

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 said section and line the following:

3  
4 "104.010. 1. The following words and phrases as used in sections 104.010 to 104.800,  
5 unless a different meaning is plainly required by the context, shall mean:

6 (1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes  
7 from a member's compensation which shall be credited to the member's individual account and  
8 interest allowed thereon;

9 (2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

10 (3) "Actuarial equivalent", a benefit which, when computed upon the basis of specified  
11 actuarial assumptions approved by the board, is equal in value to a certain amount or other benefit;

12 (4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

13 (5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who  
14 is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is  
15 employed by a board at any given time;

16 (6) "Annuity", annual payments, made in equal monthly installments, to a retired member  
17 from funds provided for in, or authorized by, this chapter;

18 (7) "Annuity starting date", the first day of the first month with respect to which an amount  
19 is paid as an annuity under sections 104.010 to 104.800, and the terms retirement, time of  
20 retirement, and date of retirement shall mean annuity starting date as defined in this subdivision  
21 unless the context in which the term is used indicates otherwise;

22 (8) "Average compensation", the average compensation of a member for the thirty-six  
23 consecutive months of service prior to retirement when the member's compensation was greatest; or  
24 if the member is on workers' compensation leave of absence or a medical leave of absence due to an  
25 employee illness, the amount of compensation the member would have received may be used, as  
26 reported and verified by the employing department; or if the member had less than thirty-six months  
27 of service, the average annual compensation paid to the member during the period up to thirty-six  
28 months for which the member received creditable service when the member's compensation was the  
29 greatest; or if the member is on military leave, the amount of compensation the member would have  
30 received may be used as reported and verified by the employing department or, if such amount is not

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1 determinable, the amount of the employee's average rate of compensation during the twelve-month  
2 period immediately preceding such period of leave, or if shorter, the period of employment  
3 immediately preceding such period of leave. The board of each system may promulgate rules for  
4 purposes of calculating average compensation and other retirement provisions to accommodate for  
5 any state payroll system in which compensation is received on a monthly, semimonthly, biweekly, or  
6 other basis;

7 (9) "Beneficiary", any persons or entities entitled to or nominated by a member or retiree  
8 who may be legally entitled to receive benefits pursuant to this chapter;

9 (10) "Biennial assembly", the completion of no less than two years of creditable service or  
10 creditable prior service by a member of the general assembly;

11 (11) "Board of trustees", "board", or "trustees", a board of trustees as established for the  
12 applicable system pursuant to this chapter;

13 (12) "Chapter", sections 104.010 to 104.800;

14 (13) "Compensation":

15 (a) All salary and wages payable out of any state, federal, trust, or other funds to an  
16 employee for personal services performed for a department; but including only amounts for which  
17 contributions have been made in accordance with section 104.436, or section 104.070, whichever is  
18 applicable, and excluding any nonrecurring single sum payments or amounts paid after the  
19 member's termination of employment unless such amounts paid after such termination are a final  
20 installment of salary or wages at the same rate as in effect immediately prior to termination of  
21 employment in accordance with a state payroll system adopted on or after January 1, 2000, or any  
22 other one-time payments made as a result of such payroll system;

23 (b) All salary and wages which would have been payable out of any state, federal, trust or  
24 other funds to an employee on workers' compensation leave of absence during the period the  
25 employee is receiving a weekly workers' compensation benefit, as reported and verified by the  
26 employing department;

27 (c) Effective December 31, 1995, compensation in excess of the limitations set forth in  
28 Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for  
29 eligible employees shall not be less than the amount which was allowed to be taken into account  
30 under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an  
31 individual who was a member of the system before the first plan year beginning after December 31,  
32 1995;

33 (d) The board by its rules may further define "compensation" in a manner consistent with  
34 this definition;

35 (14) "Consumer price index", the Consumer Price Index for All Urban Consumers for the  
36 United States, or its successor index, as approved by a board, as such index is defined and officially  
37 reported by the United States Department of Labor, or its successor agency;

38 (15) "Creditable prior service", the service of an employee which was either rendered prior  
39 to the establishment of a system, or prior to the date the employee last became a member of a

1 system, and which is recognized in determining the member's eligibility and for the amount of the  
2 member's benefits under a system;

3 (16) "Creditable service", the sum of membership service and creditable prior service, to the  
4 extent such service is standing to a member's credit as provided in this chapter; except that in no  
5 case shall more than one day of creditable service or creditable prior service be credited any  
6 member for any one calendar day of eligible service credit as provided by law;

7 (17) "Deferred normal annuity", the annuity payable to any former employee who  
8 terminated employment as an employee or otherwise withdrew from service with a vested right to a  
9 normal annuity, payable at a future date;

10 (18) "Department", any department or agency of the executive, legislative or judicial branch  
11 of the state of Missouri receiving state appropriations, including allocated funds from the federal  
12 government but not including any body corporate or politic unless its employees are eligible for  
13 retirement coverage from a system pursuant to this chapter as otherwise provided by law;

14 (19) "Disability benefits", benefits paid to any employee while totally disabled as provided  
15 in this chapter;

16 (20) "Early retirement age", a member's attainment of fifty-five years of age and the  
17 completion of ten or more years of creditable service, except for uniformed members of the water  
18 patrol;

19 (21) "Employee":

20 (a) Effective August 28, 2007, any elective or appointive officer or person employed by the  
21 state who is employed, promoted or transferred by a department into a new or existing position and  
22 earns a salary or wage in a position normally requiring the performance by the person of duties  
23 during not less than one thousand forty hours per year, including each member of the general  
24 assembly but not including any patient or inmate of any state, charitable, penal or correctional  
25 institution. However, persons who are members of the public school retirement system and who are  
26 employed by a state agency other than an institution of higher learning shall be deemed employees  
27 for purposes of participating in all insurance programs administered by a board established pursuant  
28 to section 104.450. This definition shall not exclude any employee as defined in this subdivision  
29 who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used  
30 in this chapter, the term "employee" shall include:

31 a. Persons who are currently receiving annuities or other retirement benefits from some  
32 other retirement or benefit fund, so long as they are not simultaneously accumulating creditable  
33 service in another retirement or benefit system which will be used to determine eligibility for or the  
34 amount of a future retirement benefit;

35 b. Persons who have elected to become or who have been made members of a system  
36 pursuant to section 104.342;

37 (b) Any person who is not a retiree and has performed services in the employ of the general  
38 assembly or either house thereof, or any employee of any member of the general assembly while  
39 acting in the person's official capacity as a member, and whose position does not normally require

1 the person to perform duties during at least one thousand forty hours per year, with a month of  
2 service being any monthly pay period in which the employee was paid for full-time employment for  
3 that monthly period; except that persons described in this paragraph shall not include any such  
4 persons who are employed on or after August 28, 2007, and who have not previously been  
5 employed in such positions;

6 (c) "Employee" does not include special consultants employed pursuant to section 104.610;

7 (d) The system shall consider a person who is employed in multiple positions  
8 simultaneously within a single agency to be working in a single position for purposes of determining  
9 whether the person is an employee as defined in this subdivision;

10 (22) "Employer", a department of the state;

11 (23) "Executive director", the executive director employed by a board established pursuant  
12 to the provisions of this chapter;

13 (24) "Fiscal year", the period beginning July first in any year and ending June thirtieth the  
14 following year;

15 (25) "Full biennial assembly", the period of time beginning on the first day the general  
16 assembly convenes for a first regular session until the last day of the following year;

17 (26) "Fund", the benefit fund of a system established pursuant to this chapter;

18 (27) "Interest", interest at such rate as shall be determined and prescribed from time to time  
19 by a board;

20 (28) "Member", as used in sections 104.010 to 104.272 or 104.601 to 104.800 shall mean an  
21 employee, retiree, or former employee entitled to a deferred annuity covered by the Missouri  
22 department of transportation and highway patrol employees' retirement system. "Member", as used  
23 in this section and sections 104.312 to 104.800, shall mean an employee, retiree, or former  
24 employee entitled to deferred annuity covered by the Missouri state employees' retirement system;

25 (29) "Membership service", the service after becoming a member that is recognized in  
26 determining a member's eligibility for and the amount of a member's benefits under a system;

27 (30) "Military service", all active service performed in the United States Army, Air Force,  
28 Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any  
29 women's auxiliary thereof; and service in the Army National Guard and Air National Guard when  
30 engaged in active duty for training, inactive duty training or full-time National Guard duty, and  
31 service by any other category of persons designated by the President in time of war or emergency;

32 (31) "Normal annuity", the annuity provided to a member upon retirement at or after the  
33 member's normal retirement age;

34 (32) "Normal retirement age", an employee's attainment of sixty-five years of age and the  
35 completion of four years of creditable service or the attainment of age sixty-five years of age and the  
36 completion of five years of creditable service by a member who has terminated employment and is  
37 entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of  
38 fifteen years of creditable service, except that normal retirement age for uniformed members of the  
39 highway patrol shall be fifty-five years of age and the completion of four years of creditable service

1 and uniformed employees of the water patrol shall be fifty-five years of age and the completion of  
2 four years of creditable service or the attainment of age fifty-five and the completion of five years of  
3 creditable service by a member of the water patrol who has terminated employment and is entitled  
4 to a deferred normal annuity and members of the general assembly shall be fifty-five years of age  
5 and the completion of three full biennial assemblies. Notwithstanding any other provision of law to  
6 the contrary, a member of the Missouri department of transportation and highway patrol employees'  
7 retirement system or a member of the Missouri state employees' retirement system shall be entitled  
8 to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and  
9 shall also be entitled to any other provisions of this chapter that relate to retirement with a normal  
10 annuity if the sum of the member's age and creditable service equals eighty years or more and if the  
11 member is at least forty-eight years of age;

12 (33) "Payroll deduction", deductions made from an employee's compensation;

13 (34) "Prior service credit", the service of an employee rendered prior to the date the  
14 employee became a member which service is recognized in determining the member's eligibility for  
15 benefits from a system but not in determining the amount of the member's benefit;

16 (35) "Reduced annuity", an actuarial equivalent of a normal annuity;

17 (36) "Retiree", a member who is not an employee and who is receiving an annuity from a  
18 system pursuant to this chapter;

19 (37) "System" or "retirement system", the Missouri department of transportation and  
20 highway patrol employees' retirement system, as created by sections 104.010 to 104.270, or sections  
21 104.601 to 104.800, or the Missouri state employees' retirement system as created by sections  
22 104.320 to 104.800;

23 (38) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel,  
24 majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri  
25 state highway patrol who normally appear in uniform;

26 (39) "Uniformed members of the water patrol", employees of the Missouri state water patrol  
27 of the department of public safety who are classified as water patrol officers who have taken the  
28 oath of office prescribed by the provisions of chapter 306 and who have those peace officer powers  
29 given by the provisions of chapter 306;

30 (40) "Vesting service", the sum of a member's prior service credit and creditable service  
31 which is recognized in determining the member's eligibility for benefits under the system.

32 2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of  
33 Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference.  
34 Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan  
35 under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be  
36 created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of  
37 1986, as amended. The board of trustees may promulgate regulations necessary to implement the  
38 provisions of this subsection and to create and administer such benefit plan.

1           104.020. There is hereby created the "Missouri Department of Transportation and Highway  
2 Patrol Employees' Retirement System", which shall be a body corporate and an instrumentality of  
3 the state. In such system shall be vested the powers and duties specified in sections 104.010 to  
4 ~~[104.270]~~ 104.312 and such other powers as may be necessary or proper to enable it, its officers,  
5 employees, and agents to carry out fully and effectively all the purposes of sections 104.010 to  
6 ~~[104.270]~~ 104.312.

7           104.035. 1. Any member whose employment terminated prior to August 13, 1976, and who  
8 had served twenty years or more as an employee shall be entitled to a deferred normal annuity based  
9 on his creditable service, average compensation, and the act in effect at the time his employment  
10 was terminated.

11           2. Any member whose employment terminates on or after August 13, 1976, and prior to  
12 June 1, 1981, and who had served fifteen or more years' creditable service as an employee or had  
13 served ten or more years of creditable service as an employee and was at least thirty-five years of  
14 age at the date of termination of employment shall be entitled to a deferred normal annuity based on  
15 his creditable service, average compensation, and the act in effect at the time his employment was  
16 terminated.

17           3. Any member whose employment terminates on or after June 1, 1981, and who has ten or  
18 more years of creditable service at the date of termination of employment shall be entitled to a  
19 deferred normal annuity based on the member's creditable service, average compensation and the act  
20 in effect at the time the member's employment is terminated.

21           4. Any member entitled to a deferred normal annuity as provided in subsection 1, 2, 3 or 5  
22 of this section who reenters the service of a department and again becomes a member of the system  
23 ~~[and thereafter serves for one continuous year]~~ shall have his prior period of service restored, so that  
24 benefits determined by reason of his retirement or subsequent withdrawal from service will include  
25 the sum of all periods of creditable service, and his annuity shall be based on his creditable service,  
26 average compensation, and the act in effect at the time of his retirement or subsequent withdrawal  
27 from service.

28           5. Notwithstanding any other law to the contrary, any member of the transportation  
29 department and highway patrol retirement system whose employment terminated on or after  
30 September 28, 1992, who has five or more years of vesting service as an employee at the date of  
31 termination of employment shall be entitled to a deferred normal annuity based on the member's  
32 creditable service, average compensation, and the act in effect at the time the member's employment  
33 was terminated.

34           104.090. 1. The normal annuity of a member shall equal one and six-tenths percent of the  
35 average compensation of the member multiplied by the number of years of creditable service of  
36 such member. In addition, the normal annuity of a uniformed member of the patrol shall be  
37 increased by thirty-three and one-third percent.

38           2. In addition, a uniformed member of the highway patrol who is retiring with a normal  
39 annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per

1 month as a contribution by the system until such member attains the age of sixty-five years, when  
2 such contribution shall cease. To qualify for the contribution provided in this subsection by the  
3 system, the retired uniformed member of the highway patrol is made, constituted, appointed and  
4 employed by the board as a special consultant on the problems of retirement, aging and other state  
5 matters. Such additional contribution shall be reduced each month by such amount earned by the  
6 retired uniformed member of the highway patrol in gainful employment. In order to qualify for the  
7 additional contribution provided in this subsection, the retired uniformed member of the highway  
8 patrol shall have been:

9 (1) Hired by the Missouri state highway patrol prior to January 1, 1995; and

10 (2) Employed by the Missouri state highway patrol or receiving long-term disability or  
11 work-related disability benefits on the day before the effective date of the member's retirement.

12 3. In lieu of the annuity payable to the member pursuant to section 104.100, a member  
13 whose age at retirement is forty-eight or more may elect in the member's application for retirement  
14 to receive one of the following:

15 Option 1.

16 An actuarial reduction approved by the board of the member's annuity in reduced monthly  
17 payments for life during retirement with the provision that upon the member's death the reduced  
18 annuity at date of death shall be continued throughout the life of, and be paid to, the member's  
19 spouse; or

20 Option 2.

21 The member's normal annuity in regular monthly payments for life during retirement with  
22 the provision that upon the member's death a survivor's benefit equal to one-half the member's  
23 normal annuity at date of death shall be paid to the member's spouse in regular monthly payments  
24 for life; or

25 Option 3.

26 An actuarial reduction approved by the board of the member's normal annuity in reduced  
27 monthly payments for the member's life with the provision that if the member dies prior to the  
28 member's having received one hundred twenty monthly payments of the member's reduced annuity,  
29 the member's reduced allowance to which the member would have been entitled had the member  
30 lived shall be paid for the remainder of the one hundred twenty-month period to such beneficiary as  
31 the member shall have nominated by written designation duly executed and filed with the board. If  
32 there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such  
33 one hundred twenty-month period shall be paid to the retiree's estate; or

34 Option 4.

35 An actuarial reduction approved by the board of the member's normal annuity in reduced  
36 monthly payments for the member's life with the provision that if the member dies prior to the  
37 member having received sixty monthly payments of the member's reduced annuity, the member's

1 reduced allowance to which the member would have been entitled had the member lived shall be  
2 paid for the remainder of the sixty-month period to such beneficiary as the member shall have  
3 nominated by written designation duly executed and filed with the board. If there is no beneficiary  
4 surviving the retiree, the reserve for such allowance for the remainder of such sixty-month period  
5 shall be paid to the retiree's estate.

6 4. The election may be made only in the application for retirement, and such application  
7 shall be filed at least thirty days but not more than ninety days prior to the date on which the  
8 retirement of the member is to be effective, provided that if either the member or the spouse  
9 nominated to receive the survivorship payment dies before the effective date of retirement, the  
10 election shall not be effective. If after the reduced annuity commences, the spouse predeceases the  
11 retired member, the reduced annuity continues to the retired member during the member's lifetime.

12 5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date  
13 retirement benefits are initiated if the member makes the election within one year from the date of  
14 marriage or July 1, 2000, whichever is later, under any of the following circumstances:

15 (1) The member elected to receive a normal annuity and was not eligible to elect option 1 or  
16 2 on the date retirement benefits were initiated; or

17 (2) The member's annuity reverted to a normal annuity pursuant to subsection 7 of this  
18 section or subsection ~~[7-08]~~ 8 of section 104.103 and the member remarried; or

19 (3) The member elected option 1 or 2 but the member's spouse at the time of retirement has  
20 died and the member has remarried.

21 6. Any person who terminates employment or retires prior to July 1, 2000, shall be made,  
22 constituted, appointed and employed by the board as a special consultant on the problems of  
23 retirement, aging and other state matters, and for such services shall be eligible to elect to receive  
24 the benefits described in subsection 5 of this section.

25 7. For retirement applications filed on or after August 28, 2004, the beneficiary for either  
26 option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the time of  
27 retirement. If the member's marriage ends after retirement as a result of a dissolution of marriage,  
28 such dissolution shall not affect the option election and the former spouse shall continue to be  
29 eligible to receive survivor benefits upon death of the member, except a member may cancel his or  
30 her election if:

31 (1) The dissolution of marriage of the member and former spouse occurred on or after  
32 January 1, 2021, and the dissolution decree provides for sole retention by the member of all rights in  
33 the annuity and provides that the former spouse shall not be entitled to any survivor benefits  
34 pursuant to this chapter; or

35 (2) The dissolution of marriage of the member and former spouse occurred prior to January  
36 1, 2021, and:

37 (a) The dissolution decree provided for the sole retention by the member of all rights in the  
38 annuity pursuant to this chapter, and the parties obtained an amended or modified dissolution decree



1 after January 1, 2021, providing for immediate removal of the former spouse as the beneficiary  
2 entitled to survivor benefits to the satisfaction of the system; or

3 (b) The dissolution decree does not provide for the sole retention by the member of all rights  
4 in the annuity and the parties obtained an amended or modified dissolution decree after January 1,  
5 2021, which provides for the sole retention by the member of all rights in the annuity and provides  
6 that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter.

7  
8 Upon meeting the requirements of subdivision (1) or (2) of this subsection, the monthly benefit  
9 payable for the lifetime of the member shall be the actuarial equivalent of the annuity payable  
10 pursuant to the provisions of option 1 or option 2 of subsection 3 of this section, as adjusted for  
11 early retirement if applicable. In no event shall the monthly benefit payable for the lifetime of the  
12 member be greater than the amount that would have been payable to the member under subsection 7  
13 or 8 of section 104.103, whichever is applicable, had the former spouse died on the date of the  
14 dissolution of marriage. Any increase in the annuity amount pursuant to this subsection shall be  
15 prospective and effective the first of the month following the date of receipt by the system of a  
16 certified copy of the dissolution decree that meets the requirements of this subsection.

17 8. Any application for retirement shall only become effective on the first day of the month.

18 104.170. 1. The board shall elect [~~by secret ballot~~] one member as chair and one member as  
19 vice chair at the first board meeting of each year. The chair may not serve more than two  
20 consecutive terms beginning after August 13, 1988. The chair shall preside over meetings of the  
21 board and perform such other duties as may be required by action of the board. The vice chair shall  
22 perform the duties of the chair in the absence of the latter or upon the chair's inability or refusal to  
23 act.

24 2. The board shall appoint a full-time executive director, who shall not be compensated for  
25 any other duties under the state highways and transportation commission. The executive director  
26 shall have charge of the offices and records and shall hire such employees that the executive director  
27 deems necessary subject to the direction of the board. The executive director and all other  
28 employees of the system shall be members of the system and the board shall make contributions to  
29 provide the insurance benefits available pursuant to section 104.270 on the same basis as provided  
30 for other state employees pursuant to the provisions of section 104.515, and also shall make  
31 contributions to provide the retirement benefits on the same basis as provided for other employees  
32 pursuant to the provisions of sections 104.090 to 104.260. The executive director is authorized to  
33 execute all documents including contracts necessary to carry out any and all actions of the board.

34 3. Any summons or other writ issued by the courts of the state shall be served upon the  
35 executive director or, in the executive director's absence, on the assistant director.

36 104.200. Should any error in any records result in any [~~member's~~] member or [~~beneficiary's~~]  
37 beneficiary receiving more or less than he or she would have been entitled to receive had the records  
38 been correct, the board shall correct such error, and, as far as practicable, make future payments in  
39 such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was

1 entitled shall be paid, and to this end may recover any overpayments. In all cases in which such  
2 error has been made, no such error shall be corrected unless the system discovers or is notified of  
3 such error within ten years after the [initial] member's annuity starting date or date of error,  
4 whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern  
5 for the amount of time that has passed.

6 104.312. 1. The provisions of subsection 2 of section 104.250, subsection 2 of section  
7 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding, any  
8 pension, annuity, benefit, right, or retirement allowance provided pursuant to this chapter, chapter  
9 287, or chapter 476 is marital property and after August 28, 1994, a court of competent jurisdiction  
10 may divide the pension, annuity, benefits, rights, and retirement allowance provided pursuant to this  
11 chapter, chapter 287, or chapter 476 between the parties to any action for dissolution of marriage. A  
12 division of benefits order issued pursuant to this section:

13 (1) Shall not require the applicable retirement system to provide any form or type of annuity  
14 or retirement plan not selected by the member and not normally made available by that system;

15 (2) Shall not require the applicable retirement system to commence payments until the  
16 member submits a valid application for an annuity and the annuity becomes payable in accordance  
17 with the application;

18 (3) Shall identify the monthly amount to be paid to the alternate payee, which shall be  
19 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's  
20 annuity accrued during all or part of the time while the member and alternate payee were married  
21 excluding service accrued under 104.601; and which shall be based on the member's vested annuity  
22 on the date of the dissolution of marriage or an earlier date as specified in the order, which amount  
23 shall be adjusted proportionately if the member's annuity is reduced due to early retirement or the  
24 member's annuity is reduced pursuant to section 104.395 under an annuity option in which the  
25 member named the alternate payee as beneficiary prior to the dissolution of marriage or pursuant to  
26 section 104.090 under an annuity option in which the member on or after August 28, 2007, named  
27 the alternative payee as beneficiary prior to the dissolution of marriage, and the percentage  
28 established shall be applied to the pro rata portion of any lump sum distribution pursuant to  
29 subsection 6 of section 104.335, accrued during the time while the member and alternate payee were  
30 married;

31 (4) Shall not require the payment of an annuity amount to the member and alternate payee  
32 which in total exceeds the amount which the member would have received without regard to the  
33 order;

34 (5) Shall provide that any benefit formula increases, additional years of service, increased  
35 average compensation or other type of increases accrued after the date of the dissolution of marriage  
36 shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any  
37 annual benefit increase paid after the member's annuity starting date shall not be considered to be an  
38 increase accrued after the date of termination of marriage and shall be part of the monthly amount  
39 subject to division pursuant to any order issued after September 1, 2001;

1 (6) Shall terminate upon the death of either the member or the alternate payee, whichever  
2 occurs first;

3 (7) Shall not create an interest which is assignable or subject to any legal process;

4 (8) Shall include the name, address, and date of birth of both the member and the alternate  
5 payee, and the identity of the retirement system to which it applies;

6 (9) Shall be consistent with any other division of benefits orders which are applicable to the  
7 same member;

8 (10) Shall not require the applicable retirement system to continue payments to the alternate  
9 payee if the member's retirement benefit is suspended or waived as provided by this chapter but  
10 such payments shall resume when the retiree begins to receive retirement benefits in the future.

11 2. A system established by this chapter shall provide the court having jurisdiction of a  
12 dissolution of marriage proceeding or the parties to the proceeding with information necessary to  
13 issue a division of benefits order concerning a member of the system, upon written request from  
14 either the court, the member or the member's spouse, which cites this section and identifies the case  
15 number and parties.

16 3. A system established by this chapter shall have the discretionary authority to reject a  
17 division of benefits order for the following reasons:

18 (1) The order does not clearly state the rights of the member and the alternate payee;

19 (2) The order is inconsistent with any law governing the retirement system.

20 4. The amount paid to an alternate payee under an order issued pursuant to this section shall  
21 be based on the plan the member was in on the date of the dissolution of marriage; except that any  
22 annual benefit increases subject to division shall be based on the actual annual benefit increases  
23 received after the retirement plan election.

24 5. Any annuity payable under section 104.625 that is subject to a division of benefit order  
25 under this section shall be calculated as follows:

26 (1) In instances of divorce after retirement, any service or compensation of a member  
27 between the retroactive starting date and the annuity starting date shall not be considered creditable  
28 service or compensation; and

29 (2) The lump-sum payment described in subdivision (3) of section 104.625 shall not be  
30 subject to any division of benefit order.

31 104.410. 1. Any uniformed member of the water patrol who shall be affirmatively found by  
32 the board to be wholly and permanently incapable of holding any position of gainful employment as  
33 a result of injuries or illness incurred in the performance of the member's duties shall be entitled to  
34 receive disability benefits in an amount equal to one-half of the compensation that the employee was  
35 receiving at the time of the occurrence of the injury entitling the employee to such disability  
36 benefits. Any disability benefit payable pursuant to this subsection shall be decreased by any  
37 amount paid to such uniformed member of the water patrol by reason of the workers' compensation  
38 laws of this state. After termination of payment under workers' compensation, however, any such  
39 reduction and disability benefits shall be restored.

1           2. The board of trustees may require a medical examination of any uniformed member of  
2 the water patrol who is receiving disability benefits pursuant to this section at any time by a  
3 designated physician, and disability benefits shall be discontinued if the board finds that such  
4 member is able to perform the duties of the member's former position, or if such member refuses to  
5 submit to such an examination.

6           3. The disability benefits described in this section shall not be paid to any uniformed  
7 member of the water patrol who has retained or regained more than fifty percent of the member's  
8 earning capacity. If any uniformed member of the water patrol who has been receiving disability  
9 benefits again becomes an employee, the member's disability benefits shall be discontinued, the  
10 member's prior period of creditable service shall be restored, and any subsequent determination of  
11 benefits due the member or the member's survivors shall be based on the sum of the member's  
12 creditable service accrued to the date the member's disability benefits commenced and the period of  
13 creditable service after the member's return to employment.

14           4. Any uniformed member of the water patrol receiving benefits pursuant to the provisions  
15 of this section for five or more years immediately prior to attainment of age fifty-five shall be  
16 considered a normal retirant at age fifty-five, and may elect, within thirty days preceding the  
17 attainment of age fifty-five, option 1 of section 104.395, but only for the member's spouse who was  
18 the member's spouse for two or more years prior to the member's attainment of age fifty-five.

19           5. Any member who is receiving disability benefits as of December 31, 1985, or any  
20 member who is disabled on December 31, 1985, and would have been entitled to receive disability  
21 benefits pursuant to this section as the provisions of this section existed immediately prior to  
22 September 28, 1985, shall be eligible to receive or shall continue to receive benefits in accordance  
23 with such prior provisions of this section until the member again becomes an employee; however,  
24 all employees of the department of conservation who are disabled shall receive benefits pursuant  
25 only to this section or section 104.518, whichever is applicable, and shall not be eligible for benefits  
26 under any other plan or program purchased or provided after September 28, 1985.

27           6. Any member who qualifies for disability benefits pursuant to subsection 1 of this section  
28 or pursuant to the provisions of section 104.518, or under a long-term disability program provided  
29 by the member's employing department as a consequence of employment by the department, shall  
30 continue to accrue creditable service based on the member's rate of pay immediately prior to the  
31 date the member became disabled in accordance with sections 104.370, 104.371, 104.374 and  
32 104.615, until the date the member's retirement benefit goes into pay status, the disability benefits  
33 cease being paid to the member, or the member is no longer disabled, whichever comes first.  
34 Persons covered by the provisions of sections 476.515 to 476.565 or sections 287.812 to 287.855,  
35 who qualify for disability benefits pursuant to the provisions of section 104.518, at the date the  
36 person becomes disabled, shall continue to accrue creditable service based on the person's rate of  
37 pay immediately prior to the date the person becomes disabled until the date the person's retirement  
38 benefit goes into pay status, the disability benefits cease being paid to the person or the person is no  
39 longer disabled, whichever comes first. Members or persons continuing to accrue creditable service

1 pursuant to this subsection shall be entitled to continue their life insurance coverage subject to the  
2 provisions of the life insurance plan administered by the board pursuant to section 104.517. The  
3 rate of pay for purposes of calculating retirement benefits for a member or person described in this  
4 subsection who becomes disabled and retires on or after August 28, 1999, shall be the member's or  
5 person's regular monthly compensation received at the time of disablement, increased thereafter for  
6 any increases in the consumer price index. Such increases in the member's monthly pay shall be  
7 made annually beginning twelve months after disablement and shall be equal to eighty percent of  
8 the increase in the consumer price index during the calendar year prior to the adjustment, but not  
9 more than five percent of the member's monthly pay immediately before the increase. Such accruals  
10 shall continue until the earliest of: receipt of an early retirement annuity, attainment of normal  
11 retirement eligibility or termination of disability benefits.

12 7. A member or person who continues to be disabled as provided in subsection 6 of this  
13 section until the member's normal retirement age shall be eligible to retire on the first day of the  
14 month next following the member's or person's final payment pursuant to section 104.518 or, if  
15 applicable, subsection 1 of this section. A member or person who retires pursuant to this subsection  
16 shall receive the greater of the normal annuity or the minimum annuity, if applicable, determined  
17 pursuant to sections 104.370, 104.371, 104.374 and 104.615, and section 287.820, and section  
18 476.530 as if the member or person had continued in the active employ of the employer until the  
19 member's or person's retirement benefit goes into pay status, the disability benefits cease being paid  
20 to the member or person, or the member or person is no longer disabled, whichever comes first and  
21 the member's or person's compensation for such period had been the member's or person's rate of  
22 pay immediately preceding the date the member or person became disabled.

23 8. If a member who has been disabled becomes an employee again and if the member was  
24 disabled during the entire period of the member's absence, then the member shall resume active  
25 participation as of the date of reemployment. Such a member shall receive creditable service for the  
26 entire period the member was disabled as provided in subsection 6 of this section.

27 9. If a member ceases to be disabled and if the member does not return to work as provided  
28 in subsection 8 of this section, the member's rights to further benefits shall be determined in  
29 accordance with sections 104.335, 104.380, 104.400, 104.420 and 104.615 as though the member  
30 had withdrawn from service as of the date the member ceased to be disabled, as determined by the  
31 system.

32 10. Members of the general assembly who are accruing service under subsection 6 of this  
33 section shall continue to accrue service until the earliest of attainment of normal retirement age  
34 eligibility, termination of disability benefits, or the end of the member's constitutionally mandated  
35 limit on service as a member of the general assembly for the chamber in which the member was  
36 serving at the time of disablement.

37 11. Statewide elected officials who are accruing service under subsection 6 of this section  
38 shall continue to accrue service until the earliest of attainment of normal retirement age eligibility,  
39 termination of disability benefits, or the end of the statewide elected official's constitutionally

1 mandated limit on service as a statewide elected official for the office in which the statewide elected  
 2 official was serving at the time of disablement.

3 104.436. 1. The board intends to follow a financing pattern which computes and requires  
 4 contribution amounts which, expressed as percents of active member payroll, will remain  
 5 approximately level from year to year and from one generation of citizens to the next generation.  
 6 Such contribution determinations require regular actuarial valuations, which shall be made by the  
 7 board's actuary, using assumptions and methods adopted by the board after consulting with its  
 8 actuary. The entry age normal cost valuation method shall be used in determining the normal cost;  
 9 ~~and contributions for unfunded accrued liabilities shall be determined using level percent of payroll~~  
 10 ~~amortization] calculation.~~

11 2. At least ninety days before each regular session of the general assembly, the board shall  
 12 certify to the division of budget the contribution rate necessary to cover the liabilities of the plan  
 13 administered by the system, including costs of administration, expected to accrue during the next  
 14 appropriation period. The commissioner of administration shall request appropriation of the amount  
 15 calculated pursuant to the provisions of this subsection. Following each pay period, the  
 16 commissioner of administration shall requisition and certify the payment to the executive director of  
 17 the Missouri state employees' retirement system. The executive director shall promptly deposit the  
 18 amounts certified to the credit of the Missouri state employees' retirement fund.

19 3. The employers of members of the system who are not paid out of funds that have been  
 20 deposited in the state treasury shall remit promptly to the executive director an amount equal to the  
 21 amount which the state would have paid if those members had been paid entirely from state funds.  
 22 The executive director shall promptly deposit the amounts certified to the credit of the Missouri  
 23 state employees' retirement system fund.

24 4. These amounts are funds of the system, and shall not be commingled with any funds in  
 25 the state treasury.

26 104.490. 1. Should any error result in any member or beneficiary receiving more or less  
 27 than he or she would have been entitled to receive had the error not occurred, the board shall correct  
 28 such error, and, as far as practicable, make future payments in such a manner that the actuarial  
 29 equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this  
 30 end may recover any overpayments. In all cases in which such error has been made, no such error  
 31 shall be corrected unless the system discovers or is notified of such error within ten years after the  
 32 [initial] member's annuity starting date or date of error, whichever occurs later. In cases of fraud,  
 33 any error discovered shall be corrected without concern to the amount of time that has passed.

34 2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a  
 35 record of the system, in an attempt to defraud the system is subject to fine or imprisonment pursuant  
 36 to the Missouri revised statutes.

37 3. The board of trustees of the Missouri state employees' retirement system shall cease  
 38 paying benefits to any survivor or beneficiary who is charged with the intentional killing of a  
 39 member without legal excuse or justification. A survivor or beneficiary who is convicted of such

1 charge shall no longer be entitled to receive benefits. If the survivor or beneficiary is not convicted  
2 of such charge, the board shall resume payment of benefits and shall pay the survivor or beneficiary  
3 any benefits that were suspended pending resolution of such charge.

4 104.515. 1. Separate accounts for medical, life insurance and disability benefits provided  
5 pursuant to sections 104.517 and 104.518 shall be established as part of the fund. The funds,  
6 property and return on investments of the separate account shall not be commingled with any other  
7 funds, property and investment return of the system. All benefits and premiums are paid solely from  
8 the separate account for medical, life insurance and disability benefits provided pursuant to this  
9 section.

10 2. The state shall contribute an amount as appropriated by law and approved by the  
11 governor per month for medical benefits, life insurance and long-term disability benefits as provided  
12 pursuant to this section and sections 104.517 and 104.518. Such amounts shall include the cost of  
13 providing life insurance benefits for each active employee who is a member of the Missouri state  
14 employees' retirement system, a member of the public school retirement system and who is  
15 employed by a state agency other than an institution of higher learning, a member of the retirement  
16 system established by sections 287.812 to 287.855, the judicial retirement system, each legislator  
17 and official holding an elective state office, members not on payroll status who are receiving  
18 workers' compensation benefits, and if the state highways and transportation commission so elects,  
19 those employees who are members of the state transportation department employees' and highway  
20 patrol retirement system; if the state highways and transportation commission so elects to join the  
21 plan, the state shall contribute an amount as appropriated by law for medical benefits for those  
22 employees who are members of the transportation department employees' and highway patrol  
23 retirement system; an additional amount equal to the amount required, based on competitive bidding  
24 or determined actuarially, to fund the retired members' death benefit or life insurance benefit, or  
25 both, provided in subsection 4 of this section and the disability benefits provided in section 104.518.  
26 This amount shall be reported as a separate item in the monthly certification of required  
27 contributions which the commissioner of administration submits to the state treasurer and shall be  
28 deposited to the separate account for medical, life insurance and disability benefits. All  
29 contributions made on behalf of members of the state transportation department employees' and  
30 highway patrol retirement system shall be made from highway funds. If the highways and  
31 transportation commission so elects, the spouses and unemancipated children under twenty-three  
32 years of age of employees who are members of the state transportation department employees' and  
33 highway patrol retirement system shall be able to participate in the program of insurance benefits to  
34 cover medical expenses pursuant to the provisions of subsection 3 of this section.

35 3. The board shall determine the premium amounts required for participating employees.  
36 The premium amounts shall be the amount, which, together with the state's contribution, is required  
37 to fund the benefits provided, taking into account necessary actuarial reserves. Separate premiums  
38 shall be established for employees' benefits and a separate premium or schedule of premiums shall  
39 be established for benefits for spouses and unemancipated children under twenty-three years of age

1 of participating employees. The employee's premiums for spouse and children benefits shall be  
2 established to cover that portion of the cost of such benefits which is not paid for by contributions  
3 by the state. All such premium amounts shall be paid to the board of trustees at the time that each  
4 employee's wages or salary would normally be paid. The premium amounts so remitted will be  
5 placed in the separate account for medical, life insurance and disability benefits. In lieu of the  
6 availability of premium deductions, the board may establish alternative methods for the collection of  
7 premium amounts.

8 4. Each special consultant eligible for life benefits employed by a board of trustees of a  
9 retirement system as provided in section 104.610 who is a member of the Missouri state life  
10 insurance plan or Missouri state transportation department and Missouri state highway patrol life  
11 insurance plan shall, in addition to duties prescribed in section 104.610 or any other law, and upon  
12 request of the board of trustees, give the board, orally or in writing, a short detailed statement on life  
13 insurance and death benefit problems affecting retirees. As compensation for the extra duty  
14 imposed by this subsection, any special consultant as defined above, other than a special consultant  
15 entitled to a deferred normal annuity pursuant to section 104.035 or 104.335, who retires on or after  
16 September 28, 1985, shall receive as a part of compensation for these extra duties, a death benefit of  
17 five thousand dollars, and any special consultant who terminates employment on or after August 28,  
18 1999, after reaching normal or early retirement age and becomes a retiree within ~~[sixty]~~ sixty-five  
19 days of such termination shall receive five thousand dollars of life insurance coverage. In addition,  
20 each special consultant who is a member of the transportation department employees' and highway  
21 patrol retirement system medical insurance plan shall also provide the board, upon request of the  
22 board, orally or in writing, a short detailed statement on physical, medical and health problems  
23 affecting retirees. As compensation for this extra duty, each special consultant as defined above  
24 shall receive, in addition to all other compensation provided by law, nine dollars, or an amount  
25 equivalent to that provided to other special consultants pursuant to the provisions of section  
26 103.115. In addition, any special consultant as defined in section 287.820 or section 476.601 who  
27 terminates employment and immediately retires on or after August 28, 1995, shall receive as a part  
28 of compensation for these duties, a death benefit of five thousand dollars and any special consultant  
29 who terminates employment on or after August 28, 1999, after reaching the age of eligibility to  
30 receive retirement benefits and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination  
31 shall receive five thousand dollars of life insurance coverage.

32 5. Any former employee who is receiving disability income benefits from the Missouri state  
33 employees' retirement system or the transportation department employees' and highway patrol  
34 retirement system shall, upon application with the board of trustees of the Missouri consolidated  
35 health care plan or the transportation department employees and highway patrol medical plan, be  
36 made, constituted, appointed and employed by the respective board as a special consultant on the  
37 problems of the health of disability income recipients and, upon request of the board of trustees of  
38 each medical plan, give the board, orally or in writing, a short detailed statement of physical,  
39 medical and health problems affecting disability income recipients. As compensation for the extra



1 duty imposed by this subsection, each such special consultant as defined in this subsection may  
 2 receive, in addition to all other compensation provided by law, an amount contributed toward  
 3 medical benefits coverage provided by the Missouri consolidated health care plan or the  
 4 transportation employees and highway patrol medical plan pursuant to appropriations.

5 104.625. Effective July 1, 2002, any member retiring pursuant to the provisions of sections  
 6 104.010 to 104.801, except an elected official or a member of the general assembly, who has not  
 7 been paid retirement benefits and continues employment for at least two years beyond normal  
 8 retirement age, may elect to receive an annuity and lump sum payment or payments, determined as  
 9 follows:

10 (1) A retroactive starting date shall be established which shall be a date selected by the  
 11 member; provided, however, that the retroactive starting date selected by the member shall not be a  
 12 date which is earlier than the date when a normal annuity would have first been payable. In  
 13 addition, the retroactive starting date shall not be more than five years prior to the annuity starting  
 14 date, which shall be the first day of the month with respect to which an amount is paid as an annuity  
 15 pursuant to this section. The member's selection of a retroactive starting date shall be done in  
 16 twelve-month increments, except this restriction shall not apply when the member selects the total  
 17 available time between the retroactive starting date and the annuity starting date;

18 (2) The prospective annuity payable as of the annuity starting date shall be determined  
 19 pursuant to the provisions otherwise applicable under the law, with the exception that it shall be the  
 20 amount which would have been payable had the member actually retired on the retroactive starting  
 21 date under the retirement plan selected by the member. Other than for the lump sum payment or  
 22 payments specified in subdivision (3) of this section, no other amount shall be due for the period  
 23 between the retroactive starting date and the annuity starting date;

24 (3) The lump sum payable shall be ninety percent of the annuity amounts which would have  
 25 been paid to the member from the retroactive starting date to the annuity starting date had the  
 26 member actually retired on the retroactive starting date and received a normal annuity. The member  
 27 shall ~~elect to~~ receive the lump sum amount ~~[either]~~ in its entirety at the same time as the initial  
 28 annuity payment is made ~~[or in three equal annual installments with the first payment made at the~~  
 29 ~~same time as the initial annuity payment]; and~~

30 (4) ~~[Any annuity payable pursuant to this section that is subject to a division of benefit order~~  
 31 ~~pursuant to section 104.312 shall be calculated as follows:~~

32 ~~(a) Any service of a member between the retroactive starting date and the annuity starting~~  
 33 ~~date shall not be considered creditable service except for purposes of calculating the division of~~  
 34 ~~benefit; and~~

35 ~~(b) The lump sum payment described in subdivision (3) of this section shall not be subject~~  
 36 ~~to any division of benefit order; and~~

37 ~~(5)]~~ For purposes of determining annual benefit increases payable as part of the lump sum  
 38 and annuity provided pursuant to this section, the retroactive starting date shall be considered the  
 39 member's date of retirement.

1           104.810. 1. Employees of the Missouri state water patrol who are earning creditable service  
2 in the closed plan of the Missouri state employees' retirement system and who are transferred to the  
3 division of water patrol with the Missouri state highway patrol shall elect within ninety days of  
4 January 1, 2011, to either remain a member of the Missouri state employees' retirement system or  
5 transfer membership and creditable service to the closed plan of the Missouri department of  
6 transportation and highway patrol employees' retirement system. The election shall be made in  
7 writing after the employee has received a detailed analysis comparing retirement, life insurance,  
8 disability benefits, and medical benefits of a member of the Missouri state employees' retirement  
9 system with the corresponding benefits provided an employee of the highway patrol covered by the  
10 closed plan of the Missouri department of transportation and highway patrol employees' retirement  
11 system. In electing plan membership the employee shall acknowledge and agree that an election  
12 made under this subsection is irrevocable, and constitutes a waiver to receive retirement, life  
13 insurance, disability benefits, and medical benefits except as provided by the system elected by the  
14 employee. Furthermore, in connection with the election, the employee shall be required to  
15 acknowledge that the benefits provided by virtue of membership in either system, and any  
16 associated costs to the employee, may be different now or in the future as a result of the election and  
17 that the employee agrees to hold both systems harmless with regard to benefit differences resulting  
18 from the election. In the event an employee terminates employment and later returns to the same  
19 position, the employee shall be a member of the system in which he or she was a member prior to  
20 termination. If the employee returns to any other position, the employee shall be a member of the  
21 system that currently covers that position.

22           2. Employees of the Missouri state water patrol who are earning credited service in the year  
23 2000 plan of the Missouri state employees' retirement system and who are transferred to the division  
24 of water patrol with the Missouri state highway patrol shall elect within ninety days of January 1,  
25 2011, to either remain a member of the Missouri state employees' retirement system or transfer  
26 membership and creditable service to the year 2000 plan of the Missouri department of  
27 transportation and highway patrol employees' retirement system. The election shall be made in  
28 writing after the employee has received a detailed analysis comparing retirement, life insurance,  
29 disability benefits, and medical benefits of a member of the Missouri state employees' retirement  
30 system with the corresponding benefits provided an employee of the highway patrol covered by the  
31 year 2000 plan of the Missouri department of transportation and highway patrol employees'  
32 retirement system. In electing plan membership the employee shall acknowledge and agree that an  
33 election made under this subsection is irrevocable, and constitutes a waiver to receive retirement,  
34 life insurance, disability benefits, and medical benefits except as provided by the system elected by  
35 the employee. Furthermore, in connection with the election, the employee shall be required to  
36 acknowledge that the benefits provided by virtue of membership in either system, and any  
37 associated costs to the employee, may be different now or in the future as a result of the election and  
38 that the employee agrees to hold both systems harmless with regard to benefit differences resulting  
39 from the election.

1           3. The Missouri state employees' retirement system shall pay to the Missouri department of  
2 transportation and highway patrol employees' retirement system, by June 30, 2011, an amount  
3 actuarially determined to equal the liability at the time of the transfer for any employee who elects  
4 under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and  
5 highway patrol employees' retirement system, to the extent that liability is funded as of the most  
6 recent actuarial valuation and based on the actuarial value of assets not to exceed one hundred  
7 percent.

8           4. In no event shall any employee receive service credit for the same period of service under  
9 more than one retirement system as a result of the provisions of this section.

10           5. The only medical coverage available for any employee who elects under subsection 1 or 2  
11 of this section to transfer to the Missouri department of transportation and highway patrol  
12 employees' retirement system shall be the medical coverage provided in section 104.270. The  
13 effective date for commencement of medical coverage shall be July 1, 2011. However, this does not  
14 preclude medical coverage for the transferred employee as a dependent under any other health care  
15 plan.

16           6. Any employee who elects under subsection 1 or 2 of this section to transfer to the  
17 Missouri department of transportation and highway patrol employees' retirement system and who is  
18 also thereafter a uniformed member of the highway patrol shall be subject to the mandatory  
19 retirement age stated in section 104.081.

20           104.1003. 1. Unless a different meaning is plainly required by the context, the following  
21 words and phrases as used in sections 104.1003 to 104.1093 shall mean:

22           (1) "Act", the year 2000 plan created by sections 104.1003 to 104.1093;

23           (2) "Actuary", an actuary who is experienced in retirement plan financing and who is either  
24 a member of the American Academy of Actuaries or an enrolled actuary under the Employee  
25 Retirement Income Security Act of 1974;

26           (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds  
27 provided for in, or authorized by, sections 104.1003 to 104.1093;

28           (4) "Annuity starting date" means the first day of the first month with respect to which an  
29 amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

30           (5) "Beneficiary", any persons or entities entitled to receive an annuity or other benefit  
31 pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

32           (6) "Board of trustees", "board", or "trustees", a governing body or bodies established for  
33 the year 2000 plan pursuant to sections 104.1003 to 104.1093;

34           (7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a  
35 system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a  
36 member of the closed plan, but the closed plan shall continue to function for the benefit of persons  
37 covered by and remaining in the closed plan and their beneficiaries;

1 (8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the  
2 United States, or its successor index, as approved by the board, as such index is defined and  
3 officially reported by the United States Department of Labor, or its successor agency;

4 (9) "Credited service", the total credited service to a member's credit as provided in sections  
5 104.1003 to 104.1093; except that in no case shall more than one day of credited service be credited  
6 to any member or vested former member for any one calendar day of eligible credit as provided by  
7 law;

8 (10) "Department", any department or agency of the executive, legislative, or judicial  
9 branch of the state of Missouri receiving state appropriations, including allocated funds from the  
10 federal government but not including any body corporate or politic unless its employees are eligible  
11 for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

12 (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the  
13 completion of at least five years of credited service;

14 (12) "Effective date", July 1, 2000;

15 (13) "Employee" shall be any person who is employed by a department and is paid a salary  
16 or wage by a department in a position normally requiring the performance of duties of not less than  
17 one thousand forty hours per year, provided:

18 (a) The term "employee" shall not include any patient or inmate of any state, charitable,  
19 penal or correctional institution, or any person who is employed by a department in a position that is  
20 covered by a state-sponsored defined benefit retirement plan not created by this chapter;

21 (b) The term "employee" shall be modified as provided by other provisions of sections  
22 104.1003 to 104.1093;

23 (c) The system shall consider a person who is employed in multiple positions  
24 simultaneously within a single agency to be working in a single position for purposes of determining  
25 whether the person is an employee as defined in this subdivision;

26 (d) ~~Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the~~  
27 ~~twelve-month period beginning on the first day of employment;~~

28 (e) The term "employee" shall include any person as defined under paragraph (b) of  
29 subdivision (21) of subsection 1 of section 104.010 who is first employed on or after July 1, 2000,  
30 but prior to August 28, 2007;

31 (14) "Employer", a department;

32 (15) "Executive director", the executive director employed by a board established pursuant  
33 to the provisions of sections 104.1003 to 104.1093;

34 (16) "Final average pay", the average pay of a member for the thirty-six full consecutive  
35 months of service before termination of employment when the member's pay was greatest; or if the  
36 member was on workers' compensation leave of absence or a medical leave of absence due to an  
37 employee illness, the amount of pay the member would have received but for such leave of absence  
38 as reported and verified by the employing department; or if the member was employed for less than  
39 thirty-six months, the average monthly pay of a member during the period for which the member

1 was employed. The board of each system may promulgate rules for purposes of calculating final  
2 average pay and other retirement provisions to accommodate for any state payroll system in which  
3 pay is received on a monthly, semimonthly, biweekly, or other basis;

4 (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to  
5 104.1093;

6 (18) "Investment return", or "interest", rates as shall be determined and prescribed from time  
7 to time by a board;

8 (19) "Member", a person who is included in the membership of the system, as set forth in  
9 section 104.1009;

10 (20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age  
11 and the completion of at least five or more years of credited service or, the attainment of at least  
12 forty-eight years of age with a total of years of age and years of credited service which is at least  
13 eighty or, in the case of a member of the highway patrol who shall be subject to the mandatory  
14 retirement provisions of section ~~[104.080]~~ 104.081, the mandatory retirement age and completion of  
15 five years of credited service or, the attainment of at least forty-eight years of age with a total of  
16 years of age and years of credited service which is at least eighty;

17 (21) "Pay" shall include:

18 (a) All salary and wages payable to an employee for personal services performed for a  
19 department; but excluding:

20 a. Any amounts paid after an employee's employment is terminated, unless the payment is  
21 made as a final installment of salary or wages at the same rate as in effect immediately prior to  
22 termination of employment in accordance with a state payroll system adopted on or after January 1,  
23 2000;

24 b. Any amounts paid upon termination of employment for unused annual leave or unused  
25 sick leave;

26 c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue  
27 Code of 1986 as amended and other applicable federal laws or regulations;

28 d. Any nonrecurring single sum payments; and

29 e. Any amounts for which contributions have not been made in accordance with section  
30 104.1066;

31 (b) All salary and wages which would have been payable to an employee on workers'  
32 compensation leave of absence during the period the employee is receiving a weekly workers'  
33 compensation benefit, as reported and verified by the employing department;

34 (c) All salary and wages which would have been payable to an employee on a medical leave  
35 due to employee illness, as reported and verified by the employing department;

36 (d) For purposes of members of the general assembly, pay shall be the annual salary  
37 provided to each senator and representative pursuant to section 21.140, plus any salary adjustment  
38 pursuant to section 21.140;

1           (e) The board by its rules may further define "pay" in a manner consistent with this  
 2 definition;

3           (22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the  
 4 person's employment record;

5           (23) "State", the state of Missouri;

6           (24) "System" or "retirement system", the Missouri state employees' retirement system or  
 7 the Missouri department of transportation and highway patrol employees' retirement system, as the  
 8 case may be;

9           (25) "Vested former member", a person entitled to receive a deferred annuity pursuant to  
 10 section 104.1036;

11           (26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

12           2. Benefits paid under the provisions of this chapter shall not exceed the limitations of  
 13 Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference.  
 14 Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan  
 15 under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be  
 16 created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of  
 17 1986, as amended. The board of trustees may promulgate regulations necessary to implement the  
 18 provisions of this subsection and to create and administer such benefit plan.

19           104.1018. 1. When a member is no longer employed in a position covered by the system,  
 20 membership in the system shall thereupon cease. If a member has five or more years of credited  
 21 service upon such member's termination of membership, such member shall be a vested former  
 22 member entitled to a deferred annuity pursuant to section 104.1036, except as otherwise provided in  
 23 subsection 7 of section 104.1024. If a member has fewer than five years of credited service upon  
 24 termination of membership, such former member's credited service shall be forfeited, provided that  
 25 if such former member becomes reemployed in a position covered by the system, such former  
 26 member shall again become a member of the system and the forfeited credited service shall be  
 27 restored after receiving creditable service continuously for one year.

28           2. Upon a member becoming a retiree, membership shall cease and, except as otherwise  
 29 provided in section 104.1039, the person shall not again become a member of the system.

30           3. If a vested former member becomes reemployed in a position covered by the system  
 31 before such vested former member's annuity starting date, membership shall be restored with the  
 32 previous credited service and increased by such reemployment.

33           104.1024. 1. Any member who terminates employment may retire on or after attaining  
 34 normal retirement eligibility by making application in written form and manner approved by the  
 35 appropriate board. The written application shall set forth the annuity starting date which shall not be  
 36 earlier than the first day of the second month following the month of the execution and filing of the  
 37 member's application for retirement nor later than the first day of the fourth month following the  
 38 month of the execution and filing of the member's application for retirement. The payment of the

1 annuity shall be made the last working day of each month, providing all documentation required  
2 under section 104.1027 for the calculation and payment of the benefits is received by the board.

3 2. A member's annuity shall be paid in the form of a life annuity, except as provided in  
4 section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final  
5 average pay of the member multiplied by the member's years of credited service.

6 3. The life annuity defined in subsection 2 of this section shall not be less than a monthly  
7 amount equal to fifteen dollars multiplied by the member's full years of credited service.

8 4. If as of the annuity starting date of a member who has attained normal retirement  
9 eligibility the sum of the member's years of age and years of credited service equals eighty or more  
10 years and if the member's age is at least forty-eight years but less than sixty-two years, or, in the  
11 case of a member of the highway patrol who shall be subject to the mandatory retirement provision  
12 of section [~~104.080~~] 104.081, the mandatory retirement age and completion of five years of credited  
13 service, then in addition to the life annuity described in subsection 2 of this section, the member  
14 shall receive a temporary annuity equal to eight-tenths of one percent of the member's final average  
15 pay multiplied by the member's years of credited service. The temporary annuity and any cost-of-  
16 living adjustments attributable to the temporary annuity pursuant to section 104.1045 shall terminate  
17 at the end of the calendar month in which the earlier of the following events occurs: the member's  
18 death or the member's attainment of the earliest age of eligibility for reduced Social Security  
19 retirement benefits, but no later than age sixty-two.

20 5. The annuity described in subsection 2 of this section for any person who has credited  
21 service not covered by the federal Social Security Act, as provided in [~~sections 105.300 to 105.430~~]  
22 subdivision (1) of subsection 7 of section 104.342, shall be calculated as follows: the life annuity  
23 shall be an amount equal to two and five-tenths percent of the final average pay of the member  
24 multiplied by the number of years of service not covered by the federal Social Security Act in  
25 addition to one and seven-tenths percent of the final average pay of the member multiplied by the  
26 member's years of credited service covered by the federal Social Security Act.

27 6. Effective July 1, 2002, any member, except an elected official or a member of the general  
28 assembly, who has not been paid retirement benefits and continues employment for at least two  
29 years beyond the date of normal retirement eligibility, may elect to receive an annuity and lump sum  
30 payment or payments, determined as follows:

31 (1) A retroactive starting date shall be established which shall be a date selected by the  
32 member; provided, however, that the retroactive starting date selected by the member shall not be a  
33 date which is earlier than the date when a normal annuity would have first been payable. In  
34 addition, the retroactive starting date shall not be more than five years prior to the annuity starting  
35 date. The member's selection of a retroactive starting date shall be done in twelve-month  
36 increments, except this restriction shall not apply when the member selects the total available time  
37 between the retroactive starting date and the annuity starting date;

38 (2) The prospective annuity payable as of the annuity starting date shall be determined  
39 pursuant to the provisions of this section, with the exception that it shall be the amount which would

1 have been payable at the annuity starting date had the member actually retired on the retroactive  
 2 starting date under the retirement plan selected by the member. Other than for the lump sum  
 3 payment or payments specified in subdivision (3) of this subsection, no other amount shall be due  
 4 for the period between the retroactive starting date and the annuity starting date;

5 (3) The lump sum payable shall be ninety percent of the annuity amounts which would have  
 6 been paid to the member from the retroactive starting date to the annuity starting date had the  
 7 member actually retired on the retroactive starting date and received a life annuity. The member  
 8 shall ~~elect to~~ receive the lump sum amount ~~[either]~~ in its entirety at the same time as the initial  
 9 annuity payment is made ~~[or in three equal annual installments with the first payment made at the~~  
 10 ~~same time as the initial annuity payment]~~; and

11 (4) ~~[Any annuity payable pursuant to this section that is subject to a division of benefit order~~  
 12 ~~pursuant to section 104.1051 shall be calculated as follows:~~

13 ~~(a) Any service of a member between the retroactive starting date and the annuity starting~~  
 14 ~~date shall not be considered credited service except for purposes of calculating the division of~~  
 15 ~~benefit; and~~

16 ~~(b) The lump sum payment described in subdivision (3) of this section shall not be subject~~  
 17 ~~to any division of benefit order; and~~

18 ~~(5)]~~ For purposes of determining annual benefit increases payable as part of the lump sum  
 19 and annuity provided pursuant to this section, the retroactive starting date shall be considered the  
 20 member's date of retirement.

21 7. Any vested former member who terminated employment after attaining normal retirement  
 22 eligibility shall be considered a member for the purposes of this section.

23 104.1051. 1. Any annuity provided pursuant to the year 2000 plan is marital property and a  
 24 court of competent jurisdiction may divide such annuity between the parties to any action for  
 25 dissolution of marriage if at the time of the dissolution the member has at least five years of credited  
 26 service pursuant to sections 104.1003 to 104.1093. A division of benefits order issued pursuant to  
 27 this section:

28 (1) Shall not require the applicable retirement system to provide any form or type of annuity  
 29 or retirement plan not selected by the member;

30 (2) Shall not require the applicable retirement system to commence payments until the  
 31 member's annuity starting date;

32 (3) Shall identify the monthly amount to be paid to the former spouse, which shall be  
 33 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's  
 34 annuity accrued during all or part of the period of the marriage of the member and former spouse  
 35 excluding service accrued under subsection 2 of section 104.1021; and which shall be based on the  
 36 member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in  
 37 the order, which amount shall be adjusted proportionately upon the annuity starting date if the  
 38 member's annuity is reduced due to the receipt of an early retirement annuity or the member's



1 annuity is reduced pursuant to section 104.1027 under an annuity option in which the member  
2 named the alternate payee as beneficiary prior to the dissolution of marriage;

3 (4) Shall not require the payment of an annuity amount to the member and former spouse  
4 which in total exceeds the amount which the member would have received without regard to the  
5 order;

6 (5) Shall provide that any annuity increases, additional years of credited service, increased  
7 final average pay, increased pay pursuant to subsections 2 and 5 of section 104.1084, or other type  
8 of increases accrued after the date of the dissolution of marriage and any temporary annuity received  
9 pursuant to subsection 4 of section 104.1024 shall accrue solely to the benefit of the member; except  
10 that on or after September 1, 2001, any cost-of-living adjustment (COLA) due after the annuity  
11 starting date shall not be considered to be an increase accrued after the date of termination of  
12 marriage and shall be part of the monthly amount subject to division pursuant to any order issued  
13 after September 1, 2001;

14 (6) Shall terminate upon the death of either the member or the former spouse, whichever  
15 occurs first;

16 (7) Shall not create an interest which is assignable or subject to any legal process;

17 (8) Shall include the name, address, and date of birth of both the member and the former  
18 spouse, and the identity of the retirement system to which it applies;

19 (9) Shall be consistent with any other division of benefits orders which are applicable to the  
20 same member;

21 (10) Shall not require the applicable retirement system to continue payments to the alternate  
22 payee if the member's retirement benefit is suspended or waived as provided by this chapter but  
23 such payments shall resume when the retiree begins to receive retirement benefits in the future.

24 2. A system shall provide the court having jurisdiction of a dissolution of a marriage  
25 proceeding or the parties to the proceeding with information necessary to issue a division of benefits  
26 order concerning a member of the system, upon written request from either the court, the member,  
27 or the member's spouse, citing this section and identifying the case number and parties.

28 3. A system shall have the discretionary authority to reject a division of benefits order for  
29 the following reasons:

30 (1) The order does not clearly state the rights of the member and the former spouse;

31 (2) The order is inconsistent with any law governing the retirement system.

32 4. Any member of the closed plan who elected the year 2000 plan pursuant to section  
33 104.1015 and then becomes divorced and subject to a division of benefits order shall have the  
34 division of benefits order calculated pursuant to the provisions of the year 2000 plan.

35 5. Any annuity payable under section 104.1024 that is subject to a division of benefit order  
36 under this section shall be calculated as follows:

37 (1) In instances of divorce after retirement, any service or pay of a member between the  
38 retroactive starting date and the annuity starting date shall not be considered creditable service or  
39 pay; and

1           (2) The lump-sum payment described in subdivision (3) of subsection 6 of section 104.1024  
2 shall not be subject to any division of benefit order.

3           104.1060. 1. Should any error result in any person receiving more or less than the person  
4 would have been entitled to receive had the error not occurred, the board shall correct such error,  
5 and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the  
6 annuity to which such person was entitled shall be paid, and to this end may recover any  
7 overpayments. In all cases in which such error has been made, no such error shall be corrected  
8 unless the system discovers or is notified of such error within ten years after the ~~[initial]~~ member's  
9 annuity starting date or the date of error, whichever occurs later. In cases of fraud, any error  
10 discovered shall be corrected without concern to the amount of time that has passed.

11           2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a  
12 record of the system, in an attempt to defraud the system shall be subject to fine or imprisonment  
13 under the Missouri revised statutes.

14           3. A board shall not pay an annuity to any survivor or beneficiary who is charged with the  
15 intentional killing of a member, retiree or survivor without legal excuse or justification. A survivor  
16 or beneficiary who is convicted of such charge shall no longer be entitled to receive an annuity. If  
17 the survivor or beneficiary is not convicted of such charge, the board shall resume annuity payments  
18 and shall pay the survivor or beneficiary any annuity payments that were suspended pending  
19 resolution of such charge.

20           104.1066. 1. The year 2000 plan intends to follow a financing pattern which computes and  
21 requires contribution amounts which, expressed as percents of active member payroll, will remain  
22 approximately level from year to year and from one generation of citizens to the next generation.  
23 Such contribution determinations require regular actuarial valuations, which shall be made by the  
24 board's actuary, using assumptions and methods adopted by the board after consulting with its  
25 actuary. The entry age-normal cost valuation method shall be used in determining the normal cost;  
26 ~~and contributions for unfunded accrued liabilities shall be determined using level percent of payroll~~  
27 ~~amortization] calculation.~~ For purposes of this subsection and section 104.436, the actuary shall  
28 determine a single contribution rate applicable to both closed plan and year 2000 plan participants  
29 and, in determining such rate, make estimates of the probabilities of closed plan participants  
30 transferring to the year 2000 plan.

31           2. At least ninety days before each regular session of the general assembly, the board of the  
32 Missouri state employees' retirement system shall certify to the division of budget the contribution  
33 rate necessary to cover the liabilities of the year 2000 plan administered by such system, including  
34 costs of administration, expected to accrue during the next appropriation period. The commissioner  
35 of administration shall request appropriations based upon the contribution rate so certified. From  
36 appropriations so made, the commissioner of administration shall certify contribution amounts to the  
37 state treasurer who in turn shall immediately pay the contributions to the year 2000 plan.

38           3. The employers of members covered by the Missouri state employees' retirement system  
39 who are not paid out of funds that have been deposited in the state treasury shall remit following

1 each pay period to the year 2000 plan an amount equal to the amount which the state would have  
2 paid if those members had been paid entirely from state funds. Such employers shall maintain  
3 payroll records for a minimum of five years and shall produce all such records as requested by the  
4 system. The system is authorized to request from the state office of administration an appropriation  
5 out of the annual budget of any such employer in the event such records indicate that such employer  
6 has not contributed the amounts required by this section. The office of administration shall request  
7 such appropriation which shall be equal to the amount necessary to replace any shortfall in  
8 contributions as determined by the system. From appropriations so made, the commissioner of  
9 administration shall certify contribution amounts to the state treasurer who in turn shall immediately  
10 pay such contributions to the year 2000 plan.

11 4. At least ninety days before each regular session of the general assembly, the board of the  
12 transportation department and highway patrol retirement system shall certify to the department of  
13 transportation and the department of public safety the contribution rate necessary to cover the  
14 liabilities of the year 2000 plan administered by such system, including costs of administration,  
15 expected to accrue during the next biennial or other appropriation period. Each department shall  
16 include in its budget and in its request for appropriations for personal service the sum so certified to  
17 it by such board, and shall present the same to the general assembly for allowance. The sums so  
18 certified and appropriated, when available, shall be immediately paid to the system and deposited in  
19 the highway and transportation employees' and highway patrol retirement and benefit fund.

20 5. These amounts are funds of the year 2000 plan and shall not be commingled with any  
21 funds in the state treasury.

22 104.1072. 1. Each board shall provide or contract, or both, for life insurance benefits for  
23 employees covered pursuant to the year 2000 plan as follows:

24 (1) Employees shall be provided fifteen thousand dollars of life insurance until December  
25 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life  
26 insurance for employees covered under any retirement plan administered by the system pursuant to  
27 this chapter, persons covered by sections 287.812 to 287.856, for employees who are members of  
28 the judicial retirement system as provided in section 476.590, and, at the election of the state  
29 highways and transportation commission, employees who are members of the ~~[highways and]~~  
30 Missouri department of transportation [employees'] and highway patrol employees' retirement  
31 system, in the amount equal to one times annual pay, subject to a minimum amount of fifteen  
32 thousand dollars. The board shall establish by rule or contract the method for determining the  
33 annual rate of pay and any other terms of such insurance as it deems necessary to implement the  
34 requirements pursuant to this section. Annual rate of pay shall not include overtime or any other  
35 irregular payments as determined by the board. Such life insurance shall provide for triple  
36 indemnity in the event the cause of death is a proximate result of a personal injury or disease arising  
37 out of and in the course of actual performance of duty as an employee;

1 (2) Any member who terminates employment after reaching normal or early retirement  
2 eligibility and becomes a retiree within [~~sixty~~] sixty-five days of such termination shall receive five  
3 thousand dollars of life insurance coverage.

4 2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this  
5 section, any person for whom life insurance is provided or contracted for pursuant to such  
6 subsection may purchase, at the person's own expense and only if monthly voluntary payroll  
7 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a  
8 private insurance company or as may be required by a system if the board of trustees determines that  
9 the system should provide such insurance itself. The maximum amount of additional life insurance  
10 which may be so purchased prior to January 1, 2004, is that amount which equals six times the  
11 amount of the person's annual rate of pay, subject to any maximum established by a board, except  
12 that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum  
13 amount of additional insurance which may be purchased is the next higher amount evenly divisible  
14 by one thousand dollars. The maximum amount of additional life insurance which may be so  
15 purchased on or after January 1, 2004, is an amount to be stipulated in a contract with a private  
16 insurance company or as may be required by the system if the board of trustees determines that the  
17 system should provide the insurance itself.

18 (2) Any person defined in subdivision (1) of this subsection may retain an amount not to  
19 exceed sixty thousand dollars of life insurance following the date of his or her retirement if such  
20 person becomes a retiree the month following termination of employment and makes written  
21 application for such life insurance at the same time such person's application is made to the board  
22 for retirement benefits. Such life insurance shall only be provided if such person pays the entire  
23 cost of the insurance, as determined by the board, by allowing voluntary deductions from the  
24 member's annuity.

25 (3) In addition to the life insurance authorized in subdivision (1) of this subsection, any  
26 person for whom life insurance is provided or contracted for pursuant to this subsection may  
27 purchase, at the person's own expense and only if monthly voluntary payroll deductions are  
28 authorized, life insurance covering the person's children or the person's spouse or both at coverage  
29 amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer  
30 or as may be required by the system if the board of trustees determines that the system should  
31 provide such insurance itself.

32 (4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity  
33 based on the attainment of at least forty-eight years of age with a total of years of age and years of  
34 credited service which is at least eighty shall be eligible to retain any optional life insurance  
35 described in subdivision (1) of this subsection. The amount of such retained insurance shall not be  
36 greater than the amount in effect during the month prior to termination of employment. Such  
37 insurance may be retained until the member's attainment of the earliest age for eligibility for  
38 reduced Social Security retirement benefits but no later than age sixty-two, at which time the

1 amount of such insurance that may be retained shall be that amount permitted pursuant to  
2 subdivision (2) of this subsection.

3 3. The state highways and transportation commission may provide for insurance benefits to  
4 cover medical expenses for members of the [~~highways and~~] Missouri department of transportation  
5 [~~employees'~~] and highway patrol employees' retirement system. The state highways and  
6 transportation commission may provide medical benefits for dependents of members and for retired  
7 members. Contributions by the state highways and transportation commission to provide the  
8 benefits shall be on the same basis as provided for other state employees pursuant to the provisions  
9 of section 104.515. Except as otherwise provided by law, the cost of benefits for dependents of  
10 members and for retirees and their dependents shall be paid by the members or retirees. The  
11 commission may contract with other persons or entities including but not limited to third-party  
12 administrators, health network providers and health maintenance organizations for all, or any part  
13 of, the benefits provided for in this section. The commission may require reimbursement of any  
14 medical claims paid by the commission's medical plan for which there was third-party liability.

15 4. The [~~highways and~~] Missouri department of transportation [~~employees'~~] and highway  
16 patrol employees' retirement system may request the state highways and transportation commission  
17 to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state  
18 highways and transportation commission agrees to the request, the [~~highways and~~] Missouri  
19 department of transportation [~~employees'~~] and highway patrol employees' retirement system shall  
20 reimburse the state highways and transportation commission for any and all costs for life insurance  
21 provided pursuant to subdivision (2) of subsection 1 of this section. The person who is covered  
22 pursuant to subsection 2 of this section shall be solely responsible for the costs of any additional life  
23 insurance. In lieu of the life insurance benefit in subdivision (2) of subsection 1 of this section, the  
24 [~~highways and~~] Missouri department of transportation [~~employees'~~] and highway patrol employees'  
25 retirement system is authorized in its sole discretion to provide a death benefit of five thousand  
26 dollars.

27 5. To the extent that the board enters or has entered into any contract with any insurer or  
28 service organization to provide life insurance provided for pursuant to this section:

29 (1) The obligation to provide such life insurance shall be primarily that of the insurer or  
30 service organization and secondarily that of the board;

31 (2) Any member who has been denied life insurance benefits by the insurer or service  
32 organization and has exhausted all appeal procedures provided by the insurer or service organization  
33 may appeal such decision by filing a petition against the insurer or service organization in a court of  
34 law in the member's county of residence; and

35 (3) The board and the system shall not be liable for life insurance benefits provided by an  
36 insurer or service organization pursuant to this section and shall not be subject to any cause of action  
37 with regard to life insurance benefits or the denial of life insurance benefits by the insurer or service  
38 organization unless the member has obtained judgment against the insurer or service organization  
39 for life insurance benefits and the insurer or service organization is unable to satisfy that judgment.

1           104.1084. 1. For members of the general assembly, the provisions of this section shall  
2 supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement  
3 eligibility" means attainment of age fifty-five for a member who has served at least three full  
4 biennial assemblies or the attainment of at least age fifty for a member who has served at least three  
5 full biennial assemblies with a total of years of age and years of credited service which is at least  
6 eighty. A member shall receive two years of credited service for every full biennial assembly  
7 served. A full biennial assembly shall be equal to the period of time beginning on the first day the  
8 general assembly convenes for a first regular session until the last day of the following year. If a  
9 member serves less than a full biennial assembly, the member shall receive credited service for the  
10 pro rata portion of the full biennial assembly served.

11           2. For the purposes of section 104.1024, the normal retirement annuity of a member of the  
12 general assembly shall be an amount for life equal to one twenty-fourth of the monthly pay for a  
13 senator or representative on the annuity starting date multiplied by the years of credited service as a  
14 member of the general assembly. In no event shall any such member or eligible beneficiary receive  
15 annuity amounts in excess of one hundred percent of pay.

16           3. To be covered by the provisions of section 104.1030, or section 104.1036, a member of  
17 the general assembly must have served at least three full biennial assemblies.

18           4. For members who are statewide elected officials, the provisions of this section shall  
19 supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement  
20 eligibility" means attainment of age fifty-five for a member who has served at least four years as a  
21 statewide elected official, or the attainment of age fifty with a total of years of age and years of such  
22 credited service which is at least eighty.

23           5. For the purposes of section 104.1024, the normal retirement annuity of a member who is  
24 a statewide elected official shall be an amount for life equal to one twenty-fourth of the monthly pay  
25 in the highest office held by such member on the annuity starting date multiplied by the years of  
26 credited service as a statewide elected official not to exceed twelve years.

27           6. To be covered by the provisions of sections 104.1030 and 104.1036, a member who is a  
28 statewide elected official must have at least four years as a statewide elected official.

29           7. The provisions of section 104.1045 shall not apply to persons covered by the general  
30 assembly and statewide elected official provisions of this section. Persons covered by the general  
31 assembly provisions and receiving a year 2000 plan annuity shall be entitled to a cost-of-living  
32 adjustment (COLA) when there are increases in pay for members of the general assembly. Persons  
33 covered by the statewide elected official provisions and receiving a year 2000 plan annuity shall be  
34 entitled to COLAs when there are increases in the pay for statewide elected officials in the highest  
35 office held by such person. The COLA described in this subsection shall be equal to and concurrent  
36 with the percentage increase in pay as described in section 105.005. No COLA shall be less than  
37 zero.

38           8. Any member who serves under this chapter as a member of the general assembly or as a  
39 statewide elected official on or after August 28, 1999, shall not be eligible to receive any retirement

1 benefits from the system under either the closed plan or the year 2000 plan based on service  
2 rendered on or after August 28, 1999, as a member of the general assembly or as a statewide elected  
3 official if such member is convicted of a felony that is determined by a court of law to have been  
4 committed in connection with the member's duties either as a member of the general assembly or as  
5 a statewide elected official, unless such conviction is later reversed by a court of law.

6 9. A member of the general assembly who has purchased or transferred creditable service  
7 shall not be subject to the cap on benefits pursuant to subsection 2 of this section for that portion of  
8 the benefit attributable to the purchased or transferred service.

9 10. For the purposes of section 104.1042, the service credit accrued by a member of the  
10 general assembly while receiving long-term disability benefits shall continue to accrue until the  
11 earliest receipt of attainment of normal retirement age eligibility, termination of disability benefits,  
12 or the end of the member's constitutionally mandated limit on service as a member of the general  
13 assembly for the chamber in which the member was serving at the time of disablement.

14 11. For the purposes of section 104.1042, the service credit accrued by a statewide elected  
15 official while receiving long-term disability benefits shall continue to accrue until the earliest of  
16 attainment of normal retirement age eligibility, termination of disability benefits, or the end of the  
17 statewide elected official's constitutionally mandated limit on service as a statewide elected official  
18 for the office in which the statewide elected official was serving at the time of disablement.

19 104.1091. 1. Notwithstanding any provision of the year 2000 plan to the contrary, each  
20 person who first becomes an employee on or after January 1, 2011, shall be a member of the year  
21 2000 plan subject to the provisions of this section.

22 2. A member's normal retirement eligibility shall be as follows:

23 (1) The member's attainment of at least age sixty-seven and the completion of at least ten  
24 years of credited service; or the member's attainment of at least age fifty-five with the sum of the  
25 member's age and credited service equaling at least ninety; or, in the case of a member who is  
26 serving as a uniformed member of the highway patrol and subject to the mandatory retirement  
27 provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at  
28 least age fifty-five with ten years of credited service;

29 (2) For members of the general assembly, the member's attainment of at least age sixty-two  
30 and the completion of at least three full biennial assemblies; or the member's attainment of at least  
31 age fifty-five with the sum of the member's age and credited service equaling at least ninety;

32 (3) For statewide elected officials, the official's attainment of at least age sixty-two and the  
33 completion of at least four years of credited service; or the official's attainment of at least age fifty-  
34 five with the sum of the official's age and credited service equaling at least ninety.

35 3. A vested former member's normal retirement eligibility shall be based on the attainment  
36 of at least age sixty-seven and the completion of at least ten years of credited service.

37 4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be payable if  
38 the member has attained at least age fifty-five with the sum of the member's age and credited service  
39 equaling at least ninety; or in the case of a member who is serving as a uniformed member of the

1 highway patrol and subject to the mandatory retirement provisions of section 104.081, the  
2 temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-  
3 five with ten years of credited service.

4 5. A member, other than a member who is serving as a uniformed member of the highway  
5 patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an  
6 early retirement annuity upon the attainment of at least age sixty-two and the completion of at least  
7 ten years of credited service. A vested former member who terminated employment prior to the  
8 attainment of early retirement eligibility shall not be eligible for early retirement.

9 6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied  
10 pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members  
11 covered by this section.

12 7. The minimum credited service requirements of five years contained in sections 104.1018,  
13 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The  
14 normal and early retirement eligibility requirements in this section shall apply for purposes of  
15 administering section 104.1087.

16 8. A member shall be required to contribute four percent of the member's pay to the  
17 retirement system, which shall stand to the member's credit in his or her individual account with the  
18 system, together with investment credits thereon, for purposes of funding retirement benefits  
19 payable under the year 2000 plan, subject to the following provisions:

20 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section  
21 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member  
22 under this section. The contributions so picked up shall be treated as employer contributions for  
23 purposes of determining the member's pay that is includable in the member's gross income for  
24 federal income tax purposes;

25 (2) Member contributions picked up by the employer shall be paid from the same source of  
26 funds used for the payment of pay to a member. A deduction shall be made from each member's  
27 pay equal to the amount of the member's contributions picked up by the employer. This deduction,  
28 however, shall not reduce the member's pay for purposes of computing benefits under the retirement  
29 system pursuant to this chapter;

30 (3) Member contributions so picked up shall be credited to a separate account within the  
31 member's individual account so that the amounts contributed pursuant to this section may be  
32 distinguished from the amounts contributed on an after-tax basis;

33 (4) The contributions, although designated as employee contributions, shall be paid by the  
34 employer in lieu of the contributions by the member. The member shall not have the option of  
35 choosing to receive the contributed amounts directly instead of having them paid by the employer to  
36 the retirement system;

37 (5) Interest shall be credited annually on June thirtieth based on the value in the account as  
38 of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2014,  
39 and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that



1 is published by the United States Department of Treasury, or its successor agency, for fifty-two  
2 week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor  
3 treasury bill investment rate as approved by the board if the fifty-two week treasury bill is no longer  
4 issued. Interest credits shall cease upon termination of employment if the member is not a vested  
5 former member. Otherwise, interest credits shall cease upon retirement or death;

6 (6) A vested former member or a former member who is not vested may request a refund of  
7 his or her contributions and interest credited thereon. If such member is married at the time of such  
8 request, such request shall not be processed without consent from the spouse. Such member is not  
9 eligible to request a refund if such member's retirement benefit is subject to a division of benefit  
10 order pursuant to section 104.1051. Such refund shall be paid by the system ~~[after]~~ within an  
11 administratively reasonable period, but no sooner than ninety days from the date of termination of  
12 employment [or the request, whichever is later, and]. The amount refunded shall include all  
13 employee contributions made to any retirement plan administered by the system and interest  
14 credited thereon. A vested former member may not request a refund after such member becomes  
15 eligible for normal retirement. A vested former member or a former member who is not vested who  
16 receives a refund shall forfeit all the member's credited service and future rights to receive benefits  
17 from the system and shall not be eligible to receive any [long-term] disability benefits; provided that  
18 any member or vested former member receiving [long-term] disability benefits shall not be eligible  
19 for a refund. If such member subsequently becomes an employee and works continuously for at  
20 least one year, the credited service previously forfeited shall be restored if the member returns to the  
21 system the amount previously refunded plus interest at a rate established by the board;

22 (7) The beneficiary of any member who made contributions shall receive a refund upon the  
23 member's death equal to the amount, if any, of such contributions and interest credited thereon less  
24 any retirement benefits received by the member unless an annuity is payable to a survivor or  
25 beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or  
26 beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's  
27 death equal to the amount, if any, of the member's contributions less any annuity amounts received  
28 by the member and the survivor or beneficiary.

29 9. The employee contribution rate, the benefits provided under the year 2000 plan to  
30 members covered under this section, and any other provision of the year 2000 plan with regard to  
31 members covered under this section may be altered, amended, increased, decreased, or repealed, but  
32 only with respect to services rendered by the member after the effective date of such alteration,  
33 amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after  
34 the effective date of such alteration, amendment, increase, decrease, or repeal.

35 10. For purposes of members covered by this section, the options under section 104.1027  
36 shall be as follows:

37 Option 1.

38 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.  
39 Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on

1 the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent  
2 for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is  
3 younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent  
4 for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the  
5 annuity starting date, an increase of three-tenths of one percent for each year of age difference;  
6 provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter  
7 percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such  
8 beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by  
9 subsection 5 of this section.

10 Option 2.

11 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.  
12 Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity  
13 starting date is younger than sixty-seven years, an increase of four-tenths of one percent for each  
14 year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than  
15 the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of  
16 age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting  
17 date, an increase of five-tenths of one percent for each year of age difference; provided, after all  
18 adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the  
19 retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary  
20 who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of  
21 this section.

22 Option 3.

23 A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise  
24 payable. If the retiree dies before having received one hundred twenty monthly payments, the  
25 reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the  
26 retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the  
27 present value of the remaining annuity payments shall be paid as provided under subsection 3 of  
28 section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of  
29 such one hundred twenty monthly payments, the present value of the remaining annuity payments  
30 shall be paid as provided under subsection 3 of section 104.620.

31 Option 4.

32 A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise  
33 payable. If the retiree dies before having received one hundred eighty monthly payments, the  
34 reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the  
35 retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the  
36 present value of the remaining annuity payments shall be paid as provided under subsection 3 of  
37 section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of

1 such one hundred eighty monthly payments, the present value of the remaining annuity payments  
2 shall be paid as provided under subsection 3 of section 104.620.

3 11. The provisions of subsection 6 of section 104.1024 shall not apply to members covered  
4 by this section.

5 12. Effective January 1, 2018, a member who is not a statewide elected official or a member  
6 of the general assembly shall be eligible for retirement under this subsection subject to the following  
7 conditions:

8 (1) A member's normal retirement eligibility shall be based on the attainment of at least age  
9 sixty-seven and the completion of at least five years of credited service; or the member's attainment  
10 of at least age fifty-five with the sum of the member's age and credited service equaling at least  
11 ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and  
12 subject to the mandatory retirement provisions of section 104.081, such member's attainment of at  
13 least age sixty or the attainment of at least age fifty-five with five years of credited service;

14 (2) A vested former member's normal retirement eligibility shall be based on the attainment  
15 of at least age sixty-seven and the completion of at least five years of credited service; except that, a  
16 vested former member who terminates employment after the attainment of normal retirement  
17 eligibility as defined in subdivision (1) of this subsection shall be covered under such subdivision;

18 (3) A temporary annuity paid under subsection 4 of section 104.1024 shall be payable if the  
19 member has attained at least age fifty-five with the sum of the member's age and credited service  
20 equaling at least ninety; or in the case of a member who is serving as a uniformed member of the  
21 highway patrol and subject to the mandatory retirement provisions of section 104.081, the  
22 temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-  
23 five with five years of credited service;

24 (4) A member, other than a member who is serving as a uniformed member of the highway  
25 patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an  
26 early retirement annuity upon the attainment of at least age sixty-two and the completion of at least  
27 five years of credited service. A vested former member who terminated employment prior to the  
28 attainment of early retirement eligibility shall not be eligible for early retirement;

29 (5) The normal and early retirement eligibility requirements in this subsection shall apply  
30 for purposes of administering section 104.1087;

31 (6) The survivor annuity payable under section 104.1030 for vested former members who  
32 terminated employment prior to the attainment of early retirement eligibility and who are covered  
33 by this section shall not be payable until the deceased member would have reached his or her normal  
34 retirement eligibility under this subsection;

35 (7) The annual cost-of-living adjustment payable under section 104.1045 shall not  
36 commence until the second anniversary of [~~a vested former member's~~] the annuity starting date for  
37 vested former members who terminated employment prior to the attainment of early retirement  
38 eligibility and who are covered by this subsection;

1 (8) The unused sick leave credit granted under subsection 2 of section 104.1021 shall not  
2 apply to members covered by this subsection unless the member terminates employment after  
3 reaching normal retirement eligibility or becoming eligible for an early retirement annuity under this  
4 subsection; and

5 (9) The minimum credited service requirements of five years contained in sections  
6 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this  
7 subsection.

8 476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who  
9 first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits  
10 as provided in sections 476.445 to 476.688 subject to the provisions of this section.

11 2. Any person who is at least sixty-seven years of age, has served in this state an aggregate  
12 of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of  
13 the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of  
14 Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as  
15 provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be  
16 fulfilled by service as judge in any of the courts covered, or by service in any combination as judge  
17 of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of  
18 age and who has served less than twelve years and is otherwise qualified under sections 476.515 to  
19 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement  
20 compensation in a sum equal to the proportion of the retirement compensation provided in section  
21 476.530 that his or her period of judicial service bears to twelve years.

22 3. Any person who is at least sixty-two years of age or older, has served in this state an  
23 aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office  
24 by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the  
25 provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive  
26 benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection  
27 may be fulfilled by service as a judge in any of the courts covered, or by service in any combination  
28 as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two  
29 years of age and who has served less than twenty years and is otherwise qualified under sections  
30 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in  
31 a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or  
32 her period of judicial service bears to twenty years.

33 4. All judges under this section required by the provisions of Section 26 of Article V of the  
34 Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

35 5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges  
36 covered by this section.

37 6. A judge shall be required to contribute four percent of the judge's compensation to the  
38 retirement system, which shall stand to the judge's credit in his or her individual account with the

1 system, together with investment credits thereon, for purposes of funding retirement benefits  
2 payable as provided in sections 476.515 to 476.565, subject to the following provisions:

3 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section  
4 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge  
5 under this section. The contributions so picked up shall be treated as employer contributions for  
6 purposes of determining the judge's compensation that is includable in the judge's gross income for  
7 federal income tax purposes;

8 (2) Judge contributions picked up by the employer shall be paid from the same source of  
9 funds used for the payment of compensation to a judge. A deduction shall be made from each  
10 judge's compensation equal to the amount of the judge's contributions picked up by the employer.  
11 This deduction, however, shall not reduce the judge's compensation for purposes of computing  
12 benefits under the retirement system pursuant to this chapter;

13 (3) Judge contributions so picked up shall be credited to a separate account within the  
14 judge's individual account so that the amounts contributed pursuant to this section may be  
15 distinguished from the amounts contributed on an after-tax basis;

16 (4) The contributions, although designated as employee contributions, are being paid by the  
17 employer in lieu of the contributions by the judge. The judge shall not have the option of choosing  
18 to receive the contributed amounts directly instead of having them paid by the employer to the  
19 retirement system;

20 (5) Interest shall be credited annually on June thirtieth based on the value in the account as  
21 of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2024,  
22 and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that  
23 is published by the United States Department of Treasury, or its successor agency, for fifty-two-  
24 week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor  
25 treasury bill investment rate as approved by the board if the fifty-two-week treasury bill is no longer  
26 issued. Interest credits shall cease upon retirement or death of the judge;

27 (6) A judge whose employment is terminated may request a refund of his or her  
28 contributions and interest credited thereon. If such judge is married at the time of such request, such  
29 request shall not be processed without consent from the spouse. A judge is not eligible to request a  
30 refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section  
31 104.312. Such refund shall be paid by the system after ninety days from the date of termination of  
32 employment or the request, whichever is later and shall include all contributions made to any  
33 retirement plan administered by the system and interest credited thereon. A judge may not request a  
34 refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565.  
35 A judge who receives a refund shall forfeit all the judge's service and future rights to receive  
36 benefits from the system and shall not be eligible to receive any long-term disability benefits;  
37 provided that any judge or former judge receiving long-term disability benefits shall not be eligible  
38 for a refund. If such judge subsequently becomes a judge and works continuously for at least one

1 year, the service previously forfeited shall be restored if the judge returns to the system the amount  
2 previously refunded plus interest at a rate established by the board;

3 (7) The beneficiary of any judge who made contributions shall receive a refund upon the  
4 judge's death equal to the amount, if any, of such contributions and interest credited thereon, less  
5 any retirement benefits received by the judge unless an annuity is payable to a survivor or  
6 beneficiary as a result of the judge's death. In that event, the beneficiary of the survivor or  
7 beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's  
8 death equal to the amount, if any, of the judge's contributions less any annuity amounts received by  
9 the judge and the survivor or beneficiary.

10 7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565  
11 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with  
12 regard to judges covered under this section may be altered, amended, increased, decreased, or  
13 repealed, but only with respect to services rendered by the judge after the effective date of such  
14 alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods  
15 of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

16 8. Any judge who is receiving retirement compensation under section 476.529 or 476.530  
17 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000  
18 plan under chapter 104, shall not receive such retirement compensation for any calendar month in  
19 which the retired judge is so employed. Any judge who is receiving retirement compensation under  
20 section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to  
21 subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation  
22 for any calendar month in which the retired judge is serving as a judge; except that upon retirement  
23 such judge's annuity shall be recalculated to include any additional service or salary accrued based  
24 on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or  
25 476.530 may continue to receive such retirement compensation while serving as a senior judge or  
26 senior commissioner and shall receive additional credit and salary for such service pursuant to  
27 section 476.682.

28 ~~[104.130. Upon the death of a retired member, the board shall pay to such member's~~  
29 ~~designated beneficiaries or to his estate a death benefit equal to the excess, if any, of the~~  
30 ~~accumulated contributions of the member at retirement over the total amount of retirement benefits~~  
31 ~~received by such member prior to his death.]; and~~  
32

33 Further amend said bill by amending the title, enacting clause, and intersectional references  
34 accordingly.