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1212H06



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House Bill 335 Amendment NO. \_\_\_\_\_

LEARA

Offered By

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1 AMEND HCS HB No. 335, Page 1, Section A, Line 5, by inserting  
2 after all of said line the following:  
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4 "87.130. 1. All persons who are firefighters shall be members as a condition of their  
5 employment and shall receive no pension or retirement allowance from any other pension or  
6 retirement system supported wholly or in part by the city or the state of Missouri because of years of  
7 service for which they are entitled to benefits under this system nor shall they be required to make  
8 contributions under any other pension or retirement system of the city or the state of Missouri,  
9 anything to the contrary notwithstanding.

10 2. If any member, in any period of five consecutive years after last becoming a member, is  
11 absent from service for more than four years unless the member has twenty years or more of  
12 creditable service, or if any member withdraws the member's accumulated contributions, or if any  
13 member becomes a beneficiary, the person shall thereupon cease to be a member; except in the case  
14 of a member who has served in the Armed Forces of the United States or retired pursuant to section  
15 87.170 and is subsequently reinstated as a firefighter or as a member in beneficiary status as a  
16 surviving spouse.

17 3. Any member who is reinstated after retiring pursuant to conditions in section 87.170 shall  
18 not be eligible to participate in the benefit provided pursuant to section 87.182.

19 4. A firefighter's application for membership shall include information on all injuries or  
20 conditions of the firefighter incurred prior to his or her employment as a firefighter by the city. If the  
21 application fails to disclose any such injuries or conditions, in no event shall any disability retirement  
22 allowance be paid from the retirement system for such body parts. Notwithstanding anything in  
23 sections 87.120 to 87.371 to the contrary, in no event shall any disability retirement allowance be  
24 paid to a member for a disability that is the result of a condition that existed prior to such member's  
25 employment as a firefighter.

26 87.190. Upon the application of a member in service or of the chief of the fire department,  
27 any member who has had five years or more of creditable service shall be retired by the board of  
28 trustees, not less than thirty and not more than ninety days next following the date of filing the  
29 application on an ordinary disability retirement allowance, if the medical board after a medical  
30 examination of the member shall certify that such member is mentally or physically incapacitated for  
31 the further performance of duty, that such incapacity is likely to be permanent, and that the member  
32 should be retired. The application by the member shall include information on all injuries or  
33 conditions of the member incurred by the member prior to his or her employment as a firefighter by  
34 the city. If the application fails to disclose any such injuries or conditions, in no event shall any  
35 disability retirement allowance be paid from the retirement system for such body parts.

36 87.200. Upon application by the member or the chief of the fire department, any member  
37 who has become totally and permanently incapacitated for duty as the natural and proximate result of  
38 an accident occurring while in the actual performance of duty or exposure while in the actual

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1 performance of duty in response to an emergency call shall be retired by the board of trustees, if the  
2 medical board shall certify that the member is mentally or physically incapacitated for further  
3 performance of duty, that such incapacity is likely to be permanent and that the member should be  
4 retired. If the accident occurred prior to the beginning of the member's twentieth year of service,  
5 application for benefits must be made before this time, except that the interval between the date of  
6 accident and of application may be at least one year. The application by the member shall include  
7 information on all injuries or conditions of the member incurred by the member prior to his or her  
8 employment as a firefighter by the city. If the application fails to disclose any such injuries or  
9 conditions, in no event shall any disability retirement allowance be paid from the retirement system  
10 for such body parts.

11 87.205. 1. Upon retirement for accidental disability before August 28, [2011] 2013, a  
12 member shall receive seventy-five percent of the pay then provided by law for the highest step in the  
13 range of salary for the title or rank held by such member at the time of such retirement unless the  
14 member is permanently and totally incapacitated from performing any work, occupation or vocation  
15 of any kind whatsoever and is continuously confined to the member's home except for visits to  
16 obtain medical treatment, in which event the member may receive, in the discretion of the board of  
17 trustees, a retirement allowance in an amount not exceeding the member's rate of compensation as a  
18 firefighter in effect as of the date the allowance begins.

19 2. Anyone who has retired pursuant to the provisions of section 87.170 and has been  
20 reinstated pursuant to subsection 2 of section 87.130 who subsequently becomes disabled, as  
21 provided in section 87.200, shall receive a total benefit which is the higher of either the disability  
22 pension or the service pension.

23 3. Upon retirement for accidental disability on or after August 28, [2011] 2013, based on  
24 conditions of the heart, lungs, or cancer or based on permanent and total disability which will  
25 prevent the member from obtaining employment elsewhere, as determined by the board of trustees  
26 based on medical evidence presented by the retirement system's physicians, a member shall receive,  
27 regardless of his or her number of years of creditable service, seventy-five percent of the earnable  
28 compensation then provided for the step in the range of salary for the title or rank held by such  
29 member at the time of such retirement.

30 4. Except as provided in subsection 3 of this section, upon retirement for accidental  
31 disability on or after August 28, [2011] 2013, a member shall receive a base pension equal to  
32 twenty-five percent of the member's earnable compensation then provided for the step in the range of  
33 salary for the title or rank held by such member at the time of such retirement.

34 5. Except as provided in subsection 3 of this section, upon retirement for accidental  
35 disability on or after August 28, [2011] 2013, the member may elect to receive an education  
36 allowance in an amount not to exceed the tuition for a state resident at the University of Missouri-St.  
37 Louis. The accidentally disabled member shall enroll in a college, university, community college, or  
38 vocational or technical school at the first opportunity after the accidentally disabled member was  
39 retired and shall receive such educational allowance in the form of reimbursement upon proof of  
40 payment to such institution. The education allowance described in this subsection shall cease when  
41 the accidentally disabled member ceases to be a full-time student, fails to provide proof of  
42 achievement of a grade point average of two on a four-point scale or the equivalent on another scale  
43 for each academic term, or if the accidentally disabled member is restored to active service as a  
44 firefighter, but in no event shall such education allowance be available for more than five years after  
45 the member is retired under section 87.200.

46 6. Except as provided in subsection 3 of this section, upon retirement for accidental  
47 disability on or after August 28, [2011] 2013, in addition to the base pension provided for in  
48 subsection 4 of this section and the education allowance provided for in subsection 5 of this section,



members with twenty-five years or less of creditable service shall receive an additional accidental retirement pension equal to two and three-fourths percent of the member's earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of retirement for each year of creditable service equal to or greater than ten years but not more than twenty-five years.

7. Except as provided in subsection 3 of this section, upon retirement for accidental disability on or after August 28, [2011] 2013, in addition to the base pension provided for in subsection 4 of this section and the additional accidental retirement pension provided for in subsection 6 of this section, for members with twenty-five years or less of creditable service, then during such time that the disabled member is a full-time student in a college, university, community college, or vocational or technical school and is receiving the educational allowance provided for in subsection 5 of this section, such member shall also receive a supplemental disability retirement pension in the amount necessary so that his or her total accidental disability retirement pension, excluding the education allowance, shall be equal to one hundred percent of the earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement. In no event shall such supplemental accidental disability pension be paid for a period more than five years after the member is retired under section 87.200.

8. Except as provided in subsection 3 of this section, upon retirement for accidental disability on or after August 28, [2011] 2013, in addition to the base pension provided for in subsection 4 of this section and the education allowance provided for in subsection 5 of this section, for members with more than twenty-five years of creditable service, such member shall also receive an additional pension equal to fifty percent of the member's earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement.

9. Notwithstanding any other provisions in this section, upon retirement for accidental disability, other than as provided in subsection 3 of this section, on or after August 28, [2011] 2013, a member with more than twenty years of creditable service but not more than twenty-five years of creditable service may waive the right to receive the education allowance provided for in subsection 5 of this section, the right to additional pension retirement allowance provided for in subsection 6 of this section, and the right to receive the supplemental disability retirement pension provided for in subsection 7 of this section and may elect to receive instead in addition to the accidental disability retirement base pension as provided for in subsection 4 of this section an additional pension from the date of such member's retirement equal to forty percent of the member's earnable compensation then provided for the step in the range of salary for the title or rank held by such member at the time of such retirement. Any such election shall be made prior to such member's receipt of his or her first accidental disability pension payment.

87.207. The following allowances due under the provisions of sections 87.120 to 87.371 of any member who retired from service shall be increased annually, except as provided in subdivision (3) of this section, as approved by the board of trustees beginning with the first increase in the October following his or her retirement and subsequent increases in each October thereafter, at the rates designated:

(1) With a retirement service allowance or ordinary disability allowance:

(a) One and one-half percent per year, compounded each year, up to age sixty for those retiring with twenty to twenty-four years of service,

(b) Two and one-fourth percent per year, compounded each year, up to age sixty for those retiring with twenty-five to twenty-nine years of service,

(c) Three percent per year, compounded each year, up to age sixty for those retiring with thirty or more years of service,



1 (d) After age sixty, five percent per year for five years;

2 (2) With an accidental disability allowance, three percent per year, compounded each year,  
3 up to age sixty, then five percent per year for five years. Provided, however, for accidental disability  
4 on or after August 28, [2011] 2013, for reasons other than provided in subsection 3 of section  
5 87.205, unless a member has more than twenty-five years of creditable service, the accidental  
6 disability allowance shall only increase at a rate of one percent per year, compounded each year, up  
7 to age sixty, then five percent per year for five years. For accidental disability on or after August 28,  
8 [2011] 2013, for reasons other than provided in subsection 3 of section 87.205, if a member has more  
9 than twenty-five years of creditable service, the accidental disability allowance shall only increase at  
10 a rate of two and one-fourth percent per year, compounded each year, up to age sixty, then five  
11 percent per year for five years;

12 (3) Beginning on or after August 29, 2013, with a retirement service allowance, ordinary  
13 disability allowance, or accidental disability allowance, one percent per year.

14 87.215. 1. If the medical board reports and certifies to the board of trustees that the  
15 disability beneficiary is engaged or is able to engage in a gainful occupation other than firefighter  
16 paying more than the difference between his or her retirement allowance and one and one-half times  
17 the then current rate of pay for the rank held by the member at the time of retirement, and if the  
18 board of trustees concurs in the report, then the amount of his or her retirement allowance shall be  
19 reduced to an amount which together with the amount earnable by him or her in such other  
20 occupation shall equal the amount of such current rate of pay. If his or her earning capacity is later  
21 changed, the amount of his or her retirement may be further modified. If any such disability  
22 beneficiary is found by such medical board to be able to engage in the occupation of firefighter, his  
23 or her retirement allowance shall not cease until he or she is restored to active service at the position  
24 and title held by such disability beneficiary at the time such disability occurred.

25 2. If a disability beneficiary is restored to active service, his or her retirement allowance shall  
26 cease and he or she shall again become a member. His or her creditable service at the time of his or  
27 her retirement shall be restored to full force and effect and in addition, upon his or her subsequent  
28 retirement, he or she shall be credited with all his or her additional service as a member, and if his or  
29 her then average final compensation is less than the average final compensation used in determining  
30 his or her disability benefits, the latter amount shall be used in determining benefits. In addition, an  
31 accident-disabled member restored to active service shall be credited with all the time he or she has  
32 served as a beneficiary.

33 3. After August 29, 2013, all disabled retired members, whether retired for disability  
34 before or after August 29, 2013, shall provide, or cause to be provided to the board of trustees, at no  
35 cost to the retirement system, an earnings statement from the Social Security Administration  
36 annually. If the earnings of such disabled retired member reported on such earnings statement for  
37 each calendar year, beginning with the first day of January following such member's disability  
38 retirement, when added to his or her total retirement allowance for such calendar year exceeds one  
39 and one-half times the then current rate of pay for the rank held by the member at the time of  
40 retirement, then his or her future annual retirement allowance shall be reduced to an amount which  
41 together with the annual earnings reported on such earnings statement shall equal the amount of such  
42 current rate of pay. The earnings statement shall be provided at least annually in accordance with the  
43 policies and procedures established by the board of trustees. If his or her earnings are later changed,  
44 the amount of his or her disability retirement allowance will be modified. The retirement allowance  
45 of any disabled retiree that fails to submit the Social Security Administration earnings statement in  
46 accordance with this subsection and the policies and procedures regarding the same shall be  
47 suspended until such time as the disabled retiree provides the Social Security Administration  
48 earnings statement and otherwise complies with the policies and procedures." ; and



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- 2 Further amend said bill by amending the title, enacting clause, and intersectional references
- 3 accordingly.

