

FIRST REGULAR SESSION

[CORRECTED]

SENATE BILL NO. 107

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Pre-filed January 3, 2013, and ordered printed.

0735S.01I

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 87.120, 87.130, 87.135, 87.170, 87.175, 87.177, 87.182, 87.190, 87.200, 87.205, 87.207, 87.215, 87.220, 87.325, 87.330, 87.335, 87.340, 87.345, and 87.371, RSMo, and to enact in lieu thereof nineteen new sections relating to the firemen's retirement system of St. Louis.

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

Section A. Sections 87.120, 87.130, 87.135, 87.170, 87.175, 87.177, 87.182, 2 87.190, 87.200, 87.205, 87.207, 87.215, 87.220, 87.325, 87.330, 87.335, 87.340, 3 87.345, and 87.371, RSMo, are repealed and nineteen new sections enacted in lieu 4 thereof, to be known as sections 87.120, 87.130, 87.135, 87.170, 87.175, 87.177, 5 87.182, 87.190, 87.200, 87.205, 87.207, 87.215, 87.220, 87.325, 87.330, 87.335, 6 87.340, 87.345, and 87.371, to read as follows:

87.120. The following words and phrases as used in sections 87.120 to 2 87.370, unless a different meaning is plainly required by the context, have the 3 following meanings:

4 (1) "Accumulated contributions", the sum of all amounts deducted from 5 the compensation of a member and credited to his or her individual account in the 6 members' savings fund together with interest thereon;

7 (2) "Actuarial equivalent", a benefit of equal value when computed upon 8 the basis of such mortality tables and interest rate as shall be adopted by the 9 board of trustees;

10 (3) "Average final compensation", the average earnable compensation of 11 the member during his or her last two years of service as a firefighter, or if the 12 firefighter has less than two years of service, then the average earnable

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 compensation of his or her entire period of service. **For persons hired on or**
14 **after August 29, 2013, the average final compensation shall be the**
15 **average earnable compensation of the member during his or her last**
16 **five years of service as a firefighter, or if the firefighter has less than**
17 **five years of service, then the average earnable compensation of his or**
18 **her entire period of service;**

19 (4) "Beneficiary", any person in receipt of a retirement allowance or other
20 benefit as provided by sections 87.120 to 87.370;

21 (5) "Benefit reserve", the present value of all payments to be made on
22 account of any retirement allowance or benefit in lieu of a retirement allowance
23 upon the basis of such mortality tables and interest rate as shall be adopted by
24 the board of trustees;

25 (6) "Board of trustees", the board provided for in section 87.140 to
26 administer the retirement system;

27 (7) "City", any city not within a county and adopting the retirement
28 system provided by sections 87.120 to 87.370;

29 (8) "Creditable service", prior service plus membership service as provided
30 in section 87.135;

31 (9) "DROP", the deferred retirement option plan provided in section
32 87.182;

33 (10) "Earnable compensation", the regular compensation which a member
34 would earn during one year on the basis of the stated compensation for his or her
35 rank or position;

36 (11) **"Entry age normal funding method", a method under which**
37 **the actuarial present value of each active member's projected pension**
38 **and death benefit is allocated as a level percentage of the earning of**
39 **the individual between entry age and assumed exit age. The portion of**
40 **the funding requirement allocated to a valuation year is called the**
41 **normal cost. The actuarial accrued liability is the portion of the**
42 **actuarial present value not provided for at a valuation date by the**
43 **present value of future normal costs;**

44 (12) "Firefighter", any officer or employee of the fire department of the
45 city employed by the city for the duty of fighting fires, but does not include
46 anyone employed in a clerical or other capacity not involving fire-fighting duties.
47 In case of doubt as to whether any person is a firefighter within the meaning of
48 sections 87.120 to 87.370, the decision of the board of trustees shall be final;

49 [(12)] (13) "Medical board", the board of physicians provided for in
50 section 87.160;

51 [(13)] (14) "Member", a member of the retirement system as defined by
52 section 87.130;

53 [(14)] (15) "Membership service", service as a firefighter rendered since
54 last becoming a member;

55 [(15)] (16) "Prior service", all service as a firefighter rendered prior to
56 the date the system becomes operative which is creditable in accordance with the
57 provisions of section 87.135;

58 [(16)] (17) "Retirement allowance", annual payments for life which shall
59 be payable in equal monthly installments or any benefits in lieu thereof granted
60 to a member upon retirement or to a beneficiary;

61 [(17)] (18) "Retirement system", the firefighter's retirement system of
62 any city as defined in section 87.125.

87.130. 1. All persons who are firefighters shall be members as a
2 condition of their employment and shall receive no pension or retirement
3 allowance from any other pension or retirement system supported wholly or in
4 part by the city or the state of Missouri because of years of service for which they
5 are entitled to benefits under this system nor shall they be required to make
6 contributions under any other pension or retirement system of the city or the
7 state of Missouri, anything to the contrary notwithstanding.

8 2. If any member, in any period of five consecutive years after last
9 becoming a member, is absent from service for more than four years unless the
10 member has twenty years or more of creditable service, or if any member
11 withdraws the member's accumulated contributions, or if any member becomes
12 a beneficiary, the person shall thereupon cease to be a member; except in the case
13 of a member who has served in the Armed Forces of the United States or retired
14 pursuant to section 87.170 and is subsequently reinstated as a firefighter or as
15 a member in beneficiary status as a surviving spouse.

16 3. Any member who is reinstated after retiring pursuant to conditions in
17 section 87.170 shall not be eligible to participate in the benefit provided pursuant
18 to section 87.182.

19 4. **A firefighter's application for membership shall include**
20 **information on all injuries or conditions of the firefighter incurred**
21 **prior to his or her employment as a firefighter by the city. If the**
22 **application fails to disclose any such injuries or conditions, in no event**

23 **shall any disability retirement allowance be paid from the retirement**
24 **system for such body parts. Notwithstanding anything in sections**
25 **87.120 to 87.371 to the contrary, in no event shall any disability**
26 **retirement allowance be paid to a member for a disability that is the**
27 **result of a condition that existed prior to such member's employment**
28 **as a firefighter.**

87.135. 1. Under such rules and regulations as the board of trustees shall
2 adopt, each member who was a firefighter on and prior to the date of the
3 establishment of the retirement system shall file a detailed statement of all
4 service as a firefighter rendered by him or her prior to that date for which the
5 firefighter claims credit.

6 2. The board of trustees shall fix and determine by proper rules and
7 regulations how much service in any year is equivalent to one year of service, but
8 in no case shall more than one year of service be creditable for all service in one
9 calendar year, nor shall the board of trustees allow credit as service for any
10 period of more than one month's duration during which the member was absent
11 without pay.

12 3. Subject to the above restrictions and to such other rules and
13 regulations as the board of trustees may adopt, the board of trustees shall verify
14 the service claims as soon as practicable after the filing of the statement of
15 service.

16 4. Upon verification of the statements of service the board of trustees
17 shall issue prior service certificates, certifying to each member the length of prior
18 service with which the member is credited on the basis of his or her statement of
19 service. So long as the holder of the certificate continues to be a member, a prior
20 service certificate shall be final and conclusive for retirement purposes as to such
21 service, except that any member may, within one year from the date of issuance
22 or modification of the certificate, request the board of trustees to modify or correct
23 the member's prior service certificate, and upon such request or of its own motion
24 the board may correct the certificate. When any firefighter ceases to be a member
25 his or her prior service certificate shall become void. Should he or she again
26 become a member, he or she shall enter the retirement system as a member not
27 entitled to prior service credit except as provided in section 87.215.

28 5. Creditable service at retirement on which the retirement allowance of
29 a member shall be based shall consist of creditable membership service rendered
30 by him or her, and also if the member has a prior service certificate which is in

31 full force and effect, the amount of the service certified on the member's prior
32 service certificate. Service rendered by a firefighter after the operative date and
33 prior to becoming a member shall be included as creditable membership service
34 provided the service was rendered since he or she last became a firefighter.

35 **6. Notwithstanding anything in sections 87.120 to 87.371 to the**
36 **contrary, creditable service shall include, for all purposes, creditable**
37 **service transferred from another retirement plan to the retirement**
38 **system or purchased by an individual in accordance with the provisions**
39 **of section 104.1090 or section 105.691.**

87.170. Retirement of a member on a service retirement allowance shall
2 be made by the board of trustees as follows:

3 (1) Any member **whose first day of active participation in the**
4 **retirement system is before August 29, 2013,** may retire upon the member's
5 written application to the board of trustees setting forth at what time, not less
6 than thirty days nor more than ninety days subsequent to the execution and filing
7 therefor, the member desires to be retired, if the member at the time so specified
8 for such member's retirement has twenty-five years or more of service; except that
9 a member who ceases to be a firefighter after twenty years or more of service may
10 retire prior to the twenty-five years of service with a retirement allowance based
11 on the member's years of service;

12 (2) Any member **whose first day of active participation in the**
13 **retirement system is after August 29, 2013,** may retire upon the
14 **member's written application to the board of trustees setting forth at**
15 **what time, not less than thirty days nor more than ninety days**
16 **subsequent to the execution and filing therefor, the member desires to**
17 **be retired, if the member at the time so specified for such member's**
18 **retirement has thirty years or more of service; except that a member**
19 **who ceases to be a firefighter after twenty years or more of service may**
20 **retire prior to the thirty years of service with a retirement allowance**
21 **that is actuarially equivalent to the retirement allowance that he or she**
22 **would be entitled to receive starting at age fifty-five based on the**
23 **member's years of service;**

24 (3) Any member in service upon attaining the age of sixty, if qualifying
25 for a service retirement allowance equal to seventy-five percent of the average
26 final compensation **or seventy percent of the average final compensation**
27 **for members whose first day of active participation in the retirement**

28 **system is on or after August 29, 2013**, shall be retired forthwith; except that
29 with respect to any member, the board shall not retire such member when the
30 member attains sixty years of age or more merely because the member has
31 attained that age unless the member so requests or the member has completed
32 thirty or more years of service, even if a portion of such service is not creditable
33 service pursuant to participation in the deferred retirement option plan
34 prescribed by section 87.182;

35 ~~[(3)]~~ **(4)** Any member who qualifies for a service retirement allowance of
36 seventy-five percent or over **or seventy percent or over for members whose**
37 **first day of active participation in the retirement system is on or after**
38 **August 29, 2013**, and has not attained sixty years of age may be retained as a
39 member until sixty years of age, with no increase in retirement allowance.

87.175. 1. Upon retirement for service, a member **whose first day of**
2 **active participation in the retirement system is before August 29, 2013**,
3 shall receive a service retirement allowance which shall be equal to ~~[fifty]~~ **two**
4 **percent times years of service** of the average final compensation **for the first**
5 **twenty-five years of service**, plus an amount equal to five percent of the
6 average final compensation for each additional year of service after twenty-five
7 years, but no service retirement allowance shall exceed an amount equal to
8 seventy-five percent of the average final compensation.

9 2. **Upon retirement for service, a member whose first day of**
10 **active participation in the system is on or after August 29, 2013**, shall
11 receive a retirement allowance which is actuarially equivalent to **two**
12 **percent times years of service of the average final compensation for the**
13 **first twenty-five years of service, plus an amount equal to four percent**
14 **of the average final compensation for each additional year of service**
15 **after twenty-five years, but no service retirement allowance shall**
16 **exceed an amount equal to seventy percent of the average final**
17 **compensation based on what the member would be entitled to receive**
18 **starting at age fifty-five.**

19 3. In addition to any other annuity or retirement allowance payable under
20 this section and sections 87.195 and 87.205, any member upon retirement
21 application approval shall be repaid the total amount of the member's
22 contribution to the retirement system, without interest; **except that any**
23 **member whose first day of active participation in the system is on or**
24 **after August 29, 2013, then in addition to any other annuity or**

25 **retirement allowance payable under this section and sections 87.195**
26 **and 87.205, any member upon retirement application approval shall be**
27 **repaid twenty-five percent of the total amount of the member's**
28 **contribution to the retirement system, without interest.** Any beneficiary,
29 upon the receipt of evidence and proof of the death of an active member, shall be
30 repaid the total amount of the member's contribution to the firemen's retirement
31 system, without interest. The board shall pay the beneficiary such total amount
32 of the member's contribution to the retirement system within sixty days after the
33 date of the death of the member.

34 [3.] **4.** Any annuity or retirement allowance repaid to a member under
35 subsection [2] **3** of this section shall be withdrawn from the members'
36 contribution fund of the firemen's retirement system and no moneys shall be
37 withdrawn from the general revenue fund of the city .

87.177. 1. **Except as provided in subsection 2 of this section,** any
2 firefighter who terminates employment with five or more years of service but less
3 than twenty years may apply at age sixty-two for a service retirement
4 allowance. Upon written application to the board of trustees the benefit payable
5 shall be equal to two percent times years of service times the average final
6 compensation, and the member shall also be repaid the total amount of the
7 member's contribution, without interest.

8 **2. A firefighter who becomes a firefighter on or after August 28,**
9 **2013, and who terminates employment, for reasons other than death,**
10 **ordinary disability, or accidental disability, with ten or more years of**
11 **service but less than twenty years may apply at age fifty-five for a**
12 **service retirement allowance. Upon written application to the board**
13 **of trustees, the benefit payable shall be equal to two percent times**
14 **years of service times the average final compensation, and the member**
15 **shall also be repaid twenty-five percent of the total amount of the**
16 **member's contribution, without interest.**

17 **3.** The benefits provided in subsection 1 **or 2** of this section shall be in
18 lieu of any benefits payable pursuant to the provisions of section 87.240.

19 [3.] **4.** Any survivor of a firefighter retiring pursuant to the provisions
20 of subsection 1 of this section shall be entitled to fifty percent of the retirement
21 allowance of the retired member at his or her date of death.

22 [4.] **5.** Any surviving spouse of a firefighter who had five or more years
23 of service but less than twenty years and who dies prior to application for

24 retirement benefits payable pursuant to this section shall be entitled to fifty
25 percent of the retirement allowance of the member at his or her date of death
26 payable at the date the member would have reached age sixty-two, or to the
27 immediate refund of the member's contribution plus interest. If no surviving
28 spouse exists, a benefit shall be payable pursuant to subdivisions (2) and (3) of
29 subsection 1 of section 87.220, or by the immediate refund of the member's
30 contribution plus interest.

31 [5.] 6. Any firefighter retiring pursuant to the provisions of this section
32 shall be entitled to receive a cost-of-living allowance of five percent per year for
33 a maximum of five years.

87.182. 1. The board may develop and establish a deferred retirement
2 plan program (DROP) which may include a self-directed program, in which
3 members eligible for retirement may participate. The DROP program shall be
4 designed to allow members with at least twenty years of creditable service who
5 have achieved eligibility for retirement and receipt of a service retirement
6 allowance to continue active employment and defer receipt of the retirement
7 allowance for a period not to exceed five years. Any member who has at least
8 twenty years of creditable service may elect in writing before retirement to
9 participate in the DROP program. A member electing to participate in the DROP
10 program shall continue in active employment and shall not receive any direct
11 retirement allowance payments during the time of participation. Upon the start
12 of participation in the DROP program, the member shall make the contributions
13 as provided in section 87.295. No contribution shall be required by the
14 city. During the period of participation in the DROP program, the amount that
15 the member would have received as a service retirement allowance shall be
16 deposited monthly in the member's DROP account which shall be established in
17 his or her name by the board. Service earned during the period of participation
18 in the DROP program shall not be creditable service and shall not be counted in
19 determination of any service retirement allowance.

20 2. If a member **hired prior to August 29, 2013**, who has elected to
21 participate in the DROP program chooses to stop participation in the DROP
22 program, he or she shall notify the board in writing. Upon receipt of notice of a
23 member's desire to end participation in the DROP program, the board shall
24 return the member to non-DROP participation status and both the member and
25 the city shall make the contributions required by sections 87.120 to
26 87.370. Service rendered after restoration of the member to non-DROP

27 participation status shall be counted as creditable service. No member ending
28 participation in the DROP program and returning to non-DROP participation
29 status shall make any withdrawal from his or her DROP account until after
30 termination of employment. If after return to non-DROP participation status, a
31 member retires, the member's retirement allowance shall be computed on the
32 combination of the member's pre-DROP service retirement allowance plus an
33 additional allowance earned by a member after returning to non-DROP
34 participation status. Post-DROP participation years of service will be the only
35 years used in computing the additional allowance; however total years of
36 creditable service will be used to determine the appropriate level of additional
37 allowance, two percent or five percent, for each year of post-DROP participation
38 service. Upon retirement the member shall receive additional benefits as
39 provided under the provisions of sections 87.120 to 87.371 plus the amount which
40 has accumulated in his or her DROP account. The amount in the member's
41 DROP account shall be payable, at the member's option, either as a lump sum
42 payment or as a periodic payment calculated according to a deferred payment
43 plan established by the board.

44 3. A member who terminates employment after participation in the DROP
45 program may withdraw any amount in his or her DROP account in a lump sum
46 or according to a deferred payment plan established by the board at his option.
47 If the member is eligible to receive a service retirement allowance, benefit
48 payment shall begin at the time specified in sections 87.120 to 87.370.

49 4. If a member dies prior to termination of employment while
50 participating in the DROP program, the funds in his or her DROP account shall
51 be payable to the member's designated beneficiary under either of the following
52 options:

53 (1) A lump sum payment equal to the amount in the member's DROP
54 account shall be paid to the beneficiary or the member's estate. The benefits for
55 a beneficiary provided under the provisions of sections 87.120 to 87.370 shall be
56 based on the member's compensation and creditable service prior to the member's
57 election to participate in the DROP program; or

58 (2) The beneficiary shall waive any right, claim or interest in the
59 member's DROP account and any benefits payable to the beneficiary under the
60 provisions of sections 87.120 to 87.370 shall be calculated as if the member had
61 continued as an employee and had not elected to participate in the DROP
62 program. Any funds in a DROP account which has been waived as provided in

63 this subdivision shall become funds of the system.

64 5. If a member who has elected to participate in the DROP program
65 subsequently applies for and receives benefits for an accidental disability
66 retirement allowance under the provisions of section 87.205, the member shall
67 forfeit all rights, claims or interest in his or her DROP account and the member's
68 benefits shall be calculated as if the member had continued in employment and
69 had not elected to participate in the DROP program. Any funds in a DROP
70 account which has been forfeited as provided in this subsection shall become
71 funds of the system.

72 6. Except in the case of any self-directed program, a member's DROP
73 account shall earn interest equal to the percentage rate of return of the system's
74 investment portfolio as certified annually by the system's actuary in the yearly
75 evaluation report. Except in the case of any self-directed program, the interest
76 shall be credited annually to the member's account beginning with the start of the
77 second fiscal year of participation.

78 7. No member may elect to participate in the DROP program more than
79 once.

80 **8. A firefighter who first becomes a firefighter on or after August**
81 **29, 2013, who has elected to participate in the DROP program, except**
82 **for those who die while participating in the DROP program or who**
83 **apply for and receive benefits for an accidental disability retirement**
84 **allowance under the provisions of section 87.205 while participating in**
85 **the DROP program shall retire on the earlier to occur of:**

86 **(1) The member's election to stop participation in the DROP**
87 **program; or**

88 **(2) The end of the fire-year period following the member's**
89 **election to participate in the DROP program.**

90 **No service rendered after the expiration of the member's participation**
91 **in the DROP program shall be counted as creditable service. Upon**
92 **retirement, such member's retirement allowance shall be computed**
93 **based on the member's pre-DROP service retirement allowance only.**

 87.190. Upon the application of a member in service or of the chief of the
2 fire department, any member who has had five years or more of creditable service
3 shall be retired by the board of trustees, not less than thirty and not more than
4 ninety days next following the date of filing the application on an ordinary
5 disability retirement allowance, if the medical board after a medical examination

6 of the member shall certify that such member is mentally or physically
7 incapacitated for the further performance of duty, that such incapacity is likely
8 to be permanent, and that the member should be retired. **The application by**
9 **the member shall include information on all injuries or conditions of**
10 **the member incurred by the member prior to his or her employment as**
11 **a firefighter by the city. If the application fails to disclose any such**
12 **injuries or conditions, in no event shall any disability retirement**
13 **allowance be paid from the retirement system for such body parts.**

87.200. Upon application by the member or the chief of the fire
2 department, any member who has become totally and permanently incapacitated
3 for duty as the natural and proximate result of an accident occurring while in the
4 actual performance of duty or exposure while in the actual performance of duty
5 in response to an emergency call shall be retired by the board of trustees, if the
6 medical board shall certify that the member is mentally or physically
7 incapacitated for further performance of duty, that such incapacity is likely to be
8 permanent and that the member should be retired. If the accident occurred prior
9 to the beginning of the member's twentieth year of service, application for
10 benefits must be made before this time, except that the interval between the date
11 of accident and of application may be at least one year. **The application by the**
12 **member shall include information on all injuries or conditions of the**
13 **member incurred by the member prior to his or her employment as a**
14 **firefighter by the city. If the application fails to disclose any such**
15 **injuries or conditions, in no event shall any disability retirement**
16 **allowance be paid from the retirement system for such body parts.**

87.205. 1. Upon retirement for accidental disability before August 28,
2 [2011] **2013**, a member shall receive seventy-five percent of the pay then provided
3 by law for the highest step in the range of salary for the title or rank held by
4 such member at the time of such retirement unless the member is permanently
5 and totally incapacitated from performing any work, occupation or vocation of any
6 kind whatsoever and is continuously confined to the member's home except for
7 visits to obtain medical treatment, in which event the member may receive, in the
8 discretion of the board of trustees, a retirement allowance in an amount not
9 exceeding the member's rate of compensation as a firefighter in effect as of the
10 date the allowance begins.

11 2. Anyone who has retired pursuant to the provisions of section 87.170
12 and has been reinstated pursuant to subsection 2 of section 87.130 who

13 subsequently becomes disabled, as provided in section 87.200, shall receive a total
14 benefit which is the higher of either the disability pension or the service pension.

15 3. Upon retirement for accidental disability on or after August 28, [2011]
16 **2013**, based on conditions of the heart, lungs, or cancer or based on permanent
17 and total disability which will prevent the member from obtaining employment
18 elsewhere, as determined by the board of trustees based on medical evidence
19 presented by the retirement system's physicians, a member shall receive,
20 regardless of his or her number of years of creditable service, seventy-five percent
21 of the earnable compensation then provided for the step in the range of salary for
22 the title or rank held by such member at the time of such retirement.

23 4. Except as provided in subsection 3 of this section, upon retirement for
24 accidental disability on or after August 28, [2011] **2013**, a member shall receive
25 a base pension equal to twenty-five percent of the member's earnable
26 compensation then provided for the step in the range of salary for the title or
27 rank held by such member at the time of such retirement.

28 5. Except as provided in subsection 3 of this section, upon retirement for
29 accidental disability on or after August 28, [2011] **2013**, the member may elect
30 to receive an education allowance in an amount not to exceed the tuition for a
31 state resident at the University of Missouri-St. Louis. The accidentally disabled
32 member shall enroll in a college, university, community college, or vocational or
33 technical school at the first opportunity after the accidentally disabled member
34 was retired and shall receive such educational allowance in the form of
35 reimbursement upon proof of payment to such institution. The education
36 allowance described in this subsection shall cease when the accidentally disabled
37 member ceases to be a full-time student, fails to provide proof of achievement of
38 a grade point average of two on a four-point scale or the equivalent on another
39 scale for each academic term, or if the accidentally disabled member is restored
40 to active service as a firefighter, but in no event shall such education allowance
41 be available for more than five years after the member is retired under section
42 87.200.

43 6. Except as provided in subsection 3 of this section, upon retirement for
44 accidental disability on or after August 28, [2011] **2013**, in addition to the base
45 pension provided for in subsection 4 of this section and the education allowance
46 provided for in subsection 5 of this section, members with twenty-five years or
47 less of creditable service shall receive an additional accidental retirement pension
48 equal to two and three-fourths percent of the member's earnable compensation

49 then provided for the step in the range of salary for the title or rank held by such
50 member at the time of retirement for each year of creditable service equal to or
51 greater than ten years but not more than twenty-five years.

52 7. Except as provided in subsection 3 of this section, upon retirement for
53 accidental disability on or after August 28, [2011] **2013**, in addition to the base
54 pension provided for in subsection 4 of this section and the additional accidental
55 retirement pension provided for in subsection 6 of this section, for members with
56 twenty-five years or less of creditable service, then during such time that the
57 disabled member is a full-time student in a college, university, community college,
58 or vocational or technical school and is receiving the educational allowance
59 provided for in subsection 5 of this section, such member shall also receive a
60 supplemental disability retirement pension in the amount necessary so that his
61 or her total accidental disability retirement pension, excluding the education
62 allowance, shall be equal to one hundred percent of the earnable compensation
63 then provided for the step in the range of salary for the title or rank held by such
64 member at the time of such retirement. In no event shall such supplemental
65 accidental disability pension be paid for a period more than five years after the
66 member is retired under section 87.200.

67 8. Except as provided in subsection 3 of this section, upon retirement for
68 accidental disability on or after August 28, [2011] **2013**, in addition to the base
69 pension provided for in subsection 4 of this section and the education allowance
70 provided for in subsection 5 of this section, for members with more than
71 twenty-five years of creditable service, such member shall also receive an
72 additional pension equal to fifty percent of the member's earnable compensation
73 then provided for the step in the range of salary for the title or rank held by such
74 member at the time of such retirement.

75 9. Notwithstanding any other provisions in this section, upon retirement
76 for accidental disability, other than as provided in subsection 3 of this section, on
77 or after August 28, [2011] **2013**, a member with more than twenty years of
78 creditable service but not more than twenty-five years of creditable service may
79 waive the right to receive the education allowance provided for in subsection 5 of
80 this section, the right to additional pension retirement allowance provided for in
81 subsection 6 of this section, and the right to receive the supplemental disability
82 retirement pension provided for in subsection 7 of this section and may elect to
83 receive instead in addition to the accidental disability retirement base pension
84 as provided for in subsection 4 of this section an additional pension from the date

85 of such member's retirement equal to forty percent of the member's earnable
86 compensation then provided for the step in the range of salary for the title or
87 rank held by such member at the time of such retirement. Any such election
88 shall be made prior to such member's receipt of his or her first accidental
89 disability pension payment.

87.207. The following allowances due under the provisions of sections
2 87.120 to 87.371 of any member who retired from service shall be increased
3 annually, **except as provided in subdivision (3) of this section**, as approved
4 by the board of trustees beginning with the first increase in the October following
5 his or her retirement and subsequent increases in each October thereafter, at the
6 rates designated:

7 (1) With a retirement service allowance or ordinary disability allowance:

8 (a) One and one-half percent per year, compounded each year, up to age
9 sixty for those retiring with twenty to twenty-four years of service,

10 (b) Two and one-fourth percent per year, compounded each year, up to age
11 sixty for those retiring with twenty-five to twenty-nine years of service,

12 (c) Three percent per year, compounded each year, up to age sixty for
13 those retiring with thirty or more years of service,

14 (d) After age sixty, five percent per year for five years;

15 (2) With an accidental disability allowance, three percent per year,
16 compounded each year, up to age sixty, then five percent per year for five
17 years. Provided, however, for accidental disability on or after August 28, [2011]
18 **2013**, for reasons other than provided in subsection 3 of section 87.205, unless a
19 member has more than twenty-five years of creditable service, the accidental
20 disability allowance shall only increase at a rate of one percent per year,
21 compounded each year, up to age sixty, then five percent per year for five
22 years. For accidental disability on or after August 28, [2011] **2013**, for reasons
23 other than provided in subsection 3 of section 87.205, if a member has more than
24 twenty-five years of creditable service, the accidental disability allowance shall
25 only increase at a rate of two and one-fourth percent per year, compounded each
26 year, up to age sixty, then five percent per year for five years;

27 **(3) Beginning on or after August 29, 2013, with a retirement**
28 **service allowance, ordinary disability allowance, or accidental**
29 **disability allowance, one percent per year.**

87.215. 1. If the medical board reports and certifies to the board of
2 trustees that the disability beneficiary is engaged or is able to engage in a gainful

3 occupation other than firefighter paying more than the difference between his or
4 her retirement allowance and one and one-half times the then current rate of pay
5 for the rank held by the member at the time of retirement, and if the board of
6 trustees concurs in the report, then the amount of his or her retirement allowance
7 shall be reduced to an amount which together with the amount earnable by him
8 or her in such other occupation shall equal the amount of such current rate of
9 pay. If his or her earning capacity is later changed, the amount of his or her
10 retirement may be further modified. If any such disability beneficiary is found
11 by such medical board to be able to engage in the occupation of firefighter, his or
12 her retirement allowance shall not cease until he or she is restored to active
13 service at the position and title held by such disability beneficiary at the time
14 such disability occurred.

15 2. If a disability beneficiary is restored to active service, his or her
16 retirement allowance shall cease and he or she shall again become a
17 member. His or her creditable service at the time of his or her retirement shall
18 be restored to full force and effect and in addition, upon his or her subsequent
19 retirement, he or she shall be credited with all his or her additional service as a
20 member, and if his or her then average final compensation is less than the
21 average final compensation used in determining his or her disability benefits, the
22 latter amount shall be used in determining benefits. In addition, an
23 accident-disabled member restored to active service shall be credited with all the
24 time he or she has served as a beneficiary.

25 **3. After August 29, 2013, all disabled retired members, whether**
26 **retired for disability before or after August 29, 2013, shall provide, or**
27 **cause to be provided to the board of trustees, at no cost to the**
28 **retirement system, an earnings statement from the Social Security**
29 **Administration annually. If the earnings of such disabled retired**
30 **member reported on such earnings statement for each calendar year,**
31 **beginning with the first day of January following such member's**
32 **disability retirement, when added to his or her total retirement**
33 **allowance for such calendar year exceeds one and one-half times the**
34 **then current rate of pay for the rank held by the member at the time**
35 **of retirement, then his or her future annual retirement allowance shall**
36 **be reduced to an amount which together with the annual earnings**
37 **reported on such earnings statement shall equal the amount of such**
38 **current rate of pay. The earnings statement shall be provided at least**

39 **annually in accordance with the policies and procedures established by**
40 **the board of trustees. If his or her earnings are later changed, the**
41 **amount of his or her disability retirement allowance will be**
42 **modified. The retirement allowance of any disabled retiree that fails**
43 **to submit the Social Security Administration earnings statement in**
44 **accordance with this subsection and the policies and procedures**
45 **regarding the same shall be suspended until such time as the disabled**
46 **retiree provides the Social Security Administration earnings statement**
47 **and otherwise complies with the policies and procedures.**

87.220. 1. Upon the receipt of proper proofs of the death of a member who
2 retired while in service, including retirement for service, ordinary disability or
3 accidental disability, prior to September 28, 1983, and provided no other benefits
4 are payable, there shall be paid the following benefits:

5 (1) A retirement allowance to all widows during their widowhood of fifty
6 percent of the deceased member's average final compensation or two hundred
7 dollars per month, whichever is greater, plus ten percent of such compensation
8 to or for the benefit of each unmarried dependent child of the deceased member
9 who is either under age eighteen or who is totally and permanently mentally or
10 physically incapacitated regardless of age, but not in excess of three children,
11 including both classes, and paid as the board of trustees in its discretion shall
12 direct;

13 (2) If no widow benefits are payable pursuant to subdivision (1) of this
14 subsection, such total allowance as would have been paid, had there been a
15 widow, shall be divided among the unmarried dependent children under age
16 eighteen and such unmarried children, regardless of age, who are totally and
17 permanently mentally or physically incapacitated, and paid, to or for the benefit
18 of such children, as the board of trustees in its discretion shall direct;

19 (3) Any benefit payable to, or for the benefit of, a child or children under
20 the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall
21 be paid beyond the age of eighteen years through the age of twenty-five years in
22 such cases where the child is a full-time student at a regularly accredited college,
23 business school, nursing school, school for technical or vocational training or
24 university, but such benefit shall cease whenever the child ceases to be a student.
25 A college or university shall be deemed to be regularly accredited which
26 maintains membership in good standing in a national or regional accrediting
27 agency recognized by any state college or university.

28 2. Upon the receipt of proper proofs of the death of a member in service
29 or who retired while in service, including retirement for service, ordinary
30 disability or accidental disability, after September 28, 1983, and provided no
31 other benefits are payable, there shall be paid the following benefits:

32 (1) A retirement allowance to all widows during their widowhood of
33 twenty-five percent of the deceased member's average final compensation or two
34 hundred dollars per month, whichever is greater, plus ten percent of such
35 compensation to or for the benefit of each unmarried dependent child of the
36 deceased member who is either under age eighteen or who is totally and
37 permanently mentally or physically incapacitated regardless of age, but not in
38 excess of three children, including both classes, and paid as the board of trustees
39 in its discretion shall direct;

40 (2) If no widow's benefits are payable pursuant to subdivision (1) of this
41 subsection, such total allowance as would have been paid, had there been a
42 widow, shall be divided among the unmarried dependent children under age
43 eighteen and such unmarried children, regardless of age, who are totally and
44 permanently mentally or physically incapacitated, and paid to or for the benefit
45 of such children, as the board of trustees in its discretion shall direct;

46 (3) Any benefit payable to, or for the benefit of, a child or children under
47 the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall
48 be paid beyond the age of eighteen years through the age of twenty-five years in
49 such cases where the child is a full-time student at a regularly accredited college,
50 business school, nursing school, school for technical or vocational training or
51 university, but such benefit shall cease whenever the child ceases to be a student.
52 A college or university shall be deemed to be regularly accredited which
53 maintains membership in good standing in a national or regional accrediting
54 agency recognized by any state college or university;

55 **(4) Except that for any member whose first day of active**
56 **participation in the system is on or after August 29, 2013, who**
57 **terminates employment for reasons other than death, ordinary**
58 **disability, or accidental disability with ten or more years of service but**
59 **less than twenty years of service and that dies prior to reaching age**
60 **fifty-five, the widow's and children's benefits, if any, shall not begin**
61 **until the date the member would have reached age fifty-five but for his**
62 **or her prior death if as of such date they would have otherwise been**
63 **eligible for benefits.**

87.325. [Contributions to and payments from the general reserve fund shall be as follows: On account of each member there shall be paid annually into the fund by the city an amount equal to a certain percentage of the earnable compensation of the member to be known as "the normal contribution" and an additional amount equal to a percentage of his earnable compensation to be known as "the accrued liability contribution". The rates percent of the contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuations.] **Effective October 1, 2013, based on data from the plan year that ended September 30, 2013, the plan's actuary shall calculate the amount that the city shall contribute in the following manner: Each year, as of the first day of the system's fiscal year, the actuary shall perform an actuarial valuation under the entry age normal funding method and utilize such mortality tables and other tables as shall be adopted by the board of trustees. On the basis of each valuation, there shall be paid annually into the fund by the city an amount equal to the sum of the normal contribution and an additional amount to be known as the accrued liability contribution.**

87.330. On the basis of [the interest rate and of such mortality and other tables as shall be adopted by the board of trustees, the actuary shall determine the uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed throughout his entire period of active service, would be sufficient to provide for the payment of any death benefit or pension payable on his account. The rate percent so determined shall be known as "the normal contribution rate". After the accrued liability contribution has ceased to be payable the normal contribution rate shall be the rate percent of the earnable compensation of all members obtained by deducting from the total liabilities of the fund the amount of the funds in hand to the credit of the fund and dividing the remainder by one percent of the present value of the prospective future compensation of all members as computed on the basis of the interest rate and the mortality and service tables adopted by the board of trustees. The normal rate of contribution shall be determined by the actuary after each valuation] **each annual actuarial valuation, as provided in section 87.325, the normal contribution shall be determined as the normal cost under the entry age normal funding method.**

87.335. [At the first valuation after the effective date of these amendments (in 1959) the actuary engaged by the board of trustees shall compute

3 the rate percent of the total earnable compensation of all members which is
4 equivalent to three and one-half percent of the amount of the total unfunded
5 benefit liability on account of all members and beneficiaries which is not
6 dischargeable by the aforesaid normal contribution made on account of such
7 members during the remainder of their active service. The rate percent originally
8 so determined shall be known as "the accrued liability contribution rate".]
9 **Effective on October 1, 2013, based on data from the plan year ended**
10 **September 30, 2013, the actuary engaged by the board of trustees shall**
11 **compute an accrued liability contribution, the level rate percentage of**
12 **the total earnable compensation of current and future earnings of**
13 **current active members that will be required to amortize the unfunded**
14 **actuarial accrued liability as determined under the entry age normal**
15 **funding method over a thirty-year period commencing October 1, 2013,**
16 **based on data from the plan year ended September 30, 2013. Any future**
17 **increase or decrease in the unfunded actuarial accrued liability**
18 **resulting from statutory changes shall be amortized by an increment in**
19 **the accrued liability contribution determined, as a level percentage of**
20 **earnable compensation over the thirty-year period commencing with**
21 **the beginning of the fiscal year coincident with or next following the**
22 **effective date of the statutory changes. All other changes in the**
23 **unfunded actuarial accrued liability subsequent to October 1, 2013,**
24 **including from experience gains and losses and from changes in**
25 **actuarial assumptions and methods shall be aggregated at each**
26 **actuarial valuation subsequent to October 1, 2013, and shall be**
27 **amortized as a level percentage of earnable compensation over the**
28 **thirty-year period commencing at the valuation date. The thirty-year**
29 **amortization period for the aggregated, unfunded liability changes**
30 **from experience gains and losses and from assumptions and method**
31 **changes shall be reestablished at each valuation date. The accrued**
32 **liability contribution at each valuation at and after October 1, 2013,**
33 **shall be increased by the level percentage determined as provided in**
34 **this section for the amortization of the aggregated unfunded liability**
35 **changes from experience gains and losses and from assumption and**
36 **method changes.**

87.340. The total amount payable in each year to the general reserve fund
2 shall be not less than the sum of the [rates percent known as the] normal
3 contribution [rate] and the accrued liability contribution [rate of the total

4 compensation earnable by all members during the year], and the aggregate
5 payment by the city shall be sufficient when combined with the amount in the
6 fund to provide the retirement allowances and other benefits payable out of the
7 fund during the then current year. The city may contribute at any time from
8 bond issue or other available funds an amount equal to the unfunded accrued
9 liability as certified by the actuary in which event no further accrued liability
10 contribution [will] **shall** be required [or], **except as determined at**
11 **subsequent actuarial valuations under section 87.335. The city may also**
12 **contribute any lesser amount from a bond issue or other available funds**
13 **which [will] shall** be used to proportionately reduce future accrued liability
14 contributions.

87.345. The accrued liability contribution [should be discontinued as soon
2 as the accumulated reserve in the general reserve fund shall equal the present
3 value as actuarially computed and approved by the board of trustees, of the total
4 liability of the fund, less the present value computed on the basis of the normal
5 contribution rate then in force of the prospective normal contributions to be
6 received on account of persons who are at that time members. The accrued
7 liability contribution rate may be decreased by the board of trustees provided the
8 reduced level rate does not require an amortization period extending beyond the
9 year 2010 for any accrued liability as of August 31, 1980. Subsequent to that
10 date, any changes in the accrued liability by reason of changes in the benefits
11 payable under the retirement system, changes in the actuarial assumptions, or
12 changes in the actuarial funding method are to be amortized over a period not
13 exceeding thirty years from the date in which the additional accrued liabilities
14 are recognized in the annual actuarial valuation of the system.] **will not need**
15 **to be paid for years in which the accumulated reserve in the general**
16 **reserve fund equals or exceeds the actuarial accrued liability as**
17 **determined by an actuarial valuation provided under section**
18 **87.325. For each year in which the accumulated reserve is equal to or**
19 **greater than the actuarial accrued liability, as determined under the**
20 **entry age normal funding method, the city shall contribute the normal**
21 **contribution as calculated by the plan actuary, and the city shall not**
22 **reduce its payment with respect to the normal contribution.**

87.371. 1. Any member retiring pursuant to the provisions of sections
2 87.120 to 87.370, after working continuously for an entity covered by sections
3 87.120 to 87.370, until reaching retirement age, but not including retirement for

4 service-connected disability, shall be credited with all of the member's unused
5 sick leave as certified by the member's employing entity.

6 2. No member working on or after July 1, 2000, shall be credited with sick
7 leave at a rate less than or more than the rate being earned on July 1, 2000, nor
8 shall any cap or limit applied to accumulated sick leave after July 1, 2000, be
9 construed as a limit on the number of sick days actually earned without reference
10 to the cap or limit which may be credited pursuant to the provisions of this
11 section. When calculating years of service, each member shall be entitled to one
12 day of creditable service for each day of unused accumulated sick leave earned by
13 the member.

14 3. Accumulated sick leave shall allow a member to vest in the retirement
15 system by using such credited sick leave to reach the time of vesting and shall
16 also allow a member to exceed a seventy-five percent service retirement allowance
17 by adding accumulated sick leave to no more than thirty years of creditable
18 service or a member who is participating in the DROP program established in
19 section 87.182 may elect upon retirement to have placed in his or her DROP
20 account a dollar amount equal to his or her accumulated number of sick leave
21 hours multiplied by his or her hourly rate of pay at the time of retirement, or to
22 place one-half of this dollar amount in the member's DROP account, to have
23 one-fourth of this dollar amount added to the member's average final
24 compensation, and to have the remaining one-fourth of this dollar amount remain
25 as time and added to the member's creditable service. **For any member whose**
26 **first day of active participation in the system is on or after August 29,**
27 **2013, unused sick leave shall not be applied for any purpose.**

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