

FIRST REGULAR SESSION

SENATE BILL NO. 271

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Read 1st time February 14, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1325S.02I

AN ACT

To repeal sections 86.900, 86.1030, 86.1100, 86.1110, 86.1120, 86.1140, 86.1150, 86.1230, 86.1240, 86.1250, 86.1310, 86.1420, 86.1480, 86.1490, 86.1500, 86.1510, 86.1540, 86.1560, 86.1600, 86.1610, and 86.1620, RSMo, and to enact in lieu thereof twenty-one new sections relating to retirement systems of the police department of Kansas City.

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

Section A. Sections 86.900, 86.1030, 86.1100, 86.1110, 86.1120, 86.1140, 86.1150, 86.1230, 86.1240, 86.1250, 86.1310, 86.1420, 86.1480, 86.1490, 86.1500, 86.1510, 86.1540, 86.1560, 86.1600, 86.1610, and 86.1620, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 86.900, 86.1030, 86.1100, 86.1110, 86.1120, 86.1140, 86.1150, 86.1230, 86.1240, 86.1250, 86.1310, 86.1420, 86.1480, 86.1490, 86.1500, 86.1510, 86.1540, 86.1560, 86.1600, 86.1610, and 86.1620, to read as follows:

86.900. The following words and phrases as used in sections 86.900 to 86.1280 shall have the following meanings unless a different meaning is plainly required by the context:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and paid to the retirement board, together with all amounts paid to the retirement board by a member or by a member's beneficiary, for the purchase of prior service credits or any other purpose permitted under sections 86.900 to 86.1280;

(2) "Actuarial cost", the present value of a future payment or series of payments as calculated by applying the actuarial assumptions established according to subsection 8 of section 86.1270;

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

12 **(3)** "Beneficiary", any person entitled, either currently or conditionally,
13 to receive pension or other benefits provided in sections 86.900 to 86.1280;

14 **[(3)] (4)** "Board of police commissioners", the board composed of police
15 commissioners authorized by law to employ and manage an organized police force
16 in the cities;

17 **[(4)] (5)** "City" or "cities", any city which now has or may hereafter have
18 a population of more than three hundred thousand and less than seven hundred
19 thousand inhabitants, or any city that has made an election under section 86.910
20 to continue a police retirement system maintained under sections 86.900 to
21 86.1280;

22 **[(5)] (6)** "Compensation", the basic wage or salary paid a member for any
23 period on the basis of the member's rank and position, excluding bonuses,
24 overtime pay, expense allowances, and other extraordinary compensation; except
25 that, notwithstanding such provision, compensation for any year for any member
26 shall not exceed the amount permitted to be taken into account under Section
27 401(a)(17) of the Internal Revenue Code as applicable to such year;

28 **[(6)] (7)** "Consultant", unless otherwise specifically defined, a person
29 retained by the retirement system as a special consultant on the problems of
30 retirement, aging and related matters who, upon request of the retirement board,
31 shall give opinions and be available to give opinions in writing or orally in
32 response to such requests, as may be needed by the board;

33 **[(7)] (8)** "Creditable service", service qualifying as a determinant of a
34 member's pension or other benefit under sections 86.900 to 86.1280 by meeting
35 the requirements specified in said sections or section 105.691;

36 **[(8)] (9)** "Final compensation", the average annual compensation of a
37 member during the member's service if less than two years, or the twenty-four
38 months of service for which the member received the highest salary whether
39 consecutive or otherwise. In computing the average annual compensation of a
40 member, no compensation for service after the thirtieth full year of membership
41 service shall be included. For any period of time when a member is paid on a
42 frequency other than monthly, the member's salary for such period shall be
43 deemed to be the monthly equivalent of the member's annual rate of
44 compensation for such period;

45 **[(9)] (10)** "Fiscal year", for the retirement system, the fiscal year of the
46 cities;

47 **[(10)] (11)** "Internal Revenue Code", the United States Internal Revenue

48 Code of 1986, as amended;

49 [(11)] (12) "Medical board", not less than one nor more than three
50 physicians appointed by the retirement board to arrange for and conduct medical
51 examinations as directed by the retirement board;

52 [(12)] (13) "Member", a member of the police retirement system as
53 described in section 86.1090;

54 [(13)] (14) "Pension", annual payments for life, payable monthly,
55 [beginning with the date of retirement or other applicable commencement date
56 and ending with death] **at the times described in section 86.1030;**

57 [(14)] (15) "Pension fund", the fund resulting from contributions made
58 thereto by the cities affected by sections 86.900 to 86.1280 and by the members
59 of the police retirement system;

60 [(15)] (16) "Police officer", an officer or member of the police department
61 of the cities employed for compensation by the boards of police commissioners of
62 the cities for police duty who holds a rank or position for which an annual salary
63 range is provided in section 84.480 or 84.510; in case of dispute as to whether any
64 person is a police officer qualified for membership in the retirement system, the
65 decision of the board of police commissioners shall be final;

66 [(16)] (17) "Retirement board" or "board", the board provided in section
67 86.920 to administer the retirement system;

68 [(17)] (18) "Retirement system", the police retirement system of the cities
69 as defined in section 86.910;

70 [(18)] (19) "Surviving spouse", when determining whether a person is
71 entitled to benefits under sections 86.900 to 86.1280 by reason of surviving a
72 member, shall include only:

73 (a) A person who was married to a member at the time of the member's
74 death in the line of duty or from an occupational disease arising out of and in the
75 course of the member's employment and who had not, after the member's death
76 and prior to August 28, 2000, remarried;

77 (b) With respect to a member who retired or died prior to August 28, 1997,
78 a spouse who survives such member, whose marriage to such member occurred
79 at least two years before the member's retirement or at least two years before the
80 member's death while in service, and who had not remarried anyone other than
81 the member prior to August 28, 2000;

82 (c) With respect to a member who retired or died while in service after
83 August 28, 1997, and before August 28, 2000, a spouse who survives such

84 member, was married to such member at the time of such member's retirement
85 or of such member's death while in service, and had not, after the member's death
86 and prior to August 28, 2000, remarried; and

87 (d) With respect to a member who retires or dies in service after August
88 28, 2000, a spouse who survives a member and was married to such member at
89 the time of such member's retirement or death while in service.

86.1030. 1. All benefits and all necessary administrative expenses of the
2 retirement system shall be paid from the funds of the retirement system.

3 2. The base pension of a member who, after August 28, 2011,
4 retires from or otherwise terminates active service with entitlement to
5 a base pension under sections 86.900 to 86.1280 shall commence as of
6 the first day of the month next following such retirement or
7 termination with no proration of such pension for the month in which
8 such retirement or termination occurs. The supplemental retirement
9 benefits of a member who, after August 28, 2011, retires from or
10 otherwise terminates active service with entitlement to a supplemental
11 retirement benefit provided in subsection 1 of section 86.1230 shall
12 commence as of the first day of the month next following such
13 retirement or termination with no proration of such supplemental
14 retirement benefit for the month in which such retirement or
15 termination occurs.

16 3. Upon the death of a member who is receiving a base pension
17 under sections 86.900 to 86.1280 leaving a surviving spouse, as defined
18 in section 86.900, entitled to benefits, payment of the member's base
19 pension including all cost-of-living adjustments thereto, prorated for
20 that portion of the month of such death in which such member was
21 living, shall be made to such surviving spouse, and the benefit for
22 which such spouse is entitled under section 86.1240 shall be prorated
23 and paid to such spouse for the remainder of such month.

24 4. Upon the death of a member who is receiving a base pension
25 under sections 86.900 to 86.1280 leaving no surviving spouse, as defined
26 in section 86.900, entitled to benefits, payment of the member's base
27 pension including all cost-of-living adjustments thereto, prorated for
28 that portion of the month of such death in which such member was
29 living, shall be made in equal shares to or for the benefit of the
30 children, if any, of such member as are entitled to share in spousal
31 benefits as described in subsection 2 of section 86.1250. If no such

32 children shall survive such member, such prorated benefit for the
33 month of such member's death shall be paid to the beneficiary named
34 by such member in a writing filed with the retirement system prior to
35 the member's death for the purpose of receiving such benefit. If no
36 beneficiary is named, then no payment shall be made of such prorated
37 benefit for the month of such member's death.

38 5. Upon the death of a surviving spouse who is receiving a base
39 pension under section 86.1240, payment of such spouse's base pension
40 including all cost-of-living adjustments thereto, prorated for that
41 portion of the month of such death in which such spouse was living,
42 shall be made in equal shares to or for the benefit of the children, if
43 any, of the member of whom such spouse is the surviving spouse as are
44 entitled to share in spousal benefits described in subsection 2 of section
45 86.1250. If no such children shall survive such spouse, such prorated
46 benefit for the month of such spouse's death shall be paid to the
47 beneficiary named by such surviving spouse in a writing filed with the
48 retirement system prior to such spouse's death for the purpose of
49 receiving such benefit. If no beneficiary is named, then no payment
50 shall be made of such prorated benefit for the month of such spouse's
51 death.

52 6. Upon the death of a member who is receiving a supplemental
53 benefit under section 86.1230 and who leaves a surviving spouse, as
54 defined in section 86.900, entitled to benefits, the entire supplemental
55 benefit for the month of such death shall be paid to such surviving
56 spouse without proration, and the surviving spouse shall receive no
57 additional supplemental benefit for such month.

58 7. Upon the death of a member who is receiving a supplemental
59 benefit under section 86.1230 and who leaves no surviving spouse, as
60 defined in section 86.900, entitled to benefits, or upon the death of a
61 surviving spouse who is receiving a supplemental benefit under section
62 86.1230, such supplemental benefit shall terminate upon such death. No
63 benefit shall be payable for any period after the most recent monthly
64 payment of such benefit prior to such death.

65 8. Upon the death of a member in service who leaves a surviving
66 spouse, as defined in section 86.900, entitled to benefits, the base
67 pension of such surviving spouse shall commence as of the first day of
68 the month next following such death with no proration of such pension

69 for the month in which such death occurs.

70 9. Upon the death of a member in service who leaves no
71 surviving spouse, as defined in section 86.900, entitled to benefits, any
72 benefit payable to surviving children of such member under subsection
73 2 of section 86.1250 shall commence as of the first day of the month
74 next following such death with no proration of such benefit for the
75 month in which such death occurs. If there are no such surviving
76 children entitled to such benefit, then such member's accumulated
77 contributions shall be paid to the beneficiary named by such member
78 in a writing filed with the retirement system prior to the member's
79 death for the purpose of receiving such benefit, or if no beneficiary is
80 named, then to such member's estate.

81 10. Upon the death of a member in service or after retirement,
82 any benefit payable to the surviving children of such member under
83 subsection 1 of section 86.1250 shall commence as of the first day of the
84 month next following such death with no proration of such benefit for
85 the month in which such death occurs.

86 11. All payments of any benefit shall be paid on the last business
87 day of each month for that month. For any benefit under sections
88 86.900 to 86.1280, the retirement system shall withhold payment of such
89 benefit until all requisite documentation has been filed with the
90 retirement system evidencing the entitlement of payee to such payment.

91 12. If no benefits are otherwise payable to a surviving spouse or
92 child of a deceased member or otherwise as provided in this section,
93 the member's accumulated contributions, to any extent not fully paid
94 to such member prior to the member's death or to the surviving spouse
95 or child of such member or otherwise as provided in this section, shall
96 be paid in one lump sum to the member's beneficiary named by such
97 member in a writing filed with the retirement system prior to the
98 member's death for the purpose of receiving such benefit, or if no
99 beneficiary is named, then to such member's estate. Such payment
100 shall constitute full and final payment of any and all claims for benefits
101 under the retirement system.

 86.1100. 1. The retirement board shall fix and determine by proper rules
2 and regulations how much service in any year is equivalent to one year of service.
3 In no case shall more than one year of service be creditable for all service
4 rendered in one calendar year. The retirement board shall not allow credit as

5 service for any period [of more than thirty consecutive days] during which the
6 member was absent without compensation, except as provided in [subsection 3 of
7 section] **sections 86.1110 and 86.1140.**

8 **2. Except as provided in subsection 3 of section 86.1110,** creditable
9 service at retirement on which the retirement allowance of a member is based
10 consists of the membership service rendered by such member since such member
11 last became a member.

12 3. Creditable service also includes any prior service credit to which a
13 member may be entitled by virtue of an authorized purchase of such credit or as
14 otherwise provided in sections 86.900 to 86.1280.

15 4. Creditable service shall not include any time a member was suspended
16 from service without compensation. No contribution is required from either the
17 member under section 86.1010 or from the city under section 86.1000 for such
18 time.

19 5. Any member who has completed thirty years of creditable service may
20 continue in service by permission of the board of police
21 commissioners. Contributions shall not be required of, and no service shall be
22 credited to, any member for more than thirty years of service.

 86.1110. 1. Whenever a member is given a leave of absence for military
2 service and returns to employment after discharge from the service, such member
3 shall be entitled to creditable service for the years of employment prior to the
4 leave of absence.

5 2. Except as provided in subsection 3 of this section, a member who served
6 on active duty in the armed forces of the United States and who became a
7 member, or returned to membership, after discharge under honorable conditions,
8 may elect prior to retirement to purchase creditable service equivalent to such
9 service in the armed forces, not to exceed two years, provided the member is not
10 receiving and is not eligible to receive retirement credits or benefits from any
11 other public or private retirement plan for the service to be purchased, other than
12 a United States military service retirement system or United States Social
13 Security benefits attributable to such military service, and an affidavit so stating
14 is filed by the member with the retirement system. A member electing to make
15 such purchase shall pay to the retirement system an amount equal to the
16 actuarial [value] **cost** of the additional benefits attributable to the additional
17 service credit to be purchased, as of the date the member elects to make such
18 purchase. [The retirement system shall determine such value using accepted

19 actuarial methods and the same assumptions with respect to interest rates,
20 mortality, future salary increases, and all related factors used in performing the
21 most recent regular actuarial valuation of the retirement system.] Payment in full
22 of the amount due from a member electing to purchase creditable service under
23 this subsection shall be made over a period not to exceed five years, measured
24 from the date of election, or prior to the commencement date for payment of
25 benefits to the member from the retirement system, whichever is earlier,
26 including interest on unpaid balances compounded annually at the interest rate
27 assumed from time to time for actuarial valuations of the retirement system. If
28 payment in full including interest is not made within the prescribed period, any
29 partial payments made by the member shall be refunded, and no creditable
30 service attributable to such election, or as a result of any such partial payments,
31 shall be allowed; provided that if a benefit commencement date occurs because of
32 the death or disability of a member who has made an election under this
33 subsection and if the member is current in payments under an approved
34 installment plan at the time of the death or disability, such election shall be valid
35 if the member, the surviving spouse, or other person entitled to benefit payments
36 pays the entire balance of the remaining amount due, including interest to the
37 date of such payment, within sixty days after the member's death or
38 disability. The time of a disability shall be deemed to be the time when such
39 member is retired by the board of police commissioners for reason of disability as
40 provided in sections 86.900 to 86.1280.

41 3. Notwithstanding any other provision of sections 86.900 to 86.1280, a
42 member who is on leave of absence for military service during any portion of
43 which leave the United States is in a state of declared war, or a compulsory draft
44 is in effect for any of the military branches of the United States, or any units of
45 the military reserves of the United States, including the National Guard, are
46 mobilized for combat military operations, and who becomes entitled to
47 reemployment rights and other employment benefits under Title 38, Chapter 43
48 of the U.S. Code, relating to employment and reemployment rights of members
49 of the uniformed services by meeting the requirements for such rights and
50 benefits under Section 4312 of said chapter, or the corresponding provisions of
51 any subsequent applicable [U.S.] **federal** statute, shall be entitled to service
52 credit for the time spent in such military service for all purposes of sections
53 86.900 to 86.1280 and such member shall not be required to pay any member
54 contributions for such time. If it becomes necessary for the years of such service

55 to be included in the calculation of such member's compensation for any purpose,
56 such member shall be deemed to have received the same compensation
57 throughout such period of service as the member's base annual salary
58 immediately prior to the commencement of such leave of absence.

86.1120. Members who terminate membership with five years or more of
2 creditable service and later return to membership may be given credit toward
3 retirement for prior creditable service, subject to the condition that such member
4 deposit in the pension fund a sum equal to the [accumulated contributions which
5 had been paid to such member upon the prior termination. Such repayment of
6 withdrawn contributions shall be accompanied by an additional payment of
7 interest equal to the amount of the actual net yield earned or incurred by the
8 pension fund, including both net income after expenses and net appreciation or
9 depreciation in values of the fund, whether realized or unrealized, during the
10 period of time from the date upon which such contributions had been withdrawn
11 to the date of repayment thereof, determined in accordance with such rules for
12 valuation and accounting as may be adopted by the retirement board for such
13 purposes] **member's portion of the actuarial cost to restore such**
14 **service. The member's portion of the actuarial cost is determined on**
15 **the ratio of the member's contribution rate to the total of the member**
16 **and employer contribution rates at the time the member elects to**
17 **purchase the creditable service.**

86.1140. 1. Should any member be granted leave of absence by the board
2 of police commissioners, such member shall not, because of such absence, cease
3 to be a member.

4 2. If a member is on leave of absence by authority of the board of police
5 commissioners for thirty consecutive days or less, **and returns from such leave**
6 **prior to August 28, 2011**, such member shall receive creditable service for such
7 time.

8 3. Except as provided in subsection 3 of section 86.1110, if a member is
9 on leave of absence [for more than thirty consecutive days] without compensation,
10 such member shall not receive service credits for such time unless such member
11 shall[, within one year after returning from such absence, pay into the retirement
12 system an amount equal to the member's contribution percentage at the time such
13 absence began times an assumed salary figure for the period of such absence,
14 computed by assuming that such member received a salary during such absence
15 at the rate of the base annual salary the member was receiving immediately prior

16 to such absence] **return to active service and purchase such creditable**
17 **service at the actuarial cost. The actuarial cost shall be determined at**
18 **the time the member makes such purchase.**

86.1150. 1. Any member may retire when such member has completed
2 twenty-five or more years of creditable service and, except as otherwise provided
3 in section 86.1100, shall retire when such member has completed thirty years of
4 creditable service. Upon such retirement such member shall receive a base
5 pension equal to:

6 (1) For a member retiring prior to August 28, 2000, two percent of such
7 member's final compensation, as defined in section 86.900, multiplied by the
8 number of years of such member's total creditable service; or

9 (2) For a member retiring on or after August 28, 2000, two and one-half
10 percent of such member's final compensation, as defined in section 86.900,
11 multiplied by the number of years of such member's total creditable service. Such
12 pension shall not exceed seventy-five percent of the member's final compensation.

13 2. Every member not having thirty years of service must retire at sixty
14 years of age except that on recommendation of the chief of police, the board of
15 police commissioners may permit such member who is sixty years of age or over
16 to remain in service until such member reaches the age of sixty-five years. Such
17 member shall continue to make contributions and receive credit for service until
18 reaching sixty-five years of age, until retirement, or until completion of thirty
19 years of creditable service, whichever occurs first. If such member shall reach
20 sixty-five years of age or shall retire prior to completion of twenty-five years of
21 service, the base pension of such member shall be calculated under subsection 3
22 of this section.

23 3. Except as provided in section 86.1100 or in subsection 2 of this section,
24 any member in service who shall have attained sixty years of age and at that time
25 shall have completed at least ten but less than thirty years of creditable service
26 shall retire and shall receive a base pension equal to:

27 (1) For a member retiring prior to August 28, 2000, two percent of such
28 member's final compensation, as defined in section 86.900, multiplied by the
29 number of years of such member's total creditable service; or

30 (2) For a member retiring on or after August 28, 2000, two and one-half
31 percent of such member's final compensation as defined in section 86.900
32 multiplied by the number of years of such member's total creditable service.

33 4. Subject to the provisions of subsection 5 of this section, whenever the

34 service of a member is terminated for any reason prior to death or retirement and
35 the member has fifteen or more years of creditable service, the member may elect
36 not to withdraw such member's accumulated contributions and shall become
37 entitled to a base pension [beginning at] **commencing on the first day of the**
38 **month following the attainment of** the age of fifty-five, if then living, equal
39 to:

40 (1) For a member whose service so terminates prior to August 28, 2001,
41 two percent of such member's final compensation multiplied by the number of
42 years of such member's creditable service; or

43 (2) For a member whose service so terminates on or after August 28, 2001,
44 two and one-half percent of such member's final compensation multiplied by the
45 number of years of such member's creditable service.

46 5. Notwithstanding any other provisions of sections 86.900 to 86.1280, any
47 member who is convicted of a felony prior to separation from active service shall
48 not be entitled to any benefit from this retirement system except the return of
49 such member's accumulated contributions.

86.1230. 1. Any member who retires subsequent to August 28, 1991, with
2 entitlement to a pension under sections 86.900 to 86.1280, shall receive [each
3 month], in addition to such member's base pension and cost-of-living adjustments
4 thereto under section 86.1220, and in addition to any other compensation or
5 benefit to which such member may be entitled under sections 86.900 to 86.1280,
6 a supplemental retirement benefit of fifty dollars per month. The amount of such
7 supplemental retirement benefit may be adjusted by cost-of-living adjustments
8 determined by the retirement board not more frequently than annually.

9 2. Any member who was retired on or before August 28, 1991, and is
10 receiving retirement benefits from the retirement system shall, upon application
11 to the retirement board, be retained as a consultant, and for such services such
12 member shall receive [each month], in addition to such member's base pension
13 and cost-of-living adjustments thereto under section 86.1220, and in addition to
14 any other compensation or benefit to which such member may be entitled under
15 sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty
16 dollars per month. This appointment as a consultant shall in no way affect any
17 member's eligibility for retirement benefits under the provisions of sections
18 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits
19 otherwise payable to such member. The amount of such supplemental
20 compensation under this subsection may be adjusted by cost-of-living adjustments

21 determined by the retirement board not more frequently than annually.

22 3. For purposes of subsections 1 and 2 of this section, the term "member"
23 shall include a surviving spouse entitled to a benefit under sections 86.900 to
24 86.1280 who shall be deemed to have retired for purposes of this section on the
25 date of retirement of the member of whom such person is the surviving spouse or
26 on the date of death of such member if such member died prior to retirement;
27 provided, that if the surviving spouse of any member who retired prior to August
28 28, 2000, shall not have remarried prior to August 28, 2000, but remarries
29 thereafter, such surviving spouse shall thereafter receive benefits under
30 subsection 2 of this section, and provided further, that no benefits shall be
31 payable under this section to the surviving spouse of any member who retired
32 prior to August 28, 2000, if such surviving spouse was at any time remarried
33 after the member's death and prior to August 28, 2000. All benefits payable to
34 a surviving spouse under this section shall be in addition to all other benefits to
35 which such surviving spouse may be entitled under other provisions of sections
36 86.900 to 86.1280. Any such surviving spouse of a member who dies while
37 entitled to payments under this section shall succeed to the full amount of
38 payment under this section to which such member was entitled at the time of
39 such member's death, including any cost-of-living adjustments received by such
40 member in the payment under this section prior to such member's death. In all
41 events, the term "member" shall not include any children of the member who
42 would be entitled to receive part or all of the pension which would be received by
43 a surviving spouse if living.

44 4. Any member who is receiving benefits from the retirement system and
45 who either was retired under the provisions of subdivision (1) of subsection 1 of
46 section 86.1150, or who retired before August 28, 2001, under the provisions of
47 section 86.1180 or section 86.1200, shall, upon application to the retirement
48 board, be retained as a consultant. For such services such member shall receive
49 each month in addition to such member's base pension and cost-of-living
50 adjustments thereto under section 86.1220, and in addition to any other
51 compensation or benefit to which such member may be entitled under sections
52 86.900 to 86.1280, an equalizing supplemental compensation of ten dollars per
53 month. This appointment as a consultant shall in no way affect any member's
54 eligibility for retirement benefits under the provisions of sections 86.900 to
55 86.1280, or in any way have the effect of reducing retirement benefits otherwise
56 payable to such member. The amount of equalizing supplemental compensation

57 under this subsection may be adjusted by cost-of-living adjustments, determined
58 by the retirement board not more frequently than annually, but in no event shall
59 the aggregate of such equalizing supplemental compensation together with all
60 such cost-of-living adjustments thereto exceed twenty-five percent of the member's
61 base pension. Each cost-of-living adjustment to compensation under this
62 subsection shall be determined independently of any cost-of-living adjustment to
63 any other benefit under sections 86.900 to 86.1280. For the purposes of this
64 subsection, the term "member" shall include a surviving spouse entitled to
65 benefits under the provisions of sections 86.900 to 86.1280, and who is the
66 surviving spouse of a member who qualified, or would have qualified if living, for
67 compensation under this subsection. Such surviving spouse shall, upon
68 application to the retirement board, be retained as a consultant, and for such
69 services shall be compensated in an amount equal to the compensation which
70 would have been received by the member under this subsection, if living. Any
71 such surviving spouse of a member who dies while entitled to payments under
72 this subsection shall succeed to the full amount of payment under this subsection
73 to which such member was entitled at the time of such member's death, including
74 any cost-of-living adjustments received by such member in the payment under
75 this subsection prior to such member's death. In all events, the term "member"
76 shall not include any children of the member who would be entitled to receive
77 part or all of the pension that would be received by a surviving spouse, if living.

78 5. A surviving spouse who is entitled to benefits under the provisions of
79 subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007,
80 of a member in service, and who is receiving benefits from the retirement system,
81 shall, upon application to the retirement board, be retained as a consultant, and
82 for such services such surviving spouse shall receive each month an equalizing
83 supplemental compensation of ten dollars per month. A surviving spouse entitled
84 to benefits under the provisions of subsection 1 of section 86.1240 as a result of
85 the death of a member in service on or after August 28, 2007, shall receive each
86 month an equalizing supplemental benefit of ten dollars per month. All benefits
87 payable to a surviving spouse under this subsection shall be in addition to all
88 other benefits to which such surviving spouse may be entitled under other
89 provisions of sections 86.900 to 86.1280 and shall in no way have the effect of
90 reducing benefits otherwise payable to such surviving spouse. The amount of
91 equalizing supplemental benefit or equalizing supplemental compensation under
92 this subsection may be adjusted by cost-of-living adjustments, determined by the

93 retirement board not more frequently than annually, but in no event shall the
94 aggregate of such equalizing supplemental benefit or compensation together with
95 all such cost-of-living adjustments thereto exceed twenty-five percent of the base
96 pension of the surviving spouse. Each cost-of-living adjustment to an equalizing
97 supplemental benefit or compensation under this subsection shall be determined
98 independently of any cost-of-living adjustment to any other benefit under sections
99 86.900 to 86.1280. In all events the term "surviving spouse" as used in this
100 subsection shall not include any children of the member who would be entitled
101 to receive part or all of the pension that would be received by a surviving spouse,
102 if living.

103 6. In determining and granting the cost-of-living adjustments under this
104 section, the retirement board shall adopt such rules and regulations as may be
105 necessary to effectuate the purposes of this section, including provisions for the
106 manner of computation of such adjustments and the effective dates thereof. The
107 retirement board shall provide for such adjustments to be determined once each
108 year and granted on a date or dates to be chosen by the board. The retirement
109 board shall not be required to prorate the initial adjustment to any benefit or
110 compensation under this section for any member.

111 7. The determination of whether the retirement system will remain
112 actuarially sound shall be made at the time any cost-of-living adjustment under
113 this section is granted. If at any time the retirement system ceases to be
114 actuarially sound, any benefit or compensation payments provided under this
115 section shall continue as adjusted by increases or decreases theretofore granted.
116 A member of the retirement board shall have no personal liability for granting
117 increases under this section if that retirement board member in good faith relied
118 and acted upon advice of a qualified actuary that the retirement system would
119 remain actuarially sound.

86.1240. 1. Upon receipt of the proper proofs of death of a member in
2 service for any reason whatsoever, there shall be paid to such member's surviving
3 spouse, if any, in addition to all other benefits but subject to subsection [7] 6 of
4 this section, a base pension equal to forty percent of the final compensation of
5 such member, subject to adjustments, if any, as provided in section 86.1220.

6 2. (1) Upon receipt of the proper proofs of death of a member who was
7 retired or terminated service after August 28, 1999, and died after
8 [commencement of benefits to such member] **having become entitled to**
9 **benefits** from this retirement system, there shall be paid to such member's

10 surviving spouse, if any, in addition to all other benefits but subject to subsection
11 [7] 6 of this section, a base pension equal to eighty percent of the pension being
12 received by such member, including cost-of-living adjustments to such pension but
13 excluding supplemental retirement benefits, at the time of such member's death,
14 subject to subsequent adjustments, if any, as provided in section 86.1220. The
15 pension provided by this subdivision shall terminate upon remarriage by the
16 surviving spouse prior to August 28, 2000.

17 (2) (a) Upon receipt of the proper proof of death of a member who retired
18 or terminated service on or before August 28, 1999, and who died after August 28,
19 1999, and after [commencement of benefits to such member] **having become**
20 **entitled to benefits** from this retirement system, such member's surviving
21 spouse, if any, shall be entitled to a base pension equal to forty percent of the
22 final compensation of such member.

23 (b) Such a surviving spouse shall, upon application to the retirement
24 board, be appointed by the retirement board as a consultant and be compensated
25 in an amount equal to the benefits such spouse would receive under subdivision
26 (1) of this subsection if the member had retired or terminated service after
27 August 28, 1999.

28 (c) The benefits provided by this subdivision shall terminate upon
29 remarriage by the surviving spouse prior to August 28, 2000.

30 3. In the case of any member who, prior to August 28, 2000, died in
31 service or retired, the surviving spouse who would qualify for benefits under
32 subsection 1 or 2 of this section but for remarriage, and who has not remarried
33 prior to August 28, 2000, but remarries thereafter, shall upon application be
34 appointed by the retirement board as a consultant. For services as such
35 consultant, such surviving spouse shall be compensated in an amount equal to the
36 benefits such spouse would have received under sections 86.900 to 86.1280 in the
37 absence of such remarriage.

38 4. [For purposes of this section, commencement of benefits shall begin, for
39 any benefit, at such time as all requirements of sections 86.900 to 86.1280 have
40 been met entitling the member to a payment of such benefit at the next following
41 payment date with the amount thereof established, regardless of whether the
42 member has received the initial payment of such benefit.

43 5.] Upon the death of any member who is in service after August 28, 2000,
44 and who either had at least twenty-five years of creditable service or was retired
45 or died as a result of an injury or illness occurring in the line of duty or course

46 of employment under section 86.1180, the surviving spouse's benefit provided
47 under this section, without including any supplemental retirement benefits paid
48 such surviving spouse by this retirement system, shall be six hundred dollars per
49 month. For any member who died, retired or terminated service on or before
50 August 28, 2000, and who either had at least twenty-five years of creditable
51 service or was retired or died as a result of an injury or illness occurring in the
52 line of duty or course of employment under section 86.1180, the surviving spouse
53 shall upon application to the retirement board be appointed by the retirement
54 board as a consultant. For services as such consultant, the surviving spouse
55 shall, beginning the later of August 28, 2000, or the time the appointment is
56 made under this subsection, be compensated in an amount which without
57 including supplemental retirement benefits provided by this system shall be six
58 hundred dollars monthly. A pension benefit under this subsection shall be paid
59 in lieu of any base pension as increased by cost-of-living adjustments granted
60 under section 86.1220. The benefit under this subsection shall not be subject to
61 cost-of-living adjustments, but shall be terminated and replaced by the base
62 pension and cost-of-living adjustments to which such spouse would otherwise be
63 entitled at such time as the total base pension and such adjustments exceed six
64 hundred dollars monthly.

65 **[6.] 5.** A surviving spouse who is entitled to benefits under the provisions
66 of subsection 1 of this section as a result of the death on or before August 28,
67 2009, of a member in service who is receiving benefits under sections 86.900 to
68 86.1280 and who does not qualify under the provisions of subsection **[5] 4** of this
69 section shall, upon application to the retirement board, be appointed as a
70 consultant, and for such services such surviving spouse shall be compensated in
71 an amount which, without including any supplemental retirement benefits
72 provided by sections 86.900 to 86.1280, shall be six hundred dollars monthly. A
73 pension benefit under this subsection shall be paid in lieu of any base pension as
74 increased by cost-of-living adjustments granted under section 86.1220. The
75 benefit under this subsection shall not be subject to cost-of-living adjustments,
76 but shall be terminated and replaced by the base pension and cost-of-living
77 adjustments to which such surviving spouse would otherwise be entitled at such
78 time as the total base pension and such adjustments exceed six hundred dollars
79 monthly. As used in this subsection, "surviving spouse" shall not include any
80 children of the member who would be entitled to receive part or all of the pension
81 that would be received by a surviving spouse, if living.

82 [7.] 6. Any beneficiary of benefits under sections 86.900 to 86.1280 who
83 becomes the surviving spouse of more than one member shall be paid all benefits
84 due a surviving spouse of that member whose entitlements produce the largest
85 surviving spouse benefits for such beneficiary but shall not be paid surviving
86 spouse benefits as the surviving spouse of more than one member.

 86.1250. 1. (1) Upon the death of a member in service or after retirement
2 [and commencement of benefits], such member's child or children under the age
3 of eighteen years at the time of the member's death shall be paid fifty dollars per
4 month each until he or she shall attain the age of eighteen years; however, each
5 such child who is or becomes a full-time student at an accredited educational
6 institution shall continue to receive payments under this section for so long as
7 such child shall remain such a full-time student or shall be in a summer or other
8 vacation period scheduled by the institution with intent by such child,
9 demonstrated to the satisfaction of the retirement board, to return to such
10 full-time student status upon the resumption of the institution's classes following
11 such vacation period, but in no event shall such payments be continued after such
12 child shall attain the age of twenty-one years except as hereinafter provided.

13 (2) Any child eighteen years of age or older, who is physically or mentally
14 incapacitated from wage earning, so long as such incapacity exists as certified by
15 a member of the medical board, shall be entitled to the same benefits as a child
16 under the age of eighteen. For purposes of this section, a determination of
17 whether a child of a member is physically or mentally incapacitated from wage
18 earning so that the child is entitled to benefits under this section shall be made
19 at the time of the member's death. If a child becomes incapacitated after the
20 member's death, or if a child's incapacity existing at the member's death is
21 removed and such child later becomes incapacitated again, such child shall not
22 be entitled to benefits as an incapacitated child under the provisions of this
23 section. A child shall be deemed incapacitated only for so long as the incapacity
24 existing at the time of the member's death continues.

25 (3) Notwithstanding any other law to the contrary, amounts payable
26 under subdivision (1) or (2) of this subsection shall not be subject to offset or
27 reduction by amounts paid or payable under any workers' compensation or similar
28 law.

29 2. Upon or after the death of a member in service or after retirement [and
30 commencement of] **with entitlement to** benefits, if there is no surviving spouse
31 or if a surviving spouse dies, the total amount, including any amounts receivable

32 as consulting compensation, but not including any supplemental benefits under
33 section 86.1230, which would be received by a qualified surviving spouse or which
34 is being received by the surviving spouse at the date of death of such surviving
35 spouse shall be added to the amounts received by and shall be divided among the
36 children of such member under the age of eighteen years and the incapacitated
37 children in equal shares. As each such child attains the age of eighteen years or
38 has such incapacity removed, such total amount shall then be divided among the
39 remaining such children, until there is no remaining child of such member under
40 the age of eighteen years or incapacitated, at which time all benefits for children
41 of such member under this subsection shall cease.

42 3. Upon the death of a member in service or after retirement [and
43 commencement of benefits], a funeral benefit of one thousand dollars shall be
44 paid to the person or entity who provided or paid for the funeral services for such
45 member.

46 [4. If no benefits are otherwise payable to a surviving spouse or child of
47 a deceased member, the member's accumulated contributions, to any extent not
48 fully paid to such member prior to the member's death or to the surviving spouse
49 or child of such member, shall be paid in one lump sum to the member's named
50 beneficiary or, if none, to the member's estate, and such payment shall constitute
51 full and final payment of any and all claims for benefits under the retirement
52 system.

53 5. For purposes of this section, commencement of benefits shall begin, for
54 any benefit, at such time as all requirements of sections 86.900 to 86.1280 have
55 been met entitling the member to a payment of such benefit at the next following
56 payment date with the amount established, regardless of whether the member
57 has received the initial payment of such benefit.]

86.1310. The following words and phrases as used in sections 86.1310 to
2 86.1640 shall have the following meanings unless a different meaning is plainly
3 required by the context:

4 (1) "Accumulated contributions", the sum of all amounts deducted from
5 the compensation of a member and paid to the retirement board, together with
6 all amounts paid to the retirement board by a member or by a member's
7 beneficiary for the purchase of prior service credits or any other purpose
8 permitted under sections 86.1310 to 86.1640, in all cases with interest, **if any**,
9 thereon at a rate determined from time to time for such purpose by the
10 retirement board;

11 (2) **"Actuarial cost", the present value of a future payment or**
12 **series of payments as calculated by applying the actuarial assumptions**
13 **established according to subsection 8 of section 86.1630;**

14 (3) **"Beneficiary", any person entitled, either currently or conditionally,**
15 **to receive pension or other benefits provided in sections 86.1310 to 86.1640;**

16 [(3)] (4) **"Board of police commissioners", the board composed of police**
17 **commissioners authorized by law to employ and manage an organized police force**
18 **in the cities;**

19 [(4)] (5) **"City" or "cities", any city which now has or may hereafter have**
20 **a population of more than three hundred thousand and less than seven hundred**
21 **thousand inhabitants, or any city that has made an election under section**
22 **86.1320 to continue a civilian employees' retirement system theretofore**
23 **maintained under sections 86.1310 to 86.1640;**

24 [(5)] (6) **"Compensation", the basic wage or salary paid a member for any**
25 **period, excluding bonuses, overtime pay, expense allowances, and other**
26 **extraordinary compensation; except that, notwithstanding such provision,**
27 **compensation for any year for any member shall not exceed the amount permitted**
28 **to be taken into account under Section 401(a)(17) of the Internal Revenue Code**
29 **as applicable to such year;**

30 [(6)] (7) **"Consultant", unless otherwise specifically defined, means a**
31 **person retained by the retirement system as a special consultant on the problems**
32 **of retirement, aging and related matters who, upon request of the retirement**
33 **board, shall give opinions and be available to give opinions in writing or orally**
34 **in response to such requests, as may be needed by the board;**

35 [(7)] (8) **"Creditable service", service qualifying as a determinant of a**
36 **member's pension or other benefit under sections 86.1310 to 86.1640 by meeting**
37 **the requirements specified in such sections, or section 105.691;**

38 [(8)] (9) **"Employee", any regularly appointed civilian employee of the**
39 **police department of the city as specified in sections 86.1310 to 86.1640 who is:**

40 **(a) Appointed prior to August 28, 2011, and is not eligible to receive**
41 **a pension from the police retirement system of said city;**

42 **(b) Appointed on or after August 28, 2011, and is not eligible to**
43 **receive a pension from the police retirement system of such city or**
44 **from any other retirement or pension system of such city;**

45 [(9)] (10) **"Final compensation", the average annual compensation of a**
46 **member during the member's service if less than two years, or the twenty-four**

47 months of service for which the member received the highest salary whether
48 consecutive or otherwise. For any period of time when a member is paid on a
49 frequency other than monthly, the member's salary for such period shall be
50 deemed to be the monthly equivalent of the member's annual rate of
51 compensation for such period;

52 [(10)] (11) "Internal Revenue Code", the United States Internal Revenue
53 Code of 1986, as amended;

54 [(11)] (12) "Medical board", not less than one nor more than three
55 physicians appointed by the retirement board to arrange for and conduct medical
56 examinations as directed by the retirement board;

57 [(12)] (13) "Member", a member of the civilian employees' retirement
58 system as described in section 86.1480;

59 [(13)] (14) "Pension", annual payments for life, payable monthly,
60 [beginning with the date of retirement or other applicable commencement date
61 and ending with death] **at the times described in section 86.1420;**

62 [(14)] (15) "Pension fund", the fund resulting from contributions made
63 thereto by the cities affected by sections 86.1310 to 86.1640 and by the members
64 of the civilian employees' retirement system;

65 [(15)] (16) "Retirement", termination of a member's status as an
66 employee of the police department of the city at a time when the member or the
67 member's beneficiary is immediately entitled to one or more benefits under
68 sections 86.1310 to 86.1640;

69 [(16)] (17) "Retirement board" or "board", the board provided in section
70 86.1330 to administer the retirement system;

71 [(17)] (18) "Retirement system", the civilian employees' retirement
72 system of the police department of the cities as defined in section 86.1320;

73 [(18)] (19) "Surviving spouse", when determining whether a person is
74 entitled to benefits under sections 86.1310 to 86.1640 by reason of surviving a
75 member, shall include only:

76 (a) The person who was married to the member at the time of the
77 member's death in service prior to August 28, 2001, and who had not remarried
78 prior to August 28, 2001;

79 (b) The person who was married to the member at the time of the
80 member's death in service on or after August 28, 2001;

81 (c) In the case of any member who both retired and died prior to August
82 28, 2001, the person who was married to the member at the time of the member's

83 death and who had not remarried prior to August 28, 2001;

84 (d) In the case of any member who retired prior to August 28, 2001, and
85 died on or after that date, the person who was married to the member at the time
86 of the member's death; or

87 (e) In the case of any member who retired on or after August 28, 2001, the
88 person who was married to the member at both the time of the member's
89 retirement and the time of the member's death.

86.1420. 1. All benefits and all necessary administrative expenses of the
2 retirement system shall be paid from the funds of the retirement system.

3 **2. The base pension of a member who, after August 28, 2011,**
4 **retires from or otherwise terminates active service with entitlement to**
5 **a base pension under sections 86.1310 to 86.1640 shall commence as of**
6 **the first day of the month next following such retirement or**
7 **termination with no proration of such pension for the month in which**
8 **such retirement or termination occurs. The supplemental retirement**
9 **benefit of a member who, after August 28, 2011, retires from or**
10 **otherwise terminates active service with entitlement to a supplemental**
11 **retirement benefit provided in subsection 1 of section 86.1600 shall**
12 **commence as of the first day of the month next following such**
13 **retirement or termination with no proration of such supplemental**
14 **retirement benefit for the month in which such retirement or**
15 **termination occurs.**

16 **3. Upon the death of a member in service who leaves a surviving**
17 **spouse, as defined in section 86.1310, entitled to benefits, any base**
18 **pension which such surviving spouse shall elect under subdivision (2)**
19 **of subsection 1 of section 86.1610 or under paragraph (b) of subdivision**
20 **(3) of subsection 1 of section 86.1610 shall commence the later of the**
21 **first day of the month next following such death or the first day of the**
22 **month following the date which would have been the member's earliest**
23 **possible retirement date permitted under subsection 2 of section**
24 **86.1540 with no proration of such pension for the month prior to such**
25 **commencement date. Any base pension which such surviving spouse**
26 **shall elect under paragraph (c) of subdivision (3) of subsection 1 of**
27 **section 86.1610 shall commence the first day of the month next**
28 **following such death with no proration of such pension for the month**
29 **prior to such commencement date.**

30 **4. Upon the death of a member who is receiving a base pension**

31 under sections 86.1310 to 86.1640 leaving a surviving spouse, as defined
32 in section 86.1310, entitled to benefits, the pension of such surviving
33 spouse shall commence on the first day of the month next following
34 such death with no proration for the month in which such death occurs.

35 5. All payments of any benefit shall be paid on the first business
36 day of each month for that month. For any benefit under sections
37 86.1310 to 86.1640, the retirement system shall withhold payment of
38 such benefit until all requisite documentation has been filed with the
39 retirement system evidencing the entitlement of the payee to such
40 payment. The final payment due to a retired member shall be the
41 payment due on the first day of the month in which such member's
42 death occurs. The final payment due to any surviving spouse shall be
43 the payment due on the first day of the month in which such surviving
44 spouse dies or otherwise ceases to be entitled to benefits under sections
45 86.1310 to 86.1640.

46 6. If no benefits are otherwise payable to a surviving spouse of
47 a deceased member or otherwise as provided in this section, the
48 member's accumulated contributions, to any extent not fully paid to
49 such member prior to the member's death or to the surviving spouse of
50 such member or otherwise as provided in this section, shall be paid in
51 one lump sum to the member's beneficiary named by such member in
52 a writing filed with the retirement system prior to the member's death
53 for the purpose of receiving such benefit, and if no beneficiary is
54 named, then to such member's estate. Such payment shall constitute
55 full and final payment of any and all claims for benefits under the
56 retirement system, except as provided in section 86.1620.

86.1480. 1. Every person who becomes an employee, as defined in
2 subdivision [(8)] (9) of section 86.1310, after August 28, 2001, shall become a
3 member of the retirement system defined in sections 86.1310 to 86.1640 as a
4 condition of such employment.

5 2. Every person who was a member of the retirement system on or before
6 August 28, 2001, shall remain a member.

7 3. Every person who was an employee, as defined in subdivision [(8)] (9)
8 of section 86.1310, on August 28, 2001, but was not a member, shall become a
9 member as a condition of employment upon the completion of six months'
10 continuous employment.

86.1490. 1. The retirement board shall fix and determine by

2 proper rules and regulations how much service in any year is
3 equivalent to one year of service. In no case shall more than one year
4 of service be creditable for all service rendered in one calendar
5 year. The retirement board shall not allow credit as service for any
6 period during which the member was absent without compensation,
7 except as provided in subsection 3 of this section and subsection 3 of
8 section 86.1500.

9 2. Except as provided in subsection 3 of section 86.1500, creditable service
10 at retirement on which the retirement allowance of a member is based consists
11 of the membership service rendered by such member [for which such member
12 received compensation] since such member last became a member.

13 3. Except as provided in subsection 3 of section 86.1500, if a
14 member is on leave of absence without compensation, such member
15 shall not receive service credits for such time unless such member shall
16 return to active service and purchase such creditable service at the
17 actuarial cost. The actuarial cost shall be determined at the time the
18 member makes such purchase.

19 [2.] 4. Creditable service also includes any prior service credit to which
20 a member may be entitled by virtue of an authorized purchase of such credit or
21 as otherwise provided in sections 86.1310 to 86.1640.

22 [3.] 5. Creditable service shall not include any time a member was
23 suspended from service without compensation. No contribution is required from
24 either the member under section 86.1400 or from the city under section 86.1390
25 for such time.

86.1500. 1. Whenever a member is given a leave of absence for military
2 service and returns to employment after discharge from the service, such member
3 shall be entitled to creditable service for the years of employment prior to the
4 leave of absence.

5 2. Except as provided in subsection 3 of this section, a member who served
6 on active duty in the armed forces of the United States and who became a
7 member, or returned to membership, after discharge under honorable conditions,
8 may elect prior to retirement to purchase creditable service equivalent to such
9 service in the armed forces, not to exceed two years, provided the member is not
10 receiving and is not eligible to receive retirement credits or benefits from any
11 other public or private retirement plan for the service to be purchased, other than
12 a United States military service retirement system or United States Social

13 Security benefits attributable to such military service, and an affidavit so stating
14 is filed by the member with the retirement system. A member electing to make
15 such purchase shall pay to the retirement system an amount equal to the
16 actuarial [value] **cost** of the additional benefits attributable to the additional
17 service credit to be purchased, as of the date the member elects to make such
18 purchase. [The retirement system shall determine such value using accepted
19 actuarial methods and the same assumptions with respect to interest rates,
20 mortality, future salary increases, and all related factors used in performing the
21 most recent regular actuarial valuation of the retirement system.] Payment in full
22 of the amount due from a member electing to purchase creditable service under
23 this subsection shall be made over a period not to exceed five years, measured
24 from the date of election, or prior to the commencement date for payment of
25 benefits to the member from the retirement system, whichever is earlier,
26 including interest on unpaid balances compounded annually at the interest rate
27 assumed from time to time for actuarial valuations of the retirement system. If
28 payment in full including interest is not made within the prescribed period, any
29 partial payments made by the member shall be refunded, and no creditable
30 service attributable to such election, or as a result of any such partial payments,
31 shall be allowed; provided that if a benefit commencement date occurs because of
32 the death or disability of a member who has made an election under this
33 subsection and if the member is current in payments under an approved
34 installment plan at the time of the death or disability, such election shall be valid
35 if the member, the surviving spouse or other person entitled to benefit payments
36 pays the entire balance of the remaining amount due, including interest to the
37 date of such payment, within sixty days after the member's death or
38 disability. The time of a disability shall be deemed to be the time when such
39 member is determined by the retirement board to be totally and permanently
40 disabled as provided in section 86.1560.

41 3. Notwithstanding any other provision of sections 86.1310 to 86.1640, a
42 member who is on leave of absence for military service during any portion of
43 which leave the United States is in a state of declared war, or a compulsory draft
44 is in effect for any of the military branches of the United States, or any units of
45 the military reserves of the United States, including the National Guard, are
46 mobilized for combat military operations, and who becomes entitled to
47 reemployment rights and other employment benefits under Title 38, Chapter 43
48 of the U.S. Code, relating to employment and reemployment rights of members

49 of the uniformed services by meeting the requirements for such rights and
50 benefits under Section 4312 of said chapter, or the corresponding provisions of
51 any subsequent applicable [U.S.] **federal** statute, shall be entitled to service
52 credit for the time spent in such military service for all purposes of sections
53 86.1310 to 86.1640 and such member shall not be required to pay any member
54 contributions for such time. If it becomes necessary for the years of such service
55 to be included in the calculation of such member's compensation for any purpose,
56 such member shall be deemed to have received the same compensation
57 throughout such period of service as the member's base annual salary
58 immediately prior to the commencement of such leave of absence.

86.1510. Members who terminate membership with three years or more
2 of creditable service and later return to membership may be given credit toward
3 retirement for prior creditable service, subject to the condition that such member
4 deposit in the pension fund a sum equal to the [accumulated contributions which
5 had been paid to such member upon the prior termination. Such repayment of
6 withdrawn contributions shall be accompanied by an additional payment of
7 interest equal to the amount of the actual net yield earned or incurred by the
8 pension fund, including both net income after expenses and net appreciation or
9 depreciation in values of the fund, whether realized or unrealized, during the
10 period of time from the date upon which such contributions had been withdrawn
11 to the date of repayment thereof, determined in accordance with such rules for
12 valuation and accounting as may be adopted by the retirement board for such
13 purposes] **member's portion of the actuarial cost to restore such**
14 **service. The member's portion of the actuarial cost is determined on**
15 **the ratio of the member's contribution rate to the total of the member**
16 **and employer contribution rates at the time the member elects to**
17 **purchase the creditable service.**

86.1540. 1. (1) Upon retirement on or after a member's normal
2 retirement date, such member shall receive a base pension in the amount of two
3 percent of such member's final compensation times the number of years, including
4 fractions thereof, of such member's creditable service.

5 (2) Such member may elect to receive a different base pension under an
6 election permitted under this section or section 86.1580.

7 2. Members may elect early retirement as follows:

8 (1) Beginning at age fifty-five, if the member has completed at least ten
9 years of creditable service or at any later age after the member has completed at

10 least ten years of creditable service. Unless subdivision (3) of this subsection
11 shall be applicable, the benefit as computed under subsection 1 of this section
12 shall be reduced by one-half of one percent for each **full** month the [effective
13 date] **initial payment** is prior to the first day of the month following that in
14 which such member will attain age sixty;

15 (2) Beginning at age sixty, if the member has completed at least five but
16 not more than ten years of creditable service or at any later age after the member
17 has completed at least five years of creditable service. Unless subdivision (3) of
18 this subsection shall be applicable, the benefit as computed under subsection 1
19 of this section shall be reduced by one-half of one percent for each **full** month the
20 [effective date] **initial payment** is prior to the first day of the month following
21 that in which such member will attain age sixty-five; or

22 (3) At any time after the member's total of age and years of creditable
23 service equals or exceeds eighty, in which event the benefit shall be as computed
24 under subsection 1 of this section without any reduction. If an election for early
25 retirement results in a reduced benefit under subdivision (1) or (2) of this
26 subsection, such reduced benefit shall become the member's base pension, subject
27 to all other adjustments described in this section.

28 3. (1) A member who is married at the time of retirement may by a
29 written election, with the written consent of such member's spouse, elect an
30 optional benefit calculated as follows: such optional benefit shall be a monthly
31 pension in the initial amount which shall be actuarially equivalent to the
32 actuarial value of the pension described in subdivision (1) of subsection 1 of this
33 section for such member at the date of retirement (including the value of
34 survivorship rights of a surviving spouse, where applicable, under section
35 86.1610), upon the basis that the initial annuity for the member's spouse, if such
36 spouse survives the member, shall be the same as the amount being paid the
37 member on such annuity at the member's death, and, subject to cost-of-living
38 adjustments thereafter declared on the spouse's base pension under section
39 86.1590, shall be paid to such surviving spouse for the lifetime of such spouse
40 without regard to remarriage. If a member who makes an election of an optional
41 benefit under this subsection has also elected an early retirement under either
42 subdivision (1) or (2) of subsection 2 of this section, any reduction in benefit
43 required for such early retirement election shall be calculated before calculating
44 the initial amount of the optional benefit under this subsection.

45 (2) If a member who makes the election permitted by this subsection also

46 makes an election permitted under section 86.1580, such optional benefit shall
47 be reduced as provided in subdivision (3) of subsection 2 of section 86.1580.

48 (3) If a member makes the election permitted by this subsection, the
49 amount calculated for such optional benefit under either subdivision (1) or (2) of
50 this subsection shall be the base pension for such member and for such member's
51 spouse for all purposes of sections 86.1310 to 86.1640.

52 (4) An election for an optional benefit under this subsection shall be void
53 if the member dies within thirty days after filing such election with the
54 retirement system or if the member dies before the due date of the first payment
55 of such member's pension.

56 4. Subject to the provisions of subsection [7] 6 of this section, whenever
57 the service of a member is terminated after August 28, 1999, for any reason prior
58 to death or retirement and the member has five or more years of creditable
59 service, the member may elect not to withdraw such member's accumulated
60 contributions and shall become entitled to receive a pension upon such member's
61 normal retirement date under subdivision (1) of subsection 1 of this section or
62 may elect to receive a pension commencing upon or after any date, prior to his or
63 her normal retirement date, upon which early retirement would have been
64 permitted under subsection 2 of this section if such member had remained a
65 civilian employee of such police department, except that in calculating any
66 qualification under subsection 2 of this section, such member shall not be entitled
67 to count any year of creditable service in excess of such member's total years of
68 creditable service at the time of such member's termination of employment. The
69 amount of any pension commenced upon the basis of a date permitted under
70 subsection 2 of this section shall be computed on the basis of the member's final
71 compensation and number of years of creditable service, subject to such
72 adjustments as may be applicable under the subdivision of subsection 2 of this
73 section upon which such member relies in electing [the commencement of] such
74 member's pension and subject to any other adjustments that such member may
75 elect under this section. The amount of the initial pension calculated after all
76 applicable adjustments shall be the base pension for such member, and for such
77 member's spouse if such member shall elect the optional benefit permitted under
78 subsection 3 of this section, for all purposes of sections 86.1310 to
79 86.1640. **Payment of any benefits elected under this subsection shall**
80 **commence as of the first day of the month next following the applicable**
81 **date with no proration of such benefit for any initial partial month.**

82 5. A member whose service was terminated on or before August 28, 1999,
83 after five or more years of creditable service, and who permitted such member's
84 accumulated contributions to remain in the pension fund, shall upon application
85 to the retirement board be appointed as a consultant. For services as such
86 consultant, such member shall, beginning the later of August 28, 1999, or the
87 time of such appointment under this subsection, be entitled to elect to receive
88 compensation in such amount and [commencing] at such time as such member
89 would have been entitled to elect under any of the provisions of subsection 4 of
90 this section if such member had terminated service after August 28, 1999. Such
91 member shall be entitled to the same cost-of-living adjustments following the
92 commencement of such compensation as if such member's compensation had been
93 a base pension.

94 6. [All payments of any pension shall be paid on the first day of each
95 month for that month. The first payment shall be paid on the first day of the
96 first month in which the member's benefit can be determined and processed for
97 payment, and shall include benefits from the date of retirement to the date of
98 such first payment. The final payment due a retired member shall be the
99 payment due on the first day of the month in which such member's death occurs.

100 7.] Notwithstanding any other provisions of sections 86.1310 to 86.1640,
101 any member who is convicted of a felony prior to separation from active service
102 shall not be entitled to any benefit from this retirement system except the return
103 of such member's accumulated contributions.

86.1560. 1. A member in active service who becomes totally and
2 permanently disabled, as defined in this section, shall be entitled to retire and
3 to receive a base pension determined in accordance with the terms of this
4 section. Members who are eligible and totally and permanently disabled shall
5 receive a disability pension computed as follows:

6 (1) Duty disability, fifty percent of final compensation as of the date of
7 disability;

8 (2) Nonduty disability, thirty percent of final compensation as of the date
9 of disability, provided that a nonduty disability pension shall not be available to
10 any member with less than ten years creditable service;

11 (3) In no event shall the disability pension be less than the amount to
12 which the member would be entitled as a pension if the member retired on the
13 same date with equivalent age and creditable service.

14 2. [The final payment due a member receiving a disability pension shall

15 be the payment due on the first day of the month in which such member's death
16 occurs. Such member's surviving spouse, if any, shall be entitled to such benefits
17 as may be provided under section 86.1610.

18 3.] For purposes of sections 86.1310 to 86.1640, the following terms shall
19 mean:

20 (1) "Duty disability", total and permanent disability directly due to and
21 caused by actual performance of employment with the police department;

22 (2) "Nonduty disability", total and permanent disability arising from any
23 other cause than duty disability;

24 (3) "Total and permanent disability", a state or condition which
25 presumably prevents for the rest of a member's life the member's engaging in any
26 occupation or performing any work for remuneration or profit. Such disability,
27 whether duty or nonduty, must not have been caused by the member's own
28 negligence or willful self-infliction.

29 [4.] 3. The retirement board in its sole judgment shall determine whether
30 the status of total and permanent disability exists. Its determination shall be
31 binding and conclusive. The retirement board shall rely upon the findings of a
32 medical board of three physicians, and shall procure the written recommendation
33 of at least one member thereof in each case considered by the retirement
34 board. The medical board shall be appointed by the retirement board and
35 expense for such examinations as are required shall be paid from funds of the
36 retirement system.

37 [5.] 4. From time to time, the retirement board shall have the right to
38 require proof of continuing disability which may include further examination by
39 the medical board. Should the retirement board determine that disability no
40 longer exists, it shall terminate the disability pension. A member who
41 immediately returns to work with the police department shall again earn
42 creditable service beginning on the first day of such return. Creditable service
43 prior to disability retirement shall be reinstated. A member who does not return
44 to work with the police department shall be deemed to have terminated
45 employment at the time disability retirement commenced; but in calculating any
46 benefits due upon such presumption, the retirement system shall receive credit
47 for all amounts paid such member during the period of disability, except that
48 such member shall not be obligated in any event to repay to the retirement
49 system any amounts properly paid during such period of disability.

86.1600. 1. Any member who retires subsequent to August 28, 1997, and

2 on or before August 28, 2007, with entitlement to a pension under sections
3 86.1310 to 86.1640, and any member who retires subsequent to August 28, 2007,
4 with entitlement to a pension under sections 86.1310 to 86.1640 and who either
5 has at least fifteen years of creditable service or is retired under subsection 1 of
6 section 86.1560, shall receive [each month], in addition to such member's base
7 pension and cost-of-living adjustments thereto under section 86.1590, and in
8 addition to any other compensation or benefit to which such member may be
9 entitled under sections 86.1310 to 86.1640, a supplemental retirement benefit of
10 fifty dollars per month. The amount of such supplemental retirement benefit may
11 be adjusted by cost-of-living adjustments determined by the retirement board not
12 more frequently than annually.

13 2. Any member who was retired on or before August 28, 1997, and is
14 receiving retirement benefits from the retirement system shall, upon application
15 to the retirement board, be retained as a consultant, and for such services such
16 member shall receive [each month], in addition to such member's base pension
17 and cost-of-living adjustments thereto under section 86.1590, and in addition to
18 any other compensation or benefit to which such member may be entitled under
19 sections 86.1310 to 86.1640, a supplemental compensation in the amount of fifty
20 dollars per month. This appointment as a consultant shall in no way affect any
21 member's eligibility for retirement benefits under the provisions of sections
22 86.1310 to 86.1640, or in any way have the effect of reducing retirement benefits
23 otherwise payable to such member. The amount of such supplemental
24 compensation under this subsection may be adjusted by cost-of-living adjustments
25 determined by the retirement board not more frequently than annually.

26 3. In determining and granting the cost-of-living adjustments under this
27 section, the retirement board shall adopt such rules and regulations as may be
28 necessary to effectuate the purposes of this section, including provisions for the
29 manner of computation of such adjustments and the effective dates thereof. The
30 retirement board shall provide for such adjustments to be determined once each
31 year and granted on a date or dates to be chosen by the board. The retirement
32 board shall not be required to prorate the initial adjustment to any supplemental
33 retirement benefit or any supplemental compensation under this section for any
34 member.

35 4. For purposes of subsections 1 and 2 of this section, the term "member"
36 shall include a surviving spouse who is entitled to a benefit under sections
37 86.1310 to 86.1640, who shall be deemed to have retired for purposes of this

38 section on the date of retirement of the member of whom such person is the
39 surviving spouse or on the date of death of such member if such member died
40 prior to retirement; provided, that no benefits shall be payable under this section
41 to the surviving spouse of any member who died while in active service after
42 August 28, 2007, unless such death occurred in the line of duty or course of
43 employment or as the result of an injury or illness incurred in the line of duty or
44 course of employment or unless such member had at least fifteen years of
45 creditable service. The surviving spouse of a member who died in service after
46 August 28, 2007, whose death occurred in the line of duty or course of
47 employment or as the result of an injury or illness incurred in the line of duty or
48 course of employment shall be entitled to benefits under subsection 1 of this
49 section without regard to such member's years of creditable service. All benefits
50 payable to a surviving spouse under this section shall be in addition to all other
51 benefits to which such surviving spouse may be entitled under other provisions
52 of sections 86.1310 to 86.1640. Any qualifying surviving spouse of a member who
53 dies while entitled to payments under this section shall succeed to the full
54 amount of payment under this section to which such member was entitled at the
55 time of such member's death, including any cost-of-living adjustments received
56 by such member in the payment under this section prior to such member's death.

57 5. The determination of whether the retirement system will remain
58 actuarially sound shall be made at the time any cost-of-living adjustment under
59 this section is granted. If at any time the retirement system ceases to be
60 actuarially sound, supplemental retirement benefit payments under subsection
61 1 of this section and supplemental compensation payments as a consultant under
62 subsection 2 of this section shall continue as adjusted by increases or decreases
63 theretofore granted. A member of the retirement board shall have no personal
64 liability for granting increases under this section if that retirement board member
65 in good faith relied and acted upon advice of a qualified actuary that the
66 retirement system would remain actuarially sound.

86.1610. 1. Upon receipt of the proper proofs of death of a member in
2 service for any reason whatsoever, the following amounts shall be payable subject
3 to subsection 4 of this section, and if a pension shall be elected, the initial
4 amount thereof shall be the base pension for such surviving spouse:

5 (1) If the member has less than five years of creditable service, the
6 member's surviving spouse shall be paid, in one lump sum, the amount of the
7 member's accumulated contributions. If there is no surviving spouse, the

8 member's accumulated contributions shall be paid [to the member's designated
9 beneficiary, or if none, to the executor or administrator of the member's estate,
10 and such payment shall be full and final settlement for all amounts due from the
11 retirement system with respect to such member except as provided in subsection
12 1 of section 86.1620] **as provided in subsection 6 of section 86.1420;**

13 (2) If the member has at least five but fewer than twenty years of
14 creditable service, the member's surviving spouse may elect the lump sum
15 settlement in subdivision (1) of this subsection or a pension. Such pension shall
16 be fifty percent of the member's accrued pension at date of death as computed in
17 subdivision (1) of subsection 1 of section 86.1540, commencing [on the later of the
18 day after the member's death, or the date which would have been the member's
19 earliest possible retirement date permitted under subsection 2 of section 86.1540]
20 **as provided in subsection 3 of section 86.1420;**

21 (3) If the member has at least twenty years of creditable service, the
22 member's surviving spouse may elect any one of:

23 (a) The lump sum settlement in subdivision (1) of this subsection;

24 (b) The pension as computed in subdivision (2) of this subsection; or

25 (c) A pension in the monthly amount determined on a joint and survivor's
26 basis from the actuarial value of the member's accrued annuity at date of death;

27 (4) Any death of a retired member occurring before the first payment of
28 the retirement pension shall be deemed to be a death prior to retirement;

29 (5) For the surviving spouse of a member who died in service after August
30 28, 2001, benefits payable under subsection 1 of this section shall continue for the
31 lifetime of such surviving spouse without regard to remarriage.

32 2. Upon death of a member after retirement who has not elected the
33 optional annuity permitted under subsection 3 of section 86.1540, the surviving
34 spouse shall receive a base pension payable for life, equaling fifty percent of the
35 member's base pension, as of the member's retirement date, subject to the
36 following:

37 (1) No surviving spouse of a member who retires after August 28, 2001,
38 shall be entitled to receive any benefits under sections 86.1310 to 86.1640 unless
39 such spouse was married to the member at the time of the member's retirement;
40 and

41 (2) Any surviving spouse who was married to such a member at the time
42 of the member's retirement shall be entitled to all benefits for surviving spouses
43 under sections 86.1310 to 86.1640 for the life of such surviving spouse without

44 regard to remarriage.

45 3. In the case of any member who, prior to August 28, 2001, died in
46 service or retired, the surviving spouse who would qualify for benefits under
47 subsection 1 or 2 of this section but for remarriage, and has not remarried prior
48 to August 28, 2001, but remarries thereafter, shall upon application be appointed
49 by the retirement board as a consultant. For services as such consultant, such
50 surviving spouse shall be compensated in an amount equal to the benefits such
51 spouse would have received under sections 86.1310 to 86.1640 in the absence of
52 such remarriage.

53 4. Any beneficiary of benefits under sections 86.1310 to 86.1640 who
54 becomes the surviving spouse of more than one member shall be paid all benefits
55 due a surviving spouse of that member whose entitlements produce the largest
56 surviving spouse benefits for such beneficiary but shall not be paid surviving
57 spouse benefits as the surviving spouse of more than one member, except that any
58 surviving spouse for whom an election has been made for an optional benefit
59 under subsection 3 of section 86.1540 shall be entitled to every optional benefit
60 for which such surviving spouse has so contracted.

61 [5. The final payment due any surviving beneficiary shall be the payment
62 due on the first day of the month in which such beneficiary dies or otherwise
63 ceases to be entitled to benefits under this section.

64 6. If there is no surviving spouse, payment of the member's accumulated
65 contributions less the amount of any prior payments from the retirement system
66 to the member or to any beneficiary of the member shall be made to the member's
67 designated beneficiary or, if none, to the personal representative of the member's
68 estate.]

86.1620. 1. [(1)] Upon the death after August 28, 2003, of a member in
2 service, or upon the death of a member who was in service on or after August 28,
3 2003, and who dies after having been retired and pensioned, there shall be paid,
4 in addition to all other benefits, a funeral benefit of one thousand dollars to the
5 person or entity who provided or paid for the funeral services for such member.

6 [(2)] 2. Any member who was retired on or before August 28, 2003, and
7 is receiving retirement benefits from the retirement system, upon application to
8 the retirement board, shall be appointed by the retirement board as a consultant
9 for the remainder of such member's life. Upon the death of such member, there
10 shall be paid, in addition to all other benefits, a funeral benefit of one thousand
11 dollars to the person or entity who provided or paid for the funeral services for

12 such member.

13 [2. If no benefits are otherwise payable to a surviving spouse of a
14 deceased member, the member's accumulated contributions, to any extent not
15 fully paid to such member prior to the member's death or to the surviving spouse
16 of such member, shall be paid in one lump sum to the member's named
17 beneficiary or, if none, to the member's estate, and such payment shall constitute
18 full and final payment of any and all claims for benefits under the retirement
19 system.]

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