

SECOND REGULAR SESSION

# SENATE BILL NO. 929

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Read 1st time February 25, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5954S.02I

## AN ACT

To amend chapter 104, RSMo, by adding thereto one new section relating to retirement benefits for statewide elected officials.

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

Section A. Chapter 104, RSMo, is amended by adding thereto one new section, to be known as section 104.1085, to read as follows:

**104.1085. 1. Any person who serves for the first time as a statewide elected officer on or after January 1, 2015, shall be a participant of a defined contribution retirement plan established by the governing body for the Missouri state employees' retirement system. Such persons shall not be eligible to participate in the year 2000 plan.**

**2. Pursuant to subsection 1 of this section, the governing board of the Missouri state employees' retirement system shall:**

**(1) Establish the defined contribution plan intended to qualify as a profit sharing plan under section 401(a) of the Internal Revenue Code which provides for an individual account for each participant and for benefits based solely on the amount allocated to the participant's account and for immediate vesting;**

**(2) Select third-party administrators to provide such services as the board determines to be necessary for the proper administration of the defined contribution plan;**

**(3) Hold all assets and income of the defined contribution plan in trust for the exclusive benefit of participants and their beneficiaries;**

**(4) Select the investments of such trust, and permit the participants in the defined contribution plan to direct investment of their individual accounts among investment options, if deemed**

22 appropriate by the board;

23 (5) Require plan participants to pay for administrative costs of  
24 the defined contribution plan by charging a fee against each  
25 participant's account;

26 (6) Amend the plan from time to time as necessary or  
27 appropriate to comply with section 401(a) of the Internal Revenue Code  
28 and the purposes of this section; and

29 (7) Establish such rules and regulations as may be necessary to  
30 carry out the purposes of this section under the authority granted by  
31 section 104.1063.

32 3. Subject to the applicable limits of the Internal Revenue Code  
33 and pursuant to 26 U.S.C. 414(h)(2), the employer shall pay the annual  
34 contribution rate for each employee participating in the defined  
35 contribution plan as determined by the general assembly under the  
36 appropriation process, but in no event shall the rate be less than one  
37 percent of the annual pay for each participating employee. The term  
38 "pay" as used in this section shall be defined in the plan document, in  
39 a manner substantially similar to the definition of "pay" in section  
40 104.1003.

41 4. Elected statewide officers participating in the defined  
42 contribution plan may contribute additional money from pay above the  
43 annual contribution rate subject to the applicable limits of the Internal  
44 Revenue Code.

45 5. The board and employees of the system shall not be liable for  
46 the investment decisions made or not made by participating employees  
47 in the defined contribution plan established under this section as long  
48 as the board acts with the same skill, prudence, and diligence in the  
49 selection and monitoring of providers of investment products,  
50 education, advice, or any default investment option, under the  
51 circumstances then prevailing that a prudent person acting in a similar  
52 capacity and familiar with those matters would use in the conduct of  
53 a similar enterprise with similar aims.

54 6. The system shall be immune from suit and shall not be subject  
55 to any claim or liability associated with the administration of the  
56 defined contribution plan established under this section.