

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

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1 AMEND House Committee Substitute for House Bill No. 155, Page 1, Section A, Line 3, by  
2 inserting after said section and line the following:

3  
4 "86.253. 1. Upon termination of employment as a police officer and actual retirement for  
5 service, a member shall receive a service retirement allowance which shall be an amount equal to  
6 two percent of the member's average final compensation multiplied by the number of years of the  
7 member's creditable service, up to twenty-five years, plus an amount equal to four percent of the  
8 member's average final compensation for each year of creditable service in excess of twenty-five  
9 years but not in excess of thirty years; plus an additional five percent of the member's average final  
10 compensation for any creditable service in excess of thirty years. Notwithstanding the foregoing,  
11 the service retirement allowance of a member who does not earn any creditable service after August  
12 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final  
13 compensation, and the service retirement allowance of a member who earns creditable service on or  
14 after August 12, 1999, shall not exceed an amount equal to seventy-five percent of the member's  
15 average final compensation; provided, however, that the service retirement allowance of a member  
16 who is participating in the DROP pursuant to section 86.251 on August 12, 1999, who returns to  
17 active participation in the system pursuant to section 86.251, and who terminates employment as a  
18 police officer and actually retires for reasons other than death or disability before earning at least  
19 two years of creditable service after such return shall be the sum of (1) the member's service  
20 retirement allowance as of the date the member entered DROP and (2) an additional service  
21 retirement allowance based solely on the creditable service earned by the member following the  
22 member's return to active participation. The member's total years of creditable service shall be  
23 taken into account for the purpose of determining whether the additional allowance attributable to  
24 such additional creditable service is two percent, four percent or five percent of the member's  
25 average final compensation.

26 2. If, at any time since first becoming a member of the retirement system, the member has  
27 served in the Armed Forces of the United States, and has subsequently been reinstated as a  
28 policeman within ninety days after the member's discharge, the member shall be granted credit for  
29 such service as if the member's service in the police department of such city had not been  
30 interrupted by the member's induction into the Armed Forces of the United States. If earnable

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1 compensation is needed for such period in computation of benefits it shall be calculated on the basis  
2 of the compensation payable to the officers of the member's rank during the period of the member's  
3 absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement  
4 system governed by sections 86.200 to 86.366 shall be operated and administered in accordance  
5 with the applicable provisions of the Uniformed Services Employment and Reemployment Rights  
6 Act of 1994, as amended.

7 3. The service retirement allowance of each present and future retired member who  
8 terminated employment as a police officer and actually retired from service after attaining age fifty-  
9 five or after completing twenty years of creditable service shall be increased annually at a rate not to  
10 exceed three percent as approved by the board of trustees beginning with the first increase in the  
11 second October following the member's retirement and subsequent increases in each October  
12 thereafter, provided that each increase is subject to a determination by the board of trustees that the  
13 consumer price index (United States City Average Index) as published by the United States  
14 Department of Labor shows an increase of not less than the approved rate during the latest twelve-  
15 month period for which the index is available at the date of determination; and provided further, that  
16 if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to  
17 any retired member and increases may be granted in subsequent years subject to a maximum of  
18 three percent for each full year from October following the member's retirement but not to exceed a  
19 total percentage increase of thirty percent. In no event shall the increase described under this  
20 subsection be applied to the amount, if any, paid to a member or surviving spouse of a deceased  
21 member for services as a special consultant under subsection 5 of this section ~~[or, if applicable,~~  
22 ~~subsection 6 of this section]~~. If the board of trustees determines that the index has decreased for any  
23 year, the benefits of any retired member that have been increased shall be decreased but not below  
24 the member's initial benefit. No annual increase shall be made of less than one percent and no  
25 decrease of less than three percent except that any decrease may be limited in amount by the initial  
26 benefit.

27 4. In addition to any other retirement allowance payable under this section and section  
28 86.250, a member, upon termination of employment as police officer and actual service retirement,  
29 may request payment of the total amount of the member's mandatory contributions to the retirement  
30 system without interest. Upon receipt of such request, the board shall pay the retired member such  
31 total amount of the member's mandatory contributions to the retirement system to be paid pursuant  
32 to this subsection within sixty days after such retired member's date of termination of employment  
33 as a police officer and actual retirement.

34 5. Any person who is receiving retirement benefits from the retirement system, upon  
35 application to the board of trustees, shall be made, constituted, appointed and employed by the  
36 board of trustees as a special consultant on the problems of retirement, aging and other matters, for  
37 the remainder of the person's life or, in the case of a deceased member's surviving spouse, until ~~the~~  
38 ~~earlier of~~ the person's death ~~[or remarriage]~~, and upon request of the board of trustees shall give  
39 opinions and be available to give opinions in writing or orally, in response to such requests, as may

1 be required. For such services the special consultant shall be compensated monthly, in an amount  
2 which, when added to any monthly retirement benefits being received from the retirement system,  
3 including any cost-of-living increases under subsection 3 of this section, shall total six hundred fifty  
4 dollars a month. This employment shall in no way affect any person's eligibility for retirement  
5 benefits under this chapter, or in any way have the effect of reducing retirement benefits,  
6 notwithstanding any provisions of law to the contrary.

7 86.254. 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement  
8 allowance provided pursuant to sections 86.200 to 86.366, each present and future retired member  
9 after attaining the age of sixty years shall, upon application to the board of trustees, be made,  
10 constituted, appointed and employed by the board of trustees as an advisor on the problems of  
11 retirement, aging and other matters, for the remainder of the retired member's life, and upon request  
12 of the board of trustees shall give opinions in writing or orally in response to such requests as may  
13 be required.

14 2. For the performance of duties required in subsection 1 of this section, each retired  
15 member employed as an advisor by the board of trustees shall be compensated monthly in an  
16 amount of ten dollars per month multiplied by the number of years the retired member is past the  
17 age of sixty years. The compensation provided by this subsection shall be adjusted annually. No  
18 funding shall be required prior to the effective date of this benefit.

19 3. Beginning October 1, 1999, in addition to any other benefit provided to any surviving  
20 spouse pursuant to sections 86.200 to 86.366, each present and future surviving spouse of a member  
21 after attaining the age of sixty years shall upon application to the board of trustees, be made,  
22 constituted, appointed and employed by the board of trustees as an advisor on the problems of  
23 retirement, aging and other matters for the remainder of the surviving spouse's life [~~or until the~~  
24 ~~surviving spouse remarries, whichever is earlier~~], and upon request of the board of trustees shall  
25 give opinions in writing or orally in response to such requests as may be required.

26 4. For the performance of duties required in subsection 3 of this section, each surviving  
27 spouse of a member employed as an advisor by the board of trustees shall be compensated monthly  
28 in an amount of ten dollars per month multiplied by the number of years the surviving spouse is past  
29 the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

30 86.280. Upon the receipt of proper proofs of the death of a member in service and provided  
31 no other benefits are payable under the retirement system, there shall be paid the following benefits:

32 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse  
33 dies [~~or remarries, whichever is earlier~~], of forty percent of the deceased member's average final  
34 compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried  
35 dependent child of the deceased member, who is either under the age of eighteen, or who, regardless  
36 of age, is totally and permanently mentally or physically disabled and incapacitated from engaging  
37 in gainful occupation sufficient to support himself or herself;

38 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to the  
39 provisions of this section immediately prior to October 1, 1999, shall, upon application to the board

1 of trustees, be made, constituted, appointed and employed by the board of trustees as a special  
2 consultant on the problems of retirement, aging and other matters while the surviving spouse or  
3 unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall  
4 give opinions in writing or orally in response to such requests as may be required. Beginning  
5 October 1, 1999, for such services as may be required, the surviving spouse shall receive additional  
6 monthly compensation in an amount equal to fifteen percent of the deceased member's average final  
7 compensation, and there shall be payable an additional monthly compensation of one hundred  
8 dollars or five percent of the member's average final compensation, whichever is greater, for each  
9 unmarried dependent child of the member. The additional monthly compensation payable to a  
10 surviving spouse pursuant to this subdivision shall be adjusted for any cost-of-living increases that  
11 apply, pursuant to subdivision (8) of this section, to the benefit the surviving spouse was receiving  
12 prior to October 1, 1999;

13 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this  
14 section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this  
15 section had there been a surviving spouse shall be divided among the unmarried dependent children  
16 under age eighteen and such unmarried dependent children, regardless of age, who are totally and  
17 permanently mentally or physically disabled and incapacitated from engaging in a gainful  
18 occupation sufficient to support themselves. The benefit shall be divided equally among the eligible  
19 dependent children, and the share of a child who is no longer eligible shall be divided equally  
20 among the remaining eligible dependent children; provided that not more than one-half of the  
21 surviving spouse's benefit shall be paid for one child;

22 (4) If there is no surviving spouse or dependent children, the return of accumulated  
23 contributions to the designated beneficiary as set forth in section 86.293;

24 (5) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
25 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
26 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
27 reaching the age of eighteen;

28 (6) Wherever any dependent child designated by the board of trustees to receive benefits  
29 pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits  
30 may be paid to such surviving spouse for the child;

31 (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen  
32 years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of  
33 eighteen years through the age of twenty-two years if the child is a full-time student at a regularly  
34 accredited college, business school, nursing school, school for technical or vocational training, or  
35 university, but such extended benefit shall cease whenever the child ceases to be a student. A  
36 college or university shall be deemed to be regularly accredited which maintains membership in  
37 good standing in a national or regional accrediting agency recognized by any state college or  
38 university;

1 (8) The benefits payable pursuant to this section to the surviving spouse of a member who  
2 died in service after attaining the age of fifty-five or completing twenty years of creditable service  
3 shall be increased in the same percentages and pursuant to the same method as is provided in section  
4 86.253 for adjustments in the service retirement allowance of a retired member;

5 (9) In the event a surviving spouse receiving death benefits as a result of a prior marriage to  
6 a deceased member subsequently remarries another member who also predeceases the surviving  
7 spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to  
8 the board of trustees, shall be computed under subdivision (1) of this section using the highest of the  
9 average final compensations of the deceased members to which the surviving spouse was previously  
10 married;

11 (10) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28,  
12 2023, become ineligible for benefits under subdivisions (1) and (2) of this section as a result of  
13 remarrying shall, upon application to the board of trustees, have reinstated all future benefits under  
14 subdivisions (1) and (2) of this section. Any such reinstatement shall be as to future benefits only  
15 and shall not be retroactive prior to August 28, 2023.

16 86.283. Upon receipt of proper proofs of the death of a retired member who retired while in  
17 service, including retirement for service, ordinary disability or accidental disability, and provided no  
18 other benefits are payable from the retirement system, there shall be paid the following benefits:

19 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse  
20 dies ~~or remarries, whichever is earlier~~, of forty percent of the deceased member's average final  
21 compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried  
22 dependent child of the deceased member, who is either under the age of eighteen, or who, regardless  
23 of age, is totally and permanently mentally or physically disabled and incapacitated from engaging  
24 in a gainful occupation sufficient to support himself or herself;

25 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to this  
26 section immediately prior to October 1, 1999, shall upon application to the board of trustees be  
27 made, constituted, appointed and employed by the board of trustees as a special consultant on the  
28 problems of retirement, aging and other matters while the surviving spouse or unmarried dependent  
29 child is receiving such benefits, and upon request of the board of trustees shall give opinions in  
30 writing or orally in response to such requests as may be required. Beginning October 1, 1999, for  
31 such services as may be required, a surviving spouse shall receive additional monthly compensation  
32 equal to the amount which when added to the benefits the surviving spouse was receiving pursuant  
33 to this section prior to October 1, 1999, determined without regard to any increase applied to such  
34 benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the  
35 surviving spouse's total monthly payment pursuant to this section to forty percent of the deceased  
36 member's average final compensation, and there shall be payable an additional monthly  
37 compensation of one hundred dollars or five percent of the member's average final compensation,  
38 whichever is greater, for each unmarried dependent child of the member. The additional monthly  
39 compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for any

1 cost-of-living increases that apply to the benefit the surviving spouse was receiving prior to October  
2 1, 1999;

3 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this  
4 section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this  
5 section had there been a surviving spouse, determined without regard to any increase which would  
6 have applied to the surviving spouse's benefits pursuant to subdivision (8) of this section, shall be  
7 divided among the unmarried dependent children under age eighteen and unmarried dependent  
8 children, regardless of age, who are totally and permanently mentally or physically disabled and  
9 incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit  
10 shall be divided equally among the eligible dependent children, and the share of a child who is no  
11 longer eligible shall be divided equally among the remaining eligible dependent children; provided  
12 that not more than one-half of the surviving spouse's benefits shall be paid for one child;

13 (4) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
14 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
15 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
16 reaching the age of eighteen;

17 (5) Whenever any dependent child designated by the board of trustees to receive benefits  
18 pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits  
19 may be paid to such surviving spouse for the child;

20 (6) In the event of the death of a retired member receiving accidental disability benefits  
21 before such benefits have been paid for five years, the member's surviving spouse until the surviving  
22 spouse dies ~~[or remarries, whichever is earlier]~~, shall receive an additional pension of ten percent of  
23 the deceased member's final average compensation;

24 (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen  
25 years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of  
26 eighteen years through the age of twenty-two years if the child is a full-time student at a regularly  
27 accredited college, business school, nursing school, school for technical or vocational training, or  
28 university, but such extended benefit shall cease whenever the child ceases to be a student. A  
29 college or university shall be deemed to be regularly accredited which maintains membership in  
30 good standing in a national or regional accrediting agency recognized by any state college or  
31 university;

32 (8) The benefits payable pursuant to this section to the surviving spouse of a retired member  
33 who received or was entitled to receive a service retirement allowance shall be increased in the same  
34 percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the  
35 service retirement allowance of a retired member;

36 (9) In the event a surviving spouse receiving death benefits as a result of a prior marriage to  
37 a deceased member subsequently remarries another member who also predeceases the surviving  
38 spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to  
39 the board of trustees, shall be computed under subdivision (1) of this section using the highest of the

1 average final compensations of the deceased members to which the surviving spouse was previously  
2 married;

3 (10) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28,  
4 2023, become ineligible for benefits under subdivisions (1), (2), and (6) of this section as a result of  
5 remarrying shall, upon application to the board of trustees, have reinstated all future benefits under  
6 subdivisions (1), (2), and (6) of this section. Any such reinstatement shall be as to future benefits  
7 only and shall not be retroactive prior to August 28, 2023.

8 86.287. Upon the receipt by the board of trustees of evidence and proof that the death of a  
9 member was the natural and proximate result of an accident occurring at some definite time and  
10 place while the member was in the actual performance of duty and not caused by negligence on the  
11 part of the member, there shall be paid in lieu of the benefits pursuant to sections 86.280 to 86.283:

12 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse  
13 dies ~~or remarries, whichever is earlier~~, of seventy-five percent of the deceased member's average  
14 final compensation plus fifteen percent of such compensation to, or for the benefit of, each  
15 unmarried dependent child of the deceased member, who is either under the age of eighteen, or who,  
16 regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful  
17 occupation sufficient to support himself or herself;

18 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to this  
19 section immediately prior to October 1, 1999, shall upon application to the board of trustees be  
20 made, constituted, appointed and employed by the board of trustees as a special consultant on the  
21 problems of retirement, aging and other matters while the surviving spouse or unmarried dependent  
22 child is receiving such benefits, and upon request of the board of trustees shall give opinions in  
23 writing or orally in response to such requests as may be required. Beginning October 1, 1999, for  
24 such services as may be required, a surviving spouse shall receive additional monthly compensation  
25 equal to the amount which when added to the benefits the surviving spouse was receiving pursuant  
26 to this section prior to October 1, 1999, will increase the surviving spouse's total monthly benefit  
27 payment pursuant to this section to seventy-five percent of the deceased member's average final  
28 compensation, and there shall be payable an additional monthly compensation of one hundred  
29 dollars or five percent of the member's average final compensation, whichever is greater, for each  
30 unmarried dependent child of the member;

31 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this  
32 section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this  
33 section had there been a surviving spouse shall be divided among the unmarried dependent children  
34 under age eighteen and such unmarried dependent children, regardless of age, who are totally and  
35 permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support  
36 themselves. The benefit shall be divided equally among the eligible dependent children, and the  
37 share of a child who is no longer eligible shall be divided equally among the remaining eligible  
38 dependent children; provided that not more than one-half of the surviving spouse's benefit shall be  
39 paid for one child;

1 (4) If there is no surviving spouse or unmarried dependent children of either class  
2 mentioned in subdivision (3) of this section, then an amount equal to the surviving spouse's benefit  
3 shall be paid to the member's dependent father or dependent mother to continue until remarriage or  
4 death;

5 (5) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
6 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
7 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
8 reaching the age of eighteen;

9 (6) Wherever any dependent child designated by the board of trustees to receive benefits  
10 pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits  
11 may be paid to such surviving spouse for the child;

12 (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen  
13 years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of  
14 eighteen years through the age of twenty-two years in those cases where the child is a full-time  
15 student at a regularly accredited college, business school, nursing school, school for technical or  
16 vocational training, or university, but such extended benefit shall cease whenever the child ceases to  
17 be a student. A college or university shall be deemed to be regularly accredited which maintains  
18 membership in good standing in a national or regional accrediting agency recognized by any state  
19 college or university;

20 (8) In the event a surviving spouse receiving death benefits as a result of a prior marriage to  
21 a deceased member subsequently remarries another member who also predeceases the surviving  
22 spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to  
23 the board of trustees, shall be computed under subdivision (1) of this section using the highest of the  
24 average final compensations of the deceased members to which the surviving spouse was previously  
25 married;

26 (9) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28, 2023,  
27 become ineligible for benefits under subdivisions (1) and (2) of this section as a result of remarrying  
28 shall, upon application to the board of trustees, have reinstated all future benefits under subdivisions  
29 (1) and (2) of this section. Any such reinstatement shall be as to future benefits only and shall not  
30 be retroactive prior to August 28, 2023."; and

31  
32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.