

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 83, Page 22, Section 67.2050, Line 73, by inserting after all of said line the  
3 following:

4 "86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a  
5 different meaning is plainly required by the context, shall have the following meanings:

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

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

11 (3) "Average final compensation":

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

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

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

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

37 (e) With respect to a member who is participating in the DROP pursuant to section 86.251 on

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

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

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

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

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

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

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

(9) "Earnable compensation", the annual salary established under section 84.160 which a member would earn during one year on the basis of the member's rank or position [as specified in the applicable salary matrix] plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to 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 three physicians of different disciplines appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which board shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board;

1       (13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;  
 2       [(13)] (14) "Members' interest", interest on accumulated contributions at such rate as may be  
 3 set from time to time by the board of trustees;

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

8       [(15)] (16) "Plan year" or "limitation year", the twelve consecutive-month period beginning  
 9 each October first and ending each September thirtieth;

10       [(16)] (17) "Policeman" or "police officer", any member of the police force of such cities  
 11 who holds a rank in such police force;

12       [(17)] (18) "Prior service", all service as a policeman rendered prior to the date the system  
 13 becomes operative or prior to membership service which is creditable in accordance with the  
 14 provisions of sections 86.200 to 86.366;

15       [(18)] (19) "Reserve officer", any member of the police reserve force of such cities, armed  
 16 or unarmed, who works less than full time, without compensation, and who, by his or her assigned  
 17 function or as implied by his or her uniform, performs duties associated with those of a police officer  
 18 and who currently receives a service retirement as provided by sections 86.200 to 86.366;

19       [(19)] (20) "Retirement allowance", annual payments for life as provided by sections 86.200  
 20 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof  
 21 granted to a member upon termination of employment as a police officer and actual retirement;

22       [(20)] (21) "Retirement system", the police retirement system of the cities as defined in  
 23 sections 86.200 to 86.366;

24       [(21)] (22) "Surviving spouse", the surviving spouse of a member who was the member's  
 25 spouse at the time of the member's death.

26       86.257. 1. Upon the application of [a member in service or of] the board of police  
 27 commissioners or any successor body, any member who has completed ten or more years of  
 28 creditable service or upon the police retirement system created by sections 86.200 to 86.366 first  
 29 attaining, after the effective date of this act, a funded ratio, as defined in section 105.660 and as  
 30 determined by the system's annual actuarial valuation, of at least eighty percent, a member who has  
 31 completed five or more years of creditable service and who has become permanently unable to  
 32 perform the duties of a police officer as the result of an injury or illness not exclusively caused or  
 33 induced by the actual performance of his or her official duties or by his or her own negligence shall  
 34 be retired by the board of [trustees of the police retirement system] police commissioners or any  
 35 successor body upon certification by the medical [director] board of the police retirement system and  
 36 approval by the board of trustees of the police retirement system that the member is mentally or  
 37 physically unable to perform the duties of a police officer, that the inability is permanent or likely to  
 38 become permanent, and that the member should be retired.

39       2. Once each year during the first five years following such member's retirement, and at least  
 40 once in every three-year period thereafter, the board of trustees may, and upon the member's  
 41 application shall, require any nonduty disability beneficiary who has not yet attained sixty years of  
 42 age to undergo a medical examination at a place designated by the medical [director] board or such  
 43 physicians as the medical [director] board appoints. If any nonduty disability beneficiary who has  
 44 not attained sixty years of age refuses to submit to a medical examination, his or her nonduty  
 45 disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her  
 46 refusal continues for one year, all rights in and to such pension may be revoked by the board of  
 47 trustees.

48       3. If the medical [director] board certifies to the board of trustees that a nonduty disability

beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

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

86.263. 1. Any member in active service who is permanently unable to perform the full and unrestricted duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall[, upon application,] be retired by the board of police commissioners or any successor body upon certification by [the medical director of the police retirement system and approval by the board of trustees of the police retirement system] one or more physicians of the medical board that the member is mentally or physically unable to perform the full and unrestricted duties of a police officer [and] , that the inability is permanent or [reasonably] likely to become permanent, and that the member should be retired. The inability to perform the "full and unrestricted duties of a police officer" means the member is unable to perform all the essential job functions for the position of police officer as established by the board of police commissioners or any successor body.

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted to the board of [trustees of the police retirement system] police commissioners or any successor body no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the board of police commissioners with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical [director] board or such physicians as the medical [director] board appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued by the board of trustees of the police retirement system until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

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

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

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been

1 entitled if such former disability beneficiary had terminated service for any reason other than  
2 dishonesty or being convicted of a felony at the time of such cessation of such former disability  
3 beneficiary's disability pension. For purposes of such retirement benefits, such former disability  
4 beneficiary shall be credited with all of the former disability beneficiary's active service time as a  
5 member, but not including any time during which the former disability beneficiary received a  
6 disability beneficiary pension under this section."; and

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.  
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