

FIRST REGULAR SESSION

SENATE BILL NO. 628

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 28, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2271S.02I

AN ACT

To repeal sections 104.335 and 104.601, RSMo, and to enact in lieu thereof three new sections relating to vested 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Section A. Sections 104.335 and 104.601, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 104.335, 104.601,
3 and 104.1025, to read as follows:

104.335. 1. Any member whose employment terminated prior to
2 September 1, 1972, and (a) who had served at least three full biennial assemblies
3 as a member of the general assembly, or (b) who was other than a member of the
4 general assembly and who had fifteen or more years of vesting service shall be
5 entitled to a deferred normal annuity based on the member's creditable service,
6 average compensation and the law in effect at the time the member's employment
7 was terminated.

8 2. (1) Any member whose employment terminated on or after September
9 1, 1972, and prior to July 1, 1981, and (a) who had served at least three full
10 biennial assemblies as a member of the general assembly, or (b) who was other
11 than a member of the general assembly and who had fifteen or more years of
12 vesting service or who had ten or more years of vesting service and was at least
13 thirty-five years of age at the date of termination of employment shall be entitled
14 to a deferred normal annuity based on the member's creditable service, average
15 compensation and the law in effect at the time the member's employment was
16 terminated.

17 (2) Any member whose employment terminated on or after July 1, 1981,

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

18 and (a) who had served at least three full biennial assemblies as a member of the
19 general assembly, or (b) who was other than a member of the general assembly
20 and who had ten or more years of vesting service at the date of termination of
21 employment shall be entitled to a deferred normal annuity based on the member's
22 creditable service, average compensation and the law in effect at the time the
23 member's employment was terminated.

24 (3) Any member whose employment terminated on or after September 1,
25 1972, and who had four or more years of vesting service as governor, lieutenant
26 governor, secretary of state, auditor, treasurer, or attorney general of this state
27 shall be entitled to a deferred normal annuity based on the member's creditable
28 service, average compensation and the law in effect at the time the member's
29 employment was terminated.

30 (4) Any member whose employment terminated on or after September 28,
31 1985, and who (a) had served less than three full biennial assemblies as a
32 member of the general assembly, and (b) has less than ten years of vesting service
33 as an employee other than a member of the general assembly shall be entitled to
34 two years of vesting service for each full biennial assembly in which the member
35 served plus an additional amount of vesting service for each partial biennial
36 assembly served, which amount shall be equal to the pro rata portion of the
37 biennial assembly so served. The total amount of vesting service provided for in
38 this subdivision shall be used to calculate the deferred normal annuity or
39 deferred partial annuity to which such member is entitled based on the member's
40 creditable service, which includes all service designated as vesting service under
41 this subdivision, the member's average compensation, and the law in effect at the
42 time the member's employment was terminated.

43 3. Any member whose employment terminated on or after October 1, 1984,
44 but before September 28, 1992, and who was other than a member of the general
45 assembly and who has five or more years of vesting service as an employee at the
46 date of termination of employment shall be entitled to a deferred partial annuity
47 based on the member's creditable service, average compensation, and the law in
48 effect at the time the member's employment was terminated, in the following
49 amounts:

50 (1) An employee with at least five years of vesting service, but less than
51 six years, is entitled to fifty percent of the amount payable as a deferred normal
52 annuity;

53 (2) An employee with six years of vesting service, but less than seven

54 years, is entitled to sixty percent of the amount payable as a deferred normal
55 annuity;

56 (3) An employee with seven years of vesting service, but less than eight
57 years, is entitled to seventy percent of the amount payable as a deferred normal
58 annuity;

59 (4) An employee with eight years of vesting service, but less than nine
60 years, is entitled to eighty percent of the amount payable as a deferred normal
61 annuity;

62 (5) An employee with nine years of vesting service, but less than ten
63 years, is entitled to ninety percent of the amount payable as a deferred normal
64 annuity.

65 4. Any member whose employment terminated on or after September 28,
66 1992, and who was other than a member of the general assembly and who has
67 five or more years of vesting service as an employee at the date of termination of
68 employment shall be entitled to a deferred normal annuity based on the member's
69 creditable service, average compensation, and the law in effect at the time the
70 member's employment was terminated.

71 5. Any member who is entitled to a deferred normal annuity as provided
72 in subsection 1, 2, 3, or 4 of this section and who reenters the service of a
73 department and again becomes a member of the system shall have the member's
74 prior period of vesting service combined with the member's current membership
75 service, so that any benefits that may become payable under this system by
76 reason of the member's retirement or subsequent withdrawal will recognize such
77 prior period of vesting service.

78 6. (1) A vested member, an administrative law judge or legal advisor as
79 defined in section 287.812, RSMo, or a judge as defined in section 476.515, RSMo,
80 who has terminated all employment with the state of Missouri [for a period of six
81 months or longer,] may make a one-time election for the system to pay the
82 present value of a deferred annuity or a benefit as defined in section 287.812,
83 RSMo, or section 476.515, RSMo, [if the amount of such terminated member's or
84 person's creditable service is less than ten years, and if such terminated member
85 or person is not within five years of eligibility for receiving an annuity or
86 benefit]. Any such member, administrative law judge, legal advisor or judge who
87 terminates employment on or after August 28, 1997, shall be eligible for the
88 one-time election provided for in this subsection [only if the present value of the
89 deferred annuity does not exceed ten thousand dollars]. The present value shall

90 be actuarially determined by the system. Except as provided in subdivision (2)
91 of this subsection, any payment so made shall be a complete discharge of the
92 existing liability of the system with respect to such terminated member or person.

93 (2) Upon subsequent employment in a position covered under a system
94 administered by the Missouri state employees' retirement system, the employee,
95 administrative law judge or judge may elect, within one year of such employment,
96 to purchase creditable service equal to the amount of creditable service
97 surrendered due to a payment as specified in this subsection. The cost of such
98 purchase shall be actuarially determined by the system, and shall be paid over
99 a period of not longer than two years from the date of election, with interest on
100 the unpaid balance.

101 (3) Persons described in subdivision (1) of this subsection who terminate
102 employment on or after September 1, 2002, shall no longer be eligible to make the
103 election described in subdivision (1) of this subsection.

104 7. Any individual, covered by a retirement plan identified in this chapter,
105 chapter 287 or chapter 476, RSMo, who terminated employment prior to August
106 28, 1993, shall, upon application to the board of trustees of the Missouri state
107 employees' retirement system, be made, constituted and appointed and employed
108 by the board as a special consultant on the problems of retirement, aging and
109 other state matters for the remainder of the person's life. Upon request of the
110 board or the court from which the person retired, the consultant shall give
111 opinions or be available to give opinions in writing or orally in response to such
112 requests. As compensation for such services, the consultant shall be eligible to
113 purchase or transfer, prior to retirement, creditable service as set forth in section
114 105.691, RSMo.

104.601. 1. Any member retiring pursuant to the provisions of this
2 chapter or any member retiring pursuant to provisions of chapter 169, RSMo, who
3 is a member of the public school retirement system and who is employed by a
4 state agency other than an institution of higher learning, after working
5 continuously until reaching retirement age, shall be credited with all his or her
6 unused sick leave as reported through the financial and human resources system
7 maintained by the office of administration, or if a state agency's employees are
8 not paid salaries or wages through such system, as reported directly by the state
9 agency. When calculating years of service, each member shall be entitled to
10 one-twelfth of a year of creditable service for each one hundred sixty-eight hours
11 of unused accumulated sick leave earned by the member. The employing agency

12 shall not certify unused sick leave unless such unused sick leave could have been
13 used by the member for sickness or injury. The rate of accrual of sick leave for
14 purposes of computing years of service pursuant to this section shall be no
15 greater than ten hours per month. Nothing under this section shall allow a
16 member to vest in the retirement system by using such credited sick leave to
17 reach the time of vesting.

18 **2. Notwithstanding any rule or law to the contrary, all**
19 **accumulated and unused sick leave shall be credited to any vested**
20 **member of the Missouri state employees' retirement system closed plan**
21 **and year 2000 plan who returns to employment in state service,**
22 **regardless of the length of time that has passed since the leave from**
23 **state service occurred.**

104.1025. A vested member, an administrative law judge or legal
2 **advisor as defined in section 287.812, RSMo, or a judge as defined in**
3 **section 476.515, RSMo, who has terminated all employment with the**
4 **state of Missouri, may make a one-time election for the system to pay**
5 **the present value of a deferred annuity or a benefit as defined in**
6 **section 287.812, RSMo, or section 476.515, RSMo. Any such member,**
7 **administrative law judge, legal advisor or judge who terminates**
8 **employment on or after August 28, 1997, shall be eligible for the**
9 **one-time election provided for in this subsection. The present value**
10 **shall be actuarially determined by the system. Any payment so made**
11 **shall be a complete discharge of the existing liability of the system with**
12 **respect to such terminated member or person.**

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