

FIRST REGULAR SESSION

# SENATE BILL NO. 404

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Read 1st time January 30, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1514S.02I

## AN ACT

To repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof two new sections relating to the reemployment of retired members of the Missouri state employees' retirement system.

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

Section A. Sections 104.380 and 104.1039, RSMo, are repealed and two  
2 new sections enacted in lieu thereof, to be known as sections 104.380 and  
3 104.1039, to read as follows:

104.380. If a retired member is elected to any state office or is appointed  
2 to any state office or is employed by a department in a position normally  
3 requiring the performance by the person of duties during not less than one  
4 thousand **forty** hours per year, the member shall not receive an annuity for any  
5 month or part of a month for which the member serves as an officer or employee,  
6 but the member shall be considered to be a new employee with no previous  
7 creditable service and must accrue creditable service **continuously for at least**  
8 **one year** in order to receive any additional annuity. Any retired member who  
9 again becomes an employee and who accrues additional creditable service and  
10 later retires shall receive an additional amount of monthly annuity calculated to  
11 include only the creditable service and the average compensation earned by the  
12 member since such employment or creditable service earned as a member of the  
13 general assembly. Years of membership service and twelfths of a year are to be  
14 used in calculating any additional annuity except for creditable service earned as  
15 a member of the general assembly, and such additional annuity shall be based on  
16 the type of service accrued. In either event, the original annuity and the  
17 additional annuity, if any, shall be paid commencing with the end of the first

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

18 month after the month during which the member's term of office has been  
19 completed, or the member's employment terminated. If a retired member is  
20 employed by a department in a position that does not normally require the person  
21 to perform duties during at least one thousand **forty** hours per year, the member  
22 shall not be considered an employee as defined pursuant to section 104.010. A  
23 retired member who becomes reemployed as an employee on or after August 28,  
24 2001, in a position covered by the highways and transportation employees' and  
25 highway patrol retirement system shall not be eligible to receive retirement  
26 benefits or additional creditable service from the state employees' retirement  
27 system.

104.1039. If a retiree is employed as an employee by a department, the  
2 retiree shall not receive an annuity payment for any calendar month in which the  
3 retiree is so employed. While reemployed the retiree shall be considered to be a  
4 new employee with no previous credited service [upon subsequent retirement]  
5 **and must accrue credited service continuously for at least one year in**  
6 **order to receive any additional annuity.** Such retiree shall receive an  
7 additional annuity in addition to the original annuity, calculated based only on  
8 the credited service and the pay earned by such retiree during reemployment and  
9 paid in accordance with the annuity option originally elected; provided such  
10 retiree who ceases to receive an annuity pursuant to this section shall not receive  
11 such additional annuity if such retiree is employed by a department in a position  
12 that is covered by a state-sponsored defined benefit retirement plan not created  
13 pursuant to this chapter. The original annuity and any additional annuity shall  
14 be paid commencing as of the end of the first month after the month during which  
15 the retiree's reemployment terminates.