

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 283, Page 1, Section A, Line 4, by
2 inserting after said line the following:

3
4 "70.600. The following words and phrases as used in sections 70.600 to 70.755[, unless a
5 different meaning is plainly required by the context,] shall mean:

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

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

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

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

14 (5) "Beneficiary", any person who is receiving or designated to receive a system benefit,
15 except a retirant;

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

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

19 (8) "Compensation", the remuneration paid an employee by a political subdivision or by an
20 elected fee official of the political subdivision for personal services rendered by the employee for the
21 political subdivision or for the elected fee official in the employee's public capacity; provided, that
22 for an elected fee official, "compensation" means that portion of his or her fees which is net after
23 deduction of (a) compensation paid by such elected fee official to his or her office employees, if any,
24 and (b) the ordinary and necessary expenses paid by such elected fee official and attributable to the
25 operation of his or her office. In cases where an employee's compensation is not all paid in money,
26 the political subdivision shall fix the reasonable value of the employee's compensation not paid in
27 money. In determining compensation no consideration shall be given to:

28 (a) Any nonrecurring single sum payment paid by an employer;

29 (b) Employer contributions to any employee benefit plan or trust;

30 (c) Any other unusual or nonrecurring remuneration; or

Action Taken _____ Date _____

Action Taken _____ Date _____

1 (d) Compensation in excess of the limitations set forth in Internal Revenue Code Section
2 401(a)(17). The limitation on compensation for eligible employees shall not be less than the amount
3 which was allowed to be taken into account under the system as in effect on July 1, 1993. For
4 purposes of this paragraph, an "eligible employee" is an individual who was a member of the system
5 before the first plan year beginning after December 31, 1995;

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

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

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

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

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

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

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

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

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

41 (a) Any volunteer fireman; or

- 1 (b) Any civilian employee of a fire department, except as provided in section 70.631; or
- 2 (c) Any person temporarily employed as a fireman for an emergency;
- 3 (14) "Member", any employee included in the membership of the system;
- 4 (15) "Membership service", employment as an employee with the political subdivision from
- 5 and after the date such political subdivision becomes an employer, which employment is creditable
- 6 as service hereunder;
- 7 (16) "Minimum service retirement age", age sixty for a member who is neither a policeman
- 8 nor a fireman; "minimum service retirement age", age fifty-five for a member who is a policeman or
- 9 a fireman;
- 10 (17) "Pension", a monthly amount derived from contributions of an employer and payable by
- 11 the system throughout the life of a person or for a temporary period;
- 12 (18) "Policeman", any regular or permanent employee of the police department of a political
- 13 subdivision, including a probationary policeman. The term "policeman" shall not include:
- 14 (a) Any civilian employee of a police department, except as provided in section 70.631; or
- 15 (b) Any person temporarily employed as a policeman for an emergency;
- 16 (19) "Political subdivision", any governmental subdivision of this state created pursuant to
- 17 the laws of this state, and having the power to tax, except public school districts; a board of utilities
- 18 or a board of public works which is required by charter or ordinance to establish the compensation of
- 19 employees of the utility separate from the compensation of other employees of the city may be
- 20 considered a political subdivision for purposes of sections 70.600 to 70.755; a joint municipal utility
- 21 commission may be considered a political subdivision for purposes of sections 70.600 to 70.755;
- 22 (20) "Prior service", employment as an employee with the political subdivision prior to the
- 23 date such political subdivision becomes an employer, which employment is creditable as service
- 24 hereunder;
- 25 (21) "Regular interest" or "investment credits", such reasonable rate or rates per annum,
- 26 compounded annually, as the board shall adopt annually;
- 27 (22) "Reserve", the present value of all payments to be made on account of any system
- 28 benefit based upon such tables of experience and regular interest as the board shall adopt from time
- 29 to time;
- 30 (23) "Retirant", a former member receiving a system allowance by reason of having been a
- 31 member;
- 32 (24) "Retirement system" or "system", the Missouri local government employees' retirement
- 33 system."; and
- 34

35 Further amend said bill, Page 2, Section 70.621, Line 24 by inserting after said line the following:

36 "70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to

37 cover emergency police dispatchers and jailers as policemen members of the system and emergency

38 fire dispatchers and emergency medical service personnel as firemen members of the system. The

39 clerk or secretary of the political subdivision shall certify an election concerning the coverage of

40 emergency police dispatchers and jailers as policemen members of the system and emergency fire

41 dispatchers and emergency medical service personnel as firemen members of the system to the board

1 within ten days after such vote. The date on which the political subdivision's election becomes
 2 effective shall be the first day of the calendar month specified by such governing body, the first day
 3 of the calendar month next following receipt by the board of the certification of the election, or the
 4 effective date of the political subdivision's becoming an employer, whichever is the latest date. Such
 5 election shall not be changed after the effective date. If the election is made, the coverage provisions
 6 shall be applicable to the past and future employment with the employer by present and future
 7 employees.

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

12 3. The limitation on increases in an employer's contributions provided by subsection 6 of
 13 section 70.730 shall not apply to any contribution increase resulting from an employer making an
 14 election under the provisions of this section."; and

15
 16 Further amend said bill, Page 5, Section 86.200, Line 114 by inserting after said line the following:

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

40 2. If any member ceases to be in service for more than one year unless the member has
 41 attained the age of fifty-five or has twenty years or more of creditable service, or if the member
 42 withdraws the member's accumulated contributions or if the member receives benefits under the
 43 retirement system or dies, the member thereupon ceases to be a member; except in the case of a
 44 member who has served in the Armed Forces of the United States and has subsequently been
 45 reinstated as a policeman. A member who has terminated employment as a police officer, has

1 actually retired and is receiving retirement benefits under the system shall be considered a retired
2 member.

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

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