

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 75, Page 1, Section
2 A, Line 4, by 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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determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave. The board of each system may promulgate rules for purposes of calculating average compensation and other retirement provisions to accommodate for any state payroll system in which compensation is received on a monthly, semimonthly, biweekly, or other basis;

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

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

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

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

(13) "Compensation":

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

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

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

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

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

(15) "Creditable prior service", the service of an employee which was either rendered prior 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 ~~[7-07]~~ 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 and

19
 20 Further amend said bill, Page 2, Section 104.160, Line 27, by inserting after all of said section and
 21 line the following:

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

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

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

3 104.200. Should any error in any records result in any ~~[member's]~~ member or ~~[beneficiary's]~~
4 beneficiary receiving more or less than he or she would have been entitled to receive had the records
5 been correct, the board shall correct such error, and, as far as practicable, make future payments in
6 such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was
7 entitled shall be paid, and to this end may recover any overpayments. In all cases in which such
8 error has been made, no such error shall be corrected unless the system discovers or is notified of
9 such error within ten years after the ~~[initial]~~ member's annuity starting date or date of error,
10 whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern
11 for the amount of time that has passed.

12 104.312. 1. The provisions of subsection 2 of section 104.250, subsection 2 of section
13 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding, any
14 pension, annuity, benefit, right, or retirement allowance provided pursuant to this chapter, chapter
15 287, or chapter 476 is marital property and after August 28, 1994, a court of competent jurisdiction
16 may divide the pension, annuity, benefits, rights, and retirement allowance provided pursuant to this
17 chapter, chapter 287, or chapter 476 between the parties to any action for dissolution of marriage. A
18 division of benefits order issued pursuant to this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further amend said bill, Page 3, Section 104.380, Line 34, by inserting after all of said section and line the following:

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

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

15 3. The disability benefits described in this section shall not be paid to any uniformed
16 member of the water patrol who has retained or regained more than fifty percent of the member's
17 earning capacity. If any uniformed member of the water patrol who has been receiving disability
18 benefits again becomes an employee, the member's disability benefits shall be discontinued, the
19 member's prior period of creditable service shall be restored, and any subsequent determination of
20 benefits due the member or the member's survivors shall be based on the sum of the member's
21 creditable service accrued to the date the member's disability benefits commenced and the period of
22 creditable service after the member's return to employment.

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

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

36 6. Any member who qualifies for disability benefits pursuant to subsection 1 of this section
37 or pursuant to the provisions of section 104.518, or under a long-term disability program provided
38 by the member's employing department as a consequence of employment by the department, shall
39 continue to accrue creditable service based on the member's rate of pay immediately prior to the

1 date the member became disabled in accordance with sections 104.370, 104.371, 104.374 and
2 104.615, until the date the member's retirement benefit goes into pay status, the disability benefits
3 cease being paid to the member, or the member is no longer disabled, whichever comes first.
4 Persons covered by the provisions of sections 476.515 to 476.565 or sections 287.812 to 287.855,
5 who qualify for disability benefits pursuant to the provisions of section 104.518, at the date the
6 person becomes disabled, shall continue to accrue creditable service based on the person's rate of
7 pay immediately prior to the date the person becomes disabled until the date the person's retirement
8 benefit goes into pay status, the disability benefits cease being paid to the person or the person is no
9 longer disabled, whichever comes first. Members or persons continuing to accrue creditable service
10 pursuant to this subsection shall be entitled to continue their life insurance coverage subject to the
11 provisions of the life insurance plan administered by the board pursuant to section 104.517. The
12 rate of pay for purposes of calculating retirement benefits for a member or person described in this
13 subsection who becomes disabled and retires on or after August 28, 1999, shall be the member's or
14 person's regular monthly compensation received at the time of disablement, increased thereafter for
15 any increases in the consumer price index. Such increases in the member's monthly pay shall be
16 made annually beginning twelve months after disablement and shall be equal to eighty percent of
17 the increase in the consumer price index during the calendar year prior to the adjustment, but not
18 more than five percent of the member's monthly pay immediately before the increase. Such accruals
19 shall continue until the earliest of: receipt of an early retirement annuity, attainment of normal
20 retirement eligibility or termination of disability benefits.

21 7. A member or person who continues to be disabled as provided in subsection 6 of this
22 section until the member's normal retirement age shall be eligible to retire on the first day of the
23 month next following the member's or person's final payment pursuant to section 104.518 or, if
24 applicable, subsection 1 of this section. A member or person who retires pursuant to this subsection
25 shall receive the greater of the normal annuity or the minimum annuity, if applicable, determined
26 pursuant to sections 104.370, 104.371, 104.374 and 104.615, and section 287.820, and section
27 476.530 as if the member or person had continued in the active employ of the employer until the
28 member's or person's retirement benefit goes into pay status, the disability benefits cease being paid
29 to the member or person, or the member or person is no longer disabled, whichever comes first and
30 the member's or person's compensation for such period had been the member's or person's rate of
31 pay immediately preceding the date the member or person became disabled.

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

36 9. If a member ceases to be disabled and if the member does not return to work as provided
37 in subsection 8 of this section, the member's rights to further benefits shall be determined in
38 accordance with sections 104.335, 104.380, 104.400, 104.420 and 104.615 as though the member

1 had withdrawn from service as of the date the member ceased to be disabled, as determined by the
2 system.

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

8 11. Statewide elected officials who are accruing service under subsection 6 of this section
9 shall continue to accrue service until the earliest of attainment of normal retirement age eligibility,
10 termination of disability benefits, or the end of the statewide elected official's constitutionally
11 mandated limit on service as a statewide elected official for the office in which the statewide elected
12 official was serving at the time of disablement.

13 104.436. 1. The board intends to follow a financing pattern which computes and requires
14 contribution amounts which, expressed as percents of active member payroll, will remain
15 approximately level from year to year and from one generation of citizens to the next generation.
16 Such contribution determinations require regular actuarial valuations, which shall be made by the
17 board's actuary, using assumptions and methods adopted by the board after consulting with its
18 actuary. The entry age normal cost valuation method shall be used in determining the normal cost[,
19 ~~and contributions for unfunded accrued liabilities shall be determined using level percent of payroll~~
20 ~~amortization] calculation.~~

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

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

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

36 104.490. 1. Should any error result in any member or beneficiary receiving more or less
37 than he or she would have been entitled to receive had the error not occurred, the board shall correct
38 such error, and, as far as practicable, make future payments in such a manner that the actuarial
39 equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this

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

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

8 3. The board of trustees of the Missouri state employees' retirement system shall cease
 9 paying benefits to any survivor or beneficiary who is charged with the intentional killing of a
 10 member without legal excuse or justification. A survivor or beneficiary who is convicted of such
 11 charge shall no longer be entitled to receive benefits. If the survivor or beneficiary is not convicted
 12 of such charge, the board shall resume payment of benefits and shall pay the survivor or beneficiary
 13 any benefits that were suspended pending resolution of such charge.

14 104.515. 1. Separate accounts for medical, life insurance and disability benefits provided
 15 pursuant to sections 104.517 and 104.518 shall be established as part of the fund. The funds,
 16 property and return on investments of the separate account shall not be commingled with any other
 17 funds, property and investment return of the system. All benefits and premiums are paid solely from
 18 the separate account for medical, life insurance and disability benefits provided pursuant to this
 19 section.

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

1 highway patrol retirement system shall be made from highway funds. If the highways and
 2 transportation commission so elects, the spouses and unemancipated children under twenty-three
 3 years of age of employees who are members of the state transportation department employees' and
 4 highway patrol retirement system shall be able to participate in the program of insurance benefits to
 5 cover medical expenses pursuant to the provisions of subsection 3 of this section.

6 3. The board shall determine the premium amounts required for participating employees.
 7 The premium amounts shall be the amount, which, together with the state's contribution, is required
 8 to fund the benefits provided, taking into account necessary actuarial reserves. Separate premiums
 9 shall be established for employees' benefits and a separate premium or schedule of premiums shall
 10 be established for benefits for spouses and unemancipated children under twenty-three years of age
 11 of participating employees. The employee's premiums for spouse and children benefits shall be
 12 established to cover that portion of the cost of such benefits which is not paid for by contributions
 13 by the state. All such premium amounts shall be paid to the board of trustees at the time that each
 14 employee's wages or salary would normally be paid. The premium amounts so remitted will be
 15 placed in the separate account for medical, life insurance and disability benefits. In lieu of the
 16 availability of premium deductions, the board may establish alternative methods for the collection of
 17 premium amounts.

18 4. Each special consultant eligible for life benefits employed by a board of trustees of a
 19 retirement system as provided in section 104.610 who is a member of the Missouri state life
 20 insurance plan or Missouri state transportation department and Missouri state highway patrol life
 21 insurance plan shall, in addition to duties prescribed in section 104.610 or any other law, and upon
 22 request of the board of trustees, give the board, orally or in writing, a short detailed statement on life
 23 insurance and death benefit problems affecting retirees. As compensation for the extra duty
 24 imposed by this subsection, any special consultant as defined above, other than a special consultant
 25 entitled to a deferred normal annuity pursuant to section 104.035 or 104.335, who retires on or after
 26 September 28, 1985, shall receive as a part of compensation for these extra duties, a death benefit of
 27 five thousand dollars, and any special consultant who terminates employment on or after August 28,
 28 1999, after reaching normal or early retirement age and becomes a retiree within ~~[sixty]~~ sixty-five
 29 days of such termination shall receive five thousand dollars of life insurance coverage. In addition,
 30 each special consultant who is a member of the transportation department employees' and highway
 31 patrol retirement system medical insurance plan shall also provide the board, upon request of the
 32 board, orally or in writing, a short detailed statement on physical, medical and health problems
 33 affecting retirees. As compensation for this extra duty, each special consultant as defined above
 34 shall receive, in addition to all other compensation provided by law, nine dollars, or an amount
 35 equivalent to that provided to other special consultants pursuant to the provisions of section
 36 103.115. In addition, any special consultant as defined in section 287.820 or section 476.601 who
 37 terminates employment and immediately retires on or after August 28, 1995, shall receive as a part
 38 of compensation for these duties, a death benefit of five thousand dollars and any special consultant
 39 who terminates employment on or after August 28, 1999, after reaching the age of eligibility to

1 receive retirement benefits and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination
 2 shall receive five thousand dollars of life insurance coverage.

3 5. Any former employee who is receiving disability income benefits from the Missouri state
 4 employees' retirement system or the transportation department employees' and highway patrol
 5 retirement system shall, upon application with the board of trustees of the Missouri consolidated
 6 health care plan or the transportation department employees and highway patrol medical plan, be
 7 made, constituted, appointed and employed by the respective board as a special consultant on the
 8 problems of the health of disability income recipients and, upon request of the board of trustees of
 9 each medical plan, give the board, orally or in writing, a short detailed statement of physical,
 10 medical and health problems affecting disability income recipients. As compensation for the extra
 11 duty imposed by this subsection, each such special consultant as defined in this subsection may
 12 receive, in addition to all other compensation provided by law, an amount contributed toward
 13 medical benefits coverage provided by the Missouri consolidated health care plan or the
 14 transportation employees and highway patrol medical plan pursuant to appropriations.

15 104.625. Effective July 1, 2002, any member retiring pursuant to the provisions of sections
 16 104.010 to 104.801, except an elected official or a member of the general assembly, who has not
 17 been paid retirement benefits and continues employment for at least two years beyond normal
 18 retirement age, may elect to receive an annuity and lump sum payment or payments, determined as
 19 follows:

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

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

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

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

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

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

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

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

2. Employees of the Missouri state water patrol who are earning credited service in the year 2000 plan of the Missouri state employees' retirement system and who are transferred to the division of water patrol with the Missouri state highway patrol shall elect within ninety days of January 1, 2011, to either remain a member of the Missouri state employees' retirement system or transfer membership and creditable service to the year 2000 plan of the Missouri department of transportation and highway patrol employees' retirement system. The election shall be made in writing after the employee has received a detailed analysis comparing retirement, life insurance, disability benefits, and medical benefits of a member of the Missouri state employees' retirement

1 system with the corresponding benefits provided an employee of the highway patrol covered by the
 2 year 2000 plan of the Missouri department of transportation and highway patrol employees'
 3 retirement system. In electing plan membership the employee shall acknowledge and agree that an
 4 election made under this subsection is irrevocable, and constitutes a waiver to receive retirement,
 5 life insurance, disability benefits, and medical benefits except as provided by the system elected by
 6 the employee. Furthermore, in connection with the election, the employee shall be required to
 7 acknowledge that the benefits provided by virtue of membership in either system, and any
 8 associated costs to the employee, may be different now or in the future as a result of the election and
 9 that the employee agrees to hold both systems harmless with regard to benefit differences resulting
 10 from the election.

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

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

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

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

30 104.1003. 1. Unless a different meaning is plainly required by the context, the following
 31 words and phrases as used in sections 104.1003 to 104.1093 shall mean:

- 32 (1) "Act", the year 2000 plan created by sections 104.1003 to 104.1093;
- 33 (2) "Actuary", an actuary who is experienced in retirement plan financing and who is either
 34 a member of the American Academy of Actuaries or an enrolled actuary under the Employee
 35 Retirement Income Security Act of 1974;
- 36 (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds
 37 provided for in, or authorized by, sections 104.1003 to 104.1093;
- 38 (4) "Annuity starting date" means the first day of the first month with respect to which an
 39 amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

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

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

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

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

12 (9) "Credited service", the total credited service to a member's credit as provided in sections
 13 104.1003 to 104.1093; except that in no case shall more than one day of credited service be credited
 14 to any member or vested former member for any one calendar day of eligible credit as provided by
 15 law;

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

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

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

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

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

29 (b) The term "employee" shall be modified as provided by other provisions of sections
 30 104.1003 to 104.1093;

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

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

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

39 (14) "Employer", a department;

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

3 (16) "Final average pay", the average pay of a member for the thirty-six full consecutive
4 months of service before termination of employment when the member's pay was greatest; or if the
5 member was on workers' compensation leave of absence or a medical leave of absence due to an
6 employee illness, the amount of pay the member would have received but for such leave of absence
7 as reported and verified by the employing department; or if the member was employed for less than
8 thirty-six months, the average monthly pay of a member during the period for which the member
9 was employed. The board of each system may promulgate rules for purposes of calculating final
10 average pay and other retirement provisions to accommodate for any state payroll system in which
11 pay is received on a monthly, semimonthly, biweekly, or other basis;

12 (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to
13 104.1093;

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

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

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

25 (21) "Pay" shall include:

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

28 a. Any amounts paid after an employee's employment is terminated, unless the payment is
29 made as a final installment of salary or wages at the same rate as in effect immediately prior to
30 termination of employment in accordance with a state payroll system adopted on or after January 1,
31 2000;

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

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

36 d. Any nonrecurring single sum payments; and

37 e. Any amounts for which contributions have not been made in accordance with section
38 104.1066;

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

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

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

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

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

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

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

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

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

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

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

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

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

4 104.1024. 1. Any member who terminates employment may retire on or after attaining
5 normal retirement eligibility by making application in written form and manner approved by the
6 appropriate board. The written application shall set forth the annuity starting date which shall not be
7 earlier than the first day of the second month following the month of the execution and filing of the
8 member's application for retirement nor later than the first day of the fourth month following the
9 month of the execution and filing of the member's application for retirement. The payment of the
10 annuity shall be made the last working day of each month, providing all documentation required
11 under section 104.1027 for the calculation and payment of the benefits is received by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

Further amend said bill and page, Section 104.1039, Line 20, by inserting after all of said section and line the following:

"104.1051. 1. Any annuity provided pursuant to the year 2000 plan is marital property and a court of competent jurisdiction may divide such annuity between the parties to any action for dissolution of marriage if at the time of the dissolution the member has at least five years of credited

1 service pursuant to sections 104.1003 to 104.1093. A division of benefits order issued pursuant to
2 this section:

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

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

7 (3) Shall identify the monthly amount to be paid to the former spouse, which shall be
8 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's
9 annuity accrued during all or part of the period of the marriage of the member and former spouse
10 excluding service accrued under subsection 2 of section 104.1021; and which shall be based on the
11 member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in
12 the order, which amount shall be adjusted proportionately upon the annuity starting date if the
13 member's annuity is reduced due to the receipt of an early retirement annuity or the member's
14 annuity is reduced pursuant to section 104.1027 under an annuity option in which the member
15 named the alternate payee as beneficiary prior to the dissolution of marriage;

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

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

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

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

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

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

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

37 2. A system shall provide the court having jurisdiction of a dissolution of a marriage
38 proceeding or the parties to the proceeding with information necessary to issue a division of benefits

1 order concerning a member of the system, upon written request from either the court, the member,
2 or the member's spouse, citing this section and identifying the case number and parties.

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

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

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

7 4. Any member of the closed plan who elected the year 2000 plan pursuant to section
8 104.1015 and then becomes divorced and subject to a division of benefits order shall have the
9 division of benefits order calculated pursuant to the provisions of the year 2000 plan.

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

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

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

17 104.1060. 1. Should any error result in any person receiving more or less than the person
18 would have been entitled to receive had the error not occurred, the board shall correct such error,
19 and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the
20 annuity to which such person was entitled shall be paid, and to this end may recover any
21 overpayments. In all cases in which such error has been made, no such error shall be corrected
22 unless the system discovers or is notified of such error within ten years after the [initial] member's
23 annuity starting date or the date of error, whichever occurs later. In cases of fraud, any error
24 discovered shall be corrected without concern to the amount of time that has passed.

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

28 3. A board shall not pay an annuity to any survivor or beneficiary who is charged with the
29 intentional killing of a member, retiree or survivor without legal excuse or justification. A survivor
30 or beneficiary who is convicted of such charge shall no longer be entitled to receive an annuity. If
31 the survivor or beneficiary is not convicted of such charge, the board shall resume annuity payments
32 and shall pay the survivor or beneficiary any annuity payments that were suspended pending
33 resolution of such charge.

34 104.1066. 1. The year 2000 plan intends to follow a financing pattern which computes and
35 requires contribution amounts which, expressed as percents of active member payroll, will remain
36 approximately level from year to year and from one generation of citizens to the next generation.
37 Such contribution determinations require regular actuarial valuations, which shall be made by the
38 board's actuary, using assumptions and methods adopted by the board after consulting with its
39 actuary. The entry age-normal cost valuation method shall be used in determining the normal cost[;

1 ~~and contributions for unfunded accrued liabilities shall be determined using level percent of payroll~~
 2 ~~amortization]~~ calculation. For purposes of this subsection and section 104.436, the actuary shall
 3 determine a single contribution rate applicable to both closed plan and year 2000 plan participants
 4 and, in determining such rate, make estimates of the probabilities of closed plan participants
 5 transferring to the year 2000 plan.

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

13 3. The employers of members covered by the Missouri state employees' retirement system
 14 who are not paid out of funds that have been deposited in the state treasury shall remit following
 15 each pay period to the year 2000 plan an amount equal to the amount which the state would have
 16 paid if those members had been paid entirely from state funds. Such employers shall maintain
 17 payroll records for a minimum of five years and shall produce all such records as requested by the
 18 system. The system is authorized to request from the state office of administration an appropriation
 19 out of the annual budget of any such employer in the event such records indicate that such employer
 20 has not contributed the amounts required by this section. The office of administration shall request
 21 such appropriation which shall be equal to the amount necessary to replace any shortfall in
 22 contributions as determined by the system. From appropriations so made, the commissioner of
 23 administration shall certify contribution amounts to the state treasurer who in turn shall immediately
 24 pay such contributions to the year 2000 plan.

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

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

36 104.1072. 1. Each board shall provide or contract, or both, for life insurance benefits for
 37 employees covered pursuant to the year 2000 plan as follows:

38 (1) Employees shall be provided fifteen thousand dollars of life insurance until December
 39 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life

1 insurance for employees covered under any retirement plan administered by the system pursuant to
 2 this chapter, persons covered by sections 287.812 to 287.856, for employees who are members of
 3 the judicial retirement system as provided in section 476.590, and, at the election of the state
 4 highways and transportation commission, employees who are members of the ~~[highways and]~~
 5 Missouri department of transportation [employees'] and highway patrol employees' retirement
 6 system, in the amount equal to one times annual pay, subject to a minimum amount of fifteen
 7 thousand dollars. The board shall establish by rule or contract the method for determining the
 8 annual rate of pay and any other terms of such insurance as it deems necessary to implement the
 9 requirements pursuant to this section. Annual rate of pay shall not include overtime or any other
 10 irregular payments as determined by the board. Such life insurance shall provide for triple
 11 indemnity in the event the cause of death is a proximate result of a personal injury or disease arising
 12 out of and in the course of actual performance of duty as an employee;

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

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

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

37 (3) In addition to the life insurance authorized in subdivision (1) of this subsection, any
 38 person for whom life insurance is provided or contracted for pursuant to this subsection may
 39 purchase, at the person's own expense and only if monthly voluntary payroll deductions are

1 authorized, life insurance covering the person's children or the person's spouse or both at coverage
 2 amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer
 3 or as may be required by the system if the board of trustees determines that the system should
 4 provide such insurance itself.

5 (4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity
 6 based on the attainment of at least forty-eight years of age with a total of years of age and years of
 7 credited service which is at least eighty shall be eligible to retain any optional life insurance
 8 described in subdivision (1) of this subsection. The amount of such retained insurance shall not be
 9 greater than the amount in effect during the month prior to termination of employment. Such
 10 insurance may be retained until the member's attainment of the earliest age for eligibility for
 11 reduced Social Security retirement benefits but no later than age sixty-two, at which time the
 12 amount of such insurance that may be retained shall be that amount permitted pursuant to
 13 subdivision (2) of this subsection.

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

26 4. The ~~[highways and]~~ Missouri department of transportation ~~[employees']~~ and highway
 27 patrol employees' retirement system may request the state highways and transportation commission
 28 to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state
 29 highways and transportation commission agrees to the request, the ~~[highways and]~~ Missouri
 30 department of transportation ~~[employees']~~ and highway patrol employees' retirement system shall
 31 reimburse the state highways and transportation commission for any and all costs for life insurance
 32 provided pursuant to subdivision (2) of subsection 1 of this section. The person who is covered
 33 pursuant to subsection 2 of this section shall be solely responsible for the costs of any additional life
 34 insurance. In lieu of the life insurance benefit in subdivision (2) of subsection 1 of this section, the
 35 ~~[highways and]~~ Missouri department of transportation ~~[employees']~~ and highway patrol employees'
 36 retirement system is authorized in its sole discretion to provide a death benefit of five thousand
 37 dollars.

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

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

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

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

12 104.1084. 1. For members of the general assembly, the provisions of this section shall
13 supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement
14 eligibility" means attainment of age fifty-five for a member who has served at least three full
15 biennial assemblies or the attainment of at least age fifty for a member who has served at least three
16 full biennial assemblies with a total of years of age and years of credited service which is at least
17 eighty. A member shall receive two years of credited service for every full biennial assembly
18 served. A full biennial assembly shall be equal to the period of time beginning on the first day the
19 general assembly convenes for a first regular session until the last day of the following year. If a
20 member serves less than a full biennial assembly, the member shall receive credited service for the
21 pro rata portion of the full biennial assembly served.

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

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

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

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

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

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

8. Any member who serves under this chapter as a member of the general assembly or as a statewide elected official on or after August 28, 1999, shall not be eligible to receive any retirement benefits from the system under either the closed plan or the year 2000 plan based on service rendered on or after August 28, 1999, as a member of the general assembly or as a statewide elected official if such member is convicted of a felony that is determined by a court of law to have been committed in connection with the member's duties either as a member of the general assembly or as a statewide elected official, unless such conviction is later reversed by a court of law.

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

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

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

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

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

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

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

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

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

9 4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be payable if
10 the member has attained at least age fifty-five with the sum of the member's age and credited service
11 equaling at least ninety; or in the case of a member who is serving as a uniformed member of the
12 highway patrol and subject to the mandatory retirement provisions of section 104.081, the
13 temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-
14 five with ten years of credited service.

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

20 6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied
21 pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members
22 covered by this section.

23 7. The minimum credited service requirements of five years contained in sections 104.1018,
24 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The
25 normal and early retirement eligibility requirements in this section shall apply for purposes of
26 administering section 104.1087.

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

31 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section
32 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member
33 under this section. The contributions so picked up shall be treated as employer contributions for
34 purposes of determining the member's pay that is includable in the member's gross income for
35 federal income tax purposes;

36 (2) Member contributions picked up by the employer shall be paid from the same source of
37 funds used for the payment of pay to a member. A deduction shall be made from each member's
38 pay equal to the amount of the member's contributions picked up by the employer. This deduction,

1 however, shall not reduce the member's pay for purposes of computing benefits under the retirement
2 system pursuant to this chapter;

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

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

10 (5) Interest shall be credited annually on June thirtieth based on the value in the account as
11 of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2014,
12 and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that
13 is published by the United States Department of Treasury, or its successor agency, for fifty-two
14 week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor
15 treasury bill investment rate as approved by the board if the fifty-two week treasury bill is no longer
16 issued. Interest credits shall cease upon termination of employment if the member is not a vested
17 former member. Otherwise, interest credits shall cease upon retirement or death;

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

34 (7) The beneficiary of any member who made contributions shall receive a refund upon the
35 member's death equal to the amount, if any, of such contributions and interest credited thereon less
36 any retirement benefits received by the member unless an annuity is payable to a survivor or
37 beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or
38 beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's

1 death equal to the amount, if any, of the member's contributions less any annuity amounts received
2 by the member and the survivor or beneficiary.

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

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

11 Option 1.

12 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.
13 Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on
14 the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent
15 for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is
16 younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent
17 for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the
18 annuity starting date, an increase of three-tenths of one percent for each year of age difference;
19 provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter
20 percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such
21 beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by
22 subsection 5 of this section.

23 Option 2.

24 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.
25 Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity
26 starting date is younger than sixty-seven years, an increase of four-tenths of one percent for each
27 year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than
28 the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of
29 age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting
30 date, an increase of five-tenths of one percent for each year of age difference; provided, after all
31 adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the
32 retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary
33 who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of
34 this section.

35 Option 3.

36 A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise
37 payable. If the retiree dies before having received one hundred twenty monthly payments, the
38 reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the

1 retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the
 2 present value of the remaining annuity payments shall be paid as provided under subsection 3 of
 3 section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of
 4 such one hundred twenty monthly payments, the present value of the remaining annuity payments
 5 shall be paid as provided under subsection 3 of section 104.620.

6 Option 4.

7 A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise
 8 payable. If the retiree dies before having received one hundred eighty monthly payments, the
 9 reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the
 10 retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the
 11 present value of the remaining annuity payments shall be paid as provided under subsection 3 of
 12 section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of
 13 such one hundred eighty monthly payments, the present value of the remaining annuity payments
 14 shall be paid as provided under subsection 3 of section 104.620.

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

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

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

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

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

36 (4) A member, other than a member who is serving as a uniformed member of the highway
 37 patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an
 38 early retirement annuity upon the attainment of at least age sixty-two and the completion of at least

1 five years of credited service. A vested former member who terminated employment prior to the
 2 attainment of early retirement eligibility shall not be eligible for early retirement;

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

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

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

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

17 (9) The minimum credited service requirements of five years contained in sections
 18 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this
 19 subsection."; and
 20

21 Further amend said bill, Page 21, Section 169.715, Line 103, By inserting after all of said section
 22 and line the following:
 23

24 "476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who
 25 first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits
 26 as provided in sections 476.445 to 476.688 subject to the provisions of this section.

27 2. Any person who is at least sixty-seven years of age, has served in this state an aggregate
 28 of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of
 29 the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of
 30 Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as
 31 provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be
 32 fulfilled by service as judge in any of the courts covered, or by service in any combination as judge
 33 of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of
 34 age and who has served less than twelve years and is otherwise qualified under sections 476.515 to
 35 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement
 36 compensation in a sum equal to the proportion of the retirement compensation provided in section
 37 476.530 that his or her period of judicial service bears to twelve years.

38 3. Any person who is at least sixty-two years of age or older, has served in this state an
 39 aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office

1 by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the
 2 provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive
 3 benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection
 4 may be fulfilled by service as a judge in any of the courts covered, or by service in any combination
 5 as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two
 6 years of age and who has served less than twenty years and is otherwise qualified under sections
 7 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in
 8 a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or
 9 her period of judicial service bears to twenty years.

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

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

14 6. A judge shall be required to contribute four percent of the judge's compensation to the
 15 retirement system, which shall stand to the judge's credit in his or her individual account with the
 16 system, together with investment credits thereon, for purposes of funding retirement benefits
 17 payable as provided in sections 476.515 to 476.565, subject to the following provisions:

18 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section
 19 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge
 20 under this section. The contributions so picked up shall be treated as employer contributions for
 21 purposes of determining the judge's compensation that is includable in the judge's gross income for
 22 federal income tax purposes;

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

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

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

35 (5) Interest shall be credited annually on June thirtieth based on the value in the account as
 36 of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2024,
 37 and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that
 38 is published by the United States Department of Treasury, or its successor agency, for fifty-two-
 39 week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor

1 treasury bill investment rate as approved by the board if the fifty-two-week treasury bill is no longer
2 issued. Interest credits shall cease upon retirement or death of the judge;

3 (6) A judge whose employment is terminated may request a refund of his or her
4 contributions and interest credited thereon. If such judge is married at the time of such request, such
5 request shall not be processed without consent from the spouse. A judge is not eligible to request a
6 refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section
7 104.312. Such refund shall be paid by the system after ninety days from the date of termination of
8 employment or the request, whichever is later and shall include all contributions made to any
9 retirement plan administered by the system and interest credited thereon. A judge may not request a
10 refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565.
11 A judge who receives a refund shall forfeit all the judge's service and future rights to receive
12 benefits from the system and shall not be eligible to receive any long-term disability benefits;
13 provided that any judge or former judge receiving long-term disability benefits shall not be eligible
14 for a refund. If such judge subsequently becomes a judge and works continuously for at least one
15 year, the service previously forfeited shall be restored if the judge returns to the system the amount
16 previously refunded plus interest at a rate established by the board;

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

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

30 8. Any judge who is receiving retirement compensation under section 476.529 or 476.530
31 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000
32 plan under chapter 104, shall not receive such retirement compensation for any calendar month in
33 which the retired judge is so employed. Any judge who is receiving retirement compensation under
34 section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to
35 subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation
36 for any calendar month in which the retired judge is serving as a judge; except that upon retirement
37 such judge's annuity shall be recalculated to include any additional service or salary accrued based
38 on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or
39 476.530 may continue to receive such retirement compensation while serving as a senior judge or

1 senior commissioner and shall receive additional credit and salary for such service pursuant to
2 section 476.682.

3 ~~[104.130. Upon the death of a retired member, the board shall pay to such member's~~
4 ~~designated beneficiaries or to his estate a death benefit equal to the excess, if any, of the~~
5 ~~accumulated contributions of the member at retirement over the total amount of retirement benefits~~
6 ~~received by such member prior to his death.]"; and~~

7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.