

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 934, Page 4, Section 57.991, Line 21, by
2 inserting after all of the said section and line the following:

3
4 "104.160. The board of trustees shall consist of three members of the state highways and
5 transportation commission elected by the members of the commission. The superintendent of the
6 highway patrol and the director of the department of transportation shall serve as members by virtue
7 of their respective offices, and their successors shall succeed them as members of the board of
8 trustees. In addition, one member of the senate appointed by the president pro tem of the senate and
9 one member of the house of representatives, appointed by the speaker of the house shall serve as
10 members of the board of trustees. In addition to the appointed legislators, two active employee
11 members of the system shall be elected by a plurality vote of the active employee members of the
12 system, herein designated for four-year terms to commence July 1, 1982, and every four years
13 thereafter. One elected member shall be elected from the active employees of the department of
14 transportation and one elected member shall be elected from the active employees of the civilian or
15 uniformed highway patrol. The terms of the active employee representatives serving on the board
16 on August 28, 2026, shall continue until June 30, 2028. All terms of elected active employee
17 representatives shall be for four years after June 30, 2028. In addition to the two active employee
18 members, two retirees of the system shall be elected to serve on the board by a plurality vote of the
19 retirees of the system. One retiree shall be elected by the retired employees of the transportation
20 department and one retiree shall be elected by the retired employees of the civilian or uniformed
21 highway patrol. The retiree serving on the board on August 28, 2007, shall continue to serve on the
22 board as the representative of the retired employees of the transportation department until June 30,
23 2010. An election shall be held prior to January 1, 2008, for the retiree to be elected by the retired
24 employees of the civilian or uniformed highway patrol with said term to commence on January 1,
25 2008, and expire on June 30, 2010. All terms of elected retired employees shall be for four years
26 after June 30, 2010. The board shall determine the procedures for nomination and election of the
27 elective board members. Nominations may be entered by any member of the system, provided
28 members of the system have a reasonable opportunity to vote.

29 169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or
30 more and whose creditable service is five years or more, or whose sum of age and creditable service

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1 equals eighty years or more, or who has attained age fifty-five and whose creditable service is
2 twenty-five years or more or whose creditable service is thirty years or more regardless of age, may
3 be the sum of the following items, not to exceed one hundred percent of the member's final average
4 salary:

5 (1) Two and five-tenths percent of the member's final average salary for each year of
6 membership service;

7 (2) Six-tenths of the amount payable for a year of membership service for each year of prior
8 service not exceeding thirty years.

9
10 In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection,
11 a member may elect to receive a retirement allowance of:

12 (3) Two and four-tenths percent of the member's final average salary for each year of
13 membership service, if the member's creditable service is twenty-nine years or more but less than
14 thirty years, and the member has not attained age fifty-five;

15 (4) Two and thirty-five-hundredths percent of the member's final average salary for each
16 year of membership service, if the member's creditable service is twenty-eight years or more but less
17 than twenty-nine years, and the member has not attained age fifty-five;

18 (5) Two and three-tenths percent of the member's final average salary for each year of
19 membership service, if the member's creditable service is twenty-seven years or more but less than
20 twenty-eight years, and the member has not attained age fifty-five;

21 (6) Two and twenty-five-hundredths percent of the member's final average salary for each
22 year of membership service, if the member's creditable service is twenty-six years or more but less
23 than twenty-seven years, and the member has not attained age fifty-five;

24 (7) Two and two-tenths percent of the member's final average salary for each year of
25 membership service, if the member's creditable service is twenty-five years or more but less than
26 twenty-six years, and the member has not attained age fifty-five;

27 (8) [~~Between July 1, 2001, and July 1, 2014,~~] Two and fifty-five hundredths percent of the
28 member's final average salary for each year of membership service, if the member's creditable
29 service is [~~thirty-one~~] thirty-two years or more regardless of age.

30 2. In lieu of the retirement allowance provided in subsection 1 of this section, a member
31 whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement
32 allowance calculated as a sum of the following items:

33 (1) Sixty cents plus one and five-tenths percent of the member's final average salary for
34 each year of membership service;

35 (2) Six-tenths of the amount payable for a year of membership service for each year of prior
36 service not exceeding thirty years;

37 (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for
38 each month of attained age in excess of sixty years but not in excess of age sixty-five.

1 Upon the death of the member prior to the member having received sixty monthly payments
2 of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced
3 allowance shall be paid to such beneficiary as the member shall have nominated in the member's
4 election of the option or in a subsequent nomination. If there is no beneficiary so nominated who
5 survives the member for the remainder of the sixty monthly payments, the total of the remainder of
6 such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal
7 shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to
8 receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the
9 retired individual and the beneficiary of the retired individual is less than the total of the member's
10 accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

11 (2) The election of an option may be made only in the application for retirement and such
12 application must be filed prior to the date on which the retirement of the member is to be effective.
13 If either the member or the person nominated to receive the survivorship payments dies before the
14 effective date of retirement, the option shall not be effective, provided that:

15 (a) If the member or a person retired on disability retirement dies after acquiring twenty-five
16 or more years of creditable service or after attaining the age of fifty-five years and acquiring five or
17 more years of creditable service and before retirement, except retirement with disability benefits,
18 and the person named by the member as the member's beneficiary has an insurable interest in the
19 life of the deceased member, the designated beneficiary may elect to receive either survivorship
20 benefits under option 2 or a payment of the accumulated contributions of the member. If
21 survivorship benefits under option 2 are elected and the member at the time of death would have
22 been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated
23 beneficiary may further elect to defer the option 2 payments until the date the member would have
24 been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

25 (b) If the member or a person retired on disability retirement dies before attaining age fifty-
26 five but after acquiring five but fewer than twenty-five years of creditable service, and the person
27 named as the member's beneficiary has an insurable interest in the life of the deceased member, the
28 designated beneficiary may elect to receive either a payment of the member's accumulated
29 contributions, or survivorship benefits under option 2 to begin on the date the member would first
30 have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to
31 begin on the date the member would first have been eligible to receive the retirement allowance
32 provided in subsection 1 or 2 of this section.

33 4. If the total of the retirement or disability allowance paid to an individual before the death
34 of the individual is less than the accumulated contributions at the time of retirement, the difference
35 shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in
36 equal shares, surviving parents in equal shares, or estate of the individual in that order of
37 precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had
38 been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement
39 allowance paid to the retired individual and the beneficiary of the retired individual is less than the

1 total of the contributions, the difference shall be paid to the surviving spouse, surviving children in
2 equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of
3 precedence, unless the retired individual designates a different recipient with the board at or after
4 retirement.

5 5. If a member dies and his or her financial institution is unable to accept the final payment
6 or payments due to the member, the final payment or payments shall be paid to the beneficiary of
7 the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares,
8 surviving parents in equal shares, or estate of the member, in that order of precedence, unless
9 otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is
10 unable to accept the final payment or payments, the final payment or payments shall be paid to the
11 surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of
12 the member, in that order of precedence, unless otherwise stated.

13 6. If a member dies before receiving a retirement allowance, the member's accumulated
14 contributions at the time of the death of the member shall be paid to the beneficiary of the member
15 or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving
16 parents in equal shares, or to the estate of the member, in that order of precedence; except that, no
17 such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless
18 the beneficiary dies before having received benefits pursuant to that subsection equal to the
19 accumulated contributions of the member, in which case the amount of accumulated contributions in
20 excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse,
21 surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in
22 that order of precedence.

23 7. If a member ceases to be a public school employee as herein defined and certifies to the
24 board of trustees that such cessation is permanent, or if the membership of the person is otherwise
25 terminated, the member shall be paid the member's accumulated contributions with interest.

26 8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a
27 member ceases to be a public school employee after acquiring five or more years of membership
28 service in Missouri, the member may at the option of the member leave the member's contributions
29 with the retirement system and claim a retirement allowance any time after reaching the minimum
30 age for voluntary retirement. When the member's claim is presented to the board, the member shall
31 be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's
32 age, years of service, and the provisions of the law in effect at the time the member requests the
33 member's retirement to become effective.

34 9. The retirement allowance of a member retired because of disability shall be nine-tenths of
35 the allowance to which the member's creditable service would entitle the member if the member's
36 age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the
37 member's contributions during the last school year for which the member received a year of
38 creditable service immediately prior to the member's disability, whichever is greater, except that no
39 such allowance shall exceed the retirement allowance to which the member would have been

1 entitled upon retirement at age sixty if the member had continued to teach from the date of disability
2 until age sixty at the same salary rate.

3 10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from
4 October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied
5 by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors
6 Insurance tax is paid from state or local tax funds on account of the member's employment entitling
7 the person to membership in the system. The monetary benefits for a member who elected not to
8 exercise an option to pay into the system a retroactive contribution of four percent on that part of the
9 member's annual salary rate which was in excess of four thousand eight hundred dollars but not in
10 excess of eight thousand four hundred dollars for each year of employment in a position covered by
11 this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it
12 appears in RSMo, 1969, shall be the sum of:

13 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years
14 of membership service;

15 (2) For years of membership service after July 1, 1946, in which the full contribution rate
16 was paid, full benefits under the formula in effect at the time of the member's retirement;

17 (3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the
18 benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least
19 thirty years of creditable service at retirement the member shall receive the benefit payable pursuant
20 to that section as though the member's age were sixty-five at retirement;

21 (4) For years of membership service after July 1, 1961, in which the two-thirds contribution
22 rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's
23 retirement.

24 11. The monetary benefits for each other member for whom federal Old Age and Survivors
25 Insurance tax is or was paid at any time from state or local funds on account of the member's
26 employment entitling the member to membership in the system shall be the sum of:

27 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years
28 of membership service;

29 (2) For years of membership service after July 1, 1946, in which the full contribution rate
30 was paid, full benefits under the formula in effect at the time of the member's retirement;

31 (3) For years of membership service after July 1, 1957, in which the two-thirds contribution
32 rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's
33 retirement.

34 12. Any retired member of the system who was retired prior to September 1, 1972, or
35 beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such
36 option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement
37 allowance of the member of two percent for each year, or major fraction of more than one-half of a
38 year, which the retired member has been retired prior to July 1, 1975. This increased amount shall
39 be payable commencing with January, 1976, and shall thereafter be referred to as the member's

1 retirement allowance. The increase provided for in this subsection shall not affect the retired
2 member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the
3 amount being paid pursuant to these sections be reduced because of any increases provided for in
4 this section.

5 13. If the board of trustees determines that the cost of living, as measured by generally
6 accepted standards, increases two percent or more in the preceding fiscal year, the board shall
7 increase the retirement allowances which the retired members or beneficiaries are receiving by two
8 percent of the amount being received by the retired member or the beneficiary at the time the annual
9 increase is granted by the board with the provision that the increases provided for in this subsection
10 shall not become effective until the fourth January first following the member's retirement or
11 January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1,
12 2000, the increase provided for in this subsection shall not become effective until the third January
13 first following the member's retirement, or in the case of any member retiring on or after July 1,
14 2001, the increase provided for in this subsection shall not become effective until the second
15 January first following the member's retirement. Commencing with January 1, 1992, if the board of
16 trustees determines that the cost of living has increased five percent or more in the preceding fiscal
17 year, the board shall increase the retirement allowances by five percent. The total of the increases
18 granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty
19 percent of the retirement allowance established at retirement or as previously adjusted by other
20 subsections. If the cost of living increases less than five percent, the board of trustees may
21 determine the percentage of increase to be made in retirement allowances, but at no time can the
22 increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no
23 increase in allowances for retired members on the following January first.

24 14. The board of trustees may reduce the amounts which have been granted as increases to a
25 member pursuant to subsection 13 of this section if the cost of living, as determined by the board
26 and as measured by generally accepted standards, is less than the cost of living was at the time of
27 the first increase granted to the member; except that, the reductions shall not exceed the amount of
28 increases which have been made to the member's allowance after December 31, 1976.

29 15. Any application for retirement shall include a sworn statement by the member certifying
30 that the spouse of the member at the time the application was completed was aware of the
31 application and the plan of retirement elected in the application.

32 16. Notwithstanding any other provision of law, any person retired prior to September 28,
33 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of
34 this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to
35 receive continued retirement allowance payments under the elected option dies or has died, shall
36 upon application to the board of trustees have his or her retirement allowance increased to the
37 amount he or she would have been receiving had the option not been elected, actuarially adjusted to
38 recognize any excessive benefits which would have been paid to him or her up to the time of
39 application.

1 17. Benefits paid pursuant to the provisions of the public school retirement system of
2 Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except
3 as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of
4 trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States
5 Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title
6 26 of the United States Code. The board of trustees may promulgate regulations necessary to
7 implement the provisions of this subsection and to create and administer such benefit plan.

8 18. Notwithstanding any other provision of law to the contrary, any person retired before,
9 on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a
10 special consultant on the matters of education, retirement and aging, and upon request shall give
11 written or oral opinions to the board in response to such requests. As compensation for such duties
12 the person shall receive an amount based on the person's years of service so that the total amount
13 received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in
14 subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the
15 amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the
16 actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining
17 the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1)
18 and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that
19 was applied to the person's retirement allowance due to election of an optional form of retirement
20 having a continued monthly payment after the person's death. Notwithstanding any other provision
21 of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of
22 such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on
23 the person's years of service less than the following amounts:

- 24 (1) Thirty or more years of service, one thousand two hundred dollars;
- 25 (2) At least twenty-five years but less than thirty years, one thousand dollars;
- 26 (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- 27 (4) At least fifteen years but less than twenty years, six hundred dollars.

28 19. Notwithstanding any other provisions of law to the contrary, any person retired prior to
29 May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to
30 July 1, 1999, shall be made, constituted, appointed and employed by the board as a special
31 consultant on the matters of education, retirement or aging and upon request shall give written or
32 oral opinions to the board in response to such requests. Beginning September 1, 1996, as
33 compensation for such service, the member shall have added, pursuant to this subsection, to the
34 member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty
35 dollars or the product of two dollars multiplied by the member's number of years of creditable
36 service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as
37 compensation for such service have added, pursuant to this subsection, to the monthly annuity as
38 provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two
39 dollars multiplied by the member's number of years of creditable service. The total compensation

1 provided by this section including the compensation provided by this subsection shall be used in
2 calculating any future cost-of-living adjustments provided by subsection 13 of this section.

3 20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a
4 deceased retired member shall be made, constituted, appointed and employed by the board as a
5 special consultant on the matters of education, retirement and aging, and upon request shall give
6 written or oral opinions to the board in response to such requests. As compensation for such duties
7 the person shall receive a payment equivalent to eight and seven-tenths percent of the previous
8 month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which
9 shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the
10 limit on the total amount of increases which may be received.

11 21. Any member who has retired shall be made, constituted, appointed and employed by the
12 board as a special consultant on the matters of education, retirement and aging, and upon request
13 shall give written or oral opinions to the board in response to such request. As compensation for
14 such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse,
15 surviving children in equal shares, surviving parents in equal shares, or estate of the retired member,
16 in that order of precedence, shall receive as a part of compensation for these duties a death benefit of
17 five thousand dollars.

18 22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a
19 retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and
20 employed by the board as a special consultant on the matters of education, retirement and aging, and
21 upon request shall give written or oral opinions to the board in response to such requests. As
22 compensation for such duties, the person shall have added, pursuant to this subsection, to the
23 monthly annuity as provided by this section a dollar amount equal to five dollars times the member's
24 number of years of creditable service.

25 23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a
26 deceased retired member shall be made, constituted, appointed and employed by the board as a
27 special consultant on the matters of education, retirement and aging, and upon request shall give
28 written or oral opinions to the board in response to such requests. As compensation for such duties,
29 the person shall receive a payment equivalent to three and five-tenths percent of the previous
30 month's benefit, which shall be added to the member or beneficiary's monthly annuity and which
31 shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the
32 limit on the total amount of increases which may be received.

33 24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a
34 deceased retired member shall be made, constituted, appointed and employed by the board as a
35 special consultant on the matters of education, retirement and aging, and upon request shall give
36 written or oral opinions to the board in response to such requests. As compensation for such duties,
37 the person shall receive a dollar amount equal to three dollars times the member's number of years
38 of creditable service, which shall be added to the member's or beneficiary's monthly annuity and

1 which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes
2 of the limit on the total amount of increases which may be received.

3 169.560. 1. Any person retired and currently receiving a retirement allowance pursuant to
4 sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an
5 employer included in the retirement system created by those sections on either a part-time or
6 temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year,
7 and through such employment may earn up to fifty percent of the annual compensation payable
8 under the employer's salary schedule for the position or positions filled by the retiree, given such
9 person's level of experience and education, without a discontinuance of the person's retirement
10 allowance. If the employer does not utilize a salary schedule, or if the position in question is not
11 subject to the employer's salary schedule, a retiree employed in accordance with the provisions of
12 this subsection may earn up to fifty percent of the annual compensation paid to the person or
13 persons who last held such position or positions. If the position or positions did not previously
14 exist, the compensation limit shall be determined in accordance with rules duly adopted by the
15 board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the
16 annual compensation payable for the position by the employer that is most comparable to the
17 position filled by the retiree. In any case where a retiree fills more than one position during the
18 school year, the fifty-percent limit on permitted earning shall be based solely on the annual
19 compensation of the highest paid position occupied by the retiree for at least one-fifth of the total
20 hours worked during the year. Such a person shall not contribute to the retirement system or to the
21 public education employee retirement system established by sections 169.600 to 169.715 because of
22 earnings during such period of employment. If such a person is employed in any capacity by such
23 an employer in excess of the limitations set forth in this subsection, the person shall not be eligible
24 to receive the person's retirement allowance for any month during which the person is so employed.
25 In addition, such person shall contribute to the retirement system if the person satisfies the
26 retirement system's membership eligibility requirements. In addition to the conditions set forth
27 above, this subsection shall apply to any person retired and currently receiving a retirement
28 allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third
29 party or is performing work as an independent contractor, if such person is performing work for an
30 employer included in the retirement system as a temporary or long-term substitute teacher or in any
31 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. The
33 retirement system may require the employer, the third-party employer, the independent contractor,
34 and the retiree subject to this subsection to provide documentation showing compliance with this
35 subsection. If such documentation is not provided, the retirement system may deem the retiree to
36 have exceeded the limitations provided in this subsection.

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

1 sections in a position that does not normally require a person employed in that position to be duly
2 certificated under the laws governing the certification of teachers in Missouri, and through such
3 employment may earn, beginning on August 28, 2023, and ending on June 30, 2028, up to [sixty
4 percent of the minimum teacher's salary as set forth in section 163.172] one hundred thirty-three
5 percent of the annual earnings exemption amount applicable to a Social Security recipient before the
6 calendar year of attainment of full retirement age under 20 CFR 404.430, and, after June 30, 2028,
7 up to the annual earnings exemption amount applicable to a Social Security retirement recipient
8 before the calendar year of attainment of full retirement age under 20 CFR 404.430, without a
9 discontinuance of the person's retirement allowance from the retirement system. The Social
10 Security annual earnings exemption amount applied shall be the exemption amount in effect for the
11 calendar year in which the school year begins. Such person shall not contribute to the retirement
12 system or to the public education employee retirement system established by sections 169.600 to
13 169.715 because of earnings during such period of employment, and such person shall not earn
14 membership service for such employment. The employer's contribution rate shall be paid by the
15 hiring employer into the public education employee retirement system established by sections
16 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the
17 limitations set forth in this subsection, the person shall not be eligible to receive the person's
18 retirement allowance for any month during which the person is so employed. In addition, such
19 person shall become a member of and contribute to any retirement system described in this
20 subsection if the person satisfies the retirement system's membership eligibility requirements. The
21 provisions of this subsection shall not apply to any person retired and currently receiving a
22 retirement allowance in accordance with sections 169.010 to 169.141 employed by a public
23 community college or employer under subsection 4 of section 169.130.

24 169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a retired
25 certificated teacher receiving a retirement benefit from the retirement system established pursuant to
26 sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach full time for up
27 to ~~[two]~~ four years for a school district covered by such retirement system; provided that the school
28 district has a shortage of certified teachers, as determined by the school district, and provided that
29 no such retired certificated teacher shall be employed as a superintendent. The total number of such
30 retired certificated teachers shall not exceed, at any one time, the ~~[lesser of ten]~~ greater of one
31 percent of the total [teacher] certificated teachers and noncertificated staff for that school district, or
32 five certificated teachers.

33 2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a
34 retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715
35 may, without losing his or her retirement benefit, be employed full time for up to ~~[two]~~ four years
36 for a school district covered by such retirement system; provided that the school district has a
37 shortage of noncertificated employees, as determined by the school district. The total number of
38 such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of
39 the total noncertificated staff for that school district, or five employees.

1 3. The employer's contribution rate shall be paid by the hiring school district.

2 4. In order to hire teachers and noncertificated employees pursuant to the provisions of this
3 section, the school district shall:

4 (1) Show a good faith effort to fill positions with nonretired certificated teachers or
5 nonretired noncertificated employees;

6 (2) Post the vacancy for at least one month;

7 (3) Have not offered early retirement incentives for either of the previous two years;

8 (4) Solicit applications through the local newspaper, other media, or teacher education
9 programs;

10 (5) Determine there is an insufficient number of eligible applicants for the advertised
11 position; and

12 (6) Declare a critical shortage of certificated teachers or noncertificated employees that is
13 active for one year.

14 5. Any person hired pursuant to this section shall be included in the State Directory of New
15 Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.";
16 and

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.