

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 77

100TH GENERAL ASSEMBLY

0431H.01T

2019

AN ACT

To repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system, with an emergency clause.

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

Section A. Section 169.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 169.560, to read as follows:

169.560. 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely

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.

17 on the annual compensation of the highest paid position occupied by the retiree for at least
18 one-fifth of the total hours worked during the year. Such a person shall not contribute to the
19 retirement system or to the public education employee retirement system established by sections
20 169.600 to 169.715 because of earnings during such period of employment. If such a person is
21 employed in any capacity by such an employer in excess of the limitations set forth in this
22 subsection, the person shall not be eligible to receive the person's retirement allowance for any
23 month during which the person is so employed. In addition, such person shall contribute to the
24 retirement system if the person satisfies the retirement system's membership eligibility
25 requirements. In addition to the conditions set forth above, this subsection shall apply to any
26 person retired and currently receiving a retirement allowance under sections 169.010 to 169.141,
27 other than for disability, who is employed by a third party or is performing work as an
28 independent contractor, if such person is performing work for an employer included in the
29 retirement system as a temporary or long-term substitute teacher or in any other position that
30 would normally require that person to be duly certificated under the laws governing the
31 certification of teachers in Missouri if such person was employed by the district. The retirement
32 system may require the employer, the third-party employer, the independent contractor, and the
33 retiree subject to this subsection to provide documentation showing compliance with this
34 subsection. If such documentation is not provided, the retirement system may deem the retiree
35 to have exceeded the limitations provided in this subsection.

36 2. Notwithstanding any other provision of this section, any person retired and currently
37 receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for
38 disability, may be employed by an employer included in the retirement system created by those
39 sections in a position that does not normally require a person employed in that position to be duly
40 certificated under the laws governing the certification of teachers in Missouri, and through such
41 employment may earn up to sixty percent of the minimum teacher's salary as set forth in section
42 163.172, without a discontinuance of the person's retirement allowance. Such person shall not
43 contribute to the retirement system or to the public education employee retirement system
44 established by sections 169.600 to 169.715 because of earnings during such period of
45 employment, and such person shall not earn membership service for such employment. The
46 employer's contribution rate shall be paid by the hiring employer into the public education
47 employee retirement system established by sections 169.600 to 169.715. If such a person is
48 employed in any capacity by an employer in excess of the limitations set forth in this subsection,
49 the person shall not be eligible to receive the person's retirement allowance for any month during
50 which the person is so employed. In addition, such person shall become a member of and
51 contribute to any retirement system described in this subsection if the person satisfies the
52 retirement system's membership eligibility requirements. **The provisions of this subsection**

53 **shall not apply to any person retired and currently receiving a retirement allowance in**
54 **accordance with sections 169.010 to 169.141 employed by a public community college.**

Section B. Because of the importance of retired members of the public school retirement
2 system in providing course instruction at public community colleges, section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and section
5 A of this act shall be in full force and effect upon its passage and approval.

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