

FIRST REGULAR SESSION

HOUSE BILL NO. 459

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASHINGTON.

1014H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 169.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.560, to read as follows: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. ~~[+]~~ Any person retired and currently receiving a retirement allowance ~~[pursuant to]~~ **under** sections 169.010 to 169.141, other than for disability, may be employed in any capacity 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 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 employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this ~~[subsection]~~ **section** 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 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 on the annual compensation of the highest paid position occupied by the

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

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

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