

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 75
102ND GENERAL ASSEMBLY

0673H.07C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 104.160, 104.380, 104.1039, 169.070, 169.141, 169.560, 169.596, and 169.715, RSMo, and to enact in lieu thereof eight new sections relating to retirement systems.

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

Section A. Sections 104.160, 104.380, 104.1039, 169.070, 169.141, 169.560, 169.596, and 169.715, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 104.160, 104.380, 104.1039, 169.070, 169.141, 169.560, 169.596, and 169.715, to read as follows:

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

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.

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.

104.380. **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.**

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

25 highway patrol employees' retirement system shall not be eligible to receive retirement
26 benefits or additional creditable service from the state employees' retirement system. Annual
27 benefit increases paid under section 104.415 shall not accrue while a retired member is
28 employed as described in this section **except, notwithstanding the provisions of section**
29 **105.684 to the contrary, those retired members serving as a member of the general**
30 **assembly under section 104.370 or an elected state official under section 104.371.** Any
31 future annual benefit increases paid after the member terminates such employment will be
32 paid in the same month as the member's original annual benefit increases were paid. Benefits
33 paid under subsection 3 of section 104.374 are not applicable to any additional annuity paid
34 under this section.

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

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

55 **Option 3.**

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

62 **Option 4.**

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

69 **Option 5.**

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

81 the member's accumulated contributions, the difference shall be paid to the
82 beneficiary in a lump sum; or

83 Option 6.

84 Upon the death of the member prior to the member having received sixty monthly
85 payments of the member's reduced allowance, the remainder of the sixty monthly
86 payments of the reduced allowance shall be paid to such beneficiary as the member
87 shall have nominated in the member's election of the option or in a subsequent
88 nomination. If there is no beneficiary so nominated who survives the member for the
89 remainder of the sixty monthly payments, the total of the remainder of such sixty
90 monthly payments shall be paid to the surviving spouse, surviving children in equal
91 shares, surviving parents in equal shares, or estate of the last person, in that order of
92 precedence, to receive a monthly allowance in a lump sum payment. If the total of the
93 sixty payments paid to the retired individual and the beneficiary of the retired
94 individual is less than the total of the member's accumulated contributions, the
95 difference shall be paid to the beneficiary in a lump sum.

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

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

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

117 member's retirement allowance, or to begin on the date the member would first have been
118 eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 13. If the board of trustees determines that the cost of living, as measured by
214 generally accepted standards, increases two percent or more in the preceding fiscal year, the
215 board shall increase the retirement allowances which the retired members or beneficiaries are
216 receiving by two percent of the amount being received by the retired member or the
217 beneficiary at the time the annual increase is granted by the board with the provision that the
218 increases provided for in this subsection shall not become effective until the fourth January
219 first following the member's retirement or January 1, 1977, whichever later occurs, or in the
220 case of any member retiring on or after July 1, 2000, the increase provided for in this
221 subsection shall not become effective until the third January first following the member's
222 retirement, or in the case of any member retiring on or after July 1, 2001, the increase
223 provided for in this subsection shall not become effective until the second January first
224 following the member's retirement. Commencing with January 1, 1992, if the board of
225 trustees determines that the cost of living has increased five percent or more in the preceding
226 fiscal year, the board shall increase the retirement allowances by five percent. The total of the

227 increases granted to a retired member or the beneficiary after December 31, 1976, may not
228 exceed eighty percent of the retirement allowance established at retirement or as previously
229 adjusted by other subsections. If the cost of living increases less than five percent, the board
230 of trustees may determine the percentage of increase to be made in retirement allowances, but
231 at no time can the increase exceed five percent per year. If the cost of living decreases in a
232 fiscal year, there will be no increase in allowances for retired members on the following
233 January first.

234 14. The board of trustees may reduce the amounts which have been granted as
235 increases to a member pursuant to subsection 13 of this section if the cost of living, as
236 determined by the board and as measured by generally accepted standards, is less than the
237 cost of living was at the time of the first increase granted to the member; except that, the
238 reductions shall not exceed the amount of increases which have been made to the member's
239 allowance after December 31, 1976.

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

243 16. Notwithstanding any other provision of law, any person retired prior to September
244 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of
245 subsection 3 of this section, as such option existed prior to September 28, 1983, and whose
246 beneficiary nominated to receive continued retirement allowance payments under the elected
247 option dies or has died, shall upon application to the board of trustees have his or her
248 retirement allowance increased to the amount he or she would have been receiving had the
249 option not been elected, actuarially adjusted to recognize any excessive benefits which would
250 have been paid to him or her up to the time of application.

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

259 18. Notwithstanding any other provision of law to the contrary, any person retired
260 before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the
261 board as a special consultant on the matters of education, retirement and aging, and upon
262 request shall give written or oral opinions to the board in response to such requests. As
263 compensation for such duties the person shall receive an amount based on the person's years

264 of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at
265 least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In
266 determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of
267 this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was
268 applied to the person's retirement allowance. In determining the minimum amount to be
269 received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this
270 subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was
271 applied to the person's retirement allowance due to election of an optional form of retirement
272 having a continued monthly payment after the person's death. Notwithstanding any other
273 provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no
274 beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to
275 169.141 based on the person's years of service less than the following amounts:

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

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

295 20. Any member who has retired prior to July 1, 1998, and the designated beneficiary
296 of a deceased retired member shall be made, constituted, appointed and employed by the
297 board as a special consultant on the matters of education, retirement and aging, and upon
298 request shall give written or oral opinions to the board in response to such requests. As
299 compensation for such duties the person shall receive a payment equivalent to eight and
300 seven-tenths percent of the previous month's benefit, which shall be added to the member's or

301 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections
302 13 and 14 of this section for the purposes of the limit on the total amount of increases which
303 may be received.

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

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

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

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

169.141. 1. Any person receiving a retirement allowance under sections 169.010 to
2 169.140, and who elected a reduced retirement allowance under subsection 3 of section

3 169.070 with his or her spouse as the nominated beneficiary, may nominate a successor
4 beneficiary under either of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the retired
6 person may, upon remarriage, nominate the new spouse under the same option elected in the
7 application for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is dissolved,
9 and if the dissolution decree provides for sole retention by the retired person of all rights in
10 the retirement allowance, the retired person may, upon remarriage, nominate the new spouse
11 under the same option elected in the application for retirement.

12 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of
13 subsection 1 of this section must be made in accordance with procedures established by the
14 board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of
15 the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in
16 accordance with those procedures, the board shall adjust the retirement allowance to reflect
17 actuarial considerations of that nomination as well as previous beneficiary and successor
18 beneficiary nominations.

19 3. Any person receiving a retirement allowance under sections 169.010 to 169.140
20 who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or
21 her spouse as the nominated beneficiary may have the retirement allowance increased to the
22 amount the retired member would be receiving had the retired member elected option 1 if:

23 (1) The marriage of the retired person and the nominated spouse is dissolved on or
24 after September 1, 2017, and the dissolution decree provides for sole retention by the retired
25 person of all rights in the retirement allowance; or

26 (2) The marriage of the retired person and the nominated spouse was dissolved before
27 September 1, 2017, and:

28 (a) The dissolution decree provides for sole retention by the retired person of all
29 rights in the retirement allowance, and the parties obtain an amended or modified dissolution
30 decree after September 1, 2017, providing for the immediate removal of the nominated
31 spouse, or the nominated spouse consents in writing to his or her immediate removal as
32 nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the
33 board of trustees; or

34 (b) The dissolution decree does not provide for sole retention by the retired person of
35 all rights in the retirement allowance and the parties obtain an amended or modified
36 dissolution decree after September 1, 2017, which provides for sole retention by the retired
37 person of all rights in the retirement allowance; and

38 (3) The person receives a retirement allowance under subsection 3 of section 169.070.

39

40 Any such increase in the retirement allowance shall be effective upon the receipt of an
41 application for such increase and a certified copy of the decree of dissolution and separation
42 agreement, if applicable, that meets the requirements of this section.

43 **4. Any person receiving a retirement allowance under sections 169.010 to**
44 **169.140, who, on or before September 1, 2015, elected a reduced retirement allowance**
45 **under subsection 3 of section 169.070 with his or her same-sex domestic partner as the**
46 **nominated beneficiary, may have the retirement allowance increased to the amount the**
47 **retired member would be receiving had the retired member elected option 1 if:**

48 **(1) The retired person executes an affidavit attesting to the existence of a same-**
49 **sex domestic partnership at the time of the nomination of the beneficiary and that the**
50 **same-sex domestic partnership has since ended, with such supporting information and**
51 **documentation as required by the board of trustees;**

52 **(2) The nominated beneficiary consents in writing to his or her immediate**
53 **removal as nominated beneficiary and disclaims all rights to future benefits to the**
54 **satisfaction of the board of trustees, or the parties obtain a court order or judgment**
55 **after September 1, 2023, which provides that the nominated beneficiary may be**
56 **removed;**

57 **(3) If the retired person and the nominated beneficiary were legally married in a**
58 **state that recognized same-sex marriage at the time of retirement or have since become**
59 **legally married, the marriage must be dissolved and the dissolution decree must provide**
60 **for sole retention by the retired person of all rights in the retirement allowance; and**

61 **(4) The person receives a retirement allowance under subsection 3 of section**
62 **169.070.**

63 **5. Any person receiving a retirement allowance under sections 169.010 to**
64 **169.140, who, on or before September 1, 2015, elected a reduced retirement allowance**
65 **under subsection 3 of section 169.070 with his or her same-sex domestic partner as the**
66 **nominated beneficiary, may nominate a successor beneficiary under the following**
67 **circumstances:**

68 **(1) If the nominated same-sex domestic partner precedes the retired person in**
69 **death, and the retired person executes an affidavit attesting to the existence of the same-**
70 **sex domestic partnership at the time of the nomination of the beneficiary, the retired**
71 **person may, upon a later marriage, nominate his or her spouse under the same option**
72 **elected in the application for retirement; or**

73 **(2) If the retired person executes an affidavit attesting to the existence of the**
74 **same-sex domestic partnership at the time of the nomination of the beneficiary and that**
75 **the same-sex domestic partnership has since ended, and the nominated same-sex**
76 **domestic partner consents in writing to his or her immediate removal as nominated**

77 **beneficiary and disclaims all rights to future benefits to the satisfaction of the board of**
78 **trustees or the parties obtain a court order or judgment after September 1, 2023, which**
79 **provides that the nominated beneficiary may be removed, the retired person may, upon**
80 **a later marriage, nominate his or her spouse under the same option elected in the**
81 **application for retirement;**

82 **(3) In addition to the requirements of subsection (2) of this section, if the retired**
83 **person and the nominated beneficiary were legally married in a state that recognized**
84 **same-sex marriage at the time of retirement or have since become legally married, the**
85 **marriage must be dissolved and the dissolution decree must provide for sole retention by**
86 **the retired person of all rights in the retirement allowance.**

87 **6. Any nomination of successor beneficiary under subdivision (1) or (2) of**
88 **subsection 5 of this section shall be made in accordance with procedures established by**
89 **the board of trustees, and shall be filed within one year of September 1, 2023, or within**
90 **one year of the marriage of the retired person and successor beneficiary, whichever later**
91 **occurs. Upon receipt of a successor nomination filed in accordance with those**
92 **procedures, the board shall adjust the retirement allowance to reflect actuarial**
93 **considerations of that nomination as well as previous beneficiary and successor**
94 **beneficiary nominations.**

95 **7. For purposes of this section, the definition of "same-sex domestic partners"**
96 **shall be individuals of the same sex who are at least eighteen years of age, who are not**
97 **related to a degree that would prohibit their marriage in the law of the state where they**
98 **reside, who are not married to or a domestic partner of another person, and who live**
99 **together in a long-term relationship of indefinite duration with an exclusive mutual**
100 **commitment in which the domestic partners agree to be jointly responsible for their**
101 **common welfare and to share financial obligations. For purposes of this section, "same-**
102 **sex domestic partners" shall also include individuals of the same sex who were legally**
103 **married in a state that recognized same-sex marriage.**

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 recipient before the calendar**

48 **year of attainment of full retirement age under 20 CFR 404.420**, without a discontinuance
49 of the person's retirement allowance **from the retirement system. The Social Security**
50 **annual earnings exemption amount applied shall be the exemption amount in effect for**
51 **the calendar year in which the school year begins.** Such person shall not contribute to the
52 retirement system or to the public education employee retirement system established by
53 sections 169.600 to 169.715 because of earnings during such period of employment, and such
54 person shall not earn membership service for such employment. The employer's contribution
55 rate shall be paid by the hiring employer into the public education employee retirement
56 system established by sections 169.600 to 169.715. If such a person is employed in any
57 capacity by an employer in excess of the limitations set forth in this subsection, the person
58 shall not be eligible to receive the person's retirement allowance for any month during which
59 the person is so employed. In addition, such person shall become a member of and contribute
60 to any retirement system described in this subsection if the person satisfies the retirement
61 system's membership eligibility requirements. The provisions of this subsection shall not
62 apply to any person retired and currently receiving a retirement allowance in accordance with
63 sections 169.010 to 169.141 employed by a public community college **or employer under**
64 **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 percent of the total teacher]~~ **greater of one**
9 **percent of the total certificated teachers and noncertificated** staff for that school district,
10 or five certificated 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.

169.715. 1. Any person receiving a retirement allowance under sections 169.600 to
2 169.712, and who elected a reduced retirement allowance under subsection 4 of section
3 169.670 with his or her spouse as the nominated beneficiary, may nominate a successor
4 beneficiary under either of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the retired
6 person may, upon remarriage, nominate the new spouse under the same option elected in the
7 application for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is dissolved,
9 and if the dissolution decree provides for sole retention by the retired person of all rights in
10 the retirement allowance, the retired person may, upon remarriage, nominate the new spouse
11 under the same option elected in the application for retirement.

12 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of
13 subsection 1 of this section must be made in accordance with procedures established by the
14 board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of
15 the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in
16 accordance with those procedures, the board shall adjust the retirement allowance to reflect
17 actuarial considerations of that nomination as well as previous beneficiary and successor
18 beneficiary nominations.

19 3. Any person receiving a retirement allowance under sections 169.600 to 169.715
20 who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or
21 her spouse as the nominated beneficiary may have the retirement allowance increased to the
22 amount the retired member would be receiving had the retired member elected option 1 if:

23 (1) The marriage of the retired person and the nominated spouse is dissolved on or
24 after September 1, 2017, and the dissolution decree provides for sole retention by the retired
25 person of all rights in the retirement allowance; or

26 (2) The marriage of the retired person and the nominated spouse was dissolved before
27 September 1, 2017, and:

28 (a) The dissolution decree provides for sole retention by the retired person of all
29 rights in the retirement allowance, and the parties obtain an amended or modified dissolution
30 decree after September 1, 2017, providing for the immediate removal of the nominated
31 spouse, or the nominated spouse consents in writing to his or her immediate removal as
32 nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the
33 board of trustees; or

34 (b) The dissolution decree does not provide for sole retention by the retired person of
35 all rights in the retirement allowance and the parties obtain an amended or modified
36 dissolution decree after September 1, 2017, which provides for sole retention by the retired
37 person of all rights in the retirement allowance; and

38 (3) The person receives a retirement allowance under subsection 4 of section 169.670.
39

40 Any such increase in the retirement allowance shall be effective upon the receipt of an
41 application for such increase and a certified copy of the decree of dissolution and separation
42 agreement, if applicable, that meets the requirements of this section.

43 **4. Any person receiving a retirement allowance under sections 169.600 to**
44 **169.712, who, on or before September 1, 2015, elected a reduced retirement allowance**
45 **under subsection 4 of section 169.670 with his or her same-sex domestic partner as the**
46 **nominated beneficiary, may have the retirement allowance increased to the amount the**
47 **retired member would be receiving had the retired member elected option 1 if:**

48 (1) **The retired person executes an affidavit attesting to the existence of a same-**
49 **sex domestic partnership at the time of the nomination of the beneficiary and that the**
50 **same-sex domestic partnership has since ended, with such supporting information and**
51 **documentation as required by the board of trustees;**

52 (2) **The nominated beneficiary consents in writing to his or her immediate**
53 **removal as nominated beneficiary and disclaims all rights to future benefits to the**
54 **satisfaction of the board of trustees, or the parties obtain a court order or judgment**
55 **after September 1, 2023, which provides that the nominated beneficiary may be**
56 **removed;**

57 (3) **If the retired person and the nominated beneficiary were legally married in a**
58 **state that recognized same-sex marriage at the time of retirement or have since become**

59 **legally married, the marriage must be dissolved and the dissolution decree must provide**
60 **for sole retention by the retired person of all rights in the retirement allowance; and**

61 **(4) The person receives a retirement allowance under subsection 4 of section**
62 **169.670.**

63 **5. Any person receiving a retirement allowance under sections 169.600 to**
64 **169.712, who, on or before September 1, 2015, elected a reduced retirement allowance**
65 **under subsection 4 of section 169.670 with his or her same-sex domestic partner as the**
66 **nominated beneficiary, may nominate a successor beneficiary under the following**
67 **circumstances:**

68 **(1) If the nominated same-sex domestic partner precedes the retired person in**
69 **death, and the retired person executes an affidavit attesting to the existence of the same-**
70 **sex domestic partnership at the time of the nomination of the beneficiary, the retired**
71 **person may, upon a later marriage, nominate his or her spouse under the same option**
72 **elected in the application for retirement; or**

73 **(2) If the retired person executes an affidavit attesting to the existence of the**
74 **same-sex domestic partnership at the time of the nomination of the beneficiary and that**
75 **the same-sex domestic partnership has since ended, and the nominated same-sex**
76 **domestic partner consents in writing to his or her immediate removal as nominated**
77 **beneficiary and disclaims all rights to future benefits to the satisfaction of the board of**
78 **trustees or the parties obtain a court order or judgment after September 1, 2023, which**
79 **provides that the nominated beneficiary may be removed, the retired person may, upon**
80 **a later marriage, nominate his or her spouse under the same option elected in the**
81 **application for retirement;**

82 **(3) In addition to the requirements of subdivision (2) of this subsection, if the**
83 **retired person and the nominated beneficiary were legally married in a state that**
84 **recognized same-sex marriage at the time of retirement or have since become legally**
85 **married, the marriage must be dissolved and the dissolution decree must provide for**
86 **sole retention by the retired person of all rights in the retirement allowance.**

87 **6. Any nomination of successor beneficiary under subdivision (1) or (2) of**
88 **subsection 5 of this section shall be made in accordance with procedures established by**
89 **the board of trustees, and shall be filed within one year of September 1, 2023, or within**
90 **one year of the marriage of the retired person and successor beneficiary, whichever later**
91 **occurs. Upon receipt of a successor nomination filed in accordance with those**
92 **procedures, the board shall adjust the retirement allowance to reflect actuarial**
93 **considerations of that nomination as well as previous beneficiary and successor**
94 **beneficiary nominations.**

95 7. For purposes of this section, the definition of "same-sex domestic partners"
96 shall mean individuals of the same sex who are at least eighteen years of age, who are
97 not related to a degree that would prohibit their marriage in the law of the state where
98 they reside, who are not married to or a domestic partner of another person, and who
99 live together in a long-term relationship of indefinite duration with an exclusive mutual
100 commitment in which the domestic partners agree to be jointly responsible for their
101 common welfare and to share financial obligations. For purposes of this section, "same-
102 sex domestic partners" shall also include individuals of the same sex who were legally
103 married in a state that recognized same-sex marriage.

✓