

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 397

AND

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 947

1 AN ACT

2 To repeal sections 86.200, 86.207, 86.237, 86.257,
3 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and
4 to enact in lieu thereof nine new sections relating to
5 police retirement, with an emergency clause for a
6 certain section.

7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
8 AS FOLLOWS:

9 Section A. Sections 86.200, 86.207, 86.237, 86.257, 86.260,
10 86.263, 86.270, 86.1170, and 86.1240, RSMo, are repealed and nine
11 new sections enacted in lieu thereof, to be known as sections
12 86.200, 86.207, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170,
13 and 86.1240, to read as follows:

14 86.200. The following words and phrases as used in sections
15 86.200 to 86.366, unless a different meaning is plainly required
16 by the context, shall have the following meanings:

17 (1) "Accumulated contributions", the sum of all mandatory

1 contributions deducted from the compensation of a member and
2 credited to the member's individual account, together with
3 members' interest thereon;

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

7 (3) "Average final compensation":

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

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

24 (c) With respect to a member who is participating in the
25 DROP pursuant to section 86.251 on October 1, 2001, or whose
26 participation in DROP ended before such date, who returns to
27 active participation in the system pursuant to section 86.251,
28 and who terminates employment as a police officer for reasons

1 other than death or disability before earning at least two years
2 of creditable service after such return, the portion of the
3 member's benefit attributable to creditable service earned before
4 DROP entry shall be determined using average final compensation
5 as defined in paragraph (a) of this subdivision; and the portion
6 of the member's benefit attributable to creditable service earned
7 after return to active participation in the system shall be
8 determined using average final compensation as defined in
9 paragraph (b) of this subdivision;

10 (d) With respect to a member who is participating in the
11 DROP pursuant to section 86.251 on October 1, 2001, or whose
12 participation in the DROP ended before such date, who returns to
13 active participation in the system pursuant to section 86.251,
14 and who terminates employment as a police officer after earning
15 at least two years of creditable service after such return, the
16 member's benefit attributable to all of such member's creditable
17 service shall be determined using the member's average final
18 compensation as defined in paragraph (b) of this subdivision;

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

28 (f) With respect to the surviving spouse or surviving

1 dependent child of a member who earns any creditable service on
2 or after October 1, 2001, the average earnable compensation of
3 the member during the member's last two years of creditable
4 service as a police officer or, if the member has had less than
5 two years of creditable service, the average earnable
6 compensation of the member's entire period of creditable service;

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

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

13 (6) "Board of trustees", the board provided in sections
14 86.200 to 86.366 to administer the retirement system;

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

17 (8) "DROP", the deferred retirement option plan provided
18 for in section 86.251;

19 (9) "Earnable compensation", the annual salary which a
20 member would earn during one year on the basis of the member's
21 rank or position as specified in the applicable salary matrix in
22 section 84.160, RSMo, plus additional compensation for academic
23 work as provided in subsection 8 of section 84.160, RSMo, plus
24 shift differential as provided in subdivision (4) of subsection 9
25 of section 84.160, RSMo. Such amount shall include the member's
26 deferrals to a deferred compensation plan pursuant to Section 457
27 of the Internal Revenue Code or to a cafeteria plan pursuant to
28 Section 125 of the Internal Revenue Code or, effective October 1,

2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

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

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) ["Medical board", the board of physicians provided for in section 86.237;

(13)] "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

[(14)] (13) "Members' interest", interest on accumulated

1 contributions at such rate as may be set from time to time by the
2 board of trustees;

3 [(15)] (14) "Membership service", service as a policeman
4 rendered since last becoming a member, except in the case of a
5 member who has served in the armed forces of the United States
6 and has subsequently been reinstated as a policeman, in which
7 case "membership service" means service as a policeman rendered
8 since last becoming a member prior to entering such armed
9 service;

10 [(16)] (15) "Plan year" or "limitation year", the twelve
11 consecutive-month period beginning each October first and ending
12 each September thirtieth;

13 [(17)] (16) "Policeman" or "police officer", any member of
14 the police force of such cities who holds a rank in such police
15 force for which the annual salary is listed in section 84.160,
16 RSMo;

17 [(18)] (17) "Prior service", all service as a policeman
18 rendered prior to the date the system becomes operative or prior
19 to membership service which is creditable in accordance with the
20 provisions of sections 86.200 to 86.366;

21 (18) "Reserve officer", any member of the police reserve
22 force of such cities, armed or unarmed, who works less than full
23 time, without compensation, and who, by his or her assigned
24 function or as implied by his or her uniform, performs duties
25 associated with those of a police officer and who currently
26 receives a service retirement as provided by sections 86.200 to
27 86.366;

28 (19) "Retirement allowance", annual payments for life as

1 provided by sections 86.200 to 86.366 which shall be payable in
2 equal monthly installments or any benefits in lieu thereof
3 granted to a member upon termination of employment as a police
4 officer and actual retirement;

5 (20) "Retirement system", the police retirement system of
6 the cities as defined in sections 86.200 to 86.366;

7 (21) "Surviving spouse", the surviving spouse of a member
8 who was the member's spouse at the time of the member's death.

9 86.207. 1. All persons who become policemen and all
10 policemen who enter or reenter the service of the city after the
11 first day of October, 1957, become members as a condition of
12 their employment and shall receive no pensions or retirement
13 allowance from any other pension or retirement system supported
14 wholly or in part by the city or the state of Missouri, nor shall
15 they be required to make contributions under any other pension or
16 retirement system of the city or the state of Missouri, anything
17 to the contrary notwithstanding.

18 2. If any member ceases to be in service for more than one
19 year unless the member has attained the age of fifty-five or has
20 twenty years or more of creditable service, or if the member
21 withdraws the member's accumulated contributions or if the member
22 receives benefits under the retirement system or dies, the member
23 thereupon ceases to be a member; except in the case of a member
24 who has served in the armed forces of the United States and has
25 subsequently been reinstated as a policeman. A member who has
26 terminated employment as a police officer, has actually retired
27 and is receiving retirement benefits under the system shall be
28 considered a retired member.

1 3. A reserve officer shall not be considered a member of
2 the system for the purpose of determining creditable service, nor
3 shall any contributions be due. A reserve officer shall not be
4 entitled to any benefits from the system other than those awarded
5 when the reserve officer originally retired under section 86.250,
6 nor shall service as a reserve officer prohibit distribution of
7 those benefits.

8 86.237. 1. The board of trustees is authorized to use the
9 city counselor of the specified cities as a legal advisor to the
10 board of trustees and may also appoint an attorney-at-law or firm
11 of attorneys-at-law to serve as the legal advisor and consultant
12 to the board of trustees and to represent the system and the
13 board of trustees in all legal proceedings.

14 2. The board of trustees shall designate a medical [board
15 to be composed of three physicians who shall] director, who shall
16 appoint physicians, including himself or herself if appropriate,
17 as he or she deems necessary to arrange for and pass upon all
18 medical examinations required under the provisions of sections
19 86.200 to 86.366[,]. Such physicians shall investigate all
20 essential statements [and certificates] as to physical or mental
21 conditions made by or on behalf of a member in connection with an
22 application for disability retirement and shall report in writing
23 [to the board of trustees its] their conclusions and
24 recommendations upon all the matters referred to [it] them. [In
25 addition, the board of trustees may appoint a fourth physician to
26 act as an administrator of the medical board who may, with the
27 consent of the board of trustees, select the members of the
28 medical board and coordinate any reports to the board of

1 trustees.] The medical director shall report in writing to the
2 board of trustees conclusions and recommendations concerning all
3 essential statements as to physical or mental conditions made by
4 or on behalf of a member in connection with an application for
5 disability retirement.

6 86.257. 1. Upon the application of a member in service or
7 of the board of police commissioners, any member who has [had]
8 completed ten or more years of creditable service [shall
9 terminate employment as a police officer and] and who has become
10 permanently unable to perform the duties of a police officer as
11 the result of an injury or illness not exclusively caused or
12 induced by the actual performance of his or her official duties
13 or by his or her own negligence, shall be [actually] retired by
14 the board of trustees[, not more than ninety days next following
15 the date of filing such application on an ordinary disability
16 retirement allowance; provided, that] of the police retirement
17 system upon certification by the medical [board after a medical
18 examination of such member shall certify that such] director of
19 the police retirement system and approval by the board of
20 trustees of the police retirement system that the member is
21 mentally or physically [incapacitated for the further performance
22 of duty, that such incapacity] unable to perform the duties of a
23 police officer, that the inability is permanent or likely to [be]
24 become permanent, and that [such] the member should be retired.

25 2. Once each year during the first five years following
26 such member's retirement, and at least once in every three-year
27 period thereafter, the board of trustees may, and upon the
28 member's application shall, require any nonduty disability

1 beneficiary who has not yet attained sixty years of age, to
2 undergo a medical examination at a place designated by the
3 medical director or such physicians as the medical director
4 appoints. If any nonduty disability beneficiary who has not
5 attained sixty years of age refuses to submit to a medical
6 examination, his or her nonduty disability pension may be
7 discontinued until his or her withdrawal of such refusal, and if
8 his or her refusal continues for one year, all rights in and to
9 such pension may be revoked by the board of trustees.

10 3. If the medical director certifies to the board of
11 trustees that a nonduty disability beneficiary is able to perform
12 the duties of a police officer, and if the board of trustees
13 concurs on the report, then such beneficiary's nonduty disability
14 pension shall cease.

15 4. If upon cessation of a disability pension under
16 subsection 3 of this section, the former disability beneficiary
17 is restored to active service, he or she shall again become a
18 member, and he or she shall contribute thereafter at the same
19 rate as other members. Upon his or her subsequent retirement, he
20 or she shall be credited with all of his or her active
21 retirement, but not including any time during which the former
22 disability beneficiary received a disability pension under this
23 section.

24 86.260. 1. Upon termination of employment as a police
25 officer and actual retirement for [ordinary] nonduty disability a
26 member shall receive a service retirement allowance as calculated
27 under subsection 1 of section 86.253 if the member has attained
28 the age of fifty-five or completed twenty years of creditable

1 service; otherwise the member shall receive [an ordinary] a
2 nonduty disability retirement allowance which shall be equal to
3 ninety percent of the member's accrued service retirement in
4 section 86.253, but not less than one-fourth of the member's
5 average final compensation; provided, however, that no such
6 allowance shall exceed ninety percent of the member's accrued
7 service retirement benefit based on continuation of the member's
8 creditable service to the age set out in section 86.250.

9 2. Effective October 1, 1999, the [ordinary] nonduty
10 disability retirement allowance will be increased by fifteen
11 percent of the member's average final compensation for each
12 unmarried dependent child of the disabled member who is under the
13 age of eighteen, or who, regardless of age, is totally and
14 permanently mentally or physically disabled and incapacitated
15 from engaging in gainful occupation sufficient to support himself
16 or herself.

17 3. Any member receiving benefits pursuant to the provisions
18 of this section immediately prior to October 1, 1999, shall upon
19 application to the board of trustees be made, constituted,
20 appointed and employed by the board of trustees as a special
21 consultant on the problems of retirement, aging and other matters
22 while the member is receiving such benefits, and upon request of
23 the board of trustees shall give opinions in writing or orally in
24 response to such requests as may be required. Beginning October
25 1, 1999, for such services as may be required, there shall be
26 payable an additional monthly compensation of one hundred dollars
27 or five percent of the member's average final compensation,
28 whichever is greater, for each unmarried dependent child of the

1 member.

2 4. Any benefit payable to or for the benefit of a child or
3 children under the age of eighteen years pursuant to the
4 provisions of subsections 2 and 3 of this section shall continue
5 to be paid beyond the age of eighteen years through the age of
6 twenty-two years in those cases where the child is a full-time
7 student at a regularly accredited college, business school,
8 nursing school, school for technical or vocational training, or
9 university, but such extended benefit shall cease whenever the
10 child ceases to be a student. A college or university shall be
11 deemed to be regularly accredited which maintains membership in
12 good standing in a national or regional accrediting agency
13 recognized by any state college or university.

14 5. No benefits pursuant to this section shall be paid to a
15 child over eighteen years of age who is totally and permanently
16 disabled if such child is a patient or resident of a
17 public-supported institution, nor shall such benefits be paid
18 unless such disability occurred prior to such child reaching the
19 age of eighteen.

20 86.263. [Upon application by the member or the board of
21 police commissioners] 1. Any member who [has become totally and
22 permanently incapacitated for duty at some definite time and
23 place] is permanently unable to perform the duties of a police
24 officer as the natural [and], proximate, and exclusive result of
25 an accident occurring [while in] within the actual performance of
26 duty at some definite time and place, through no negligence on
27 the member's part, [and if such accident occurred not more than
28 five years prior to date of application unless the accident was

1 reported and an examination made of the member by the medical
2 staff of the board of police commissioners within five years of
3 the date of the accident with subsequent examinations made as
4 requested,] shall, upon application, be retired upon
5 certification by [the board of trustees provided that] the
6 medical [board shall certify that such] director of the police
7 retirement system and approval by the board of trustees of the
8 police retirement system that the member is mentally or
9 physically [incapacitated for further performance of duty, that
10 such incapacity] unable to perform the duties of a police officer
11 and that the inability is permanent or reasonably likely to [be]
12 become permanent [and that such member should be retired;
13 provided that if the accident occurred prior to the age and year
14 set out in section 86.250, application for benefits must be made
15 before such age and year except that the interval between date of
16 accident and of application may be six months].

17 2. No member shall be approved for retirement under the
18 provisions of subsection 1 of this section unless the application
19 was made and submitted to the board of trustees of the police
20 retirement system no later than five years following the date of
21 accident, provided, that if the accident was reported within five
22 years of the date of the accident and an examination made of the
23 member within thirty days of the date of accident by a health
24 care provider whose services were provided through the board of
25 police commissioners with subsequent examinations made as
26 requested, then an application made more than five years
27 following the date of the accident shall be considered timely.

28 3. Once each year during the first five years following a

1 member's retirement, and at least once in every three-year period
2 thereafter, the board of trustees may require any disability
3 beneficiary who has not yet attained sixty years of age to
4 undergo a medical examination or medical examinations at a place
5 designated by the medical director or such physicians as the
6 medical director appoints. If any disability beneficiary who has
7 not attained sixty years of age refuses to submit to a medical
8 examination, his or her disability pension may be discontinued
9 until his or her withdrawal of such refusal, and if his or her
10 refusal continues for one year, all rights in and to such pension
11 may be revoked by the board of trustees.

12 4. If the medical director certifies to the board of
13 trustees that a disability beneficiary is able to perform the
14 duties of a police officer, and if the board of trustees concurs
15 with the medical director's determination, then such
16 beneficiary's disability pension shall cease.

17 5. If upon cessation of a disability pension under
18 subsection 4 of this section, the former disability beneficiary
19 is restored to active service, he or she shall again become a
20 member, and he or she shall contribute thereafter at the same
21 rate as other members. Upon his or her subsequent retirement, he
22 or she shall be credited with all of his or her active service
23 time as a member including the service time prior to receiving
24 disability retirement, but not including any time during which
25 the former disability beneficiary received a disability pension
26 under this section.

27 6. If upon cessation of a disability pension under
28 subsection 4 of this section, the former disability beneficiary

1 is not restored to active service, such former disability
2 beneficiary shall be entitled to the retirement benefit to which
3 such former disability beneficiary would have been entitled if
4 such former disability beneficiary had terminated service for any
5 reason other than dishonesty or being convicted of a felony at
6 the time of such cessation of such former disability
7 beneficiary's disability pension. For purposes of such
8 retirement benefits, such former disability beneficiary shall be
9 credited with all of the former disability beneficiary's active
10 service time as a member, but not including any time during which
11 the former disability beneficiary received a disability
12 beneficiary pension under this section.

13 86.270. 1. Any determination of whether a member is
14 disabled under the provisions of section 86.257 or 86.263 shall
15 consist of an investigation of the member's physical and mental
16 condition by the medical director of the police retirement system
17 and all physicians appointed by the medical director under the
18 provisions of section 86.237 and an investigation by the board of
19 trustees of the police retirement system of any other matter
20 relevant to determine whether the member satisfies the applicable
21 requirements of section 86.257 or 86.263. The board of trustees
22 may authorize the use of staff of the police retirement system
23 and other persons not employed by the police retirement system to
24 assist in its investigation. The board of trustees of the police
25 retirement system and the medical director of the police
26 retirement system and any such physicians appointed by the
27 medical director under the provisions of section 86.237 may
28 communicate with each other as to matters relevant to determine

1 whether the member satisfies the applicable requirements of
2 section 86.257 or 86.263.

3 2. The board of trustees shall require each member who
4 applies for disability benefits and any disability beneficiary to
5 be reexamined under the provisions of section 86.257 or 86.263 to
6 undergo [a] medical [examination] examinations at [a place]
7 places designated by the medical [board] director and any
8 physicians appointed by the medical director under the provisions
9 of section 86.237. The examination shall be made by the medical
10 [board] director or by [a physician or] any physicians
11 [designated] appointed by [such board] the medical director under
12 the provisions of section 86.237. [Once each year during the
13 first five years following the retirement of a member on a
14 disability retirement allowance and once in every three-year
15 period after that, the board of trustees may require any disabled
16 member to undergo a medical examination. Should any disabled
17 member refuse to submit to such medical examination, such
18 member's disability allowance may be discontinued until the
19 withdrawal of such refusal and should the refusal continue for
20 one year all rights in and to the member's disability allowance
21 may be revoked by the board of trustees.]

22 86.1170. 1. Any member who retires after August 28, 2000,
23 who is entitled to a pension benefit under the provisions of
24 sections 86.900 to 86.1280 and who either has at least
25 twenty-five years of creditable service or is retired as a result
26 of an injury or illness occurring in the line of duty or course
27 of employment under section 86.1180, shall receive a pension
28 benefit which, without including any supplemental retirement

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

2. Any member who retired on or before August 28, 2009, who is entitled to a pension benefit under the provisions of sections 86.900 to 86.1280 and was retired under section 86.1200 shall, upon application to the retirement board, be appointed by the retirement board as a consultant and shall, beginning August 28, 2009, or the time of such appointment under this subsection, whichever is later, be compensated in an amount which, without

including any supplemental retirement benefits provided by sections 86.900 to 86.1280, shall be six hundred dollars monthly. A pension benefit under this subsection shall be paid in lieu of such member's base pension as increased by cost-of-living adjustments granted under section 86.1220. The benefit under this subsection shall not be subject to cost-of-living adjustments, but shall be terminated and replaced by the member's base pension and cost-of-living adjustments at such time as the total base pension and adjustments exceed six hundred dollars monthly.

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

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

1 subdivision shall terminate upon remarriage by the surviving
2 spouse prior to August 28, 2000.

3 (2) (a) Upon receipt of the proper proof of death of a
4 member who retired or terminated service on or before August 28,
5 1999, and who died after August 28, 1999, and after commencement
6 of benefits to such member from this retirement system, such
7 member's surviving spouse, if any, shall be entitled to a base
8 pension equal to forty percent of the final compensation of such
9 member.

10 (b) Such a surviving spouse shall, upon application to the
11 retirement board, be appointed by the retirement board as a
12 consultant and be compensated in an amount equal to the benefits
13 such spouse would receive under subdivision (1) of this
14 subsection if the member had retired or terminated service after
15 August 28, 1999.

16 (c) The benefits provided by this subdivision shall
17 terminate upon remarriage by the surviving spouse prior to August
18 28, 2000.

19 3. In the case of any member who, prior to August 28, 2000,
20 died in service or retired, the surviving spouse who would
21 qualify for benefits under subsection 1 or 2 of this section but
22 for remarriage, and who has not remarried prior to August 28,
23 2000, but remarries thereafter, shall upon application be
24 appointed by the retirement board as a consultant. For services
25 as such consultant, such surviving spouse shall be compensated in
26 an amount equal to the benefits such spouse would have received
27 under sections 86.900 to 86.1280 in the absence of such
28 remarriage.

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

7 5. Upon the death of any member who is in service after
8 August 28, 2000, and who either had at least twenty-five years of
9 creditable service or was retired or died as a result of an
10 injury or illness occurring in the line of duty or course of
11 employment under section 86.1180, the surviving spouse's benefit
12 provided under this section, without including any supplemental
13 retirement benefits paid such surviving spouse by this retirement
14 system, shall [not] be [less than] six hundred dollars per month.
15 For any member who died, retired or terminated service on or
16 before August 28, 2000, and who either had at least twenty-five
17 years of creditable service or was retired or died as a result of
18 an injury or illness occurring in the line of duty or course of
19 employment under section 86.1180, the surviving spouse shall upon
20 application to the retirement board be appointed by the
21 retirement board as a consultant. For services as such
22 consultant, the surviving spouse shall, beginning the later of
23 August 28, 2000, or the time the appointment is made under this
24 subsection, be compensated in an amount which without including
25 supplemental retirement benefits provided by this system shall be
26 [not less than] six hundred dollars monthly. A pension benefit
27 under this subsection shall be paid in lieu of any base pension
28 as increased by cost-of-living adjustments granted under section

1 86.1220. The benefit under this subsection shall not be subject
2 to cost-of-living adjustments, but shall be terminated and
3 replaced by the base pension and cost-of-living adjustments to
4 which such spouse would otherwise be entitled at such time as the
5 total base pension and such adjustments exceed six hundred
6 dollars monthly.

7 6. A surviving spouse who is entitled to benefits under the
8 provisions of subsection 1 of this section as a result of the
9 death on or before August 28, 2009, of a member in service who is
10 receiving benefits under sections 86.900 to 86.1280 and who does
11 not qualify under the provisions of subsection 5 of this section
12 shall, upon application to the retirement board, be appointed as
13 a consultant, and for such services such surviving spouse shall
14 be compensated in an amount which, without including any
15 supplemental retirement benefits provided by sections 86.900 to
16 86.1280, shall be six hundred dollars monthly. A pension benefit
17 under this subsection shall be paid in lieu of any base pension
18 as increased by cost-of-living adjustments granted under section
19 86.1220. The benefit under this subsection shall not be subject
20 to cost-of-living adjustments, but shall be terminated and
21 replaced by the base pension and cost-of-living adjustments to
22 which such surviving spouse would otherwise be entitled at such
23 time as the total base pension and such adjustments exceed six
24 hundred dollars monthly. As used in this subsection, "surviving
25 spouse" shall not include any children of the member who would be
26 entitled to receive part or all of the pension that would be
27 received by a surviving spouse, if living.

28 7. Any beneficiary of benefits under sections 86.900 to

1 86.1280 who becomes the surviving spouse of more than one member
2 shall be paid all benefits due a surviving spouse of that member
3 whose entitlements produce the largest surviving spouse benefits
4 for such beneficiary but shall not be paid surviving spouse
5 benefits as the surviving spouse of more than one member.

6 Section B. Because immediate action is necessary for the
7 immediate preservation of the public health, welfare, peace, and
8 safety, the repeal and reenactment of section 86.1240 of section
9 A of this act is hereby declared to be an emergency act within
10 the meaning of the constitution, and the repeal and reenactment
11 of section 86.1240 of section A of this act shall be in full
12 force and effect upon its passage and approval.

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