

Mr. Speaker: I am instructed by the Senate to informatise of

Representatives that the Senate has taken up and passed

450515 AB 116

entitled:

## AN ACT

To repeal sections 21.760, 29.090, 29.180, 29.190, 29.200, 29.210, 29.230, 29.235, 29.250, 29.260, 29.270, 29.275, 29.340, 50.055, 50.057, 50.622, 50.1030, 56.809, 70.605, 86.900, 86.990, 86.1000, 86.1010, 86.1030, 86.1100, 86.1110, 86.1150, 86.1180, 86.1210, 86.1220, 86.1230, 86.1240, 86.1250, 86.1270, 86.1310, 86.1380, 86.1420, 86.1500, 86.1530, 86.1540, 86.1580, 86.1590, 86:1610, 86.1630, 103.025, 104.190, 104.480, 169.020, and 238.272, RSMo, and to enact in lieu thereof fifty new sections relating to public accounts, with penalty provisions and an emergency clause for a certain section.

WITH SAI, SAH, SAS; SAL

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler Secretary of the Senate

MAY 16 2013



SENATE AMENDMENT NO.
Offered by Divon of Greene
Amend <u>SS/SCS/House</u> Bill No. <u>116</u> , Page <u>118</u> , Section <u>238.272</u> , Lines <u>20-21</u>
of said page, by striking the following: "or three percent of the expenditures made by the transportation district".
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	SENATE AMENDMENT NO. 4
Offere	ed by Muylung of
Amend_	SS/SCS/House Bill No. 116 , Page 19 , Section 29.351 , Line 5 ,
2	by inserting immediately after said line, the following:
3	"33.087. 1. Every department and division of the state
4	that receives any grant of federal funds of one million dollars
5	or more shall document and make the following information easily
6	available to the public on the Missouri accountability portal
7	established in section 37.850:
. 8	(1) Any amount of funds it receives from the federal
9	<pre>government;</pre>
10 .	(2) The name of the federal agency disbursing the funds;
11	(3) The purpose for which the funds are being received;
12	(4) The name of any state agency to which any portion of
13	the funds are transferred by the initial receiving department or
14	division, the amount transferred, and the purpose for which those
15	funds are transferred; and
16	(5) The information provided to the department or division
17	pursuant to subsection 2 of this section.
18	2. If a department or division receives a grant of federal
19	funds and transfers a portion of such funds to another department
20	or division, the department or division receiving the transferred
21	funds shall report to the department or division from which the
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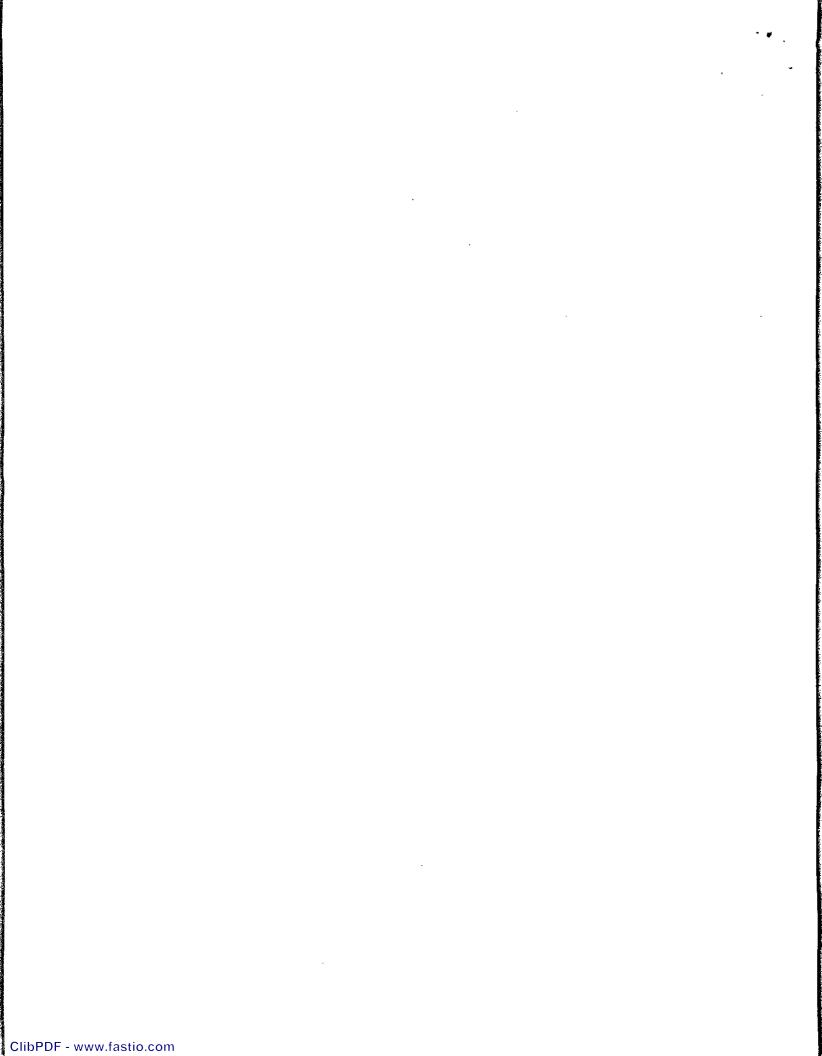
funds were transferred, an accounting of how the transferred

funds were used and any statistical impact that can be discerned

as a result of such usage.

- 3. All information referred to in subsection 1 of this section shall be updated within thirty days of any receipt or transferal of funds.
- 4. The office of administration shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void.
  - 33.300. The governor, lieutenant governor, attorney general, [state auditor,] state treasurer, and commissioner of administration constitute the board of fund commissioners, of which the governor is president and the state treasurer, secretary. The board shall direct the payment of interest on the state debt, the redemption, issue and cancellation of bonds of the state, and perform all acts required of it by law.
  - 37.850. 1. The commissioner of administration shall maintain the Missouri accountability portal established in executive order 07-24 as a free, Internet-based tool allowing

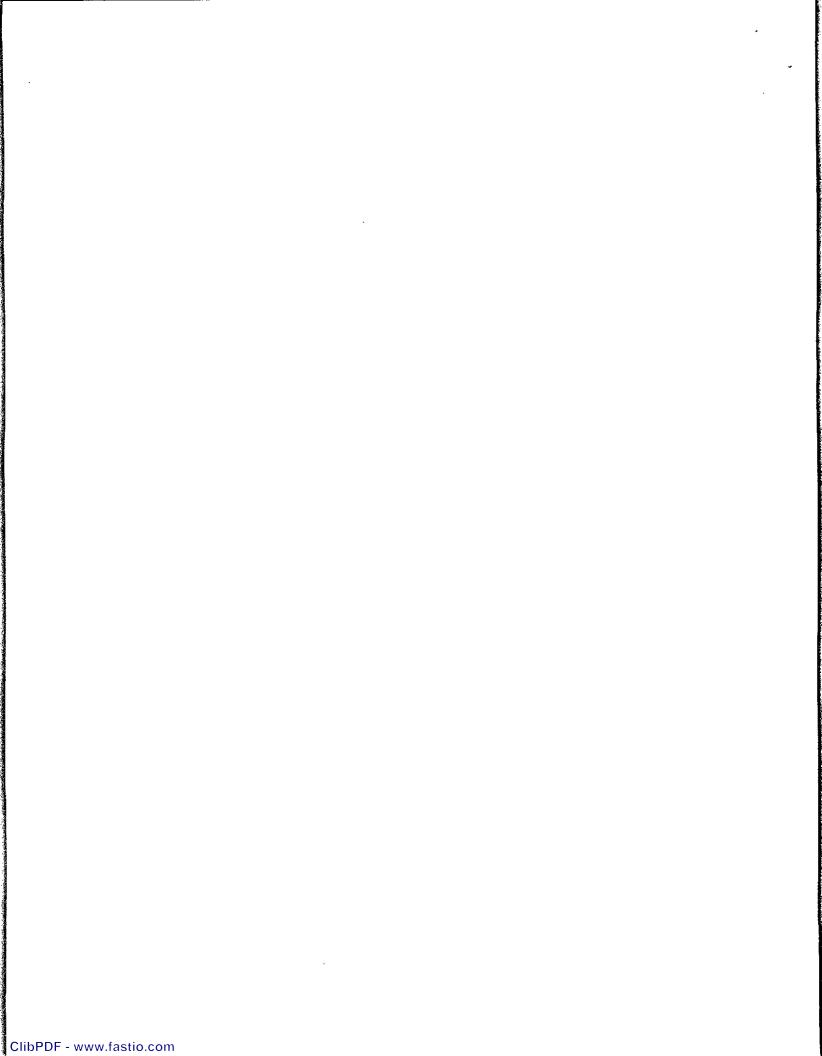
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citizens to demand fiscal discipline and responsibility.

- 2. The Missouri accountability portal shall consist of an easy-to-search database of financial transactions related to the purchase of goods and services and the distribution of funds for state programs; all bonds issued by any public institution of higher education or political subdivision of this state or its designated authority after August 28, 2013, all obligations issued or incurred pursuant to section 99.820 by any political subdivision of this state or its designated authority, and the revenue stream pledged to repay such bonds or obligations; and all debt incurred by any public charter school.
- 3. The Missouri accountability portal shall be updated each state business day and maintained as the primary source of information about the activity of Missouri's government.
- 4. Upon the conducting of a withholding or a release of funds, the governor shall submit a report stating all amounts withheld from the state's operating budget for the current fiscal year, as authorized by article IV, section 27 of the Missouri Constitution which shall be:
- (1) Conspicuously posted on the accountability portal website;
- (2) Searchable by the amounts withheld or released from each individual fund; and
- (3) Searchable by the total amount withheld or released from the operating budget.
- 5. Every political subdivision of the state, including public institutions of higher education but excluding school districts, shall supply all information described in subsection 2 of this section to the office of administration within seven days

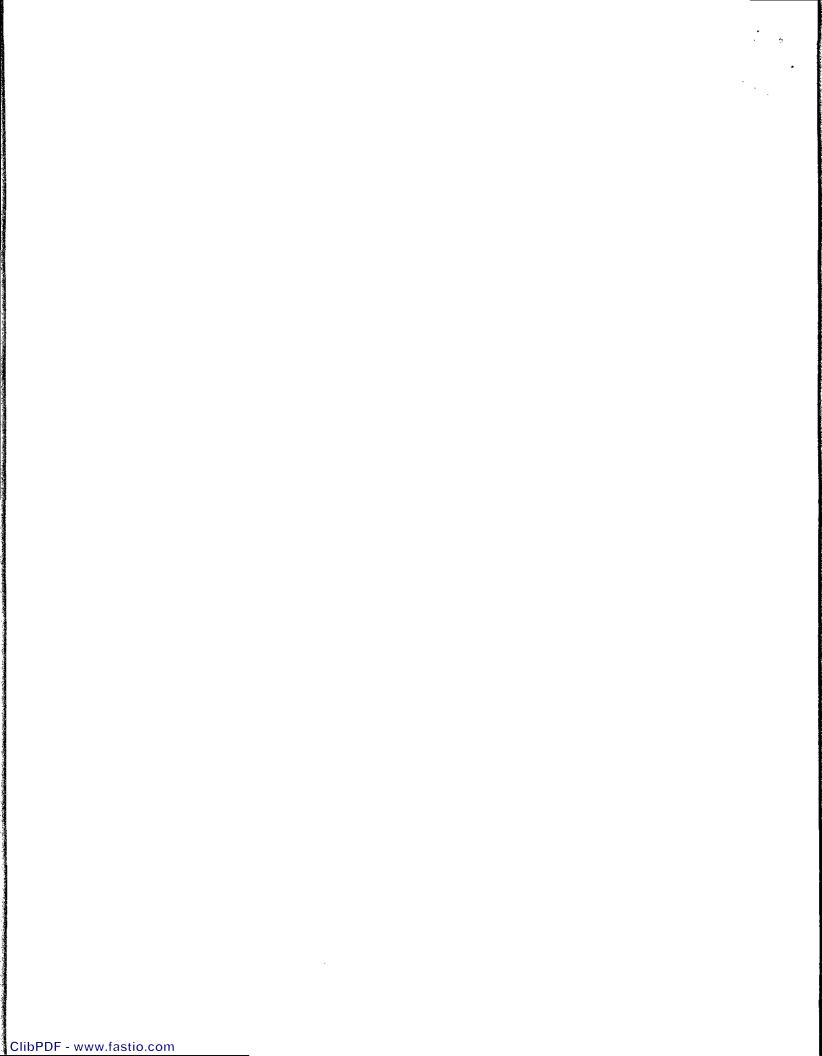
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of issuing or incurring such corresponding bond or obligation.
For all such bonds or obligations issued or incurred prior to the
effective date of this act, every such political subdivision and
public institution of higher education shall have ninety days to
supply such information to the office of administration.

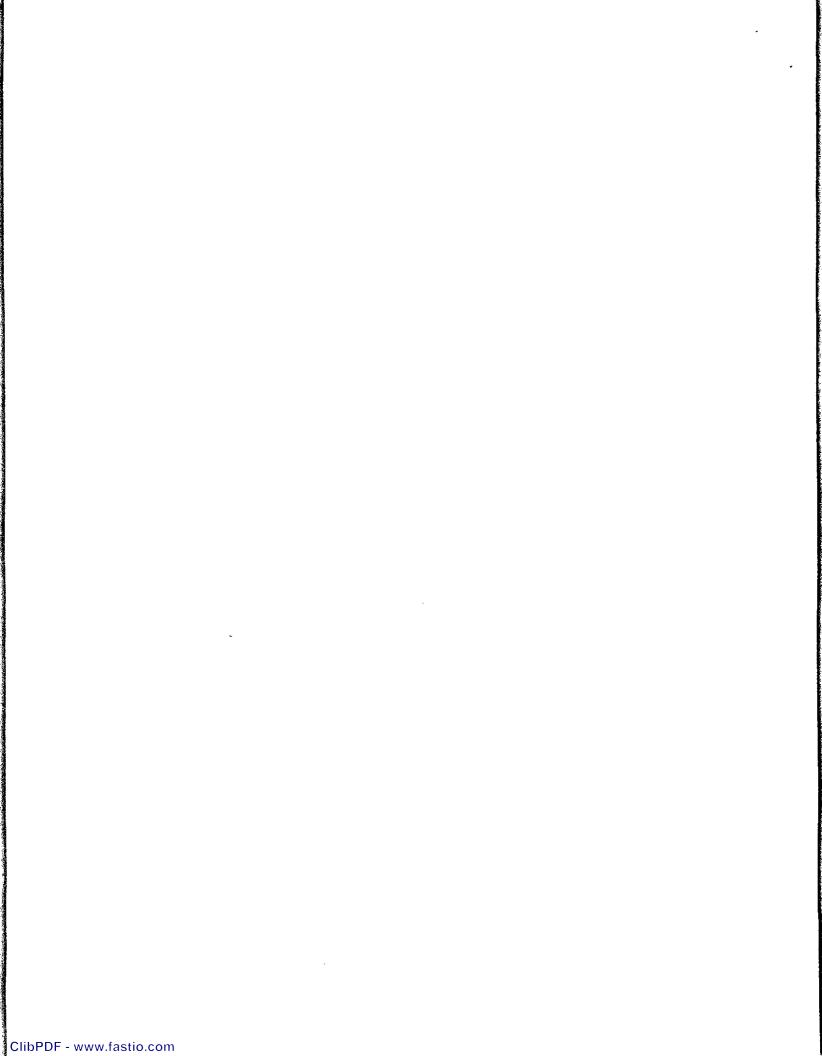
6. Every school district and public charter school shall supply all information described in subsection 2 of this section to the department of elementary and secondary education within seven days of issuing such bond, or incurring such debt. The department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration. For all such bonds issued or debt incurred prior to the effective date of this act, every school district and public charter school shall have ninety days to supply such information to the department of elementary and secondary education shall have forty-eight hours to deliver such information to the office of administration."; and

Further amend the title and enacting clause accordingly.



## SENATE AMENDMENT NO. 5

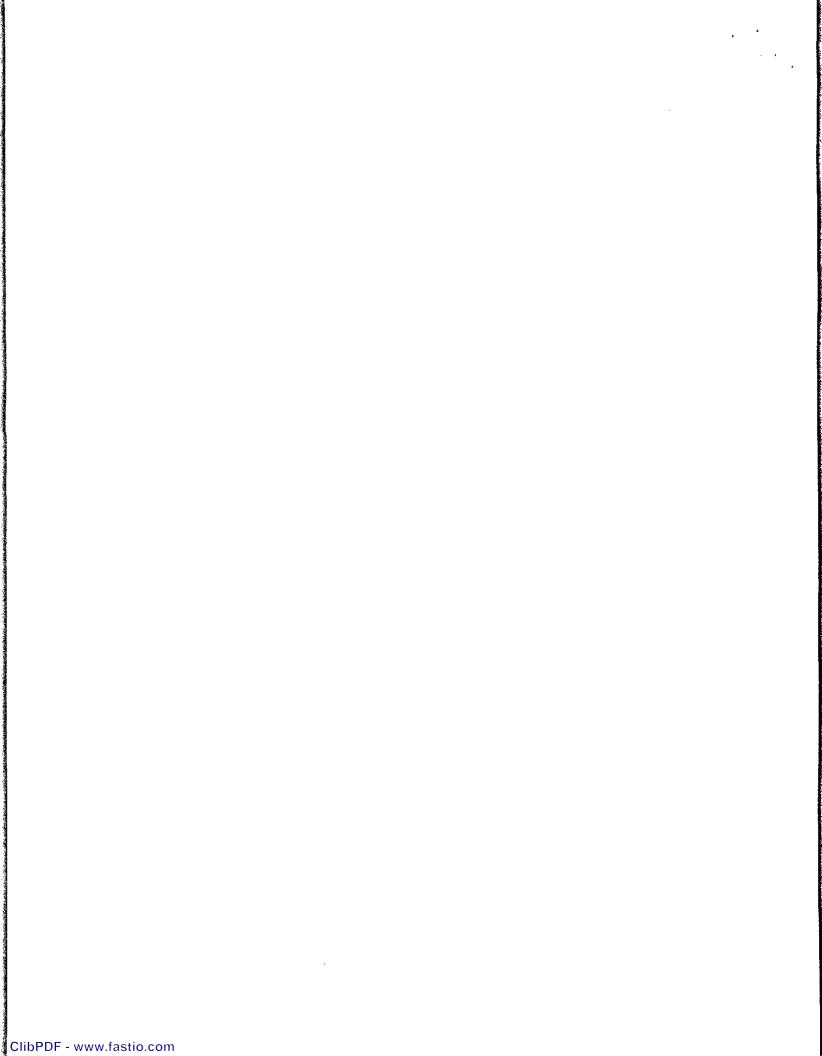
Off	fered by JUSTUS of 1044
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Ame	and <u>SS/SCS/House</u> Bill No. <u>116</u> , Page <u>16</u> , Section <u>29.235</u> , Line <u>21</u> ,
2	by striking the following: "For the purposes of this chapter" and
3	inserting in lieu thereof, the following: "Insofar as necessary
4	to conduct an audit under this chapter".
d de	Hard 3/16/13 Ropted "



	SENATE AMENDMENT NO.
Offe	ered by Lewis of
Amer	nd <u>SS/SCS/House</u> Bill No. <u>116</u> , Page <u>36</u> , Section <u>70.605</u> , Line <u>7</u> ,
2	by inserting immediately after said line, the following:
3	"86.200. The following words and phrases as used in
4	sections 86.200 to 86.366, unless a different meaning is plainly
5	required by the context, shall have the following meanings:
6	(1) "Accumulated contributions", the sum of all mandatory
7	contributions deducted from the compensation of a member and
8	credited to the member's individual account, together with
9	members' interest thereon;
10	(2) "Actuarial equivalent", a benefit of equal value when
11	computed upon the basis of mortality tables and interest
12	assumptions adopted by the board of trustees;
13	(3) "Average final compensation":
14	(a) With respect to a member who earns no creditable
15	service on or after October 1, 2001, the average earnable
16	compensation of the member during the member's last three years
17	of creditable service as a police officer, or if the member has
18	had less than three years of creditable service, the average
19	earnable compensation of the member's entire period of creditable
20	service;
21	(b) With respect to a member who is not participating in
all,	fered 5/16/13 opted "

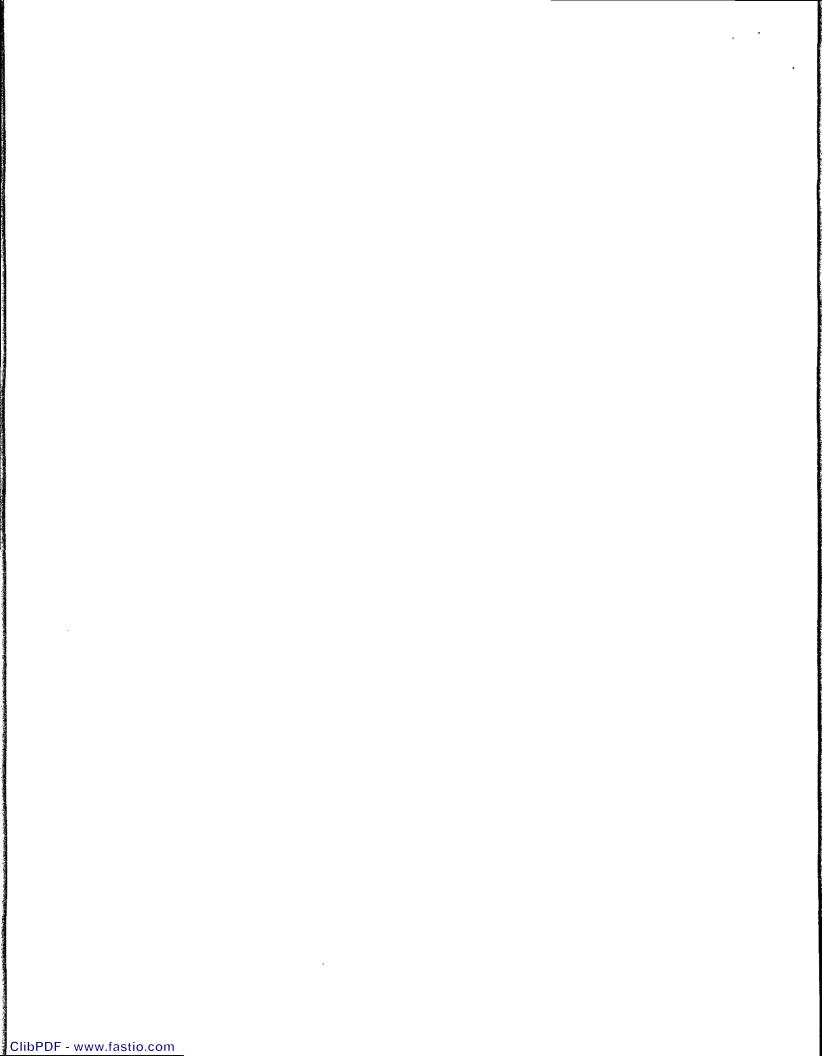
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- the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;
- DROP pursuant to section 86.251 on 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 who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;
- (d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service 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;

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

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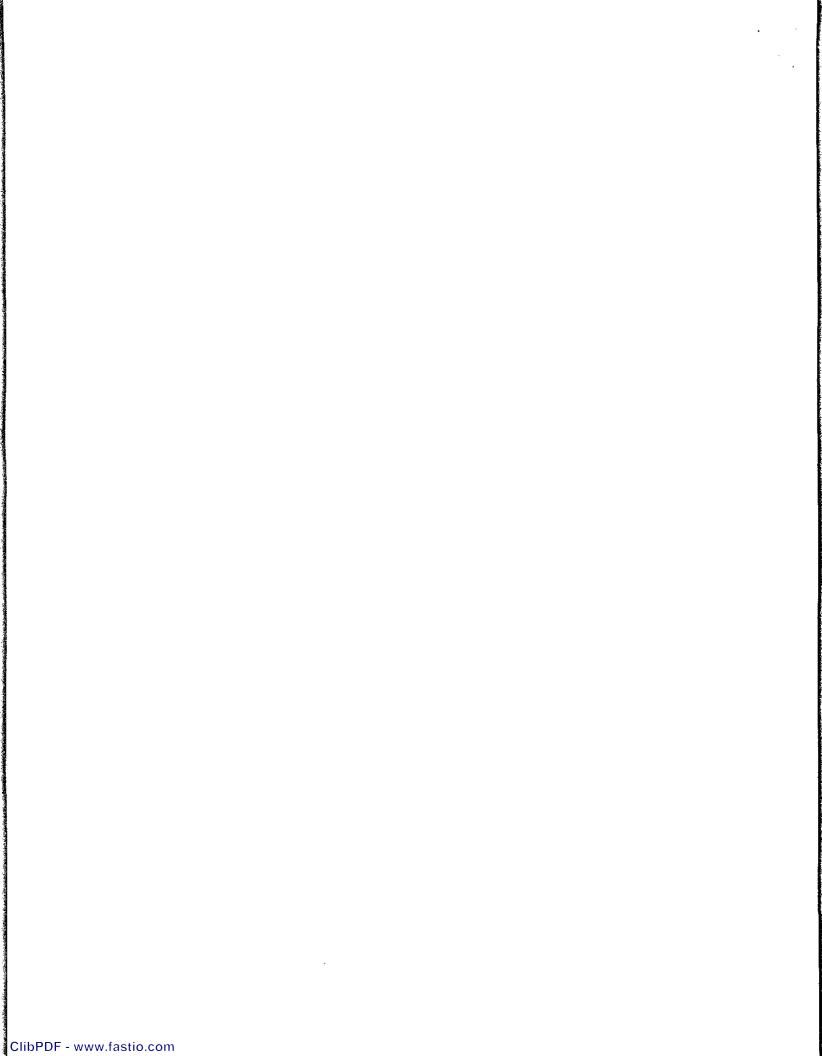
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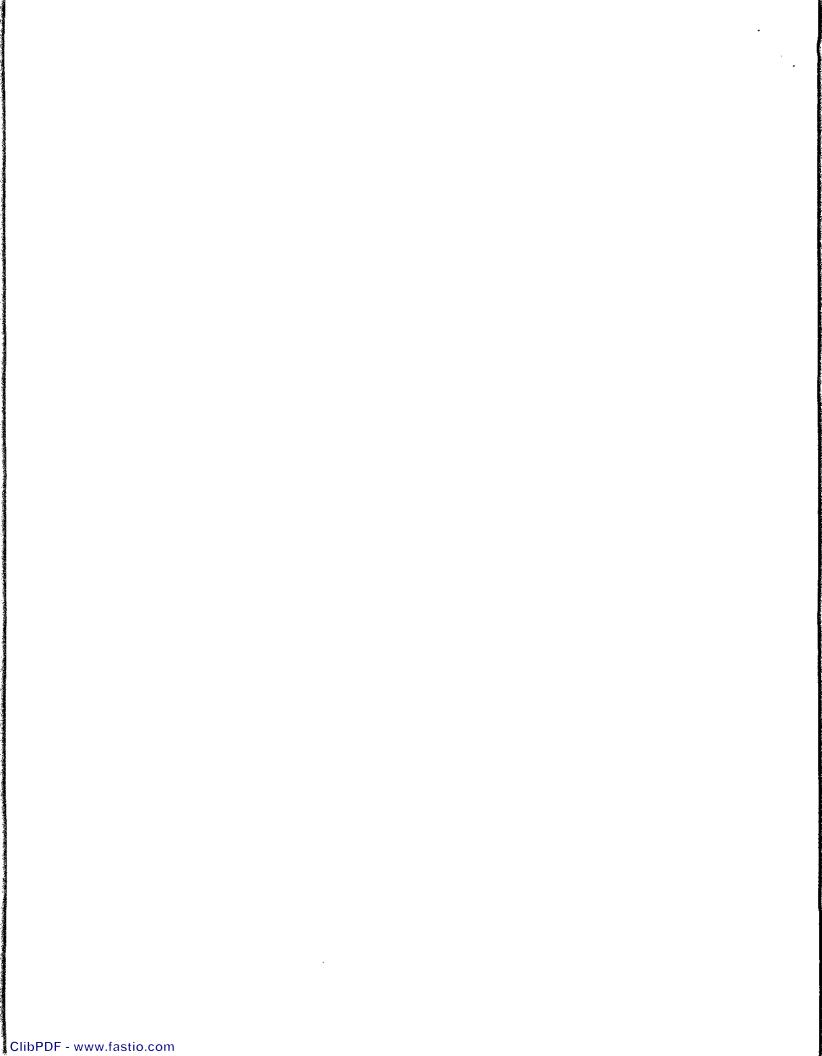
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- "Earnable compensation", the annual salary established (9) under section 84.160 which a member would earn during one year on the basis of the member's rank or position [as specified in the applicable salary matrix] plus any additional compensation 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



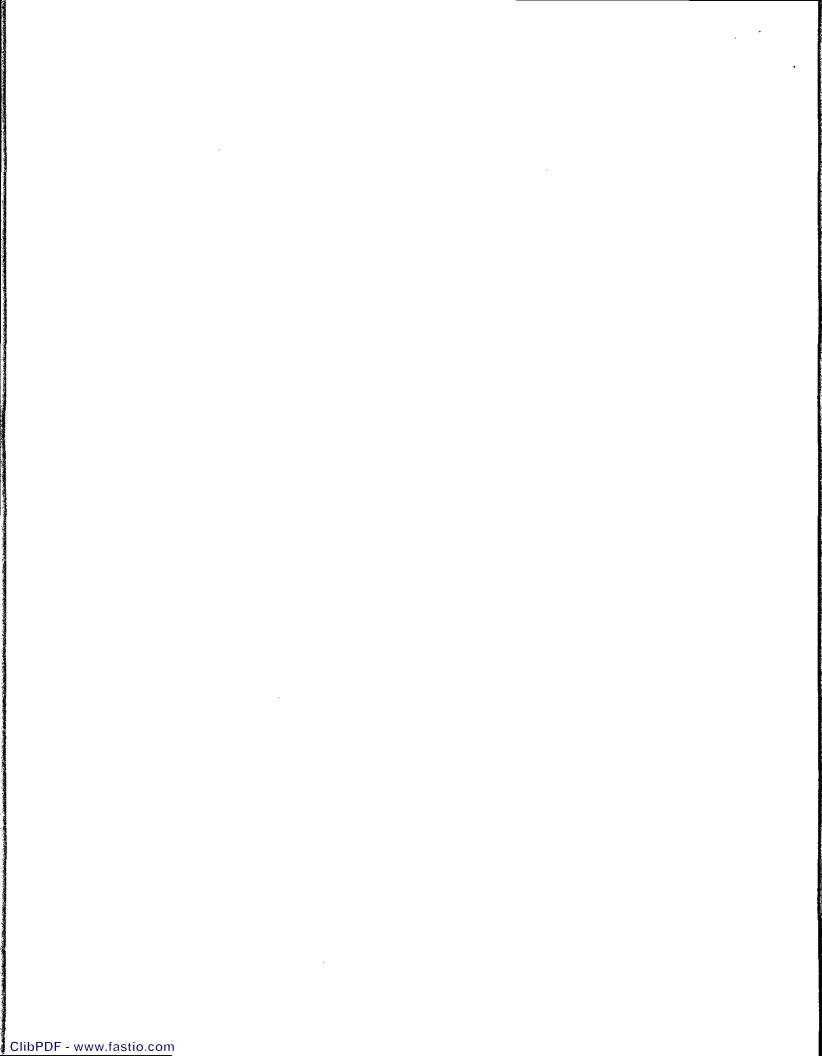
(b) December 31, 1995;

- (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;
- 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:
- (13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;
- [(13)] (14) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;
- [(14)] (15) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed



1 service;

- [(15)] (16) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;
  - [(16)] (17) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;
    - [(17)] (18) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;
    - [(18)] (19) "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;
    - [(19)] (20) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;
    - [(20)] (21) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;
  - [(21)] (22) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.
  - 86.257. 1. Upon the application of [a member in service or



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

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical [director] board or such physicians as the medical [director] board appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be

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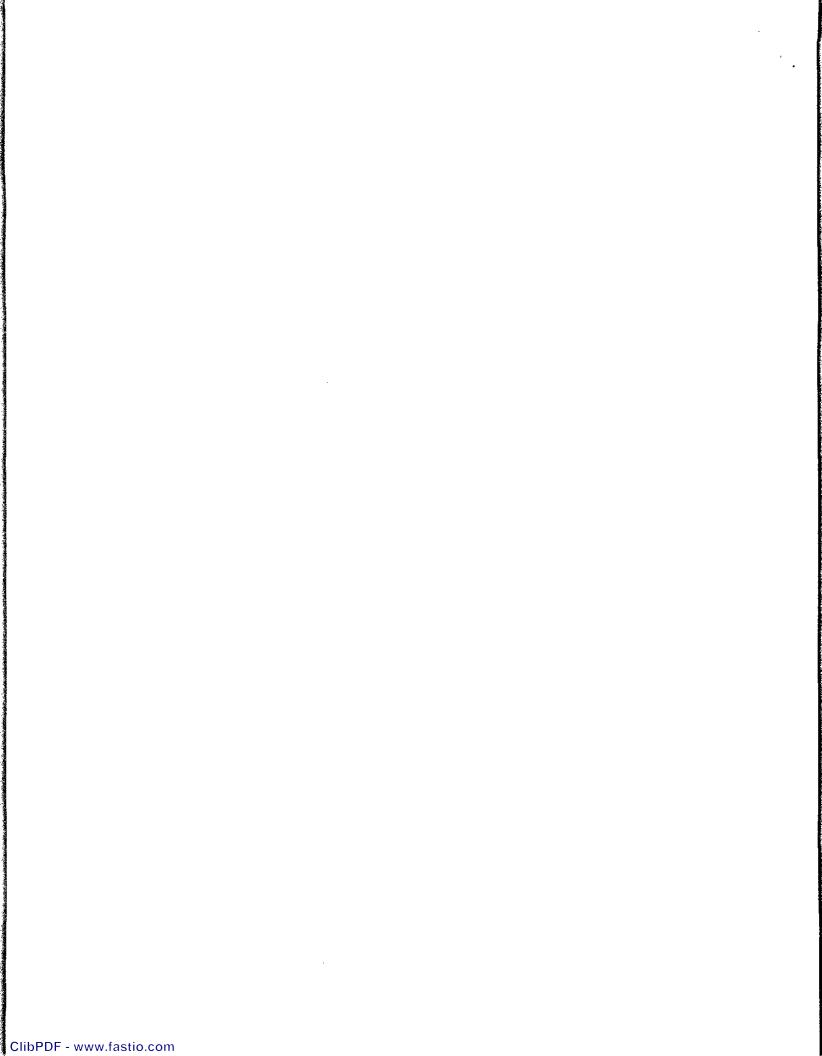
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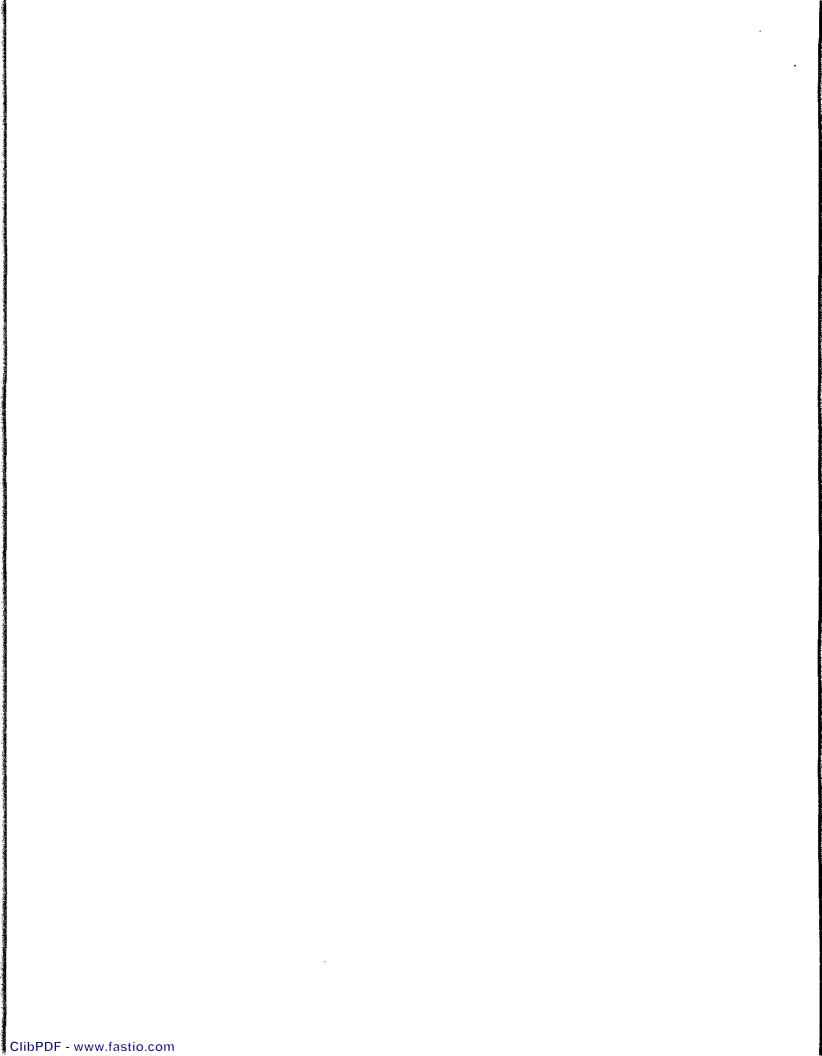
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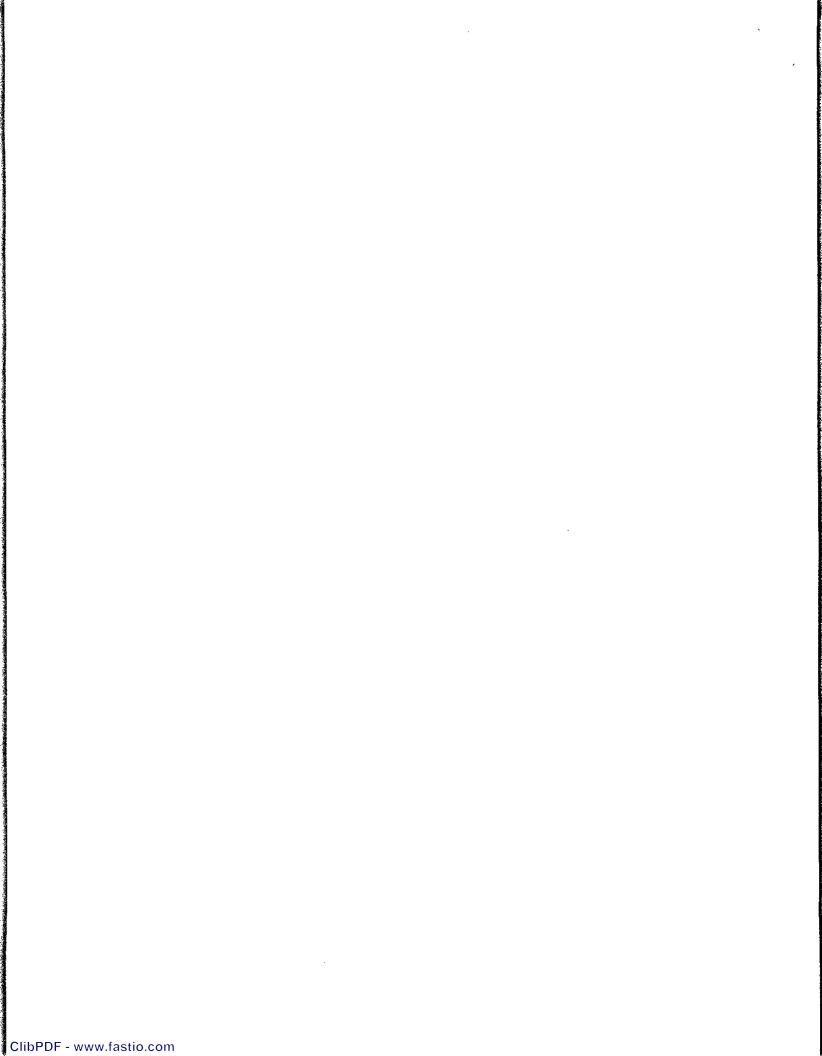
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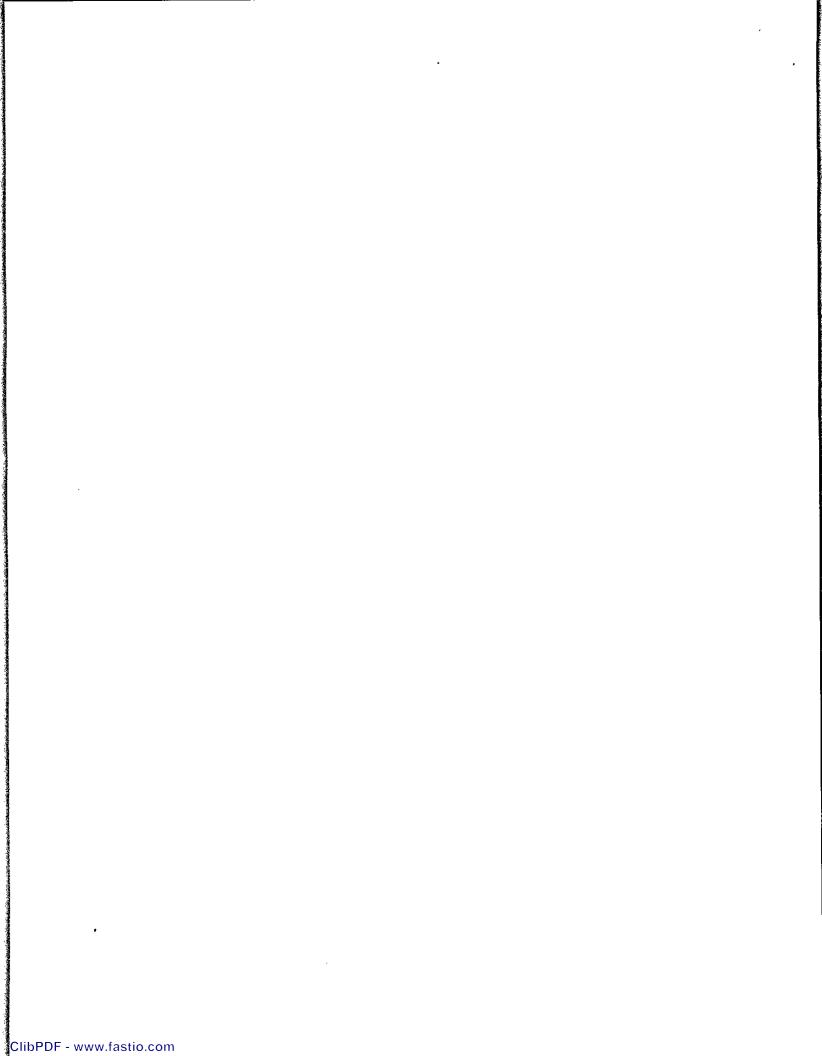
- discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.
- 3. If the medical [director] <u>board</u> certifies to the board of trustees that a nonduty disability beneficiary 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 <u>in active service</u> who is permanently unable to perform the <u>full and unrestricted</u> 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 <u>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 <u>full and unrestricted</u> duties of a police officer [and] , that the</u>



- 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] <u>board</u> 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 entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which



- the former disability beneficiary received a disability
- beneficiary pension under this section."; and
- 3 Further amend the title and enacting clause accordingly.

