

FIRST REGULAR SESSION

HOUSE BILL NO. 630

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEARA.

1590H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 86.1110 and 86.1500, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits.

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

Section A. Sections 86.1110 and 86.1500, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 86.1110 and 86.1500, to read as follows:

86.1110. 1. Whenever a member is given a leave of absence for military service and
2 returns to employment after discharge from the service, such member shall be entitled to
3 creditable service for the years of employment prior to the leave of absence.

4 2. Except as provided in subsection 3 of this section, a member who served on active
5 duty in the Armed Forces of the United States and who became a member, or returned to
6 membership, after discharge under honorable conditions, may elect prior to retirement to
7 purchase creditable service equivalent to such service in the Armed Forces, not to exceed two
8 years, provided the member is not receiving and is not eligible to receive retirement credits or
9 benefits from any other public or private retirement plan for the service to be purchased, other
10 than a United States military service retirement system or United States Social Security benefits
11 attributable to such military service, and an affidavit so stating is filed by the member with the
12 retirement system. A member electing to make such purchase shall pay to the retirement system
13 an amount equal to the actuarial cost of the additional benefits attributable to the additional
14 service credit to be purchased, as of the date the member elects to make such purchase. Payment
15 in full of the amount due from a member electing to purchase creditable service under this
16 subsection shall be made over a period not to exceed five years, measured from the date of
17 election, or prior to the commencement date for payment of benefits to the member from 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 retirement system, whichever is earlier, including interest on unpaid balances compounded
19 annually at the interest rate assumed from time to time for actuarial valuations of the retirement
20 system. If payment in full including interest is not made within the prescribed period, any partial
21 payments made by the member shall be refunded, and no creditable service attributable to such
22 election, or as a result of any such partial payments, shall be allowed; provided that if a benefit
23 commencement date occurs because of the death or disability of a member who has made an
24 election under this subsection and if the member is current in payments under an approved
25 installment plan at the time of the death or disability, such election shall be valid if the member,
26 the surviving spouse, or other person entitled to benefit payments pays the entire balance of the
27 remaining amount due, including interest to the date of such payment, within sixty days after the
28 member's death or disability. The time of a disability shall be deemed to be the time when such
29 member is retired by the board of police commissioners for reason of disability as provided in
30 sections 86.900 to 86.1280.

31 3. Notwithstanding any other provision of sections 86.900 to 86.1280, **on or after**
32 **August 28, 2015**, a member who [is on leave of absence for military service during any portion
33 of which leave the United States is in a state of declared war, or a compulsory draft is in effect
34 for any of the military branches of the United States, or any units of the military reserves of the
35 United States, including the National Guard, are mobilized for combat military operations,]
36 **returns to service from a leave of absence for active duty military service** and who becomes
37 entitled to reemployment rights and other employment benefits under Title 38, Chapter 43 of the
38 U.S. Code, relating to employment and reemployment rights of members of the uniformed
39 services by meeting the requirements for such rights and benefits under Section 4312 of said
40 chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be
41 entitled to service credit for the time spent in such military service for all purposes of sections
42 86.900 to 86.1280 [and such member shall not be required to pay any member contributions for
43 such time. If it becomes necessary for the years of such service to be included in the calculation
44 of such member's compensation for any purpose, such member shall be deemed to have received
45 the same compensation throughout such period of service as the member's base annual salary
46 immediately prior to the commencement of such leave of absence; provided, however, that the
47 foregoing provisions of this subsection shall apply only to such portion of such leave with
48 respect to which the cumulative length of the absence and of all previous absences from a
49 position of employment with the employer by reason of service in the uniformed services does
50 not exceed five years except for such period of any such excess as meets the requirements for
51 exceptions to such five-year limitation set forth in the aforesaid Section 4312] **only to the extent**
52 **such member pays any required member contributions for such time. The amount of**
53 **required member contributions shall be calculated on the base compensation the member**

54 **would have received during such leave period. The total amount of service credit that will**
55 **be granted at the member contribution rate is limited to a maximum of five years. The**
56 **retirement board may waive the required contributions for military leave of absence, not**
57 **to exceed three years of creditable service, if the member provides duty orders under Title**
58 **10 or Title 32 U.S.C. and discharge from active duty documentation in the form of a DD214**
59 **or NGB23.**

86.1500. 1. Whenever a member is given a leave of absence for military service and
2 returns to employment after discharge from the service, such member shall be entitled to
3 creditable service for the years of employment prior to the leave of absence.

4 2. Except as provided in subsection 3 of this section, a member who served on active
5 duty in the Armed Forces of the United States and who became a member, or returned to
6 membership, after discharge under honorable conditions, may elect prior to retirement to
7 purchase creditable service equivalent to such service in the Armed Forces, not to exceed two
8 years, provided the member is not receiving and is not eligible to receive retirement credits or
9 benefits from any other public or private retirement plan for the service to be purchased, other
10 than a United States military service retirement system or United States Social Security benefits
11 attributable to such military service, and an affidavit so stating is filed by the member with the
12 retirement system. A member electing to make such purchase shall pay to the retirement system
13 an amount equal to the actuarial cost of the additional benefits attributable to the additional
14 service credit to be purchased, as of the date the member elects to make such purchase. Payment
15 in full of the amount due from a member electing to purchase creditable service under this
16 subsection shall be made over a period not to exceed five years, measured from the date of
17 election, or prior to the commencement date for payment of benefits to the member from the
18 retirement system, whichever is earlier, including interest on unpaid balances compounded
19 annually at the interest rate assumed from time to time for actuarial valuations of the retirement
20 system. If payment in full including interest is not made within the prescribed period, any partial
21 payments made by the member shall be refunded, and no creditable service attributable to such
22 election, or as a result of any such partial payments, shall be allowed; provided that if a benefit
23 commencement date occurs because of the death or disability of a member who has made an
24 election under this subsection and if the member is current in payments under an approved
25 installment plan at the time of the death or disability, such election shall be valid if the member,
26 the surviving spouse or other person entitled to benefit payments pays the entire balance of the
27 remaining amount due, including interest to the date of such payment, within sixty days after the
28 member's death or disability. The time of a disability shall be deemed to be the time when such
29 member is determined by the retirement board to be totally and permanently disabled as provided
30 in section 86.1560.

31 3. Notwithstanding any other provision of sections 86.1310 to 86.1640, **on or after**
32 **August 28, 2015**, a member who [is on leave of absence for military service during any portion
33 of which leave the United States is in a state of declared war, or a compulsory draft is in effect
34 for any of the military branches of the United States, or any units of the military reserves of the
35 United States, including the National Guard, are mobilized for combat military operations,]
36 **returns to service from a leave of absence for active duty military service** and who becomes
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39 services by meeting the requirements for such rights and benefits under Section 4312 of said
40 chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be
41 entitled to service credit for the time spent in such military service for all purposes of sections
42 86.1310 to 86.1640 [and such member shall not be required to pay any member contributions for
43 such time. If it becomes necessary for the years of such service to be included in the calculation
44 of such member's compensation for any purpose, such member shall be deemed to have received
45 the same compensation throughout such period of service as the member's base annual salary
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47 foregoing provisions of this subsection shall apply only to such portion of such leave with
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57 **to exceed three years of creditable service, if the member provides duty orders under Title**
58 **10 or Title 32 U.S.C. and discharge from active duty documentation in the form of a DD214**
59 **or NGB23.**

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