

FIRST REGULAR SESSION

HOUSE BILL NO. 1185

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOVIS.

2416H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 104.010, 104.020, 104.035, 104.090, 104.130, 104.170, 104.200, 104.312, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, and 476.521, RSMo, and to enact in lieu thereof twenty-three new sections relating to retirement systems.

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

Section A. Sections 104.010, 104.020, 104.035, 104.090, 104.130, 104.170, 104.200, 104.312, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, and 476.521, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 104.010, 104.020, 104.035, 104.090, 104.170, 104.200, 104.312, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, and 476.521, to read as follows:

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

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

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

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

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.

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

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

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

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

21 (8) "Average compensation", the average compensation of a member for the thirty-six
22 consecutive months of service prior to retirement when the member's compensation was
23 greatest; or if the member is on workers' compensation leave of absence or a medical leave of
24 absence due to an employee illness, the amount of compensation the member would have
25 received may be used, as reported and verified by the employing department; or if the
26 member had less than thirty-six months of service, the average annual compensation paid to
27 the member during the period up to thirty-six months for which the member received
28 creditable service when the member's compensation was the greatest; or if the member is on
29 military leave, the amount of compensation the member would have received may be used as
30 reported and verified by the employing department or, if such amount is not determinable, the
31 amount of the employee's average rate of compensation during the twelve-month period
32 immediately preceding such period of leave, or if shorter, the period of employment
33 immediately preceding such period of leave. The board of each system may promulgate rules
34 for purposes of calculating average compensation and other retirement provisions to
35 accommodate for any state payroll system in which compensation is received on a monthly,
36 semimonthly, biweekly, or other basis;

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

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

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

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

44 (13) "Compensation":

45 (a) All salary and wages payable out of any state, federal, trust, or other funds to an
46 employee for personal services performed for a department; but including only amounts for

47 which contributions have been made in accordance with section 104.436, or section 104.070,
48 whichever is applicable, and excluding any nonrecurring single sum payments or amounts
49 paid after the member's termination of employment unless such amounts paid after such
50 termination are a final installment of salary or wages at the same rate as in effect immediately
51 prior to termination of employment in accordance with a state payroll system adopted on or
52 after January 1, 2000, or any other one-time payments made as a result of such payroll
53 system;

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

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

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

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

69 (15) "Creditable prior service", the service of an employee which was either rendered
70 prior to the establishment of a system, or prior to the date the employee last became a member
71 of a system, and which is recognized in determining the member's eligibility and for the
72 amount of the member's benefits under a system;

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

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

80 (18) "Department", any department or agency of the executive, legislative or judicial
81 branch of the state of Missouri receiving state appropriations, including allocated funds from
82 the federal government but not including any body corporate or politic unless its employees

83 are eligible for retirement coverage from a system pursuant to this chapter as otherwise
84 provided by law;

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

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

90 (21) "Employee":

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

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

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

109 (b) Any person who is not a retiree and has performed services in the employ of the
110 general assembly or either house thereof, or any employee of any member of the general
111 assembly while acting in the person's official capacity as a member, and whose position does
112 not normally require the person to perform duties during at least one thousand forty hours per
113 year, with a month of service being any monthly pay period in which the employee was paid
114 for full-time employment for that monthly period; except that persons described in this
115 paragraph shall not include any such persons who are employed on or after August 28, 2007,
116 and who have not previously been employed in such positions;

117 (c) "Employee" does not include special consultants employed pursuant to section
118 104.610;

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

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

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

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

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

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

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

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

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

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

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

149 (32) "Normal retirement age", an employee's attainment of sixty-five years of age and
150 the completion of four years of creditable service or the attainment of age sixty-five years of
151 age and the completion of five years of creditable service by a member who has terminated
152 employment and is entitled to a deferred normal annuity or the member's attainment of age
153 sixty and the completion of fifteen years of creditable service, except that normal retirement
154 age for uniformed members of the highway patrol shall be fifty-five years of age and the
155 completion of four years of creditable service and uniformed employees of the water patrol

156 shall be fifty-five years of age and the completion of four years of creditable service or the
157 attainment of age fifty-five and the completion of five years of creditable service by a
158 member of the water patrol who has terminated employment and is entitled to a deferred
159 normal annuity and members of the general assembly shall be fifty-five years of age and the
160 completion of three full biennial assemblies. Notwithstanding any other provision of law to
161 the contrary, a member of the Missouri department of transportation and highway patrol
162 employees' retirement system or a member of the Missouri state employees' retirement system
163 shall be entitled to retire with a normal annuity and shall be entitled to elect any of the
164 survivor benefit options and shall also be entitled to any other provisions of this chapter that
165 relate to retirement with a normal annuity if the sum of the member's age and creditable
166 service equals eighty years or more and if the member is at least forty-eight years of age;

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

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

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

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

175 (37) "System" or "retirement system", the Missouri department of transportation and
176 highway patrol employees' retirement system, as created by sections 104.010 to 104.270, or
177 sections 104.601 to 104.800, or the Missouri state employees' retirement system as created by
178 sections 104.320 to 104.800;

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

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

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

189 2. Benefits paid pursuant to the provisions of this chapter shall not exceed the
190 limitations of Internal Revenue Code Section 415, the provisions of which are hereby
191 incorporated by reference. Notwithstanding any other law to the contrary, the board of
192 trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of

193 1986, as amended. Such plan shall be created solely for the purposes described in Section
194 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may
195 promulgate regulations necessary to implement the provisions of this subsection and to create
196 and administer such benefit plan.

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

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

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

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

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

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

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

5 2. In addition, a uniformed member of the highway patrol who is retiring with a
6 normal annuity after attaining normal retirement age shall receive an additional sum of ninety
7 dollars per month as a contribution by the system until such member attains the age of sixty-
8 five years, when such contribution shall cease. To qualify for the contribution provided in
9 this subsection by the system, the retired uniformed member of the highway patrol is made,
10 constituted, appointed and employed by the board as a special consultant on the problems of
11 retirement, aging and other state matters. Such additional contribution shall be reduced each
12 month by such amount earned by the retired uniformed member of the highway patrol in
13 gainful employment. In order to qualify for the additional contribution provided in this
14 subsection, the retired uniformed member of the highway patrol shall have been:

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

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

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

22 Option 1.

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

27 Option 2.

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

32 Option 3.

33 An actuarial reduction approved by the board of the member's normal annuity in
34 reduced monthly payments for the member's life with the provision that if the member dies
35 prior to the member's having received one hundred twenty monthly payments of the member's
36 reduced annuity, the member's reduced allowance to which the member would have been
37 entitled had the member lived shall be paid for the remainder of the one hundred twenty-

38 month period to such beneficiary as the member shall have nominated by written designation
39 duly executed and filed with the board. If there is no beneficiary surviving the retiree, the
40 reserve for such allowance for the remainder of such one hundred twenty-month period shall
41 be paid to the retiree's estate; or

42 **Option 4.**

43 An actuarial reduction approved by the board of the member's normal annuity in
44 reduced monthly payments for the member's life with the provision that if the member dies
45 prior to the member having received sixty monthly payments of the member's reduced
46 annuity, the member's reduced allowance to which the member would have been entitled had
47 the member lived shall be paid for the remainder of the sixty-month period to such
48 beneficiary as the member shall have nominated by written designation duly executed and
49 filed with the board. If there is no beneficiary surviving the retiree, the reserve for such
50 allowance for the remainder of such sixty-month period shall be paid to the retiree's estate.

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

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

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

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

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

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

72 7. For retirement applications filed on or after August 28, 2004, the beneficiary for
73 either option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the
74 time of retirement. If the member's marriage ends after retirement as a result of a dissolution

75 of marriage, such dissolution shall not affect the option election and the former spouse shall
76 continue to be eligible to receive survivor benefits upon death of the member, except a
77 member may cancel his or her election if:

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

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

84 (a) The dissolution decree provided for the sole retention by the member of all rights
85 in the annuity pursuant to this chapter, and the parties obtained an amended or modified
86 dissolution decree after January 1, 2021, providing for immediate removal of the former
87 spouse as the beneficiary entitled to survivor benefits to the satisfaction of the system; or

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

93

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

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

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

7 2. The board shall appoint a full-time executive director, who shall not be
8 compensated for any other duties under the state highways and transportation commission.
9 The executive director shall have charge of the offices and records and shall hire such
10 employees that the executive director deems necessary subject to the direction of the board.
11 The executive director and all other employees of the system shall be members of the system
12 and the board shall make contributions to provide the insurance benefits available pursuant to
13 section 104.270 on the same basis as provided for other state employees pursuant to the
14 provisions of section 104.515, and also shall make contributions to provide the retirement
15 benefits on the same basis as provided for other employees pursuant to the provisions of
16 sections 104.090 to 104.260. The executive director is authorized to execute all documents
17 including contracts necessary to carry out any and all actions of the board.

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

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

 104.312. 1. The provisions of subsection 2 of section 104.250, subsection 2 of
2 section 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary
3 notwithstanding, any pension, annuity, benefit, right, or retirement allowance provided
4 pursuant to this chapter, chapter 287, or chapter 476 is marital property and after August 28,
5 1994, a court of competent jurisdiction may divide the pension, annuity, benefits, rights, and
6 retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 between
7 the parties to any action for dissolution of marriage. A division of benefits order issued
8 pursuant to this section:

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

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

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

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

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

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

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

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

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

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

49 2. A system established by this chapter shall provide the court having jurisdiction of a
50 dissolution of marriage proceeding or the parties to the proceeding with information
51 necessary to issue a division of benefits order concerning a member of the system, upon

52 written request from either the court, the member or the member's spouse, which cites this
53 section and identifies the case number and parties.

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

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

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

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

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

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

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

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

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

16 3. The disability benefits described in this section shall not be paid to any uniformed
17 member of the water patrol who has retained or regained more than fifty percent of the
18 member's earning capacity. If any uniformed member of the water patrol who has been
19 receiving disability benefits again becomes an employee, the member's disability benefits
20 shall be discontinued, the member's prior period of creditable service shall be restored, and

21 any subsequent determination of benefits due the member or the member's survivors shall be
22 based on the sum of the member's creditable service accrued to the date the member's
23 disability benefits commenced and the period of creditable service after the member's return
24 to employment.

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

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

40 6. Any member who qualifies for disability benefits pursuant to subsection 1 of this
41 section or pursuant to the provisions of section 104.518, or under a long-term disability
42 program provided by the member's employing department as a consequence of employment
43 by the department, shall continue to accrue creditable service based on the member's rate of
44 pay immediately prior to the date the member became disabled in accordance with sections
45 104.370, 104.371, 104.374 and 104.615, until the date the member's retirement benefit goes
46 into pay status, the disability benefits cease being paid to the member, or the member is no
47 longer disabled, whichever comes first. Persons covered by the provisions of sections
48 476.515 to 476.565 or sections 287.812 to 287.855, who qualify for disability benefits
49 pursuant to the provisions of section 104.518, at the date the person becomes disabled, shall
50 continue to accrue creditable service based on the person's rate of pay immediately prior to
51 the date the person becomes disabled until the date the person's retirement benefit goes into
52 pay status, the disability benefits cease being paid to the person or the person is no longer
53 disabled, whichever comes first. Members or persons continuing to accrue creditable service
54 pursuant to this subsection shall be entitled to continue their life insurance coverage subject to
55 the provisions of the life insurance plan administered by the board pursuant to section
56 104.517. The rate of pay for purposes of calculating retirement benefits for a member or
57 person described in this subsection who becomes disabled and retires on or after August 28,

58 1999, shall be the member's or person's regular monthly compensation received at the time of
59 disablement, increased thereafter for any increases in the consumer price index. Such
60 increases in the member's monthly pay shall be made annually beginning twelve months after
61 disablement and shall be equal to eighty percent of the increase in the consumer price index
62 during the calendar year prior to the adjustment, but not more than five percent of the
63 member's monthly pay immediately before the increase. Such accruals shall continue until
64 the earliest of: receipt of an early retirement annuity, attainment of normal retirement
65 eligibility or termination of disability benefits.

66 7. A member or person who continues to be disabled as provided in subsection 6 of
67 this section until the member's normal retirement age shall be eligible to retire on the first day
68 of the month next following the member's or person's final payment pursuant to section
69 104.518 or, if applicable, subsection 1 of this section. A member or person who retires
70 pursuant to this subsection shall receive the greater of the normal annuity or the minimum
71 annuity, if applicable, determined pursuant to sections 104.370, 104.371, 104.374 and
72 104.615, and section 287.820, and section 476.530 as if the member or person had continued
73 in the active employ of the employer until the member's or person's retirement benefit goes
74 into pay status, the disability benefits cease being paid to the member or person, or the
75 member or person is no longer disabled, whichever comes first and the member's or person's
76 compensation for such period had been the member's or person's rate of pay immediately
77 preceding the date the member or person became disabled.

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

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

88 **10. Members of the general assembly who are accruing service under subsection**
89 **6 of this section shall continue to accrue service until the earliest of attainment of normal**
90 **retirement age eligibility, termination of disability benefits, or the end of the member's**
91 **constitutionally mandated limit on service as a member of the general assembly for the**
92 **chamber in which the member was serving at the time of disablement.**

93 **11. Statewide elected officials who are accruing service under subsection 6 of this**
94 **section shall continue to accrue service until the earliest of attainment of normal**

95 **retirement age eligibility, termination of disability benefits, or the end of the statewide**
 96 **elected official's constitutionally mandated limit on service as a statewide elected official**
 97 **for the office in which the statewide elected official was serving at the time of**
 98 **disablement.**

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

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

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

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

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

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

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

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

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

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

34 3. The board shall determine the premium amounts required for participating
35 employees. The premium amounts shall be the amount, which, together with the state's
36 contribution, is required to fund the benefits provided, taking into account necessary actuarial
37 reserves. Separate premiums shall be established for employees' benefits and a separate
38 premium or schedule of premiums shall be established for benefits for spouses and
39 unemancipated children under twenty-three years of age of participating employees. The
40 employee's premiums for spouse and children benefits shall be established to cover that
41 portion of the cost of such benefits which is not paid for by contributions by the state. All
42 such premium amounts shall be paid to the board of trustees at the time that each employee's
43 wages or salary would normally be paid. The premium amounts so remitted will be placed in
44 the separate account for medical, life insurance and disability benefits. In lieu of the
45 availability of premium deductions, the board may establish alternative methods for the
46 collection of premium amounts.

47 4. Each special consultant eligible for life benefits employed by a board of trustees of
48 a retirement system as provided in section 104.610 who is a member of the Missouri state life
49 insurance plan or Missouri state transportation department and Missouri state highway patrol
50 life insurance plan shall, in addition to duties prescribed in section 104.610 or any other law,
51 and upon request of the board of trustees, give the board, orally or in writing, a short detailed
52 statement on life insurance and death benefit problems affecting retirees. As compensation
53 for the extra duty imposed by this subsection, any special consultant as defined above, other
54 than a special consultant entitled to a deferred normal annuity pursuant to section 104.035 or
55 104.335, who retires on or after September 28, 1985, shall receive as a part of compensation
56 for these extra duties, a death benefit of five thousand dollars, and any special consultant who
57 terminates employment on or after August 28, 1999, after reaching normal or early retirement
58 age and becomes a retiree within ~~sixty~~ **sixty-five** days of such termination shall receive five
59 thousand dollars of life insurance coverage. In addition, each special consultant who is a
60 member of the transportation department employees' and highway patrol retirement system
61 medical insurance plan shall also provide the board, upon request of the board, orally or in
62 writing, a short detailed statement on physical, medical and health problems affecting retirees.
63 As compensation for this extra duty, each special consultant as defined above shall receive, in
64 addition to all other compensation provided by law, nine dollars, or an amount equivalent to

65 that provided to other special consultants pursuant to the provisions of section 103.115. In
66 addition, any special consultant as defined in section 287.820 or section 476.601 who
67 terminates employment and immediately retires on or after August 28, 1995, shall receive as a
68 part of compensation for these duties, a death benefit of five thousand dollars and any special
69 consultant who terminates employment on or after August 28, 1999, after reaching the age of
70 eligibility to receive retirement benefits and becomes a retiree within ~~sixty~~ **sixty-five** days
71 of such termination shall receive five thousand dollars of life insurance coverage.

72 5. Any former employee who is receiving disability income benefits from the
73 Missouri state employees' retirement system or the transportation department employees' and
74 highway patrol retirement system shall, upon application with the board of trustees of the
75 Missouri consolidated health care plan or the transportation department employees and
76 highway patrol medical plan, be made, constituted, appointed and employed by the respective
77 board as a special consultant on the problems of the health of disability income recipients and,
78 upon request of the board of trustees of each medical plan, give the board, orally or in writing,
79 a short detailed statement of physical, medical and health problems affecting disability
80 income recipients. As compensation for the extra duty imposed by this subsection, each such
81 special consultant as defined in this subsection may receive, in addition to all other
82 compensation provided by law, an amount contributed toward medical benefits coverage
83 provided by the Missouri consolidated health care plan or the transportation employees and
84 highway patrol medical plan pursuant to appropriations.

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

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

15 (2) The prospective annuity payable as of the annuity starting date shall be
16 determined pursuant to the provisions otherwise applicable under the law, with the exception
17 that it shall be the amount which would have been payable had the member actually retired on

18 the retroactive starting date under the retirement plan selected by the member. Other than for
19 the lump sum payment or payments specified in subdivision (3) of this section, no other
20 amount shall be due for the period between the retroactive starting date and the annuity
21 starting date;

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

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

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

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

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

104.810. 1. Employees of the Missouri state water patrol who are earning creditable
2 service in the closed plan of the Missouri state employees' retirement system and who are
3 transferred to the division of water patrol with the Missouri state highway patrol shall elect
4 within ninety days of January 1, 2011, to either remain a member of the Missouri state
5 employees' retirement system or transfer membership and creditable service to the closed plan
6 of the Missouri department of transportation and highway patrol employees' retirement
7 system. The election shall be made in writing after the employee has received a detailed
8 analysis comparing retirement, life insurance, disability benefits, and medical benefits of a
9 member of the Missouri state employees' retirement system with the corresponding benefits
10 provided an employee of the highway patrol covered by the closed plan of the Missouri
11 department of transportation and highway patrol employees' retirement system. In electing
12 plan membership the employee shall acknowledge and agree that an election made under this
13 subsection is irrevocable, and constitutes a waiver to receive retirement, life insurance,
14 disability benefits, and medical benefits except as provided by the system elected by the
15 employee. Furthermore, in connection with the election, the employee shall be required to
16 acknowledge that the benefits provided by virtue of membership in either system, and any
17 associated costs to the employee, may be different now or in the future as a result of the

18 election and that the employee agrees to hold both systems harmless with regard to benefit
19 differences resulting from the election. **In the event an employee terminates employment**
20 **and later returns to the same position, the employee shall be a member of the system in**
21 **which he or she was a member prior to termination. If the employee returns to any**
22 **other position, the employee shall be a member of the system that currently covers that**
23 **position.**

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

43 3. The Missouri state employees' retirement system shall pay to the Missouri
44 department of transportation and highway patrol employees' retirement system, by June 30,
45 2011, an amount actuarially determined to equal the liability at the time of the transfer for any
46 employee who elects under subsection 1 or 2 of this section to transfer to the Missouri
47 department of transportation and highway patrol employees' retirement system, to the extent
48 that liability is funded as of the most recent actuarial valuation and based on the actuarial
49 value of assets not to exceed one hundred percent.

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

52 5. The only medical coverage available for any employee who elects under subsection
53 1 or 2 of this section to transfer to the Missouri department of transportation and highway
54 patrol employees' retirement system shall be the medical coverage provided in section

55 104.270. The effective date for commencement of medical coverage shall be July 1, 2011.
56 However, this does not preclude medical coverage for the transferred employee as a
57 dependent under any other health care plan.

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

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

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

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

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

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

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

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

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

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

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

27 (10) "Department", any department or agency of the executive, legislative, or judicial
28 branch of the state of Missouri receiving state appropriations, including allocated funds from
29 the federal government but not including any body corporate or politic unless its employees

30 are eligible for retirement coverage from a system pursuant to this chapter as otherwise
31 provided by law;

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

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

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

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

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

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

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

49 ~~(e)~~ The term "employee" shall include any person as defined under paragraph (b) of
50 subdivision (21) of subsection 1 of section 104.010 who is first employed on or after July 1,
51 2000, but prior to August 28, 2007;

52 (14) "Employer", a department;

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

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

65 (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to
66 104.1093;

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

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

71 (20) "Normal retirement eligibility", a member's attainment of at least sixty-two years
72 of age and the completion of at least five or more years of credited service or, the attainment
73 of at least forty-eight years of age with a total of years of age and years of credited service
74 which is at least eighty or, in the case of a member of the highway patrol who shall be subject
75 to the mandatory retirement provisions of section ~~[104.080]~~ **104.081**, the mandatory
76 retirement age and completion of five years of credited service or, the attainment of at least
77 forty-eight years of age with a total of years of age and years of credited service which is at
78 least eighty;

79 (21) "Pay" shall include:

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

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

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

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

90 d. Any nonrecurring single sum payments; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

104.1024. 1. Any member who terminates employment may retire on or after
2 attaining normal retirement eligibility by making application in written form and manner
3 approved by the appropriate board. The written application shall set forth the annuity starting
4 date which shall not be earlier than the first day of the second month following the month of

5 the execution and filing of the member's application for retirement nor later than the first day
6 of the fourth month following the month of the execution and filing of the member's
7 application for retirement. The payment of the annuity shall be made the last working day of
8 each month, providing all documentation required under section 104.1027 for the calculation
9 and payment of the benefits is received by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 years of credited service pursuant to sections 104.1003 to 104.1093. A division of benefits
5 order issued pursuant to this section:

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

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

10 (3) Shall identify the monthly amount to be paid to the former spouse, which shall be
11 expressed as a percentage and which shall not exceed fifty percent of the amount of the
12 member's annuity accrued during all or part of the period of the marriage of the member and
13 former spouse **excluding service accrued under subsection 2 of section 104.1021**; and
14 which shall be based on the member's vested annuity on the date of the dissolution of
15 marriage or an earlier date as specified in the order, which amount shall be adjusted
16 proportionately upon the annuity starting date if the member's annuity is reduced due to the
17 receipt of an early retirement annuity or the member's annuity is reduced pursuant to section
18 104.1027 under an annuity option in which the member named the alternate payee as
19 beneficiary prior to the dissolution of marriage;

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

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

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

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

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

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

38 (10) Shall not require the applicable retirement system to continue payments to the
39 alternate payee if the member's retirement benefit is suspended or waived as provided by this

40 chapter but such payments shall resume when the retiree begins to receive retirement benefits
41 in the future.

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

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

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

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

51 4. Any member of the closed plan who elected the year 2000 plan pursuant to section
52 104.1015 and then becomes divorced and subject to a division of benefits order shall have the
53 division of benefits order calculated pursuant to the provisions of the year 2000 plan.

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

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

59 **(2) The lump-sum payment described in subdivision (3) of subsection 6 of section**
60 **104.1024 shall not be subject to any division of benefit order.**

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

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

13 3. A board shall not pay an annuity to any survivor or beneficiary who is charged with
14 the intentional killing of a member, retiree or survivor without legal excuse or justification. A
15 survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive
16 an annuity. If the survivor or beneficiary is not convicted of such charge, the board shall

17 resume annuity payments and shall pay the survivor or beneficiary any annuity payments that
18 were suspended pending resolution of such charge.

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

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

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

34 4. At least ninety days before each regular session of the general assembly, the board
35 of the transportation department and highway patrol retirement system shall certify to the

36 department of transportation and the department of public safety the contribution rate
37 necessary to cover the liabilities of the year 2000 plan administered by such system, including
38 costs of administration, expected to accrue during the next biennial or other appropriation
39 period. Each department shall include in its budget and in its request for appropriations for
40 personal service the sum so certified to it by such board, and shall present the same to the
41 general assembly for allowance. The sums so certified and appropriated, when available,
42 shall be immediately paid to the system and deposited in the highway and transportation
43 employees' and highway patrol retirement and benefit fund.

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

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

3 (1) Employees shall be provided fifteen thousand dollars of life insurance until
4 December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both
5 for basic life insurance for employees covered under any retirement plan administered by the
6 system pursuant to this chapter, persons covered by sections 287.812 to 287.856, for
7 employees who are members of the judicial retirement system as provided in section 476.590,
8 and, at the election of the state highways and transportation commission, employees who are
9 members of the ~~highways and~~ **Missouri department of** transportation ~~employees'~~ and
10 highway patrol **employees'** retirement system, in the amount equal to one times annual pay,
11 subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or
12 contract the method for determining the annual rate of pay and any other terms of such
13 insurance as it deems necessary to implement the requirements pursuant to this section.
14 Annual rate of pay shall not include overtime or any other irregular payments as determined
15 by the board. Such life insurance shall provide for triple indemnity in the event the cause of
16 death is a proximate result of a personal injury or disease arising out of and in the course of
17 actual performance of duty as an employee;

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

21 2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of
22 this section, any person for whom life insurance is provided or contracted for pursuant to such
23 subsection may purchase, at the person's own expense and only if monthly voluntary payroll
24 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with
25 a private insurance company or as may be required by a system if the board of trustees
26 determines that the system should provide such insurance itself. The maximum amount of
27 additional life insurance which may be so purchased prior to January 1, 2004, is that amount

28 which equals six times the amount of the person's annual rate of pay, subject to any maximum
29 established by a board, except that if such maximum amount is not evenly divisible by one
30 thousand dollars, then the maximum amount of additional insurance which may be purchased
31 is the next higher amount evenly divisible by one thousand dollars. The maximum amount of
32 additional life insurance which may be so purchased on or after January 1, 2004, is an amount
33 to be stipulated in a contract with a private insurance company or as may be required by the
34 system if the board of trustees determines that the system should provide the insurance itself.

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

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

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

58 3. The state highways and transportation commission may provide for insurance
59 benefits to cover medical expenses for members of the ~~[highways and]~~ **Missouri department**
60 **of transportation [employees']** and highway patrol **employees'** retirement system. The state
61 highways and transportation commission may provide medical benefits for dependents of
62 members and for retired members. Contributions by the state highways and transportation
63 commission to provide the benefits shall be on the same basis as provided for other state
64 employees pursuant to the provisions of section 104.515. Except as otherwise provided by

65 law, the cost of benefits for dependents of members and for retirees and their dependents shall
66 be paid by the members or retirees. The commission may contract with other persons or
67 entities including but not limited to third-party administrators, health network providers and
68 health maintenance organizations for all, or any part of, the benefits provided for in this
69 section. The commission may require reimbursement of any medical claims paid by the
70 commission's medical plan for which there was third-party liability.

71 4. The ~~[highways and]~~ **Missouri department of** transportation ~~[employees']~~ and
72 highway patrol **employees'** retirement system may request the state highways and
73 transportation commission to provide life insurance benefits as required in subsections 1
74 and 2 of this section. If the state highways and transportation commission agrees to the
75 request, the ~~[highways and]~~ **Missouri department of** transportation ~~[employees']~~ and
76 highway patrol **employees'** retirement system shall reimburse the state highways and
77 transportation commission for any and all costs for life insurance provided pursuant to
78 subdivision (2) of subsection 1 of this section. The person who is covered pursuant to
79 subsection 2 of this section shall be solely responsible for the costs of any additional life
80 insurance. In lieu of the life insurance benefit in subdivision (2) of subsection 1 of this
81 section, the ~~[highways and]~~ **Missouri department of** transportation ~~[employees']~~ and
82 highway patrol **employees'** retirement system is authorized in its sole discretion to provide a
83 death benefit of five thousand dollars.

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

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

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

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

104.1084. 1. For members of the general assembly, the provisions of this section
2 shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal
3 retirement eligibility" means attainment of age fifty-five for a member who has served at least
4 three full biennial assemblies or the attainment of at least age fifty for a member who has

5 served at least three full biennial assemblies with a total of years of age and years of credited
6 service which is at least eighty. A member shall receive two years of credited service for
7 every full biennial assembly served. A full biennial assembly shall be equal to the period of
8 time beginning on the first day the general assembly convenes for a first regular session until
9 the last day of the following year. If a member serves less than a full biennial assembly, the
10 member shall receive credited service for the pro rata portion of the full biennial assembly
11 served.

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

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

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

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

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

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

39 8. Any member who serves under this chapter as a member of the general assembly or
40 as a statewide elected official on or after August 28, 1999, shall not be eligible to receive any
41 retirement benefits from the system under either the closed plan or the year 2000 plan based

42 on service rendered on or after August 28, 1999, as a member of the general assembly or as a
43 statewide elected official if such member is convicted of a felony that is determined by a court
44 of law to have been committed in connection with the member's duties either as a member of
45 the general assembly or as a statewide elected official, unless such conviction is later reversed
46 by a court of law.

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

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

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

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

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

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

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

15 (3) For statewide elected officials, the official's attainment of at least age sixty-two
16 and the completion of at least four years of credited service; or the official's attainment of at

17 least age fifty-five with the sum of the official's age and credited service equaling at least
18 ninety.

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

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

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

34 6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied
35 pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members
36 covered by this section.

37 7. The minimum credited service requirements of five years contained in sections
38 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this
39 section. The normal and early retirement eligibility requirements in this section shall apply
40 for purposes of administering section 104.1087.

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

45 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section
46 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the
47 member under this section. The contributions so picked up shall be treated as employer
48 contributions for purposes of determining the member's pay that is includable in the member's
49 gross income for federal income tax purposes;

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

53 employer. This deduction, however, shall not reduce the member's pay for purposes of
54 computing benefits under the retirement system pursuant to this chapter;

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

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

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

71 (6) A vested former member or a former member who is not vested may request a
72 refund of his or her contributions and interest credited thereon. If such member is married at
73 the time of such request, such request shall not be processed without consent from the spouse.
74 Such member is not eligible to request a refund if such member's retirement benefit is subject
75 to a division of benefit order pursuant to section 104.1051. Such refund shall be paid by the
76 system ~~[after]~~ **within an administratively reasonable period, but no sooner than** ninety
77 days from the date of termination of employment ~~[or the request, whichever is later, and].~~
78 **The amount refunded** shall include all **employee** contributions made to any retirement plan
79 administered by the system and interest credited thereon. A vested former member may not
80 request a refund after such member becomes eligible for normal retirement. A vested former
81 member or a former member who is not vested who receives a refund shall forfeit all the
82 member's credited service and future rights to receive benefits from the system and shall not
83 be eligible to receive any ~~[long-term]~~ disability benefits; provided that any member or vested
84 former member receiving ~~[long-term]~~ disability benefits shall not be eligible for a refund. If
85 such member subsequently becomes an employee and works continuously for at least one
86 year, the credited service previously forfeited shall be restored if the member returns to the
87 system the amount previously refunded plus interest at a rate established by the board;

88 (7) The beneficiary of any member who made contributions shall receive a refund
89 upon the member's death equal to the amount, if any, of such contributions and interest

90 credited thereon less any retirement benefits received by the member unless an annuity is
91 payable to a survivor or beneficiary as a result of the member's death. In that event, the
92 beneficiary of the survivor or beneficiary who received the annuity shall receive a refund
93 upon the survivor's or beneficiary's death equal to the amount, if any, of the member's
94 contributions less any annuity amounts received by the member and the survivor or
95 beneficiary.

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

103 10. For purposes of members covered by this section, the options under section
104 104.1027 shall be as follows:

105 Option 1.

106 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise
107 payable. Such percent shall be eighty-eight and one half percent adjusted as follows: if the
108 retiree's age on the annuity starting date is younger than sixty-seven years, an increase of
109 three-tenths of one percent for each year the retiree's age is younger than age sixty-seven
110 years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date,
111 a decrease of three-tenths of one percent for each year of age difference; and if the retiree's
112 age is younger than the beneficiary's age on the annuity starting date, an increase of three-
113 tenths of one percent for each year of age difference; provided, after all adjustments the
114 option 1 percent cannot exceed ninety-four and one quarter percent. Upon the retiree's death,
115 fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the
116 retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this
117 section.

118 Option 2.

119 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise
120 payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on
121 the annuity starting date is younger than sixty-seven years, an increase of four-tenths of one
122 percent for each year the retiree's age is younger than sixty-seven years; and if the
123 beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of
124 five-tenths of one percent for each year of age difference; and if the retiree's age is younger
125 than the beneficiary's age on the annuity starting date, an increase of five-tenths of one
126 percent for each year of age difference; provided, after all adjustments the option 2 percent

127 cannot exceed eighty-seven and three quarter percent. Upon the retiree's death one hundred
128 percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's
129 spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

130 Option 3.

131 A retiree's life annuity shall be reduced to ninety-three percent of the annuity
132 otherwise payable. If the retiree dies before having received one hundred twenty monthly
133 payments, the reduced annuity shall be continued for the remainder of the one hundred
134 twenty-month period to the retiree's designated beneficiary provided that if there is no
135 beneficiary surviving the retiree, the present value of the remaining annuity payments shall be
136 paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree
137 but dies before receiving the remainder of such one hundred twenty monthly payments, the
138 present value of the remaining annuity payments shall be paid as provided under subsection 3
139 of section 104.620.

140 Option 4.

141 A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise
142 payable. If the retiree dies before having received one hundred eighty monthly payments, the
143 reduced annuity shall be continued for the remainder of the one hundred eighty-month period
144 to the retiree's designated beneficiary provided that if there is no beneficiary surviving the
145 retiree, the present value of the remaining annuity payments shall be paid as provided under
146 subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before
147 receiving the remainder of such one hundred eighty monthly payments, the present value of
148 the remaining annuity payments shall be paid as provided under subsection 3 of section
149 104.620.

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

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

155 (1) A member's normal retirement eligibility shall be based on the attainment of at
156 least age sixty-seven and the completion of at least five years of credited service; or the
157 member's attainment of at least age fifty-five with the sum of the member's age and credited
158 service equaling at least ninety; or in the case of a member who is serving as a uniformed
159 member of the highway patrol and subject to the mandatory retirement provisions of section
160 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-
161 five with five years of credited service;

162 (2) A vested former member's normal retirement eligibility shall be based on the
163 attainment of at least age sixty-seven and the completion of at least five years of credited

164 service; **except that, a vested former member who terminates employment after the**
165 **attainment of normal retirement eligibility as defined in subdivision (1) of this**
166 **subsection shall be covered under such subdivision;**

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

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

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

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

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

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

193 (9) The minimum credited service requirements of five years contained in sections
194 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this
195 subsection.

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

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

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

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

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

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

39 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section
40 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the
41 judge under this section. The contributions so picked up shall be treated as employer

42 contributions for purposes of determining the judge's compensation that is includable in the
43 judge's gross income for federal income tax purposes;

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

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

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

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

64 (6) A judge whose employment is terminated may request a refund of his or her
65 contributions and interest credited thereon. If such judge is married at the time of such
66 request, such request shall not be processed without consent from the spouse. A judge is not
67 eligible to request a refund if the judge's retirement benefit is subject to a division of benefit
68 order pursuant to section 104.312. Such refund shall be paid by the system after ninety days
69 from the date of termination of employment or the request, whichever is later and shall
70 include all contributions made to any retirement plan administered by the system and interest
71 credited thereon. A judge may not request a refund after such judge becomes eligible for
72 retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall
73 forfeit all the judge's service and future rights to receive benefits from the system and shall
74 not be eligible to receive any long-term disability benefits; provided that any judge or former
75 judge receiving long-term disability benefits shall not be eligible for a refund. If such judge
76 subsequently becomes a judge and works continuously for at least one year, the service
77 previously forfeited shall be restored if the judge returns to the system the amount previously
78 refunded plus interest at a rate established by the board;

79 (7) The beneficiary of any judge who made contributions shall receive a refund upon
80 the judge's death equal to the amount, if any, of such contributions **and interest credited**
81 **thereon**, less any retirement benefits received by the judge unless an annuity is payable to a
82 survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the
83 survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or
84 beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity
85 amounts received by the judge and the survivor or beneficiary.

86 7. The employee contribution rate, the benefits provided under sections 476.515 to
87 476.565 to judges covered under this section, and any other provision of sections 476.515 to
88 476.565 with regard to judges covered under this section may be altered, amended, increased,
89 decreased, or repealed, but only with respect to services rendered by the judge after the
90 effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to
91 interest credits, for periods of time after the effective date of such alteration, amendment,
92 increase, decrease, or repeal.

93 8. Any judge who is receiving retirement compensation under section 476.529 or
94 476.530 who becomes employed as an employee eligible to participate in the closed plan or in
95 the year 2000 plan under chapter 104, shall not receive such retirement compensation for any
96 calendar month in which the retired judge is so employed. Any judge who is receiving
97 retirement compensation under section 476.529 or section 476.530 who subsequently serves
98 as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not
99 receive such retirement compensation for any calendar month in which the retired judge is
100 serving as a judge; except that upon retirement such judge's annuity shall be recalculated to
101 include any additional service or salary accrued based on the judge's subsequent service. A
102 judge who is receiving compensation under section 476.529 or 476.530 may continue to
103 receive such retirement compensation while serving as a senior judge or senior commissioner
104 and shall receive additional credit and salary for such service pursuant to section 476.682.

2 ~~[104.130. Upon the death of a retired member, the board shall pay to~~
3 ~~such member's designated beneficiaries or to his estate a death benefit equal to~~
4 ~~the excess, if any, of the accumulated contributions of the member at~~
5 ~~retirement over the total amount of retirement benefits received by such~~
~~member prior to his death.]~~

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