

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 735 & 686
103RD GENERAL ASSEMBLY

0490H.03C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 104.200, 104.490, 104.1060, and 104.1092, RSMo, and to enact in lieu thereof five new sections relating to public employee retirement benefits.

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

Section A. Sections 104.200, 104.490, 104.1060, and 104.1092, RSMo, are repealed
2 and five new sections enacted in lieu thereof, to be known as sections 104.200, 104.490,
3 104.1060, 104.1092, and 105.695, to read as follows:

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

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, **to recover any overpayments, may accept**
4 **single sum or installment repayment or** make future payments in such a manner that the
5 actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be
6 paid~~[-and to this end may recover any overpayments]~~. In all cases in which such error has
7 been made, no such error shall be corrected unless the system discovers or is notified of such

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.

8 error within ten years after the member's annuity starting date or the date of error, whichever
9 occurs later. In cases of fraud, any error discovered shall be corrected without concern to the
10 amount of time that has passed.

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

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

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, **to recover any overpayments, may accept single sum
4 or installment repayment or** make future payments in such a manner that the actuarial
5 equivalent of the annuity to which such person was entitled shall be paid~~], and to this end may
6 recover any overpayments]~~. In all cases in which such error has been made, no such error
7 shall be corrected unless the system discovers or is notified of such error within ten years after
8 the member's annuity starting date or the date of error, whichever occurs later. In cases of
9 fraud, any error discovered shall be corrected without concern to the amount of time that has
10 passed.

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

14 3. A board shall not pay an annuity to any survivor or beneficiary who is charged with
15 the intentional killing of a member, retiree or survivor without legal excuse or justification. A
16 survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive
17 an annuity. If the survivor or beneficiary is not convicted of such charge, the board shall
18 resume annuity payments and shall pay the survivor or beneficiary any annuity payments that
19 were suspended pending resolution of such charge.

104.1092. 1. In lieu of retirement annuity benefits otherwise payable under the
2 closed plan or year 2000 plan, any member who has terminated employment, is entitled to a
3 deferred annuity, and has not yet reached normal retirement age or eligibility may make a
4 one-time election to receive a lump sum payment equal to a percentage of the present value of

5 such member's deferred annuity should a board choose to establish such a program by board
6 rule pursuant to section 104.1063.

7 2. Any such election under subsection 1 of this section may be made by the member
8 beginning on ~~[a date as established by the board under such program but not]~~ or after [May
9 31, 2018. ~~After May 31, 2018, no such election shall be made and retirement annuity benefits~~
10 ~~shall only be paid as otherwise provided by law under this chapter]~~ **January 1, 2026.**

11 3. Any such member making such election under subsection 1 of this section shall
12 forfeit all such member's creditable or credited service and future rights to receive retirement
13 annuity benefits from the system under this chapter and shall not be eligible to receive any
14 long-term disability benefits. If such member subsequently becomes an employee, such
15 member shall be considered a new employee with no prior credited service and shall be
16 subject to the provisions of section 104.1091.

**105.695. 1. No contribution or expenditure of system funds shall be made
2 directly by any public pension system to advocate, support, or oppose the passage or
3 defeat of any ballot measure or the nomination or election of any candidate for public
4 office. Nor shall any system funds pay any debts or obligations of, any committee
5 supporting or opposing such ballot measures or candidates.**

6 **2. For the purposes of this section, the term "system" shall be defined as any
7 retirement system established by the state of Missouri or any political subdivision or
8 instrumentality of the state for the purpose of providing plan benefits for elected or
9 appointed public officials or employees of the state of Missouri or any political
10 subdivision or instrumentality of the state.**

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