

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 934
102ND GENERAL ASSEMBLY

0468H.03P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 143.114, 169.070, 169.560, 169.596, and 476.521, RSMo, and to enact in lieu thereof fifty-two new sections relating to employment benefit plans.

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

Section A. Sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 2 86.287, 104.010, 104.020, 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312, 3 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 4 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 143.114, 5 169.070, 169.560, 169.596, and 476.521, RSMo, are repealed and fifty-two new sections 6 enacted in lieu thereof, to be known as sections 57.952, 57.961, 57.967, 57.991, 86.253, 7 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.160, 104.170, 8 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 9 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 10 104.1084, 104.1091, 143.114, 168.082, 169.070, 169.560, 169.596, 285.1000, 285.1005, 11 285.1010, 285.1015, 285.1020, 285.1025, 285.1030, 285.1035, 285.1040, 285.1045, 12 285.1050, 285.1055, and 476.521, to read as follows:

57.952. **1.** There is hereby authorized a "Sheriffs' Retirement Fund" which shall be 2 under the management of a board of directors described in section 57.958. The board of 3 directors shall be responsible for the administration and the investment of the funds 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.

4 sheriffs' retirement fund. ~~Neither~~ The general assembly ~~nor~~ **and** the governing body of a
5 county ~~shall~~ **may** appropriate funds for deposit in the sheriffs' retirement fund. If
6 insufficient funds are generated to provide the benefits payable pursuant to the provisions of
7 sections 57.949 to 57.997, the board shall proportion the benefits according to the funds
8 available.

9 **2. The board may accept gifts, donations, grants, and bequests from public or**
10 **private sources to the sheriffs' retirement fund.**

11 **3. Each county shall make the payroll deductions for member contributions**
12 **mandated under section 57.961, and the county shall transmit such moneys to the board**
13 **for deposit into the sheriffs' retirement fund.**

57.961. 1. On and after the effective date of the establishment of the system, as an
2 incident to his **or her** employment or continued employment, each person employed as an
3 elected or appointed sheriff of a county shall become a member of the system. Such
4 membership shall continue as long as the person continues to be an employee, or receives or
5 is eligible to receive benefits under the provisions of sections 57.949 to 57.997.

6 **2. Notwithstanding any other provision to the contrary, each person who is a**
7 **member of the system on or after January 1, 2024, shall be required to contribute five**
8 **percent of the member's pay to the retirement system. Such contribution shall be made**
9 **notwithstanding that the minimum salary or wages provided by law for any member**
10 **shall thereby be changed. Each member shall be deemed to consent and agree to the**
11 **deduction made and provided for herein. Payment of a member's compensation less**
12 **such deduction shall be a full and complete discharge and acquittance of all claims and**
13 **demands whatsoever for services rendered by him or her to a county, except as to**
14 **benefits provided by this system.**

15 **3. The officer or officers responsible for making up the payrolls for each county**
16 **shall cause the contribution provided for in this section to be deducted from the**
17 **compensation of the member in the employ of the county, on each and every payroll, for**
18 **each and every payroll to the date his or her membership terminates. When deducted,**
19 **each contribution shall be paid by the county to the system; the payments shall be made**
20 **in the manner and shall be accompanied by such supporting data as the board shall**
21 **from time to time prescribe. When paid to the system, each of the contributions shall be**
22 **credited to the member from whose compensation the contributions were deducted.**
23 **The contributions so deducted shall be treated as employee contributions for purposes**
24 **of determining the member's pay that is includable in the member's gross income for**
25 **federal income tax purposes.**

26 **4. Member contributions deducted and paid into the system by the county shall**
27 **be paid from the same source of funds used for the payment of pay to a member. A**

28 **deduction shall be made from each member's pay equal to the amount of the member's**
29 **contributions picked up by the employer. This deduction, however, shall not reduce the**
30 **member's pay for purposes of computing benefits under the retirement system under**
31 **this chapter.**

32 **5. The contributions, although designated as employee contributions, shall be**
33 **paid by the county in lieu of the contributions by the member. The member shall not**
34 **have the option of choosing to receive the contributed amounts directly instead of**
35 **having them paid by the county to the retirement system.**

36 **6. A former member who is not vested may request a refund of his or her**
37 **contributions. Such refund shall be paid by the system after ninety days from the date**
38 **of termination of employment or the request, whichever is later, and shall include all**
39 **contributions made to any retirement plan administered by the system.**

40 ~~[2-]~~ 7. Beginning September 1, 1986, any city not within a county and any county
41 having a charter form of government may elect, by a majority vote of its governing body, to
42 come under the provisions of sections 57.949 to 57.997 except for the provisions of section
43 57.955. Notice in writing of such election shall be given to the board, and the person
44 employed as sheriff of such county, as an incident of his contract of employment or continued
45 employment, shall become a member of the system on the first day of the month immediately
46 following the date the board receives notice. Such membership shall continue as long as the
47 person continues to be an employee, or receives or is eligible to receive benefits under the
48 provisions of sections 57.949 to 57.997, and upon becoming a member he shall receive credit
49 for all prior service as if he had become a member on December 22, 1983.

50 **8. Subject to the limitations under sections 57.949 to 57.997, the board shall have**
51 **the authority to formulate and adopt rules and regulations for the administration of**
52 **these provisions.**

57.967. 1. The normal annuity of a retired member shall equal two percent of the
2 final average compensation of the retired member multiplied by the number of years of
3 creditable service of the retired member, except that the normal annuity shall not exceed
4 seventy-five percent of the retired member's average final compensation. **Such annuity shall**
5 **be not less than one thousand dollars per month.**

6 2. The board, at its last meeting of each calendar year, shall determine the monthly
7 amount for medical insurance premiums to be paid to each retired member during the next
8 following calendar year. The monthly amount shall not exceed four hundred fifty dollars.
9 The monthly payments are at the discretion of the board on the advice of the actuary. The
10 anticipated sum of all such payments during the year plus the annual normal cost plus the
11 annual amount to amortize the unfunded actuarial accrued liability in no more than thirty
12 years shall not exceed the anticipated moneys credited to the system pursuant to ~~[section]~~

13 **sections 57.952 and 57.955.** The money amount granted here shall not be continued to any
14 survivor.

15 3. If a member with eight or more years of service dies before becoming eligible for
16 retirement, the member's surviving spouse, if he or she has been married to the member for at
17 least two years prior to the member's death, shall be entitled to survivor benefits under option
18 1 as set forth in section 57.979 as if the member had retired on the date of the member's death.
19 The member's monthly benefit shall be calculated as the member's accrued benefit at his or
20 her death reduced by one-fourth of one percent per month for an early commencement from
21 the member's normal retirement date: age fifty-five with twelve or more years of creditable
22 service or age sixty-two with eight years of creditable service, to the member's date of death.
23 Such benefit shall be payable on the first day of the month following the member's death and
24 shall be payable during the surviving spouse's lifetime.

57.991. **1. For members of the system prior to December 31, 2023,** the benefits
2 provided for by sections 57.949 to 57.997 shall in no way affect any person's eligibility for
3 retirement benefits under the local government employees' retirement system, sections 70.600
4 to 70.755, or any other local government retirement or pension system, or in any way have the
5 effect of reducing retirement benefits in such systems, or reducing compensation or mileage
6 reimbursement of employees, anything to the contrary notwithstanding.

7 **2. Any new or returning member employed under this section, on or after**
8 **January 1, 2024, shall be subject to the following provisions:**

9 **(1) A member of another state or local retirement or pension system who begins**
10 **employment in a position covered by the sheriffs' retirement system shall become a**
11 **member of the sheriffs' retirement system no later than thirty days after beginning the**
12 **employment;**

13 **(2) Eligibility for and calculation of disability retirement, death benefits, and**
14 **refund of contributions are governed by the provisions of the retirement system to**
15 **which the member last made contributions. The final salary or highest average**
16 **compensation for each calculation shall be based on the highest compensation earned**
17 **while a member of either system. Each system shall pay its proportionate share, based**
18 **on the number of years of service credit, of the combined benefit; and**

19 **(3) Subject to the limitations under sections 57.949 to 57.997, the board shall**
20 **have the authority to formulate and adopt rules and regulations for the administration**
21 **of these provisions.**

86.253. **1. Upon termination of employment as a police officer and actual retirement**
2 **for service, a member shall receive a service retirement allowance which shall be an amount**
3 **equal to two percent of the member's average final compensation multiplied by the number of**
4 **years of the member's creditable service, up to twenty-five years, plus an amount equal to four**

5 percent of the member's average final compensation for each year of creditable service in excess of twenty-five years but not in excess of thirty years; plus an additional five percent of the member's average final compensation for any creditable service in excess of thirty years. Notwithstanding the foregoing, the service retirement allowance of a member who does not earn any creditable service after August 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final compensation, and the service retirement allowance of a member who earns creditable service on or after August 12, 1999, shall not exceed an amount equal to seventy-five percent of the member's average final compensation; provided, however, that the service retirement allowance of a member who is participating in the DROP pursuant to section 86.251 on August 12, 1999, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer and actually retires for reasons other than death or disability before earning at least two years of creditable service after such return shall be the sum of (1) the member's service retirement allowance as of the date the member entered DROP and (2) an additional service retirement allowance based solely on the creditable service earned by the member following the member's return to active participation. The member's total years of creditable service shall be taken into account for the purpose of determining whether the additional allowance attributable to such additional creditable service is two percent, four percent or five percent of the member's average final compensation.

2. If, at any time since first becoming a member of the retirement system, the member has served in the Armed Forces of the United States, and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the Armed Forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated and administered in accordance with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

3. The service retirement allowance of each present and future retired member who terminated employment as a police officer and actually retired from service after attaining age fifty-five or after completing twenty years of creditable service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by

42 the United States Department of Labor shows an increase of not less than the approved rate
43 during the latest twelve-month period for which the index is available at the date of
44 determination; and provided further, that if the increase is in excess of the approved rate for
45 any year, such excess shall be accumulated as to any retired member and increases may be
46 granted in subsequent years subject to a maximum of three percent for each full year from
47 October following the member's retirement but not to exceed a total percentage increase of
48 thirty percent. In no event shall the increase described under this subsection be applied to the
49 amount, if any, paid to a member or surviving spouse of a deceased member for services as a
50 special consultant under subsection 5 of this section ~~[or, if applicable, subsection 6 of this~~
51 ~~section]~~. If the board of trustees determines that the index has decreased for any year, the
52 benefits of any retired member that have been increased shall be decreased but not below the
53 member's initial benefit. No annual increase shall be made of less than one percent and no
54 decrease of less than three percent except that any decrease may be limited in amount by the
55 initial benefit.

56 4. In addition to any other retirement allowance payable under this section and
57 section 86.250, a member, upon termination of employment as police officer and actual
58 service retirement, may request payment of the total amount of the member's mandatory
59 contributions to the retirement system without interest. Upon receipt of such request, the
60 board shall pay the retired member such total amount of the member's mandatory
61 contributions to the retirement system to be paid pursuant to this subsection within sixty days
62 after such retired member's date of termination of employment as a police officer and actual
63 retirement.

64 5. Any person who is receiving retirement benefits from the retirement system, upon
65 application to the board of trustees, shall be made, constituted, appointed and employed by
66 the board of trustees as a special consultant on the problems of retirement, aging and other
67 matters, for the remainder of the person's life or, in the case of a deceased member's surviving
68 spouse, until ~~[the earlier of]~~ the person's death ~~[or remarriage]~~, and upon request of the board
69 of trustees shall give opinions and be available to give opinions in writing or orally, in
70 response to such requests, as may be required. For such services the special consultant shall
71 be compensated monthly, in an amount which, when added to any monthly retirement
72 benefits being received from the retirement system, including any cost-of-living increases
73 under subsection 3 of this section, shall total six hundred fifty dollars a month. This
74 employment shall in no way affect any person's eligibility for retirement benefits under this
75 chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any
76 provisions of law to the contrary.

86.254. 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or
2 retirement allowance provided pursuant to sections 86.200 to 86.366, each present and future

3 retired member after attaining the age of sixty years shall, upon application to the board of
4 trustees, be made, constituted, appointed and employed by the board of trustees as an advisor
5 on the problems of retirement, aging and other matters, for the remainder of the retired
6 member's life, and upon request of the board of trustees shall give opinions in writing or
7 orally in response to such requests as may be required.

8 2. For the performance of duties required in subsection 1 of this section, each retired
9 member employed as an advisor by the board of trustees shall be compensated monthly in an
10 amount of ten dollars per month multiplied by the number of years the retired member is past
11 the age of sixty years. The compensation provided by this subsection shall be adjusted
12 annually. No funding shall be required prior to the effective date of this benefit.

13 3. Beginning October 1, 1999, in addition to any other benefit provided to any
14 surviving spouse pursuant to sections 86.200 to 86.366, each present and future surviving
15 spouse of a member after attaining the age of sixty years shall upon application to the board
16 of trustees, be made, constituted, appointed and employed by the board of trustees as an
17 advisor on the problems of retirement, aging and other matters for the remainder of the
18 surviving spouse's life [~~or until the surviving spouse remarries, whichever is earlier~~], and
19 upon request of the board of trustees shall give opinions in writing or orally in response to
20 such requests as may be required.

21 4. For the performance of duties required in subsection 3 of this section, each
22 surviving spouse of a member employed as an advisor by the board of trustees shall be
23 compensated monthly in an amount of ten dollars per month multiplied by the number of
24 years the surviving spouse is past the age of sixty years. The compensation provided by this
25 subsection shall be adjusted annually.

 86.280. Upon the receipt of proper proofs of the death of a member in service and
2 provided no other benefits are payable under the retirement system, there shall be paid the
3 following benefits:

4 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving
5 spouse dies [~~or remarries, whichever is earlier~~], of forty percent of the deceased member's
6 average final compensation plus fifteen percent of such compensation to, or for the benefit of,
7 each unmarried dependent child of the deceased member, who is either under the age of
8 eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled
9 and incapacitated from engaging in gainful occupation sufficient to support himself or herself;

10 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to
11 the provisions of this section immediately prior to October 1, 1999, shall, upon application to
12 the board of trustees, be made, constituted, appointed and employed by the board of trustees
13 as a special consultant on the problems of retirement, aging and other matters while the
14 surviving spouse or unmarried dependent child is receiving such benefits, and upon request of

15 the board of trustees shall give opinions in writing or orally in response to such requests as
16 may be required. Beginning October 1, 1999, for such services as may be required, the
17 surviving spouse shall receive additional monthly compensation in an amount equal to fifteen
18 percent of the deceased member's average final compensation, and there shall be payable an
19 additional monthly compensation of one hundred dollars or five percent of the member's
20 average final compensation, whichever is greater, for each unmarried dependent child of the
21 member. The additional monthly compensation payable to a surviving spouse pursuant to this
22 subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to
23 subdivision (8) of this section, to the benefit the surviving spouse was receiving prior to
24 October 1, 1999;

25 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of
26 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2)
27 of this section had there been a surviving spouse shall be divided among the unmarried
28 dependent children under age eighteen and such unmarried dependent children, regardless of
29 age, who are totally and permanently mentally or physically disabled and incapacitated from
30 engaging in a gainful occupation sufficient to support themselves. The benefit shall be
31 divided equally among the eligible dependent children, and the share of a child who is no
32 longer eligible shall be divided equally among the remaining eligible dependent children;
33 provided that not more than one-half of the surviving spouse's benefit shall be paid for one
34 child;

35 (4) If there is no surviving spouse or dependent children, the return of accumulated
36 contributions to the designated beneficiary as set forth in section 86.293;

37 (5) No benefits pursuant to this section shall be paid to a child over eighteen years of
38 age who is totally and permanently disabled if such child is a patient or resident of a public-
39 supported institution, nor shall such benefits be paid unless such disability occurred prior to
40 such child reaching the age of eighteen;

41 (6) Wherever any dependent child designated by the board of trustees to receive
42 benefits pursuant to this section is in the care of the surviving spouse of the deceased member,
43 such benefits may be paid to such surviving spouse for the child;

44 (7) Any benefit payable to, or for the benefit of, a child or children under the age of
45 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid
46 beyond the age of eighteen years through the age of twenty-two years if the child is a full-
47 time student at a regularly accredited college, business school, nursing school, school for
48 technical or vocational training, or university, but such extended benefit shall cease whenever
49 the child ceases to be a student. A college or university shall be deemed to be regularly
50 accredited which maintains membership in good standing in a national or regional accrediting
51 agency recognized by any state college or university;

52 (8) The benefits payable pursuant to this section to the surviving spouse of a member
53 who died in service after attaining the age of fifty-five or completing twenty years of
54 creditable service shall be increased in the same percentages and pursuant to the same method
55 as is provided in section 86.253 for adjustments in the service retirement allowance of a
56 retired member;

57 (9) **In the event a surviving spouse receiving death benefits as a result of a prior**
58 **marriage to a deceased member subsequently remarries another member who also**
59 **predeceases the surviving spouse, the surviving spouse shall receive a single death**
60 **benefit pension, which, upon application to the board of trustees, shall be computed**
61 **under subdivision (1) of this section using the highest of the average final compensations**
62 **of the deceased members to which the surviving spouse was previously married;**

63 (10) **Beginning on August 28, 2023, any surviving spouse that had, prior to**
64 **August 28, 2023, become ineligible for benefits under subdivisions (1) and (2) of this**
65 **section as a result of remarrying shall, upon application to the board of trustees, have**
66 **reinstated all future benefits under subdivisions (1) and (2) of this section. Any such**
67 **reinstatement shall be as to future benefits only and shall not be retroactive prior to**
68 **August 28, 2023.**

86.283. Upon receipt of proper proofs of the death of a retired member who retired
2 while in service, including retirement for service, ordinary disability or accidental disability,
3 and provided no other benefits are payable from the retirement system, there shall be paid the
4 following benefits:

5 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving
6 spouse dies [~~or remarries, whichever is earlier~~], of forty percent of the deceased member's
7 average final compensation plus fifteen percent of such compensation to, or for the benefit of,
8 each unmarried dependent child of the deceased member, who is either under the age of
9 eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled
10 and incapacitated from engaging in a gainful occupation sufficient to support himself or
11 herself;

12 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to
13 this section immediately prior to October 1, 1999, shall upon application to the board of
14 trustees be made, constituted, appointed and employed by the board of trustees as a special
15 consultant on the problems of retirement, aging and other matters while the surviving spouse
16 or unmarried dependent child is receiving such benefits, and upon request of the board of
17 trustees shall give opinions in writing or orally in response to such requests as may be
18 required. Beginning October 1, 1999, for such services as may be required, a surviving
19 spouse shall receive additional monthly compensation equal to the amount which when added
20 to the benefits the surviving spouse was receiving pursuant to this section prior to October 1,

21 1999, determined without regard to any increase applied to such benefits prior to October 1,
22 1999, pursuant to subdivision (8) of this section, will increase the surviving spouse's total
23 monthly payment pursuant to this section to forty percent of the deceased member's average
24 final compensation, and there shall be payable an additional monthly compensation of one
25 hundred dollars or five percent of the member's average final compensation, whichever is
26 greater, for each unmarried dependent child of the member. The additional monthly
27 compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for
28 any cost-of-living increases that apply to the benefit the surviving spouse was receiving prior
29 to October 1, 1999;

30 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of
31 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2)
32 of this section had there been a surviving spouse, determined without regard to any increase
33 which would have applied to the surviving spouse's benefits pursuant to subdivision (8) of
34 this section, shall be divided among the unmarried dependent children under age eighteen and
35 unmarried dependent children, regardless of age, who are totally and permanently mentally or
36 physically disabled and incapacitated from engaging in a gainful occupation sufficient to
37 support themselves. The benefit shall be divided equally among the eligible dependent
38 children, and the share of a child who is no longer eligible shall be divided equally among the
39 remaining eligible dependent children; provided that not more than one-half of the surviving
40 spouse's benefits shall be paid for one child;

41 (4) No benefits pursuant to this section shall be paid to a child over eighteen years of
42 age who is totally and permanently disabled if such child is a patient or resident of a public-
43 supported institution, nor shall such benefits be paid unless such disability occurred prior to
44 such child reaching the age of eighteen;

45 (5) Whenever any dependent child designated by the board of trustees to receive
46 benefits pursuant to this section is in the care of the surviving spouse of the deceased member,
47 such benefits may be paid to such surviving spouse for the child;

48 (6) In the event of the death of a retired member receiving accidental disability
49 benefits before such benefits have been paid for five years, the member's surviving spouse
50 until the surviving spouse dies [~~or remarries, whichever is earlier~~], shall receive an additional
51 pension of ten percent of the deceased member's final average compensation;

52 (7) Any benefit payable to, or for the benefit of, a child or children under the age of
53 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid
54 beyond the age of eighteen years through the age of twenty-two years if the child is a full-
55 time student at a regularly accredited college, business school, nursing school, school for
56 technical or vocational training, or university, but such extended benefit shall cease whenever
57 the child ceases to be a student. A college or university shall be deemed to be regularly

58 accredited which maintains membership in good standing in a national or regional accrediting
59 agency recognized by any state college or university;

60 (8) The benefits payable pursuant to this section to the surviving spouse of a retired
61 member who received or was entitled to receive a service retirement allowance shall be
62 increased in the same percentages and pursuant to the same method as is provided in section
63 86.253 for adjustments in the service retirement allowance of a retired member;

64 (9) **In the event a surviving spouse receiving death benefits as a result of a prior**
65 **marriage to a deceased member subsequently remarries another member who also**
66 **predeceases the surviving spouse, the surviving spouse shall receive a single death**
67 **benefit pension, which, upon application to the board of trustees, shall be computed**
68 **under subdivision (1) of this section using the highest of the average final compensations**
69 **of the deceased members to which the surviving spouse was previously married;**

70 (10) **Beginning on August 28, 2023, any surviving spouse that had, prior to**
71 **August 28, 2023, become ineligible for benefits under subdivisions (1), (2), and (6) of this**
72 **section as a result of remarrying shall, upon application to the board of trustees, have**
73 **reinstated all future benefits under subdivisions (1), (2), and (6) of this section. Any**
74 **such reinstatement shall be as to future benefits only and shall not be retroactive prior**
75 **to August 28, 2023.**

86.287. Upon the receipt by the board of trustees of evidence and proof that the death
2 of a member was the natural and proximate result of an accident occurring at some definite
3 time and place while the member was in the actual performance of duty and not caused by
4 negligence on the part of the member, there shall be paid in lieu of the benefits pursuant to
5 sections 86.280 to 86.283:

6 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving
7 spouse dies [~~or remarries, whichever is earlier~~], of seventy-five percent of the deceased
8 member's average final compensation plus fifteen percent of such compensation to, or for the
9 benefit of, each unmarried dependent child of the deceased member, who is either under the
10 age of eighteen, or who, regardless of age, is totally and permanently disabled and
11 incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

12 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to
13 this section immediately prior to October 1, 1999, shall upon application to the board of
14 trustees be made, constituted, appointed and employed by the board of trustees as a special
15 consultant on the problems of retirement, aging and other matters while the surviving spouse
16 or unmarried dependent child is receiving such benefits, and upon request of the board of
17 trustees shall give opinions in writing or orally in response to such requests as may be
18 required. Beginning October 1, 1999, for such services as may be required, a surviving
19 spouse shall receive additional monthly compensation equal to the amount which when added

20 to the benefits the surviving spouse was receiving pursuant to this section prior to October 1,
21 1999, will increase the surviving spouse's total monthly benefit payment pursuant to this
22 section to seventy-five percent of the deceased member's average final compensation, and
23 there shall be payable an additional monthly compensation of one hundred dollars or five
24 percent of the member's average final compensation, whichever is greater, for each unmarried
25 dependent child of the member;

26 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of
27 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2)
28 of this section had there been a surviving spouse shall be divided among the unmarried
29 dependent children under age eighteen and such unmarried dependent children, regardless of
30 age, who are totally and permanently disabled and incapacitated from engaging in a gainful
31 occupation sufficient to support themselves. The benefit shall be divided equally among the
32 eligible dependent children, and the share of a child who is no longer eligible shall be divided
33 equally among the remaining eligible dependent children; provided that not more than one-
34 half of the surviving spouse's benefit shall be paid for one child;

35 (4) If there is no surviving spouse or unmarried dependent children of either class
36 mentioned in subdivision (3) of this section, then an amount equal to the surviving spouse's
37 benefit shall be paid to the member's dependent father or dependent mother to continue until
38 remarriage or death;

39 (5) No benefits pursuant to this section shall be paid to a child over eighteen years of
40 age who is totally and permanently disabled if such child is a patient or resident of a public-
41 supported institution, nor shall such benefits be paid unless such disability occurred prior to
42 such child reaching the age of eighteen;

43 (6) Wherever any dependent child designated by the board of trustees to receive
44 benefits pursuant to this section is in the care of the surviving spouse of the deceased member,
45 such benefits may be paid to such surviving spouse for the child;

46 (7) Any benefit payable to, or for the benefit of, a child or children under the age of
47 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid
48 beyond the age of eighteen years through the age of twenty-two years in those cases where the
49 child is a full-time student at a regularly accredited college, business school, nursing school,
50 school for technical or vocational training, or university, but such extended benefit shall cease
51 whenever the child ceases to be a student. A college or university shall be deemed to be
52 regularly accredited which maintains membership in good standing in a national or regional
53 accrediting agency recognized by any state college or university;

54 **(8) In the event a surviving spouse receiving death benefits as a result of a prior**
55 **marriage to a deceased member subsequently remarries another member who also**
56 **predeceases the surviving spouse, the surviving spouse shall receive a single death**

57 **benefit pension, which, upon application to the board of trustees, shall be computed**
58 **under subdivision (1) of this section using the highest of the average final compensations**
59 **of the deceased members to which the surviving spouse was previously married;**

60 **(9) Beginning on August 28, 2023, any surviving spouse that had, prior to August**
61 **28, 2023, become ineligible for benefits under subdivisions (1) and (2) of this section as a**
62 **result of remarrying shall, upon application to the board of trustees, have reinstated all**
63 **future benefits under subdivisions (1) and (2) of this section. Any such reinstatement**
64 **shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.**

104.010. 1. The following words and phrases as used in sections 104.010 to 104.800,
2 unless a different meaning is plainly required by the context, shall mean:

3 (1) "Accumulated contributions", the sum of all deductions for retirement benefit
4 purposes from a member's compensation which shall be credited to the member's individual
5 account and interest allowed thereon;

6 (2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

7 (3) "Actuarial equivalent", a benefit which, when computed upon the basis of
8 specified actuarial assumptions approved by the board, is equal in value to a certain amount
9 or other benefit;

10 (4) "Actuarial tables", the actuarial tables approved and in use by a board at any given
11 time;

12 (5) "Actuary", the actuary who is a member of the American Academy of Actuaries
13 or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974
14 and who is employed by a board at any given time;

15 (6) "Annuity", annual payments, made in equal monthly installments, to a retired
16 member from funds provided for in, or authorized by, this chapter;

17 (7) "Annuity starting date", the first day of the first month with respect to which an
18 amount is paid as an annuity under sections 104.010 to 104.800, and the terms retirement,
19 time of retirement, and date of retirement shall mean annuity starting date as defined in this
20 subdivision unless the context in which the term is used indicates otherwise;

21 (8) "Average compensation", the average compensation of a member for the thirty-six
22 consecutive months of service prior to retirement when the member's compensation was
23 greatest; or if the member is on workers' compensation leave of absence or a medical leave of
24 absence due to an employee illness, the amount of compensation the member would have
25 received may be used, as reported and verified by the employing department; or if the
26 member had less than thirty-six months of service, the average annual compensation paid to
27 the member during the period up to thirty-six months for which the member received
28 creditable service when the member's compensation was the greatest; or if the member is on
29 military leave, the amount of compensation the member would have received may be used as

30 reported and verified by the employing department or, if such amount is not determinable, the
31 amount of the employee's average rate of compensation during the twelve-month period
32 immediately preceding such period of leave, or if shorter, the period of employment
33 immediately preceding such period of leave. The board of each system may promulgate rules
34 for purposes of calculating average compensation and other retirement provisions to
35 accommodate for any state payroll system in which compensation is received on a monthly,
36 semimonthly, biweekly, or other basis;

37 (9) "Beneficiary", any persons or entities entitled to or nominated by a member or
38 retiree who may be legally entitled to receive benefits pursuant to this chapter;

39 (10) "Biennial assembly", the completion of no less than two years of creditable
40 service or creditable prior service by a member of the general assembly;

41 (11) "Board of trustees", "board", or "trustees", a board of trustees as established for
42 the applicable system pursuant to this chapter;

43 (12) "Chapter", sections 104.010 to 104.800;

44 (13) "Compensation":

45 (a) All salary and wages payable out of any state, federal, trust, or other funds to an
46 employee for personal services performed for a department; but including only amounts for
47 which contributions have been made in accordance with section 104.436, or section 104.070,
48 whichever is applicable, and excluding any nonrecurring single sum payments or amounts
49 paid after the member's termination of employment unless such amounts paid after such
50 termination are a final installment of salary or wages at the same rate as in effect immediately
51 prior to termination of employment in accordance with a state payroll system adopted on or
52 after January 1, 2000, or any other one-time payments made as a result of such payroll
53 system;

54 (b) All salary and wages which would have been payable out of any state, federal,
55 trust or other funds to an employee on workers' compensation leave of absence during the
56 period the employee is receiving a weekly workers' compensation benefit, as reported and
57 verified by the employing department;

58 (c) Effective December 31, 1995, compensation in excess of the limitations set forth
59 in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on
60 compensation for eligible employees shall not be less than the amount which was allowed to
61 be taken into account under the system as in effect on July 1, 1993. For this purpose, an
62 "eligible employee" is an individual who was a member of the system before the first plan
63 year beginning after December 31, 1995;

64 (d) **The board by its rules may further define "compensation" in a manner**
65 **consistent with this definition;**

66 (14) "Consumer price index", the Consumer Price Index for All Urban Consumers for
67 the United States, or its successor index, as approved by a board, as such index is defined and
68 officially reported by the United States Department of Labor, or its successor agency;

69 (15) "Creditable prior service", the service of an employee which was either rendered
70 prior to the establishment of a system, or prior to the date the employee last became a member
71 of a system, and which is recognized in determining the member's eligibility and for the
72 amount of the member's benefits under a system;

73 (16) "Creditable service", the sum of membership service and creditable prior service,
74 to the extent such service is standing to a member's credit as provided in this chapter; except
75 that in no case shall more than one day of creditable service or creditable prior service be
76 credited any member for any one calendar day of eligible service credit as provided by law;

77 (17) "Deferred normal annuity", the annuity payable to any former employee who
78 terminated employment as an employee or otherwise withdrew from service with a vested
79 right to a normal annuity, payable at a future date;

80 (18) "Department", any department or agency of the executive, legislative or judicial
81 branch of the state of Missouri receiving state appropriations, including allocated funds from
82 the federal government but not including any body corporate or politic unless its employees
83 are eligible for retirement coverage from a system pursuant to this chapter as otherwise
84 provided by law;

85 (19) "Disability benefits", benefits paid to any employee while totally disabled as
86 provided in this chapter;

87 (20) "Early retirement age", a member's attainment of fifty-five years of age and the
88 completion of ten or more years of creditable service, except for uniformed members of the
89 water patrol;

90 (21) "Employee":

91 (a) Effective August 28, 2007, any elective or appointive officer or person employed
92 by the state who is employed, promoted or transferred by a department into a new or existing
93 position and earns a salary or wage in a position normally requiring the performance by the
94 person of duties during not less than one thousand forty hours per year, including each
95 member of the general assembly but not including any patient or inmate of any state,
96 charitable, penal or correctional institution. However, persons who are members of the public
97 school retirement system and who are employed by a state agency other than an institution of
98 higher learning shall be deemed employees for purposes of participating in all insurance
99 programs administered by a board established pursuant to section 104.450. This definition
100 shall not exclude any employee as defined in this subdivision who is covered only under the
101 federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term
102 "employee" shall include:

103 a. Persons who are currently receiving annuities or other retirement benefits from
104 some other retirement or benefit fund, so long as they are not simultaneously accumulating
105 creditable service in another retirement or benefit system which will be used to determine
106 eligibility for or the amount of a future retirement benefit;

107 b. Persons who have elected to become or who have been made members of a system
108 pursuant to section 104.342;

109 (b) Any person who is not a retiree and has performed services in the employ of the
110 general assembly or either house thereof, or any employee of any member of the general
111 assembly while acting in the person's official capacity as a member, and whose position does
112 not normally require the person to perform duties during at least one thousand forty hours per
113 year, with a month of service being any monthly pay period in which the employee was paid
114 for full-time employment for that monthly period; except that persons described in this
115 paragraph shall not include any such persons who are employed on or after August 28, 2007,
116 and who have not previously been employed in such positions;

117 (c) "Employee" does not include special consultants employed pursuant to section
118 104.610;

119 (d) The system shall consider a person who is employed in multiple positions
120 simultaneously within a single agency to be working in a single position for purposes of
121 determining whether the person is an employee as defined in this subdivision;

122 (22) "Employer", a department of the state;

123 (23) "Executive director", the executive director employed by a board established
124 pursuant to the provisions of this chapter;

125 (24) "Fiscal year", the period beginning July first in any year and ending June
126 thirtieth the following year;

127 (25) "Full biennial assembly", the period of time beginning on the first day the
128 general assembly convenes for a first regular session until the last day of the following year;

129 (26) "Fund", the benefit fund of a system established pursuant to this chapter;

130 (27) "Interest", interest at such rate as shall be determined and prescribed from time to
131 time by a board;

132 (28) "Member", as used in sections 104.010 to 104.272 or 104.601 to 104.800 shall
133 mean an employee, retiree, or former employee entitled to a deferred annuity covered by the
134 Missouri department of transportation and highway patrol employees' retirement system.
135 "Member", as used in this section and sections 104.312 to 104.800, shall mean an employee,
136 retiree, or former employee entitled to deferred annuity covered by the Missouri state
137 employees' retirement system;

138 (29) "Membership service", the service after becoming a member that is recognized
139 in determining a member's eligibility for and the amount of a member's benefits under a
140 system;

141 (30) "Military service", all active service performed in the United States Army, Air
142 Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health
143 Service or any women's auxiliary thereof; and service in the Army National Guard and Air
144 National Guard when engaged in active duty for training, inactive duty training or full-time
145 National Guard duty, and service by any other category of persons designated by the President
146 in time of war or emergency;

147 (31) "Normal annuity", the annuity provided to a member upon retirement at or after
148 the member's normal retirement age;

149 (32) "Normal retirement age", an employee's attainment of sixty-five years of age and
150 the completion of four years of creditable service or the attainment of age sixty-five years of
151 age and the completion of five years of creditable service by a member who has terminated
152 employment and is entitled to a deferred normal annuity or the member's attainment of age
153 sixty and the completion of fifteen years of creditable service, except that normal retirement
154 age for uniformed members of the highway patrol shall be fifty-five years of age and the
155 completion of four years of creditable service and uniformed employees of the water patrol
156 shall be fifty-five years of age and the completion of four years of creditable service or the
157 attainment of age fifty-five and the completion of five years of creditable service by a
158 member of the water patrol who has terminated employment and is entitled to a deferred
159 normal annuity and members of the general assembly shall be fifty-five years of age and the
160 completion of three full biennial assemblies. Notwithstanding any other provision of law to
161 the contrary, a member of the Missouri department of transportation and highway patrol
162 employees' retirement system or a member of the Missouri state employees' retirement system
163 shall be entitled to retire with a normal annuity and shall be entitled to elect any of the
164 survivor benefit options and shall also be entitled to any other provisions of this chapter that
165 relate to retirement with a normal annuity if the sum of the member's age and creditable
166 service equals eighty years or more and if the member is at least forty-eight years of age;

167 (33) "Payroll deduction", deductions made from an employee's compensation;

168 (34) "Prior service credit", the service of an employee rendered prior to the date the
169 employee became a member which service is recognized in determining the member's
170 eligibility for benefits from a system but not in determining the amount of the member's
171 benefit;

172 (35) "Reduced annuity", an actuarial equivalent of a normal annuity;

173 (36) "Retiree", a member who is not an employee and who is receiving an annuity
174 from a system pursuant to this chapter;

175 (37) "System" or "retirement system", the Missouri department of transportation and
176 highway patrol employees' retirement system, as created by sections 104.010 to 104.270, or
177 sections 104.601 to 104.800, or the Missouri state employees' retirement system as created by
178 sections 104.320 to 104.800;

179 (38) "Uniformed members of the highway patrol", the superintendent, lieutenant
180 colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of
181 the Missouri state highway patrol who normally appear in uniform;

182 (39) "Uniformed members of the water patrol", employees of the Missouri state water
183 patrol of the department of public safety who are classified as water patrol officers who have
184 taken the oath of office prescribed by the provisions of chapter 306 and who have those peace
185 officer powers given by the provisions of chapter 306;

186 (40) "Vesting service", the sum of a member's prior service credit and creditable
187 service which is recognized in determining the member's eligibility for benefits under the
188 system.

189 2. Benefits paid pursuant to the provisions of this chapter shall not exceed the
190 limitations of Internal Revenue Code Section 415, the provisions of which are hereby
191 incorporated by reference. Notwithstanding any other law to the contrary, the board of
192 trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of
193 1986, as amended. Such plan shall be created solely for the purposes described in Section
194 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may
195 promulgate regulations necessary to implement the provisions of this subsection and to create
196 and administer such benefit plan.

104.020. There is hereby created the "Missouri Department of Transportation and
2 Highway Patrol Employees' Retirement System", which shall be a body corporate and an
3 instrumentality of the state. In such system shall be vested the powers and duties specified in
4 sections 104.010 to [~~104.270~~] **104.312** and such other powers as may be necessary or proper
5 to enable it, its officers, employees, and agents to carry out fully and effectively all the
6 purposes of sections 104.010 to [~~104.270~~] **104.312**.

104.035. 1. Any member whose employment terminated prior to August 13, 1976,
2 and who had served twenty years or more as an employee shall be entitled to a deferred
3 normal annuity based on his creditable service, average compensation, and the act in effect at
4 the time his employment was terminated.

5 2. Any member whose employment terminates on or after August 13, 1976, and prior
6 to June 1, 1981, and who had served fifteen or more years' creditable service as an employee
7 or had served ten or more years of creditable service as an employee and was at least thirty-
8 five years of age at the date of termination of employment shall be entitled to a deferred

9 normal annuity based on his creditable service, average compensation, and the act in effect at
10 the time his employment was terminated.

11 3. Any member whose employment terminates on or after June 1, 1981, and who has
12 ten or more years of creditable service at the date of termination of employment shall be
13 entitled to a deferred normal annuity based on the member's creditable service, average
14 compensation and the act in effect at the time the member's employment is terminated.

15 4. Any member entitled to a deferred normal annuity as provided in subsection 1, 2, 3
16 or 5 of this section who reenters the service of a department and again becomes a member of
17 the system [~~and thereafter serves for one continuous year~~] shall have his prior period of
18 service restored, so that benefits determined by reason of his retirement or subsequent
19 withdrawal from service will include the sum of all periods of creditable service, and his
20 annuity shall be based on his creditable service, average compensation, and the act in effect at
21 the time of his retirement or subsequent withdrawal from service.

22 5. Notwithstanding any other law to the contrary, any member of the transportation
23 department and highway patrol retirement system whose employment terminated on or after
24 September 28, 1992, who has five or more years of vesting service as an employee at the date
25 of termination of employment shall be entitled to a deferred normal annuity based on the
26 member's creditable service, average compensation, and the act in effect at the time the
27 member's employment was terminated.

104.090. 1. The normal annuity of a member shall equal one and six-tenths percent
2 of the average compensation of the member multiplied by the number of years of creditable
3 service of such member. In addition, the normal annuity of a uniformed member of the patrol
4 shall be increased by thirty-three and one-third percent.

5 2. In addition, a uniformed member of the highway patrol who is retiring with a
6 normal annuity after attaining normal retirement age shall receive an additional sum of ninety
7 dollars per month as a contribution by the system until such member attains the age of sixty-
8 five years, when such contribution shall cease. To qualify for the contribution provided in
9 this subsection by the system, the retired uniformed member of the highway patrol is made,
10 constituted, appointed and employed by the board as a special consultant on the problems of
11 retirement, aging and other state matters. Such additional contribution shall be reduced each
12 month by such amount earned by the retired uniformed member of the highway patrol in
13 gainful employment. In order to qualify for the additional contribution provided in this
14 subsection, the retired uniformed member of the highway patrol shall have been:

15 (1) Hired by the Missouri state highway patrol prior to January 1, 1995; and

16 (2) Employed by the Missouri state highway patrol or receiving long-term disability
17 or work-related disability benefits on the day before the effective date of the member's
18 retirement.

55 4. The election may be made only in the application for retirement, and such
56 application shall be filed at least thirty days but not more than ninety days prior to the date on
57 which the retirement of the member is to be effective, provided that if either the member or
58 the spouse nominated to receive the survivorship payment dies before the effective date of
59 retirement, the election shall not be effective. If after the reduced annuity commences, the
60 spouse predeceases the retired member, the reduced annuity continues to the retired member
61 during the member's lifetime.

62 5. Effective July 1, 2000, a member may make an election under option 1 or 2 after
63 the date retirement benefits are initiated if the member makes the election within one year
64 from the date of marriage or July 1, 2000, whichever is later, under any of the following
65 circumstances:

66 (1) The member elected to receive a normal annuity and was not eligible to elect
67 option 1 or 2 on the date retirement benefits were initiated; or

68 (2) The member's annuity reverted to a normal annuity pursuant to subsection 7 of
69 this section or subsection ~~[7-01]~~ 8 of section 104.103 and the member remarried; or

70 (3) The member elected option 1 or 2 but the member's spouse at the time of
71 retirement has died and the member has remarried.

72 6. Any person who terminates employment or retires prior to July 1, 2000, shall be
73 made, constituted, appointed and employed by the board as a special consultant on the
74 problems of retirement, aging and other state matters, and for such services shall be eligible to
75 elect to receive the benefits described in subsection 5 of this section.

76 7. For retirement applications filed on or after August 28, 2004, the beneficiary for
77 either option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the
78 time of retirement. If the member's marriage ends after retirement as a result of a dissolution
79 of marriage, such dissolution shall not affect the option election and the former spouse shall
80 continue to be eligible to receive survivor benefits upon death of the member, except a
81 member may cancel his or her election if:

82 (1) The dissolution of marriage of the member and former spouse occurred on or after
83 January 1, 2021, and the dissolution decree provides for sole retention by the member of all
84 rights in the annuity and provides that the former spouse shall not be entitled to any survivor
85 benefits pursuant to this chapter; or

86 (2) The dissolution of marriage of the member and former spouse occurred prior to
87 January 1, 2021, and:

88 (a) The dissolution decree provided for the sole retention by the member of all rights
89 in the annuity pursuant to this chapter, and the parties obtained an amended or modified
90 dissolution decree after January 1, 2021, providing for immediate removal of the former
91 spouse as the beneficiary entitled to survivor benefits to the satisfaction of the system; or

92 (b) The dissolution decree does not provide for the sole retention by the member of all
93 rights in the annuity and the parties obtained an amended or modified dissolution decree after
94 January 1, 2021, which provides for the sole retention by the member of all rights in the
95 annuity and provides that the former spouse shall not be entitled to any survivor benefits
96 pursuant to this chapter.

97

98 Upon meeting the requirements of subdivision (1) or (2) of this subsection, the monthly
99 benefit payable for the lifetime of the member shall be the actuarial equivalent of the annuity
100 payable pursuant to the provisions of option 1 or option 2 of subsection 3 of this section, as
101 adjusted for early retirement if applicable. In no event shall the monthly benefit payable for
102 the lifetime of the member be greater than the amount that would have been payable to the
103 member under subsection 7 or 8 of section 104.103, whichever is applicable, had the former
104 spouse died on the date of the dissolution of marriage. Any increase in the annuity amount
105 pursuant to this subsection shall be prospective and effective the first of the month following
106 the date of receipt by the system of a certified copy of the dissolution decree that meets the
107 requirements of this subsection.

108 8. Any application for retirement shall only become effective on the first day of the
109 month.

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
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.

104.170. 1. The board shall elect [~~by secret ballot~~] one member as chair and one
2 member as vice chair at the first board meeting of each year. The chair may not serve more
3 than two consecutive terms beginning after August 13, 1988. The chair shall preside over
4 meetings of the board and perform such other duties as may be required by action of the
5 board. The vice chair shall perform the duties of the chair in the absence of the latter or upon
6 the chair's inability or refusal to act.

7 2. The board shall appoint a full-time executive director, who shall not be
8 compensated for any other duties under the state highways and transportation commission.
9 The executive director shall have charge of the offices and records and shall hire such
10 employees that the executive director deems necessary subject to the direction of the board.
11 The executive director and all other employees of the system shall be members of the system
12 and the board shall make contributions to provide the insurance benefits available pursuant to
13 section 104.270 on the same basis as provided for other state employees pursuant to the
14 provisions of section 104.515, and also shall make contributions to provide the retirement
15 benefits on the same basis as provided for other employees pursuant to the provisions of
16 sections 104.090 to 104.260. The executive director is authorized to execute all documents
17 including contracts necessary to carry out any and all actions of the board.

18 3. Any summons or other writ issued by the courts of the state shall be served upon
19 the executive director or, in the executive director's absence, on the assistant director.

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

104.312. 1. The provisions of subsection 2 of section 104.250, subsection 2 of section 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding, any pension, annuity, benefit, right, or retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 is marital property and after August 28, 1994, a court of competent jurisdiction may divide the pension, annuity, benefits, rights, and retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 between the parties to any action for dissolution of marriage. A division of benefits order issued pursuant to this section:

9 (1) Shall not require the applicable retirement system to provide any form or type of
10 annuity or retirement plan not selected by the member and not normally made available by
11 that system;

12 (2) Shall not require the applicable retirement system to commence payments until
13 the member submits a valid application for an annuity and the annuity becomes payable in
14 accordance with the application;

15 (3) Shall identify the monthly amount to be paid to the alternate payee, which shall be
16 expressed as a percentage and which shall not exceed fifty percent of the amount of the
17 member's annuity accrued during all or part of the time while the member and alternate payee
18 were married **excluding service accrued under 104.601**; and which shall be based on the
19 member's vested annuity on the date of the dissolution of marriage or an earlier date as
20 specified in the order, which amount shall be adjusted proportionately if the member's annuity
21 is reduced due to early retirement or the member's annuity is reduced pursuant to section
22 104.395 under an annuity option in which the member named the alternate payee as
23 beneficiary prior to the dissolution of marriage or pursuant to section 104.090 under an
24 annuity option in which the member on or after August 28, 2007, named the alternative payee
25 as beneficiary prior to the dissolution of marriage, and the percentage established shall be
26 applied to the pro rata portion of any lump sum distribution pursuant to subsection 6 of
27 section 104.335, accrued during the time while the member and alternate payee were married;

28 (4) Shall not require the payment of an annuity amount to the member and alternate
29 payee which in total exceeds the amount which the member would have received without
30 regard to the order;

31 (5) Shall provide that any benefit formula increases, additional years of service,
32 increased average compensation or other type of increases accrued after the date of the
33 dissolution of marriage shall accrue solely to the benefit of the member; except that on or
34 after September 1, 2001, any annual benefit increase **paid after the member's annuity**
35 **starting date** shall not be considered to be an increase accrued after the date of termination of
36 marriage and shall be part of the monthly amount subject to division pursuant to any order
37 issued after September 1, 2001;

38 (6) Shall terminate upon the death of either the member or the alternate payee,
39 whichever occurs first;

40 (7) Shall not create an interest which is assignable or subject to any legal process;

41 (8) Shall include the name, address, and date of birth of both the member and the
42 alternate payee, and the identity of the retirement system to which it applies;

43 (9) Shall be consistent with any other division of benefits orders which are applicable
44 to the same member;

45 (10) Shall not require the applicable retirement system to continue payments to the
46 alternate payee if the member's retirement benefit is suspended or waived as provided by this
47 chapter but such payments shall resume when the retiree begins to receive retirement benefits
48 in the future.

49 2. A system established by this chapter shall provide the court having jurisdiction of a
50 dissolution of marriage proceeding or the parties to the proceeding with information
51 necessary to issue a division of benefits order concerning a member of the system, upon
52 written request from either the court, the member or the member's spouse, which cites this
53 section and identifies the case number and parties.

54 3. A system established by this chapter shall have the discretionary authority to reject
55 a division of benefits order for the following reasons:

56 (1) The order does not clearly state the rights of the member and the alternate payee;

57 (2) The order is inconsistent with any law governing the retirement system.

58 4. The amount paid to an alternate payee under an order issued pursuant to this
59 section shall be based on the plan the member was in on the date of the dissolution of
60 marriage; except that any annual benefit increases subject to division shall be based on the
61 actual annual benefit increases received after the retirement plan election.

62 **5. Any annuity payable under section 104.625 that is subject to a division of**
63 **benefit order under this section shall be calculated as follows:**

64 **(1) In instances of divorce after retirement, any service or compensation of a**
65 **member between the retroactive starting date and the annuity starting date shall not be**
66 **considered creditable service or compensation; and**

67 **(2) The lump-sum payment described in subdivision (3) of section 104.625 shall**
68 **not be subject to any division of benefit order.**

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.

104.410. 1. Any uniformed member of the water patrol who shall be affirmatively
2 found by the board to be wholly and permanently incapable of holding any position of gainful
3 employment as a result of injuries or illness incurred in the performance of the member's
4 duties shall be entitled to receive disability benefits in an amount equal to one-half of the
5 compensation that the employee was receiving at the time of the occurrence of the injury
6 entitling the employee to such disability benefits. Any disability benefit payable pursuant to
7 this subsection shall be decreased by any amount paid to such uniformed member of the water
8 patrol by reason of the workers' compensation laws of this state. After termination of

9 payment under workers' compensation, however, any such reduction and disability benefits
10 shall be restored.

11 2. The board of trustees may require a medical examination of any uniformed
12 member of the water patrol who is receiving disability benefits pursuant to this section at any
13 time by a designated physician, and disability benefits shall be discontinued if the board finds
14 that such member is able to perform the duties of the member's former position, or if such
15 member refuses to submit to such an examination.

16 3. The disability benefits described in this section shall not be paid to any uniformed
17 member of the water patrol who has retained or regained more than fifty percent of the
18 member's earning capacity. If any uniformed member of the water patrol who has been
19 receiving disability benefits again becomes an employee, the member's disability benefits
20 shall be discontinued, the member's prior period of creditable service shall be restored, and
21 any subsequent determination of benefits due the member or the member's survivors shall be
22 based on the sum of the member's creditable service accrued to the date the member's
23 disability benefits commenced and the period of creditable service after the member's return
24 to employment.

25 4. Any uniformed member of the water patrol receiving benefits pursuant to the
26 provisions of this section for five or more years immediately prior to attainment of age fifty-
27 five shall be considered a normal retirant at age fifty-five, and may elect, within thirty days
28 preceding the attainment of age fifty-five, option 1 of section 104.395, but only for the
29 member's spouse who was the member's spouse for two or more years prior to the member's
30 attainment of age fifty-five.

31 5. Any member who is receiving disability benefits as of December 31, 1985, or any
32 member who is disabled on December 31, 1985, and would have been entitled to receive
33 disability benefits pursuant to this section as the provisions of this section existed
34 immediately prior to September 28, 1985, shall be eligible to receive or shall continue to
35 receive benefits in accordance with such prior provisions of this section until the member
36 again becomes an employee; however, all employees of the department of conservation who
37 are disabled shall receive benefits pursuant only to this section or section 104.518, whichever
38 is applicable, and shall not be eligible for benefits under any other plan or program purchased
39 or provided after September 28, 1985.

40 6. Any member who qualifies for disability benefits pursuant to subsection 1 of this
41 section or pursuant to the provisions of section 104.518, or under a long-term disability
42 program provided by the member's employing department as a consequence of employment
43 by the department, shall continue to accrue creditable service based on the member's rate of
44 pay immediately prior to the date the member became disabled in accordance with sections
45 104.370, 104.371, 104.374 and 104.615, until the date the member's retirement benefit goes

46 into pay status, the disability benefits cease being paid to the member, or the member is no
47 longer disabled, whichever comes first. Persons covered by the provisions of sections
48 476.515 to 476.565 or sections 287.812 to 287.855, who qualify for disability benefits
49 pursuant to the provisions of section 104.518, at the date the person becomes disabled, shall
50 continue to accrue creditable service based on the person's rate of pay immediately prior to
51 the date the person becomes disabled until the date the person's retirement benefit goes into
52 pay status, the disability benefits cease being paid to the person or the person is no longer
53 disabled, whichever comes first. Members or persons continuing to accrue creditable service
54 pursuant to this subsection shall be entitled to continue their life insurance coverage subject to
55 the provisions of the life insurance plan administered by the board pursuant to section
56 104.517. The rate of pay for purposes of calculating retirement benefits for a member or
57 person described in this subsection who becomes disabled and retires on or after August 28,
58 1999, shall be the member's or person's regular monthly compensation received at the time of
59 disablement, increased thereafter for any increases in the consumer price index. Such
60 increases in the member's monthly pay shall be made annually beginning twelve months after
61 disablement and shall be equal to eighty percent of the increase in the consumer price index
62 during the calendar year prior to the adjustment, but not more than five percent of the
63 member's monthly pay immediately before the increase. Such accruals shall continue until
64 the earliest of: receipt of an early retirement annuity, attainment of normal retirement
65 eligibility or termination of disability benefits.

66 7. A member or person who continues to be disabled as provided in subsection 6 of
67 this section until the member's normal retirement age shall be eligible to retire on the first day
68 of the month next following the member's or person's final payment pursuant to section
69 104.518 or, if applicable, subsection 1 of this section. A member or person who retires
70 pursuant to this subsection shall receive the greater of the normal annuity or the minimum
71 annuity, if applicable, determined pursuant to sections 104.370, 104.371, 104.374 and
72 104.615, and section 287.820, and section 476.530 as if the member or person had continued
73 in the active employ of the employer until the member's or person's retirement benefit goes
74 into pay status, the disability benefits cease being paid to the member or person, or the
75 member or person is no longer disabled, whichever comes first and the member's or person's
76 compensation for such period had been the member's or person's rate of pay immediately
77 preceding the date the member or person became disabled.

78 8. If a member who has been disabled becomes an employee again and if the member
79 was disabled during the entire period of the member's absence, then the member shall resume
80 active participation as of the date of reemployment. Such a member shall receive creditable
81 service for the entire period the member was disabled as provided in subsection 6 of this
82 section.

83 9. If a member ceases to be disabled and if the member does not return to work as
84 provided in subsection 8 of this section, the member's rights to further benefits shall be
85 determined in accordance with sections 104.335, 104.380, 104.400, 104.420 and 104.615 as
86 though the member had withdrawn from service as of the date the member ceased to be
87 disabled, as determined by the system.

88 **10. Members of the general assembly who are accruing service under subsection**
89 **6 of this section shall continue to accrue service until the earliest of attainment of normal**
90 **retirement age eligibility, termination of disability benefits, or the end of the member's**
91 **constitutionally mandated limit on service as a member of the general assembly for the**
92 **chamber in which the member was serving at the time of disablement.**

93 **11. Statewide elected officials who are accruing service under subsection 6 of this**
94 **section shall continue to accrue service until the earliest of attainment of normal**
95 **retirement age eligibility, termination of disability benefits, or the end of the statewide**
96 **elected official's constitutionally mandated limit on service as a statewide elected official**
97 **for the office in which the statewide elected official was serving at the time of**
98 **disablement.**

104.436. 1. The board intends to follow a financing pattern which computes and
2 requires contribution amounts which, expressed as percents of active member payroll, will
3 remain approximately level from year to year and from one generation of citizens to the next
4 generation. Such contribution determinations require regular actuarial valuations, which shall
5 be made by the board's actuary, using assumptions and methods adopted by the board after
6 consulting with its actuary. The entry age normal cost valuation method shall be used in
7 determining ~~the normal cost~~, ~~and contributions for unfunded accrued liabilities shall be~~
8 ~~determined using level percent of payroll amortization~~ **calculation.**

9 2. At least ninety days before each regular session of the general assembly, the board
10 shall certify to the division of budget the contribution rate necessary to cover the liabilities of
11 the plan administered by the system, including costs of administration, expected to accrue
12 during the next appropriation period. The commissioner of administration shall request
13 appropriation of the amount calculated pursuant to the provisions of this subsection.
14 Following each pay period, the commissioner of administration shall requisition and certify
15 the payment to the executive director of the Missouri state employees' retirement system. The
16 executive director shall promptly deposit the amounts certified to the credit of the Missouri
17 state employees' retirement fund.

18 3. The employers of members of the system who are not paid out of funds that have
19 been deposited in the state treasury shall remit promptly to the executive director an amount
20 equal to the amount which the state would have paid if those members had been paid entirely

21 from state funds. The executive director shall promptly deposit the amounts certified to the
22 credit of the Missouri state employees' retirement system fund.

23 4. These amounts are funds of the system, and shall not be commingled with any
24 funds in the state treasury.

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

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

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

104.515. 1. Separate accounts for medical, life insurance and disability benefits
2 provided pursuant to sections 104.517 and 104.518 shall be established as part of the fund.
3 The funds, property and return on investments of the separate account shall not be
4 commingled with any other funds, property and investment return of the system. All benefits
5 and premiums are paid solely from the separate account for medical, life insurance and
6 disability benefits provided pursuant to this section.

7 2. The state shall contribute an amount as appropriated by law and approved by the
8 governor per month for medical benefits, life insurance and long-term disability benefits as
9 provided pursuant to this section and sections 104.517 and 104.518. Such amounts shall
10 include the cost of providing life insurance benefits for each active employee who is a
11 member of the Missouri state employees' retirement system, a member of the public school
12 retirement system and who is employed by a state agency other than an institution of higher
13 learning, a member of the retirement system established by sections 287.812 to 287.855, the
14 judicial retirement system, each legislator and official holding an elective state office,

15 members not on payroll status who are receiving workers' compensation benefits, and if the
16 state highways and transportation commission so elects, those employees who are members
17 of the state transportation department employees' and highway patrol retirement system; if the
18 state highways and transportation commission so elects to join the plan, the state shall
19 contribute an amount as appropriated by law for medical benefits for those employees who
20 are members of the transportation department employees' and highway patrol retirement
21 system; an additional amount equal to the amount required, based on competitive bidding or
22 determined actuarially, to fund the retired members' death benefit or life insurance benefit, or
23 both, provided in subsection 4 of this section and the disability benefits provided in section
24 104.518. This amount shall be reported as a separate item in the monthly certification of
25 required contributions which the commissioner of administration submits to the state
26 treasurer and shall be deposited to the separate account for medical, life insurance and
27 disability benefits. All contributions made on behalf of members of the state transportation
28 department employees' and highway patrol retirement system shall be made from highway
29 funds. If the highways and transportation commission so elects, the spouses and
30 unemancipated children under twenty-three years of age of employees who are members
31 of the state transportation department employees' and highway patrol retirement system shall
32 be able to participate in the program of insurance benefits to cover medical expenses pursuant
33 to the provisions of subsection 3 of this section.

34 3. The board shall determine the premium amounts required for participating
35 employees. The premium amounts shall be the amount, which, together with the state's
36 contribution, is required to fund the benefits provided, taking into account necessary actuarial
37 reserves. Separate premiums shall be established for employees' benefits and a separate
38 premium or schedule of premiums shall be established for benefits for spouses and
39 unemancipated children under twenty-three years of age of participating employees. The
40 employee's premiums for spouse and children benefits shall be established to cover that
41 portion of the cost of such benefits which is not paid for by contributions by the state. All
42 such premium amounts shall be paid to the board of trustees at the time that each employee's
43 wages or salary would normally be paid. The premium amounts so remitted will be placed in
44 the separate account for medical, life insurance and disability benefits. In lieu of the
45 availability of premium deductions, the board may establish alternative methods for the
46 collection of premium amounts.

47 4. Each special consultant eligible for life benefits employed by a board of trustees of
48 a retirement system as provided in section 104.610 who is a member of the Missouri state life
49 insurance plan or Missouri state transportation department and Missouri state highway patrol
50 life insurance plan shall, in addition to duties prescribed in section 104.610 or any other law,
51 and upon request of the board of trustees, give the board, orally or in writing, a short detailed

52 statement on life insurance and death benefit problems affecting retirees. As compensation
53 for the extra duty imposed by this subsection, any special consultant as defined above, other
54 than a special consultant entitled to a deferred normal annuity pursuant to section 104.035 or
55 104.335, who retires on or after September 28, 1985, shall receive as a part of compensation
56 for these extra duties, a death benefit of five thousand dollars, and any special consultant who
57 terminates employment on or after August 28, 1999, after reaching normal or early retirement
58 age and becomes a retiree within ~~[sixty]~~ **sixty-five** days of such termination shall receive five
59 thousand dollars of life insurance coverage. In addition, each special consultant who is a
60 member of the transportation department employees' and highway patrol retirement system
61 medical insurance plan shall also provide the board, upon request of the board, orally or in
62 writing, a short detailed statement on physical, medical and health problems affecting retirees.
63 As compensation for this extra duty, each special consultant as defined above shall receive, in
64 addition to all other compensation provided by law, nine dollars, or an amount equivalent to
65 that provided to other special consultants pursuant to the provisions of section 103.115. In
66 addition, any special consultant as defined in section 287.820 or section 476.601 who
67 terminates employment and immediately retires on or after August 28, 1995, shall receive as a
68 part of compensation for these duties, a death benefit of five thousand dollars and any special
69 consultant who terminates employment on or after August 28, 1999, after reaching the age of
70 eligibility to receive retirement benefits and becomes a retiree within ~~[sixty]~~ **sixty-five** days
71 of such termination shall receive five thousand dollars of life insurance coverage.

72 5. Any former employee who is receiving disability income benefits from the
73 Missouri state employees' retirement system or the transportation department employees' and
74 highway patrol retirement system shall, upon application with the board of trustees of the
75 Missouri consolidated health care plan or the transportation department employees and
76 highway patrol medical plan, be made, constituted, appointed and employed by the respective
77 board as a special consultant on the problems of the health of disability income recipients and,
78 upon request of the board of trustees of each medical plan, give the board, orally or in writing,
79 a short detailed statement of physical, medical and health problems affecting disability
80 income recipients. As compensation for the extra duty imposed by this subsection, each such
81 special consultant as defined in this subsection may receive, in addition to all other
82 compensation provided by law, an amount contributed toward medical benefits coverage
83 provided by the Missouri consolidated health care plan or the transportation employees and
84 highway patrol medical plan pursuant to appropriations.

104.625. Effective July 1, 2002, any member retiring pursuant to the provisions of
2 sections 104.010 to 104.801, except an elected official or a member of the general assembly,
3 who has not been paid retirement benefits and continues employment for at least two years

4 beyond normal retirement age, may elect to receive an annuity and lump sum payment or
5 payments, determined as follows:

6 (1) A retroactive starting date shall be established which shall be a date selected by
7 the member; provided, however, that the retroactive starting date selected by the member
8 shall not be a date which is earlier than the date when a normal annuity would have first been
9 payable. In addition, the retroactive starting date shall not be more than five years prior to the
10 annuity starting date, which shall be the first day of the month with respect to which an
11 amount is paid as an annuity pursuant to this section. The member's selection of a retroactive
12 starting date shall be done in twelve-month increments, except this restriction shall not apply
13 when the member selects the total available time between the retroactive starting date and the
14 annuity starting date;

15 (2) The prospective annuity payable as of the annuity starting date shall be
16 determined pursuant to the provisions otherwise applicable under the law, with the exception
17 that it shall be the amount which would have been payable had the member actually retired on
18 the retroactive starting date under the retirement plan selected by the member. Other than for
19 the lump sum payment or payments specified in subdivision (3) of this section, no other
20 amount shall be due for the period between the retroactive starting date and the annuity
21 starting date;

22 (3) The lump sum payable shall be ninety percent of the annuity amounts which
23 would have been paid to the member from the retroactive starting date to the annuity starting
24 date had the member actually retired on the retroactive starting date and received a normal
25 annuity. The member shall ~~elect to~~ receive the lump sum amount ~~[either]~~ in its entirety at
26 the same time as the initial annuity payment is made ~~[or in three equal annual installments~~
27 ~~with the first payment made at the same time as the initial annuity payment]; and~~

28 (4) ~~[Any annuity payable pursuant to this section that is subject to a division of~~
29 ~~benefit order pursuant to section 104.312 shall be calculated as follows:~~

30 (a) ~~Any service of a member between the retroactive starting date and the annuity~~
31 ~~starting date shall not be considered creditable service except for purposes of calculating the~~
32 ~~division of benefit; and~~

33 (b) ~~The lump sum payment described in subdivision (3) of this section shall not be~~
34 ~~subject to any division of benefit order; and~~

35 (5) For purposes of determining annual benefit increases payable as part of the lump
36 sum and annuity provided pursuant to this section, the retroactive starting date shall be
37 considered the member's date of retirement.

104.810. 1. Employees of the Missouri state water patrol who are earning creditable
2 service in the closed plan of the Missouri state employees' retirement system and who are
3 transferred to the division of water patrol with the Missouri state highway patrol shall elect

4 within ninety days of January 1, 2011, to either remain a member of the Missouri state
5 employees' retirement system or transfer membership and creditable service to the closed plan
6 of the Missouri department of transportation and highway patrol employees' retirement
7 system. The election shall be made in writing after the employee has received a detailed
8 analysis comparing retirement, life insurance, disability benefits, and medical benefits of a
9 member of the Missouri state employees' retirement system with the corresponding benefits
10 provided an employee of the highway patrol covered by the closed plan of the Missouri
11 department of transportation and highway patrol employees' retirement system. In electing
12 plan membership the employee shall acknowledge and agree that an election made under this
13 subsection is irrevocable, and constitutes a waiver to receive retirement, life insurance,
14 disability benefits, and medical benefits except as provided by the system elected by the
15 employee. Furthermore, in connection with the election, the employee shall be required to
16 acknowledge that the benefits provided by virtue of membership in either system, and any
17 associated costs to the employee, may be different now or in the future as a result of the
18 election and that the employee agrees to hold both systems harmless with regard to benefit
19 differences resulting from the election. **In the event an employee terminates employment
20 and later returns to the same position, the employee shall be a member of the system in
21 which he or she was a member prior to termination. If the employee returns to any
22 other position, the employee shall be a member of the system that currently covers that
23 position.**

24 2. Employees of the Missouri state water patrol who are earning credited service in
25 the year 2000 plan of the Missouri state employees' retirement system and who are transferred
26 to the division of water patrol with the Missouri state highway patrol shall elect within ninety
27 days of January 1, 2011, to either remain a member of the Missouri state employees'
28 retirement system or transfer membership and creditable service to the year 2000 plan of the
29 Missouri department of transportation and highway patrol employees' retirement system. The
30 election shall be made in writing after the employee has received a detailed analysis
31 comparing retirement, life insurance, disability benefits, and medical benefits of a member of
32 the Missouri state employees' retirement system with the corresponding benefits provided an
33 employee of the highway patrol covered by the year 2000 plan of the Missouri department of
34 transportation and highway patrol employees' retirement system. In electing plan
35 membership the employee shall acknowledge and agree that an election made under this
36 subsection is irrevocable, and constitutes a waiver to receive retirement, life insurance,
37 disability benefits, and medical benefits except as provided by the system elected by the
38 employee. Furthermore, in connection with the election, the employee shall be required to
39 acknowledge that the benefits provided by virtue of membership in either system, and any
40 associated costs to the employee, may be different now or in the future as a result of the

41 election and that the employee agrees to hold both systems harmless with regard to benefit
42 differences resulting from the election.

43 3. The Missouri state employees' retirement system shall pay to the Missouri
44 department of transportation and highway patrol employees' retirement system, by June 30,
45 2011, an amount actuarially determined to equal the liability at the time of the transfer for any
46 employee who elects under subsection 1 or 2 of this section to transfer to the Missouri
47 department of transportation and highway patrol employees' retirement system, to the extent
48 that liability is funded as of the most recent actuarial valuation and based on the actuarial
49 value of assets not to exceed one hundred percent.

50 4. In no event shall any employee receive service credit for the same period of service
51 under more than one retirement system as a result of the provisions of this section.

52 5. The only medical coverage available for any employee who elects under subsection
53 1 or 2 of this section to transfer to the Missouri department of transportation and highway
54 patrol employees' retirement system shall be the medical coverage provided in section
55 104.270. The effective date for commencement of medical coverage shall be July 1, 2011.
56 However, this does not preclude medical coverage for the transferred employee as a
57 dependent under any other health care plan.

58 6. Any employee who elects under subsection 1 or 2 of this section to transfer to the
59 Missouri department of transportation and highway patrol employees' retirement system and
60 who is also thereafter a uniformed member of the highway patrol shall be subject to the
61 mandatory retirement age stated in section 104.081.

104.1003. 1. Unless a different meaning is plainly required by the context, the
2 following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

3 (1) "Act", the year 2000 plan created by sections 104.1003 to 104.1093;

4 (2) "Actuary", an actuary who is experienced in retirement plan financing and who is
5 either a member of the American Academy of Actuaries or an enrolled actuary under the
6 Employee Retirement Income Security Act of 1974;

7 (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from
8 funds provided for in, or authorized by, sections 104.1003 to 104.1093;

9 (4) "Annuity starting date" means the first day of the first month with respect to
10 which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

11 (5) "Beneficiary", any persons or entities entitled to receive an annuity or other
12 benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of
13 another person;

14 (6) "Board of trustees", "board", or "trustees", a governing body or bodies established
15 for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

16 (7) "Closed plan", a benefit plan created pursuant to this chapter and administered by
17 a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall
18 become a member of the closed plan, but the closed plan shall continue to function for the
19 benefit of persons covered by and remaining in the closed plan and their beneficiaries;

20 (8) "Consumer price index", the Consumer Price Index for All Urban Consumers for
21 the United States, or its successor index, as approved by the board, as such index is defined
22 and officially reported by the United States Department of Labor, or its successor agency;

23 (9) "Credited service", the total credited service to a member's credit as provided in
24 sections 104.1003 to 104.1093; except that in no case shall more than one day of credited
25 service be credited to any member or vested former member for any one calendar day of
26 eligible credit as provided by law;

27 (10) "Department", any department or agency of the executive, legislative, or judicial
28 branch of the state of Missouri receiving state appropriations, including allocated funds from
29 the federal government but not including any body corporate or politic unless its employees
30 are eligible for retirement coverage from a system pursuant to this chapter as otherwise
31 provided by law;

32 (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age
33 and the completion of at least five years of credited service;

34 (12) "Effective date", July 1, 2000;

35 (13) "Employee" shall be any person who is employed by a department and is paid a
36 salary or wage by a department in a position normally requiring the performance of duties of
37 not less than one thousand forty hours per year, provided:

38 (a) The term "employee" shall not include any patient or inmate of any state,
39 charitable, penal or correctional institution, or any person who is employed by a department
40 in a position that is covered by a state-sponsored defined benefit retirement plan not created
41 by this chapter;

42 (b) The term "employee" shall be modified as provided by other provisions of
43 sections 104.1003 to 104.1093;

44 (c) The system shall consider a person who is employed in multiple positions
45 simultaneously within a single agency to be working in a single position for purposes of
46 determining whether the person is an employee as defined in this subdivision;

47 (d) ~~[Beginning September 1, 2001, the term "year" as used in this subdivision shall~~
48 ~~mean the twelve-month period beginning on the first day of employment;~~

49 (e) The term "employee" shall include any person as defined under paragraph (b) of
50 subdivision (21) of subsection 1 of section 104.010 who is first employed on or after July 1,
51 2000, but prior to August 28, 2007;

52 (14) "Employer", a department;

53 (15) "Executive director", the executive director employed by a board established
54 pursuant to the provisions of sections 104.1003 to 104.1093;

55 (16) "Final average pay", the average pay of a member for the thirty-six full
56 consecutive months of service before termination of employment when the member's pay was
57 greatest; or if the member was on workers' compensation leave of absence or a medical leave
58 of absence due to an employee illness, the amount of pay the member would have received
59 but for such leave of absence as reported and verified by the employing department; or if the
60 member was employed for less than thirty-six months, the average monthly pay of a member
61 during the period for which the member was employed. The board of each system may
62 promulgate rules for purposes of calculating final average pay and other retirement provisions
63 to accommodate for any state payroll system in which pay is received on a monthly,
64 semimonthly, biweekly, or other basis;

65 (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to
66 104.1093;

67 (18) "Investment return", or "interest", rates as shall be determined and prescribed
68 from time to time by a board;

69 (19) "Member", a person who is included in the membership of the system, as set
70 forth in section 104.1009;

71 (20) "Normal retirement eligibility", a member's attainment of at least sixty-two years
72 of age and the completion of at least five or more years of credited service or, the attainment
73 of at least forty-eight years of age with a total of years of age and years of credited service
74 which is at least eighty or, in the case of a member of the highway patrol who shall be subject
75 to the mandatory retirement provisions of section ~~[104.080]~~ **104.081**, the mandatory
76 retirement age and completion of five years of credited service or, the attainment of at least
77 forty-eight years of age with a total of years of age and years of credited service which is at
78 least eighty;

79 (21) "Pay" shall include:

80 (a) All salary and wages payable to an employee for personal services performed for a
81 department; but excluding:

82 a. Any amounts paid after an employee's employment is terminated, unless the
83 payment is made as a final installment of salary or wages at the same rate as in effect
84 immediately prior to termination of employment in accordance with a state payroll system
85 adopted on or after January 1, 2000;

86 b. Any amounts paid upon termination of employment for unused annual leave or
87 unused sick leave;

88 c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal
89 Revenue Code of 1986 as amended and other applicable federal laws or regulations;

90 d. Any nonrecurring single sum payments; and

91 e. Any amounts for which contributions have not been made in accordance with
92 section 104.1066;

93 (b) All salary and wages which would have been payable to an employee on workers'
94 compensation leave of absence during the period the employee is receiving a weekly workers'
95 compensation benefit, as reported and verified by the employing department;

96 (c) All salary and wages which would have been payable to an employee on a medical
97 leave due to employee illness, as reported and verified by the employing department;

98 (d) For purposes of members of the general assembly, pay shall be the annual salary
99 provided to each senator and representative pursuant to section 21.140, plus any salary
100 adjustment pursuant to section 21.140;

101 **(e) The board by its rules may further define "pay" in a manner consistent with**
102 **this definition;**

103 (22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the
104 person's employment record;

105 (23) "State", the state of Missouri;

106 (24) "System" or "retirement system", the Missouri state employees' retirement
107 system or the Missouri department of transportation and highway patrol employees'
108 retirement system, as the case may be;

109 (25) "Vested former member", a person entitled to receive a deferred annuity pursuant
110 to section 104.1036;

111 (26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

112 2. Benefits paid under the provisions of this chapter shall not exceed the limitations of
113 Internal Revenue Code Section 415, the provisions of which are hereby incorporated by
114 reference. Notwithstanding any other law to the contrary, the board of trustees may establish
115 a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such
116 plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal
117 Revenue Code of 1986, as amended. The board of trustees may promulgate regulations
118 necessary to implement the provisions of this subsection and to create and administer such
119 benefit plan.

104.1018. 1. When a member is no longer employed in a position covered by the
2 system, membership in the system shall thereupon cease. If a member has five or more years
3 of credited service upon such member's termination of membership, such member shall be a
4 vested former member entitled to a deferred annuity pursuant to section 104.1036, **except as**
5 **otherwise provided in subsection 7 of section 104.1024.** If a member has fewer than five
6 years of credited service upon termination of membership, such former member's credited
7 service shall be forfeited, provided that if such former member becomes reemployed in a

8 position covered by the system, such former member shall again become a member of the
9 system and the forfeited credited service shall be restored after receiving creditable service
10 continuously for one year.

11 2. Upon a member becoming a retiree, membership shall cease and, except as
12 otherwise provided in section 104.1039, the person shall not again become a member of the
13 system.

14 3. If a vested former member becomes reemployed in a position covered by the
15 system before such vested former member's annuity starting date, membership shall be
16 restored with the previous credited service and increased by such reemployment.

104.1024. 1. Any member who terminates employment may retire on or after
2 attaining normal retirement eligibility by making application in written form and manner
3 approved by the appropriate board. The written application shall set forth the annuity starting
4 date which shall not be earlier than the first day of the second month following the month of
5 the execution and filing of the member's application for retirement nor later than the first day
6 of the fourth month following the month of the execution and filing of the member's
7 application for retirement. The payment of the annuity shall be made the last working day of
8 each month, providing all documentation required under section 104.1027 for the calculation
9 and payment of the benefits is received by the board.

10 2. A member's annuity shall be paid in the form of a life annuity, except as provided
11 in section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of
12 the final average pay of the member multiplied by the member's years of credited service.

13 3. The life annuity defined in subsection 2 of this section shall not be less than a
14 monthly amount equal to fifteen dollars multiplied by the member's full years of credited
15 service.

16 4. If as of the annuity starting date of a member who has attained normal retirement
17 eligibility the sum of the member's years of age and years of credited service equals eighty or
18 more years and if the member's age is at least forty-eight years but less than sixty-two years,
19 or, in the case of a member of the highway patrol who shall be subject to the mandatory
20 retirement provision of section ~~[104.080]~~ **104.081**, the mandatory retirement age and
21 completion of five years of credited service, then in addition to the life annuity described in
22 subsection 2 of this section, the member shall receive a temporary annuity equal to eight-
23 tenths of one percent of the member's final average pay multiplied by the member's years of
24 credited service. The temporary annuity and any cost-of-living adjustments attributable to the
25 temporary annuity pursuant to section 104.1045 shall terminate at the end of the calendar
26 month in which the earlier of the following events occurs: the member's death or the
27 member's attainment of the earliest age of eligibility for reduced Social Security retirement
28 benefits, but no later than age sixty-two.

29 5. The annuity described in subsection 2 of this section for any person who has
30 credited service not covered by the federal Social Security Act, as provided in ~~sections~~
31 ~~105.300 to 105.430~~ **subdivision (1) of subsection 7 of section 104.342**, shall be calculated
32 as follows: the life annuity shall be an amount equal to two and five-tenths percent of the
33 final average pay of the member multiplied by the number of years of service not covered by
34 the federal Social Security Act in addition to one and seven-tenths percent of the final average
35 pay of the member multiplied by the member's years of credited service covered by the
36 federal Social Security Act.

37 6. Effective July 1, 2002, any member, except an elected official or a member of the
38 general assembly, who has not been paid retirement benefits and continues employment for at
39 least two years beyond the date of normal retirement eligibility, may elect to receive an
40 annuity and lump sum payment or payments, determined as follows:

41 (1) A retroactive starting date shall be established which shall be a date selected by
42 the member; provided, however, that the retroactive starting date selected by the member
43 shall not be a date which is earlier than the date when a normal annuity would have first been
44 payable. In addition, the retroactive starting date shall not be more than five years prior to the
45 annuity starting date. The member's selection of a retroactive starting date shall be done in
46 twelve-month increments, except this restriction shall not apply when the member selects the
47 total available time between the retroactive starting date and the annuity starting date;

48 (2) The prospective annuity payable as of the annuity starting date shall be
49 determined pursuant to the provisions of this section, with the exception that it shall be the
50 amount which would have been payable at the annuity starting date had the member actually
51 retired on the retroactive starting date under the retirement plan selected by the member.
52 Other than for the lump sum payment or payments specified in subdivision (3) of this
53 subsection, no other amount shall be due for the period between the retroactive starting date
54 and the annuity starting date;

55 (3) The lump sum payable shall be ninety percent of the annuity amounts which
56 would have been paid to the member from the retroactive starting date to the annuity starting
57 date had the member actually retired on the retroactive starting date and received a life
58 annuity. The member shall ~~elect to~~ receive the lump sum amount ~~[either]~~ in its entirety at
59 the same time as the initial annuity payment is made ~~[or in three equal annual installments~~
60 ~~with the first payment made at the same time as the initial annuity payment]; and~~

61 (4) ~~[Any annuity payable pursuant to this section that is subject to a division of~~
62 ~~benefit order pursuant to section 104.1051 shall be calculated as follows:~~

63 ~~(a) Any service of a member between the retroactive starting date and the annuity~~
64 ~~starting date shall not be considered credited service except for purposes of calculating the~~
65 ~~division of benefit; and~~

66 ~~(b) The lump sum payment described in subdivision (3) of this section shall not be~~
67 ~~subject to any division of benefit order; and~~

68 ~~(5)~~ For purposes of determining annual benefit increases payable as part of the lump
69 sum and annuity provided pursuant to this section, the retroactive starting date shall be
70 considered the member's date of retirement.

71 **7. Any vested former member who terminated employment after attaining**
72 **normal retirement eligibility shall be considered a member for the purposes of this**
73 **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 **servng 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.

104.1051. 1. Any annuity provided pursuant to the year 2000 plan is marital property
2 and a court of competent jurisdiction may divide such annuity between the parties to any
3 action for dissolution of marriage if at the time of the dissolution the member has at least five
4 years of credited service pursuant to sections 104.1003 to 104.1093. A division of benefits
5 order issued pursuant to this section:

6 (1) Shall not require the applicable retirement system to provide any form or type of
7 annuity or retirement plan not selected by the member;

8 (2) Shall not require the applicable retirement system to commence payments until
9 the member's annuity starting date;

10 (3) Shall identify the monthly amount to be paid to the former spouse, which shall be
11 expressed as a percentage and which shall not exceed fifty percent of the amount of the
12 member's annuity accrued during all or part of the period of the marriage of the member and
13 former spouse **excluding service accrued under subsection 2 of section 104.1021**; and
14 which shall be based on the member's vested annuity on the date of the dissolution of
15 marriage or an earlier date as specified in the order, which amount shall be adjusted
16 proportionately upon the annuity starting date if the member's annuity is reduced due to the
17 receipt of an early retirement annuity or the member's annuity is reduced pursuant to section
18 104.1027 under an annuity option in which the member named the alternate payee as
19 beneficiary prior to the dissolution of marriage;

20 (4) Shall not require the payment of an annuity amount to the member and former
21 spouse which in total exceeds the amount which the member would have received without
22 regard to the order;

23 (5) Shall provide that any annuity increases, additional years of credited service,
24 increased final average pay, increased pay pursuant to subsections 2 and 5 of section
25 104.1084, or other type of increases accrued after the date of the dissolution of marriage and
26 any temporary annuity received pursuant to subsection 4 of section 104.1024 shall accrue
27 solely to the benefit of the member; except that on or after September 1, 2001, any cost-of-
28 living adjustment (COLA) due after the annuity starting date shall not be considered to be an
29 increase accrued after the date of termination of marriage and shall be part of the monthly
30 amount subject to division pursuant to any order issued after September 1, 2001;

31 (6) Shall terminate upon the death of either the member or the former spouse,
32 whichever occurs first;

33 (7) Shall not create an interest which is assignable or subject to any legal process;

34 (8) Shall include the name, address, and date of birth of both the member and the
35 former spouse, and the identity of the retirement system to which it applies;

36 (9) Shall be consistent with any other division of benefits orders which are applicable
37 to the same member;

38 (10) Shall not require the applicable retirement system to continue payments to the
39 alternate payee if the member's retirement benefit is suspended or waived as provided by this
40 chapter but such payments shall resume when the retiree begins to receive retirement benefits
41 in the future.

42 2. A system shall provide the court having jurisdiction of a dissolution of a marriage
43 proceeding or the parties to the proceeding with information necessary to issue a division of
44 benefits order concerning a member of the system, upon written request from either the court,
45 the member, or the member's spouse, citing this section and identifying the case number and
46 parties.

47 3. A system shall have the discretionary authority to reject a division of benefits order
48 for the following reasons:

49 (1) The order does not clearly state the rights of the member and the former spouse;

50 (2) The order is inconsistent with any law governing the retirement system.

51 4. Any member of the closed plan who elected the year 2000 plan pursuant to section
52 104.1015 and then becomes divorced and subject to a division of benefits order shall have the
53 division of benefits order calculated pursuant to the provisions of the year 2000 plan.

54 **5. Any annuity payable under section 104.1024 that is subject to a division of**
55 **benefit order under this section shall be calculated as follows:**

56 (1) **In instances of divorce after retirement, any service or pay of a member**
57 **between the retroactive starting date and the annuity starting date shall not be**
58 **considered creditable service or pay; and**

59 (2) **The lump-sum payment described in subdivision (3) of subsection 6 of section**
60 **104.1024 shall not be subject to any division of benefit order.**

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

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

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

104.1066. 1. The year 2000 plan intends to follow a financing pattern which
2 computes and requires contribution amounts which, expressed as percents of active member
3 payroll, will remain approximately level from year to year and from one generation of
4 citizens to the next generation. Such contribution determinations require regular actuarial
5 valuations, which shall be made by the board's actuary, using assumptions and methods

6 adopted by the board after consulting with its actuary. The entry age-normal cost valuation
7 method shall be used in determining **the normal cost**~~], and contributions for unfunded accrued~~
8 ~~liabilities shall be determined using level percent of payroll amortization]~~ **calculation**. For
9 purposes of this subsection and section 104.436, the actuary shall determine a single
10 contribution rate applicable to both closed plan and year 2000 plan participants and, in
11 determining such rate, make estimates of the probabilities of closed plan participants
12 transferring to the year 2000 plan.

13 2. At least ninety days before each regular session of the general assembly, the board
14 of the Missouri state employees' retirement system shall certify to the division of budget the
15 contribution rate necessary to cover the liabilities of the year 2000 plan administered by such
16 system, including costs of administration, expected to accrue during the next appropriation
17 period. The commissioner of administration shall request appropriations based upon the
18 contribution rate so certified. From appropriations so made, the commissioner of
19 administration shall certify contribution amounts to the state treasurer who in turn shall
20 immediately pay the contributions to the year 2000 plan.

21 3. The employers of members covered by the Missouri state employees' retirement
22 system who are not paid out of funds that have been deposited in the state treasury shall remit
23 following each pay period to the year 2000 plan an amount equal to the amount which the
24 state would have paid if those members had been paid entirely from state funds. Such
25 employers shall maintain payroll records for a minimum of five years and shall produce all
26 such records as requested by the system. The system is authorized to request from the state
27 office of administration an appropriation out of the annual budget of any such employer in the
28 event such records indicate that such employer has not contributed the amounts required by
29 this section. The office of administration shall request such appropriation which shall be
30 equal to the amount necessary to replace any shortfall in contributions as determined by the
31 system. From appropriations so made, the commissioner of administration shall certify
32 contribution amounts to the state treasurer who in turn shall immediately pay such
33 contributions to the year 2000 plan.

34 4. At least ninety days before each regular session of the general assembly, the board
35 of the transportation department and highway patrol retirement system shall certify to the
36 department of transportation and the department of public safety the contribution rate
37 necessary to cover the liabilities of the year 2000 plan administered by such system, including
38 costs of administration, expected to accrue during the next biennial or other appropriation
39 period. Each department shall include in its budget and in its request for appropriations for
40 personal service the sum so certified to it by such board, and shall present the same to the
41 general assembly for allowance. The sums so certified and appropriated, when available,

42 shall be immediately paid to the system and deposited in the highway and transportation
43 employees' and highway patrol retirement and benefit fund.

44 5. These amounts are funds of the year 2000 plan and shall not be commingled with
45 any funds in the state treasury.

104.1072. 1. Each board shall provide or contract, or both, for life insurance benefits
2 for employees covered pursuant to the year 2000 plan as follows:

3 (1) Employees shall be provided fifteen thousand dollars of life insurance until
4 December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both
5 for basic life insurance for employees covered under any retirement plan administered by the
6 system pursuant to this chapter, persons covered by sections 287.812 to 287.856, for
7 employees who are members of the judicial retirement system as provided in section 476.590,
8 and, at the election of the state highways and transportation commission, employees who are
9 members of the ~~highways and~~ **Missouri department of** transportation ~~employees'~~ and
10 highway patrol **employees'** retirement system, in the amount equal to one times annual pay,
11 subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or
12 contract the method for determining the annual rate of pay and any other terms of such
13 insurance as it deems necessary to implement the requirements pursuant to this section.
14 Annual rate of pay shall not include overtime or any other irregular payments as determined
15 by the board. Such life insurance shall provide for triple indemnity in the event the cause of
16 death is a proximate result of a personal injury or disease arising out of and in the course of
17 actual performance of duty as an employee;

18 (2) Any member who terminates employment after reaching normal or early
19 retirement eligibility and becomes a retiree within ~~sixty~~ **sixty-five** days of such termination
20 shall receive five thousand dollars of life insurance coverage.

21 2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of
22 this section, any person for whom life insurance is provided or contracted for pursuant to such
23 subsection may purchase, at the person's own expense and only if monthly voluntary payroll
24 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with
25 a private insurance company or as may be required by a system if the board of trustees
26 determines that the system should provide such insurance itself. The maximum amount of
27 additional life insurance which may be so purchased prior to January 1, 2004, is that amount
28 which equals six times the amount of the person's annual rate of pay, subject to any maximum
29 established by a board, except that if such maximum amount is not evenly divisible by one
30 thousand dollars, then the maximum amount of additional insurance which may be purchased
31 is the next higher amount evenly divisible by one thousand dollars. The maximum amount of
32 additional life insurance which may be so purchased on or after January 1, 2004, is an amount

33 to be stipulated in a contract with a private insurance company or as may be required by the
34 system if the board of trustees determines that the system should provide the insurance itself.

35 (2) Any person defined in subdivision (1) of this subsection may retain an amount not
36 to exceed sixty thousand dollars of life insurance following the date of his or her retirement if
37 such person becomes a retiree the month following termination of employment and makes
38 written application for such life insurance at the same time such person's application is made
39 to the board for retirement benefits. Such life insurance shall only be provided if such person
40 pays the entire cost of the insurance, as determined by the board, by allowing voluntary
41 deductions from the member's annuity.

42 (3) In addition to the life insurance authorized in subdivision (1) of this subsection,
43 any person for whom life insurance is provided or contracted for pursuant to this subsection
44 may purchase, at the person's own expense and only if monthly voluntary payroll deductions
45 are authorized, life insurance covering the person's children or the person's spouse or both at
46 coverage amounts to be determined by the board at a cost to be stipulated in a contract with a
47 private insurer or as may be required by the system if the board of trustees determines that the
48 system should provide such insurance itself.

49 (4) Effective July 1, 2000, any member who applies and is eligible to receive an
50 annuity based on the attainment of at least forty-eight years of age with a total of years of age
51 and years of credited service which is at least eighty shall be eligible to retain any optional
52 life insurance described in subdivision (1) of this subsection. The amount of such retained
53 insurance shall not be greater than the amount in effect during the month prior to termination
54 of employment. Such insurance may be retained until the member's attainment of the earliest
55 age for eligibility for reduced Social Security retirement benefits but no later than age sixty-
56 two, at which time the amount of such insurance that may be retained shall be that amount
57 permitted pursuant to subdivision (2) of this subsection.

58 3. The state highways and transportation commission may provide for insurance
59 benefits to cover medical expenses for members of the ~~[highways and]~~ **Missouri department**
60 **of transportation [employees']** and highway patrol **employees'** retirement system. The state
61 highways and transportation commission may provide medical benefits for dependents of
62 members and for retired members. Contributions by the state highways and transportation
63 commission to provide the benefits shall be on the same basis as provided for other state
64 employees pursuant to the provisions of section 104.515. Except as otherwise provided by
65 law, the cost of benefits for dependents of members and for retirees and their dependents shall
66 be paid by the members or retirees. The commission may contract with other persons or
67 entities including but not limited to third-party administrators, health network providers and
68 health maintenance organizations for all, or any part of, the benefits provided for in this

69 section. The commission may require reimbursement of any medical claims paid by the
70 commission's medical plan for which there was third-party liability.

71 4. The ~~[highways and]~~ **Missouri department of** transportation ~~[employees']~~ and
72 highway patrol **employees'** retirement system may request the state highways and
73 transportation commission to provide life insurance benefits as required in subsections 1
74 and 2 of this section. If the state highways and transportation commission agrees to the
75 request, the ~~[highways and]~~ **Missouri department of** transportation ~~[employees']~~ and
76 highway patrol **employees'** retirement system shall reimburse the state highways and
77 transportation commission for any and all costs for life insurance provided pursuant to
78 subdivision (2) of subsection 1 of this section. The person who is covered pursuant to
79 subsection 2 of this section shall be solely responsible for the costs of any additional life
80 insurance. In lieu of the life insurance benefit in subdivision (2) of subsection 1 of this
81 section, the ~~[highways and]~~ **Missouri department of** transportation ~~[employees']~~ and
82 highway patrol **employees'** retirement system is authorized in its sole discretion to provide a
83 death benefit of five thousand dollars.

84 5. To the extent that the board enters or has entered into any contract with any insurer
85 or service organization to provide life insurance provided for pursuant to this section:

86 (1) The obligation to provide such life insurance shall be primarily that of the insurer
87 or service organization and secondarily that of the board;

88 (2) Any member who has been denied life insurance benefits by the insurer or service
89 organization and has exhausted all appeal procedures provided by the insurer or service
90 organization may appeal such decision by filing a petition against the insurer or service
91 organization in a court of law in the member's county of residence; and

92 (3) The board and the system shall not be liable for life insurance benefits provided
93 by an insurer or service organization pursuant to this section and shall not be subject to any
94 cause of action with regard to life insurance benefits or the denial of life insurance benefits by
95 the insurer or service organization unless the member has obtained judgment against the
96 insurer or service organization for life insurance benefits and the insurer or service
97 organization is unable to satisfy that judgment.

104.1084. 1. For members of the general assembly, the provisions of this section
2 shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal
3 retirement eligibility" means attainment of age fifty-five for a member who has served at least
4 three full biennial assemblies or the attainment of at least age fifty for a member who has
5 served at least three full biennial assemblies with a total of years of age and years of credited
6 service which is at least eighty. A member shall receive two years of credited service for
7 every full biennial assembly served. A full biennial assembly shall be equal to the period of
8 time beginning on the first day the general assembly convenes for a first regular session until

9 the last day of the following year. If a member serves less than a full biennial assembly, the
10 member shall receive credited service for the pro rata portion of the full biennial assembly
11 served.

12 2. For the purposes of section 104.1024, the normal retirement annuity of a member
13 of the general assembly shall be an amount for life equal to one twenty-fourth of the monthly
14 pay for a senator or representative on the annuity starting date multiplied by the years of
15 credited service as a member of the general assembly. In no event shall any such member or
16 eligible beneficiary receive annuity amounts in excess of one hundred percent of pay.

17 3. To be covered by the provisions of section 104.1030, or section 104.1036, a
18 member of the general assembly must have served at least three full biennial assemblies.

19 4. For members who are statewide elected officials, the provisions of this section
20 shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal
21 retirement eligibility" means attainment of age fifty-five for a member who has served at least
22 four years as a statewide elected official, or the attainment of age fifty with a total of years of
23 age and years of such credited service which is at least eighty.

24 5. For the purposes of section 104.1024, the normal retirement annuity of a member
25 who is a statewide elected official shall be an amount for life equal to one twenty-fourth of the
26 monthly pay in the highest office held by such member on the annuity starting date multiplied
27 by the years of credited service as a statewide elected official not to exceed twelve years.

28 6. To be covered by the provisions of sections 104.1030 and 104.1036, a member who
29 is a statewide elected official must have at least four years as a statewide elected official.

30 7. The provisions of section 104.1045 shall not apply to persons covered by the
31 general assembly and statewide elected official provisions of this section. Persons covered by
32 the general assembly provisions and receiving a year 2000 plan annuity shall be entitled to a
33 cost-of-living adjustment (COLA) when there are increases in pay for members of the general
34 assembly. Persons covered by the statewide elected official provisions and receiving a year
35 2000 plan annuity shall be entitled to COLAs when there are increases in the pay for
36 statewide elected officials in the highest office held by such person. The COLA described in
37 this subsection shall be equal to and concurrent with the percentage increase in pay as
38 described in section 105.005. No COLA shall be less than zero.

39 8. Any member who serves under this chapter as a member of the general assembly or
40 as a statewide elected official on or after August 28, 1999, shall not be eligible to receive any
41 retirement benefits from the system under either the closed plan or the year 2000 plan based
42 on service rendered on or after August 28, 1999, as a member of the general assembly or as a
43 statewide elected official if such member is convicted of a felony that is determined by a court
44 of law to have been committed in connection with the member's duties either as a member of

45 the general assembly or as a statewide elected official, unless such conviction is later reversed
46 by a court of law.

47 9. A member of the general assembly who has purchased or transferred creditable
48 service shall not be subject to the cap on benefits pursuant to subsection 2 of this section for
49 that portion of the benefit attributable to the purchased or transferred service.

50 **10. For the purposes of section 104.1042, the service credit accrued by a member**
51 **of the general assembly while receiving long-term disability benefits shall continue to**
52 **accrue until the earliest receipt of attainment of normal retirement age eligibility,**
53 **termination of disability benefits, or the end of the member's constitutionally mandated**
54 **limit on service as a member of the general assembly for the chamber in which the**
55 **member was serving at the time of disablement.**

56 **11. For the purposes of section 104.1042, the service credit accrued by a**
57 **statewide elected official while receiving long-term disability benefits shall continue to**
58 **accrue until the earliest of attainment of normal retirement age eligibility, termination**
59 **of disability benefits, or the end of the statewide elected official's constitutionally**
60 **mandated limit on service as a statewide elected official for the office in which the**
61 **statewide elected official was serving at the time of disablement.**

104.1091. 1. Notwithstanding any provision of the year 2000 plan to the contrary,
2 each person who first becomes an employee on or after January 1, 2011, shall be a member of
3 the year 2000 plan subject to the provisions of this section.

4 2. A member's normal retirement eligibility shall be as follows:

5 (1) The member's attainment of at least age sixty-seven and the completion of at least
6 ten years of credited service; or the member's attainment of at least age fifty-five with the sum
7 of the member's age and credited service equaling at least ninety; or, in the case of a member
8 who is serving as a uniformed member of the highway patrol and subject to the mandatory
9 retirement provisions of section 104.081, such member's attainment of at least age sixty or the
10 attainment of at least age fifty-five with ten years of credited service;

11 (2) For members of the general assembly, the member's attainment of at least age
12 sixty-two and the completion of at least three full biennial assemblies; or the member's
13 attainment of at least age fifty-five with the sum of the member's age and credited service
14 equaling at least ninety;

15 (3) For statewide elected officials, the official's attainment of at least age sixty-two
16 and the completion of at least four years of credited service; or the official's attainment of at
17 least age fifty-five with the sum of the official's age and credited service equaling at least
18 ninety.

19 3. A vested former member's normal retirement eligibility shall be based on the
20 attainment of at least age sixty-seven and the completion of at least ten years of credited
21 service.

22 4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be
23 payable if the member has attained at least age fifty-five with the sum of the member's age
24 and credited service equaling at least ninety; or in the case of a member who is serving as a
25 uniformed member of the highway patrol and subject to the mandatory retirement provisions
26 of section 104.081, the temporary annuity shall be payable if the member has attained at least
27 age sixty, or at least age fifty-five with ten years of credited service.

28 5. A member, other than a member who is serving as a uniformed member of the
29 highway patrol and subject to the mandatory retirement provisions of section 104.081, shall
30 be eligible for an early retirement annuity upon the attainment of at least age sixty-two and
31 the completion of at least ten years of credited service. A vested former member **who**
32 **terminated employment prior to the attainment of early retirement eligibility** shall not be
33 eligible for early retirement.

34 6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied
35 pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members
36 covered by this section.

37 7. The minimum credited service requirements of five years contained in sections
38 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this
39 section. The normal and early retirement eligibility requirements in this section shall apply
40 for purposes of administering section 104.1087.

41 8. A member shall be required to contribute four percent of the member's pay to the
42 retirement system, which shall stand to the member's credit in his or her individual account
43 with the system, together with investment credits thereon, for purposes of funding retirement
44 benefits payable under the year 2000 plan, subject to the following provisions:

45 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section
46 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the
47 member under this section. The contributions so picked up shall be treated as employer
48 contributions for purposes of determining the member's pay that is includable in the member's
49 gross income for federal income tax purposes;

50 (2) Member contributions picked up by the employer shall be paid from the same
51 source of funds used for the payment of pay to a member. A deduction shall be made from
52 each member's pay equal to the amount of the member's contributions picked up by the
53 employer. This deduction, however, shall not reduce the member's pay for purposes of
54 computing benefits under the retirement system pursuant to this chapter;

55 (3) Member contributions so picked up shall be credited to a separate account within
56 the member's individual account so that the amounts contributed pursuant to this section may
57 be distinguished from the amounts contributed on an after-tax basis;

58 (4) The contributions, although designated as employee contributions, shall be paid
59 by the employer in lieu of the contributions by the member. The member shall not have the
60 option of choosing to receive the contributed amounts directly instead of having them paid by
61 the employer to the retirement system;

62 (5) Interest shall be credited annually on June thirtieth based on the value in the
63 account as of July first of the immediately preceding year at a rate of four percent. Effective
64 June 30, 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to
65 the investment rate that is published by the United States Department of Treasury, or its
66 successor agency, for fifty-two week treasury bills for the relevant auction that is nearest to
67 the preceding July first, or a successor treasury bill investment rate as approved by the board
68 if the fifty-two week treasury bill is no longer issued. Interest credits shall cease upon
69 termination of employment if the member is not a vested former member. Otherwise, interest
70 credits shall cease upon retirement or death;

71 (6) A vested former member or a former member who is not vested may request a
72 refund of his or her contributions and interest credited thereon. If such member is married at
73 the time of such request, such request shall not be processed without consent from the spouse.
74 Such member is not eligible to request a refund if such member's retirement benefit is subject
75 to a division of benefit order pursuant to section 104.1051. Such refund shall be paid by the
76 system ~~[after]~~ **within an administratively reasonable period, but no sooner than** ninety
77 days from the date of termination of employment ~~[or the request, whichever is later, and]~~.
78 **The amount refunded** shall include all **employee** contributions made to any retirement plan
79 administered by the system and interest credited thereon. A vested former member may not
80 request a refund after such member becomes eligible for normal retirement. A vested former
81 member or a former member who is not vested who receives a refund shall forfeit all the
82 member's credited service and future rights to receive benefits from the system and shall not
83 be eligible to receive any ~~[long-term]~~ disability benefits; provided that any member or vested
84 former member receiving ~~[long-term]~~ disability benefits shall not be eligible for a refund. If
85 such member subsequently becomes an employee and works continuously for at least one
86 year, the credited service previously forfeited shall be restored if the member returns to the
87 system the amount previously refunded plus interest at a rate established by the board;

88 (7) The beneficiary of any member who made contributions shall receive a refund
89 upon the member's death equal to the amount, if any, of such contributions and interest
90 credited thereon less any retirement benefits received by the member unless an annuity is
91 payable to a survivor or beneficiary as a result of the member's death. In that event, the

92 beneficiary of the survivor or beneficiary who received the annuity shall receive a refund
93 upon the survivor's or beneficiary's death equal to the amount, if any, of the member's
94 contributions less any annuity amounts received by the member and the survivor or
95 beneficiary.

96 9. The employee contribution rate, the benefits provided under the year 2000 plan to
97 members covered under this section, and any other provision of the year 2000 plan with
98 regard to members covered under this section may be altered, amended, increased, decreased,
99 or repealed, but only with respect to services rendered by the member after the effective date
100 of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest
101 credits, for periods of time after the effective date of such alteration, amendment, increase,
102 decrease, or repeal.

103 10. For purposes of members covered by this section, the options under section
104 104.1027 shall be as follows:

105 Option 1.

106

107 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.
108 Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's
109 age on the annuity starting date is younger than sixty-seven years, an increase of three-tenths
110 of one percent for each year the retiree's age is younger than age sixty-seven years; and if the
111 beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of
112 three-tenths of one percent for each year of age difference; and if the retiree's age is younger
113 than the beneficiary's age on the annuity starting date, an increase of three-tenths of one
114 percent for each year of age difference; provided, after all adjustments the option 1 percent
115 cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of
116 the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on
117 the annuity starting date or as otherwise provided by subsection 5 of this section.

118

Option 2.

119

120 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.
121 Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the
122 annuity starting date is younger than sixty-seven years, an increase of four-tenths of one
123 percent for each year the retiree's age is younger than sixty-seven years; and if the
124 beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of
125 five-tenths of one percent for each year of age difference; and if the retiree's age is younger
126 than the beneficiary's age on the annuity starting date, an increase of five-tenths of one
127 percent for each year of age difference; provided, after all adjustments the option 2 percent
128 cannot exceed eighty-seven and three quarter percent. Upon the retiree's death one hundred

129 percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's
130 spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

131 Option 3.

132

133 A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise
134 payable. If the retiree dies before having received one hundred twenty monthly payments, the
135 reduced annuity shall be continued for the remainder of the one hundred twenty-month period
136 to the retiree's designated beneficiary provided that if there is no beneficiary surviving the
137 retiree, the present value of the remaining annuity payments shall be paid as provided under
138 subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before
139 receiving the remainder of such one hundred twenty monthly payments, the present value of
140 the remaining annuity payments shall be paid as provided under subsection 3 of section
141 104.620.

142 Option 4.

143

144 A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise payable.
145 If the retiree dies before having received one hundred eighty monthly payments, the reduced
146 annuity shall be continued for the remainder of the one hundred eighty-month period to the
147 retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree,
148 the present value of the remaining annuity payments shall be paid as provided under
149 subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before
150 receiving the remainder of such one hundred eighty monthly payments, the present value of
151 the remaining annuity payments shall be paid as provided under subsection 3 of section
152 104.620.

153 11. The provisions of subsection 6 of section 104.1024 shall not apply to members
154 covered by this section.

155 12. Effective January 1, 2018, a member who is not a statewide elected official or a
156 member of the general assembly shall be eligible for retirement under this subsection subject
157 to the following conditions:

158 (1) A member's normal retirement eligibility shall be based on the attainment of at
159 least age sixty-seven and the completion of at least five years of credited service; or the
160 member's attainment of at least age fifty-five with the sum of the member's age and credited
161 service equaling at least ninety; or in the case of a member who is serving as a uniformed
162 member of the highway patrol and subject to the mandatory retirement provisions of section
163 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-
164 five with five years of credited service;

165 (2) A vested former member's normal retirement eligibility shall be based on the
166 attainment of at least age sixty-seven and the completion of at least five years of credited
167 service; **except that, a vested former member who terminates employment after the**
168 **attainment of normal retirement eligibility as defined in subdivision (1) of this**
169 **subsection shall be covered under such subdivision;**

170 (3) A temporary annuity paid under subsection 4 of section 104.1024 shall be payable
171 if the member has attained at least age fifty-five with the sum of the member's age and
172 credited service equaling at least ninety; or in the case of a member who is serving as a
173 uniformed member of the highway patrol and subject to the mandatory retirement provisions
174 of section 104.081, the temporary annuity shall be payable if the member has attained at least
175 age sixty, or at least age fifty-five with five years of credited service;

176 (4) A member, other than a member who is serving as a uniformed member of the
177 highway patrol and subject to the mandatory retirement provisions of section 104.081, shall
178 be eligible for an early retirement annuity upon the attainment of at least age sixty-two and
179 the completion of at least five years of credited service. A vested former member **who**
180 **terminated employment prior to the attainment of early retirement eligibility** shall not be
181 eligible for early retirement;

182 (5) The normal and early retirement eligibility requirements in this subsection shall
183 apply for purposes of administering section 104.1087;

184 (6) The survivor annuity payable under section 104.1030 for vested former members
185 **who terminated employment prior to the attainment of early retirement eligibility and**
186 **who are** covered by this section shall not be payable until the deceased member would have
187 reached his or her normal retirement eligibility under this subsection;

188 (7) The annual cost-of-living adjustment payable under section 104.1045 shall not
189 commence until the second anniversary of ~~[a vested former member's]~~ **the** annuity starting
190 date for **vested former members who terminated employment prior to the attainment of**
191 **early retirement eligibility and who are** covered by this subsection;

192 (8) The unused sick leave credit granted under subsection 2 of section 104.1021 shall
193 not apply to members covered by this subsection unless the member terminates employment
194 after reaching normal retirement eligibility or becoming eligible for an early retirement
195 annuity under this subsection; and

196 (9) The minimum credited service requirements of five years contained in sections
197 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this
198 subsection.

143.114. 1. As used in this section, the following terms mean:

- 2 (1) "Commercial domicile", the principal place from which the trade or business of
3 the taxpayer is directed or managed;

4 (2) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross
5 income to determine Missouri taxable income for the tax year in which such deduction is
6 claimed;

7 (3) "Employer securities", the same meaning as defined under Section 409(l) of the
8 Internal Revenue Code **of 1986, as amended**;

9 (4) "Missouri corporation", a corporation whose commercial domicile is in this state;

10 (5) "Qualified Missouri employee stock ownership plan", an employee stock
11 ownership plan, as defined under Section 4975(e)(7) of the Internal Revenue Code **of 1986,**
12 **as amended**, and trust that is established by a Missouri corporation for the benefit of the
13 employees of the corporation;

14 (6) "Taxpayer", an individual, firm, partner in a firm, corporation, partnership,
15 shareholder in an S corporation, or member of a limited liability company subject to the
16 income tax imposed under chapter 143, excluding withholding tax imposed by sections
17 143.191 to 143.265.

18 2. For all tax years beginning on or after January 1, ~~[2017]~~ **2023**, in addition to all
19 other modifications allowed by law, a taxpayer shall be allowed a deduction from the
20 taxpayer's federal adjusted gross income when determining Missouri adjusted gross income in
21 an amount equal to fifty percent of the net capital gain from the sale or exchange of employer
22 securities of a Missouri corporation to a qualified Missouri employee stock ownership plan if,
23 upon completion of the transaction, the qualified Missouri employee stock ownership plan
24 owns at least thirty percent of all outstanding employer securities issued by the Missouri
25 corporation.

26 3. Whenever an employee leaves a Missouri corporation with a qualified Missouri
27 employee stock ownership plan, the Missouri corporation shall inform the former employee
28 of the deadline for when the former employee shall decide whether they will receive their
29 shares of employer securities or compensation for their shares of employer securities.

30 4. The department of revenue may promulgate rules and regulations for the
31 administration of this section. Any rule or portion of a rule, as that term is defined in section
32 536.010, that is created under the authority delegated in this section shall become effective
33 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
34 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
35 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
36 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
37 of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be
38 invalid and void.

39 ~~[5. Under section 23.253 of the Missouri sunset act:~~

40 ~~(1) The provisions of the new program authorized under this section shall~~
41 ~~automatically sunset on December thirty first, six years after October 14, 2016, unless~~
42 ~~reauthorized by an act of the general assembly;—~~

43 ~~(2) If such program is reauthorized, the program authorized under this section shall~~
44 ~~automatically sunset on December thirty first, twelve years after the effective date of the~~
45 ~~reauthorization of this section; and—~~

46 ~~(3) This section shall terminate on September first of the calendar year immediately~~
47 ~~following the calendar year in which the program authorized under this section is sunset.—]~~

**168.082. Any person who was employed as a speech implementer before August
2 1, 2022, that is employed in a position on or after August 28, 2023 as a speech-language
3 pathology assistant, shall be considered a speech implementer for purposes of
4 certification that the department of elementary and secondary education required
5 such person to hold before August 1, 2022, and for purposes of consideration of Social
6 Security coverage. Such person shall not be considered a speech implementer, as
7 described in this section, when such person dies, retires, or no longer works in a speech-
8 language pathology assistant position. The term "speech-language pathology assistant"
9 as used in this section shall have the same meaning as such term is defined in section
10 345.015.**

169.070. 1. The retirement allowance of a member whose age at retirement is sixty
2 years or more and whose creditable service is five years or more, or whose sum of age and
3 creditable service equals eighty years or more, or who has attained age fifty-five and whose
4 creditable service is twenty-five years or more or whose creditable service is thirty years or
5 more regardless of age, may be the sum of the following items, not to exceed one hundred
6 percent of the member's final average salary:

7 (1) Two and five-tenths percent of the member's final average salary for each year of
8 membership service;

9 (2) Six-tenths of the amount payable for a year of membership service for each year
10 of prior service not exceeding thirty years.

11

12 In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this
13 subsection, a member may elect to receive a retirement allowance of:

14 (3) Two and four-tenths percent of the member's final average salary for each year of
15 membership service, if the member's creditable service is twenty-nine years or more but less
16 than thirty years, and the member has not attained age fifty-five;

17 (4) Two and thirty-five-hundredths percent of the member's final average salary for
18 each year of membership service, if the member's creditable service is twenty-eight years or
19 more but less than twenty-nine years, and the member has not attained age fifty-five;

20 (5) Two and three-tenths percent of the member's final average salary for each year of
21 membership service, if the member's creditable service is twenty-seven years or more but less
22 than twenty-eight years, and the member has not attained age fifty-five;

23 (6) Two and twenty-five-hundredths percent of the member's final average salary for
24 each year of membership service, if the member's creditable service is twenty-six years or
25 more but less than twenty-seven years, and the member has not attained age fifty-five;

26 (7) Two and two-tenths percent of the member's final average salary for each year of
27 membership service, if the member's creditable service is twenty-five years or more but less
28 than twenty-six years, and the member has not attained age fifty-five;

29 (8) [~~Between July 1, 2001, and July 1, 2014,~~] Two and fifty-five hundredths percent
30 of the member's final average salary for each year of membership service, if the member's
31 creditable service is [~~thirty-one~~] **thirty-two** years or more regardless of age.

32 2. In lieu of the retirement allowance provided in subsection 1 of this section, a
33 member whose age is sixty years or more on September 28, 1975, may elect to have the
34 member's retirement allowance calculated as a sum of the following items:

35 (1) Sixty cents plus one and five-tenths percent of the member's final average salary
36 for each year of membership service;

37 (2) Six-tenths of the amount payable for a year of membership service for each year
38 of prior service not exceeding thirty years;

39 (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this
40 subsection for each month of attained age in excess of sixty years but not in excess of age
41 sixty-five.

42 3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this
43 section, collectively called "option 1", a member whose creditable service is twenty-five years
44 or more or who has attained the age of fifty-five with five or more years of creditable service
45 may elect in the member's application for retirement to receive the actuarial equivalent of the
46 member's retirement allowance in reduced monthly payments for life during retirement with
47 the provision that:

48 Option 2.

49
50 Upon the member's death the reduced retirement allowance shall be continued throughout the
51 life of and paid to such person as has an insurable interest in the life of the member as the
52 member shall have nominated in the member's election of the option, and provided further
53 that if the person so nominated dies before the retired member, the retirement allowance will
54 be increased to the amount the retired member would be receiving had the retired member
55 elected option 1; or

56 Option 3.

57

58 Upon the death of the member three-fourths of the reduced retirement allowance shall be
59 continued throughout the life of and paid to such person as has an insurable interest in the life
60 of the member and as the member shall have nominated in an election of the option, and
61 provided further that if the person so nominated dies before the retired member, the retirement
62 allowance will be increased to the amount the retired member would be receiving had the
63 member elected option 1; or

64

Option 4.

65

66 Upon the death of the member one-half of the reduced retirement allowance shall be
67 continued throughout the life of, and paid to, such person as has an insurable interest in the
68 life of the member and as the member shall have nominated in an election of the option, and
69 provided further that if the person so nominated dies before the retired member, the retirement
70 allowance shall be increased to the amount the retired member would be receiving had the
71 member elected option 1; or

72

Option 5.

73

74 Upon the death of the member prior to the member having received one hundred twenty
75 monthly payments of the member's reduced allowance, the remainder of the one hundred
76 twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the
77 member shall have nominated in the member's election of the option or in a subsequent
78 nomination. If there is no beneficiary so nominated who survives the member for the
79 remainder of the one hundred twenty monthly payments, the total of the remainder of such
80 one hundred twenty monthly payments shall be paid to the surviving spouse, surviving
81 children in equal shares, surviving parents in equal shares, or estate of the last person, in that
82 order of precedence, to receive a monthly allowance in a lump sum payment. If the total of
83 the one hundred twenty payments paid to the retired individual and the beneficiary of the
84 retired individual is less than the total of the member's accumulated contributions, the
85 difference shall be paid to the beneficiary in a lump sum; or

86

Option 6.

87

88 Upon the death of the member prior to the member having received sixty monthly payments
89 of the member's reduced allowance, the remainder of the sixty monthly payments of the
90 reduced allowance shall be paid to such beneficiary as the member shall have nominated in
91 the member's election of the option or in a subsequent nomination. If there is no beneficiary
92 so nominated who survives the member for the remainder of the sixty monthly payments, the
93 total of the remainder of such sixty monthly payments shall be paid to the surviving spouse,

94 surviving children in equal shares, surviving parents in equal shares, or estate of the last
95 person, in that order of precedence, to receive a monthly allowance in a lump sum payment.
96 If the total of the sixty payments paid to the retired individual and the beneficiary of the
97 retired individual is less than the total of the member's accumulated contributions, the
98 difference shall be paid to the beneficiary in a lump sum.

99 (2) The election of an option may be made only in the application for retirement and
100 such application must be filed prior to the date on which the retirement of the member is to be
101 effective. If either the member or the person nominated to receive the survivorship payments
102 dies before the effective date of retirement, the option shall not be effective, provided that:

103 (a) If the member or a person retired on disability retirement dies after acquiring
104 twenty-five or more years of creditable service or after attaining the age of fifty-five years and
105 acquiring five or more years of creditable service and before retirement, except retirement
106 with disability benefits, and the person named by the member as the member's beneficiary has
107 an insurable interest in the life of the deceased member, the designated beneficiary may elect
108 to receive either survivorship benefits under option 2 or a payment of the accumulated
109 contributions of the member. If survivorship benefits under option 2 are elected and the
110 member at the time of death would have been eligible to receive an actuarial equivalent of the
111 member's retirement allowance, the designated beneficiary may further elect to defer the
112 option 2 payments until the date the member would have been eligible to receive the
113 retirement allowance provided in subsection 1 or 2 of this section;

114 (b) If the member or a person retired on disability retirement dies before attaining age
115 fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and
116 the person named as the member's beneficiary has an insurable interest in the life of the
117 deceased member, the designated beneficiary may elect to receive either a payment of the
118 member's accumulated contributions, or survivorship benefits under option 2 to begin on the
119 date the member would first have been eligible to receive an actuarial equivalent of the
120 member's retirement allowance, or to begin on the date the member would first have been
121 eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

122 4. If the total of the retirement or disability allowance paid to an individual before the
123 death of the individual is less than the accumulated contributions at the time of retirement, the
124 difference shall be paid to the beneficiary of the individual, or to the surviving spouse,
125 surviving children in equal shares, surviving parents in equal shares, or estate of the
126 individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in
127 subsection 3 of this section had been elected, and the beneficiary dies after receiving the
128 optional benefit, and if the total retirement allowance paid to the retired individual and the
129 beneficiary of the retired individual is less than the total of the contributions, the difference
130 shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in

131 equal shares, or estate of the beneficiary, in that order of precedence, unless the retired
132 individual designates a different recipient with the board at or after retirement.

133 5. If a member dies and his or her financial institution is unable to accept the final
134 payment or payments due to the member, the final payment or payments shall be paid to the
135 beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving
136 children in equal shares, surviving parents in equal shares, or estate of the member, in that
137 order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies
138 and his or her financial institution is unable to accept the final payment or payments, the final
139 payment or payments shall be paid to the surviving spouse, surviving children in equal shares,
140 surviving parents in equal shares, or estate of the member, in that order of precedence, unless
141 otherwise stated.

142 6. If a member dies before receiving a retirement allowance, the member's
143 accumulated contributions at the time of the death of the member shall be paid to the
144 beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving
145 children in equal shares, surviving parents in equal shares, or to the estate of the member, in
146 that order of precedence; except that, no such payment shall be made if the beneficiary elects
147 option 2 in subsection 3 of this section, unless the beneficiary dies before having received
148 benefits pursuant to that subsection equal to the accumulated contributions of the member, in
149 which case the amount of accumulated contributions in excess of the total benefits paid
150 pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal
151 shares, surviving parents in equal shares, or estate of the beneficiary, in that order of
152 precedence.

153 7. If a member ceases to be a public school employee as herein defined and certifies
154 to the board of trustees that such cessation is permanent, or if the membership of the person is
155 otherwise terminated, the member shall be paid the member's accumulated contributions with
156 interest.

157 8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a
158 member ceases to be a public school employee after acquiring five or more years of
159 membership service in Missouri, the member may at the option of the member leave the
160 member's contributions with the retirement system and claim a retirement allowance any time
161 after reaching the minimum age for voluntary retirement. When the member's claim is
162 presented to the board, the member shall be granted an allowance as provided in sections
163 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of
164 the law in effect at the time the member requests the member's retirement to become
165 effective.

166 9. The retirement allowance of a member retired because of disability shall be nine-
167 tenths of the allowance to which the member's creditable service would entitle the member if

168 the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in
169 determining the member's contributions during the last school year for which the member
170 received a year of creditable service immediately prior to the member's disability, whichever
171 is greater, except that no such allowance shall exceed the retirement allowance to which the
172 member would have been entitled upon retirement at age sixty if the member had continued to
173 teach from the date of disability until age sixty at the same salary rate.

174 10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary,
175 from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be
176 multiplied by the factor of two-thirds for any member of the system for whom federal Old
177 Age and Survivors Insurance tax is paid from state or local tax funds on account of the
178 member's employment entitling the person to membership in the system. The monetary
179 benefits for a member who elected not to exercise an option to pay into the system a
180 retroactive contribution of four percent on that part of the member's annual salary rate which
181 was in excess of four thousand eight hundred dollars but not in excess of eight thousand four
182 hundred dollars for each year of employment in a position covered by this system between
183 July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in
184 RSMo, 1969, shall be the sum of:

185 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for
186 years of membership service;

187 (2) For years of membership service after July 1, 1946, in which the full contribution
188 rate was paid, full benefits under the formula in effect at the time of the member's retirement;

189 (3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the
190 benefits provided in this section as it appears in RSMo, 1959; except that if the member has at
191 least thirty years of creditable service at retirement the member shall receive the benefit
192 payable pursuant to that section as though the member's age were sixty-five at retirement;

193 (4) For years of membership service after July 1, 1961, in which the two-thirds
194 contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of
195 the member's retirement.

196 11. The monetary benefits for each other member for whom federal Old Age and
197 Survivors Insurance tax is or was paid at any time from state or local funds on account of the
198 member's employment entitling the member to membership in the system shall be the sum of:

199 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for
200 years of membership service;

201 (2) For years of membership service after July 1, 1946, in which the full contribution
202 rate was paid, full benefits under the formula in effect at the time of the member's retirement;

203 (3) For years of membership service after July 1, 1957, in which the two-thirds
204 contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of
205 the member's retirement.

206 12. Any retired member of the system who was retired prior to September 1, 1972, or
207 beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as
208 such option existed prior to September 1, 1972, will be eligible to receive an increase in the
209 retirement allowance of the member of two percent for each year, or major fraction of more
210 than one-half of a year, which the retired member has been retired prior to July 1, 1975. This
211 increased amount shall be payable commencing with January, 1976, and shall thereafter be
212 referred to as the member's retirement allowance. The increase provided for in this
213 subsection shall not affect the retired member's eligibility for compensation provided for in
214 section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be
215 reduced because of any increases provided for in this section.

216 13. If the board of trustees determines that the cost of living, as measured by
217 generally accepted standards, increases two percent or more in the preceding fiscal year, the
218 board shall increase the retirement allowances which the retired members or beneficiaries are
219 receiving by two percent of the amount being received by the retired member or the
220 beneficiary at the time the annual increase is granted by the board with the provision that the
221 increases provided for in this subsection shall not become effective until the fourth January
222 first following the member's retirement or January 1, 1977, whichever later occurs, or in the
223 case of any member retiring on or after July 1, 2000, the increase provided for in this
224 subsection shall not become effective until the third January first following the member's
225 retirement, or in the case of any member retiring on or after July 1, 2001, the increase
226 provided for in this subsection shall not become effective until the second January first
227 following the member's retirement. Commencing with January 1, 1992, if the board of
228 trustees determines that the cost of living has increased five percent or more in the preceding
229 fiscal year, the board shall increase the retirement allowances by five percent. The total of the
230 increases granted to a retired member or the beneficiary after December 31, 1976, may not
231 exceed eighty percent of the retirement allowance established at retirement or as previously
232 adjusted by other subsections. If the cost of living increases less than five percent, the board
233 of trustees may determine the percentage of increase to be made in retirement allowances, but
234 at no time can the increase exceed five percent per year. If the cost of living decreases in a
235 fiscal year, there will be no increase in allowances for retired members on the following
236 January first.

237 14. The board of trustees may reduce the amounts which have been granted as
238 increases to a member pursuant to subsection 13 of this section if the cost of living, as
239 determined by the board and as measured by generally accepted standards, is less than the

240 cost of living was at the time of the first increase granted to the member; except that, the
241 reductions shall not exceed the amount of increases which have been made to the member's
242 allowance after December 31, 1976.

243 15. Any application for retirement shall include a sworn statement by the member
244 certifying that the spouse of the member at the time the application was completed was aware
245 of the application and the plan of retirement elected in the application.

246 16. Notwithstanding any other provision of law, any person retired prior to September
247 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of
248 subsection 3 of this section, as such option existed prior to September 28, 1983, and whose
249 beneficiary nominated to receive continued retirement allowance payments under the elected
250 option dies or has died, shall upon application to the board of trustees have his or her
251 retirement allowance increased to the amount he or she would have been receiving had the
252 option not been elected, actuarially adjusted to recognize any excessive benefits which would
253 have been paid to him or her up to the time of application.

254 17. Benefits paid pursuant to the provisions of the public school retirement system of
255 Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code
256 except as provided pursuant to this subsection. Notwithstanding any other law to the
257 contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title
258 26 of the United States Code. Such plan shall be created solely for the purpose described in
259 Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may
260 promulgate regulations necessary to implement the provisions of this subsection and to create
261 and administer such benefit plan.

262 18. Notwithstanding any other provision of law to the contrary, any person retired
263 before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the
264 board as a special consultant on the matters of education, retirement and aging, and upon
265 request shall give written or oral opinions to the board in response to such requests. As
266 compensation for such duties the person shall receive an amount based on the person's years
267 of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at
268 least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In
269 determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of
270 this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was
271 applied to the person's retirement allowance. In determining the minimum amount to be
272 received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this
273 subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was
274 applied to the person's retirement allowance due to election of an optional form of retirement
275 having a continued monthly payment after the person's death. Notwithstanding any other
276 provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no

277 beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to
278 169.141 based on the person's years of service less than the following amounts:

- 279 (1) Thirty or more years of service, one thousand two hundred dollars;
280 (2) At least twenty-five years but less than thirty years, one thousand dollars;
281 (3) At least twenty years but less than twenty-five years, eight hundred dollars;
282 (4) At least fifteen years but less than twenty years, six hundred dollars.

283 19. Notwithstanding any other provisions of law to the contrary, any person retired
284 prior to May 26, 1994, and any designated beneficiary of such a retired member who was
285 deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the
286 board as a special consultant on the matters of education, retirement or aging and upon
287 request shall give written or oral opinions to the board in response to such requests.
288 Beginning September 1, 1996, as compensation for such service, the member shall have
289 added, pursuant to this subsection, to the member's monthly annuity as provided by this
290 section a dollar amount equal to the lesser of sixty dollars or the product of two dollars
291 multiplied by the member's number of years of creditable service. Beginning September 1,
292 1999, the designated beneficiary of the deceased member shall as compensation for such
293 service have added, pursuant to this subsection, to the monthly annuity as provided by this
294 section a dollar amount equal to the lesser of sixty dollars or the product of two dollars
295 multiplied by the member's number of years of creditable service. The total compensation
296 provided by this section including the compensation provided by this subsection shall be used
297 in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

298 20. Any member who has retired prior to July 1, 1998, and the designated beneficiary
299 of a deceased retired member shall be made, constituted, appointed and employed by the
300 board as a special consultant on the matters of education, retirement and aging, and upon
301 request shall give written or oral opinions to the board in response to such requests. As
302 compensation for such duties the person shall receive a payment equivalent to eight and
303 seven-tenths percent of the previous month's benefit, which shall be added to the member's or
304 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections
305 13 and 14 of this section for the purposes of the limit on the total amount of increases which
306 may be received.

307 21. Any member who has retired shall be made, constituted, appointed and employed
308 by the board as a special consultant on the matters of education, retirement and aging, and
309 upon request shall give written or oral opinions to the board in response to such request. As
310 compensation for such duties, the beneficiary of the retired member, or, if there is no
311 beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in
312 equal shares, or estate of the retired member, in that order of precedence, shall receive as a
313 part of compensation for these duties a death benefit of five thousand dollars.

314 22. Any member who has retired prior to July 1, 1999, and the designated beneficiary
315 of a retired member who was deceased prior to July 1, 1999, shall be made, constituted,
316 appointed and employed by the board as a special consultant on the matters of education,
317 retirement and aging, and upon request shall give written or oral opinions to the board in
318 response to such requests. As compensation for such duties, the person shall have added,
319 pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount
320 equal to five dollars times the member's number of years of creditable service.

321 23. Any member who has retired prior to July 1, 2000, and the designated beneficiary
322 of a deceased retired member shall be made, constituted, appointed and employed by the
323 board as a special consultant on the matters of education, retirement and aging, and upon
324 request shall give written or oral opinions to the board in response to such requests. As
325 compensation for such duties, the person shall receive a payment equivalent to three and five-
326 tenths percent of the previous month's benefit, which shall be added to the member or
327 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections
328 13 and 14 of this section for the purposes of the limit on the total amount of increases which
329 may be received.

330 24. Any member who has retired prior to July 1, 2001, and the designated beneficiary
331 of a deceased retired member shall be made, constituted, appointed and employed by the
332 board as a special consultant on the matters of education, retirement and aging, and upon
333 request shall give written or oral opinions to the board in response to such requests. As
334 compensation for such duties, the person shall receive a dollar amount equal to three dollars
335 times the member's number of years of creditable service, which shall be added to the
336 member's or beneficiary's monthly annuity and which shall not be subject to the provisions of
337 subsections 13 and 14 of this section for the purposes of the limit on the total amount of
338 increases which may be received.

169.560. 1. Any person retired and currently receiving a retirement allowance
2 pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any
3 capacity for an employer included in the retirement system created by those sections on either
4 a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in
5 any one school year, and through such employment may earn up to fifty percent of the annual
6 compensation payable under the employer's salary schedule for the position or positions filled
7 by the retiree, given such person's level of experience and education, without a
8 discontinuance of the person's retirement allowance. If the employer does not utilize a
9 salary schedule, or if the position in question is not subject to the employer's salary schedule,
10 a retiree employed in accordance with the provisions of this subsection may earn up to fifty
11 percent of the annual compensation paid to the person or persons who last held such position
12 or positions. If the position or positions did not previously exist, the compensation limit shall

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

37 2. Notwithstanding any other provision of this section, any person retired and
38 currently receiving a retirement allowance in accordance with sections 169.010 to 169.141,
39 other than for disability, may be employed by an employer included in the retirement system
40 created by those sections in a position that does not normally require a person employed in
41 that position to be duly certificated under the laws governing the certification of teachers in
42 Missouri, and through such employment may earn, **beginning on August 28, 2023, and**
43 **ending on June 30, 2028**, up to [~~sixty percent of the minimum teacher's salary as set forth in~~
44 ~~section 163.172~~] **one hundred thirty-three percent of the annual earnings exemption**
45 **amount applicable to a Social Security recipient before the calendar year of attainment**
46 **of full retirement age under 20 CFR 404.430, and, after June 30, 2028, up to the annual**
47 **earnings exemption amount applicable to a Social Security retirement recipient before**
48 **the calendar year of attainment of full retirement age under 20 CFR 404.430**, without a
49 discontinuance of the person's retirement allowance **from the retirement system. The**

50 **Social Security annual earnings exemption amount applied shall be the exemption**
51 **amount in effect for the calendar year in which the school year begins.** Such person shall
52 not contribute to the retirement system or to the public education employee retirement system
53 established by sections 169.600 to 169.715 because of earnings during such period of
54 employment, and such person shall not earn membership service for such employment. The
55 employer's contribution rate shall be paid by the hiring employer into the public education
56 employee retirement system established by sections 169.600 to 169.715. If such a person is
57 employed in any capacity by an employer in excess of the limitations set forth in this
58 subsection, the person shall not be eligible to receive the person's retirement allowance for
59 any month during which the person is so employed. In addition, such person shall become a
60 member of and contribute to any retirement system described in this subsection if the person
61 satisfies the retirement system's membership eligibility requirements. The provisions of this
62 subsection shall not apply to any person retired and currently receiving a retirement
63 allowance in accordance with sections 169.010 to 169.141 employed by a public community
64 college **or employer under subsection 4 of section 169.130.**

169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a
2 retired certificated teacher receiving a retirement benefit from the retirement system
3 established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement
4 benefit, teach full time for up to ~~[two]~~ **four** years for a school district covered by such
5 retirement system; provided that the school district has a shortage of certified teachers, as
6 determined by the school district, and provided that no such retired certificated teacher shall
7 be employed as a superintendent. The total number of such retired certificated teachers shall
8 not exceed, at any one time, the ~~[lesser of ten]~~ **greater of one** percent of the total ~~[teacher]~~
9 **certificated teachers and noncertificated** staff for that school district, or five certificated
10 teachers.

11 2. Notwithstanding any other provision of this chapter to the contrary, a person
12 receiving a retirement benefit from the retirement system established pursuant to sections
13 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time
14 for up to ~~[two]~~ **four** years for a school district covered by such retirement system; provided
15 that the school district has a shortage of noncertificated employees, as determined by the
16 school district. The total number of such retired noncertificated employees shall not exceed,
17 at any one time, the lesser of ten percent of the total noncertificated staff for that school
18 district, or five employees.

19 3. The employer's contribution rate shall be paid by the hiring school district.

20 4. In order to hire teachers and noncertificated employees pursuant to the provisions
21 of this section, the school district shall:

- 22 (1) Show a good faith effort to fill positions with nonretired certificated teachers or
23 nonretired noncertificated employees;
- 24 (2) Post the vacancy for at least one month;
- 25 (3) Have not offered early retirement incentives for either of the previous two years;
- 26 (4) Solicit applications through the local newspaper, other media, or teacher
27 education programs;
- 28 (5) Determine there is an insufficient number of eligible applicants for the advertised
29 position; and
- 30 (6) Declare a critical shortage of certificated teachers or noncertificated employees
31 that is active for one year.
- 32 5. Any person hired pursuant to this section shall be included in the State Directory of
33 New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section
34 1320b-7.

285.1000. For purposes of sections 285.1000 to 285.1055, the following terms shall mean:

- 2 **shall mean:**
- 3 (1) "Administrative fund" or "Show-Me MyRetirement Savings administrative
4 fund", the Show-Me MyRetirement Savings administrative fund described in section
5 **285.1045;**
- 6 (2) "Association", any legal association of individuals, corporations, limited
7 liability companies, partnerships, associations, or other entities that has been in
8 continuous existence for at least one year;
- 9 (3) "Board", the Show-Me MyRetirement Savings board established under
10 **section 285.1005;**
- 11 (4) "Eligible employee", an individual who is employed by a participating
12 employer, who has wages or other compensation that is allocable to the state, and who is
13 eighteen years of age or older. "Eligible employee" shall not include any of the
14 following:
- 15 (a) Any employee covered under the federal Railway Labor Act, 45 U.S.C.
16 **Section 151;**
- 17 (b) Any employee on whose behalf an employer makes contributions to a
18 **multiemployer pension trust fund under 29 U.S.C. Section 186; or**
- 19 (c) Any individual who is an employee of:
- 20 a. The federal government;
- 21 b. Any state government in the United States; or
- 22 c. Any county, municipal corporation, or political subdivision of any state in the
23 **United States;**

24 **(5) "Eligible employer", a person or entity engaged in a business, industry,**
25 **profession, trade, or other enterprise in the state of Missouri, whether for profit or not**
26 **for profit, provided that such a person or entity employs no more than fifty employees.**
27 **A person or entity that qualifies as an eligible employer but that later employs more**
28 **than fifty employees shall be permitted to remain an eligible employer for a period of**
29 **five years, beginning on the date on which the person or entity first employs more than**
30 **fifty employees. After such five-year period has ended, the person or entity shall**
31 **immediately cease to qualify as an eligible employer and shall be prohibited from**
32 **further participation in the plan unless the employer no longer has more than fifty**
33 **employees. An employer includes an association and its members. For purposes of this**
34 **subdivision, an eligible employer shall not include:**

35 **(a) The federal government;**

36 **(b) The state of Missouri;**

37 **(c) Any county, municipal corporation, or political subdivision of the state of**
38 **Missouri; or**

39 **(d) Five years after the commencement of the program, an employer that**
40 **maintains a specified tax-favored retirement plan, other than the Show-Me**
41 **MyRetirement Savings plan, for its employees or that has effectively done so in form**
42 **and operation at any time within the current or two preceding calendar years. If an**
43 **employer does not maintain a specified tax-favored retirement plan, other than the**
44 **Show-Me MyRetirement Savings plan, for a portion of a calendar year ending on or**
45 **after the effective date of sections 285.1000 to 285.1055 and adopts such a plan effective**
46 **for the remainder of that calendar year, the employer shall not be treated as an eligible**
47 **employer for that remainder of the year;**

48 **(6) "ERISA", the Employee Retirement Income Security Act of 1974, as**
49 **amended, 29 U.S.C. Section 1001 et seq.;**

50 **(7) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;**

51 **(8) "Participant", an eligible employee or other individual who has a balance**
52 **credited to his or her account under the plan;**

53 **(9) "Participating employer", an eligible employer that is participating in the**
54 **plan provided for by sections 285.1000 to 285.1055;**

55 **(10) "Plan" or "Show-Me MyRetirement Savings plan", the multiple-employer**
56 **retirement savings plan established by sections 285.1000 to 285.1055, which shall be**
57 **treated as a single plan under Title I of ERISA and is described in Sections 401(a), 401**
58 **(k), and 413(c) of the Internal Revenue Code of 1986, as amended, in which multiple**
59 **employers may choose to participate regardless of whether any relationship exists**
60 **between and among the employers other than their participation in the plan. Based on**

61 the context, the term "plan" may also refer to multiple plans if multiple plans are
62 established under sections 285.1000 to 285.1055;

63 (11) "Self-employed individual", an individual who is eighteen years of age or
64 older, is self-employed, and has self-employment income or other compensation from
65 self-employment that is allocable to the state of Missouri;

66 (12) "Specified tax-favored retirement plan", a retirement plan that is tax-
67 qualified under, or is described in and satisfies the requirements of, Section 401(a), 401
68 (k), 403(a), 403(b), 408(k)(Simplified Employee Pension), or 408(p)(SIMPLE-IRA) of
69 the Internal Revenue Code of 1986, as amended;

70 (13) "Total fees and expenses", all fees, costs, and expenses including, but not
71 limited to, administrative expenses, investment expenses, investment advice expenses,
72 accounting costs, actuarial costs, legal costs, marketing expenses, education expenses,
73 trading costs, insurance annuitization costs, and other miscellaneous costs;

74 (14) "Trust", the trust in which the assets of the plan are held.

285.1005. 1. The "Show-Me MyRetirement Savings Board" is hereby
2 established in the office of the state treasurer.

3 2. The board shall consist of the following members, with the state treasurer, or
4 his or her designee, serving as chair:

5 (1) The state treasurer, or his or her designee;

6 (2) An individual who has skill, knowledge, and experience in the field of
7 retirement savings and investments, to be appointed by the governor with the advice
8 and consent of the senate;

9 (3) An individual who has skill, knowledge, and experience relating to small
10 business, to be appointed by the governor with the advice and consent of the senate;

11 (4) Three members of the house of representatives, to be appointed by the
12 speaker of the house of representatives, to include one representative from the minority
13 party; and

14 (5) Three members of the senate, to be appointed by the president pro tempore
15 of the senate, to include one senator from the minority party.

16 3. The governor, the president pro tempore of the senate, and the speaker of the
17 house of representatives shall make the respective initial appointments to the board for
18 terms of office beginning on January 1, 2024.

19 4. Members of the board appointed by the governor, the president pro tempore
20 of the senate, and the speaker of the house of representatives shall serve at the pleasure
21 of the appointing authority.

22 5. The term of office of each member of the board shall be four years. Any
23 member is eligible to be reappointed. If there is a vacancy for any reason, the

24 **appropriate appointing authority shall make an appointment, to become immediately**
25 **effective, for the unexpired term.**

26 **6. All members of the board shall serve without compensation and shall be**
27 **reimbursed from the administrative fund for necessary travel expenses incurred in**
28 **carrying out the duties of the board.**

29 **7. A majority of the voting members of the board shall constitute a quorum for**
30 **the transaction of business.**

285.1010. 1. The board, subject to the authority granted under sections 285.1000
2 **to 285.1055, shall design, develop, and implement the plan and, to that end, may conduct**
3 **market, legal, and feasibility analyses.**

4 **2. The members of the board shall be fiduciaries of the plan under ERISA, and**
5 **the board shall have the following powers, authorities, and duties:**

6 **(1) To establish, implement, and maintain the plan, in each case acting on behalf**
7 **of the state of Missouri, including, in its discretion, more than one plan;**

8 **(2) To cause the plan, trust, and arrangements and accounts established under**
9 **the plan to be designed, established, and operated:**

10 **(a) In accordance with best practices for retirement savings vehicles;**

11 **(b) To encourage participation, saving, sound investment practices, and**
12 **appropriate selection of default investments;**

13 **(c) To maximize simplicity and ease of administration for eligible employers;**

14 **(d) To minimize costs, including by collective investment and economies of scale;**
15 **and**

16 **(e) To promote portability of benefits;**

17 **(3) To arrange for collective, common, and pooled investment of assets of the**
18 **plan and trust, including investments in conjunction with other funds with which assets**
19 **are permitted to be collectively invested, to save costs through efficiencies and**
20 **economies of scale;**

21 **(4) To develop and disseminate educational information designed to educate**
22 **participants and citizens about the benefits of planning and saving for retirement and to**
23 **help participants and citizens decide the level of participation and savings strategies that**
24 **may be appropriate, including information in furtherance of financial capability and**
25 **financial literacy;**

26 **(5) To adopt rules and regulations necessary or advisable for the implementation**
27 **of sections 285.1000 to 285.1055 and the administration and operation of the plan**
28 **consistent with the Internal Revenue Code and regulations thereunder, including to**
29 **ensure that the plan satisfies all criteria for favorable federal tax-qualified treatment,**
30 **and complies, to the extent necessary, with ERISA and any other applicable federal or**

31 **Missouri law. Any rule or portion of a rule, as that term is defined in section 536.010,**
32 **that is created under the authority delegated in this section shall become effective only if**
33 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
34 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
35 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
36 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
37 **then the grant of rulemaking authority and any rule proposed or adopted after August**
38 **28, 2023, shall be invalid and void;**

39 **(6) To arrange for and facilitate compliance with the plan or arrangements**
40 **established thereunder with all applicable requirements for the plan under the Internal**
41 **Revenue Code, ERISA, and any other applicable federal or Missouri law and**
42 **accounting requirements, and to provide or arrange for assistance to eligible**
43 **employers, eligible employees, and self-employed individuals in complying with**
44 **applicable law and tax-related requirements in a cost-effective manner. The board**
45 **may establish any processes deemed reasonably necessary or advisable to verify whether**
46 **a person or entity is an eligible employer, including reference to online data and possible**
47 **use of questions in employer tax filings;**

48 **(7) To employ or retain a plan administrator; executive director; staff; trustee;**
49 **record-keeper; investment managers; investment advisors; and other administrative,**
50 **professional, and expert advisors and service providers, none of whom shall be members**
51 **of the board and all of whom shall serve at the pleasure of the board, which shall**
52 **determine their duties and compensation. The board may authorize the executive**
53 **director and other officials to oversee requests for proposals or other public**
54 **competitions and enter into contracts on behalf of the board or conduct any business**
55 **necessary for the efficient operation of the plan or the board;**

56 **(8) To establish procedures for the timely and fair resolution of participant and**
57 **other disputes related to accounts or program operation and, if necessary, determine the**
58 **eligibility of an employer, employee, or other individual to participate in the plan;**

59 **(9) To develop and implement an investment policy that defines the plan's**
60 **investment objectives, consistent with the objectives of the plan, and that provides for**
61 **policies and procedures consistent with those investment objectives;**

62 **(10) (a) To designate appropriate default investments that include a mix of asset**
63 **classes, such as target date and balanced funds;**

64 **(b) To seek to minimize participant fees and expenses of investment and**
65 **administration;**

66 **(c) To strive to design and implement investment options available to holders of**
67 **accounts established as part of the plan and other plan features that are intended to**

68 achieve maximum possible income replacement balanced with an appropriate level of
69 risk, consistent with the investment objectives under the investment policy. The
70 investment options may encompass a range of risk and return opportunities and allow
71 for a rate of return commensurate with an appropriate level of risk in view of the
72 investment objectives under the policy. The menu of investment options shall be
73 determined taking into account the nature and objectives of the plan, the desirability of
74 limiting investment choices under the plan to a reasonable number, based on behavioral
75 research findings, and the extensive investment choices available to participants in the
76 event that funds roll over to an individual retirement account (IRA) outside the
77 program; and

78 (d) In accordance with subdivision (7) of this subsection, the board, to the extent
79 it deems necessary or advisable, in carrying out its responsibilities and exercising its
80 powers under sections 285.1000 to 285.1055, shall employ or retain appropriate entities
81 or personnel to assist or advise it or to whom to delegate the carrying out of such
82 responsibilities and exercising of such powers;

83 (11) To discharge its duties and see that the members of the board discharge
84 their duties with respect to the plan solely in the interests of the participants as follows:

85 (a) For the exclusive purpose of providing benefits to participants and defraying
86 reasonable expenses of administering the plan; and

87 (b) With the care, skill, prudence, and diligence under the circumstances then
88 prevailing that a prudent person acting in a like capacity and familiar with those
89 matters would use in the conduct of an enterprise of a like character and with like aims;

90 (12) To cause expenses incurred to initiate, implement, maintain, and administer
91 the plan to be paid from contributions to, or investment returns or assets of the plan or
92 other moneys collected by or for the plan or pursuant to arrangements established
93 under the plan to the extent permitted under federal and Missouri law;

94 (13) To collect application, account, or administrative fees and to accept any
95 grants, gifts, legislative appropriations, loans, and other moneys from the state of
96 Missouri; any unit of federal, state, or local government; or any other person, firm, or
97 entity to defray the costs of administering and operating the plan;

98 (14) To make and enter into competitively procured contracts, agreements, or
99 arrangements with; to collaborate and cooperate with; and to retain, employ, and
100 contract with or for any of the following to the extent necessary or desirable for the
101 effective and efficient design, implementation, and administration of the plan consistent
102 with the purposes set forth in sections 285.1000 to 285.1055 and to maximize outreach to
103 eligible employers and eligible employees:

- 104 **(a) Services of private and public financial institutions, depositories, consultants,**
105 **actuaries, counsel, auditors, investment advisors, investment administrators, investment**
106 **management firms, other investment firms, third-party administrators, other**
107 **professionals and service providers, and state public retirement systems;**
- 108 **(b) Research, technical, financial, administrative, and other services; and**
109 **(c) Services of other state agencies to assist the board in the exercise of its powers**
110 **and duties;**
- 111 **(15) To develop and implement an outreach plan to gain input and disseminate**
112 **information regarding the plan and retirement savings in general;**
- 113 **(16) To cause moneys to be held and invested and reinvested under the plan;**
114 **(17) To ensure that all contributions under the plan shall be used only to:**
115 **(a) Pay benefits to participants under the plan;**
116 **(b) Pay the costs of administering the plan; and**
117 **(c) Make investments for the benefit of the plan, and ensure that no assets of the**
118 **plan or trust are transferred to the general revenue fund or to any other fund of the**
119 **state or are otherwise encumbered or used for any purpose other than those specified in**
120 **this paragraph or section 285.1045;**
- 121 **(18) To make provisions for the payment of costs of administration and**
122 **operation of the program and trust;**
- 123 **(19) To evaluate the need for and procure as needed insurance against any and**
124 **all loss in connection with the property, assets, or activities of the program, including**
125 **fiduciary liability coverage;**
- 126 **(20) To evaluate the need for and procure as needed pooled private insurance;**
127 **(21) To indemnify, including procurement of insurance as needed for this**
128 **purpose, each member of the board from personal loss or liability resulting from a**
129 **member's action or inaction as a member of the board and as a fiduciary;**
- 130 **(22) To collaborate with and evaluate the role of financial advisors or other**
131 **financial professionals, including in assisting and providing guidance for covered**
132 **employees; and**
- 133 **(23) To carry out the powers and duties of the program under sections 285.1000**
134 **to 285.1055 and exercise any and all other powers as are appropriate to effect the**
135 **purposes, objectives, and provisions of such sections pertaining to the program.**
- 136 **3. A board member, program administrator, or other staff of the board shall not:**
137 **(1) Directly or indirectly, have any interest in the making of any investment**
138 **under the program or in any gains or profits accruing from any such investment;**
139 **(2) Borrow any program-related funds or deposits, or use any such funds or**
140 **deposits in any manner, for himself or herself or as an agent or partner of others; or**

141 **(3) Become an endorser, surety, or obligor on investments made under the**
142 **program.**

143 **4. Each board member shall be subject to the provisions of sections 105.452 and**
144 **105.454.**

285.1015. 1. The board shall, consistent with federal law and regulation, adopt
2 **and implement the plan, which shall remain in compliance with federal law and**
3 **regulations once implemented and shall be called the "Show-Me MyRetirement Savings**
4 **Plan".**

5 **2. In accordance with terms and conditions specified and regulations**
6 **promulgated by the board, the plan shall:**

7 **(1) Be set forth in documents prescribing the terms and conditions of the plan;**

8 **(2) Be available on a voluntary basis to eligible employers and self-employed**
9 **individuals;**

10 **(3) Be available to eligible members of an association who may elect to**
11 **participate in the plan if the association or its members do not maintain a plan or a**
12 **specified tax-favored retirement plan, other than the Show-Me MyRetirement Savings**
13 **plan;**

14 **(4) Enroll self-employed individuals who wish to participate;**

15 **(5) Provide participants the option to terminate their participation at any time;**

16 **(6) Allow voluntary pre-tax or designated Roth 401(k) contributions;**

17 **(7) Allow voluntary employer contributions;**

18 **(8) Be overseen by the board and its designees;**

19 **(9) Be administered and managed by one or more trustees, other fiduciaries,**
20 **custodians, third-party administrators, investment managers, record-keepers, or other**
21 **service providers;**

22 **(10) Provide on a uniform basis, if and when the board so determines, in its**
23 **discretion, for an increase of each participant's contribution rate, by a minimum**
24 **increment of one percent of salary or wages per year, for each additional year the**
25 **participant is employed or is participating in the plan up to the maximum percentage of**
26 **such participant's salary or wages that may be contributed to the plan under federal**
27 **law. Any such increases shall apply to participants, as determined by the board, by**
28 **default or only if initiated by affirmative participant election;**

29 **(11) Provide for direct deposit of contributions into investments under the plan.**
30 **To the extent consistent with ERISA, the investment alternatives under the plan shall be**
31 **limited to an automatic investment for participants who do not actively and**
32 **affirmatively elect a particular investment option, which unless the board provides**
33 **otherwise, shall be a diversified target date fund, including a series of such diversified**

34 funds to apply to different participants depending on their choice or their target
35 retirement dates, a principal-protected option, and at least four additional investment
36 alternatives as may be selected by the board in its discretion. To the extent consistent
37 with ERISA, the investment options may, at the discretion of the board, include a
38 principal-protection fund as a temporary "security corridor" option that applies as the
39 sole initial investment before participants may choose other investments or as the initial
40 default investment for a specified period of time or up to a specified dollar amount of
41 contributions or account balance;

42 (12) Be professionally managed;

43 (13) Provide for reports on the status of each participant's account to be
44 provided to each participant at least quarterly and make best efforts to provide
45 participants frequent or continual online access to information on the status of their
46 accounts;

47 (14) When possible and practicable, use existing employer and public
48 infrastructure to facilitate contributions, record keeping, and outreach and use
49 pooled or collective investment arrangements;

50 (15) Provide that each account holder owns the contributions to or earnings on
51 amounts contributed to his or her account under the plan and that the state and
52 employers have no proprietary interest in those contributions or earnings;

53 (16) Be designed and implemented in a manner consistent with federal law to the
54 extent that it applies;

55 (17) Make provisions for the participation in the plan of individuals who are not
56 employees, if allowed under federal law;

57 (18) Establish rules and procedures governing the distribution of funds from the
58 plan, including such distributions as may be permitted or required by the plan and any
59 applicable provisions of ERISA, the tax-qualification rules, and the other tax laws, with
60 the objectives of maximizing financial security in retirement, protecting spousal rights,
61 and assisting participants to effectively manage the decumulation of their savings and to
62 receive payment of their benefits under the plan. The board shall have the authority, in
63 its discretion, to provide for one or more reasonably priced distribution options to
64 provide a source of fixed regular retirement income, including income for life or for the
65 participant's life expectancy, or for joint lives and life expectancies, as applicable;

66 (19) Establish rules and procedures promoting portability of benefits, including
67 the ability to make roll-overs or transfers to and from the plan that are exempt from
68 federal income tax, provided that any roll-over is initiated by participants; and

69 (20) Encourage choices by employers in the state to adopt a specified tax-favored
70 retirement plan, including the plan.

285.1020. The board shall adopt rules to implement the plan that:

- 2 **(1) Establish the processes for enrollment and contributions under the plan,**
3 **including withholding by participating employers of employee payroll deduction**
4 **contributions from wages and remittance for deposit to the plan; voluntary**
5 **contributions by others, including self-employed individuals and independent**
6 **contractors, through payroll deduction or otherwise; the making of default**
7 **contributions using default investments; and participant selection of alternative**
8 **contribution rates or amounts and alternative investments from among the options**
9 **offered under the plan;**
- 10 **(2) Conduct outreach to individuals, employers, other stakeholders, and the**
11 **public regarding the plan. The rules shall specify the contents, frequency, timing, and**
12 **means of required disclosures from the plan to eligible employees, participants, and self-**
13 **employed individuals, eligible employers, participating employers, and other interested**
14 **parties. These disclosures shall include, but not be limited to:**
- 15 **(a) The benefits associated with tax-favored retirement saving;**
16 **(b) The potential advantages and disadvantages associated with participating in**
17 **the plan;**
- 18 **(c) Instructions for enrolling and making contributions;**
19 **(d) The potential availability of a saver's tax credit, including the eligibility**
20 **conditions for the credit and instructions on how to claim it;**
- 21 **(e) A disclaimer that employees seeking tax, investment, or other financial**
22 **advice should contact appropriate professional advisors, and that participating**
23 **employers are not in a position to provide such advice and are not liable for decisions**
24 **individuals make in relation to the plan;**
- 25 **(f) The potential implications of account balances under the plan for the**
26 **application of asset limits under certain public assistance programs;**
- 27 **(g) A disclaimer that the account owner is solely responsible for investment**
28 **performance, including market gains and losses, and that plan accounts and rates of**
29 **return are not guaranteed by any employer, the state, the board, any board member or**
30 **state official, or the plan;**
- 31 **(h) Any additional information about retirement and saving and other**
32 **information designed to promote financial literacy and capability, which may take the**
33 **form of links to, or explanations of how to obtain, such information; and**
- 34 **(i) Instructions on how to obtain additional information about the plan; and**
35 **(3) Ensure that the assets of the trust and plan shall at all times be preserved,**
36 **invested, and expended only for the purposes set forth in sections 285.1000 to 285.1055,**

37 and that no property rights therein shall exist in favor of the state, except as provided
38 under section 285.1045.

285.1025. An eligible employer, a participating employer, or other employer is
2 not and shall not be liable for or bear responsibility for:

3 (1) An employee's decision as to which investments to choose;

4 (2) Participants' or the board's investment decisions;

5 (3) The administration, investment, investment returns, or investment
6 performance of the plan including, but not limited to, any interest rate or other rate
7 of return on any contribution or account balance, provided that the eligible employer,
8 participating employer, or other employer is not involved in the administration or
9 investment of the plan;

10 (4) The plan design or the benefits paid to participants; or

11 (5) Any loss, failure to realize any gain, or any other adverse consequences
12 including, but not limited to, any adverse tax consequences or loss of favorable tax
13 treatment, public assistance, or other benefits, incurred by any person solely and
14 directly as a result of participating in the plan.

285.1030. 1. The state of Missouri; the board; each member of the board; any
2 other state official, state board, commission, and agency; any member, officer, and
3 employee thereof; and the plan:

4 (1) Shall not guarantee any interest rate or other rate of return on or investment
5 performance of any contribution or account balance; and

6 (2) Shall not be liable or responsible for any loss, deficiency, failure to realize any
7 gain, or any other adverse consequences including, but not limited to, any adverse tax
8 consequences or loss of favorable tax treatment, public assistance, or other benefits,
9 incurred by any person as a result of participating in the plan.

10 2. The debts, contracts, and obligations of the plan or the board are not the
11 debts, contracts, and obligations of the state, and neither the faith and credit nor the
12 taxing power of the state is pledged directly or indirectly to the payment of the debts,
13 contracts, and obligations of the plan or the board.

14 3. Nothing in sections 285.1000 to 285.1055 shall be construed to guarantee any
15 interest rate or other rate of return on or investment performance of any contribution
16 or account balance.

285.1035. 1. Individual account information relating to accounts under the plan
2 and relating to individual participants including, but not limited to, names, addresses,
3 telephone numbers, email addresses, personal identification information, investments,
4 contributions, and earnings shall be confidential and shall be maintained as
5 confidential, provided that such information may be disclosed:

6 **(1) To the extent necessary to administer the plan in a manner consistent with**
7 **sections 285.1000 to 285.1055, ERISA, the Internal Revenue Code, or any other federal**
8 **or Missouri law; or**

9 **(2) If the individual who provides the information or who is the subject of the**
10 **information expressly agrees in writing to the disclosure of the information.**

11 **2. Information required to be confidential under subsection 1 of this section shall**
12 **be considered a "closed record" as that term is defined in section 610.010, regardless as**
13 **to whether such information has been disclosed as allowed by subsection 1 of this**
14 **section.**

285.1040. The board may enter into an intergovernmental agreement or
2 **memorandum of understanding with the state of Missouri, another state or states, and**
3 **any agency thereof to receive outreach, technical assistance, enforcement and**
4 **compliance services, collection or dissemination of information pertinent to the plan,**
5 **subject to such obligations of confidentiality as may be agreed or required by law, or**
6 **other services or assistance. The state of Missouri, another state or states, and any**
7 **agency thereof that enters into such agreements or memoranda of understanding shall**
8 **collaborate to provide the outreach, assistance, information, and compliance or other**
9 **services or assistance to the board. The memoranda of understanding may cover the**
10 **sharing of costs incurred in gathering and disseminating information and the**
11 **reimbursement of costs for any enforcement activities or assistance.**

285.1045. 1. There is hereby created in the state treasury the "Show-Me
2 **MyRetirement Savings Administrative Fund", which shall consist of moneys collected**
3 **under this section. The state treasurer shall be custodian of the fund. In accordance**
4 **with sections 30.170 and 30.180, the state treasurer may approve disbursements.**
5 **Subject to appropriation, moneys in the fund shall be distributed by the state treasurer**
6 **solely for the administration of sections 285.1000 to 285.1055.**

7 **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
8 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
9 **general revenue fund.**

10 **3. The state treasurer shall invest moneys in the fund in the same manner as**
11 **other funds are invested. Any interest and moneys earned on such investments shall be**
12 **credited to the fund.**

13 **4. The Show-Me MyRetirement Savings administrative fund shall consist of:**

14 **(1) Moneys appropriated to the administrative fund by the general assembly;**

15 **(2) Moneys transferred to the administrative fund from the federal government,**
16 **other state agencies, or local governments;**

17 **(3) Moneys from the payment of application, account, administrative, or other**
18 **fees and the payment of other moneys due to the board;**

19 **(4) Any gifts, donations, or grants made to the state of Missouri for deposit in the**
20 **administrative fund;**

21 **(5) Moneys collected for the administrative fund from contributions to, or**
22 **investment returns or assets of, the plan or other moneys collected by or for the plan or**
23 **pursuant to arrangements established under the plan to the extent permitted under**
24 **federal and Missouri law; and**

25 **(6) Earnings on moneys in the administrative fund.**

26 **5. To the extent consistent with ERISA, the tax qualification rules, and other**
27 **federal law, the board shall accept any grants, gifts, appropriations, or other moneys**
28 **from the state; any unit of federal, state, or local government; or any other person, firm,**
29 **partnership, corporation, or other entity solely for deposit into the administrative fund,**
30 **whether for investment or administrative expenses.**

31 **6. To enable or facilitate the start-up and continuing operation, maintenance,**
32 **administration, and management of the program until the plan accumulates sufficient**
33 **balances and can generate sufficient funding through fees assessed on program accounts**
34 **for the plan to become financially self-sustaining:**

35 **(1) The board may borrow from the state of Missouri; any unit of federal, state,**
36 **or local government; or any other person, firm, partnership, corporation, or other entity**
37 **working capital funds and other funds as may be necessary for this purpose, provided**
38 **that such funds are borrowed in the name of the plan and board only and that any such**
39 **borrowings shall be payable solely from the revenues of the plan; and**

40 **(2) The board may enter into long-term procurement contracts with one or more**
41 **financial providers that provide a fee structure that would assist the plan in avoiding or**
42 **minimizing the need to borrow or to rely upon general assets of the state.**

43 **7. Subject to appropriation, the state of Missouri may pay administrative costs**
44 **associated with the creation, maintenance, operation, and management of the plan and**
45 **trust until sufficient assets are available in the administrative fund for that purpose.**
46 **Thereafter, all administrative costs of the administrative fund, including any repayment**
47 **of start-up funds provided by the state of Missouri, shall be repaid only out of moneys**
48 **on deposit therein. However, private funds or federal funding received in order to**
49 **implement the program until the administrative fund is self-sustaining shall not be**
50 **repaid unless those funds were offered contingent upon the promise of such repayment.**

51 **8. The board may use the moneys in the administrative fund solely to pay the**
52 **administrative costs and expenses of the plan and the administrative costs and expenses**
53 **the board incurs in the performance of its duties under sections 285.1000 to 285.1055.**

54 **9. The state treasurer's office shall follow the competitive bids procedure**
55 **adopted by the office of administration for the following:**

56 **(1) The contracting or hiring of a contractor with the relevant skills, knowledge,**
57 **and expertise determined by the board for managing the program, every five years; and**

58 **(2) At the state treasurer's discretion, the contracting or hiring of a contractor**
59 **who has qualified staff with the relevant skills, knowledge, and expertise as determined**
60 **by the state treasurer's office when the number of the participants in the plan reaches**
61 **fifty thousand participants.**

62

63 **The office of administration is authorized to provide the state treasurer's office with the**
64 **necessary assistance and services as may be needed.**

285.1050. 1. The board shall keep an accurate account of all the activities,
2 **operations, receipts, and expenditures of the plan, the trust, and the board. Each year, a**
3 **full audit of the books and accounts of the board pertaining to those activities,**
4 **operations, receipts and expenditures, personnel, services, or facilities shall be**
5 **conducted by a certified public accountant and shall include, but not be limited to,**
6 **direct and indirect costs attributable to the use of outside consultants, independent**
7 **contractors, and any other persons who are not state employees for the administration**
8 **of the plan. For the purposes of the audit, the auditors shall have access to the**
9 **properties and records of the plan and board and may prescribe methods of accounting**
10 **and the rendering of periodic reports in relation to projects undertaken by the plan.**

11 **2. By August first of each year, the board shall submit to the governor, the state**
12 **treasurer, the president pro tempore of the senate, and the speaker of the house of**
13 **representatives a public report on the operation of the plan and trust and activities of**
14 **the board, including an audited financial report, prepared in accordance with generally**
15 **accepted accounting principles, detailing the activities, operations, receipts, and**
16 **expenditures of the plan and board during the preceding calendar year. The report**
17 **shall also include a summary of the benefits provided by the plan, the number of**
18 **participants, average account balance, the number of participating employers, the**
19 **contribution formulas and amounts of contributions made by participants and by each**
20 **participating employer, the withdrawals, the account balances, total assets under**
21 **management, investments, investment returns, fees and expenses associated with the**
22 **investments and with the administration of the plan, projected activities of the plan for**
23 **the current calendar year, and any other information regarding the plan and its**
24 **operations that the board may determine to provide.**

285.1055. 1. The board shall establish the plan so that individuals are able to
2 **begin contributing under the plan on or before September 1, 2025.**

3 **2. The board may, in its discretion, phase in the plan so that the ability to**
4 **contribute first applies on different dates for different classes of individuals, including**
5 **employees of employers of different sizes or types and individuals who are not**
6 **employees; provided that, any such staged or phased-in implementation schedule shall**
7 **be substantially completed on or before September 1, 2025.**

 476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each
2 person who first becomes a judge on or after January 1, 2011, and continues to be a judge may
3 receive benefits as provided in sections 476.445 to 476.688 subject to the provisions of this
4 section.

5 2. Any person who is at least sixty-seven years of age, has served in this state an
6 aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold
7 office by reason of the expiration of the judge's term, voluntary resignation, or retirement
8 pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of
9 Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year
10 requirement of this subsection may be fulfilled by service as judge in any of the courts
11 covered, or by service in any combination as judge of such courts, totaling an aggregate of
12 twelve years. Any judge who is at least sixty-seven years of age and who has served less than
13 twelve years and is otherwise qualified under sections 476.515 to 476.565 may retire after
14 reaching age sixty-seven, or thereafter, at a reduced retirement compensation in a sum equal
15 to the proportion of the retirement compensation provided in section 476.530 that his or her
16 period of judicial service bears to twelve years.

17 3. Any person who is at least sixty-two years of age or older, has served in this state
18 an aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold
19 office by reason of the expiration of the judge's term, voluntary resignation, or retirement
20 pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of
21 Missouri may receive benefits as provided in sections 476.515 to 476.565. The twenty-year
22 requirement of this subsection may be fulfilled by service as a judge in any of the courts
23 covered, or by service in any combination as judge of such courts, totaling an aggregate of
24 twenty years. Any judge who is at least sixty-two years of age and who has served less than
25 twenty years and is otherwise qualified under sections 476.515 to 476.565 may retire after
26 reaching age sixty-two, at a reduced retirement compensation in a sum equal to the proportion
27 of the retirement compensation provided in section 476.530 that his or her period of judicial
28 service bears to twenty years.

29 4. All judges under this section required by the provisions of Section 26 of Article V
30 of the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching
31 that age.

32 5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges
33 covered by this section.

34 6. A judge shall be required to contribute four percent of the judge's compensation to
35 the retirement system, which shall stand to the judge's credit in his or her individual account
36 with the system, together with investment credits thereon, for purposes of funding retirement
37 benefits payable as provided in sections 476.515 to 476.565, subject to the following
38 provisions:

39 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section
40 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the
41 judge under this section. The contributions so picked up shall be treated as employer
42 contributions for purposes of determining the judge's compensation that is includable in the
43 judge's gross income for federal income tax purposes;

44 (2) Judge contributions picked up by the employer shall be paid from the same source
45 of funds used for the payment of compensation to a judge. A deduction shall be made from
46 each judge's compensation equal to the amount of the judge's contributions picked up by the
47 employer. This deduction, however, shall not reduce the judge's compensation for purposes
48 of computing benefits under the retirement system pursuant to this chapter;

49 (3) Judge contributions so picked up shall be credited to a separate account within the
50 judge's individual account so that the amounts contributed pursuant to this section may be
51 distinguished from the amounts contributed on an after-tax basis;

52 (4) The contributions, although designated as employee contributions, are being paid
53 by the employer in lieu of the contributions by the judge. The judge shall not have the option
54 of choosing to receive the contributed amounts directly instead of having them paid by the
55 employer to the retirement system;

56 (5) Interest shall be credited annually on June thirtieth based on the value in the
57 account as of July first of the immediately preceding year at a rate of four percent. **Effective**
58 **June 30, 2024, and each June thirtieth thereafter, the interest crediting rate shall be**
59 **equal to the investment rate that is published by the United States Department of**
60 **Treasury, or its successor agency, for fifty-two-week treasury bills for the relevant**
61 **auction that is nearest to the preceding July first, or a successor treasury bill investment**
62 **rate as approved by the board if the fifty-two-week treasury bill is no longer issued.**
63 Interest credits shall cease upon retirement **or death** of the judge;

64 (6) A judge whose employment is terminated may request a refund of his or her
65 contributions and interest credited thereon. If such judge is married at the time of such
66 request, such request shall not be processed without consent from the spouse. A judge is not
67 eligible to request a refund if the judge's retirement benefit is subject to a division of benefit
68 order pursuant to section 104.312. Such refund shall be paid by the system after ninety days

69 from the date of termination of employment or the request, whichever is later and shall
70 include all contributions made to any retirement plan administered by the system and interest
71 credited thereon. A judge may not request a refund after such judge becomes eligible for
72 retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall
73 forfeit all the judge's service and future rights to receive benefits from the system and shall
74 not be eligible to receive any long-term disability benefits; provided that any judge or former
75 judge receiving long-term disability benefits shall not be eligible for a refund. If such judge
76 subsequently becomes a judge and works continuously for at least one year, the service
77 previously forfeited shall be restored if the judge returns to the system the amount previously
78 refunded plus interest at a rate established by the board;

79 (7) The beneficiary of any judge who made contributions shall receive a refund upon
80 the judge's death equal to the amount, if any, of such contributions **and interest credited**
81 **thereon**, less any retirement benefits received by the judge unless an annuity is payable to a
82 survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the
83 survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or
84 beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity
85 amounts received by the judge and the survivor or beneficiary.

86 7. The employee contribution rate, the benefits provided under sections 476.515 to
87 476.565 to judges covered under this section, and any other provision of sections 476.515 to
88 476.565 with regard to judges covered under this section may be altered, amended, increased,
89 decreased, or repealed, but only with respect to services rendered by the judge after the
90 effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to
91 interest credits, for periods of time after the effective date of such alteration, amendment,
92 increase, decrease, or repeal.

93 8. Any judge who is receiving retirement compensation under section 476.529 or
94 476.530 who becomes employed as an employee eligible to participate in the closed plan or in
95 the year 2000 plan under chapter 104, shall not receive such retirement compensation for any
96 calendar month in which the retired judge is so employed. Any judge who is receiving
97 retirement compensation under section 476.529 or section 476.530 who subsequently serves
98 as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not
99 receive such retirement compensation for any calendar month in which the retired judge is
100 serving as a judge; except that upon retirement such judge's annuity shall be recalculated to
101 include any additional service or salary accrued based on the judge's subsequent service. A
102 judge who is receiving compensation under section 476.529 or 476.530 may continue to
103 receive such retirement compensation while serving as a senior judge or senior commissioner
104 and shall receive additional credit and salary for such service pursuant to section 476.682.

2 ~~[104.130. Upon the death of a retired member, the board shall pay to~~
3 ~~such member's designated beneficiaries or to his estate a death benefit equal to~~
4 ~~the excess, if any, of the accumulated contributions of the member at~~
5 ~~retirement over the total amount of retirement benefits received by such~~
 ~~member prior to his death.]~~

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