

FIRST REGULAR SESSION

# HOUSE BILL NO. 303

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROBERTS.

0716H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 86.253, 86.254, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof five new sections relating to surviving spouse benefits in certain retirement systems.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 86.253, 86.254, 86.280, 86.283, and 86.287, RSMo, are repealed  
2 and five new sections enacted in lieu thereof, to be known as sections 86.253, 86.254, 86.280,  
3 86.283, and 86.287, to read as follows:

86.253. 1. Upon termination of employment as a police officer and actual retirement  
2 for service, a member shall receive a service retirement allowance which shall be an amount  
3 equal to two percent of the member's average final compensation multiplied by the number of  
4 years of the member's creditable service, up to twenty-five years, plus an amount equal to four  
5 percent of the member's average final compensation for each year of creditable service in  
6 excess of twenty-five years but not in excess of thirty years; plus an additional five percent of  
7 the member's average final compensation for any creditable service in excess of thirty years.  
8 Notwithstanding the foregoing, the service retirement allowance of a member who does not  
9 earn any creditable service after August 11, 1999, shall not exceed an amount equal to  
10 seventy percent of the member's average final compensation, and the service retirement  
11 allowance of a member who earns creditable service on or after August 12, 1999, shall not  
12 exceed an amount equal to seventy-five percent of the member's average final compensation;  
13 provided, however, that the service retirement allowance of a member who is participating in  
14 the DROP pursuant to section 86.251 on August 12, 1999, who returns to active participation  
15 in the system pursuant to section 86.251, and who terminates employment as a police officer

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 and actually retires for reasons other than death or disability before earning at least two years  
17 of creditable service after such return shall be the sum of (1) the member's service retirement  
18 allowance as of the date the member entered DROP and (2) an additional service retirement  
19 allowance based solely on the creditable service earned by the member following the  
20 member's return to active participation. The member's total years of creditable service shall  
21 be taken into account for the purpose of determining whether the additional allowance  
22 attributable to such additional creditable service is two percent, four percent or five percent of  
23 the member's average final compensation.

24         2. If, at any time since first becoming a member of the retirement system, the member  
25 has served in the Armed Forces of the United States, and has subsequently been reinstated as  
26 a policeman within ninety days after the member's discharge, the member shall be granted  
27 credit for such service as if the member's service in the police department of such city had not  
28 been interrupted by the member's induction into the Armed Forces of the United States. If  
29 earnable compensation is needed for such period in computation of benefits it shall be  
30 calculated on the basis of the compensation payable to the officers of the member's rank  
31 during the period of the member's absence. Notwithstanding any provision of sections 86.200  
32 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall  
33 be operated and administered in accordance with the applicable provisions of the Uniformed  
34 Services Employment and Reemployment Rights Act of 1994, as amended.

35         3. The service retirement allowance of each present and future retired member who  
36 terminated employment as a police officer and actually retired from service after attaining age  
37 fifty-five or after completing twenty years of creditable service shall be increased annually at  
38 a rate not to exceed three percent as approved by the board of trustees beginning with the first  
39 increase in the second October following the member's retirement and subsequent increases in  
40 each October thereafter, provided that each increase is subject to a determination by the board  
41 of trustees that the consumer price index (United States City Average Index) as published by  
42 the United States Department of Labor shows an increase of not less than the approved rate  
43 during the latest twelve-month period for which the index is available at the date of  
44 determination; and provided further, that if the increase is in excess of the approved rate for  
45 any year, such excess shall be accumulated as to any retired member and increases may be  
46 granted in subsequent years subject to a maximum of three percent for each full year from  
47 October following the member's retirement but not to exceed a total percentage increase of  
48 thirty percent. In no event shall the increase described under this subsection be applied to the  
49 amount, if any, paid to a member or surviving spouse of a deceased member for services as a  
50 special consultant under subsection 5 of this section ~~[or, if applicable, subsection 6 of this~~  
51 ~~section]~~. If the board of trustees determines that the index has decreased for any year, the  
52 benefits of any retired member that have been increased shall be decreased but not below the

53 member's initial benefit. No annual increase shall be made of less than one percent and no  
54 decrease of less than three percent except that any decrease may be limited in amount by the  
55 initial benefit.

56 4. In addition to any other retirement allowance payable under this section and  
57 section 86.250, a member, upon termination of employment as police officer and actual  
58 service retirement, may request payment of the total amount of the member's mandatory  
59 contributions to the retirement system without interest. Upon receipt of such request, the  
60 board shall pay the retired member such total amount of the member's mandatory  
61 contributions to the retirement system to be paid pursuant to this subsection within sixty days  
62 after such retired member's date of termination of employment as a police officer and actual  
63 retirement.

64 5. Any person who is receiving retirement benefits from the retirement system, upon  
65 application to the board of trustees, shall be made, constituted, appointed and employed by  
66 the board of trustees as a special consultant on the problems of retirement, aging and other  
67 matters, for the remainder of the person's life or, in the case of a deceased member's surviving  
68 spouse, until ~~[the earlier of]~~ the person's death ~~[or remarriage]~~, and upon request of the board  
69 of trustees shall give opinions and be available to give opinions in writing or orally, in  
70 response to such requests, as may be required. For such services the special consultant shall  
71 be compensated monthly, in an amount which, when added to any monthly retirement  
72 benefits being received from the retirement system, including any cost-of-living increases  
73 under subsection 3 of this section, shall total six hundred fifty dollars a month. This  
74 employment shall in no way affect any person's eligibility for retirement benefits under this  
75 chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any  
76 provisions of law to the contrary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to  
13 this section immediately prior to October 1, 1999, shall upon application to the board of  
14 trustees be made, constituted, appointed and employed by the board of trustees as a special  
15 consultant on the problems of retirement, aging and other matters while the surviving spouse  
16 or unmarried dependent child is receiving such benefits, and upon request of the board of  
17 trustees shall give opinions in writing or orally in response to such requests as may be  
18 required. Beginning October 1, 1999, for such services as may be required, a surviving  
19 spouse shall receive additional monthly compensation equal to the amount which when added  
20 to the benefits the surviving spouse was receiving pursuant to this section prior to October 1,  
21 1999, determined without regard to any increase applied to such benefits prior to October 1,  
22 1999, pursuant to subdivision (8) of this section, will increase the surviving spouse's total  
23 monthly payment pursuant to this section to forty percent of the deceased member's average  
24 final compensation, and there shall be payable an additional monthly compensation of one  
25 hundred dollars or five percent of the member's average final compensation, whichever is  
26 greater, for each unmarried dependent child of the member. The additional monthly  
27 compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for  
28 any cost-of-living increases that apply to the benefit the surviving spouse was receiving prior  
29 to October 1, 1999;

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

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

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

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

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

60 (8) The benefits payable pursuant to this section to the surviving spouse of a retired  
61 member who received or was entitled to receive a service retirement allowance shall be  
62 increased in the same percentages and pursuant to the same method as is provided in section  
63 86.253 for adjustments in the service retirement allowance of a retired member.

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

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

12 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to  
13 this section immediately prior to October 1, 1999, shall upon application to the board of  
14 trustees be made, constituted, appointed and employed by the board of trustees as a special

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

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

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

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

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

46 (7) Any benefit payable to, or for the benefit of, a child or children under the age of  
47 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid  
48 beyond the age of eighteen years through the age of twenty-two years in those cases where the  
49 child is a full-time student at a regularly accredited college, business school, nursing school,  
50 school for technical or vocational training, or university, but such extended benefit shall cease  
51 whenever the child ceases to be a student. A college or university shall be deemed to be



52 regularly accredited which maintains membership in good standing in a national or regional  
53 accrediting agency recognized by any state college or university.

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