

SECOND REGULAR SESSION

# HOUSE BILL NO. 2335

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLACK.

6249H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to school employee retirement systems.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 169.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.560, to read as follows:

169.560. **1.** Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity ~~in a district~~ **for an employer** included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the ~~district's~~ **employer's** salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the ~~school district~~ **employer** does not utilize a salary schedule, or if the position in question is not subject to the ~~district's~~ **employer's** salary schedule, a retiree employed in accordance with the provisions of this ~~section~~ **subsection** may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position ~~in the school district~~ **by the employer** that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 on the annual compensation of the highest paid position occupied by the retiree for at least  
19 one-fifth of the total hours worked during the year. Such a person shall not contribute to the  
20 retirement system or to the public education employee retirement system established by sections  
21 169.600 to 169.715 because of earnings during such period of employment. If such a person is  
22 employed in any capacity by such ~~[a district]~~ **an employer** in excess of the limitations set forth  
23 in this ~~[section]~~ **subsection**, the person shall not be eligible to receive the person's retirement  
24 allowance for any month during which the person is so employed. In addition, such person shall  
25 contribute to the retirement system if the person satisfies the retirement system's membership  
26 eligibility requirements. In addition to the conditions set forth above, this ~~[section]~~ **subsection**  
27 shall apply to any person retired and currently receiving a retirement allowance under sections  
28 169.010 to 169.141, other than for disability, who is employed by a third party or is performing  
29 work as an independent contractor, if such person is performing work ~~[in a district]~~ **for an**  
30 **employer** included in the retirement system as a temporary or long-term substitute teacher or in  
31 any other position that would normally require that person to be duly certificated under the laws  
32 governing the certification of teachers in Missouri if such person was employed by the district.  
33 The retirement system may require the ~~[district]~~ **employer**, the third-party employer, the  
34 independent contractor, and the retiree subject to this ~~[section]~~ **subsection** to provide  
35 documentation showing compliance with this ~~[section]~~ **subsection**. If such documentation is not  
36 provided, the retirement system may deem the retiree to have exceeded the limitations provided  
37 in this ~~[section]~~ **subsection**.

38 **2. Notwithstanding any other provision of this section, any person retired and**  
39 **currently receiving a retirement allowance in accordance with sections 169.010 to 169.141,**  
40 **other than for disability, may be employed by an employer included in the retirement**  
41 **system created by those sections in a position that does not normally require a person**  
42 **employed in that position to be duly certificated under the laws governing the certification**  
43 **of teachers in Missouri, and through such employment may earn up to fifty percent of the**  
44 **minimum teacher's salary as set forth in section 163.172, without a discontinuance of the**  
45 **person's retirement allowance. Such person shall not contribute to the retirement system**  
46 **or to the public education employee retirement system established by sections 169.600 to**  
47 **169.715 because of earnings during such period of employment, and such person shall not**  
48 **earn membership service for such employment. The employer's contribution rate shall be**  
49 **paid by the hiring employer into the public education employee retirement system**  
50 **established by sections 169.600 to 169.715. If such a person is employed in any capacity by**  
51 **an employer in excess of the limitations set forth in this subsection, the person shall not be**  
52 **eligible to receive the person's retirement allowance for any month during which the**  
53 **person is so employed. In addition, such person shall become a member of and contribute**

54 to any retirement system described in this subsection if the person satisfies the retirement  
55 system's membership eligibility requirements.

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