

Wienorn (8)



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**HB 563, as amended** \_\_\_\_\_ entitled:

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**AN ACT**

To repeal sections 215.030 and 260.035, RSMo, and to enact in lieu thereof two new sections relating to employer eligibility in the Missouri State Employees' Retirement System.

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In which the concurrence of the House is respectfully requested.

Respectfully,

*Adriane D. Crouse*

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Secretary of the Senate

MAY 17 2019



SENATE AMENDMENT NO. 1Offered by Romine of 3rdAmend House Bill No. 563, Page 1, Section title, Line 2

2 by inserting after "RSMo," the following: "and section 169.560  
3 as enacted by house bill no. 77, one hundredth general assembly,  
4 first regular session,"; and further amend line 3 by striking all  
5 of said line and inserting in lieu thereof the following:

6 "relating to public employee retirement systems."; and

7 Further amend said bill and page, Section A, Line 1, by  
8 inserting after "RSMo," the following: "and section 169.560 as  
9 enacted by house bill no. 77, one hundredth general assembly,  
10 first regular session,"; and further amend line 2, by inserting  
11 after all of said line the following:

12 "169.560. 1. Any person retired and currently receiving a  
13 retirement allowance pursuant to sections 169.010 to 169.141,  
14 other than for disability, may be employed in any capacity for an  
15 employer included in the retirement system created by those  
16 sections on either a part-time or temporary-substitute basis not  
17 to exceed a total of five hundred fifty hours in any one school  
18 year, and through such employment may earn up to fifty percent of  
19 the annual compensation payable under the employer's salary  
20 schedule for the position or positions filled by the retiree,  
21 given such person's level of experience and education, without a  
22 discontinuance of the person's retirement allowance. If the  
23 employer does not utilize a salary schedule, or if the position  
24 in question is not subject to the employer's salary schedule, a

Offered 5/17/19  
R. Romine



1 retiree employed in accordance with the provisions of this  
2 subsection may earn up to fifty percent of the annual  
3 compensation paid to the person or persons who last held such  
4 position or positions. If the position or positions did not  
5 previously exist, the compensation limit shall be determined in  
6 accordance with rules duly adopted by the board of trustees of  
7 the retirement system; provided that, it shall not exceed fifty  
8 percent of the annual compensation payable for the position by  
9 the employer that is most comparable to the position filled by  
10 the retiree. In any case where a retiree fills more than one  
11 position during the school year, the fifty-percent limit on  
12 permitted earning shall be based solely on the annual  
13 compensation of the highest paid position occupied by the retiree  
14 for at least one-fifth of the total hours worked during the year.  
15 Such a person shall not contribute to the retirement system or to  
16 the public education employee retirement system established by  
17 sections 169.600 to 169.715 because of earnings during such  
18 period of employment. If such a person is employed in any  
19 capacity by such an employer in excess of the limitations set  
20 forth in this subsection, the person shall not be eligible to  
21 receive the person's retirement allowance for any month during  
22 which the person is so employed. In addition, such person shall  
23 contribute to the retirement system if the person satisfies the  
24 retirement system's membership eligibility requirements. In  
25 addition to the conditions set forth above, this subsection shall  
26 apply to any person retired and currently receiving a retirement  
27 allowance under sections 169.010 to 169.141, other than for  
28 disability, who is employed by a third party or is performing  
29 work as an independent contractor, if such person is performing



1 work for an employer included in the retirement system as a  
2 temporary or long-term substitute teacher or in any other  
3 position that would normally require that person to be duly  
4 certificated under the laws governing the certification of  
5 teachers in Missouri if such person was employed by the district.  
6 The retirement system may require the employer, the third-party  
7 employer, the independent contractor, and the retiree subject to  
8 this subsection to provide documentation showing compliance with  
9 this subsection. If such documentation is not provided, the  
10 retirement system may deem the retiree to have exceeded the  
11 limitations provided in this subsection.

12 2. Notwithstanding any other provision of this section, any  
13 person retired and currently receiving a retirement allowance in  
14 accordance with sections 169.010 to 169.141, other than for  
15 disability, may be employed by an employer included in the  
16 retirement system created by those sections in a position that  
17 does not normally require a person employed in that position to  
18 be duly certificated under the laws governing the certification  
19 of teachers in Missouri, and through such employment may earn up  
20 to sixty percent of the minimum teacher's salary as set forth in  
21 section 163.172, without a discontinuance of the person's  
22 retirement allowance. Such person shall not contribute to the  
23 retirement system or to the public education employee retirement  
24 system established by sections 169.600 to 169.715 because of  
25 earnings during such period of employment, and such person shall  
26 not earn membership service for such employment. The employer's  
27 contribution rate shall be paid by the hiring employer into the  
28 public education employee retirement system established by  
29 sections 169.600 to 169.715. If such a person is employed in any





1 capacity by an employer in excess of the limitations set forth in  
2 this subsection, the person shall not be eligible to receive the  
3 person's retirement allowance for any month during which the  
4 person is so employed. In addition, such person shall become a  
5 member of and contribute to any retirement system described in  
6 this subsection if the person satisfies the retirement system's  
7 membership eligibility requirements. The provisions of this  
8 subsection shall not apply to any person retired and currently  
9 receiving a retirement allowance in accordance with sections  
10 169.010 to 169.141 employed by a public community college.

11 3. Notwithstanding any other provisions of the law to the  
12 contrary, for the 2019 calendar year, the amount to be paid by  
13 each community college to the board of trustees of the retirement  
14 system for funding purposes of the public education employee  
15 retirement system of Missouri shall be adjusted as follows:

16 (1) No later than August 30, 2019, the board of trustees of  
17 the retirement system shall calculate the amount paid by the  
18 college pursuant to this section from August 27, 2018, until the  
19 effective date of this act and provide the amount calculated to  
20 each college; and

21 (2) The amount to be remitted by each college for the  
22 remainder of the 2019 calendar year shall be reduced by the  
23 amount stated by the board of trustees of the retirement system.

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25 The adjustment made pursuant to this subsection shall not affect  
26 any payments by the colleges to the board of trustees of the  
27 retirement system after December 31, 2019, nor shall such  
28 adjustments affect payments by the board of trustees of the  
29 retirement system to any retiree."; and



Further amend the title and enacting clause accordingly.

