70 school on a full-time basis and who shall be duly certificated under the law
71 governing the certification of teachers; any person employed in the state
72 department of elementary and secondary education or by the state board of
73 education on a full-time basis who shall be duly certificated under the law
74 governing the certification of teachers and who did not become a member of the

75 Missouri state employees' retirement system pursuant to section 104.342, RSMo;
76 and persons employed by the board of trustees of the public school retirement
77 system of Missouri on a full-time basis who shall be duly certified under the law
78 governing the certification of teachers. The term "teacher" shall be synonymous
79 with the term "employee" as defined in this section.

169.020. 1. For the purpose of providing retirement allowances and other
2 benefits for public school teachers, there is hereby created and established a
3 retirement system which shall be a body corporate, shall be under the
4 management of a board of trustees herein described, and shall be known as "The
5 Public School Retirement System of Missouri". Such system shall, by and in such
6 name, sue and be sued, transact all of its business, invest all of its funds, and
7 hold all of its cash, securities, and other property. The system so created shall
8 include all school districts in this state, except those in cities that had
9 populations of four hundred thousand or more according to the latest United
10 States decennial census, and such others as are or hereafter may be included in
11 a similar system or in similar systems established by law and made operative;
12 provided, that teachers in school districts of more than four hundred thousand
13 inhabitants who are or may become members of a local retirement system may
14 become members of this system with the same legal benefits as accrue to present
15 members of such state system on the terms and under the conditions provided for
16 in section 169.021. The system hereby established shall begin operations on the
17 first day of July next following the date upon which sections 169.010 to 169.130
18 shall take effect.

19 2. The general administration and the responsibility for the proper
20 operation of the retirement system and for making effective the provisions of
21 sections 169.010 to 169.141 are hereby vested in a board of trustees of seven
22 persons as follows: four persons to be elected as trustees by the members and
23 retired members of the public school retirement system created by sections
24 169.010 to 169.141 and the public education employee retirement system created
25 by sections 169.600 to 169.715; and three members appointed by the governor
26 with the advice and consent of the senate. The first member appointed by the
27 governor shall replace the commissioner of education for a term beginning August
28 28, 1998. The other two members shall be appointed by the governor at the time
29 each member's, who was appointed by the state board of education, term expires.

30 3. Trustees appointed and elected shall be chosen for terms of four years
31 from the first day of July next following their appointment or election, except that
32 one of the elected trustees shall be a member of the public education employee
33 retirement system and shall be initially elected for a term of three years from

34 July 1, 1991. The initial term of one other elected trustee shall commence on
35 July 1, 1992.

36 4. Trustees appointed by the governor shall be residents of school districts
37 included in the retirement system, but not employees of such districts or a state
38 employee or a state elected official. At least one trustee so appointed shall be a
39 retired member of the public school retirement system or the public education
40 employee retirement system. Three elected trustees shall be members of the
41 public school retirement system and one elected trustee shall be a member of the
42 public education employee retirement system.

43 5. The elections of the trustees shall be arranged for, managed and
44 conducted by the board of trustees of the retirement system.

45 6. If a vacancy occurs in the office of trustee, the vacancy shall be filled
46 for the unexpired term in the same manner as the office was previously filled.

47 7. Trustees of the retirement system shall serve without compensation but
48 they shall be reimbursed for expenses necessarily incurred through service on the
49 board of trustees.

50 8. Each trustee shall be commissioned by the governor, and before
51 entering upon the duties of the trustee's office, shall take and subscribe to an
52 oath or affirmation to support the Constitution of the United States, and of the
53 state of Missouri and to demean himself or herself faithfully in the trustee's
54 office. Such oath as subscribed to shall be filed in the office of secretary of state
55 of this state.

56 9. Each trustee shall be entitled to one vote in the board of trustees. Four
57 votes shall be necessary for a decision by the trustees at any meeting of the board
58 of trustees. Unless otherwise expressly provided herein, a meeting need not be
59 called or held to make any decision on a matter before the board. Each member
60 must be sent by the executive director a copy of the matter to be decided with full
61 information from the files of the board of trustees. The unanimous decision of
62 four trustees may decide the issue by signing a document declaring their decision
63 and sending such written instrument to the executive director of the board,
64 provided that no other member of the board of trustees shall send a dissenting
65 decision to the executive director of the board within fifteen days after such
66 document and information was mailed to the trustee. If any member is not in
67 agreement with four members the matter is to be passed on at a regular board
68 meeting or a special meeting called for the purpose.

69 10. The board of trustees shall elect one of their number as chairman, and
70 shall employ a full-time executive director, not one of their number, who shall be
71 the executive officer of the board. Other employees of the board shall be chosen

72 only upon the recommendation of the executive director.

73 11. The board of trustees shall employ an actuary who shall be its
74 technical advisor on matters regarding the operation of the retirement system,
75 and shall perform such duties as are essential in connection therewith, including
76 the recommendation for adoption by the board of mortality and other necessary
77 tables, and the recommendation of the level rate of contributions required for
78 operation of the system.

79 12. As soon as practicable after the establishment of the retirement
80 system, and annually thereafter, the actuary shall make a valuation of the
81 system's assets and liabilities on the basis of such tables as have been adopted.

82 13. At least once in the three-year period following the establishment of
83 the retirement system, and in each five-year period thereafter, the board of
84 trustees shall cause to be made an actuarial investigation into the mortality,
85 service, and compensation experience of the members and beneficiaries of the
86 system, and shall make any changes in the mortality, service, and other tables
87 then in use which the results of the investigation show to be necessary.

88 14. Subject to the limitations of sections 169.010 to 169.141 and 169.600
89 to 169.715, the board of trustees shall formulate and adopt rules and regulations
90 for the government of its own proceedings and for the administration of the
91 retirement system.

92 15. The board of trustees shall determine and decide all questions of
93 doubt as to what constitutes employment within the meaning of sections 169.010
94 to 169.141 and 169.600 to 169.715, the amount of benefits to be paid to members,
95 retired members, beneficiaries and survivors and the amount of contributions to
96 be paid by employer and employee. The executive director shall notify by
97 certified mail both employer and member, retired member, beneficiary or survivor
98 interested in such determination. Any member, retired member, beneficiary or
99 survivor, district or employer adversely affected by such determination, at any
100 time within thirty days after being notified of such determination, may appeal to
101 the circuit court of Cole County. Such appeal shall be tried and determined anew
102 in the circuit court and such court shall hear and consider any and all competent
103 testimony relative to the issues in the case, which may be offered by either party
104 thereto. The circuit court shall determine the rights of the parties under sections
105 169.010 to 169.141 and 169.600 to 169.715 using the same standard provided in
106 section 536.150, RSMo, and the judgment or order of such circuit court shall be
107 binding upon the parties and the board shall carry out such judgment or order
108 unless an appeal is taken from such decision of the circuit court. Appeals may
109 be had from the circuit court by the employer, member, retired member,

110 beneficiary, survivor or the board, in the manner provided by the civil code.

111 16. The board of trustees shall keep a record of all its proceedings, which
112 shall be open to public inspection. It shall prepare annually a comprehensive
113 annual financial report, the financial section of which shall be prepared in
114 accordance with applicable accounting standards and shall include the
115 independent auditor's opinion letter. The report shall also include information
116 on the actuarial status and the investments of the system. The reports shall be
117 preserved by the executive director and made available for public inspection.

118 17. The board of trustees shall provide for the maintenance of an
119 individual account with each member, setting forth such data as may be
120 necessary for a ready determination of the member's earnings, contributions, and
121 interest accumulations. It shall also collect and keep in convenient form such
122 data as shall be necessary for the preparation of the required mortality and
123 service tables and for the compilation of such other information as shall be
124 required for the valuation of the system's assets and liabilities. All individually
125 identifiable information pertaining to members, retirees, beneficiaries and
126 survivors shall be confidential.

127 18. The board of trustees shall meet regularly at least twice each year,
128 with the dates of such meetings to be designated in the rules and regulations
129 adopted by the board. Such other meetings as are deemed necessary may be
130 called by the chairman of the board or by any four members acting jointly.

131 19. The headquarters of the retirement system shall be in Jefferson City,
132 where suitable office space, utilities and other services and equipment necessary
133 for the operation of the system shall be provided by the board of trustees and all
134 costs shall be paid from funds of the system. All suits [in which] **or**
135 **proceedings directly or indirectly against** the board of trustees, the board's
136 members or employees or the retirement system established by sections 169.010
137 to 169.141 or 169.600 to 169.715 [are parties] shall be brought in Cole County.

138 20. The board may appoint an attorney or firm of attorneys to be the legal
139 advisor to the board and to represent the board in legal proceedings, however, if
140 the board does not make such an appointment, the attorney general shall be the
141 legal advisor of the board of trustees, and shall represent the board in all legal
142 proceedings.

143 21. The board of trustees shall arrange for adequate surety bonds covering
144 the executive director. When approved by the board, such bonds shall be
145 deposited in the office of the secretary of state of this state.

146 22. The board shall arrange for annual audits of the records and accounts
147 of the system by a firm of certified public accountants, the state auditor shall

148 review the audit of the records and accounts of the system at least once every
149 three years and shall report the results to the board of trustees and the governor.

150 23. The board by its rules may establish an interest charge to be paid by
151 the employer on any payments of contributions which are delinquent. The rate
152 charged shall not exceed the actuarially assumed rate of return on invested funds
153 of the pertinent system.

169.040. 1. All funds arising from the operation of sections 169.010 to
2 169.141 shall belong to the retirement system herein created and shall be
3 controlled by the board of trustees of that system which board shall provide for
4 the collection of such funds, shall see that they are safely preserved, and shall
5 permit their disbursement only for the purposes herein authorized. Such funds
6 and all other funds received by the retirement system are declared and shall be
7 deemed to be the moneys and funds of the retirement system and not revenue
8 collected or moneys received by the state and shall not be commingled with state
9 funds.

10 2. The board shall invest all funds under its control which are in excess
11 of a safe operating balance. The funds shall be invested only in those
12 investments which a prudent person acting in a like capacity and familiar with
13 these matters would use in the conduct of an enterprise of a like character and
14 with like aims, as provided in section 105.688, RSMo. The board of trustees may
15 delegate to duly appointed investment counselors authority to act in place of the
16 board in the investment and reinvestment of all or part of the moneys of the
17 system, and may also delegate to such counselors the authority to act in place of
18 the board in the holding, purchasing, selling, assigning, transferring or disposing
19 of any or all of the securities and investments in which such moneys shall have
20 been invested, as well as the proceeds of such investments and such
21 moneys. Such investment counselors shall be registered as investment advisors
22 with the United States Securities and Exchange Commission. In exercising or
23 delegating its investment powers and authority, members of the board shall
24 exercise ordinary business care and prudence under the facts and circumstances
25 prevailing at the time of the action or decision. No member of the board shall be
26 liable for any action taken or omitted with respect to the exercise of, or delegation
27 of, these powers and authority if such member shall have discharged the duties
28 of his or her position in good faith and with that degree of diligence, care and
29 skill which a prudent person acting in a like capacity and familiar with these
30 matters would use in the conduct of an enterprise of a like character and with
31 like aims.

32 3. **Notwithstanding the provisions of section 105.662, RSMo, the**

33 board may set up and maintain a public school and education employee
34 retirement systems of Missouri investment fund account in which
35 investment and reinvestment of all or part of the moneys of the system
36 may be placed and be available for investment purposes. For the
37 purpose of investing the funds of the retirement system, the funds may
38 be combined with the funds of the public education employee
39 retirement system of Missouri, but the funds of each system shall be
40 accounted for separately and for all other reporting purposes shall be
41 separate.

42 4. The board of trustees may promulgate rules and regulations
43 not inconsistent with the provisions of this section as shall deem
44 necessary for the proper administration under the provisions of this
45 chapter. Any rule or portion of a rule, as that term is defined in section
46 536.010, RSMo, that is created under the authority delegated in this
47 section shall become effective only if it complies with and is subject to
48 all of the provisions of chapter 536, RSMo, and, if applicable, section
49 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
50 and if any of the powers vested with the general assembly under
51 chapter 536, RSMo, to review, to delay the effective date, or to
52 disapprove and annul a rule are subsequently held unconstitutional,
53 then the grant of rulemaking authority and any rule proposed or
54 adopted after August 28, 2008, shall be invalid and void.

55 5. No investment transaction authorized by the board shall be handled by
56 any company or firm in which a member of the board has an interest, nor shall
57 any member of the board profit directly or indirectly from any such investment.
58 All investments shall be made for the account of the retirement system, and any
59 securities or other properties obtained by the board of trustees may be held by a
60 custodian in the name of the retirement system, or in the name of a nominee in
61 order to facilitate the expeditious transfer of such securities or other
62 property. Such securities or other properties which are not available in
63 registered form may be held in bearer form or in book entry form. The retirement
64 system is further authorized to deposit, or have deposited for its account, eligible
65 securities in a central depository system or clearing corporation or in a federal
66 reserve bank under a book entry system as defined in the Uniform Commercial
67 Code, sections 400.8-102 and 400.8-109, RSMo. When such eligible securities of
68 the retirement system are so deposited with a central depository system they may
69 be merged and held in the name of the nominee of such securities depository and
70 title to such securities may be transferred by bookkeeping entry on the books of

71 such securities depository or federal reserve bank without physical delivery of the
72 certificates or documents representing such securities.

73 [4.] 6. With appropriate safeguards against loss by the system in any
74 contingency, the board may designate a bank or trust company to serve as a
75 depository of system funds and intermediary in the investment of those funds and
76 payment of system obligations.

77 [5.] 7. All retirement allowances or other periodic payments paid by the
78 board shall be paid to recipients of such payments by electronic funds transfer,
79 unless another method has been determined by the board to be appropriate. Each
80 recipient of retirement allowances or other periodic payments shall designate a
81 financial institution or other authorized payment agent and provide the board
82 information necessary for the recipient to receive electronic funds transfer
83 payments through the institution or agent designated. This subsection shall
84 apply to retirement allowances and other periodic payments first paid on or after
85 January 1, 1998, and shall apply to all retirement allowances and other periodic
86 payments on and after January 1, 1999.

87 [6.] 8. The board of trustees may deliberate about, or make tentative or
88 final decisions on, investments or other financial matters in a closed meeting
89 under chapter 610, RSMo, if disclosure of the deliberations or decisions would
90 jeopardize the ability to implement a decision or to achieve investment objectives.
91 A record of the retirement system that discloses deliberations about, or a
92 tentative decision on, investments or other financial matters is not a public record
93 under chapter 610, RSMo, to the extent and so long as its disclosure would
94 jeopardize the ability to implement a decision or to achieve investment objectives.

169.056. 1. Members who have accrued at least one year of membership
2 service credit for employment in a position covered by this retirement system and
3 who have covered employment with this retirement system following the service
4 for which credit is being purchased may purchase membership service credit
5 under the circumstances, terms and conditions provided in this section. With
6 respect to each such purchase authorized by this section the following provisions
7 apply:

8 (1) The purchase shall be effected by the member paying to the retirement
9 system the amount the member would have contributed and the amount the
10 employer would have contributed had such member been an employee for the
11 number of years for which the member is electing to purchase credit, and had the
12 member's compensation during such period been the highest annual salary rate
13 on record with the retirement system on the date of election to purchase
14 credit. For purposes of this section, "annual salary rate" means the annual salary

15 rate for full-time service for the position of employment. The contribution rate
16 used in determining the amount to be paid shall be the contribution rate in effect
17 on the date of election to purchase credit. Notwithstanding the provisions of this
18 subsection, for all elections to purchase credit received by the retirement system
19 on or after January 1, 2006, the member shall receive credit based on the amount
20 paid by the member for such credit and received by the retirement system by the
21 close of business on June thirtieth of each year. In lieu of charging the member
22 interest on such purchase of credit, the amount to be paid by the member for any
23 remaining credit the member has elected to purchase but has not paid for by
24 **[June] September** thirtieth of each year shall be recalculated on the following
25 **[July] October** first using the contribution rate in effect on that July first and
26 the highest salary of record for the member as of that July first. For all elections
27 to purchase credit received by the retirement system prior to January 1, 2006, the
28 retirement system shall determine the cost of such purchase using the calculation
29 method in effect for elections to purchase credit received by the retirement system
30 on or after January 1, 2006, provided that the member shall have a one-time,
31 irrevocable option to continue to have the cost of such purchase be determined
32 using the calculation method in effect at the time of such election to purchase
33 such credit. To be effective, such option must be elected by the member on a form
34 approved by the retirement system and such form must be received by the
35 retirement system by the close of business on June 30, 2006. The retirement
36 system [reserves the right to] **may prohibit a purchase, impose additional**
37 **requirements for making a purchase, or** limit the amount of credit
38 purchased [by the member in any year if the amounts paid by the member in that
39 year would exceed any applicable contribution limits set forth in] **if necessary**
40 **for the retirement system to comply with federal law, including but not**
41 **limited to the provisions of** Section 415 of Title 26 of the United States
42 Code. **The board of trustees may promulgate rules and regulations not**
43 **inconsistent with the provisions of this section as shall deem necessary**
44 **for its proper administration under the provisions of this chapter. Any**
45 **rule or portion of a rule, as that term is defined in section 536.010,**
46 **RSMo, that is created under the authority delegated in this section**
47 **shall become effective only if it complies with and is subject to all of**
48 **the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
49 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
50 **of the powers vested with the general assembly under chapter 536,**
51 **RSMo, to review, to delay the effective date, or to disapprove and annul**
52 **a rule are subsequently held unconstitutional, then the grant of**

53 **rulemaking authority and any rule proposed or adopted after August**
54 **28, 2008, shall be invalid and void;**

55 (2) Membership service credit purchased pursuant to this section shall be
56 deemed to be membership service in Missouri for purposes of subsection [7] 8 of
57 section 169.070;

58 (3) An election to purchase membership service credit pursuant to this
59 section and payment for the purchase shall be completed prior to termination of
60 membership with the retirement system with interest on the unpaid balance;

61 (4) Members may purchase membership service credit in increments of
62 one-tenth of a year, and multiple elections to purchase may be made;

63 (5) Additional terms and conditions applicable to purchase made pursuant
64 to this section including, but not limited to, minimum payments, payment
65 schedules and provisions applicable when a member fails to complete payment
66 may be set by rules of the board.

67 2. Membership service credit shall not be allowed pursuant to this section
68 or sections 169.570 and 169.577 which exceeds in length the member's
69 membership service credit for employment in a position covered by this system,
70 and in no event may the member receive membership service credit with both this
71 system and another public retirement system for the same service.

72 3. A member who was employed for at least twenty hours per week on a
73 regular basis by a public school district, public junior college, public community
74 college, public college, or public university, either inside or outside of this state,
75 may elect to purchase equivalent membership service credit.

76 4. A member who has served in the armed forces of the United States of
77 America and who was discharged or separated from the armed forces by other
78 than a dishonorable discharge may elect to purchase membership service for the
79 period of active duty service in the armed forces.

80 5. Any member granted unpaid maternity or paternity leave for a period,
81 from a position covered by the retirement system, who returned to employment
82 in such a position, may elect to purchase membership service credit for the period
83 of leave.

84 6. Any member who is or was certified as a vocational-technical teacher
85 on the basis of having a college degree or who was required to have a period of
86 work experience of at least two years in the area of the subject being taught in
87 order to qualify for such certification may, upon written application to the board,
88 purchase equivalent membership service credit for such work experience which
89 shall not exceed the two years necessary for certification if the work experience
90 was in the area that the member taught or is teaching and was completed in two

91 years.

92 7. Any member who had membership service credit with the public
93 education employee retirement system of Missouri governed by sections 169.600
94 to 169.715 but which membership service credit was forfeited by withdrawal or
95 refund may elect to purchase credit for such service. The public education
96 employee retirement system of Missouri shall transfer to this system an amount
97 equal to the employer contributions for the forfeited service being purchased, plus
98 interest, which shall be applied to reduce the amount the member would
99 otherwise pay for the purchase, provided that the amount transferred shall not
100 exceed one-half of the purchase cost.

101 8. A member may elect to purchase membership service credit for service
102 rendered while on leave from an employer, as defined in section 169.010, for a
103 not-for-profit corporation or agency whose primary purpose is support of
104 education or education research, if the member was employed by that
105 organization to serve twenty or more hours per week on a regular basis.

106 9. A member who was employed by a private school, private junior college,
107 private community college, private college, or private university, either inside or
108 outside of this state, for at least twenty hours per week on a regular basis, may
109 elect to purchase equivalent membership service credit for such service rendered.

110 10. A member who was employed in nonfederal public employment for at
111 least twenty hours a week on a regular basis shall be permitted to purchase
112 equivalent creditable service in the retirement system for such employment
113 subject to provisions of this section.

114 11. A member who, while eighteen years of age or older, was employed in
115 a position covered by Social Security for at least twenty hours a week on a
116 regular basis shall be permitted to purchase equivalent creditable service in the
117 retirement system for such employment subject to provisions of this section.

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, 2013, two and four-tenths percent
15 of the member's final average salary for each year of membership service, if the
16 member's creditable service is twenty-nine years or more but less than thirty
17 years, and the member has not attained age fifty-five;

18 (4) Between July 1, 1998, and July 1, 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, 2013, two and three-tenths percent
24 of the member's final average salary for each year of membership service, if the
25 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, 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, 2013, two and two-tenths percent
33 of the member's final average salary for each year of membership service, if the
34 member's creditable service is twenty-five years or more but less than twenty-six
35 years, and the member has not attained age fifty-five;

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

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

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

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

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

88 remainder of such one hundred twenty monthly payments shall be paid to the
89 **surviving spouse, surviving children in equal shares, surviving parents**
90 **in equal shares, or to the** estate of the last person to receive a monthly
91 allowance **in a lump sum payment**. If the total of the one hundred twenty
92 payments paid to the retired individual and the beneficiary of the retired
93 individual is less than the total of the member's accumulated contributions, the
94 difference shall be paid to the beneficiary in a lump sum;

95 OR

96 Option 6. Upon the death of the member prior to the member having
97 received sixty monthly payments of the member's reduced allowance, the
98 remainder of the sixty monthly payments of the reduced allowance shall be paid
99 to such beneficiary as the member shall have nominated in the member's election
100 of the option or in a subsequent nomination. If there is no beneficiary so
101 nominated who survives the member for the remainder of the sixty monthly
102 payments, the total of the remainder of such sixty monthly payments shall be
103 paid to the **surviving spouse, surviving children in equal shares,**
104 **surviving parents in equal shares, or to the** estate of the last person to
105 receive a monthly allowance **in a lump sum payment**. If the total of the sixty
106 payments paid to the retired individual and the beneficiary of the retired
107 individual is less than the total of the member's accumulated contributions, the
108 difference shall be paid to the beneficiary in a lump sum.

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

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

126 subsection 1 or 2 of this section;

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

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

151 5. **If a member dies and his or her financial institution is unable**
152 **to accept the final payment or payments due to the member, the final**
153 **payment or payments shall be paid to the beneficiary of the member or,**
154 **if there is no beneficiary, to the surviving spouse, surviving children**
155 **in equal shares, surviving parents in equal shares, or to the estate of**
156 **the member in that order of precedence, unless otherwise stated. If the**
157 **beneficiary of a deceased member dies and his or her financial**
158 **institution is unable to accept the final payment or payments, the final**
159 **payment or payments shall be paid to the surviving spouse, surviving**
160 **children in equal shares, surviving parents in equal shares, or to the**
161 **estate of the member in that order of precedence, unless otherwise**
162 **stated.**

163 6. If a member dies before receiving a retirement allowance, the member's

164 accumulated contributions at the time of the death of the member shall be paid
165 to the beneficiary of the member or, if there is no beneficiary, to the [(1)]
166 surviving spouse, [(2)] surviving children in equal shares, [(3)] surviving parents
167 in equal shares, or [(4)] to the estate of the member in that order of precedence;
168 except that, no such payment shall be made if the beneficiary elects option 2 in
169 subsection 3 of this section, unless the beneficiary dies before having received
170 benefits pursuant to that subsection equal to the accumulated contributions of the
171 member, in which case the amount of accumulated contributions in excess of the
172 total benefits paid pursuant to that subsection shall be paid to the [(1)] surviving
173 spouse, [(2)] surviving children in equal shares, [(3)] surviving parents in equal
174 shares, or [(4)] estate of the beneficiary, in that order of precedence.

175 [6.] 7. If a member ceases to be a public school employee as herein
176 defined and certifies to the board of trustees that such cessation is permanent,
177 or if the membership of the person is otherwise terminated, the member shall be
178 paid the member's accumulated contributions with interest.

179 [7.] 8. Notwithstanding any provisions of sections 169.010 to 169.141 to
180 the contrary, if a member ceases to be a public school employee after acquiring
181 five or more years of membership service in Missouri, the member may at the
182 option of the member leave the member's contributions with the retirement
183 system and claim a retirement allowance any time after reaching the minimum
184 age for voluntary retirement. When the member's claim is presented to the
185 board, the member shall be granted an allowance as provided in sections 169.010
186 to 169.141 on the basis of the member's age, years of service, and the provisions
187 of the law in effect at the time the member requests the member's retirement to
188 become effective.

189 [8.] 9. The retirement allowance of a member retired because of disability
190 shall be nine-tenths of the allowance to which the member's creditable service
191 would entitle the member if the member's age were sixty, or fifty percent of
192 one-twelfth of the annual salary rate used in determining the member's
193 contributions during the last school year for which the member received a year
194 of creditable service immediately prior to the member's disability, whichever is
195 greater, except that no such allowance shall exceed the retirement allowance to
196 which the member would have been entitled upon retirement at age sixty if the
197 member had continued to teach from the date of disability until age sixty at the
198 same salary rate.

199 [9.] 10. Notwithstanding any provisions of sections 169.010 to 169.141
200 to the contrary, from October 13, 1961, the contribution rate pursuant to sections
201 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member

202 of the system for whom federal Old Age and Survivors Insurance tax is paid from
203 state or local tax funds on account of the member's employment entitling the
204 person to membership in the system. The monetary benefits for a member who
205 elected not to exercise an option to pay into the system a retroactive contribution
206 of four percent on that part of the member's annual salary rate which was in
207 excess of four thousand eight hundred dollars but not in excess of eight thousand
208 four hundred dollars for each year of employment in a position covered by this
209 system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of
210 this section as it appears in RSMo, 1969, shall be the sum of:

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

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

216 (3) For years of membership service after July 1, 1957, and prior to July
217 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except
218 that if the member has at least thirty years of creditable service at retirement the
219 member shall receive the benefit payable pursuant to that section as though the
220 member's age were sixty-five at retirement;

221 (4) For years of membership service after July 1, 1961, in which the
222 two-thirds contribution rate was paid, two-thirds of the benefits under the
223 formula in effect at the time of the member's retirement.

224 [10.] 11. The monetary benefits for each other member for whom federal
225 Old Age and Survivors Insurance tax is or was paid at any time from state or
226 local funds on account of the member's employment entitling the member to
227 membership in the system shall be the sum of:

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

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

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

236 [11.] 12. Any retired member of the system who was retired prior to
237 September 1, 1972, or beneficiary receiving payments under option 1 or option 2
238 of subsection 3 of this section, as such option existed prior to September 1, 1972,
239 will be eligible to receive an increase in the retirement allowance of the member

240 of two percent for each year, or major fraction of more than one-half of a year,
241 which the retired member has been retired prior to July 1, 1975. This increased
242 amount shall be payable commencing with January, 1976, and shall thereafter
243 be referred to as the member's retirement allowance. The increase provided for
244 in this subsection shall not affect the retired member's eligibility for
245 compensation provided for in section 169.580 or 169.585, nor shall the amount
246 being paid pursuant to these sections be reduced because of any increases
247 provided for in this section.

248 [12.] 13. If the board of trustees determines that the cost of living, as
249 measured by generally accepted standards, increases two percent or more in the
250 preceding fiscal year, the board shall increase the retirement allowances which
251 the retired members or beneficiaries are receiving by two percent of the amount
252 being received by the retired member or the beneficiary at the time the annual
253 increase is granted by the board with the provision that the increases provided
254 for in this subsection shall not become effective until the fourth January first
255 following the member's retirement or January 1, 1977, whichever later occurs, or
256 in the case of any member retiring on or after July 1, 2000, the increase provided
257 for in this subsection shall not become effective until the third January first
258 following the member's retirement, or in the case of any member retiring on or
259 after July 1, 2001, the increase provided for in this subsection shall not become
260 effective until the second January first following the member's
261 retirement. Commencing with January 1, 1992, if the board of trustees
262 determines that the cost of living has increased five percent or more in the
263 preceding fiscal year, the board shall increase the retirement allowances by five
264 percent. The total of the increases granted to a retired member or the beneficiary
265 after December 31, 1976, may not exceed eighty percent of the retirement
266 allowance established at retirement or as previously adjusted by other
267 subsections. If the cost of living increases less than five percent, the board of
268 trustees may determine the percentage of increase to be made in retirement
269 allowances, but at no time can the increase exceed five percent per year. If the
270 cost of living decreases in a fiscal year, there will be no increase in allowances for
271 retired members on the following January first.

272 [13.] 14. The board of trustees may reduce the amounts which have been
273 granted as increases to a member pursuant to subsection 12 of this section if the
274 cost of living, as determined by the board and as measured by generally accepted
275 standards, is less than the cost of living was at the time of the first increase
276 granted to the member; except that, the reductions shall not exceed the amount
277 of increases which have been made to the member's allowance after December 31,

278 1976.

279 [14.] 15. Any application for retirement shall include a sworn statement
280 by the member certifying that the spouse of the member at the time the
281 application was completed was aware of the application and the plan of
282 retirement elected in the application.

283 [15.] 16. Notwithstanding any other provision of law, any person retired
284 prior to September 28, 1983, who is receiving a reduced retirement allowance
285 under option 1 or option 2 of subsection 3 of this section, as such option existed
286 prior to September 28, 1983, and whose beneficiary nominated to receive
287 continued retirement allowance payments under the elected option dies or has
288 died, shall upon application to the board of trustees have his or her retirement
289 allowance increased to the amount he or she would have been receiving had the
290 option not been elected, actuarially adjusted to recognize any excessive benefits
291 which would have been paid to him or her up to the time of application.

292 [16.] 17. Benefits paid pursuant to the provisions of the public school
293 retirement system of Missouri shall not exceed the limitations of Section 415 of
294 Title 26 of the United States Code except as provided pursuant to this
295 subsection. Notwithstanding any other law to the contrary, the board of trustees
296 may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United
297 States Code. Such plan shall be created solely for the purpose described in
298 Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees
299 may promulgate regulations necessary to implement the provisions of this
300 subsection and to create and administer such benefit plan.

301 [17.] 18. Notwithstanding any other provision of law to the contrary, any
302 person retired before, on, or after May 26, 1994, shall be made, constituted,
303 appointed and employed by the board as a special consultant on the matters of
304 education, retirement and aging, and upon request shall give written or oral
305 opinions to the board in response to such requests. As compensation for such
306 duties the person shall receive an amount based on the person's years of service
307 so that the total amount received pursuant to sections 169.010 to 169.141 shall
308 be at least the minimum amounts specified in subdivisions (1) to (4) of this
309 subsection. In determining the minimum amount to be received, the amounts in
310 subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the
311 actuarial adjustment, if any, that was applied to the person's retirement
312 allowance. In determining the minimum amount to be received, beginning
313 September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection
314 shall be adjusted in accordance with the actuarial adjustment, if any, that was
315 applied to the person's retirement allowance due to election of an optional form

316 of retirement having a continued monthly payment after the person's
317 death. Notwithstanding any other provision of law to the contrary, no person
318 retired before, on, or after May 26, 1994, and no beneficiary of such a person,
319 shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based
320 on the person's years of service less than the following amounts:

321 (1) Thirty or more years of service, one thousand two hundred dollars;

322 (2) At least twenty-five years but less than thirty years, one thousand
323 dollars;

324 (3) At least twenty years but less than twenty-five years, eight hundred
325 dollars;

326 (4) At least fifteen years but less than twenty years, six hundred dollars.

327 **[18.] 19.** Notwithstanding any other provisions of law to the contrary,
328 any person retired prior to May 26, 1994, and any designated beneficiary of such
329 a retired member who was deceased prior to July 1, 1999, shall be made,
330 constituted, appointed and employed by the board as a special consultant on the
331 matters of education, retirement or aging and upon request shall give written or
332 oral opinions to the board in response to such requests. Beginning September 1,
333 1996, as compensation for such service, the member shall have added, pursuant
334 to this subsection, to the member's monthly annuity as provided by this section
335 a dollar amount equal to the lesser of sixty dollars or the product of two dollars
336 multiplied by the member's number of years of creditable service. Beginning
337 September 1, 1999, the designated beneficiary of the deceased member shall as
338 compensation for such service have added, pursuant to this subsection, to the
339 monthly annuity as provided by this section a dollar amount equal to the lesser
340 of sixty dollars or the product of two dollars multiplied by the member's number
341 of years of creditable service. The total compensation provided by this section
342 including the compensation provided by this subsection shall be used in
343 calculating any future cost-of-living adjustments provided by subsection 12 of this
344 section.

345 **[19.] 20.** Any member who has retired prior to July 1, 1998, and the
346 designated beneficiary of a deceased retired member shall be made, constituted,
347 appointed and employed by the board as a special consultant on the matters of
348 education, retirement and aging, and upon request shall give written or oral
349 opinions to the board in response to such requests. As compensation for such
350 duties the person shall receive a payment equivalent to eight and seven-tenths
351 percent of the previous month's benefit, which shall be added to the member's or
352 beneficiary's monthly annuity and which shall not be subject to the provisions of
353 subsections 12 and 13 of this section for the purposes of the limit on the total

354 amount of increases which may be received.

355 [20.] **21.** Any member who has retired shall be made, constituted,
356 appointed and employed by the board as a special consultant on the matters of
357 education, retirement and aging, and upon request shall give written or oral
358 opinions to the board in response to such request. As compensation for such
359 duties, the beneficiary of the retired member, or, if there is no beneficiary, the
360 [(1)] surviving spouse, [(2)] surviving children in equal shares, [(3)] surviving
361 parents in equal shares, or [(4)] estate of the retired member, in that order of
362 precedence, shall receive as a part of compensation for these duties a death
363 benefit of five thousand dollars.

364 [21.] **22.** Any member who has retired prior to July 1, 1999, and the
365 designated beneficiary of a retired member who was deceased prior to July 1,
366 1999, shall be made, constituted, appointed and employed by the board as a
367 special consultant on the matters of education, retirement and aging, and upon
368 request shall give written or oral opinions to the board in response to such
369 requests. As compensation for such duties, the person shall have added,
370 pursuant to this subsection, to the monthly annuity as provided by this section
371 a dollar amount equal to five dollars times the member's number of years of
372 creditable service.

373 [22.] **23.** Any member who has retired prior to July 1, 2000, and the
374 designated beneficiary of a deceased retired member shall be made, constituted,
375 appointed and employed by the board as a special consultant on the matters of
376 education, retirement and aging, and upon request shall give written or oral
377 opinions to the board in response to such requests. As compensation for such
378 duties, the person shall receive a payment equivalent to three and five-tenths
379 percent of the previous month's benefit, which shall be added to the member or
380 beneficiary's monthly annuity and which shall not be subject to the provisions of
381 subsections 12 and 13 of this section for the purposes of the limit on the total
382 amount of increases which may be received.

383 [23.] **24.** Any member who has retired prior to July 1, 2001, and the
384 designated beneficiary of a deceased retired member shall be made, constituted,
385 appointed and employed by the board as a special consultant on the matters of
386 education, retirement and aging, and upon request shall give written or oral
387 opinions to the board in response to such requests. As compensation for such
388 duties, the person shall receive a dollar amount equal to three dollars times the
389 member's number of years of creditable service, which shall be added to the
390 member's or beneficiary's monthly annuity and which shall not be subject to the
391 provisions of subsections 12 and 13 of this section for the purposes of the limit on

392 the total amount of increases which may be received.

393 **25. Notwithstanding the provisions of subsection 6 of section**
394 **169.030 to the contrary, any member who has retired, attained the age**
395 **of seventy-five and above, and received cost-of-living increases totaling**
396 **eighty percent as provided in subsection 12 of this section prior to**
397 **January 1, 2009, shall be made, constituted, and employed by the board**
398 **as a special consultant on the matters of education, retirement, and**
399 **aging, and upon request shall give written or oral opinions to the board**
400 **in response to such requests. As compensation for such duties,**
401 **beginning January 1, 2009, and through January 1, 2014, the member**
402 **shall receive an amount equal to five dollars per month multiplied by**
403 **years of service which shall be added to the member's monthly annuity.**

169.073. 1. Any member eligible for a retirement allowance pursuant to
2 section 169.070 and who has not previously received a retirement allowance,
3 including an allowance under disability retirement under section 169.070, and
4 whose sum of age and creditable service equals eighty-six years or more or whose
5 creditable service is thirty-three years or more or whose age is sixty-three years
6 or more and who has eight years or more of creditable service may elect a
7 distribution under the partial lump sum option plan provided in this section if
8 the member notifies the retirement system on the application for retirement.

9 2. A member entitled to make an election pursuant to this section may
10 elect to receive a lump sum distribution in addition to the member's monthly
11 retirement allowance pursuant to section 169.070, as reduced pursuant to this
12 section. Such member may elect the amount of the member's lump sum
13 distribution from one, but not more than one, of the following options:

14 (1) A lump sum amount equal to twelve times the retirement allowance
15 the member would receive if no election were made pursuant to this section and
16 the member had chosen option 1 pursuant to section 169.070;

17 (2) A lump sum amount equal to twenty-four times the retirement
18 allowance the member would receive if no election were made pursuant to this
19 section and the member had chosen option 1 pursuant to section 169.070; or

20 (3) A lump sum amount equal to thirty-six times the retirement allowance
21 the member would receive if no election were made pursuant to this section and
22 the member had chosen option 1 pursuant to section 169.070.

23 3. When a member makes an election to receive a lump sum distribution
24 pursuant to this section, the retirement allowance that the member would have
25 received in the absence of the election shall be reduced on an actuarially
26 equivalent basis to reflect the payment of the lump sum distribution and the

27 reduced retirement allowance shall be the member's retirement allowance
28 thereafter for all purposes in relation to retirement allowance amounts pursuant
29 to section 169.070. A retirement allowance increased due to the death of a person
30 nominated by the member to receive benefits pursuant to the provisions of option
31 2, 3, or 4 of subsection 3 of section 169.070 shall be increased pursuant to such
32 provisions to the amount the retired member would be receiving had the retired
33 member elected option 1 as actuarially reduced due to the lump sum distribution
34 made pursuant to this section. Any payment of accumulated contributions
35 pursuant to the provisions of sections 169.010 to 169.141 shall be reduced by the
36 amount of any lump sum distribution made pursuant to this section in addition
37 to any other reductions required by sections 169.010 to 169.141.

38 4. If the member dies before receiving a lump sum distribution pursuant
39 to this section, the lump sum distribution shall be paid in accordance with rules
40 adopted by the board of trustees.

41 5. Benefits paid pursuant to this section, in addition to all other
42 provisions of the public school retirement system of Missouri, shall not exceed the
43 limitations of Section 415 of Title 26 of the United States Code except as provided
44 in subsection [16] 17 of section 169.070.

169.075. 1. Certain survivors specified in this section and meeting the
2 requirements of this section may elect to forfeit any payments payable pursuant
3 to subsection 3 or [5] 6 of section 169.070 and to receive certain other benefits
4 described in this section upon the death of a member prior to retirement, except
5 retirement with disability benefits, whose period of creditable service in districts
6 included in the retirement system is (1) five years or more, or (2) two years but
7 less than five years and who dies (a) while teaching in a district included in the
8 retirement system, or (b) as a result of an injury or sickness incurred while
9 teaching in such a district and within one year of the commencement of such
10 injury or sickness, or (c) while eligible for a disability retirement allowance
11 hereunder.

12 2. Upon an election pursuant to subsection 1 of this section, a surviving
13 spouse sixty years of age, or upon attainment of age sixty, or a surviving spouse
14 who has been totally and permanently disabled for not less than five years
15 immediately preceding the death of a member if designated as the sole
16 beneficiary, and if married to the member at least three years, and if living with
17 such member at the time of the member's death, shall be entitled to a monthly
18 payment equal to twenty percent of one-twelfth of the annual salary rate on
19 which the member contributed for the member's last full year of creditable service
20 as a teacher in a district included in the retirement system until death or

21 recovery prior to age sixty from the disability which qualified the spouse for the
22 benefit, whichever first occurs; provided that the monthly payment shall not be
23 less than five hundred seventy-five dollars or more than eight hundred sixty
24 dollars. A surviving spouse, who is eligible for benefits pursuant to this
25 subsection and also pursuant to subsection 3 of this section may receive benefits
26 only pursuant to subsection 3 of this section as long as the surviving spouse
27 remains eligible pursuant to both subsections, but shall not be disqualified for the
28 benefit provided in this subsection because the surviving spouse may have
29 received payments pursuant to subsection 3 of this section. Beginning August 28,
30 2001, a surviving spouse who otherwise meets the requirements of this subsection
31 but who remarried prior to August 28, 1995, shall be entitled, upon an election
32 pursuant to subsection 1 of this section, to any remaining benefits that would
33 otherwise have been received had the surviving spouse not remarried before the
34 change in law permitting remarried surviving spouses to continue receiving
35 benefits. Such surviving spouses may, upon application, become special
36 consultants whose benefit will be to receive the remaining benefits described in
37 this subsection. No benefit shall be paid to such surviving spouse unless he or
38 she files a valid application for such benefit with the retirement system
39 postmarked on or before June 30, 2002. In no event shall any retroactive benefits
40 be paid.

41 3. Upon an election pursuant to subsection 1 of this section, a surviving
42 spouse, if designated as the sole beneficiary, who has in the surviving spouse's
43 care a dependent unmarried child, including a stepchild or adopted child, of the
44 deceased member, under eighteen years of age, shall be entitled to a monthly
45 payment equal to twenty percent of one-twelfth of the annual salary rate on
46 which the member contributed for the member's last full year of creditable service
47 as a teacher in a district included in the retirement system until the surviving
48 spouse's death, or the first date when no such dependent unmarried child under
49 age eighteen, or age twenty-four if the child is enrolled in school on a full-time
50 basis, remains in the surviving spouse's care, whichever first occurs; provided
51 that the monthly payment shall not be less than five hundred seventy-five dollars
52 or more than eight hundred sixty dollars. In addition the surviving spouse shall
53 be entitled to a monthly payment equal to one-half this amount, provided that the
54 monthly payment shall not be less than three hundred dollars, for each such
55 dependent unmarried child under eighteen years of age, or age twenty-four if the
56 child is enrolled in school on a full-time basis, who remains in the surviving
57 spouse's care. Further, in addition to the monthly payment to the surviving
58 spouse as provided for in this subsection, each dependent unmarried child under

59 the age of eighteen years of the deceased member not in the care of such
60 surviving spouse shall be entitled to a monthly payment equal to one-half of the
61 surviving spouse's monthly payment which shall be paid to the child's primary
62 custodial parent or legal guardian; provided that the payment because of an
63 unmarried dependent child shall be made until the child attains age twenty-four
64 if the child is enrolled in school on a full-time basis; provided, however, that the
65 total of all monthly payments to the surviving spouse, primary custodial parent
66 or legal guardian, including payments for such dependent unmarried children,
67 shall in no event exceed two thousand one hundred sixty dollars, the amount of
68 the children's share to be allocated equally as to each dependent unmarried child
69 eligible to receive payments pursuant to this subsection.

70 4. Upon an election pursuant to subsection 1 of this section if the
71 designated beneficiary is a dependent unmarried child as defined in this section
72 or automatically upon the death of a surviving spouse receiving benefits pursuant
73 to subsection 3 of this section, each surviving dependent unmarried child,
74 including a stepchild or adopted child, of the deceased member, under eighteen
75 years of age, or such a child under age twenty-four if the child is enrolled in
76 school on a full-time basis, shall be entitled to a monthly payment equal to
77 sixteen and two-thirds percent of one-twelfth of the annual salary rate on which
78 the member contributed for the member's last full year of creditable service as a
79 teacher in a district included in the retirement system until death, marriage,
80 adoption, or attainment of age eighteen or age twenty-four if enrolled in school
81 on a full-time basis, whichever first occurs; provided that the monthly payment
82 shall not be less than five hundred dollars or more than seven hundred twenty
83 dollars, and provided further that any child of the deceased member who is
84 disabled before attainment of age eighteen because of a physical or mental
85 impairment which renders the child unable to engage in any substantial gainful
86 activity and which disability continues after the child has attained age eighteen
87 shall be entitled to a like monthly payment, until death, marriage, adoption, or
88 recovery from the disability, whichever first occurs; provided, however, that the
89 total of all monthly payments to the surviving dependent unmarried children
90 shall in no event exceed two thousand one hundred sixty dollars.

91 5. In lieu of receiving any benefit or lump sum from the retirement
92 system, the designated beneficiary may elect under subsection 1 of this section
93 to direct that each surviving dependent unmarried child, including a stepchild or
94 adopted child, of the deceased member, under eighteen years of age, or such a
95 child under age twenty-four if the child is enrolled in school on a full-time basis,
96 shall be entitled to a monthly payment equal to sixteen and two-thirds percent

97 of one-twelfth of the annual salary rate on which the member contributed for the
98 member's last full year of creditable service as a teacher in a district included in
99 the retirement system until death, marriage, adoption, or attainment of age
100 eighteen or age twenty-four if enrolled in school on a full-time basis, whichever
101 first occurs; provided that the monthly payment shall not be less than five
102 hundred dollars or more than seven hundred twenty dollars, and provided further
103 that any child of the deceased member who is disabled before attainment of age
104 eighteen because of a physical or mental impairment which renders the child
105 unable to engage in any substantial gainful activity and which disability
106 continues after the child has attained age eighteen shall be entitled to a like
107 monthly payment, until death, marriage, adoption, or recovery from the disability,
108 whichever first occurs; provided, however, that the total of all monthly payments
109 to the surviving dependent unmarried children shall in no event exceed two
110 thousand one hundred sixty dollars.

111 6. Upon an election pursuant to subsection 1 of this section, a surviving
112 dependent parent of the deceased member, over sixty-five years of age or upon
113 attainment of age sixty-five if designated as the sole beneficiary, provided such
114 dependent parent was receiving at least one-half of the parent's support from
115 such member at the time of the member's death and provided the parent files
116 proof of such support within two years of such death, shall be entitled to a
117 monthly payment equal to sixteen and two-thirds percent of one-twelfth of the
118 annual salary rate on which the member contributed for the member's last full
119 year as a teacher in a district included in the retirement system until death;
120 provided that the monthly payment shall not be less than five hundred dollars or
121 more than seven hundred twenty dollars. If the other parent also is a dependent,
122 as defined in this section, the same amount shall be paid to each until death.

123 7. All else in this section to the contrary notwithstanding, a survivor may
124 not be eligible to benefit pursuant to this section because of more than one
125 terminated membership, and be it further provided that the board of trustees
126 shall determine and decide all questions of doubt as to what constitutes
127 dependency within the meaning of this section.

128 8. The provisions added to subsection 3 of this section in 1991 are
129 intended to clarify the scope and meaning of this section as originally enacted and
130 shall be applied in all cases in which such an election has occurred or will occur.

131 9. After July 1, 2000, all benefits payable pursuant to subsections 1 to 8
132 of this section shall be payable to eligible current and future survivor
133 beneficiaries in accordance with this section.

134 10. The system shall pay a monthly retirement allowance for the month

135 in which a retired member, beneficiary or survivor receiving a retirement
136 allowance or survivor benefit dies.

137 11. If the total of all payments made under this section is less than the
138 total of the member's accumulated contributions, the difference shall be paid to
139 the person making the election under subsection 1 of this section. If such person
140 does not survive until all payments are made under this section, such difference
141 shall be paid in accordance with section 169.076.

169.090. Neither the funds belonging to the retirement system nor any
2 benefit accrued or accruing to any person under the provisions of sections 169.010
3 to 169.130 shall be subject to execution, garnishment, attachment or any other
4 process whatsoever, nor shall they be assignable, except **in a proceeding**
5 **instituted for spousal maintenance or child support and** as in sections
6 169.010 to 169.130 specifically provided.

169.130. 1. Any person, duly certified under the law governing the
2 certification of teachers, employed full time as a teacher by the division of youth
3 services prior to August 13, 1986, who did not become a member of the Missouri
4 state employees' retirement system under section 104.342, RSMo, is a member of
5 the public school retirement system of Missouri. Any such person who becomes
6 a member before the end of the school year next following July 18, 1948, may
7 claim and receive credit for prior service. The contributions required to be made
8 by the member's employer shall be paid from appropriations to the institution by
9 which the member is employed.

10 2. Any person, duly certified under the law governing the certification of
11 teachers, employed full time as a teacher by a division of the state department
12 of social services prior to August 13, 1986, who did not become a member of the
13 Missouri state employees' retirement system under section 104.342, RSMo, who
14 renders services in a school whose standards of education are set and which is
15 supervised by a public school officer of the county in which the school is located,
16 by the department of elementary and secondary education or by the coordinating
17 board for higher education is a member of the public school retirement system of
18 Missouri. Any such member who becomes a member before the end of the school
19 year next following August 29, 1953, may claim and receive credit for prior
20 service.

21 3. Any person, duly certified under the law governing the certification of
22 teachers, employed full time as a teacher by the section of inmate education of the
23 department of corrections prior to August 13, 1986, who did not become a member
24 of the Missouri state employees' retirement system under section 104.342, RSMo,
25 is a member of the public school retirement system of Missouri. Any such person

26 who becomes a member before the end of the school year next following August
27 29, 1959, may claim and receive credit for prior service. For purposes of this
28 subsection "prior service" means service rendered by a member of the retirement
29 system before the system becomes operative with respect to persons employed by
30 the section of inmate education, and may include service rendered by a member
31 of the armed forces during a period of war, if the member was a teacher at the
32 time he was inducted, for which credit has been approved by the board of
33 trustees.

34 4. Any person, duly certificated under the law governing the certification
35 of teachers, employed full time by any statewide nonprofit educational association
36 or organization serving on an educational professional basis through its
37 membership the active members of the public school retirement system of
38 Missouri or the public school districts maintaining high schools in this state, may
39 be a member of the public school retirement system of Missouri. Any such person
40 who becomes a member before July 1, 1955, may claim and receive credit for prior
41 service. The contributions required to be made by the member's employer shall
42 be paid by the association or organization. **After June 30, 2009, no additional**
43 **nonprofit educational associations or organizations shall have its**
44 **employees become members of the public school retirement system or**
45 **the public education employee retirement system of Missouri.**

46 5. Any person, duly certificated under the law governing the certification
47 of teachers, employed full time, and whose duties include participation in the
48 educational program of the department of mental health, in either a teaching or
49 supervisory teaching capacity prior to August 13, 1986, who did not become a
50 member of the Missouri state employees' retirement system under section
51 104.342, RSMo, shall, after August 7, 1969, be a member of the public school
52 retirement system, but any such person whose employment with the department
53 of mental health commenced prior to August 7, 1969, may elect not to become a
54 member by so notifying the department of mental health in writing within thirty
55 days after August 7, 1969.

169.141. 1. Any person receiving a retirement allowance under sections
2 169.010 to 169.140, and who elected a reduced retirement allowance under
3 subsection 3 of section 169.070 with his spouse as the nominated beneficiary, may
4 nominate a successor beneficiary under [either] **one** of the following
5 circumstances:

6 (1) If the nominated beneficiary precedes the retired person in death, the
7 retired person may, upon remarriage, nominate the new spouse under the same
8 option elected in the application for retirement;

9 (2) If the marriage of the retired person and the nominated beneficiary is
10 dissolved, and if the dissolution decree provides for sole retention by the retired
11 person of all rights in the retirement allowance, the retired person may, upon
12 remarriage, nominate the new spouse under the same option elected in the
13 application for retirement; or

14 **(3) If the marriage of the retired person and the nominated**
15 **beneficiary is dissolved after the effective date of this subdivision, and**
16 **if the dissolution decree provides for sole retention by the retired**
17 **person of all rights in the retirement allowance, the nominated**
18 **beneficiary shall become ineligible to receive a retirement allowance**
19 **and the retirement allowance of the retired person shall be increased**
20 **to the amount the retired member would be receiving had the retired**
21 **person elected option 1 as provided in section 169.070.**

22 2. Any nomination of a successor beneficiary under subdivision (1) or (2)
23 of subsection 1 of this section must be made in accordance with procedures
24 established by the board of trustees, and must be filed within ninety days of May
25 6, 1993, or within ninety days of the remarriage, whichever later occurs. Upon
26 receipt of a successor nomination filed in accordance with those procedures, the
27 board shall adjust the retirement allowance to reflect actuarial considerations of
28 that nomination as well as previous beneficiary and successor beneficiary
29 nominations.

169.562. 1. To the extent determined appropriate by the board
2 **of trustees, the retirement system established under sections 169.020**
3 **and 169.610 may indemnify and protect any trustee or employee of the**
4 **retirement system against any or all claims or liabilities, including**
5 **defense thereof arising out of his or her responsibilities with respect**
6 **to the retirement system, provided, however, that no trustee or**
7 **employee shall be indemnified for his or her gross negligence or willful**
8 **misconduct. This section shall apply whether the claim is made against**
9 **the employee or trustee in his or her individual or official capacity.**

10 **2. The board of trustees is authorized to obtain and maintain**
11 **insurance and indemnity policies to insure the trustees and employees**
12 **of the retirement system against any liability or losses incurred as a**
13 **result of their responsibilities with respect to the retirement system.**

14 **3. No employee or trustee shall be entitled to indemnification**
15 **under this section unless within fifteen days after receipt of service of**
16 **process he or she gives written notice of such proceeding to the board**
17 **of trustees.**

169.596. 1. Notwithstanding any other provision of this chapter to the
2 contrary, a retired certificated teacher receiving a retirement benefit from the
3 retirement system established pursuant to sections 169.010 to 169.141 may,
4 without losing his or her retirement benefit, teach **up to** full time for up to two
5 years for a school district covered by such retirement system; provided that the
6 school district has a shortage of certified teachers, as determined by the school
7 district, and provided that no such retired certificated teacher shall be employed
8 as a superintendent. The total number of such retired certificated teachers shall
9 not exceed, at any one time, the lesser of ten percent of the total teacher staff for
10 that school district, or five certificated teachers.

11 2. Notwithstanding any other provision of this chapter to the contrary, a
12 person receiving a retirement benefit from the retirement system established
13 pursuant to sections 169.600 to 169.715 may, without losing his or her retirement
14 benefit, be employed **up to** full time for up to two years for a school district
15 covered by such retirement system; provided that the school district has a
16 shortage of noncertificated employees, as determined by the school district. The
17 total number of such retired noncertificated employees shall not exceed, at any
18 one time, the lesser of ten percent of the total noncertificated staff for that school
19 district, or five employees.

20 3. The employer's contribution rate shall be paid by the hiring school
21 district.

22 4. In order to hire teachers and noncertificated employees pursuant to the
23 provisions of this section, the school district shall:

24 (1) Show a good faith effort to fill positions with nonretired certificated
25 teachers or nonretired noncertificated employees;

26 (2) Post the vacancy for at least one month;

27 (3) Have not offered early retirement incentives for either of the previous
28 two years;

29 (4) Solicit applications through the local newspaper, other media, or
30 teacher education programs;

31 (5) Determine there is an insufficient number of eligible applicants for the
32 advertised position; and

33 (6) Declare a critical shortage of certificated teachers or noncertificated
34 employees that is active for one year.

35 5. Any person hired pursuant to this section shall be included in the State
36 Directory of New Hires for purposes of income and eligibility verification
37 pursuant to 42 U.S.C. Section 1320b-7.

169.630. 1. All funds arising from the operation of sections 169.600 to

2 169.715 shall belong to the retirement system created in sections 169.600 to
3 169.715 and shall be controlled by the board of trustees and that board shall
4 provide for the collection of these funds, see that they are safely preserved, and
5 shall permit their disbursement only for the purposes authorized in sections
6 169.600 to 169.715. These funds are declared and shall be deemed to be the
7 moneys and funds of this retirement system and not general funds of the state
8 and shall not be commingled with any state funds or other retirement
9 funds. Solely for the purpose of investing the funds of the retirement system, the
10 funds may be combined with the funds of the public school retirement system of
11 Missouri, but the funds of each system shall be accounted for separately and for
12 all other purposes shall be separate.

13 2. The board shall invest all funds under its control which are in excess
14 of a safe operating balance. The investment shall be made only in securities
15 authorized and pursuant to the same standards set for investment by section
16 169.040.

17 3. **Notwithstanding the provisions of section 105.662, RSMo, the**
18 **board may set up and maintain a public school and education employee**
19 **retirement systems of Missouri investment fund account in which**
20 **investment and reinvestment of all or part of the moneys of the system**
21 **may be placed and be available for investment purposes. For the**
22 **purpose of investing the funds of the public education employee**
23 **retirement system, the funds may be combined with the funds of the**
24 **public school retirement system of Missouri, but the funds of each**
25 **system shall be accounted for separately and for all other reporting**
26 **purposes shall be separate.**

27 4. **The board of trustees may promulgate rules and regulations**
28 **not inconsistent with the provisions of section 169.040 as shall deem**
29 **necessary for its proper administration under the provisions of this**
30 **chapter. Any rule or portion of a rule, as that term is defined in section**
31 **536.010, RSMo, that is created under the authority delegated in this**
32 **section shall become effective only if it complies with and is subject to**
33 **all of the provisions of chapter 536, RSMo, and, if applicable, section**
34 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
35 **and if any of the powers vested with the general assembly under**
36 **chapter 536, RSMo, to review, to delay the effective date, or to**
37 **disapprove and annul a rule are subsequently held unconstitutional,**
38 **then the grant of rulemaking authority and any rule proposed or**
39 **adopted after August 28, 2008, shall be invalid and void.**

40 **5.** No investment transaction authorized by the board shall be handled by
41 any company or firm in which a member of the board has an interest, nor shall
42 any member of the board profit directly or indirectly from any such investment.
43 All investments shall be made for the account of the retirement system, and any
44 securities or other properties obtained by the board of trustees may be held by a
45 custodian in the name of the retirement system, or in the name of a nominee in
46 order to facilitate the expeditious transfer of such securities or other
47 property. Such securities or other properties which are not available in
48 registered form may be held in bearer form or in book entry form. The retirement
49 system is further authorized to deposit, or have deposited for its account, eligible
50 securities in a central depository system or clearing corporation or in a federal
51 reserve bank under a book entry system as defined in the Uniform Commercial
52 Code, sections 400.8-102 and 400.8-108, RSMo. When such eligible securities of
53 the retirement system are so deposited with a central depository system, the
54 securities may be merged and held in the name of the nominee of such securities
55 depository and title to such securities may be transferred by bookkeeping entry
56 on the books of such securities depository or federal reserve bank without
57 physical delivery of the certificates or documents representing such securities.

58 **[4.] 6.** With appropriate safeguards against loss by the system in any
59 contingency, the board may designate a bank or trust company to serve as a
60 depository of system funds and intermediary in the investment of those funds and
61 payment of system obligations.

62 **[5.] 7.** All retirement allowances or other periodic payments paid by the
63 board shall be paid to recipients of such payments by electronic funds transfer,
64 unless another method has been determined by the board to be appropriate. Each
65 recipient of retirement allowances or other periodic payments shall designate a
66 financial institution or other authorized payment agent and provide the board
67 information necessary for the recipient to receive electronic funds transfer
68 payments through the institution or agent designated. This subsection shall
69 apply to retirement allowances and other periodic payments first paid on or after
70 January 1, 1998, and shall apply to all retirement allowances and other periodic
71 payments on and after January 1, 1999.

72 **[6.] 8.** The board of trustees may deliberate about, or make tentative or
73 final decisions on, investments or other financial matters in a closed meeting
74 under chapter 610, RSMo, if disclosure of the deliberations or decisions would
75 jeopardize the ability to implement a decision or to achieve investment objectives.
76 A record of the retirement system that discloses deliberations about, or a
77 tentative or final decision on, investments or other financial matters is not a

78 public record under chapter 610, RSMo, to the extent and so long as its disclosure
79 would jeopardize the ability to implement a decision or to achieve investment
80 objectives.

169.650. 1. On and after October 13, 1965, all employees as defined in
2 section 169.600 of districts included in this retirement system shall be members
3 of the system by virtue of their employment, and all persons who had five years
4 of prior service who were employees of districts included in sections 169.600 to
5 169.710 during the school year next preceding October 13, 1965, but who ceased
6 to be employees prior to October 13, 1965, because of physical disability, shall be
7 members of this system by virtue of that prior service. Individuals who qualify
8 as independent contractors under the common law and are treated as such by
9 their employer shall not be considered employees for purposes of membership in
10 or contributions to the retirement system.

11 2. Any member who rendered service prior to November 1, 1965, as an
12 employee as defined in section 169.600 in a district or junior college district
13 included in the system may claim credit for that service by filing with the board
14 of trustees a complete and detailed record of the service for which the credit is
15 claimed, together with such supporting evidence as the board may require for
16 verification of the record. To the extent that the board finds the record correct,
17 it shall credit the claimant with prior service and shall notify the claimant of its
18 decision.

19 3. Membership shall be terminated by failure of a member to earn any
20 membership service credit as a public school employee under this system for five
21 consecutive school years, by death, withdrawal of contributions, or retirement.

22 4. If a member withdraws or is refunded the member's contributions, the
23 member shall thereby forfeit any creditable service the member may have;
24 provided, however, if such person again becomes a member of the system, the
25 member may elect prior to retirement to reinstate any creditable service forfeited
26 at the times of previous withdrawals or refunds. The reinstatement shall be
27 effected by the member paying to the retirement system, with interest, the
28 amount of accumulated contributions withdrawn by the member or refunded to
29 the member with respect to the service being reinstated. A member may
30 reinstate less than the total service previously forfeited, in accordance with rules
31 promulgated by the board of trustees. The payment shall be completed prior to
32 termination of membership with the retirement system with interest on the
33 unpaid balance; provided, however, that if a member is retired on disability
34 before completing such payments, the balance due, with interest, shall be
35 deducted from the member's disability retirement allowance.

36 5. Any person who is an employee of any statewide nonprofit educational
37 association or organization serving the active membership of the public education
38 employee retirement system of Missouri and who works at least twenty hours per
39 week on a regular basis in a position which is not covered by the public school
40 retirement system of Missouri may be a member of the public education employee
41 retirement system of Missouri. Certificated employees of such statewide
42 nonprofit educational association or organization may not be members of the
43 public school retirement system of Missouri unless such association or
44 organization makes separate application pursuant to subsection 4 of section
45 169.130. The contributions required to be made by the employee will be deducted
46 from salary and matched by the association or organization. **After June 30,**
47 **2009, no additional nonprofit educational associations or organizations**
48 **may have its employees become members of the public school**
49 **retirement system or the public education employee retirement system**
50 **of Missouri.**

 169.655. 1. Members who have accrued at least one year of membership
2 service credit for employment in a position covered by this retirement system and
3 who have covered employment with this retirement system following the service
4 for which credit is being purchased may purchase membership service credit
5 under the circumstances, terms and conditions provided in this section. With
6 respect to each such purchase authorized by this section the following provisions
7 apply:

8 (1) The purchase shall be effected by the member paying to the retirement
9 system the amount the member would have contributed and the amount the
10 employer would have contributed had such member been an employee for the
11 number of years for which the member is electing to purchase credit, and had the
12 member's compensation during such period been the highest annual salary rate
13 on record with the retirement system on the date of election to purchase
14 credit. The contribution rate used in determining the amount to be paid shall be
15 the contribution rate in effect on the date of election to purchase
16 credit. Notwithstanding the provisions of this subsection, for all elections to
17 purchase credit received by the retirement system on or after January 1, 2006,
18 the member shall receive credit based on the amount paid by the member for such
19 credit and received by the retirement system by the close of business on June
20 thirtieth of each year. In lieu of charging the member interest on such purchase
21 of credit, the amount to be paid by the member for any remaining credit the
22 member has elected to purchase but has not paid for by **[June] September**
23 thirtieth of each year shall be recalculated on the following **[July] October** first

24 using the contribution rate in effect on that July first and the highest salary of
25 record for the member as of that July first. For all elections to purchase credit
26 received by the retirement system prior to January 1, 2006, the retirement system
27 shall determine the cost of such purchase using the calculation method in effect
28 for elections to purchase credit received by the retirement system on or after
29 January 1, 2006, provided that the member shall have a one-time, irrevocable
30 option to continue to have the cost of such purchase be determined using the
31 calculation method in effect at the time of such election to purchase such credit.
32 To be effective, such option must be elected by the member on a form approved
33 by the retirement system and such form must be received by the retirement
34 system by the close of business on June 30, 2006. The retirement system reserves
35 the right to **prohibit a purchase, impose additional requirements for**
36 **making a purchase, or** limit the amount of credit purchased [by the member
37 in any year if the amounts paid by the member in that year would exceed any
38 applicable contribution limits set forth in] **if necessary for the retirement**
39 **system to comply with federal law, including but not limited to the**
40 **provisions of** Section 415 of Title 26 of the United States Code;

41 (2) Membership service credit purchased pursuant to this section shall be
42 deemed to be membership service as defined in subdivision (10) of section
43 169.600;

44 (3) An election to purchase membership service credit pursuant to this
45 section and payment for the purchase shall be completed prior to termination of
46 membership with the retirement system with interest on the unpaid balance;

47 (4) Members may purchase membership service credit in increments of
48 one-tenth of a year, and multiple elections to purchase may be made;

49 (5) Additional terms and conditions applicable to purchases made
50 pursuant to this section including, but not limited to, minimum payments,
51 payment schedules and provisions applicable when a member fails to complete
52 payment may be set by rules of the board.

53 2. Membership service credit shall not be allowed pursuant to this section
54 or sections 169.570 and 169.577 which exceeds in length the member's
55 membership service credit for employment in a position covered by this system,
56 and in no event may the member receive membership service credit with both this
57 system and another public retirement system for the same service.

58 3. A member who was employed for at least twenty hours per week on a
59 regular basis by a public school district, public junior college, public community
60 college, public college, or public university, either inside or outside of this state,
61 may elect to purchase equivalent membership service credit.

62 4. A member who has served in the armed forces of the United States of
63 America and who was discharged or separated from the armed forces by other
64 than a dishonorable discharge may elect to purchase membership service credit
65 for the period of active duty service in the armed forces.

66 5. Any member granted unpaid maternity or paternity leave for a period,
67 from a position covered by the retirement system, who returned to employment
68 in such a position, may elect to purchase membership service credit for the period
69 of leave.

70 6. Any member who is or was certified as a vocational-technical teacher
71 on the basis of having a college degree or who was required to have a period of
72 work experience of at least two years in the area of the subject being taught in
73 order to qualify for such certification may, upon written application to the board,
74 purchase equivalent membership service credit for such work experience which
75 shall not exceed the two years necessary for certification if the work experience
76 was in the area that the member taught or is teaching and was completed in two
77 years.

78 7. Any member who had membership service credit with the public school
79 retirement system of Missouri governed by sections 169.010 to 169.141 but which
80 membership service credit was forfeited by withdrawal or refund may elect to
81 purchase credit for such service. The public school retirement system of Missouri
82 shall transfer to this system an amount equal to the employer contributions for
83 the forfeited service being purchased, plus interest, which shall be applied to
84 reduce the amount the member would otherwise pay for the purchase, provided
85 that the amount transferred shall not exceed one-half of the purchase cost.

86 8. A member may elect to purchase membership service credit for service
87 rendered while on leave from an employer, as defined in section 169.600, for a
88 not-for-profit corporation or agency whose primary purpose is support of
89 education or education research if the member was employed by that organization
90 to serve twenty or more hours per week on a regular basis.

91 9. A member who was employed by a private school, private junior college,
92 private community college, private college, or private university, either inside or
93 outside of this state, for at least twenty or more hours per week on a regular
94 basis, may elect to purchase membership service credit for such service rendered.

95 10. A member who was employed in nonfederal public employment for at
96 least twenty hours a week on a regular basis shall be permitted to purchase
97 equivalent creditable service in the retirement system for such employment
98 subject to provisions of this section.

99 11. A member who, while eighteen years of age or older, was employed in

100 a position covered by Social Security for at least twenty hours a week on a
101 regular basis shall be permitted to purchase equivalent creditable service in the
102 retirement system for such employment subject to provisions of this section.

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, 2013, a member
19 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

112 individual is less than the total of the member's accumulated contributions, the
113 difference shall be paid to the beneficiary in a lump sum;

114 OR

115 Option 6. Upon the death of the member prior to the member having
116 received sixty monthly payments of the member's reduced allowance, the
117 remainder of the sixty monthly payments of the reduced allowance shall be paid
118 to such beneficiary as the member shall have nominated in the member's election
119 of the option or in a subsequent nomination. If there is no beneficiary so
120 nominated who survives the member for the remainder of the sixty monthly
121 payments, the reserve for the remainder of such sixty monthly payments shall be
122 paid to the **surviving spouse, surviving children in equal shares,**
123 **surviving parents in equal shares, or to the** estate of the last person to
124 receive a monthly allowance **in a lump sum payment.** If the total of the sixty
125 payments paid to the retired individual and the beneficiary of the retired
126 individual is less than the total of the member's accumulated contributions, the
127 difference shall be paid to the beneficiary in a lump sum;

128 OR

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

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

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

150 of the member's retirement allowance, the designated beneficiary may further
151 elect to defer the option 2 payments until the date the member would have been
152 eligible to receive the retirement allowance provided in subsection 1 of this
153 section.

154 (b) If the member or a person retired on disability retirement dies before
155 attaining age fifty-five but after acquiring five but fewer than twenty-five years
156 of creditable service, and the person named as the beneficiary has an insurable
157 interest in the life of the deceased member or disability retiree, the designated
158 beneficiary may elect to receive either a payment of the person's accumulated
159 contributions or survivorship benefits under option 2 to begin on the date the
160 member would first have been eligible to receive an actuarial equivalent of the
161 person's retirement allowance, or to begin on the date the member would first
162 have been eligible to receive the retirement allowance provided in subsection 1
163 of this section.

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

178 6. **If a member dies and his or her financial institution is unable**
179 **to accept the final payment or payments due to the member, the final**
180 **payment or payments shall be paid to the beneficiary of the member or,**
181 **if there is no beneficiary, to the surviving spouse, surviving children**
182 **in equal shares, surviving parents in equal shares, or to the estate of**
183 **the member in that order of precedence, unless otherwise stated. If the**
184 **beneficiary of a deceased member dies and his or her financial**
185 **institution is unable to accept the final payment or payments, the final**
186 **payment or payments shall be paid to the surviving spouse, surviving**
187 **children in equal shares, surviving parents in equal shares, or to the**

188 **estate of the member in that order of precedence, unless otherwise**
189 **stated.**

190 **7.** If a member dies before receiving a retirement allowance, the member's
191 accumulated contributions at the time of the member's death shall be paid to the
192 member's beneficiary or, if there is no beneficiary, to the [(1)] surviving spouse,
193 [(2)] surviving children in equal shares, [(3)] surviving parents in equal shares,
194 or [(4)] to the member's estate; provided, however, that no such payment shall be
195 made if the beneficiary elects option 2 in subsection 4 of this section, unless the
196 beneficiary dies before having received benefits pursuant to that subsection equal
197 to the accumulated contributions of the member, in which case the amount of
198 accumulated contributions in excess of the total benefits paid pursuant to that
199 subsection shall be paid to the [(1)] surviving spouse, [(2)] surviving children in
200 equal shares, [(3)] surviving parents in equal shares, or [(4)] estate of the
201 beneficiary, in that order of precedence.

202 **[7.] 8.** If a member ceases to be an employee as defined in section 169.600
203 and certifies to the board of trustees that such cessation is permanent or if the
204 person's membership is otherwise terminated, the person shall be paid the
205 person's accumulated contributions with interest.

206 **[8.] 9.** Notwithstanding any provisions of sections 169.600 to 169.715 to
207 the contrary, if a member ceases to be an employee as defined in section 169.600
208 after acquiring five or more years of creditable service, the member may, at the
209 option of the member, leave the member's contributions with the retirement
210 system and claim a retirement allowance any time after the member reaches the
211 minimum age for voluntary retirement. When the member's claim is presented
212 to the board, the member shall be granted an allowance as provided in sections
213 169.600 to 169.715 on the basis of the member's age and years of service.

214 **[9.] 10.** The retirement allowance of a member retired because of
215 disability shall be nine-tenths of the allowance to which the member's creditable
216 service would entitle the member if the member's age were sixty.

217 **[10.] 11.** Notwithstanding any provisions of sections 169.600 to 169.715
218 to the contrary, any member who is a member prior to October 13, 1969, may
219 elect to have the member's retirement allowance computed in accordance with
220 sections 169.600 to 169.715 as they existed prior to October 13, 1969.

221 **[11.] 12.** Any application for retirement shall include a sworn statement
222 by the member certifying that the spouse of the member at the time the
223 application was completed was aware of the application and the plan of
224 retirement elected in the application.

225 **[12.] 13.** Notwithstanding any other provision of law, any person retired

226 prior to August 14, 1984, who is receiving a reduced retirement allowance under
227 option 1 or 2 of subsection 4 of this section, as the option existed prior to August
228 14, 1984, and whose beneficiary nominated to receive continued retirement
229 allowance payments under the elected option dies or has died, shall upon
230 application to the board of trustees have the person's retirement allowance
231 increased to the amount the person would have been receiving had the person not
232 elected the option actuarially adjusted to recognize any excessive benefits which
233 would have been paid to the person up to the time of the application.

234 **[13.] 14.** Benefits paid pursuant to the provisions of the public education
235 employee retirement system of Missouri shall not exceed the limitations of
236 Section 415 of Title 26 of the United States Code, except as provided under this
237 subsection. Notwithstanding any other law, the board of trustees may establish
238 a benefit plan under Section 415(m) of Title 26 of the United States Code. Such
239 plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of
240 Title 26 of the United States Code. The board of trustees may promulgate
241 regulations necessary to implement the provisions of this subsection and to create
242 and administer such benefit plan.

243 **[14.] 15.** Any member who has retired prior to July 1, 1999, and the
244 designated beneficiary of a deceased retired member upon request shall be made,
245 constituted, appointed and employed by the board as a special consultant on the
246 matters of education, retirement and aging. As compensation for such duties the
247 person shall receive a payment equivalent to seven and four-tenths percent of the
248 previous month's benefit, which shall be added to the member's or beneficiary's
249 monthly annuity and which shall not be subject to the provisions of subsections
250 2 and 3 of this section for the purposes of the limit on the total amount of
251 increases which may be received.

252 **[15.] 16.** Any member who has retired prior to July 1, 2000, and the
253 designated beneficiary of a deceased retired member upon request shall be made,
254 constituted, appointed and employed by the board as a special consultant on the
255 matters of education, retirement and aging. As compensation for such duties the
256 person shall receive a payment equivalent to three and four-tenths percent of the
257 previous month's benefit, which shall be added to the member's or beneficiary's
258 monthly annuity and which shall not be subject to the provisions of subsections
259 2 and 3 of this section for the purposes of the limit on the total amount of
260 increases which may be received.

261 **[16.] 17.** Any member who has retired prior to July 1, 2001, and the
262 designated beneficiary of a deceased retired member upon request shall be made,
263 constituted, appointed and employed by the board as a special consultant on the

264 matters of education, retirement and aging. As compensation for such duties the
265 person shall receive a payment equivalent to seven and one-tenth percent of the
266 previous month's benefit, which shall be added to the member's or beneficiary's
267 monthly annuity and which shall not be subject to the provisions of subsections
268 2 and 3 of this section for the purposes of the limit on the total amount of
269 increases which may be received.

270 **18. Notwithstanding the provisions of subsection 7 of section**
271 **169.620 to the contrary, any member who has retired, attained the age**
272 **of seventy-five and above, and received cost-of-living increases totaling**
273 **eighty percent as provided in subsection 2 of this section prior to**
274 **January 1, 2009, shall be made, constituted, and employed by the board**
275 **as a special consultant on the matters of education, retirement, and**
276 **aging, and upon request shall give written or oral opinions to the board**
277 **in response to such requests. As compensation for such duties,**
278 **beginning January 1, 2009, and through January 1, 2014, the member**
279 **shall receive an amount equal to three dollars per month multiplied by**
280 **years of service which shall be added to the member's monthly annuity.**

169.673. 1. Any member eligible for a retirement allowance pursuant to
2 section 169.670 and who has not previously received a retirement allowance,
3 including an allowance under disability retirement, pursuant to section 169.670,
4 and whose sum of age and creditable service equals eighty-six years or more or
5 whose creditable service is thirty-three years or more or whose age is sixty-three
6 years or more and has eight years or more creditable service may elect a
7 distribution under the partial lump sum option plan provided in this section if
8 the member notifies the retirement system on the application for retirement of
9 the member's effective date of retirement; provided that the partial lump sum
10 option plan may not be elected if the member elects a retirement allowance under
11 option 7 of subdivision (1) of subsection 4 of section 169.670.

12 2. A member entitled to make an election pursuant to this section may
13 elect to receive a lump sum distribution in addition to the member's monthly
14 retirement allowance payment pursuant to section 169.670 as reduced pursuant
15 to this section. Such member may elect the amount of the member's lump sum
16 distribution from one, but not more than one, of the following options:

17 (1) A lump sum amount equal to twelve times the retirement allowance,
18 less any temporary retirement allowance payable pursuant to subdivision (5) of
19 subsection 1 of section 169.670, the member would receive if no election were
20 made under this section and the member had chosen option 1 under section
21 169.670;

22 (2) A lump sum amount equal to twenty-four times the retirement
23 allowance, less any temporary retirement allowance payable pursuant to
24 subdivision (5) of subsection 1 of section 169.670, the member would receive if no
25 election were made pursuant to this section and the member had chosen option
26 1 under section 169.670; or

27 (3) A lump sum amount equal to thirty-six times the retirement
28 allowance, less any temporary retirement allowance payable pursuant to
29 subdivision (5) of subsection 1 of section 169.670, the member would receive if no
30 election were made pursuant to this section and the member had chosen option
31 1 under section 169.670.

32 3. When a member makes an election to receive a lump sum distribution
33 pursuant to this section, the retirement allowance that the member would have
34 received in the absence of the election shall be reduced on an actuarially
35 equivalent basis to reflect the payment of the lump sum distribution and the
36 reduced retirement allowance shall be the member's retirement allowance
37 thereafter for all purposes in relation to retirement allowance amounts pursuant
38 to section 169.670. If eligible, the member may also receive a temporary benefit,
39 pursuant to subdivision (5) of subsection 1 of section 169.670, for the period of
40 time described therein. A retirement allowance increased due to the death of a
41 person nominated by the member to receive benefits pursuant to the provisions
42 of option 2, 3, or 4 of subsection 4 of section 169.670 shall be increased pursuant
43 to such provisions to the amount the retired member would be receiving had the
44 retired member elected option 1 as actuarially reduced due to the lump sum
45 distribution made pursuant to this section. Any payment of accumulated
46 contributions pursuant to the provisions of sections 169.600 to 169.715 shall be
47 reduced by the amount of any lump sum distribution made pursuant to this
48 section in addition to any other reductions required by sections 169.600 to
49 169.715.

50 4. If the member dies before receiving a lump-sum distribution under this
51 section the lump-sum distribution shall be paid in accordance with rules adopted
52 by the board of trustees.

53 5. Benefits paid pursuant to this section in addition to all other provisions
54 of the public education employee retirement system of Missouri shall not exceed
55 the limitations of Section 415 of Title 26 of the United States Code except as
56 provided in subsection [13] 14 of section 169.670.

 169.690. Neither the funds belonging to the retirement system nor any
2 benefit accrued or accruing to any person under the provisions of sections 169.600
3 to 169.710 shall be subject to execution, garnishment, attachment or any other

4 process whatsoever, nor shall they be assignable, except **in a proceeding for**
5 **spousal maintenance or child support and** as in sections 169.600 to 169.710
6 specifically provided.

169.715. 1. Any person receiving a retirement allowance under sections
2 169.600 to 169.712, and who elected a reduced retirement allowance under
3 subsection 4 of section 169.670 with his spouse as the nominated beneficiary, may
4 nominate a successor beneficiary under [either] **one** of the following
5 circumstances:

6 (1) If the nominated beneficiary precedes the retired person in death, the
7 retired person may, upon remarriage, nominate the new spouse under the same
8 option elected in the application for retirement;

9 (2) If the marriage of the retired person and the nominated beneficiary is
10 dissolved, and if the dissolution decree provides for sole retention by the retired
11 person of all rights in the retirement allowance, the retired person may, upon
12 remarriage, nominate the new spouse under the same option elected in the
13 application for retirement; **or**

14 (3) **If the marriage of the retired person and the nominated**
15 **beneficiary is dissolved after the effective date of this subdivision, and**
16 **if the dissolution decree provides for sole retention by the retired**
17 **person of all rights in the retirement allowance, the nominated**
18 **beneficiary shall become ineligible to receive a retirement allowance**
19 **and the retirement allowance of the retired person shall be increased**
20 **to the amount the retired member would be receiving had the retired**
21 **person elected option 1 as provided in section 169.670.**

22 2. Any nomination of a successor beneficiary under subdivision (1) or (2)
23 of subsection 1 of this section must be made in accordance with procedures
24 established by the board of trustees, and must be filed within ninety days of May
25 6, 1993, or within ninety days of the remarriage, whichever later occurs. Upon
26 receipt of a successor nomination filed in accordance with those procedures, the
27 board shall adjust the retirement allowance to reflect actuarial considerations of
28 that nomination as well as previous beneficiary and successor beneficiary
29 nominations.

488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280,
2 RSMo, for service of any summons, writ or other order of court, in connection with
3 any civil case, and making on the same either a return indicating service, a non
4 est return or a nulla bona return, the sum of twenty dollars for each item to be
5 served, as provided in section 57.280, RSMo, except that a sheriff shall receive a
6 charge for service of any subpoena, and making a return on the same, the sum of

7 ten dollars, as provided in section 57.280, RSMo; however, no such charge shall
8 be collected in any proceeding when court costs are to be paid by the state, county
9 or municipality. In addition to such charge, the sheriff shall be entitled, as
10 provided in section 57.280, RSMo, to receive for each mile actually traveled in
11 serving any summons, writ, subpoena or other order of court, the rate prescribed
12 by the Internal Revenue Service for all allowable expenses for motor vehicle use
13 expressed as an amount per mile, provided that such mileage shall not be charged
14 for more than one subpoena or summons or other writ served in the same cause
15 on the same trip. All of such charges shall be received by the sheriff who is
16 requested to perform the service. Except as otherwise provided by law, all
17 charges made pursuant to section 57.280, RSMo, shall be collected by the court
18 clerk as court costs and are payable prior to the time the service is rendered;
19 provided that if the amount of such charge cannot be readily determined, then the
20 sheriff shall receive a deposit based upon the likely amount of such charge, and
21 the balance of such charge shall be payable immediately upon ascertainment of
22 the proper amount of such charge. A sheriff may refuse to perform any service
23 in any action or proceeding, other than when court costs are waived as provided
24 by law, until the charge provided by this section is paid. Failure to receive the
25 charge shall not affect the validity of the service.

26 2. The sheriff shall, as provided in section 57.280, RSMo, receive for
27 receiving and paying moneys on execution or other process, where lands or goods
28 have been levied and advertised and sold, five percent on five hundred dollars
29 and four percent on all sums above five hundred dollars, and half of these sums,
30 when the money is paid to the sheriff without a levy, or where the lands or goods
31 levied on shall not be sold and the money is paid to the sheriff or person entitled
32 thereto, his or her agent or attorney. The party at whose application any writ,
33 execution, subpoena or other process has issued from the court shall pay the
34 sheriff's costs, as provided in section 57.280, RSMo, for the removal,
35 transportation, storage, safekeeping and support of any property to be seized
36 pursuant to legal process before such seizure. The sheriff shall be allowed for
37 each mile, as provided in section 57.280, RSMo, going and returning from the
38 courthouse of the county in which he or she resides to the place where the court
39 is held, the rate prescribed by the Internal Revenue Service for all allowable
40 expenses for motor vehicle use expressed as an amount per mile. The provisions
41 of this subsection shall not apply to garnishment proceeds.

42 3. **As provided in subsection 4 of section 57.280, RSMo, the sheriff**
43 **shall receive ten dollars for service of any summons, writ, subpoena, or**
44 **other order of the court included under subsection 1 of such section, in**

45 **addition to the charge for such service that each sheriff receives under**
46 **subsection 1 of such section. The money received by the sheriff under**
47 **subsection 4 of section 57.280, RSMo, shall be paid into the county**
48 **treasury and the county treasurer shall make such money payable to**
49 **the state treasurer. The state treasurer shall deposit such moneys in**
50 **the deputy sheriff salary supplementation fund created under section**
51 **57.278, RSMo.**

650.350. 1. There is hereby created within the department of public
2 safety the "Missouri Sheriff Methamphetamine Relief Taskforce"
3 (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two
4 years, the Missouri Sheriffs' Association board of directors will submit twenty
5 names of sitting sheriffs to the governor. The governor shall appoint five
6 members from the list of twenty names, having no more than three from any one
7 political party, to serve a term of two years on MoSMART. The members shall
8 elect a chair from among their membership. Members shall receive no
9 compensation for the performance of their duties pursuant to this section, but
10 each member shall be reimbursed from the MoSMART fund for actual and
11 necessary expenses incurred in carrying out duties pursuant to this section.

12 2. MoSMART shall meet no less than twice each calendar year with
13 additional meetings called by the chair upon the request of at least two members.
14 A majority of the appointed members shall constitute a quorum.

15 3. A special fund is hereby created in the state treasury to be [know]
16 **known** as the "MoSMART Fund". The state treasurer shall invest the moneys
17 in such fund in the manner authorized by law. All moneys received for
18 MoSMART from interest, state, and federal moneys shall be deposited to the
19 credit of the fund. The director of the department of public safety shall distribute
20 at least fifty percent but not more than one hundred percent of the fund annually
21 in the form of grants approved by MoSMART.

22 4. **Except for money deposited into the deputy sheriff salary**
23 **supplementation fund created under section 57.278, RSMo,** all moneys
24 appropriated to or received by MoSMART shall be deposited and credited to the
25 MoSMART fund. The department of public safety shall only be reimbursed for
26 actual and necessary expenses for the administration of MoSMART, which shall
27 be no less than one percent and which shall not exceed two percent of all moneys
28 appropriated to the fund, **except that the department shall not receive any**
29 **amount of the money deposited into the deputy sheriff salary**
30 **supplementation fund for administrative purposes.** The provisions of
31 section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART

32 fund shall not lapse to general revenue at the end of the biennium.

33 5. Any rule or portion of a rule, as that term is defined in section 536.010,
34 RSMo, that is created under the authority delegated in this section shall become
35 effective only if it complies with and is subject to all of the provisions of chapter
36 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
37 536, RSMo, are nonseverable and if any of the powers vested with the general
38 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
39 or to disapprove and annul a rule are subsequently held unconstitutional, then
40 the grant of rulemaking authority and any rule proposed or adopted after August
41 28, 2003, shall be invalid and void.

42 6. Any county law enforcement entity or established task force with a
43 memorandum of understanding and protocol may apply for grants from the
44 MoSMART fund on an application to be developed by the department of public
45 safety with the approval of MoSMART. All applications shall be evaluated by
46 MoSMART and approved or denied based upon the level of funding designated for
47 methamphetamine enforcement before 1997 and upon current need and
48 circumstances. No applicant shall receive a MoSMART grant in excess of one
49 hundred thousand dollars per year. The department of public safety shall
50 monitor all MoSMART grants.

51 7. MoSMART's anti-methamphetamine funding priorities are as follows:

52 (1) Sheriffs who are participating in coordinated multijurisdictional task
53 forces and have their task forces apply for funding;

54 (2) Sheriffs whose county has been designated HIDTA counties, yet have
55 received no HIDTA or narcotics assistance program funding; and

56 (3) Sheriffs without HIDTA designations or task forces, whose application
57 justifies the need for MoSMART funds to eliminate methamphetamine labs.

58 **8. MoSMART shall administer the deputy sheriff salary**
59 **supplementation fund as provided under section 57.278, RSMo.**

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