

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 625

96TH GENERAL ASSEMBLY

2012

5110H.03T

AN ACT

To repeal sections 50.1130, 50.1140, 104.603, and 104.1091, RSMo, and to enact in lieu thereof four new sections relating to retirement.

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

Section A. Sections 50.1130, 50.1140, 104.603, and 104.1091, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 50.1130, 50.1140, 104.603, and 104.1091, to read as follows:

50.1130. 1. **Notwithstanding the provisions of section 50.1150 to**
2 **the contrary**, a death benefit of ten thousand dollars **and, in the case of an**
3 **active member who dies after December 31, 2002, and before becoming**
4 **vested, an amount equal to the amount of the member's accumulated**
5 **contributions standing to his or her credit in the fund** shall be paid to the
6 designated beneficiary of every active member upon his or her death or, if the
7 member fails to designate a beneficiary, then to the member's surviving spouse
8 or, if there is no spouse, then in equal shares to the member's surviving children.
9 If there is neither a surviving spouse or surviving children, then the benefit shall
10 be paid to the active member's estate.

11 2. If the member executes a beneficiary designation form and lists more
12 than one beneficiary but fails to list the percentage of benefit that each
13 beneficiary should receive, then the benefit shall be divided equally among the
14 named beneficiaries.

50.1140. 1. Upon termination of employment, any member with less than
2 eight years of creditable service shall forfeit all rights in the fund, including the
3 member's accrued creditable service as of the date of the member's termination
4 of employment, but may receive any refund of contributions to which the member

5 is entitled pursuant to subsection 3 of this section **or subsection 1 of section**
6 **50.1130.**

7 2. A member who terminates employment with at least eight years of
8 creditable service shall be entitled to an annuity from the fund, determined in
9 accordance with the formula described in section 50.1060. The member may elect
10 to defer the receipt of his or her annuity, until the member's attainment of age
11 sixty-two, or the member may elect to begin receiving his or her annuity on the
12 first day of any month following the later of the date of termination of
13 employment or age fifty-five. If the member begins receiving an annuity before
14 age sixty-two and termination of employment occurs on or after age fifty-five, the
15 annuity shall be reduced by four-tenths of one percent for each month the
16 commencement date of the annuity precedes age sixty-two, and an additional
17 three-tenths of one percent for each month the commencement date of the annuity
18 precedes age sixty.

19 3. In the event a member ceases to be a member other than by death
20 before the date the member becomes vested in the system, the member shall be
21 paid, upon his or her written application filed with the board, the member's
22 accumulated contributions standing to his or her credit in the members' deposit
23 fund.

24 4. A former member who has forfeited creditable service may have the
25 creditable service restored by again becoming an employee, completing a total of
26 eight years of uninterrupted creditable service, and purchasing the forfeited
27 service by paying into the fund the forfeited amount previously refunded to the
28 participant or credited to the participant's county plus interest equal to the
29 current prime rate plus two percent.

104.603. 1. Effective with transfers of service between the Missouri
2 department of transportation and highway patrol employees' retirement system
3 and the Missouri state employees' retirement system that occur on or after
4 September 1, 2011, upon a reciprocal transfer of creditable or credited service
5 pursuant to section 104.602 or subsection 8 of section 104.1021, the sending
6 system from which the service is transferred shall pay the receiving system to
7 which the service is transferred the present value of the accrued benefit as
8 determined pursuant to subsection 2 of this section.

9 2. For purposes of this section, the present value of the accrued benefit
10 shall be determined using the actuarial assumptions of the sending system used
11 in that system's last regular valuation assuming active member status and using

12 the unit credit actuarial cost method. However, in no event shall the payment
13 amount be less than the sum of the member's accumulated contributions and
14 interest plus any purchased service payments from the member held on deposit
15 by the sending system. If the member had received a refund of accumulated
16 contributions from the sending system and forfeited service credit with that
17 system, the member would need to reestablish that service with the sending
18 system by again becoming an active member of a system covered by this chapter
19 and satisfying requirements otherwise stipulated for reestablishing service
20 credit. **However, in the event the member had previously transferred**
21 **service from the receiving system to the sending system which was not**
22 **subject to an asset transfer under this section, then that service will be**
23 **excluded from the computation of the accrued benefit. In the event any**
24 **prior payments by a sending system under this section included an**
25 **amount for previously transferred service that was not subject to this**
26 **section, the receiving system shall return to the sending system the**
27 **present value amount attributable to such service, including interest**
28 **as determined and agreed to by both systems.**

29 3. The service transfer shall not be deemed completed until the sending
30 system makes payment to the receiving system as prescribed in this
31 section. Payments shall be made within ninety days of the date that a completed
32 transfer request is submitted by a member.

33 4. When the transfer payment includes an amount identified as
34 corresponding to a member's accumulated contributions, the accumulated
35 contributions portion shall be identified, and further, the accumulated
36 contributions balance as of the preceding July first shall be identified and the
37 receiving system shall be responsible for crediting interest according to the terms
38 of the receiving plan.

39 5. The systems shall coordinate their plan administration for reciprocal
40 transfers to give full effect to the transfer including the transfer and acceptance
41 of corresponding division of benefit orders.

42 6. The member or survivor obtaining a reciprocal transfer of service
43 covered by this section shall satisfy all requirements under section 104.602 or
44 subsection 8 of section 104.1021 to obtain a transfer of credited or creditable
45 service and shall satisfy the requirements under section 104.1091 with the
46 receiving system to reestablish forfeited service previously accrued at either
47 system.

104.1091. 1. Notwithstanding any provision of the year 2000 plan to the
2 contrary, each person who first becomes an employee on or after January 1, 2011,
3 shall be a member of 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
6 completion of at least ten years of credited service; or the member's attainment
7 of at least age fifty-five with the sum of the member's age and credited service
8 equaling at least ninety; or, in the case of a member who is serving as a
9 uniformed member of the highway patrol and subject to the mandatory retirement
10 provisions of section 104.081, such member's attainment of at least age sixty or
11 the attainment of at least age fifty-five with ten years of credited service;

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

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

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

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

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

36 6. The provisions of subsection 6 of section 104.1021 and section 104.344

37 as applied pursuant to subsection 7 of section 104.1021 and section 104.1090 shall
38 not apply to members covered by this section.

39 7. The minimum credited service requirements of five years contained in
40 sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for
41 members covered by this section. The normal and early retirement eligibility
42 requirements in this section shall apply for purposes of administering section
43 104.1087.

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

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

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

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

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

69 (5) Interest shall be credited annually on June thirtieth based on the
70 value in the account as of July first of the immediately preceding year at a rate
71 of four percent. **Effective June 30, 2014, and each June thirtieth**
72 **thereafter, the interest crediting rate shall be equal to the investment**

73 **rate that is published by the United States Department of Treasury, or**
74 **its successor agency, for fifty-two week treasury bills for the relevant**
75 **auction that is nearest to the preceding July first, or a successor**
76 **treasury bill investment rate as approved by the board if the fifty-two**
77 **week treasury bill is no longer issued.** Interest credits shall cease upon
78 termination of employment if the member is not a vested former
79 member. Otherwise, interest credits shall cease upon retirement **or death;**

80 (6) A vested former member or a former member who is not vested may
81 request a refund of his or her contributions and interest credited thereon. If such
82 member is married at the time of such request, such request shall not be
83 processed without consent from the spouse. Such member is not eligible to
84 request a refund if such member's retirement benefit is subject to a division of
85 benefit order pursuant to section 104.1051. Such refund shall be paid by the
86 system after ninety days from the date of termination of employment or the
87 request, whichever is later, and shall include all contributions made to any
88 retirement plan administered by the system and interest credited thereon. A
89 vested former member may not request a refund after such member becomes
90 eligible for normal retirement. A vested former member or a former member who
91 is not vested who receives a refund shall forfeit all the member's credited service
92 and future rights to receive benefits from the system and shall not be eligible to
93 receive any long-term disability benefits; provided that any member or vested
94 former member receiving long-term disability benefits shall not be eligible for a
95 refund. If such member subsequently becomes an employee and works
96 continuously for at least one year, the credited service previously forfeited shall
97 be restored if the member returns to the system the amount previously refunded
98 plus interest at a rate established by the board;

99 (7) The beneficiary of any member who made contributions shall receive
100 a refund upon the member's death equal to the amount, if any, of such
101 contributions **and interest credited thereon** less any retirement benefits
102 received by the member unless an annuity is payable to a survivor or beneficiary
103 as a result of the member's death. In that event, the beneficiary of the survivor
104 or beneficiary who received the annuity shall receive a refund upon the survivor's
105 or beneficiary's death equal to the amount, if any, of the member's contributions
106 less any annuity amounts received by the member and the survivor or beneficiary.

107 9. The employee contribution rate, the benefits provided under the year
108 2000 plan to members covered under this section, and any other provision of the

109 year 2000 plan with regard to members covered under this section may be
110 altered, amended, increased, decreased, or repealed, but only with respect to
111 services rendered by the member after the effective date of such alteration,
112 amendment, increase, decrease, or repeal, or, with respect to interest credits, for
113 periods of time after the effective date of such alteration, amendment, increase,
114 decrease, or repeal.

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

117 Option 1. A retiree's life annuity shall be reduced to a certain percent of
118 the annuity otherwise payable. Such percent shall be eighty-eight and one half
119 percent adjusted as follows: if the retiree's age on the annuity starting date is
120 younger than sixty-seven years, an increase of three-tenths of one percent for
121 each year the retiree's age is younger than age sixty-seven years; and if the
122 beneficiary's age is younger than the retiree's age on the annuity starting date,
123 a decrease of three-tenths of one percent for each year of age difference; and if the
124 retiree's age is younger than the beneficiary's age on the annuity starting date,
125 an increase of three-tenths of one percent for each year of age difference;
126 provided, after all adjustments the option 1 percent cannot exceed ninety-four and
127 one quarter percent. Upon the retiree's death, fifty percent of the retiree's
128 reduced annuity shall be paid to such beneficiary who was the retiree's spouse on
129 the annuity starting date or as otherwise provided by subsection 5 of this section.

130 Option 2. A retiree's life annuity shall be reduced to a certain percent of
131 the annuity otherwise payable. Such percent shall be eighty-one percent adjusted
132 as follows: if the retiree's age on the annuity starting date is younger than
133 sixty-seven years, an increase of four-tenths of one percent for each year the
134 retiree's age is younger than sixty-seven years; and if the beneficiary's age is
135 younger than the retiree's age on the annuity starting date, a decrease of
136 five-tenths of one percent for each year of age difference; and if the retiree's age
137 is younger than the beneficiary's age on the annuity starting date, an increase of
138 five-tenths of one percent for each year of age difference; provided, after all
139 adjustments the option 2 percent cannot exceed eighty-seven and three quarter
140 percent. Upon the retiree's death one hundred percent of the retiree's reduced
141 annuity shall be paid to such beneficiary who was the retiree's spouse on the
142 annuity starting date or as otherwise provided by subsection 5 of this section.

143 Option 3. A retiree's life annuity shall be reduced to ninety-three percent
144 of the annuity otherwise payable. If the retiree dies before having received one

145 hundred twenty monthly payments, the reduced annuity shall be continued for
146 the remainder of the one hundred twenty-month period to the retiree's designated
147 beneficiary provided that if there is no beneficiary surviving the retiree, the
148 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
150 before receiving the remainder of such one hundred twenty monthly payments,
151 the present value of the remaining annuity payments shall be paid as provided
152 under subsection 3 of section 104.620.

153 Option 4. A retiree's life annuity shall be reduced to eighty-six percent of
154 the annuity otherwise payable. If the retiree dies before having received one
155 hundred eighty monthly payments, the reduced annuity shall be continued for the
156 remainder of the one hundred eighty-month period to the retiree's designated
157 beneficiary provided that if there is no beneficiary surviving the retiree, the
158 present value of the remaining annuity payments shall be paid as provided under
159 subsection 3 of section 104.620. If the beneficiary survives the retiree but dies
160 before receiving the remainder of such one hundred eighty monthly payments, the
161 present value of the remaining annuity payments shall be paid as provided under
162 subsection 3 of section 104.620.

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

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