

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 222
102ND GENERAL ASSEMBLY

0176H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 104.160, 104.380, and 104.1039, RSMo, and to enact in lieu thereof three new sections relating to state employee retirement.

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

Section A. Sections 104.160, 104.380, and 104.1039, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 104.160, 104.380, and
3 104.1039, to read as follows:

104.160. The board of trustees shall consist of three members of the state highways
2 and transportation commission elected by the members of the commission. The
3 superintendent of the highway patrol and the director of the department of transportation
4 shall serve as members by virtue of their respective offices, and their successors shall succeed
5 them as members of the board of trustees. In addition, one member of the senate appointed
6 by the president pro tem of the senate and one member of the house of representatives,
7 appointed by the speaker of the house shall serve as members of the board of trustees. In
8 addition to the appointed legislators, two active employee members of the system shall be
9 elected by a plurality vote of the active employee members of the system, herein designated
10 for four-year terms to commence July 1, 1982, and every four years thereafter. One elected
11 member shall be elected from the active employees of the department of transportation and
12 one elected member shall be elected from the active employees of the civilian or uniformed
13 highway patrol. **The terms of the active employee representatives serving on the board**
14 **on August 28, 2026, shall continue until June 30, 2028. All terms of elected active**
15 **employee representatives shall be for four years after June 30, 2028.** In addition to the
16 two active employee members, two retirees of the system shall be elected to serve on the
17 board by a plurality vote of the retirees of the system. One retiree shall be elected by the

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.

18 retired employees of the transportation department and one retiree shall be elected by the
19 retired employees of the civilian or uniformed highway patrol. The retiree serving on the
20 board on August 28, 2007, shall continue to serve on the board as the representative of the
21 retired employees of the transportation department until June 30, 2010. An election shall be
22 held prior to January 1, 2008, for the retiree to be elected by the retired employees of the
23 civilian or uniformed highway patrol with said term to commence on January 1, 2008, and
24 expire on June 30, 2010. All terms of elected retired employees shall be for four years after
25 June 30, 2010. The board shall determine the procedures for nomination and election of the
26 elective board members. Nominations may be entered by any member of the system,
27 provided members of the system have a reasonable opportunity to vote.

104.380. **1.** If a retired member is elected to any state office or is appointed to any
2 state office or is employed by a department in a position normally requiring the performance
3 by the person of duties during not less than one thousand forty hours per year, the member
4 shall not receive an annuity for any month or part of a month for which the member serves as
5 an officer or employee~~[, but]~~ **except, notwithstanding the provisions of section 105.684 to**
6 **the contrary, those retired members serving as a member of the general assembly under**
7 **section 104.370 or an elected state official under section 104.371.**

8 **2.** **Upon reemployment under subsection 1 of this section,** the member shall be
9 considered to be a new employee with no previous creditable service and must accrue
10 creditable service continuously for at least one year in order to receive any additional annuity.
11 Any retired member who again becomes an employee and who accrues additional creditable
12 service and later retires shall receive an additional amount of monthly annuity calculated to
13 include only the creditable service and the average compensation earned by the member since
14 such employment or creditable service earned as a member of the general assembly. Years of
15 membership service and twelfths of a year are to be used in calculating any additional annuity
16 except for creditable service earned as a member of the general assembly, and such additional
17 annuity shall be based on the type of service accrued. In either event, the original annuity and
18 the additional annuity, if any, shall be paid commencing with the end of the first month after
19 the month during which the member's term of office has been completed, or the member's
20 employment terminated. If a retired member is employed by a department in a position that
21 does not normally require the person to perform duties during at least one thousand forty
22 hours per year, the member shall not be considered an employee as defined pursuant to
23 section 104.010. A retired member who becomes reemployed as an employee on or after
24 August 28, 2001, in a position covered by the Missouri department of transportation and
25 highway patrol employees' retirement system shall not be eligible to receive retirement
26 benefits or additional creditable service from the state employees' retirement system. Annual
27 benefit increases paid under section 104.415 shall not accrue while a retired member is

28 employed as described in this section **except, notwithstanding the provisions of section**
29 **105.684 to the contrary, those retired members serving as a member of the general**
30 **assembly under section 104.370 or an elected state official under section 104.371.** Any
31 future annual benefit increases paid after the member terminates such employment will be
32 paid in the same month as the member's original annual benefit increases were paid. Benefits
33 paid under subsection 3 of section 104.374 are not applicable to any additional annuity paid
34 under this section.

104.1039. If a retiree is employed as an employee by a department, the retiree shall
2 not receive an annuity payment for any calendar month in which the retiree is so employed
3 **except, notwithstanding the provisions of section 105.684 to the contrary, those retirees**
4 **serving as a member of the general assembly or as a statewide elected official under**
5 **section 104.1084.** While reemployed the retiree shall be considered to be a new employee
6 with no previous credited service and must accrue credited service continuously for at least
7 one year in order to receive any additional annuity. Such retiree shall receive an additional
8 annuity in addition to the original annuity, calculated based only on the credited service and
9 the pay earned by such retiree during reemployment and paid in accordance with the annuity
10 option originally elected; provided such retiree who ceases to receive an annuity pursuant to
11 this section shall not receive such additional annuity if such retiree is employed by a
12 department in a position that is covered by a state-sponsored defined benefit retirement plan
13 not created pursuant to this chapter. The original annuity and any additional annuity shall be
14 paid commencing as of the end of the first month after the month during which the retiree's
15 reemployment terminates. Cost-of-living adjustments paid under section 104.1045 shall not
16 accrue while a retiree is employed as described in this section **except, notwithstanding the**
17 **provisions of section 105.684 to the contrary, those retirees serving as a member of the**
18 **general assembly or as a statewide elected official under section 104.1084.** Any future
19 cost-of-living adjustments paid after the retiree terminates such employment will be paid in
20 the same month as the retiree's original annual benefit increases were paid.

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