

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 980, Page 1, Section title, Line 5,

2 of the title, by inserting after "section" the following: "and
3 an emergency clause for a certain section"; and

4 Further amend said bill, Page 8, Section 105.683, Line 21 of
5 said page, by inserting after all of said line the following:

6 "169.070. 1. The retirement allowance of a member whose
7 age at retirement is sixty years or more and whose creditable
8 service is five years or more, or whose sum of age and creditable
9 service equals eighty years or more, or who has attained age
10 fifty-five and whose creditable service is twenty-five years or
11 more or whose creditable service is thirty years or more
12 regardless of age, may be the sum of the following items, not to
13 exceed one hundred percent of the member's final average salary:

14 (1) Two and five-tenths percent of the member's final
15 average salary for each year of membership service;

16 (2) Six-tenths of the amount payable for a year of
17 membership service for each year of prior service not exceeding
18 thirty years. In lieu of the retirement allowance otherwise
19 provided in subdivisions (1) and (2) of this subsection, a member
20 may elect to receive a retirement allowance of:

21 (3) Two and four-tenths percent of the member's final

1 average salary for each year of membership service, if the
2 member's creditable service is twenty-nine years or more but less
3 than thirty years, and the member has not attained age
4 fifty-five;

5 (4) Two and thirty-five-hundredths percent of the member's
6 final average salary for each year of membership service, if the
7 member's creditable service is twenty-eight years or more but
8 less than twenty-nine years, and the member has not attained age
9 fifty-five;

10 (5) Two and three-tenths percent of the member's final
11 average salary for each year of membership service, if the
12 member's creditable service is twenty-seven years or more but
13 less than twenty-eight years, and the member has not attained age
14 fifty-five;

15 (6) Two and twenty-five-hundredths percent of the member's
16 final average salary for each year of membership service, if the
17 member's creditable service is twenty-six years or more but less
18 than twenty-seven years, and the member has not attained age
19 fifty-five;

20 (7) Two and two-tenths percent of the member's final
21 average salary for each year of membership service, if the
22 member's creditable service is twenty-five years or more but less
23 than twenty-six years, and the member has not attained age
24 fifty-five;

25 (8) [Between July 1, 2001, and July 1, 2014,] Two and
26 fifty-five hundredths percent of the member's final average
27 salary for each year of membership service, if the member's
28 creditable service is thirty-one years or more regardless of age.

29 2. In lieu of the retirement allowance provided in

1 subsection 1 of this section, a member whose age is sixty years
2 or more on September 28, 1975, may elect to have the member's
3 retirement allowance calculated as a sum of the following items:

4 (1) Sixty cents plus one and five-tenths percent of the
5 member's final average salary for each year of membership
6 service;

7 (2) Six-tenths of the amount payable for a year of
8 membership service for each year of prior service not exceeding
9 thirty years;

10 (3) Three-fourths of one percent of the sum of subdivisions
11 (1) and (2) of this subsection for each month of attained age in
12 excess of sixty years but not in excess of age sixty-five.

13 3. (1) In lieu of the retirement allowance provided either
14 in subsection 1 or 2 of this section, collectively called "option
15 1", a member whose creditable service is twenty-five years or
16 more or who has attained the age of fifty-five with five or more
17 years of creditable service may elect in the member's application
18 for retirement to receive the actuarial equivalent of the
19 member's retirement allowance in reduced monthly payments for
20 life during retirement with the provision that:

21 Option 2. Upon the member's death the reduced retirement
22 allowance shall be continued throughout the life of and paid to
23 such person as has an insurable interest in the life of the
24 member as the member shall have nominated in the member's
25 election of the option, and provided further that if the person
26 so nominated dies before the retired member, the retirement
27 allowance will be increased to the amount the retired member
28 would be receiving had the retired member elected option 1;

29 OR

1 Option 3. Upon the death of the member three-fourths of the
2 reduced retirement allowance shall be continued throughout the
3 life of and paid to such person as has an insurable interest in
4 the life of the member and as the member shall have nominated in
5 an election of the option, and provided further that if the
6 person so nominated dies before the retired member, the
7 retirement allowance will be increased to the amount the retired
8 member would be receiving had the member elected option 1;

9 OR

10 Option 4. Upon the death of the member one-half of the
11 reduced retirement allowance shall be continued throughout the
12 life of, and paid to, such person as has an insurable interest in
13 the life of the member and as the member shall have nominated in
14 an election of the option, and provided further that if the
15 person so nominated dies before the retired member, the
16 retirement allowance shall be increased to the amount the retired
17 member would be receiving had the member elected option 1;

18 OR

19 Option 5. Upon the death of the member prior to the member
20 having received one hundred twenty monthly payments of the
21 member's reduced allowance, the remainder of the one hundred
22 twenty monthly payments of the reduced allowance shall be paid to
23 such beneficiary as the member shall have nominated in the
24 member's election of the option or in a subsequent nomination. If
25 there is no beneficiary so nominated who survives the member for
26 the remainder of the one hundred twenty monthly payments, the
27 total of the remainder of such one hundred twenty monthly
28 payments shall be paid to the surviving spouse, surviving
29 children in equal shares, surviving parents in equal shares, or

1 estate of the last person, in that order of precedence, to
2 receive a monthly allowance in a lump sum payment. If the total
3 of the one hundred twenty payments paid to the retired individual
4 and the beneficiary of the retired individual is less than the
5 total of the member's accumulated contributions, the difference
6 shall be paid to the beneficiary in a lump sum;

7 OR

8 Option 6. Upon the death of the member prior to the member
9 having received sixty monthly payments of the member's reduced
10 allowance, the remainder of the sixty monthly payments of the
11 reduced allowance shall be paid to such beneficiary as the member
12 shall have nominated in the member's election of the option or in
13 a subsequent nomination. If there is no beneficiary so nominated
14 who survives the member for the remainder of the sixty monthly
15 payments, the total of the remainder of such sixty monthly
16 payments shall be paid to the surviving spouse, surviving
17 children in equal shares, surviving parents in equal shares, or
18 estate of the last person, in that order of precedence, to
19 receive a monthly allowance in a lump sum payment. If the total
20 of the sixty payments paid to the retired individual and the
21 beneficiary of the retired individual is less than the total of
22 the member's accumulated contributions, the difference shall be
23 paid to the beneficiary in a lump sum.

24 (2) The election of an option may be made only in the
25 application for retirement and such application must be filed
26 prior to the date on which the retirement of the member is to be
27 effective. If either the member or the person nominated to
28 receive the survivorship payments dies before the effective date
29 of retirement, the option shall not be effective, provided that:

1 (a) If the member or a person retired on disability
2 retirement dies after acquiring twenty-five or more years of
3 creditable service or after attaining the age of fifty-five years
4 and acquiring five or more years of creditable service and before
5 retirement, except retirement with disability benefits, and the
6 person named by the member as the member's beneficiary has an
7 insurable interest in the life of the deceased member, the
8 designated beneficiary may elect to receive either survivorship
9 benefits under option 2 or a payment of the accumulated
10 contributions of the member. If survivorship benefits under
11 option 2 are elected and the member at the time of death would
12 have been eligible to receive an actuarial equivalent of the
13 member's retirement allowance, the designated beneficiary may
14 further elect to defer the option 2 payments until the date the
15 member would have been eligible to receive the retirement
16 allowance provided in subsection 1 or 2 of this section;

17 (b) If the member or a person retired on disability
18 retirement dies before attaining age fifty-five but after
19 acquiring five but fewer than twenty-five years of creditable
20 service, and the person named as the member's beneficiary has an
21 insurable interest in the life of the deceased member, the
22 designated beneficiary may elect to receive either a payment of
23 the member's accumulated contributions, or survivorship benefits
24 under option 2 to begin on the date the member would first have
25 been eligible to receive an actuarial equivalent of the member's
26 retirement allowance, or to begin on the date the member would
27 first have been eligible to receive the retirement allowance
28 provided in subsection 1 or 2 of this section.

29 4. If the total of the retirement or disability allowance

1 paid to an individual before the death of the individual is less
2 than the accumulated contributions at the time of retirement, the
3 difference shall be paid to the beneficiary of the individual, or
4 to the surviving spouse, surviving children in equal shares,
5 surviving parents in equal shares, or estate of the individual in
6 that order of precedence. If an optional benefit as provided in
7 option 2, 3 or 4 in subsection 3 of this section had been
8 elected, and the beneficiary dies after receiving the optional
9 benefit, and if the total retirement allowance paid to the
10 retired individual and the beneficiary of the retired individual
11 is less than the total of the contributions, the difference shall
12 be paid to the surviving spouse, surviving children in equal
13 shares, surviving parents in equal shares, or estate of the
14 beneficiary, in that order of precedence, unless the retired
15 individual designates a different recipient with the board at or
16 after retirement.

17 5. If a member dies and his or her financial institution is
18 unable to accept the final payment or payments due to the member,
19 the final payment or payments shall be paid to the beneficiary of
20 the member or, if there is no beneficiary, to the surviving
21 spouse, surviving children in equal shares, surviving parents in
22 equal shares, or estate of the member, in that order of
23 precedence, unless otherwise stated. If the beneficiary of a
24 deceased member dies and his or her financial institution is
25 unable to accept the final payment or payments, the final payment
26 or payments shall be paid to the surviving spouse, surviving
27 children in equal shares, surviving parents in equal shares, or
28 estate of the member, in that order of precedence, unless
29 otherwise stated.

1 6. If a member dies before receiving a retirement
2 allowance, the member's accumulated contributions at the time of
3 the death of the member shall be paid to the beneficiary of the
4 member or, if there is no beneficiary, to the surviving spouse,
5 surviving children in equal shares, surviving parents in equal
6 shares, or to the estate of the member, in that order of
7 precedence; except that, no such payment shall be made if the
8 beneficiary elects option 2 in subsection 3 of this section,
9 unless the beneficiary dies before having received benefits
10 pursuant to that subsection equal to the accumulated
11 contributions of the member, in which case the amount of
12 accumulated contributions in excess of the total benefits paid
13 pursuant to that subsection shall be paid to the surviving
14 spouse, surviving children in equal shares, surviving parents in
15 equal shares, or estate of the beneficiary, in that order of
16 precedence.

17 7. If a member ceases to be a public school employee as
18 herein defined and certifies to the board of trustees that such
19 cessation is permanent, or if the membership of the person is
20 otherwise terminated, the member shall be paid the member's
21 accumulated contributions with interest.

22 8. Notwithstanding any provisions of sections 169.010 to
23 169.141 to the contrary, if a member ceases to be a public school
24 employee after acquiring five or more years of membership service
25 in Missouri, the member may at the option of the member leave the
26 member's contributions with the retirement system and claim a
27 retirement allowance any time after reaching the minimum age for
28 voluntary retirement. When the member's claim is presented to
29 the board, the member shall be granted an allowance as provided

1 in sections 169.010 to 169.141 on the basis of the member's age,
2 years of service, and the provisions of the law in effect at the
3 time the member requests the member's retirement to become
4 effective.

5 9. The retirement allowance of a member retired because of
6 disability shall be nine-tenths of the allowance to which the
7 member's creditable service would entitle the member if the
8 member's age were sixty, or fifty percent of one-twelfth of the
9 annual salary rate used in determining the member's contributions
10 during the last school year for which the member received a year
11 of creditable service immediately prior to the member's
12 disability, whichever is greater, except that no such allowance
13 shall exceed the retirement allowance to which the member would
14 have been entitled upon retirement at age sixty if the member had
15 continued to teach from the date of disability until age sixty at
16 the same salary rate.

17 10. Notwithstanding any provisions of sections 169.010 to
18 169.141 to the contrary, from October 13, 1961, the contribution
19 rate pursuant to sections 169.010 to 169.141 shall be multiplied
20 by the factor of two-thirds for any member of the system for whom
21 federal Old Age and Survivors Insurance tax is paid from state or
22 local tax funds on account of the member's employment entitling
23 the person to membership in the system. The monetary benefits
24 for a member who elected not to exercise an option to pay into
25 the system a retroactive contribution of four percent on that
26 part of the member's annual salary rate which was in excess of
27 four thousand eight hundred dollars but not in excess of eight
28 thousand four hundred dollars for each year of employment in a
29 position covered by this system between July 1, 1957, and July 1,

1 1961, as provided in subsection 10 of this section as it appears
2 in RSMo, 1969, shall be the sum of:

3 (1) For years of service prior to July 1, 1946, six-tenths
4 of the full amount payable for years of membership service;

5 (2) For years of membership service after July 1, 1946, in
6 which the full contribution rate was paid, full benefits under
7 the formula in effect at the time of the member's retirement;

8 (3) For years of membership service after July 1, 1957, and
9 prior to July 1, 1961, the benefits provided in this section as
10 it appears in RSMo, 1959; except that if the member has at least
11 thirty years of creditable service at retirement the member shall
12 receive the benefit payable pursuant to that section as though
13 the member's age were sixty-five at retirement;

14 (4) For years of membership service after July 1, 1961, in
15 which the two-thirds contribution rate was paid, two-thirds of
16 the benefits under the formula in effect at the time of the
17 member's retirement.

18 11. The monetary benefits for each other member for whom
19 federal Old Age and Survivors Insurance tax is or was paid at any
20 time from state or local funds on account of the member's
21 employment entitling the member to membership in the system shall
22 be the sum of:

23 (1) For years of service prior to July 1, 1946, six-tenths
24 of the full amount payable for years of membership service;

25 (2) For years of membership service after July 1, 1946, in
26 which the full contribution rate was paid, full benefits under
27 the formula in effect at the time of the member's retirement;

28 (3) For years of membership service after July 1, 1957, in
29 which the two-thirds contribution rate was paid, two-thirds of

1 the benefits under the formula in effect at the time of the
2 member's retirement.

3 12. Any retired member of the system who was retired prior
4 to September 1, 1972, or beneficiary receiving payments under
5 option 1 or option 2 of subsection 3 of this section, as such
6 option existed prior to September 1, 1972, will be eligible to
7 receive an increase in the retirement allowance of the member of
8 two percent for each year, or major fraction of more than
9 one-half of a year, which the retired member has been retired
10 prior to July 1, 1975. This increased amount shall be payable
11 commencing with January, 1976, and shall thereafter be referred
12 to as the member's retirement allowance. The increase provided
13 for in this subsection shall not affect the retired member's
14 eligibility for compensation provided for in section 169.580 or
15 169.585, nor shall the amount being paid pursuant to these
16 sections be reduced because of any increases provided for in this
17 section.

18 13. If the board of trustees determines that the cost of
19 living, as measured by generally accepted standards, increases
20 two percent or more in the preceding fiscal year, the board shall
21 increase the retirement allowances which the retired members or
22 beneficiaries are receiving by two percent of the amount being
23 received by the retired member or the beneficiary at the time the
24 annual increase is granted by the board with the provision that
25 the increases provided for in this subsection shall not become
26 effective until the fourth January first following the member's
27 retirement or January 1, 1977, whichever later occurs, or in the
28 case of any member retiring on or after July 1, 2000, the
29 increase provided for in this subsection shall not become

1 effective until the third January first following the member's
2 retirement, or in the case of any member retiring on or after
3 July 1, 2001, the increase provided for in this subsection shall
4 not become effective until the second January first following the
5 member's retirement. Commencing with January 1, 1992, if the
6 board of trustees determines that the cost of living has
7 increased five percent or more in the preceding fiscal year, the
8 board shall increase the retirement allowances by five percent.
9 The total of the increases granted to a retired member or the
10 beneficiary after December 31, 1976, may not exceed eighty
11 percent of the retirement allowance established at retirement or
12 as previously adjusted by other subsections. If the cost of
13 living increases less than five percent, the board of trustees
14 may determine the percentage of increase to be made in retirement
15 allowances, but at no time can the increase exceed five percent
16 per year. If the cost of living decreases in a fiscal year,
17 there will be no increase in allowances for retired members on
18 the following January first.

19 14. The board of trustees may reduce the amounts which have
20 been granted as increases to a member pursuant to subsection 13
21 of this section if the cost of living, as determined by the board
22 and as measured by generally accepted standards, is less than the
23 cost of living was at the time of the first increase granted to
24 the member; except that, the reductions shall not exceed the
25 amount of increases which have been made to the member's
26 allowance after December 31, 1976.

27 15. Any application for retirement shall include a sworn
28 statement by the member certifying that the spouse of the member
29 at the time the application was completed was aware of the

1 application and the plan of retirement elected in the
2 application.

3 16. Notwithstanding any other provision of law, any person
4 retired prior to September 28, 1983, who is receiving a reduced
5 retirement allowance under option 1 or option 2 of subsection 3
6 of this section, as such option existed prior to September 28,
7 1983, and whose beneficiary nominated to receive continued
8 retirement allowance payments under the elected option dies or
9 has died, shall upon application to the board of trustees have
10 his or her retirement allowance increased to the amount he or she
11 would have been receiving had the option not been elected,
12 actuarially adjusted to recognize any excessive benefits which
13 would have been paid to him or her up to the time of application.

14 17. Benefits paid pursuant to the provisions of the public
15 school retirement system of Missouri shall not exceed the
16 limitations of Section 415 of Title 26 of the United States Code
17 except as provided pursuant to this subsection. Notwithstanding
18 any other law to the contrary, the board of trustees may
19 establish a benefit plan pursuant to Section 415(m) of Title 26
20 of the United States Code. Such plan shall be created solely for
21 the purpose described in Section 415(m)(3)(A) of Title 26 of the
22 United States Code. The board of trustees may promulgate
23 regulations necessary to implement the provisions of this
24 subsection and to create and administer such benefit plan.

25 18. Notwithstanding any other provision of law to the
26 contrary, any person retired before, on, or after May 26, 1994,
27 shall be made, constituted, appointed and employed by the board
28 as a special consultant on the matters of education, retirement
29 and aging, and upon request shall give written or oral opinions

1 to the board in response to such requests. As compensation for
2 such duties the person shall receive an amount based on the
3 person's years of service so that the total amount received
4 pursuant to sections 169.010 to 169.141 shall be at least the
5 minimum amounts specified in subdivisions (1) to (4) of this
6 subsection. In determining the minimum amount to be received,
7 the amounts in subdivisions (3) and (4) of this subsection shall
8 be adjusted in accordance with the actuarial adjustment, if any,
9 that was applied to the person's retirement allowance. In
10 determining the minimum amount to be received, beginning
11 September 1, 1996, the amounts in subdivisions (1) and (2) of
12 this subsection shall be adjusted in accordance with the
13 actuarial adjustment, if any, that was applied to the person's
14 retirement allowance due to election of an optional form of
15 retirement having a continued monthly payment after the person's
16 death. Notwithstanding any other provision of law to the
17 contrary, no person retired before, on, or after May 26, 1994,
18 and no beneficiary of such a person, shall receive a retirement
19 benefit pursuant to sections 169.010 to 169.141 based on the
20 person's years of service less than the following amounts:

21 (1) Thirty or more years of service, one thousand two
22 hundred dollars;

23 (2) At least twenty-five years but less than thirty years,
24 one thousand dollars;

25 (3) At least twenty years but less than twenty-five years,
26 eight hundred dollars;

27 (4) At least fifteen years but less than twenty years, six
28 hundred dollars.

29 19. Notwithstanding any other provisions of law to the

1 contrary, any person retired prior to May 26, 1994, and any
2 designated beneficiary of such a retired member who was deceased
3 prior to July 1, 1999, shall be made, constituted, appointed and
4 employed by the board as a special consultant on the matters of
5 education, retirement or aging and upon request shall give
6 written or oral opinions to the board in response to such
7 requests. Beginning September 1, 1996, as compensation for such
8 service, the member shall have added, pursuant to this
9 subsection, to the member's monthly annuity as provided by this
10 section a dollar amount equal to the lesser of sixty dollars or
11 the product of two dollars multiplied by the member's number of
12 years of creditable service. Beginning September 1, 1999, the
13 designated beneficiary of the deceased member shall as
14 compensation for such service have added, pursuant to this
15 subsection, to the monthly annuity as provided by this section a
16 dollar amount equal to the lesser of sixty dollars or the product
17 of two dollars multiplied by the member's number of years of
18 creditable service. The total compensation provided by this
19 section including the compensation provided by this subsection
20 shall be used in calculating any future cost-of-living
21 adjustments provided by subsection 13 of this section.

22 20. Any member who has retired prior to July 1, 1998, and
23 the designated beneficiary of a deceased retired member shall be
24 made, constituted, appointed and employed by the board as a
25 special consultant on the matters of education, retirement and
26 aging, and upon request shall give written or oral opinions to
27 the board in response to such requests. As compensation for such
28 duties the person shall receive a payment equivalent to eight and
29 seven-tenths percent of the previous month's benefit, which shall

1 be added to the member's or beneficiary's monthly annuity and
2 which shall not be subject to the provisions of subsections 13
3 and 14 of this section for the purposes of the limit on the total
4 amount of increases which may be received.

5 21. Any member who has retired shall be made, constituted,
6 appointed and employed by the board as a special consultant on
7 the matters of education, retirement and aging, and upon request
8 shall give written or oral opinions to the board in response to
9 such request. As compensation for such duties, the beneficiary
10 of the retired member, or, if there is no beneficiary, the
11 surviving spouse, surviving children in equal shares, surviving
12 parents in equal shares, or estate of the retired member, in that
13 order of precedence, shall receive as a part of compensation for
14 these duties a death benefit of five thousand dollars.

15 22. Any member who has retired prior to July 1, 1999, and
16 the designated beneficiary of a retired member who was deceased
17 prior to July 1, 1999, shall be made, constituted, appointed and
18 employed by the board as a special consultant on the matters of
19 education, retirement and aging, and upon request shall give
20 written or oral opinions to the board in response to such
21 requests. As compensation for such duties, the person shall have
22 added, pursuant to this subsection, to the monthly annuity as
23 provided by this section a dollar amount equal to five dollars
24 times the member's number of years of creditable service.

25 23. Any member who has retired prior to July 1, 2000, and
26 the designated beneficiary of a deceased retired member shall be
27 made, constituted, appointed and employed by the board as a
28 special consultant on the matters of education, retirement and
29 aging, and upon request shall give written or oral opinions to

1 the board in response to such requests. As compensation for such
2 duties, the person shall receive a payment equivalent to three
3 and five-tenths percent of the previous month's benefit, which
4 shall be added to the member or beneficiary's monthly annuity and
5 which shall not be subject to the provisions of subsections 13
6 and 14 of this section for the purposes of the limit on the total
7 amount of increases which may be received.

8 24. Any member who has retired prior to July 1, 2001, and
9 the designated beneficiary of a deceased retired member shall be
10 made, constituted, appointed and employed by the board as a
11 special consultant on the matters of education, retirement and
12 aging, and upon request shall give written or oral opinions to
13 the board in response to such requests. As compensation for such
14 duties, the person shall receive a dollar amount equal to three
15 dollars times the member's number of years of creditable service,
16 which shall be added to the member's or beneficiary's monthly
17 annuity and which shall not be subject to the provisions of
18 subsections 13 and 14 of this section for the purposes of the
19 limit on the total amount of increases which may be received.";
20 and

21 Further amend said bill and page, Section B, Line 23 of said
22 page, by inserting after all of said line the following:

23 "Section C. Because of the importance of providing an
24 additional retirement allowance option to Missouri teachers, the
25 repeal and reenactment of section 169.070 of this act is deemed
26 necessary for the immediate preservation of the public health,
27 welfare, peace and safety, and is hereby declared to be an
28 emergency act within the meaning of the constitution, and the
29 repeal and reenactment of section 169.070 of this act shall be in

1 full force and effect upon its passage and approval."; and
2 Further amend the title and enacting clause accordingly.