

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

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 71, Page 5, Section 70.630, Line 32, by inserting after all of said section and line the  
3 following:  
4

5 "70.655. 1. Upon a member's retirement he or she shall receive an allowance for life in  
6 accordance with the applicable benefit program elected by the member's employer, as follows:

7 (1) Benefit program L-1. A member with credited service covered by benefit program L-1  
8 shall receive an allowance for life equal to one percent of the member's final average salary  
9 multiplied by the number of years of such credited service;

10 (2) Benefit program L-3. A member with credited service covered by benefit program L-3  
11 shall receive an allowance for life equal to one and one-quarter percent of the member's final  
12 average salary multiplied by the number of years of such credited service;

13 (3) Benefit program LT-4. A member with credited service covered by benefit program LT-  
14 4 shall receive an allowance for life equal to one percent of the member's final average salary  
15 multiplied by the number of years of such credited service. In addition, if such member is retiring  
16 as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at  
17 retirement is younger than age sixty-two, then such member shall receive a temporary allowance  
18 equal to one percent of the member's final average salary multiplied by the number of years of such  
19 credited service. Such temporary allowance shall terminate at the end of the calendar month in  
20 which the earlier of the following events occurs: such member's death; or the member's attainment  
21 of age sixty-two;

22 (4) Benefit program LT-5. A member with credited service covered by benefit program LT-  
23 5 shall receive an allowance for life equal to one and one-quarter percent of the member's final  
24 average salary multiplied by the number of years of such credited service. In addition, if such  
25 member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such  
26 member's age at retirement is younger than age sixty-two, then such member shall receive a  
27 temporary allowance equal to three-quarters of one percent of the member's final average salary  
28 multiplied by the number of years of such credited service. Such temporary allowance shall  
29 terminate at the end of the calendar month in which the earlier of the following events occurs: such  
30 member's death; or the member's attainment of age sixty-two;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 (5) Benefit program L-6. A member with credited service covered by benefit program L-6  
2 shall receive an allowance for life equal to two percent of the member's final average salary  
3 multiplied by the number of years of such credited service;

4 (6) Benefit program L-7. A member with credited service covered by benefit program L-7  
5 shall receive an allowance for life equal to one and one-half percent of the member's final average  
6 salary multiplied by the number of years of such credited service;

7 (7) Benefit program LT-8. A member with credited service covered by benefit program LT-  
8 shall receive an allowance for life equal to one and one-half percent of the member's final average  
9 salary multiplied by the number of years of such credited service. In addition, if such member is  
10 retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age  
11 at retirement is younger than age sixty-two, then such member shall receive a temporary allowance  
12 equal to one-half of one percent of the member's final average salary multiplied by the number of  
13 years of such credited service. Such temporary allowance shall terminate at the end of the calendar  
14 month in which the earlier of the following events occurs: such member's death; or the member's  
15 attainment of age sixty-two;

16 (8) Benefit program LT-4(65). A member with credited service covered by benefit program  
17 LT-4(65) shall receive an allowance for life equal to one percent of the member's final average  
18 salary multiplied by the number of years of such credited service. In addition, if such member is  
19 retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age  
20 at retirement is younger than age sixty-five, then such member shall receive a temporary allowance  
21 equal to one percent of the member's final average salary multiplied by the number of years of such  
22 credited service. Such temporary allowance shall terminate at the end of the calendar month in  
23 which the earlier of the following events occurs: such member's death; or the member's attainment  
24 of age sixty-five;

25 (9) Benefit program LT-5(65). A member with credited service covered by benefit program  
26 LT-5(65) shall receive an allowance for life equal to one and one-quarter percent of the member's  
27 final average salary multiplied by the number of years of such credited service. In addition, if such  
28 member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such  
29 member's age at retirement is younger than age sixty-five, then such member shall receive a  
30 temporary allowance equal to three-quarters of one percent of the member's final average salary  
31 multiplied by the number of years of such credited service. Such temporary allowance shall  
32 terminate at the end of the calendar month in which the earlier of the following events occurs: such  
33 member's death; or the member's attainment of age sixty-five;

34 (10) Benefit program LT-8(65). A member with credited service covered by benefit  
35 program LT-8(65) shall receive an allowance for life equal to one and one-half percent of the  
36 member's final average salary multiplied by the number of years of such credited service. In  
37 addition, if such member is retiring as provided in section 70.645 or section 70.650 or section  
38 70.670, and if such member's age at retirement is younger than age sixty-five, then such member  
39 shall receive a temporary allowance equal to one-half of one percent of the member's final average

1 salary multiplied by the number of years of such credited service. Such temporary allowance shall  
2 terminate at the end of the calendar month in which the earlier of the following events occurs: such  
3 member's death; or the member's attainment of age sixty-five;

4 (11) Benefit program L-9. A member with credited service covered by benefit program L-9  
5 shall receive an allowance for life equal to one and six-tenths percent of the member's final average  
6 salary multiplied by the number of years of such credited service;

7 (12) Benefit program LT-10(65). A member with credited service covered by benefit  
8 program LT-10(65) shall receive an allowance for life equal to one and six-tenths percent of the  
9 members' final average salary multiplied by the number of years of such credited service. In  
10 addition, if such member is retiring as provided in section 70.645 or section 70.650 or section  
11 70.670, and if such member's age at retirement is younger than age sixty-five, then such member  
12 shall receive a temporary allowance equal to four-tenths of one percent of the member's final  
13 average salary multiplied by the number of years of such credited service. Such temporary  
14 allowance shall terminate at the end of the calendar month in which the earlier of the following  
15 events occurs: such member's death; or the member's attainment of age sixty-five;

16 (13) Benefit program L-11. Benefit program L-11 may cover employment in a position only  
17 if such position is not concurrently covered by federal Social Security; in addition, if such position  
18 was previously covered by federal Social Security, benefit program L-11 may cover only  
19 employment rendered after cessation of federal Social Security coverage. A member with credited  
20 service covered by benefit program L-11 shall receive an allowance for life equal to two and one-  
21 half percent of the member's final average salary multiplied by the number of years of such credited  
22 service;

23 (14) Benefit program L-12. A member with credited service covered by benefit program L-  
24 12 shall receive an allowance for life equal to one and three-quarter percent of the member's final  
25 average salary multiplied by the number of years of such credited service;

26 (15) Benefit program LT-14(65). A member with credited service covered by benefit  
27 program LT-14(65) shall receive an allowance for life equal to one and three-quarter percent of the  
28 member's final average salary multiplied by the number of years of such credited service. In  
29 addition, if such member is retiring as provided in section 70.645, 70.650, or 70.670, then such  
30 member shall receive a temporary allowance equal to one-quarter of one percent of the member's  
31 final average salary multiplied by the number of years of such credited service. Such temporary  
32 allowance shall terminate at the end of the calendar month in which the earlier of the following  
33 events occurs: such member's death or the member's attainment of age sixty-five.

34 2. If each portion of a member's credited service is not covered by the same benefit  
35 program, then the member's total allowance for life shall be the total of the allowance for life  
36 determined under each applicable benefit program.

37 3. Each employer shall have the credited service of each of its members covered by benefit  
38 program L-1 provided for in this section unless such employer shall have elected another benefit  
39 program provided for in this section.

1           4. Except as otherwise provided in this subsection, each political subdivision, by majority  
2 vote of its governing body, may elect from time to time to cover its members, whose political  
3 subdivision employment is concurrently covered by federal Social Security, under one of the benefit  
4 programs provided for in this section. Each political subdivision, by majority vote of its governing  
5 body, may elect from time to time to cover its members, whose political subdivision employment is  
6 not concurrently covered by federal Social Security, under one of the benefit programs provided for  
7 in this section. The clerk or secretary of the political subdivision shall certify the election of the  
8 benefit program to the board within ten days after such vote. The effective date of the political  
9 subdivision's benefit program is the first day of the calendar month specified by such governing  
10 body, or the first day of the calendar month next following receipt by the board of the certification  
11 of election of benefit program, or the effective date of the political subdivision becoming an  
12 employer, whichever is the latest. Such election of benefit program may be changed from time to  
13 time by such vote, but not more often than biennially. If such changed benefit program provides  
14 larger allowances than the benefit program previously in effect, then such larger benefit program  
15 shall be applicable to the past and future employment with the employer by present and future  
16 employees. If such changed benefit program provides smaller allowances than the benefit program  
17 previously in effect, then such changed benefit program shall be applicable only to credited service  
18 for employment rendered from and after the effective date of such change. After August 28, 1994,  
19 political subdivisions shall not elect coverage under benefit program LT-4, benefit program LT-5, or  
20 benefit program LT-8. After August 28, 2005, political subdivisions shall not elect coverage under  
21 benefit program L-9 or benefit program LT-10(65).

22           5. Should an employer change its election of benefit program as provided in this section, the  
23 employer contributions shall be correspondingly changed effective the same date as the benefit  
24 program change.

25           6. The limitation on increases in an employer's contribution provided by subsection 6 of  
26 section 70.730 shall not apply to any contribution increase resulting from an employer electing a  
27 benefit program which provides larger allowances.

28           7. Subject to the provisions of subsections 8 and 9 ~~[and 10]~~ of this section, for an allowance  
29 becoming effective on September 28, 1975, or later, and beginning with the October first which is at  
30 least twelve full months after the effective date of the allowance, the amount of the allowance shall  
31 be redetermined effective each October first and such redetermined amount shall be payable for the  
32 ensuing year. Subject to the limitations stated in the next sentence, such redetermined amount shall  
33 be the amount of the allowance otherwise payable multiplied by the following percent: one hundred  
34 percent, plus two percent for each full year (excluding any fraction of a year) in the period from the  
35 effective date of the allowance to the current October first. In no event shall such redetermined  
36 amount (1) be less than the amount of the allowance otherwise payable nor (2) be more than the  
37 amount of the allowance otherwise payable multiplied by the following fraction: the numerator  
38 shall be the Consumer Price Index for the month of June immediately preceding such October first  
39 (but in no event an amount less than the denominator below) and the denominator shall be the

Consumer Price Index for the month of June immediately preceding the effective date of the allowance. As used herein, "Consumer Price Index" means a measure of the Consumer Price Index [for Urban Wage Earners and Clerical Workers,] as determined by the United States Department of Labor and adopted by the board of trustees [in effect January 1, 1975; provided, should such Consumer Price Index be restructured subsequent to 1974 in a manner materially changing its character, the board shall change the application of the Consumer Price Index so that as far as is practicable the 1975 intent of the use of the Consumer Price Index shall be continued]. As used herein "the amount of the allowance otherwise payable" means the amount of the allowance which would be payable without regard to these provisions redetermining allowance amounts after retirement.

8. ~~[Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, the maximum allowance payable under the provisions of section 70.685 shall be redetermined each October first in the same manner as an allowance is redetermined under the provisions of subsection 7 of this section.]~~

9.] (1) The system establishes reserves for the payment of future allowances to retirants and beneficiaries. Should the board determine, after consulting with the actuary, that the established reserves are more than sufficient to provide such allowances, the board may increase the annual increase rate provided for in ~~[subsections]~~ subsection 7 ~~[and 8]~~ of this section, as it applies to any allowance payable, but in no event shall the total of all redetermined amounts as of October first of any year be greater than one hundred four percent of the allowances which would have been payable that October first without such redeterminations; provided, as of any redetermination date the same annual increase rate shall be applied to all allowances with effective dates in the range of November first to October first of the following year. The board may extend the provisions of ~~[subsections]~~ subsection 7 ~~[and 8]~~ of this section to allowances which became effective before September 28, 1975; provided such an action by the board shall not increase an employer contribution rate then in effect;

(2) After August 28, 1993, the annual increase rate established by this subsection shall be a compound rate, compounded annually, and the four percent annual maximum rate shall also be a compound rate, compounded annually; provided, the use of such compounding shall not begin until October 1, 1993, and shall not affect redeterminations made prior to that date.

~~[40.]~~ 9. Should the board determine that the provisions of subsections ~~7[-8]~~ and ~~[9]~~ 8 of this section are jeopardizing the financial solvency of the system, the board shall suspend these provisions redetermining allowance amounts after retirement for such periods of time as the board deems appropriate.

70.680. 1. Any member in service with five or more years of credited service who has not attained the age and service requirements of section 70.645 and who becomes totally and permanently physically or mentally incapacitated for his duty as an employee, as the result of a personal injury or disease, may be retired by the board upon written application filed with the board by or on behalf of the member; provided, that after a medical examination of such member made by

1 or under the direction of a medical committee consisting of three physicians, one of whom shall be  
2 selected by the board, one by or on behalf of such member, and the third by the first two physicians  
3 so named, the medical committee reports to the board, by majority opinion in writing, that such  
4 member is physically or mentally totally incapacitated for the further performance of duty, that such  
5 incapacity will probably be permanent and that such member should be retired.

6 2. Upon disability retirement, as provided in subsection 1 of this section, a member shall  
7 receive an allowance for life provided for in section 70.655 and shall have the right to elect an  
8 option provided for in section 70.660. His or her disability retirement and allowance shall be  
9 subject to the provisions of subsection 5 of this section ~~[and to the provisions of section 70.685]~~.

10 3. Any member in service who becomes totally and permanently physically or mentally  
11 incapacitated for his duty as an employee, as the natural and proximate result of a personal injury or  
12 disease which the board finds to have arisen out of and in the course of his actual performance of  
13 duty as an employee, may be retired by the board upon written application filed with the board by or  
14 on behalf of the member; provided, that after a medical examination of such member made by or  
15 under the direction of a medical committee consisting of three physicians, one of whom shall be  
16 selected by the board, one by or on behalf of such member, and the third by the first two physicians  
17 so named, the medical committee reports to the board, by majority opinion in writing, that such  
18 member is physically or mentally totally incapacitated for the further performance of duty, that such  
19 incapacity will probably be permanent, and that such member should be retired.

20 4. Upon disability retirement as provided in subsection 3 of this section, a member shall  
21 receive an allowance for life provided for in section 70.655; provided, that for the sole purpose of  
22 computing the amount of such allowance, he or she shall be given credited service for the period  
23 from the date of his or her disability retirement to the date he or she would attain age sixty. He or  
24 she shall have the right to elect an option provided for in section 70.660. His or her disability  
25 retirement and allowance shall be subject to the provisions of subsection 5 of this section ~~[and to the~~  
26 ~~provisions of section 70.685]~~.

27 5. At least once each year during the first five years following a member's retirement on  
28 account of disability, and at least once in each three-year period thereafter, the board shall require  
29 any disability retirant who has not attained his minimum service retirement age to undergo a  
30 medical examination to be made by a physician designated by the board. If the retirant refuses to  
31 submit to medical examination in any such period, his disability allowance shall be suspended by  
32 the board until his withdrawal of such refusal. If such refusal continues for one year, all his rights in  
33 and to a disability allowance shall be revoked by the board. If, upon medical examination of the  
34 retirant, the physician reports to the board that the retirant is physically and mentally able and  
35 capable of resuming his duty as an employee in the position held by him at the time of his disability  
36 retirement, then the board shall, if demanded by the retirant, arrange a further medical examination  
37 of such member made by or under the direction of a medical committee consisting of three  
38 physicians, one of whom shall be selected by the board, one by or on behalf of the member, and the  
39 third by the first two physicians named. Should the medical committee concur, by majority opinion

1 in writing to the board, the disability retirant is capable of resumption of duty, his disability  
 2 retirement shall terminate and he shall be returned to duty and he shall immediately again become a  
 3 member of the system, his credited service at the time of disability retirement shall be restored to his  
 4 credit, and the amount of his accumulated contributions at the time of his disability retirement shall  
 5 be restored to his credit in the members deposit fund. If he was in receipt of a duty disability  
 6 allowance provided for in subsection 3 of this section, he shall also be given service credit for the  
 7 period he was in receipt of the duty disability allowance.

8 70.690. 1. In the event a member ceases to be a member other than by death before the date  
 9 he becomes entitled to retire with an allowance payable by the system, he shall be paid, upon his  
 10 written application filed with the board, his accumulated contributions standing to his credit in the  
 11 members deposit fund.

12 2. In the event a member dies, and no allowance becomes or will become payable by the  
 13 system on account of his death, his accumulated contributions standing to his credit in the members  
 14 deposit fund at the time of his death shall be paid to such person or persons as he shall have  
 15 nominated by written designation duly executed and filed with the board. If there be no such  
 16 designated person or persons surviving such member, such accumulated contributions shall be paid  
 17 to his surviving spouse, or to his estate if there is no surviving spouse.

18 3. In the event a member's membership in the system terminates, and no allowance becomes  
 19 or will become payable on his account, any accumulated contributions standing to his credit in the  
 20 members deposit fund unclaimed by such member or his legal representative within ~~three~~ ten years  
 21 after the date his membership terminated, shall be transferred to the income-expense fund. If  
 22 thereafter proper application is made for such accumulated contributions, the board shall pay them  
 23 from the income-expense fund, but without interest after the date payment was first due.

24 70.745. 1. The board shall be the trustees of the funds of the system. Subject to the  
 25 provisions of any applicable federal or state laws, the board shall have full power to invest and  
 26 reinvest the moneys of the system, and to hold, purchase, sell, assign, transfer or dispose of any of  
 27 the securities and investments in which such moneys shall have been invested, as well as the  
 28 proceeds of such investments and such moneys.

29 2. The board of trustees may deliberate about, or make tentative or final decisions on,  
 30 investments or other financial matters in a closed meeting under chapter 610 if disclosure of the  
 31 deliberations or decisions would jeopardize the ability to implement a decision or to achieve  
 32 investment objectives. A record of the retirement system that discloses deliberations about, or a  
 33 tentative decision on, investments or other financial matters is not a public record under chapter 610  
 34 to the extent and so long as its disclosure would jeopardize the ability to implement a decision or to  
 35 achieve investment objectives.

36 70.746. Notwithstanding any other provision of law to the contrary, the board of trustees  
 37 may delegate to its duly appointed investment counselor authority to act in place of the board in the  
 38 investment and reinvestment of all or part of the moneys of the system, and may also delegate to  
 39 such counselor the authority to act in place of the board in the holding, purchasing, selling,

1 assigning, transferring, or disposing of any or all of the securities and investments in which such  
 2 moneys shall have been invested, as well as the proceeds of such investments and such moneys.  
 3 ~~[Such investment counselor shall be registered as an investment advisor with the United States~~  
 4 ~~Securities and Exchange Commission.]~~ In exercising or delegating its investment powers and  
 5 authority, members of the board shall exercise ordinary business care and prudence under the facts  
 6 and circumstances prevailing at the time of the action or decision. In so doing, the board shall  
 7 consider the long- and short-term needs of the system in carrying out its purposes, the system's  
 8 present and anticipated financial requirements, the expected total return on the system's investment,  
 9 general economic conditions, income, growth, long-term net appreciation, and probable safety of  
 10 funds. No member of the board shall be liable for any action taken or omitted with respect to the  
 11 exercise of or delegation of these powers and authority if such member shall have discharged the  
 12 duties of his or her position in good faith and with that degree of diligence, care, and skill which  
 13 prudent men and women would ordinarily exercise under similar circumstances in a like position.

14 70.747. Notwithstanding any other provision of law to the contrary, the board shall have full  
 15 power to invest and reinvest the funds and moneys of the system in improved real estate, including  
 16 collective real estate funds and real estate investment trusts, wherever situated~~]; provided, however,~~  
 17 ~~that not more than one-tenth of the funds and moneys of the system at the time of such investment~~  
 18 ~~shall be so invested].~~

19 70.748. 1. Notwithstanding the provisions of section 105.662 to the contrary, the board may  
 20 set up and maintain a local government employee retirement systems of Missouri investment fund  
 21 account in which investment and reinvestment of all or part of the moneys of the retirement system  
 22 may be placed and be available for investment purposes.

23 2. For the purpose of investing the funds of the retirement system, the funds may be  
 24 combined with the funds of any retirement plan that is administered by the retirement system under  
 25 section 70.621 and any retirement plan established for the purpose of providing benefits for  
 26 employees of the system, but the funds of each plan shall be accounted for separately and for all  
 27 other reporting purposes shall be separate.

28 3. The board of trustees may promulgate such rules and regulations consistent with the  
 29 provisions of this section as deemed necessary for its proper administration, pursuant to the  
 30 provisions of this section and this chapter. Any rule or portion of a rule, as that term is defined in  
 31 section 536.010, that is created under the authority delegated in this section shall become effective  
 32 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
 33 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested  
 34 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
 35 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
 36 authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

37 86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a  
 38 different meaning is plainly required by the context, shall have the following meanings:

39 (1) "Accumulated contributions", the sum of all mandatory contributions deducted from the



1 compensation of a member and credited to the member's individual account, together with members'  
2 interest thereon;

3 (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of  
4 mortality tables and interest assumptions adopted by the board of trustees;

5 (3) "Average final compensation":

6 (a) With respect to a member who earns no creditable service on or after October 1, 2001,  
7 the average earnable compensation of the member during the member's last three years of creditable  
8 service as a police officer, or if the member has had less than three years of creditable service, the  
9 average earnable compensation of the member's entire period of creditable service;

10 (b) With respect to a member who is not participating in the DROP pursuant to section  
11 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and  
12 who earns any creditable service on or after October 1, 2001, the average earnable compensation of  
13 the member during the member's last two years of creditable service as a policeman, or if the  
14 member has had less than two years of creditable service, then the average earnable compensation  
15 of the member's entire period of creditable service;

16 (c) With respect to a member who is participating in the DROP pursuant to section 86.251  
17 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active  
18 participation in the system pursuant to section 86.251, and who terminates employment as a police  
19 officer for reasons other than death or disability before earning at least two years of creditable  
20 service after such return, the portion of the member's benefit attributable to creditable service earned  
21 before DROP entry shall be determined using average final compensation as defined in paragraph  
22 (a) of this subdivision; and the portion of the member's benefit attributable to creditable service  
23 earned after return to active participation in the system shall be determined using average final  
24 compensation as defined in paragraph (b) of this subdivision;

25 (d) With respect to a member who is participating in the DROP pursuant to section 86.251  
26 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to  
27 active participation in the system pursuant to section 86.251, and who terminates employment as a  
28 police officer after earning at least two years of creditable service after such return, the member's  
29 benefit attributable to all of such member's creditable service shall be determined using the  
30 member's average final compensation as defined in paragraph (b) of this subdivision;

31 (e) With respect to a member who is participating in the DROP pursuant to section 86.251  
32 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active  
33 participation in the system pursuant to section 86.251, and whose employment as a police officer  
34 terminates due to death or disability after such return, the member's benefit attributable to all of such  
35 member's creditable service shall be determined using the member's average final compensation as  
36 defined in paragraph (b) of this subdivision; and

37 (f) With respect to the surviving spouse or surviving dependent child of a member who  
38 earns any creditable service on or after October 1, 2001, the average earnable compensation of the  
39 member during the member's last two years of creditable service as a police officer or, if the

1 member has had less than two years of creditable service, the average earnable compensation of the  
 2 member's entire period of creditable service;

3 (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

4 (5) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the  
 5 retirement system;

6 (6) "Creditable service", prior service plus membership service as provided in sections  
 7 86.200 to 86.366;

8 (7) "DROP", the deferred retirement option plan provided for in section 86.251;

9 (8) "Earnable compensation", the annual salary [~~established under section 84.160 which~~] a  
 10 member would earn during one year on the basis of the member's rank or position, plus any  
 11 additional compensation for academic work and shift differential, that [~~may be provided~~] is set by  
 12 any state or municipal body or official [~~or board~~] now or hereafter authorized by law to employ and  
 13 manage a permanent police force in such cities. Such amount shall include the member's deferrals  
 14 to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a  
 15 cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to  
 16 a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code.  
 17 "Earnable compensation" shall not include a member's additional compensation for overtime,  
 18 standby time, court time, nonuniform time or unused vacation time. Further, "earnable  
 19 compensation" shall not include any funds received by a member through a judgment or settlement  
 20 of a legal action or claim made or threatened by the member against any city not within a county if  
 21 the funds are intended to retroactively compensate the member for the salary differential between  
 22 the member's actual rank and the rank the member claims he or she should have received.

23 Notwithstanding the foregoing, the earnable compensation taken into account under the plan  
 24 established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible  
 25 participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996,  
 26 shall not exceed the amount of compensation that may be taken into account under Section  
 27 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan  
 28 year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes  
 29 a member on or after the first day of the first plan year beginning after the earlier of:

30 (a) The last day of the plan year that includes August 28, 1995; or

31 (b) December 31, 1995;

32 (9) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

33 (10) "Mandatory contributions", the contributions required to be deducted from the salary of  
 34 each member who is not participating in DROP in accordance with section 86.320;

35 (11) "Medical board", the health care organization appointed by the trustees of the police  
 36 retirement board and responsible for arranging and passing upon all medical examinations required  
 37 under the provisions of sections 86.200 to 86.366, which shall investigate all essential statements  
 38 and certificates made by or on behalf of a member in connection with an application for disability  
 39 retirement and shall report in writing to the board of trustees its conclusions and recommendations;

1 (12) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

2 (13) "Members' interest", interest on accumulated contributions at such rate as may be set  
3 from time to time by the board of trustees;

4 (14) "Membership service", service as a policeman rendered since last becoming a member,  
5 except in the case of a member who has served in the Armed Forces of the United States and has  
6 subsequently been reinstated as a policeman, in which case "membership service" means service as  
7 a policeman rendered since last becoming a member prior to entering such armed service;

8 (15) "Plan year" or "limitation year", the twelve consecutive-month period beginning each  
9 October first and ending each September thirtieth;

10 (16) "Policeman" or "police officer", any member of the police force of such cities who  
11 holds a rank in such police force;

12 (17) "Prior service", all service as a policeman rendered prior to the date the system  
13 becomes operative or prior to membership service which is creditable in accordance with the  
14 provisions of sections 86.200 to 86.366;

15 (18) "Reserve officer", any member of the police reserve force of such cities, armed or  
16 unarmed, who works less than full time, without compensation, and who, by his or her assigned  
17 function or as implied by his or her uniform, performs duties associated with those of a police  
18 officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

19 (19) "Retirement allowance", annual payments for life as provided by sections 86.200 to  
20 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted  
21 to a member upon termination of employment as a police officer and actual retirement;

22 (20) "Retirement system", the police retirement system of the cities as defined in sections  
23 86.200 to 86.366;

24 (21) "Surviving spouse", the surviving spouse of a member who was the member's spouse at  
25 the time of the member's death."; and

26  
27 Further amend said bill, Page 7, Section 87.260, Line 20, by inserting after all of said section and  
28 line the following:

29  
30 "105.688. The assets of a system may be invested, reinvested and managed by an  
31 investment fiduciary subject to the terms, conditions and limitations provided in sections 105.687 to  
32 105.689. An investment fiduciary shall discharge his or her duties in the interest of the participants  
33 in the system and their beneficiaries and shall:

34 (1) Act with the same care, skill, prudence, and diligence under the circumstances then  
35 prevailing that a prudent person acting in a similar capacity and familiar with those matters would  
36 use in the conduct of a similar enterprise with similar aims;

37 (2) Act with due regard for the management, reputation, and stability of the issuer and the  
38 character of the particular investments being considered;

39 (3) Make investments for the purposes of providing benefits to participants and participants'  
40 beneficiaries, and of defraying reasonable expenses of investing the assets of the system;

(4) Give appropriate consideration to those facts and circumstances that the investment fiduciary knows or should know are relevant to the particular investment or investment course of action involved, including the role of the investment or investment course of action plays in that portion of the system's investments for which the investment fiduciary has responsibility. For purposes of this subdivision, "appropriate consideration" shall include, but is not necessarily limited to a determination by the investment fiduciary that a particular investment or investment course of action is reasonably designed, as part of the investments of the system, to further the purposes of the system, taking into consideration the risk of loss and the opportunity for gain or other return associated with the investment or investment course of action; and consideration of the following factors as they relate to the investment or investment course of action:

- (a) The diversification of the investments of the system;
- (b) The liquidity and current return of the investments of the system relative to the anticipated cash flow requirements of the system; and
- (c) The projected return of the investments of the system relative to the funding objectives of the system;

(5) Give appropriate consideration to investments which would enhance the general welfare of this state and its citizens if those investments offer the safety and rate of return comparable to other investments available to the investment fiduciary at the time the investment decision is made; and

(6) Not be prohibited from closing records to the extent that such records relate to information submitted by an individual, corporation, or other business entity in connection with investments in or financial transactions with business entities for investment purposes."; and

Further amend said bill, Page 14, Section 190.106, Line 20, by inserting after said section and line the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

- (1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor

1 plus, if the health care provider has contracted for off-site records storage and management, any  
 2 additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six  
 3 cents, as adjusted annually pursuant to subsection 6 of this section; or

4 (b) The records shall be furnished electronically upon payment of the search, retrieval, and  
 5 copying fees set under this section at the time of the request or one hundred eight dollars and eighty-  
 6 eight cents total, whichever is less, if such person:

7 a. Requests health records to be delivered electronically in a format of the health care  
 8 provider's choice;

9 b. The health care provider stores such records completely in an electronic health record;  
 10 and

11 c. The health care provider is capable of providing the requested records and affidavit, if  
 12 requested, in an electronic format;

13 (2) Postage, to include packaging and delivery cost;

14 (3) Notary fee, not to exceed two dollars, if requested.  
 15

16 Such fee shall be the fee in effect on February 1, 2018, increased or decreased annually under this  
 17 section.

18 3. For purposes of subsections 1 and 2 of this section, "a copy of his or her record of that  
 19 patient's health history and treatment rendered" or "the patient's health care records" includes a  
 20 statement or record that no such health history or treatment record responsive to the request exists.

21 4. Notwithstanding provisions of this section to the contrary, providers may charge for the  
 22 reasonable cost of all duplications of health care record material or information which cannot  
 23 routinely be copied or duplicated on a standard commercial photocopy machine.

24 5. The transfer of the patient's record done in good faith shall not render the provider liable  
 25 to the patient or any other person for any consequences which resulted or may result from disclosure  
 26 of the patient's record as required by this section.

27 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be  
 28 increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city  
 29 average, annual average inflation rate of the medical care component of the Consumer Price Index  
 30 for All Urban Consumers (CPI-U). The current reference base of the index, as published by the  
 31 Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference  
 32 base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-  
 33 month calendar year beginning in January and ending in December of each preceding calendar year.  
 34 The department of health and senior services shall report the annual adjustment and the adjusted  
 35 fees authorized in this section on the department's internet website by February first of each year.

36 7. A health care provider may disclose a deceased patient's health care records or payment  
 37 records to the executor or administrator of the deceased person's estate, or pursuant to a valid,  
 38 unrevoked power of attorney for health care that specifically directs that the deceased person's  
 39 health care records be released to the agent after death. If an executor, administrator, or agent has

1 not been appointed, the deceased prior to death did not specifically object to disclosure of his or her  
2 records in writing, and such disclosure is not inconsistent with any prior expressed preference of the  
3 deceased that is known to the health care provider, a deceased patient's health care records may be  
4 released upon written request of a person who is deemed as the personal representative of the  
5 deceased person under this subsection. Priority shall be given to the deceased patient's spouse and  
6 the records shall be released on the affidavit of the surviving spouse that he or she is the surviving  
7 spouse. If there is no surviving spouse, the health care records may be released to one of the  
8 following persons:

9 (1) The acting trustee of a trust created by the deceased patient either alone or with the  
10 deceased patient's spouse;

11 (2) An adult child of the deceased patient on the affidavit of the adult child that he or she is  
12 the adult child of the deceased;

13 (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent  
14 of the deceased;

15 (4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or  
16 sister that he or she is the adult brother or sister of the deceased;

17 (5) A guardian or conservator of the deceased patient at the time of the patient's death on the  
18 affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased;  
19 or

20 (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian  
21 that he or she is the guardian ad litem of the minor child of the deceased.

22 8. (1) Records containing a patient's health history and treatment created by an emergency  
23 care provider, as defined in section 191.630, or a telecommunicator first responder, as defined in  
24 section 650.320, in the course of the provider's or responder's official duties while responding to a  
25 formal request for assistance shall be made available, upon written request, to any person authorized  
26 to obtain the patient's health care records under the provisions of this section, or in response to a  
27 subpoena or court order.

28 (2) The furnishing of health care records under this subsection may be conditioned upon the  
29 payment of a fee in an amount equal to the fee allowed for the furnishing of any other health care  
30 record under this section.

31 (3) Personal health information, including patient health history and treatment, shall not be  
32 considered a public record, as described under chapter 610. Nothing in this section shall limit the  
33 release of information or public records with personal health information that is redacted regarding  
34 the general nature of the event.

35 (4) Nothing in this subsection shall limit the release of information to facilitate the normal  
36 delivery of patient care or to evaluate the quality of care as part of an established quality  
37 improvement program."; and  
38

1 Further amend said bill, Page 24, Section 287.243, Line 175, by inserting after all of said section  
2 and line the following:

3  
4 "292.606. 1. Fees shall be collected for a period of six years from August 28, ~~[2018]~~ 2025.

5 2. (1) Any employer required to report under subsection 1 of section 292.605, except local  
6 governments and family-owned farm operations, shall submit an annual fee to the commission of  
7 one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities  
8 shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation  
9 selling, delivering or transporting petroleum or petroleum products and whose primary business  
10 deals with petroleum products or who is covered by the provisions of chapter 323, if such person,  
11 firm or corporation is paying fees under the provisions of the federal hazardous materials  
12 transportation registration and fee assessment program, shall deduct such federal fees from those  
13 fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal  
14 to what would otherwise be owed under this subsection, such employer shall not be liable for state  
15 fees under this subsection. In relation to petroleum products "primary business" shall mean that the  
16 person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from  
17 the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades  
18 of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes,  
19 naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline  
20 are considered to be one product, and all varieties of motor lubricating oil are considered to be one  
21 product. For the purposes of this section "facility" shall mean all buildings, equipment, structures  
22 and other stationary items that are located on a single site or on contiguous or adjacent sites and  
23 which are owned or operated by the same person. If more than three hazardous substances or  
24 mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee  
25 for each hazardous substance or mixture. Fees collected under this subdivision shall be for each  
26 hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely  
27 hazardous substances on hand at any one time in excess of five hundred pounds or the threshold  
28 planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in  
29 excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per  
30 year in fees. Moneys acquired through litigation and any administrative fees paid pursuant to  
31 subsection 3 of this section shall not be applied toward this cap.

32 (2) Employers engaged in transporting hazardous materials by pipeline except local gas  
33 distribution companies regulated by the Missouri public service commission shall pay to the  
34 commission a fee of two hundred fifty dollars for each county in which they operate.

35 (3) Payment of fees is due each year by March first. A late fee of ten percent of the total  
36 owed, plus one percent per month of the total, may be assessed by the commission.

37 (4) If, on March first of each year, fees collected under this section and natural resources  
38 damages made available pursuant to section 640.235 exceed one million dollars, any excess over  
39 one million dollars shall be proportionately credited to fees payable in the succeeding year by each

1 employer who was required to pay a fee and who did pay a fee in the year in which the excess  
2 occurred. The limit of one million dollars contained herein shall be reviewed by the commission  
3 concurrent with the review of fees as required in subsection 1 of this section.

4 3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1  
5 of section 292.605 may request that the commission distribute that employer's Tier II report to the  
6 local emergency planning committees and fire departments listed in its Tier II report. Any employer  
7 opting to have the commission distribute its Tier II report shall pay an additional fee of ten dollars  
8 for each facility listed in the report at the time of filing to recoup the commission's distribution  
9 costs. Fees shall be deposited in the chemical emergency preparedness fund established under  
10 section 292.607. An employer who pays the additional fee and whose Tier II report includes all  
11 local emergency planning committees and fire departments required to be notified under subsection  
12 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The  
13 commission shall develop a mechanism for an employer to exercise its option to have the  
14 commission distribute its Tier II report.

15 4. Local emergency planning committees receiving funds under section 292.604 shall  
16 coordinate with the commission and the department in chemical emergency planning, training,  
17 preparedness, and response activities. Local emergency planning committees receiving funds under  
18 this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall  
19 provide to the commission an annual report of expenditures and activities.

20 5. Fees collected by the department and all funds provided to local emergency planning  
21 committees shall be used for chemical emergency preparedness purposes as outlined in sections  
22 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;  
23 exercising, evaluating, and distributing plans, providing training related to chemical emergency  
24 preparedness and prevention of chemical accidents; identifying facilities required to report;  
25 processing the information submitted by facilities and making it available to the public; receiving  
26 and handling emergency notifications of chemical releases; operating a local emergency planning  
27 committee; and providing public notice of chemical preparedness activities. Local emergency  
28 planning committees receiving funds under this section may combine such funds with other local  
29 emergency planning committees to further the purposes of sections 292.600 to 292.625, or the  
30 federal act.

31 6. The commission shall establish criteria and guidance on how funds received by local  
32 emergency planning committees may be used.

33 7. A one-time fee shall be assessed in accordance with subsection 2 of this section and shall  
34 be calculated based on the filing due on March 1, 2025, and shall be paid by November 1, 2025."  
35 and

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.