

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270,
2 Page 1, Section A, Line 5, by inserting immediately after said section and line the following:

3
4 "50.1175. The right of a person to an annuity, pension benefit, funds, retirement allowance,
5 right to a return on accumulated contributions, allowance options, property, or right created by or
6 accrued, accruing or paid to any person pursuant to sections 50.1000 to 50.1300, including any
7 defined contribution account created pursuant to sections 50.1210 to 50.1260 and any deferred
8 compensation plan created pursuant to section 50.1300 shall not be subject to execution,
9 garnishment, attachment, writ of sequestration, the operation of bankruptcy or insolvency laws [, a
10 qualified domestic relations order as defined in 26 U.S.C. Section 414(p) or 29 U.S.C. Section
11 1056(d), or any other domestic relations order] or to any other claim or process of law whatsoever
12 except for the collection of child support and maintenance after a member begins receiving
13 payments, and shall be unassignable except as specifically provided in sections 50.1000 to 50.1300.

14 70.600. The following words and phrases as used in sections 70.600 to 70.755, unless a
15 different meaning is plainly required by the context, shall mean:

16 (1) "Accumulated contributions", the total of all amounts deducted from the compensations
17 of a member and standing to the member's credit in his or her individual account in the members
18 deposit fund, together with investment credits thereon;

19 (2) "Actuarial equivalent", a benefit of equal reserve value;

20 (3) "Allowance", the total of the annuity and the pension. All allowances shall be paid not
21 later than the tenth day of each calendar month;

22 (4) "Annuity", a monthly amount derived from the accumulated contributions of a member
23 and payable by the system throughout the life of a person or for a temporary period;

24 (5) "Beneficiary", any person who is receiving or designated to receive a system benefit,
25 except a retiree;

26 (6) "Benefit program", a schedule of benefits or benefit formulas from which the amounts of
27 system benefits can be determined;

28 (7) "Board of trustees" or "board", the board of trustees of the system;

29 (8) "Compensation", the remuneration paid an employee by a political subdivision or by an
30 elected fee official of the political subdivision for personal services rendered by the employee for the
31 political subdivision or for the elected fee official in the employee's public capacity; provided, that
32 for an elected fee official, "compensation" means that portion of his or her fees which is net after
33 deduction of (a) compensation paid by such elected fee official to his or her office employees, if any,
34 and (b) the ordinary and necessary expenses paid by such elected fee official and attributable to the
35 operation of his or her office. In cases where an employee's compensation is not all paid in money,
36 the political subdivision shall fix the reasonable value of the employee's compensation not paid in

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1 money. In determining compensation no consideration shall be given to:

- 2 (a) Any nonrecurring single sum payment paid by an employer;
- 3 (b) Employer contributions to any employee benefit plan or trust;
- 4 (c) Any other unusual or nonrecurring remuneration; or

5 (d) Compensation in excess of the limitations set forth in Internal Revenue Code Section
6 401(a)(17). The limitation on compensation for eligible employees shall not be less than the amount
7 which was allowed to be taken into account under the system as in effect on July 1, 1993. For
8 purposes of this paragraph, an "eligible employee" is an individual who was a member of the system
9 before the first plan year beginning after December 31, 1995;

10 (9) "Credited service", the total of a member's prior service and membership service, to the
11 extent such service is standing to the member's credit as provided in sections 70.600 to 70.755;

12 (10) "Employee", any person regularly employed by a political subdivision who receives
13 compensation from the political subdivision for personal services rendered the political subdivision,
14 including any elected official of the political subdivision whose position requires his or her regular
15 personal services and who is compensated wholly or in part on a fee basis, and including the
16 employees of such elected fee officials who may be compensated by such elected fee officials. The
17 term "employee" may include any elected county official. The term "employee" shall not include
18 any person:

19 (a) Who is not an elected official of the political subdivision and who is included as an active
20 member in any other plan similar in purpose to this system by reason of his or her employment with
21 his or her political subdivision, except the federal Social Security Old Age, Survivors, and Disability
22 Insurance Program, as amended; or

23 (b) Who acts for the political subdivision under contract; or

24 (c) Who is paid wholly on a fee basis, except elected officials and their employees; or

25 (d) Who holds the position of mayor, presiding judge, president or chairman of the political
26 subdivision or is a member of the governing body of the political subdivision; except that, such an
27 official of a political subdivision having ten or more other employees may become a member if the
28 official is covered under the federal Social Security Old Age, Survivors, and Disability Insurance
29 Program, as amended, by reason of such official's employment with his or her political subdivision,
30 by filing written application for membership with the board after the date the official qualifies for
31 such position or within thirty days after the date his or her political subdivision becomes an
32 employer, whichever date is later;

33 (11) "Employer", any political subdivision which has elected to have all its eligible
34 employees covered by the system;

35 (12) "Final average salary", the monthly average of the compensations paid an employee
36 during the period of sixty or, if an election has been made in accordance with section 70.656,
37 thirty-six consecutive months of credited service producing the highest monthly average, which
38 period is contained within the period of one hundred twenty consecutive months of credited service
39 immediately preceding his or her termination of membership. Should a member have less than sixty
40 or, if an election has been made in accordance with section 70.656, thirty-six months of credited
41 service, "final average salary" means the monthly average of compensation paid the member during
42 his or her total months of credited service;

43 (13) "Fireman", any regular or permanent employee of the fire department of a political
44 subdivision, including a probationary fireman. The term "fireman" shall not include:

45 (a) Any volunteer fireman; or

46 (b) Any civilian employee of a fire department, except as provided in section 70.631; or

47 (c) Any person temporarily employed as a fireman for an emergency;

48 (14) "Member", any employee included in the membership of the system;

1 (15) "Membership service", employment as an employee with the political subdivision from
2 and after the date such political subdivision becomes an employer, which employment is creditable
3 as service hereunder;

4 (16) "Minimum service retirement age", age sixty for a member who is neither a policeman
5 nor a fireman; "minimum service retirement age", age fifty-five for a member who is a policeman or
6 a fireman;

7 (17) "Pension", a monthly amount derived from contributions of an employer and payable by
8 the system throughout the life of a person or for a temporary period;

9 (18) "Policeman", any regular or permanent employee of the police department of a political
10 subdivision, including a probationary policeman. The term "policeman" shall not include:

11 (a) Any civilian employee of a police department, except as provided in section 70.631; or

12 (b) Any person temporarily employed as a policeman for an emergency;

13 (19) "Political subdivision", any governmental subdivision of this state created pursuant to
14 the laws of this state, and having the power to tax, except public school districts; a board of utilities
15 or a board of public works which is required by charter or ordinance to establish the compensation of
16 employees of the utility separate from the compensation of other employees of the city may be
17 considered a political subdivision for purposes of sections 70.600 to 70.755; a joint municipal utility
18 commission may be considered a political subdivision for purposes of sections 70.600 to 70.755;

19 (20) "Prior service", employment as an employee with the political subdivision prior to the
20 date such political subdivision becomes an employer, which employment is creditable as service
21 hereunder;

22 (21) "Regular interest" or "investment credits", such reasonable rate or rates per annum,
23 compounded annually, as the board shall adopt annually;

24 (22) "Reserve", the present value of all payments to be made on account of any system
25 benefit based upon such tables of experience and regular interest as the board shall adopt from time
26 to time;

27 (23) "Retirant", a former member receiving a system allowance by reason of having been a
28 member;

29 (24) "Retirement system" or "system", the Missouri local government employees' retirement
30 system.

31 70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to
32 cover emergency police dispatchers and jailers as policemen members of the system and emergency
33 fire dispatchers and emergency medical service personnel as firemen members of the system. The
34 clerk or secretary of the political subdivision shall certify an election concerning the coverage of
35 emergency police dispatchers and jailers as policemen members of the system and emergency fire
36 dispatchers and emergency medical service personnel as firemen members of the system to the board
37 within ten days after such vote. The date on which the political subdivision's election becomes
38 effective shall be the first day of the calendar month specified by such governing body, the first day
39 of the calendar month next following receipt by the board of the certification of the election, or the
40 effective date of the political subdivision's becoming an employer, whichever is the latest date. Such
41 election shall not be changed after the effective date. If the election is made, the coverage provisions
42 shall be applicable to the past and future employment with the employer by present and future
43 employees.

44 2. If an employer elects to cover emergency police dispatchers and jailers as policemen
45 members of the system and emergency fire dispatchers and emergency medical service personnel as
46 firemen members of the system, the employer contributions shall be correspondingly changed
47 effective the same date as the effective date of the political subdivision's election.

48 3. The limitation on increases in an employer's contributions provided by subsection 6 of

1 section 70.730 shall not apply to any contribution increase resulting from an employer making an
 2 election under the provisions of this section."; and

3
 4 Further amend said bill, Page 4, Section 86.200, Line 114, by inserting immediately after said
 5 section and line the following:

6
 7 "86.207. 1. Except as provided herein, all persons who become policemen and all policemen
 8 who enter or reenter the service of [the] any city not within a county after the first day of October,
 9 1957, become members as a condition of their employment and shall receive no pensions or
 10 retirement allowance from any other pension or retirement system supported wholly or in part by the
 11 city not within a county or the state of Missouri, nor shall they be required to make contributions
 12 under any other pension or retirement system of the city not within a county or the state of Missouri
 13 for the same period of service, anything to the contrary notwithstanding. Any employee of a city not
 14 within a county who is earning creditable service in a retirement plan established by said city under
 15 section 95.540 and subsequently becomes a policeman may elect to remain a member of said
 16 retirement plan and shall not be required to become a member of a police retirement system
 17 established under section 86.200. However, an employee of a city not within a county who is
 18 earning creditable service in a retirement plan established by said city under section 95.540 and who
 19 subsequently becomes a policeman may elect to transfer membership and creditable service to the
 20 police retirement system created under section 86.200. Such transfers are subject to the conditions
 21 and requirements contained in section 105.691 and are also subject to any existing agreements
 22 between the said retirement plans, provided however, transfers completed prior to January 1, 2016
 23 shall occur without regard to the vesting requirements of the receiving plan, contained in section
 24 105.691. As part of the transfer process described herein, the respective retirement plans may
 25 require the employee to acknowledge and agree as a condition of transfer that any election made
 26 under this section is irrevocable, constitutes a waiver of any right to receive retirement and disability
 27 benefits except as provided by the police retirement system, and that plan terms may be modified in
 28 the future.

29 2. If any member ceases to be in service for more than one year unless the member has
 30 attained the age of fifty-five or has twenty years or more of creditable service, or if the member
 31 withdraws the member's accumulated contributions or if the member receives benefits under the
 32 retirement system or dies, the member thereupon ceases to be a member; except in the case of a
 33 member who has served in the Armed Forces of the United States and has subsequently been
 34 reinstated as a policeman. A member who has terminated employment as a police officer, has
 35 actually retired and is receiving retirement benefits under the system shall be considered a retired
 36 member.

37 3. A reserve officer shall not be considered a member of the system for the purpose of
 38 determining creditable service, nor shall any contributions be due. A reserve officer shall not be
 39 entitled to any benefits from the system other than those awarded when the reserve officer originally
 40 retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those
 41 benefits."; and

42
 43 Further amend said bill, Page 13, Section 86.320, Line 22, by inserting immediately after said
 44 section and line the following:

45
 46 "86.1110. 1. Whenever a member is given a leave of absence for military service and returns
 47 to employment after discharge from the service, such member shall be entitled to creditable service
 48 for the years of employment prior to the leave of absence.

1 2. Except as provided in subsection 3 of this section, a member who served on active duty in
2 the Armed Forces of the United States and who became a member, or returned to membership, after
3 discharge under honorable conditions, may elect prior to retirement to purchase creditable service
4 equivalent to such service in the Armed Forces, not to exceed two years, provided the member is not
5 receiving and is not eligible to receive retirement credits or benefits from any other public or private
6 retirement plan for the service to be purchased, other than a United States military service retirement
7 system or United States Social Security benefits attributable to such military service, and an affidavit
8 so stating is filed by the member with the retirement system. A member electing to make such
9 purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional
10 benefits attributable to the additional service credit to be purchased, as of the date the member elects
11 to make such purchase. Payment in full of the amount due from a member electing to purchase
12 creditable service under this subsection shall be made over a period not to exceed five years,
13 measured from the date of election, or prior to the commencement date for payment of benefits to
14 the member from the retirement system, whichever is earlier, including interest on unpaid balances
15 compounded annually at the interest rate assumed from time to time for actuarial valuations of the
16 retirement system. If payment in full including interest is not made within the prescribed period, any
17 partial payments made by the member shall be refunded, and no creditable service attributable to
18 such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit
19 commencement date occurs because of the death or disability of a member who has made an election
20 under this subsection and if the member is current in payments under an approved installment plan at
21 the time of the death or disability, such election shall be valid if the member, the surviving spouse, or
22 other person entitled to benefit payments pays the entire balance of the remaining amount due,
23 including interest to the date of such payment, within sixty days after the member's death or
24 disability. The time of a disability shall be deemed to be the time when such member is retired by
25 the board of police commissioners for reason of disability as provided in sections 86.900 to 86.1280.

26 3. Notwithstanding any other provision of sections 86.900 to 86.1280, on or after August 28,
27 2015, a member who [is on leave of absence for military service during any portion of which leave
28 the United States is in a state of declared war, or a compulsory draft is in effect for any of the
29 military branches of the United States, or any units of the military reserves of the United States,
30 including the National Guard, are mobilized for combat military operations,] returns to service from
31 a leave of absence for active duty military service and who becomes entitled to reemployment rights
32 and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment
33 and reemployment rights of members of the uniformed services by meeting the requirements for
34 such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any
35 subsequent applicable federal statute, shall be entitled to service credit for the time spent in such
36 military service for all purposes of sections 86.900 to 86.1280 [and such member shall not be
37 required to pay any member contributions for such time. If it becomes necessary for the years of
38 such service to be included in the calculation of such member's compensation for any purpose, such
39 member shall be deemed to have received the same compensation throughout such period of service
40 as the member's base annual salary immediately prior to the commencement of such leave of
41 absence; provided, however, that the foregoing provisions of this subsection shall apply only to such
42 portion of such leave with respect to which the cumulative length of the absence and of all previous
43 absences from a position of employment with the employer by reason of service in the uniformed
44 services does not exceed five years except for such period of any such excess as meets the
45 requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312] only
46 to the extent such member pays any required member contributions for such time. The amount of
47 required member contributions shall be calculated on the base compensation the member would have
48 received during such leave period. The total amount of service credit that will be granted at the

1 member contribution rate is limited to a maximum of five years. The retirement board may waive
2 the required contributions for military leave of absence, not to exceed three years of creditable
3 service, if the member provides duty orders under Title 10 or Title 32 U.S.C. and discharge from
4 active duty documentation in the form of a DD214 or NGB23.

5 86.1270. 1. A retirement plan under sections 86.900 to 86.1280 is a qualified plan under the
6 provisions of applicable federal law. The benefits and conditions of a retirement plan under sections
7 86.900 to 86.1280 shall always be adjusted to ensure that the tax-exempt status is maintained.

8 2. The retirement board shall administer the retirement system in a manner as to retain at all
9 times qualified status under Section 401(a) of the Internal Revenue Code.

10 3. The retirement board shall hold in trust the assets of the retirement system for the
11 exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative
12 expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all
13 liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose
14 other than such exclusive benefit or to any purpose inconsistent with sections 86.900 to 86.1280.

15 4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the
16 member's attainment of normal retirement age, which shall be the earlier of:

17 (1) Completion of twenty-five years of service for Tier I members and twenty-seven years of
18 service for Tier II members;

19 (2) Age sixty for any Tier I member who has completed at least ten years of creditable
20 service or age sixty for any Tier II member who has completed at least fifteen years of creditable
21 service;

22 (3) Age seventy without regard to years of service; or

23 (4) To the extent funded, upon the termination of the system established under sections
24 86.900 to 86.1280 or any partial termination which affects the members or any complete
25 discontinuance of contributions by the city to the system. Amounts representing forfeited nonvested
26 benefits of terminated members shall not be used to increase benefits payable from the system but
27 may be used to reduce contributions for future plan years.

28 5. Distribution of benefits shall begin not later than April first of the year following the later
29 of the calendar year during which the member becomes seventy and one-half years of age or the
30 calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the
31 Internal Revenue Code.

32 6. A member or beneficiary of a member shall not accrue a service retirement annuity,
33 disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or
34 any other benefit under sections 86.900 to 86.1280 in excess of the benefit limits applicable to the
35 fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount
36 of any benefit that exceeds those limits by the amount of the excess. If the total benefits under the
37 retirement system and the benefits and contributions to which any member is entitled under any
38 other qualified plan or plans maintained by the board of police commissioners that employs the
39 member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue
40 Code, the benefits the member would otherwise receive from the retirement system shall be reduced
41 to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue
42 Code.

43 7. The total salary taken into account for any purpose for any member of the retirement
44 system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in
45 accordance with guidelines provided by the United States Secretary of the Treasury, and shall not
46 exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the
47 Internal Revenue Code.

48 8. If the amount of any benefit is to be determined on the basis of actuarial assumptions that

1 are not otherwise specifically set forth for that purpose in sections 86.900 to 86.1280, the actuarial
 2 assumptions to be used are those earnings and mortality assumptions being used on the date of the
 3 determination by the retirement system's actuary and approved by the retirement board. The
 4 actuarial assumptions being used at any particular time shall be attached as an addendum to a copy of
 5 the retirement system's statute that is maintained by the retirement board and shall be treated for all
 6 purposes as a part of sections 86.900 to 86.1280. The actuarial assumptions may be changed by the
 7 retirement system's actuary annually if approved by the retirement board, but a change in actuarial
 8 assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9 9. Any member or beneficiary who is entitled to receive any distribution that is an eligible
 10 rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to
 11 have that distribution transferred directly to another eligible retirement plan of the member's or
 12 beneficiary's choice upon providing direction to the secretary of this retirement system regarding the
 13 transfer in accordance with procedures established by the retirement board. Effective for
 14 distributions made on or after January 1, 2010, a nonspouse beneficiary may elect to directly rollover
 15 an eligible rollover distribution to an individual retirement account under Section 408(a) of the
 16 Internal Revenue Code of 1986, as amended; to an individual retirement annuity under Section
 17 408(b) of the Internal Revenue Code of 1986, as amended; or if the participant satisfies the
 18 requirements for making a Roth contribution under Section 408(A)(c)(3)(B) of the Internal Revenue
 19 Code of 1986, as amended, to a Roth individual retirement account.

20 10. For all distributions made after December 31, 2001:

21 (1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also
 22 mean an annuity contract described in Section 403(b) of the Internal Revenue Code and an eligible
 23 plan under Section 457(b) of the Internal Revenue Code which is maintained by the state, political
 24 subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state
 25 and which agrees to separately account for amounts transferred into such plan from the retirement
 26 system. The definition of eligible retirement plan shall also apply in the case of a distribution to a
 27 surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified
 28 domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

29 (2) For purposes of subsection 9 of this section, a portion of a distribution shall not fail to be
 30 an eligible rollover distribution merely because the portion consists of after-tax employee
 31 contributions which are not includable in gross income. However, such portion may be paid only to
 32 an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal
 33 Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of
 34 the Internal Revenue Code that agrees to separately account for amounts so transferred, including
 35 separately accounting for the portion of such distribution that is includable in gross income and the
 36 portion of such distribution that is not so includable.

37 86.1500. 1. Whenever a member is given a leave of absence for military service and returns
 38 to employment after discharge from the service, such member shall be entitled to creditable service
 39 for the years of employment prior to the leave of absence.

40 2. Except as provided in subsection 3 of this section, a member who served on active duty in
 41 the Armed Forces of the United States and who became a member, or returned to membership, after
 42 discharge under honorable conditions, may elect prior to retirement to purchase creditable service
 43 equivalent to such service in the Armed Forces, not to exceed two years, provided the member is not
 44 receiving and is not eligible to receive retirement credits or benefits from any other public or private
 45 retirement plan for the service to be purchased, other than a United States military service retirement
 46 system or United States Social Security benefits attributable to such military service, and an affidavit
 47 so stating is filed by the member with the retirement system. A member electing to make such
 48 purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional

1 benefits attributable to the additional service credit to be purchased, as of the date the member elects
2 to make such purchase. Payment in full of the amount due from a member electing to purchase
3 creditable service under this subsection shall be made over a period not to exceed five years,
4 measured from the date of election, or prior to the commencement date for payment of benefits to
5 the member from the retirement system, whichever is earlier, including interest on unpaid balances
6 compounded annually at the interest rate assumed from time to time for actuarial valuations of the
7 retirement system. If payment in full including interest is not made within the prescribed period, any
8 partial payments made by the member shall be refunded, and no creditable service attributable to
9 such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit
10 commencement date occurs because of the death or disability of a member who has made an election
11 under this subsection and if the member is current in payments under an approved installment plan at
12 the time of the death or disability, such election shall be valid if the member, the surviving spouse or
13 other person entitled to benefit payments pays the entire balance of the remaining amount due,
14 including interest to the date of such payment, within sixty days after the member's death or
15 disability. The time of a disability shall be deemed to be the time when such member is determined
16 by the retirement board to be totally and permanently disabled as provided in section 86.1560.

17 3. Notwithstanding any other provision of sections 86.1310 to 86.1640, on or after August
18 28, 2015, a member who [is on leave of absence for military service during any portion of which
19 leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the
20 military branches of the United States, or any units of the military reserves of the United States,
21 including the National Guard, are mobilized for combat military operations,] returns to service from
22 a leave of absence for active duty military service and who becomes entitled to reemployment rights
23 and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment
24 and reemployment rights of members of the uniformed services by meeting the requirements for
25 such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any
26 subsequent applicable federal statute, shall be entitled to service credit for the time spent in such
27 military service for all purposes of sections 86.1310 to 86.1640 [and such member shall not be
28 required to pay any member contributions for such time. If it becomes necessary for the years of
29 such service to be included in the calculation of such member's compensation for any purpose, such
30 member shall be deemed to have received the same compensation throughout such period of service
31 as the member's base annual salary immediately prior to the commencement of such leave of
32 absence; provided, however, that the foregoing provisions of this subsection shall apply only to such
33 portion of such leave with respect to which the cumulative length of the absence and of all previous
34 absences from a position of employment with the employer by reason of service in the uniformed
35 services does not exceed five years except for such period of any such excess as meets the
36 requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312] only
37 to the extent such member pays any required member contributions for such time. The amount of
38 required member contributions shall be calculated on the base compensation the member would have
39 received during such leave period. The total amount of service credit that will be granted at the
40 member contribution rate is limited to a maximum of five years. The retirement board may waive
41 the required contributions for military leave of absence, not to exceed three years of creditable
42 service, if the member provides duty orders under Title 10 or Title 32 U.S.C. and discharge from
43 active duty documentation in the form of a DD214 or NGB23.

44 86.1630. 1. A retirement plan under sections 86.1310 to 86.1640 is a qualified plan under
45 the provisions of applicable federal law. The benefits and conditions of a retirement plan under
46 sections 86.1310 to 86.1640 shall always be adjusted to ensure that the tax-exempt status is
47 maintained.

48 2. The retirement board shall administer this retirement system in such manner as to retain at

1 all times qualified status under Section 401(a) of the Internal Revenue Code.

2 3. The retirement board shall hold in trust the assets of the retirement system for the
3 exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative
4 expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all
5 liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose
6 other than such exclusive benefit or to any purpose inconsistent with sections 86.1310 to 86.1640.

7 4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the
8 member's attainment of normal retirement age, which shall be the earlier of:

9 (1) The attaining of the age of sixty-five or the member's tenth anniversary of employment,
10 whichever is later for any Tier I member, or the attaining of the age of sixty-seven or the member's
11 twentieth anniversary of employment, whichever is later for any Tier II member;

12 (2) For any Tier I member when the total sum of age and years of creditable service equals
13 or exceeds eighty, or for any Tier II member when the total sum of age and years of creditable
14 service equals or exceeds eighty-five; or

15 (3) To the extent funded, upon the termination of the system established under sections
16 86.1310 to 86.1640 or any partial termination which affects the member or any complete
17 discontinuance of contributions by the city to the system. Amounts representing forfeited nonvested
18 benefits of terminated members shall not be used to increase benefits payable from the system but
19 may be used to reduce contributions for future plan years.

20 5. Distribution of benefits shall begin not later than April first of the year following the later
21 of the calendar year during which the member becomes seventy and one-half years of age or the
22 calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the
23 Internal Revenue Code.

24 6. A member or beneficiary of a member shall not accrue a service retirement annuity,
25 disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or
26 any other benefit under sections 86.1310 to 86.1640 in excess of the benefit limits applicable to the
27 fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount
28 of any benefit that exceeds the limits of this section by the amount of the excess. If the total benefits
29 under the retirement system and the benefits and contributions to which any member is entitled
30 under any other qualified plan or plans maintained by the board of police commissioners that
31 employs the member would otherwise exceed the applicable limits under Section 415 of the Internal
32 Revenue Code, the benefits the member would otherwise receive from the retirement system are
33 reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal
34 Revenue Code.

35 7. The total salary taken into account for any purpose for any member of the retirement
36 system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in
37 accordance with guidelines provided by the United States Secretary of the Treasury and may not
38 exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the
39 Internal Revenue Code.

40 8. If the amount of any benefit is determined on the basis of actuarial assumptions that are
41 not specifically set forth for that purpose in sections 86.1310 to 86.1640, the actuarial assumptions to
42 be used are those earnings and mortality assumptions used on the date of the determination by the
43 retirement system's actuary and approved by the retirement board. The actuarial assumptions used at
44 any particular time shall be attached as an addendum to a copy of the retirement system's statute
45 maintained by the retirement board and shall be treated for all purposes as part of sections 86.1310 to
46 86.1640. The actuarial assumptions may be changed by the retirement system's actuary annually if
47 approved by the retirement board, but a change in actuarial assumptions shall not result in any
48 decrease in benefits accrued as of the effective date of the change.

1 9. Any member or beneficiary who is entitled to receive any distribution that is an eligible
2 rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to
3 have that distribution transferred directly to another eligible retirement plan of the member's or
4 beneficiary's choice upon providing direction to the secretary of the retirement system regarding the
5 transfer in accordance with procedures established by the retirement board. Effective for
6 distributions made on or after January 1, 2010, a nonspouse beneficiary may elect to directly rollover
7 an eligible rollover distribution to an individual retirement account under Section 408(a) of the
8 Internal Revenue Code of 1986, as amended; to an individual retirement annuity under Section
9 408(b) of the Internal Revenue Code of 1986, as amended; or if the participant satisfies the
10 requirements for making a Roth contribution under Section 408(A)(c)(3)(B) of the Internal Revenue
11 Code of 1986, as amended, to a Roth individual retirement account.

12 10. For all distributions made after December 31, 2001:

13 (1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also
14 mean an annuity described in Section 403(b) of the Internal Revenue Code and an eligible plan under
15 Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a
16 state, or any agency or instrumentality of a state or political subdivision of a state and which agrees
17 to separately account for amounts transferred into such plan from the retirement system. The
18 definition for eligible retirement plan shall also apply in the case of a distribution to a surviving
19 spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic
20 relations order, as defined in Section 414(p) of the Internal Revenue Code; and

21 (2) For the purposes of subsection 9 of this section, a portion of a distribution shall not fail to
22 be an eligible rollover distribution merely because the portion consists of after-tax employee
23 contributions which are not includable in gross income. However, such portion may be paid only to
24 an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal
25 Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of
26 the Internal Revenue Code that agrees to separately account for amounts so transferred, including
27 separately accounting for the portion of such distribution that is includable in gross income and the
28 portion of such distribution that is not so includable.

29 94.579. 1. The governing body of any home rule city with more than one hundred fifty-one
30 thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants is
31 hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city
32 which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed
33 one percent, and shall be imposed solely for the purpose of providing revenues for the operation of
34 public safety departments, including police and fire departments, and for pension programs, and
35 health care for employees and pensioners of the public safety departments. The tax authorized in this
36 section shall be in addition to all other sales taxes imposed by law, and shall be stated separately
37 from all other charges and taxes. The order or ordinance shall not become effective unless the
38 governing body of the city submits to the voters residing within the city at a state general, primary, or
39 special election a proposal to authorize the governing body of the city to impose a tax under this
40 section. If the tax authorized in this section is not approved by the voters, then the city shall have an
41 additional year during which to meet its required contribution payment beyond the time period
42 described in section 105.683. If the city meets its required contribution payment in this time, then,
43 notwithstanding the provisions of section 105.683 to the contrary, the delinquency shall not
44 constitute a lien on the funds of the political subdivision, the board of such plan shall not be
45 authorized to compel payment by application for writ of mandamus, and the state treasurer and the
46 director of the department of revenue shall not withhold twenty-five percent of the certified
47 contribution deficiency from the total moneys due the political subdivision from the state. The
48 one-year extension shall only be available to the city on a one-time basis.

1 2. The ballot of submission for the tax authorized in this section shall be in substantially the
2 following form:

3 Shall (insert the name of the city) impose a sales tax at a rate of (up to
4 one) percent, solely for the purpose of providing revenues for the operation of public safety
5 departments of the city?

6 YES NO

7 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
8 the question, place an "X" in the box opposite "NO".
9

10 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
11 the question, then the tax shall become effective on the first day of the second calendar quarter
12 immediately following notification to the department of revenue. If a majority of the votes cast on
13 the question by the qualified voters voting thereon are opposed to the question, then the tax shall not
14 become effective unless and until the question is resubmitted under this section to the qualified
15 voters and such question is approved by a majority of the qualified voters voting on the question.

16 3. All revenue collected under this section by the director of the department of revenue on
17 behalf of any city, except for one percent for the cost of collection which shall be deposited in the
18 state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and
19 shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the
20 designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be
21 commingled with any funds of the state. The director may make refunds from the amounts in the
22 trust fund and credited to the city for erroneous payments and overpayments made, and may redeem
23 dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund
24 which are not needed for current expenditures shall be invested in the same manner as other funds
25 are invested. Any interest and moneys earned on such investments shall be credited to the fund. The
26 director shall keep accurate records of the amounts in the fund, and such records shall be open to the
27 inspection of the officers of such city and to the public. Not later than the tenth day of each month,
28 the director shall distribute all moneys deposited in the fund during the preceding month to the city.
29 Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the
30 fund shall be by an appropriation ordinance enacted by the governing body of the city.

31 4. On or after the effective date of the tax, the director of revenue shall be responsible for the
32 administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087
33 shall apply. In order to permit sellers required to collect and report the sales tax to collect the
34 amount required to be reported and remitted, but not to change the requirements of reporting or
35 remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the
36 governing body of the city may authorize the use of a bracket system similar to that authorized in
37 section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be
38 used where this tax is imposed and shall apply to all taxable transactions. Beginning with the
39 effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax
40 shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same
41 manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be
42 consummated at the place of business of the retailer.

43 5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and
44 section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all
45 exemptions granted to agencies of government, organizations, and persons under sections 144.010 to
46 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax
47 permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the
48 administration and collection of the state sales tax shall satisfy the requirements of this section, and

1 no additional permit or exemption certificate or retail certificate shall be required; except that, the
 2 director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All
 3 discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes
 4 are hereby allowed and made applicable to the tax. The penalties for violations provided in section
 5 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If
 6 any person is delinquent in the payment of the amount required to be paid under this section, or in
 7 the event a determination has been made against the person for the tax and penalties under this
 8 section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be
 9 the same as that provided in sections 144.010 to 144.525.

10 6. The governing body of any city that has adopted the sales tax authorized in this section
 11 may submit the question of repeal of the tax to the voters on any date available for elections for the
 12 city. The ballot of submission shall be in substantially the following form:

13 Shall (insert the name of the city) repeal the sales tax imposed at a
 14 rate of (up to one) percent for the purpose of providing revenues for the operation of public
 15 safety departments of the city?

16 YES NO

17 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 18 the question, place an "X" in the box opposite "NO".

19
 20 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
 21 repeal, that repeal shall become effective on December thirty-first of the calendar year in which such
 22 repeal was approved.

23
 24 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to
 25 the repeal, then the sales tax authorized in this section shall remain effective until the question is
 26 resubmitted under this section to the qualified voters and the repeal is approved by a majority of the
 27 qualified voters voting on the question.

28 7. The governing body of any city that has adopted the sales tax authorized in this section
 29 shall submit the question of [repeal] continuation of the tax to the voters every five years from the
 30 date of its inception on a date available for elections for the city. The ballot of submission shall be in
 31 substantially the following form:

32 Shall (insert the name of the city) [repeal the] continue collecting
 33 a sales tax imposed at a rate of (up to one) percent for the purpose of providing revenues for
 34 the operation of public safety departments of the city?

35 YES NO

36 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
 37 the question, place an "X" in the box opposite "NO".

38
 39 If a majority of the votes cast on the question by the qualified voters voting thereon are [in favor of
 40 repeal, that] opposed to continuation, repeal shall become effective on December thirty-first of the
 41 calendar year in which such [repeal was] continuation was failed to be approved. If a majority of the
 42 votes cast on the question by the qualified voters voting thereon are [opposed to the repeal] in favor
 43 of continuation, then the sales tax authorized in this section shall remain effective until the question
 44 is resubmitted under this section to the qualified voters and [the repeal is] continuation fails to be
 45 approved by a majority of the qualified voters voting on the question.

46 8. Whenever the governing body of any city that has adopted the sales tax authorized in this
 47 section receives a petition, signed by a number of registered voters of the city equal to at least two
 48 percent of the number of registered voters of the city voting in the last gubernatorial election, calling

1 for an election to repeal the sales tax imposed under this section, the governing body shall submit to
2 the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by
3 the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on
4 December thirty-first of the calendar year in which such repeal was approved. If a majority of the
5 votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the
6 sales tax authorized in this section shall remain effective until the question is resubmitted under this
7 section to the qualified voters and the repeal is approved by a majority of the qualified voters voting
8 on the question.

9 9. If the tax is repealed or terminated by any means, all funds remaining in the special trust
10 fund shall continue to be used solely for the designated purposes, and the city shall notify the
11 director of the department of revenue of the action at least ninety days before the effective date of the
12 repeal and the director may order retention in the trust fund, for a period of one year, of two percent
13 of the amount collected after receipt of such notice to cover possible refunds or overpayment of the
14 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one
15 year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the
16 balance in the account to the city and close the account of that city. The director shall notify each
17 city of each instance of any amount refunded or any check redeemed from receipts due the city."; and
18

19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.