

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 677
101ST GENERAL ASSEMBLY

1353H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 50.1034, 50.1036, and 50.1038, RSMo, and to enact in lieu thereof two new sections relating to the county employees' retirement system, with penalty provisions.

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

Section A. Sections 50.1034, 50.1036, and 50.1038, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 50.1033 and 50.1034, to read as follows:

**50.1033. 1. Any participant whose compensation is collected partly or wholly from
2 fees or a combination of fees and salary must submit to the county clerk or payroll
3 department, not less than annually and no later than March 1 of each year for the
4 preceding calendar year, proof of all fees or salary received, less operating and other
5 expenses. For purposes of this section, the term "fees" shall include compensation and
6 commissions from activities performed by a county for another political subdivision,
7 including but not limited to collection of property taxes and preparation of tax books.**

**8 2. All contributions required by section 50.1040 must be remitted by the county,
9 through its standard payroll process, on the net amount of fees collected as compensation
10 and salary.**

**11 3. Any participant who is a county clerk upon separation from service, shall request
12 that the county commission complete a certification to be provided by the board or its
13 designee which verifies the length of employment and the two highest years of
14 compensation received by the county clerk. The county clerk must provide documentation
15 to the county commission to support the compensation figures as outlined by the rules and
16 regulations established under the authority of 50.1032.**

50.1034. 1. Should any error result in any member or beneficiary receiving more or less
2 than he or she should have been entitled to receive had the error not occurred, the board shall

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.

3 correct such error and, as far as practicable, make future payments in such a manner that the
4 actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be
5 paid, and to this end may recover any overpayment.

6 2. A person who knowingly makes a false statement, or falsifies or permits to be falsified
7 a record of the system, in an attempt to defraud the system is subject to fine or imprisonment
8 pursuant to the Missouri revised statutes. **For purposes of this subsection, falsifying a record**
9 **of the system shall include, but not be limited to, failing to report to the system**
10 **compensation earned in a given year and instead reporting such compensation to the**
11 **system as earned in the next year, along with any compensation actually earned in the next**
12 **year, in order to make the total compensation of such next year appear higher, thereby**
13 **inflating an employee's average final compensation.**

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

2 ~~[50.1036. 1. Should any error result in any member or beneficiary~~
3 ~~receiving more or less than he or she should have been entitled to receive had the~~
4 ~~error not occurred, the board shall correct such error and, as far as practicable,~~
5 ~~make future payments in such a manner that the actuarial equivalent of the~~
6 ~~benefit to which such member or beneficiary was entitled shall be paid, and to~~
7 ~~this end may recover any overpayment.~~

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

2 ~~[50.1038. The board of trustees of the county employees' retirement~~
3 ~~system shall cease paying benefits to any survivor or beneficiary who is charged~~
4 ~~with the intentional killing of a member without legal excuse or justification. A~~
5 ~~survivor or beneficiary who is convicted of such charge shall no longer be~~
6 ~~entitled to receive benefits. If the survivor or beneficiary is not convicted of such~~
7 ~~charge, the board shall resume payment of benefits and shall pay the survivor or~~
8 ~~beneficiary any benefits that were suspended pending resolution of such charge.]~~

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