

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 20, Page 2, Section 104.160, Line 43, by inserting after all of said section
2 and line the following:
3

4 "169.141. 1. Any person receiving a retirement allowance under sections 169.010 to
5 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070
6 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under
7 either of the following circumstances:

8 (1) If the nominated beneficiary precedes the retired person in death, the retired person may,
9 upon remarriage, nominate the new spouse under the same option elected in the application for
10 retirement;

11 (2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if
12 the dissolution decree provides for sole retention by the retired person of all rights in the retirement
13 allowance, the retired person may, upon remarriage, nominate the new spouse under the same option
14 elected in the application for retirement.

15 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of
16 this section must be made in accordance with procedures established by the board of trustees, and
17 must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever
18 later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the
19 board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as
20 well as previous beneficiary and successor beneficiary nominations.

21 3. Any person receiving a retirement allowance under sections 169.010 to 169.140 who
22 elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse
23 as the nominated beneficiary may have the retirement allowance increased to the amount the retired
24 member would be receiving had the retired member elected option 1 if:

25 (1) The marriage of the retired person and the nominated spouse is dissolved on or after
26 September 1, 2017, and the dissolution decree provides for sole retention by the retired person of all
27 rights in the retirement allowance; or

28 (2) The marriage of the retired person and the nominated spouse was dissolved before
29 September 1, 2017, and:

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1 (a) The dissolution decree provides for sole retention by the retired person of all rights in the
2 retirement allowance, and the parties obtain an amended or modified dissolution decree after
3 September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated
4 spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims
5 all rights to future benefits to the satisfaction of the board of trustees; or

6 (b) The dissolution decree does not provide for sole retention by the retired person of all
7 rights in the retirement allowance and the parties obtain an amended or modified dissolution decree
8 after September 1, 2017, which provides for sole retention by the retired person of all rights in the
9 retirement allowance; and

10 (3) The person receives a retirement allowance under subsection 3 of section 169.070.

11
12 Any such increase in the retirement allowance shall be effective upon the receipt of an application
13 for such increase and a certified copy of the decree of dissolution and separation agreement, if
14 applicable, that meets the requirements of this section.

15 4. Any person receiving a retirement allowance under sections 169.010 to 169.140, who, on
16 or before September 1, 2015, elected a reduced retirement allowance under subsection 3 of section
17 169.070 with his or her same-sex domestic partner as the nominated beneficiary, may have the
18 retirement allowance increased to the amount the retired member would be receiving had the retired
19 member elected option 1 if:

20 (1) The retired person executes an affidavit attesting to the existence of a same-sex domestic
21 partnership at the time of the nomination of the beneficiary and that the same-sex domestic
22 partnership has since ended, with such supporting information and documentation as required by the
23 board of trustees;

24 (2) The nominated beneficiary consents in writing to his or her immediate removal as
25 nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of
26 trustees, or the parties obtain a court order or judgment after September 1, 2023, which provides that
27 the nominated beneficiary may be removed;

28 (3) If the retired person and the nominated beneficiary were legally married in a state that
29 recognized same-sex marriage at the time of retirement or have since become legally married, the
30 marriage must be dissolved and the dissolution decree must provide for sole retention by the retired
31 person of all rights in the retirement allowance; and

32 (4) The person receives a retirement allowance under subsection 3 of section 169.070.

33 5. Any person receiving a retirement allowance under sections 169.010 to 169.140, who, on
34 or before September 1, 2015, elected a reduced retirement allowance under subsection 3 of section
35 169.070 with his or her same-sex domestic partner as the nominated beneficiary, may nominate a
36 successor beneficiary under the following circumstances:

37 (1) If the nominated same-sex domestic partner precedes the retired person in death, and the
38 retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at

1 the time of the nomination of the beneficiary, the retired person may, upon a later marriage,
2 nominate his or her spouse under the same option elected in the application for retirement; or

3 (2) If the retired person executes an affidavit attesting to the existence of the same-sex
4 domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic
5 partnership has since ended, and the nominated same-sex domestic partner consents in writing to his
6 or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the
7 satisfaction of the board of trustees or the parties obtain a court order or judgment after September
8 1, 2023, which provides that the nominated beneficiary may be removed, the retired person may,
9 upon a later marriage, nominate his or her spouse under the same option elected in the application
10 for retirement;

11 (3) In addition to the requirements of subsection (2) of this section, if the retired person and
12 the nominated beneficiary were legally married in a state that recognized same-sex marriage at the
13 time of retirement or have since become legally married, the marriage must be dissolved and the
14 dissolution decree must provide for sole retention by the retired person of all rights in the retirement
15 allowance.

16 6. Any nomination of successor beneficiary under subdivision (1) or (2) of subsection 5 of
17 this section shall be made in accordance with procedures established by the board of trustees, and
18 shall be filed within one year of September 1, 2023, or within one year of the marriage of the retired
19 person and successor beneficiary, whichever later occurs. Upon receipt of a successor nomination
20 filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect
21 actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary
22 nominations.

23 7. For purposes of this section, the definition of "same-sex domestic partners" shall be
24 individuals of the same sex who are at least eighteen years of age, who are not related to a degree
25 that would prohibit their marriage in the law of the state where they reside, who are not married to
26 or a domestic partner of another person, and who live together in a long-term relationship of
27 indefinite duration with an exclusive mutual commitment in which the domestic partners agree to be
28 jointly responsible for their common welfare and to share financial obligations. For purposes of this
29 section, "same-sex domestic partners" shall also include individuals of the same sex who were
30 legally married in a state that recognized same-sex marriage.

31 169.715. 1. Any person receiving a retirement allowance under sections 169.600 to
32 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670
33 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under
34 either of the following circumstances:

35 (1) If the nominated beneficiary precedes the retired person in death, the retired person may,
36 upon remarriage, nominate the new spouse under the same option elected in the application for
37 retirement;

38 (2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if
39 the dissolution decree provides for sole retention by the retired person of all rights in the retirement

1 allowance, the retired person may, upon remarriage, nominate the new spouse under the same option
2 elected in the application for retirement.

3 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of
4 this section must be made in accordance with procedures established by the board of trustees, and
5 must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever
6 later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the
7 board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as
8 well as previous beneficiary and successor beneficiary nominations.

9 3. Any person receiving a retirement allowance under sections 169.600 to 169.715 who
10 elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse
11 as the nominated beneficiary may have the retirement allowance increased to the amount the retired
12 member would be receiving had the retired member elected option 1 if:

13 (1) The marriage of the retired person and the nominated spouse is dissolved on or after
14 September 1, 2017, and the dissolution decree provides for sole retention by the retired person of all
15 rights in the retirement allowance; or

16 (2) The marriage of the retired person and the nominated spouse was dissolved before
17 September 1, 2017, and:

18 (a) The dissolution decree provides for sole retention by the retired person of all rights in the
19 retirement allowance, and the parties obtain an amended or modified dissolution decree after
20 September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated
21 spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims
22 all rights to future benefits to the satisfaction of the board of trustees; or

23 (b) The dissolution decree does not provide for sole retention by the retired person of all
24 rights in the retirement allowance and the parties obtain an amended or modified dissolution decree
25 after September 1, 2017, which provides for sole retention by the retired person of all rights in the
26 retirement allowance; and

27 (3) The person receives a retirement allowance under subsection 4 of section 169.670.

28
29 Any such increase in the retirement allowance shall be effective upon the receipt of an application
30 for such increase and a certified copy of the decree of dissolution and separation agreement, if
31 applicable, that meets the requirements of this section.

32 4. Any person receiving a retirement allowance under sections 169.600 to 169.712, who, on
33 or before September 1, 2015, elected a reduced retirement allowance under subsection 4 of section
34 169.670 with his or her same-sex domestic partner as the nominated beneficiary, may have the
35 retirement allowance increased to the amount the retired member would be receiving had the retired
36 member elected option 1 if:

37 (1) The retired person executes an affidavit attesting to the existence of a same-sex domestic
38 partnership at the time of the nomination of the beneficiary and that the same-sex domestic

1 partnership has since ended, with such supporting information and documentation as required by the
2 board of trustees;

3 (2) The nominated beneficiary consents in writing to his or her immediate removal as
4 nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of
5 trustees, or the parties obtain a court order or judgment after September 1, 2023, which provides that
6 the nominated beneficiary may be removed;

7 (3) If the retired person and the nominated beneficiary were legally married in a state that
8 recognized same-sex marriage at the time of retirement or have since become legally married, the
9 marriage must be dissolved and the dissolution decree must provide for sole retention by the retired
10 person of all rights in the retirement allowance; and

11 (4) The person receives a retirement allowance under subsection 4 of section 169.670.

12 5. Any person receiving a retirement allowance under sections 169.600 to 169.712, who, on
13 or before September 1, 2015, elected a reduced retirement allowance under subsection 4 of section
14 169.670 with his or her same-sex domestic partner as the nominated beneficiary, may nominate a
15 successor beneficiary under the following circumstances:

16 (1) If the nominated same-sex domestic partner precedes the retired person in death, and the
17 retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at
18 the time of the nomination of the beneficiary, the retired person may, upon a later marriage,
19 nominate his or her spouse under the same option elected in the application for retirement; or

20 (2) If the retired person executes an affidavit attesting to the existence of the same-sex
21 domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic
22 partnership has since ended, and the nominated same-sex domestic partner consents in writing to his
23 or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the
24 satisfaction of the board of trustees or the parties obtain a court order or judgment after September
25 1, 2023, which provides that the nominated beneficiary may be removed, the retired person may,
26 upon a later marriage, nominate his or her spouse under the same option elected in the application
27 for retirement;

28 (3) In addition to the requirements of subdivision (2) of this subsection, if the retired person
29 and the nominated beneficiary were legally married in a state that recognized same-sex marriage at
30 the time of retirement or have since become legally married, the marriage must be dissolved and the
31 dissolution decree must provide for sole retention by the retired person of all rights in the retirement
32 allowance.

33 6. Any nomination of successor beneficiary under subdivision (1) or (2) of subsection 5 of
34 this section shall be made in accordance with procedures established by the board of trustees, and
35 shall be filed within one year of September 1, 2023, or within one year of the marriage of the retired
36 person and successor beneficiary, whichever later occurs. Upon receipt of a successor nomination
37 filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect
38 actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary
39 nominations.

1 7. For purposes of this section, the definition of "same-sex domestic partners" shall mean
2 individuals of the same sex who are at least eighteen years of age, who are not related to a degree
3 that would prohibit their marriage in the law of the state where they reside, who are not married to
4 or a domestic partner of another person, and who live together in a long-term relationship of
5 indefinite duration with an exclusive mutual commitment in which the domestic partners agree to be
6 jointly responsible for their common welfare and to share financial obligations. For purposes of this
7 section, "same-sex domestic partners" shall also include individuals of the same sex who were
8 legally married in a state that recognized same-sex marriage."; and

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