

FIRST REGULAR SESSION

HOUSE BILL NO. 397

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FLOOK.

1227L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 86.1170 and 86.1240, RSMo, and to enact in lieu thereof two new sections relating to police retirement.

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

Section A. Sections 86.1170 and 86.1240, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 86.1170 and 86.1240, to read as follows:

86.1170. **1.** Any member who retires after August 28, 2000, who is entitled to a pension
2 benefit under the provisions of sections 86.900 to 86.1280 and who either has at least twenty-five
3 years of creditable service or is retired as a result of an injury or illness occurring in the line of
4 duty or course of employment under section 86.1180, shall receive a pension benefit which,
5 without including any supplemental retirement benefits paid such member by the retirement
6 system, shall be [not less than] six hundred dollars monthly. Any member who retired on or
7 before August 28, 2000, who is entitled to a pension benefit under the provisions of sections
8 86.900 to 86.1280 and who either had at least twenty-five years of creditable service or was
9 retired as a result of an injury or illness occurring in the line of duty or course of employment
10 under section 86.1180, shall upon application to the retirement board be appointed by the
11 retirement board as a consultant and shall, beginning the later of August 28, 2000, or the time
12 of such appointment under this [section] **subsection** or a previously applicable statute, be
13 compensated in an amount which, without including any supplemental retirement benefits
14 provided by this system, shall be not less than six hundred dollars monthly. A pension benefit
15 under this [section] **subsection** shall be paid in lieu of such member's base pension as increased
16 by cost-of-living adjustments granted under section 86.1220. The benefit under this [section]
17 **subsection** shall not be subject to cost-of-living adjustments, but shall be terminated and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 replaced by the member's base pension and cost-of-living adjustments at such time as the total
19 base pension and such adjustments exceed six hundred dollars monthly.

20 **2. Any member who retired on or before August 28, 2009, who who is entitled to**
21 **a pension benefit under the provisions of sections 86.900 to 86.1280 and was retired under**
22 **section 86.1200 shall, upon application to the retirement board, be appointed by the**
23 **retirement board as a consultant and shall, beginning August 28, 2009, or the time of such**
24 **appointment under this subsection, whichever is later, be compensated in an amount**
25 **which, without including any supplemental retirement benefits provided by sections 86.900**
26 **to 86.1280, shall be six hundred dollars monthly. A pension benefit under this subsection**
27 **shall be paid in lieu of such member's base pension as increased by cost-of-living**
28 **adjustments granted under section 86.1220. The benefit under this subsection shall not be**
29 **subject to cost-of-living adjustments, but shall be terminated and replaced by the member's**
30 **base pension and cost-of-living adjustments at such time as the total base pension and**
31 **adjustments exceed six hundred dollars monthly.**

 86.1240. 1. Upon receipt of the proper proofs of death of a member in service for any
2 reason whatsoever, there shall be paid to such member's surviving spouse, if any, in addition to
3 all other benefits but subject to subsection [6] 7 of this section, a base pension equal to forty
4 percent of the final compensation of such member, subject to adjustments, if any, as provided
5 in section 86.1220.

6 2. (1) Upon receipt of the proper proofs of death of a member who was retired or
7 terminated service after August 28, 1999, and died after commencement of benefits to such
8 member from this retirement system, there shall be paid to such member's surviving spouse, if
9 any, in addition to all other benefits but subject to subsection [6] 7 of this section, a base pension
10 equal to eighty percent of the pension being received by such member, including cost-of-living
11 adjustments to such pension but excluding supplemental retirement benefits, at the time of such
12 member's death, subject to subsequent adjustments, if any, as provided in section 86.1220. The
13 pension provided by this subdivision shall terminate upon remarriage by the surviving spouse
14 prior to August 28, 2000.

15 (2) (a) Upon receipt of the proper proof of death of a member who retired or terminated
16 service on or before August 28, 1999, and who died after August 28, 1999, and after
17 commencement of benefits to such member from this retirement system, such member's
18 surviving spouse, if any, shall be entitled to a base pension equal to forty percent of the final
19 compensation of such member.

20 (b) Such a surviving spouse shall, upon application to the retirement board, be appointed
21 by the retirement board as a consultant and be compensated in an amount equal to the benefits

22 such spouse would receive under subdivision (1) of this subsection if the member had retired or
23 terminated service after August 28, 1999.

24 (c) The benefits provided by this subdivision shall terminate upon remarriage by the
25 surviving spouse prior to August 28, 2000.

26 3. In the case of any member who, prior to August 28, 2000, died in service or retired,
27 the surviving spouse who would qualify for benefits under subsection 1 or 2 of this section but
28 for remarriage, and who has not remarried prior to August 28, 2000, but remarries thereafter,
29 shall upon application be appointed by the retirement board as a consultant. For services as such
30 consultant, such surviving spouse shall be compensated in an amount equal to the benefits such
31 spouse would have received under sections 86.900 to 86.1280 in the absence of such remarriage.

32 4. For purposes of this section, commencement of benefits shall begin, for any benefit,
33 at such time as all requirements of sections 86.900 to 86.1280 have been met entitling the
34 member to a payment of such benefit at the next following payment date with the amount thereof
35 established, regardless of whether the member has received the initial payment of such benefit.

36 5. Upon the death of any member who is in service after August 28, 2000, and who
37 either had at least twenty-five years of creditable service or was retired or died as a result of an
38 injury or illness occurring in the line of duty or course of employment under section 86.1180, the
39 surviving spouse's benefit provided under this section, without including any supplemental
40 retirement benefits paid such surviving spouse by this retirement system, shall [not] be [less
41 than] six hundred dollars per month. For any member who died, retired or terminated service
42 on or before August 28, 2000, and who either had at least twenty-five years of creditable service
43 or was retired or died as a result of an injury or illness occurring in the line of duty or course of
44 employment under section 86.1180, the surviving spouse shall upon application to the retirement
45 board be appointed by the retirement board as a consultant. For services as such consultant, the
46 surviving spouse shall, beginning the later of August 28, 2000, or the time the appointment is
47 made under this subsection, be compensated in an amount which without including supplemental
48 retirement benefits provided by this system shall be [not less than] six hundred dollars monthly.
49 A pension benefit under this subsection shall be paid in lieu of any base pension as increased by
50 cost-of-living adjustments granted under section 86.1220. The benefit under this subsection shall
51 not be subject to cost-of-living adjustments, but shall be terminated and replaced by the base
52 pension and cost-of-living adjustments to which such spouse would otherwise be entitled at such
53 time as the total base pension and such adjustments exceed six hundred dollars monthly.

54 6. **A surviving spouse who is entitled to benefits under the provisions of subsection**
55 **1 of this section as a result of the death on or before August 28, 2009, of a member in**
56 **service who is receiving benefits under sections 86.900 to 86.1280 and who does not qualify**
57 **under the provisions of subsection 5 of this section shall, upon application to the retirement**

58 board, be appointed as a consultant, and for such services such surviving spouse shall be
59 compensated in an amount which, without including any supplemental retirement benefits
60 provided by sections 86.900 to 86.1280, shall be six hundred dollars monthly. A pension
61 benefit under this subsection shall be paid in lieu of any base pension as increased by cost-
62 of-living adjustments granted under section 86.1220. The benefit under this subsection
63 shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by
64 the base pension and cost-of-living adjustments to which such surviving spouse would
65 otherwise be entitled at such time as the total base pension and such adjustments exceed
66 six hundred dollars monthly. As used in this subsection, "surviving spouse" shall not
67 include any children of the member who would be entitled to receive part or all of the
68 pension that would be received by a surviving spouse, if living.

69 7. Any beneficiary of benefits under sections 86.900 to 86.1280 who becomes the
70 surviving spouse of more than one member shall be paid all benefits due a surviving spouse of
71 that member whose entitlements produce the largest surviving spouse benefits for such
72 beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than
73 one member.

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