

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 116, Page 36, Section 70.605, Line 7,

2 by inserting immediately after said line, the following:

3 "86.200. The following words and phrases as used in
4 sections 86.200 to 86.366, unless a different meaning is plainly
5 required by the context, shall have the following meanings:

6 (1) "Accumulated contributions", the sum of all mandatory
7 contributions deducted from the compensation of a member and
8 credited to the member's individual account, together with
9 members' interest thereon;

10 (2) "Actuarial equivalent", a benefit of equal value when
11 computed upon the basis of mortality tables and interest
12 assumptions adopted by the board of trustees;

13 (3) "Average final compensation":

14 (a) With respect to a member who earns no creditable
15 service on or after October 1, 2001, the average earnable
16 compensation of the member during the member's last three years
17 of creditable service as a police officer, or if the member has
18 had less than three years of creditable service, the average
19 earnable compensation of the member's entire period of creditable
20 service;

21 (b) With respect to a member who is not participating in

1 the DROP pursuant to section 86.251 on October 1, 2001, who did
2 not participate in the DROP at any time before such date, and who
3 earns any creditable service on or after October 1, 2001, the
4 average earnable compensation of the member during the member's
5 last two years of creditable service as a policeman, or if the
6 member has had less than two years of creditable service, then
7 the average earnable compensation of the member's entire period
8 of creditable service;

9 (c) With respect to a member who is participating in the
10 DROP pursuant to section 86.251 on October 1, 2001, or whose
11 participation in DROP ended before such date, who returns to
12 active participation in the system pursuant to section 86.251,
13 and who terminates employment as a police officer for reasons
14 other than death or disability before earning at least two years
15 of creditable service after such return, the portion of the
16 member's benefit attributable to creditable service earned before
17 DROP entry shall be determined using average final compensation
18 as defined in paragraph (a) of this subdivision; and the portion
19 of the member's benefit attributable to creditable service earned
20 after return to active participation in the system shall be
21 determined using average final compensation as defined in
22 paragraph (b) of this subdivision;

23 (d) With respect to a member who is participating in the
24 DROP pursuant to section 86.251 on October 1, 2001, or whose
25 participation in the DROP ended before such date, who returns to
26 active participation in the system pursuant to section 86.251,
27 and who terminates employment as a police officer after earning
28 at least two years of creditable service after such return, the
29 member's benefit attributable to all of such member's creditable

1 service shall be determined using the member's average final
2 compensation as defined in paragraph (b) of this subdivision;

3 (e) With respect to a member who is participating in the
4 DROP pursuant to section 86.251 on October 1, 2001, or whose
5 participation in DROP ended before such date, who returns to
6 active participation in the system pursuant to section 86.251,
7 and whose employment as a police officer terminates due to death
8 or disability after such return, the member's benefit
9 attributable to all of such member's creditable service shall be
10 determined using the member's average final compensation as
11 defined in paragraph (b) of this subdivision; and

12 (f) With respect to the surviving spouse or surviving
13 dependent child of a member who earns any creditable service on
14 or after October 1, 2001, the average earnable compensation of
15 the member during the member's last two years of creditable
16 service as a police officer or, if the member has had less than
17 two years of creditable service, the average earnable
18 compensation of the member's entire period of creditable service;

19 (4) "Beneficiary", any person in receipt of a retirement
20 allowance or other benefit;

21 (5) "Board of police commissioners", any board of police
22 commissioners, police commissioners and any other officials or
23 boards now or hereafter authorized by law to employ and manage a
24 permanent police force in such cities;

25 (6) "Board of trustees", the board provided in sections
26 86.200 to 86.366 to administer the retirement system;

27 (7) "Creditable service", prior service plus membership
28 service as provided in sections 86.200 to 86.366;

29 (8) "DROP", the deferred retirement option plan provided

1 for in section 86.251;

2 (9) "Earnable compensation", the annual salary established
3 under section 84.160 which a member would earn during one year on
4 the basis of the member's rank or position [as specified in the
5 applicable salary matrix] plus any additional compensation for
6 academic work and shift differential that may be provided by any
7 official or board now or hereafter authorized by law to employ
8 and manage a permanent police force in such cities. Such amount
9 shall include the member's deferrals to a deferred compensation
10 plan pursuant to Section 457 of the Internal Revenue Code or to a
11 cafeteria plan pursuant to Section 125 of the Internal Revenue
12 Code or, effective October 1, 2001, to a transportation fringe
13 benefit program pursuant to Section 132(f)(4) of the Internal
14 Revenue Code. Earnable compensation shall not include a member's
15 additional compensation for overtime, standby time, court time,
16 nonuniform time or unused vacation time. Notwithstanding the
17 foregoing, the earnable compensation taken into account under the
18 plan established pursuant to sections 86.200 to 86.366 with
19 respect to a member who is a noneligible participant, as defined
20 in this subdivision, for any plan year beginning on or after
21 October 1, 1996, shall not exceed the amount of compensation that
22 may be taken into account under Section 401(a)(17) of the
23 Internal Revenue Code, as adjusted for increases in the cost of
24 living, for such plan year. For purposes of this subdivision, a
25 "noneligible participant" is an individual who first becomes a
26 member on or after the first day of the first plan year beginning
27 after the earlier of:

28 (a) The last day of the plan year that includes August 28,
29 1995; or

1 (b) December 31, 1995;

2 (10) "Internal Revenue Code", the federal Internal Revenue
3 Code of 1986, as amended;

4 (11) "Mandatory contributions", the contributions required
5 to be deducted from the salary of each member who is not
6 participating in DROP in accordance with section 86.320;

7 (12) "Medical board", the board of three physicians of
8 different disciplines appointed by the trustees of the police
9 retirement board and responsible for arranging and passing upon
10 all medical examinations required under the provisions of
11 sections 86.200 to 86.366, which board shall investigate all
12 essential statements and certificates made by or on behalf of a
13 member in connection with an application for disability
14 retirement and shall report in writing to the board of trustees
15 its conclusions and recommendations, which can be based upon the
16 opinion of a single member or that of an outside specialist if
17 one is appointed, upon all the matters referred to such medical
18 board;

19 (13) "Member", a member of the retirement system as defined
20 by sections 86.200 to 86.366;

21 [(13)] (14) "Members' interest", interest on accumulated
22 contributions at such rate as may be set from time to time by the
23 board of trustees;

24 [(14)] (15) "Membership service", service as a policeman
25 rendered since last becoming a member, except in the case of a
26 member who has served in the armed forces of the United States
27 and has subsequently been reinstated as a policeman, in which
28 case "membership service" means service as a policeman rendered
29 since last becoming a member prior to entering such armed

1 service;

2 [(15)] (16) "Plan year" or "limitation year", the twelve
3 consecutive-month period beginning each October first and ending
4 each September thirtieth;

5 [(16)] (17) "Policeman" or "police officer", any member of
6 the police force of such cities who holds a rank in such police
7 force;

8 [(17)] (18) "Prior service", all service as a policeman
9 rendered prior to the date the system becomes operative or prior
10 to membership service which is creditable in accordance with the
11 provisions of sections 86.200 to 86.366;

12 [(18)] (19) "Reserve officer", any member of the police
13 reserve force of such cities, armed or unarmed, who works less
14 than full time, without compensation, and who, by his or her
15 assigned function or as implied by his or her uniform, performs
16 duties associated with those of a police officer and who
17 currently receives a service retirement as provided by sections
18 86.200 to 86.366;

19 [(19)] (20) "Retirement allowance", annual payments for
20 life as provided by sections 86.200 to 86.366 which shall be
21 payable in equal monthly installments or any benefits in lieu
22 thereof granted to a member upon termination of employment as a
23 police officer and actual retirement;

24 [(20)] (21) "Retirement system", the police retirement
25 system of the cities as defined in sections 86.200 to 86.366;

26 [(21)] (22) "Surviving spouse", the surviving spouse of a
27 member who was the member's spouse at the time of the member's
28 death.

29 86.257. 1. Upon the application of [a member in service or

1 of] the board of police commissioners or any successor body, any
2 member who has completed ten or more years of creditable service
3 or upon the police retirement system created by sections 86.200
4 to 86.366 first attaining, after the effective date of this act,
5 a funded ratio, as defined in section 105.660 and as determined
6 by the system's annual actuarial valuation, of at least eighty
7 percent, a member who has completed five or more years of
8 creditable service and who has become permanently unable to
9 perform the duties of a police officer as the result of an injury
10 or illness not exclusively caused or induced by the actual
11 performance of his or her official duties or by his or her own
12 negligence shall be retired by the board of [trustees of the
13 police retirement system] police commissioners or any successor
14 body upon certification by the medical [director] board of the
15 police retirement system and approval by the board of trustees of
16 the police retirement system that the member is mentally or
17 physically unable to perform the duties of a police officer, that
18 the inability is permanent or likely to become permanent, and
19 that the member should be retired.

20 2. Once each year during the first five years following
21 such member's retirement, and at least once in every three-year
22 period thereafter, the board of trustees may, and upon the
23 member's application shall, require any nonduty disability
24 beneficiary who has not yet attained sixty years of age to
25 undergo a medical examination at a place designated by the
26 medical [director] board or such physicians as the medical
27 [director] board appoints. If any nonduty disability beneficiary
28 who has not attained sixty years of age refuses to submit to a
29 medical examination, his or her nonduty disability pension may be

1 discontinued until his or her withdrawal of such refusal, and if
2 his or her refusal continues for one year, all rights in and to
3 such pension may be revoked by the board of trustees.

4 3. If the medical [director] board certifies to the board
5 of trustees that a nonduty disability beneficiary is able to
6 perform the duties of a police officer, and if the board of
7 trustees concurs on the report, then such beneficiary's nonduty
8 disability pension shall cease.

9 4. If upon cessation of a disability pension under
10 subsection 3 of this section, the former disability beneficiary
11 is restored to active service, he or she shall again become a
12 member, and he or she shall contribute thereafter at the same
13 rate as other members. Upon his or her subsequent retirement, he
14 or she shall be credited with all of his or her active
15 retirement, but not including any time during which the former
16 disability beneficiary received a disability pension under this
17 section.

18 86.263. 1. Any member in active service who is permanently
19 unable to perform the full and unrestricted duties of a police
20 officer as the natural, proximate, and exclusive result of an
21 accident occurring within the actual performance of duty at some
22 definite time and place, through no negligence on the member's
23 part, shall[, upon application,] be retired by the board of
24 police commissioners or any successor body upon certification by
25 [the medical director of the police retirement system and
26 approval by the board of trustees of the police retirement
27 system] one or more physicians of the medical board that the
28 member is mentally or physically unable to perform the full and
29 unrestricted duties of a police officer [and] , that the

1 inability is permanent or [reasonably] likely to become
2 permanent, and that the member should be retired. The inability
3 to perform the "full and unrestricted duties of a police officer"
4 means the member is unable to perform all the essential job
5 functions for the position of police officer as established by
6 the board of police commissioners or any successor body.

7 2. No member shall be approved for retirement under the
8 provisions of subsection 1 of this section unless the application
9 was made and submitted to the board of [trustees of the police
10 retirement system] police commissioners or any successor body no
11 later than five years following the date of accident, provided,
12 that if the accident was reported within five years of the date
13 of the accident and an examination made of the member within
14 thirty days of the date of accident by a health care provider
15 whose services were provided through the board of police
16 commissioners with subsequent examinations made as requested,
17 then an application made more than five years following the date
18 of the accident shall be considered timely.

19 3. Once each year during the first five years following a
20 member's retirement, and at least once in every three-year period
21 thereafter, the board of trustees may require any disability
22 beneficiary who has not yet attained sixty years of age to
23 undergo a medical examination or medical examinations at a place
24 designated by the medical [director] board or such physicians as
25 the medical [director] board appoints. If any disability
26 beneficiary who has not attained sixty years of age refuses to
27 submit to a medical examination, his or her disability pension
28 may be discontinued by the board of trustees of the police
29 retirement system until his or her withdrawal of such refusal,

1 and if his or her refusal continues for one year, all rights in
2 and to such pension may be revoked by the board of trustees.

3 4. If the medical [director] board certifies to the board
4 of trustees that a disability beneficiary is able to perform the
5 duties of a police officer, [and if the board of trustees concurs
6 with the medical director's determination,] then such
7 beneficiary's disability pension shall cease.

8 5. If upon cessation of a disability pension under
9 subsection 4 of this section, the former disability beneficiary
10 is restored to active service, he or she shall again become a
11 member, and he or she shall contribute thereafter at the same
12 rate as other members. Upon his or her subsequent retirement, he
13 or she shall be credited with all of his or her active service
14 time as a member including the service time prior to receiving
15 disability retirement, but not including any time during which
16 the former disability beneficiary received a disability pension
17 under this section.

18 6. If upon cessation of a disability pension under
19 subsection 4 of this section, the former disability beneficiary
20 is not restored to active service, such former disability
21 beneficiary shall be entitled to the retirement benefit to which
22 such former disability beneficiary would have been entitled if
23 such former disability beneficiary had terminated service for any
24 reason other than dishonesty or being convicted of a felony at
25 the time of such cessation of such former disability
26 beneficiary's disability pension. For purposes of such
27 retirement benefits, such former disability beneficiary shall be
28 credited with all of the former disability beneficiary's active
29 service time as a member, but not including any time during which

1 the former disability beneficiary received a disability
2 beneficiary pension under this section."; and
3 Further amend the title and enacting clause accordingly.