

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 831
99TH GENERAL ASSEMBLY

Reported from the Committee on Health and Pensions, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

1767S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 50.1190, 52.290, 56.363, 56.805, 56.807, 56.814, 56.818, 56.833, 56.840, 86.207, 104.1091, 104.1205, 137.280, 137.345, 140.100, 169.141, 169.324, 169.560, and 169.715, RSMo, and to enact in lieu thereof twenty new sections relating to the retirement of public employees, with effective dates for certain sections and an emergency clause for a certain section.

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

Section A. Sections 50.1190, 52.290, 56.363, 56.805, 56.807, 56.814, 56.818, 56.833, 56.840, 86.207, 104.1091, 104.1205, 137.280, 137.345, 140.100, 169.141, 169.324, 169.560, and 169.715, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 50.1190, 52.290, 56.363, 56.805, 56.807, 56.814, 56.818, 56.833, 56.840, 86.207, 104.1091, 104.1092, 104.1205, 137.280, 137.345, 140.100, 169.141, 169.324, 169.560, and 169.715, to read as follows:

50.1190. In addition to the fees collected under chapter 59, the county recorder of deeds in all counties, except in counties of the first classification having a charter form of government and any city not within a county, shall collect a [six-dollar] **nine-dollar** fee on all documents recorded or filed. The recorder shall transfer monthly all such fees and interest to the county treasurer. The treasurer shall forthwith transmit such fees and interest to the board for deposit in the county employees' retirement fund.

52.290. 1. In all counties except counties having a charter form of government before January 1, 2008, and any city not within a county, the collector shall collect on behalf of the county a fee for the collection of delinquent

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

4 and back taxes of ~~[seven]~~ **nine** percent on all sums collected to be added to the
5 face of the tax bill and collected from the party paying the tax. ~~[Two-sevenths]~~
6 **Of the nine percent** of the fees collected pursuant to the provisions of this
7 section, **two percent** shall be paid into the county general fund, ~~[two-sevenths]~~
8 of the fees collected pursuant to the provisions of this section] **two percent** shall
9 be paid into the tax maintenance fund of the county as required by section 52.312
10 and ~~[three-sevenths of the fees collected pursuant to the provisions of this~~
11 ~~section]~~ **five percent** shall be paid into the county employees' retirement fund
12 created by sections 50.1000 to 50.1200. Notwithstanding provisions of law to the
13 contrary, an authorization for collection of a fee for the collection of delinquent
14 and back taxes in a county's charter, at a rate different than the rate allowed by
15 law, shall control.

16 2. In all counties having a charter form of government, other than any
17 county adopting a charter form of government after January 1, 2008, and any city
18 not within a county, the collector shall collect on behalf of the county and pay into
19 the county general fund a fee for the collection of delinquent and back taxes of
20 two percent on all sums collected to be added to the face of the tax bill and
21 collected from the party paying the tax except that in a county with a charter
22 form of government and with more than two hundred fifty thousand but less than
23 seven hundred thousand inhabitants, the collector shall collect on behalf of the
24 county a fee for the collection of delinquent and back taxes of three percent on all
25 sums collected to be added to the face of the tax bill and collected from the party
26 paying the tax. If a county is required by section 52.312 to establish a tax
27 maintenance fund, one-third of the fees collected under this subsection shall be
28 paid into that fund; otherwise, all fees collected under the provisions of this
29 subsection shall be paid into the county general fund.

30 3. Such county collector may accept credit cards as proper form of
31 payment of outstanding delinquent and back taxes due. No county collector may
32 charge a surcharge for payment by credit card.

56.363. 1. The county commission of any county may on its own motion
2 and shall upon the petition of ten percent of the total number of people who voted
3 in the previous general election in the county submit to the voters at a general
4 or special election the proposition of making the county prosecutor a full-time
5 position. The commission shall cause notice of the election to be published in a
6 newspaper published within the county, or if no newspaper is published within
7 the county, in a newspaper published in an adjoining county, for three weeks

8 consecutively, the last insertion of which shall be at least ten days and not more
9 than thirty days before the day of the election, and by posting printed notices
10 thereof at three of the most public places in each township in the county. The
11 proposition shall be put before the voters substantially in the following form:

12 Shall the office of prosecuting attorney be made a full-time position
13 in County?

14 ☐ YES ☐ NO

15 If a majority of the voters voting on the proposition vote in favor of making the
16 county prosecutor a full-time position, it shall become effective upon the date that
17 the prosecutor who is elected at the next election subsequent to the passage of
18 such proposal is sworn into office. **The position shall then qualify for the**
19 **retirement benefits available to a full-time prosecutor of a county of the**
20 **first classification. Any county that elects to make the position of**
21 **prosecuting attorney full-time shall pay into the Missouri prosecuting**
22 **attorneys and circuit attorneys' retirement fund at the same**
23 **contribution amount as paid by counties of the first classification.**

24 2. The provisions of subsection 1 of this section notwithstanding, in any
25 county where the proposition of making the county prosecutor a full-time position
26 was submitted to the voters at a general election in 1998 and where a majority
27 of the voters voting on the proposition voted in favor of making the county
28 prosecutor a full-time position, the proposition shall become effective on May 1,
29 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999,
30 under the provisions of this subsection shall have the additional duty of providing
31 not less than three hours of continuing education to peace officers in the county
32 served by the prosecuting attorney in each year of the term beginning January
33 1, 1999.

34 3. In counties that, prior to August 28, 2001, have elected pursuant to this
35 section to make the position of prosecuting attorney a full-time position, the
36 county commission may at any time elect to have that position also qualify for the
37 retirement benefit available for a full-time prosecutor of a county of the first
38 classification. Such election shall be made by a majority vote of the county
39 commission and once made shall be irrevocable, unless the voters of the county
40 elect to change the position of prosecuting attorney back to a part-time position
41 under subsection 4 of this section. When such an election is made, the results
42 shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys'
43 retirement system fund, and the election shall be effective on the first day of

44 January following such election. Such election shall also obligate the county to
45 pay into the Missouri prosecuting attorneys and circuit attorneys' system
46 retirement fund the same retirement contributions for full-time prosecutors as are
47 paid by counties of the first classification.

48 4. In any county of the third classification without a township form of
49 government and with more than twelve thousand but fewer than fourteen
50 thousand inhabitants and with a city of the fourth classification with more than
51 one thousand seven hundred but fewer than one thousand nine hundred
52 inhabitants as the county seat that has elected to make the county prosecutor a
53 full-time position under this section after August 28, 2014, the county commission
54 may on its own motion and shall upon the petition of ten percent of the total
55 number of people who voted in the previous general election in the county submit
56 to the voters at a general or special election the proposition of changing the
57 full-time prosecutor position to a part-time position. The commission shall cause
58 notice of the election to be published in a newspaper published within the county,
59 or if no newspaper is published within the county, in a newspaper published in
60 an adjoining county, for three weeks consecutively, the last insertion of which
61 shall be at least ten days and not more than thirty days before the day of the
62 election, and by posting printed notices thereof at three of the most public places
63 in each township in the county. The proposition shall be put before the voters
64 substantially in the following form:

65 Shall the office of prosecuting attorney be made a part-time
66 position in County?

67 ☐ YES ☐ NO

68 If a majority of the voters vote in favor of making the county prosecutor a
69 part-time position, it shall become effective upon the date that the prosecutor who
70 is elected at the next election subsequent to the passage of such proposal is sworn
71 into office.

72 5. In any county that has elected to make the full-time position of county
73 prosecutor a part-time position under subsection 4 of this section, the county's
74 retirement contribution to the retirement system and the retirement benefit
75 earned by the member shall prospectively be that of a part-time prosecutor as
76 established in this chapter. Any retirement contribution made and retirement
77 benefit earned prior to the effective date of the voter-approved proposition under
78 subsection 4 of this section shall be maintained by the retirement system and
79 used to calculate the retirement benefit for such prior full-time position

80 service. Under no circumstances shall a member in a part-time prosecutor
81 position earn full-time position retirement benefit service accruals for time
82 periods after the effective date of the proposition changing the county prosecutor
83 back to a part-time position.

56.805. As used in sections 56.800 to 56.840, the following words and
2 terms mean:

3 (1) "Annuity", annual payments, made in equal monthly installments, to
4 a retired member from funds provided for, in, or authorized by, the provisions of
5 sections 56.800 to 56.840;

6 (2) "Average final compensation", the average compensation of an
7 employee for the two consecutive years prior to retirement when the employee's
8 compensation was greatest;

9 (3) "Board of trustees" or "board", the board of trustees established by the
10 provisions of sections 56.800 to 56.840;

11 (4) "Compensation", all salary and other compensation payable by a
12 county to an employee for personal services rendered as an employee, **including**
13 **any salary reduction amounts under a cafeteria plan that satisfies 26**
14 **U.S.C. Section 125 or an eligible deferred compensation plan that**
15 **satisfies 26 U.S.C. Section 457** but not including [travel and mileage]
16 reimbursement **for any expenses, any consideration for agreeing to**
17 **terminate employment, or any other nonrecurring or unusual payment**
18 **that is not part of regular remuneration;**

19 (5) "County", the city of St. Louis and each county in the state;

20 (6) "Creditable service", the sum of both membership service and
21 creditable prior service;

22 (7) "Effective date of the establishment of the system", August 28, 1989;

23 (8) "Employee", an elected or appointed prosecuting attorney or circuit
24 attorney who is employed by a county or a city not within a county;

25 (9) "Membership service", service as a prosecuting attorney or circuit
26 attorney after becoming a member that is creditable in determining the amount
27 of the member's benefits under this system;

28 (10) "Prior service", service of a member rendered prior to the effective
29 date of the establishment of the system which is creditable under section 56.823;

30 (11) "Retirement system" or "system", the prosecuting attorneys and
31 circuit attorneys' retirement system authorized by the provisions of sections
32 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter
2 until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys
3 provided for in subsection 2 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until
5 August 27, 2003, each county treasurer shall pay to the system the following
6 amounts to be drawn from the general revenues of the county:

7 (1) For counties of the third and fourth classification except as provided
8 in subdivision (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars
10 and sixty-seven cents;

11 (3) For counties of the first classification, and, except as otherwise
12 provided under section 56.363, counties which pursuant to section 56.363 elect to
13 make the position of prosecuting attorney a full-time position after August 28,
14 2001, or whose county commission has elected a full-time retirement benefit
15 pursuant to subsection 3 of section 56.363, and the city of St. Louis, one thousand
16 two hundred ninety-one dollars and sixty-seven cents.

17 3. Beginning August 28, 1989, and continuing until August 27, 2003, the
18 county treasurer shall at least monthly transmit the sums specified in subsection
19 2 of this section to the Missouri office of prosecution services for deposit to the
20 credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement
21 System Fund", which is hereby created. All moneys held by the state treasurer
22 on behalf of the system shall be paid to the system within ninety days after
23 August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit
24 attorneys' retirement system fund shall be used only for the purposes provided
25 in sections 56.800 to 56.840 and for no other purpose.

26 4. Beginning August 28, 2003, the funds for prosecuting attorneys and
27 circuit attorneys provided for in this section shall be paid from county or city
28 funds and the surcharge established in this section and collected as provided by
29 this section and sections 488.010 to 488.020.

30 5. (1) Beginning August 28, 2003, each county treasurer shall pay to the
31 system the following amounts to be drawn from the general revenues of the
32 county:

33 (a) For counties of the third and fourth classification except as provided
34 in paragraph (c) of this subdivision, one hundred eighty-seven dollars;

35 (b) For counties of the second classification, two hundred seventy-one
36 dollars;

37 (c) For counties of the first classification, counties which pursuant to
38 section 56.363 elect to make the position of prosecuting attorney a full-time
39 position after August 28, 2001, or whose county commission has elected a
40 full-time retirement benefit pursuant to subsection 3 of section 56.363, and the
41 City of St. Louis, six hundred forty-six dollars.

42 (2) Beginning August 28, 2015, the county contribution set forth in
43 paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in
44 accordance with the following schedule based upon the prosecuting attorneys and
45 circuit attorneys' retirement system's annual actuarial valuation report. If the
46 system's funding ratio is:

47 (a) One hundred twenty percent or more, no monthly sum shall be
48 transmitted;

49 (b) More than one hundred ten percent but less than one hundred twenty
50 percent, the monthly sum transmitted shall be reduced fifty percent;

51 (c) At least ninety percent and up to and including one hundred ten
52 percent, the monthly sum transmitted shall remain the same;

53 (d) At least eighty percent and less than ninety percent, the monthly sum
54 transmitted shall be increased fifty percent; and

55 (e) Less than eighty percent, the monthly sum transmitted shall be
56 increased one hundred percent.

57 6. Beginning August 28, 2003, the county treasurer shall at least monthly
58 transmit the sums specified in subsection 5 of this section to the Missouri office
59 of prosecution services for deposit to the credit of the Missouri prosecuting
60 attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri
61 prosecuting attorneys and circuit attorneys' retirement system fund shall be used
62 only for the purposes provided in sections 56.800 to 56.840, and for no other
63 purpose.

64 7. Beginning August 28, 2003, the following surcharge for prosecuting
65 attorneys and circuit attorneys shall be collected and paid as follows:

66 (1) There shall be assessed and collected a surcharge of four dollars in all
67 criminal cases filed in the courts of this state including violation of any county
68 ordinance, any violation of criminal or traffic laws of this state, including
69 infractions, and against any person who has pled guilty for any violation and paid
70 a fine through a fine collection center, but no such surcharge shall be assessed
71 when the costs are waived or are to be paid by the state, county, or municipality
72 or when a criminal proceeding or the defendant has been dismissed by the

73 court. For purposes of this section, the term "county ordinance" shall include any
74 ordinance of the City of St. Louis;

75 (2) The clerk responsible for collecting court costs in criminal cases shall
76 collect and disburse such amounts as provided by sections 488.010 to
77 488.026. Such funds shall be payable to the prosecuting attorneys and circuit
78 attorneys' retirement fund. Moneys credited to the prosecuting attorneys and
79 circuit attorneys' retirement fund shall be used only for the purposes provided for
80 in sections 56.800 to 56.840 and for no other purpose.

81 8. The board may accept gifts, donations, grants and bequests from
82 private or public sources to the Missouri prosecuting attorneys and circuit
83 attorneys' retirement system fund.

84 9. No state moneys shall be used to fund section 56.700 and sections
85 56.800 to 56.840 unless provided for by law.

86 **10. Beginning January first following the effective date of this**
87 **section, all members, who upon vesting and retiring are eligible to**
88 **receive a normal annuity equal to fifty percent of the final average**
89 **compensation and, as a condition of participation, shall contribute two**
90 **percent of their gross salary to the fund. Beginning on January 1, 2020,**
91 **each such member shall contribute four percent of their gross salary to**
92 **the fund. Each county treasurer shall deduct the appropriate amount**
93 **from the gross salary of the prosecuting attorney or circuit attorney**
94 **and, at least monthly, shall transmit the sum to the prosecuting**
95 **attorney and circuit attorney retirement system for deposit in the**
96 **prosecuting attorneys and circuit attorneys' retirement fund.**

97 11. Upon separation from the system, a nonvested member shall
98 receive a lump sum payment equal to the total contribution of the
99 member without interest or other increases in value.

100 12. Upon retirement and in the sole discretion of the board on
101 the advice of the actuary, a member shall receive a lump sum payment
102 equal to the total contribution of the member without interest or other
103 increases in value, but such lump sum shall not exceed twenty-five
104 percent of the final average compensation of the member. This amount
105 shall be in addition to any retirement benefits to which the member is
106 entitled.

107 13. Upon the death of a nonvested member or the death of a
108 vested member prior to retirement, the lump sum payment in

109 **subsection 11 or 12 of this section shall be made to the designated**
110 **beneficiary of the member or, if no beneficiary has been designated, to**
111 **the member's estate.**

56.814. 1. Any [member] **person who became a member prior to**
2 **January 1, 2019**, who has attained the age of sixty-two years and who has
3 twelve years or more of creditable service as prosecuting attorney or circuit
4 attorney may retire with a normal annuity.

5 **2. Any person who becomes a member on or after January 1,**
6 **2019, who has attained the age of sixty-five and who has twelve years**
7 **or more of creditable service as a prosecuting attorney or circuit**
8 **attorney may retire with a normal annuity.**

56.818. 1. Each member who retires on or after August 28, 1989, shall
2 receive each year an increase in the amount of benefits received by the member
3 during the preceding year equal to the increase in the consumer price index
4 calculated in the manner hereinafter provided [not to exceed] **of at least two**
5 **percent and not to exceed four percent** in any year. The total increase in the
6 amount of benefits received pursuant to the provisions of this subsection shall not
7 exceed fifty percent of the initial benefit which the member received upon
8 retirement.

9 **2. For the purposes of this section, any increase in the consumer price**
10 **index shall be determined by the board in May of each year, based upon the**
11 **consumer price index for the preceding calendar year over the consumer price**
12 **index for the calendar year immediately prior thereto. Any increase so**
13 **determined shall be applied by the board in calculating any benefit increases that**
14 **become payable under this section for the twelve-month period beginning with the**
15 **June first immediately following such determination.**

16 **3. An annual increase shall be payable monthly beginning on a date**
17 **specified by the board. Nothing in this section shall be construed to prohibit a**
18 **member from waiving his right to receive the annual increase provided pursuant**
19 **to this section. The waiver shall be final as to the annual increase waived.**

56.833. 1. Upon termination of employment, any [member with twelve or
2 more years of creditable service] **person who became a member prior to**
3 **January 1, 2019**, shall be entitled to a deferred normal annuity, payable at age
4 fifty-five with twelve or more years of creditable service. **Upon termination of**
5 **employment, any person who became a member on or after January 1,**
6 **2019, shall be entitled to a deferred normal annuity, payable at age**

7 **sixty with twelve or more years of creditable service.** Any member with
8 less than twelve years of creditable service shall forfeit all rights in the fund,
9 including the member's accrued creditable service as of the date of the member's
10 termination of employment.

11 2. A former member who has forfeited creditable service may have the
12 creditable service restored by again becoming an employee [and] **within ten**
13 **years of the date of the termination of employment,** completing four years
14 of continuous membership service, **and contributing an amount to the fund**
15 **equal to any lump sum payment received under subsections 11 and 12**
16 **of section 56.807. Notwithstanding any other provision of section**
17 **104.800 to the contrary, a former member shall not be entitled to**
18 **transfer creditable service into this retirement system unless the**
19 **member previously vested in this system.**

20 3. Absences for sickness or injury of less than twelve months shall be
21 counted as membership service.

56.840. 1. Annuity payments to retired employees under the provisions
2 of sections 56.800 to 56.840 shall be available beginning January first next
3 succeeding the expiration of two calendar years from the effective date of the
4 establishment of the system to eligible retired employees, and employees with at
5 least twelve years of creditable service shall have vested rights and upon reaching
6 the required age shall be entitled to retirement benefits.

7 2. All members serving as a prosecuting attorney or circuit
8 attorney in a county of the first classification, a county with a charter
9 form of government, or a city not within a county shall receive one year
10 of creditable service for each year served.

11 3. Members serving as a prosecuting attorney in counties that
12 elected to make the position of prosecuting attorney a full-time position
13 shall receive one year of creditable service for each year served as a
14 full-time prosecuting attorney and six-tenths of a year of creditable
15 service for each year served as a part-time prosecuting attorney.

16 4. Members restoring creditable service under subsection 2 of
17 section 56.833 shall receive one year of creditable service for each
18 restored year served as a full-time prosecuting attorney and six-tenths
19 of a year of creditable service for each restored year served as a part-
20 time prosecuting attorney. Unless otherwise permitted by law, no
21 member shall receive credit for any partial year of employment.

22 **5. Notwithstanding any provision of the law to the contrary, any**
23 **member who vested in the system as a part-time prosecuting attorney**
24 **and who ceased being a member for more than six months before**
25 **returning as a full-time prosecuting attorney shall be entitled only to**
26 **retirement benefits as a part-time prosecuting attorney. Any creditable**
27 **service earned by such an employee upon returning to the system as a**
28 **full-time prosecuting attorney shall begin a new vesting period subject**
29 **to the provision of the system in effect at the time of the member's**
30 **return. No member shall receive benefits while employed as a**
31 **prosecuting attorney or circuit attorney.**

86.207. 1. Except as provided herein, all persons who become policemen
2 and all policemen who enter or reenter the service of any city not within a county
3 after the first day of October, 1957, become members **of the system** as a
4 condition of their employment and **during the period of their membership**
5 shall receive no pensions or retirement allowance from any other pension or
6 retirement system supported wholly or in part by the city not within a county or
7 the state of Missouri, nor shall they be required to make contributions under any
8 other pension or retirement system of the city not within a county or the state of
9 Missouri for the same period of service[, anything to the contrary
10 notwithstanding. Any employee of a city not within a county who is earning
11 creditable service in a retirement plan established by said city under section
12 95.540 and subsequently becomes a policeman may elect to remain a member of
13 said retirement plan and shall not be required to become a member of a police
14 retirement system established under section 86.200. However,]. **Officers**
15 **employed by a city not within a county and occupying the position of**
16 **"Airport Police Officer" shall not be required to become members as a**
17 **condition of their employment.** An employee of a city not within a county
18 who is earning creditable service in a retirement plan established by said city
19 under section 95.540 and who subsequently becomes a policeman may elect to
20 transfer [membership and] creditable service to the police retirement system
21 created under [section] **sections 86.200 to 86.366.** Such transfers are subject
22 to the conditions and requirements contained in section 105.691 and are also
23 subject to any existing agreements between the said retirement plans[; provided
24 however, transfers completed prior to January 1, 2016, shall occur without regard
25 to the vesting requirements of the receiving plan contained in section 105.691].
26 As part of the transfer process described herein, the respective retirement plans

27 may require the employee to acknowledge and agree as a condition of transfer
28 that any election made under this section is irrevocable, constitutes a waiver of
29 any right to receive retirement and disability benefits except as provided by the
30 police retirement system, and that plan terms may be modified in the future.

31 2. If any member ceases to be in service for more than one year unless the
32 member has attained the age of fifty-five or has twenty years or more of
33 creditable service, or if the member withdraws the member's accumulated
34 contributions or if the member receives benefits under the retirement system or
35 dies, the member thereupon ceases to be a member; except in the case of a
36 member who has served in the Armed Forces of the United States and has
37 subsequently been reinstated as a policeman. A member who has terminated
38 employment as a police officer, has actually retired and is receiving retirement
39 benefits under the system shall be considered a retired member.

40 3. A reserve officer shall not be considered a member of the system for the
41 purpose of determining creditable service, nor shall any contributions be due. A
42 reserve officer shall not be entitled to any benefits from the system other than
43 those awarded when the reserve officer originally retired under section 86.250,
44 nor shall service as a reserve officer prohibit distribution of those benefits.

104.1091. 1. Notwithstanding any provision of the year 2000 plan to the
2 contrary, each person who first becomes an employee on or after January 1, 2011,
3 shall be a member of the year 2000 plan subject to the provisions of this section.

4 2. A member's normal retirement eligibility shall be as follows:

5 (1) The member's attainment of at least age sixty-seven and the
6 completion of at least ten years of credited service; or the member's attainment
7 of at least age fifty-five with the sum of the member's age and credited service
8 equaling at least ninety; or, in the case of a member who is serving as a
9 uniformed member of the highway patrol and subject to the mandatory retirement
10 provisions of section 104.081, such member's attainment of at least age sixty or
11 the attainment of at least age fifty-five with ten years of credited service;

12 (2) For members of the general assembly, the member's attainment of at
13 least age sixty-two and the completion of at least three full biennial assemblies;
14 or the member's attainment of at least age fifty-five with the sum of the member's
15 age and credited service equaling at least ninety;

16 (3) For statewide elected officials, the official's attainment of at least age
17 sixty-two and the completion of at least four years of credited service; or the
18 official's attainment of at least age fifty-five with the sum of the official's age and

19 credited service equaling at least ninety.

20 3. A vested former member's normal retirement eligibility shall be based
21 on the attainment of at least age sixty-seven and the completion of at least ten
22 years of credited service.

23 4. A temporary annuity paid pursuant to subsection 4 of section 104.1024
24 shall be payable if the member has attained at least age fifty-five with the sum
25 of the member's age and credited service equaling at least ninety; or in the case
26 of a member who is serving as a uniformed member of the highway patrol and
27 subject to the mandatory retirement provisions of section 104.081, the temporary
28 annuity shall be payable if the member has attained at least age sixty, or at least
29 age fifty-five with ten years of credited service.

30 5. A member, other than a member who is serving as a uniformed member
31 of the highway patrol and subject to the mandatory retirement provisions of
32 section 104.081, shall be eligible for an early retirement annuity upon the
33 attainment of at least age sixty-two and the completion of at least ten years of
34 credited service. A vested former member shall not be eligible for early
35 retirement.

36 6. The provisions of subsection 6 of section 104.1021 and section 104.344
37 as applied pursuant to subsection 7 of section 104.1021 and section 104.1090 shall
38 not apply to members covered by this section.

39 7. The minimum credited service requirements of five years contained in
40 sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for
41 members covered by this section. The normal and early retirement eligibility
42 requirements in this section shall apply for purposes of administering section
43 104.1087.

44 8. A member shall be required to contribute four percent of the member's
45 pay to the retirement system, which shall stand to the member's credit in his or
46 her individual account with the system, together with investment credits thereon,
47 for purposes of funding retirement benefits payable under the year 2000 plan,
48 subject to the following provisions:

49 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C.
50 Section 414(h)(2), shall pick up and pay the contributions that would otherwise
51 be payable by the member under this section. The contributions so picked up
52 shall be treated as employer contributions for purposes of determining the
53 member's pay that is includable in the member's gross income for federal income
54 tax purposes;

55 (2) Member contributions picked up by the employer shall be paid from
56 the same source of funds used for the payment of pay to a member. A deduction
57 shall be made from each member's pay equal to the amount of the member's
58 contributions picked up by the employer. This deduction, however, shall not
59 reduce the member's pay for purposes of computing benefits under the retirement
60 system pursuant to this chapter;

61 (3) Member contributions so picked up shall be credited to a separate
62 account within the member's individual account so that the amounts contributed
63 pursuant to this section may be distinguished from the amounts contributed on
64 an after-tax basis;

65 (4) The contributions, although designated as employee contributions,
66 shall be paid by the employer in lieu of the contributions by the member. The
67 member shall not have the option of choosing to receive the contributed amounts
68 directly instead of having them paid by the employer to the retirement system;

69 (5) Interest shall be credited annually on June thirtieth based on the
70 value in the account as of July first of the immediately preceding year at a rate
71 of four percent. Effective June 30, 2014, and each June thirtieth thereafter, the
72 interest crediting rate shall be equal to the investment rate that is published by
73 the United States Department of Treasury, or its successor agency, for fifty-two
74 week treasury bills for the relevant auction that is nearest to the preceding July
75 first, or a successor treasury bill investment rate as approved by the board if the
76 fifty-two week treasury bill is no longer issued. Interest credits shall cease upon
77 termination of employment if the member is not a vested former
78 member. Otherwise, interest credits shall cease upon retirement or death;

79 (6) A vested former member or a former member who is not vested may
80 request a refund of his or her contributions and interest credited thereon. If such
81 member is married at the time of such request, such request shall not be
82 processed without consent from the spouse. Such member is not eligible to
83 request a refund if such member's retirement benefit is subject to a division of
84 benefit order pursuant to section 104.1051. Such refund shall be paid by the
85 system after ninety days from the date of termination of employment or the
86 request, whichever is later, and shall include all contributions made to any
87 retirement plan administered by the system and interest credited thereon. A
88 vested former member may not request a refund after such member becomes
89 eligible for normal retirement. A vested former member or a former member who
90 is not vested who receives a refund shall forfeit all the member's credited service

91 and future rights to receive benefits from the system and shall not be eligible to
92 receive any long-term disability benefits; provided that any member or vested
93 former member receiving long-term disability benefits shall not be eligible for a
94 refund. If such member subsequently becomes an employee and works
95 continuously for at least one year, the credited service previously forfeited shall
96 be restored if the member returns to the system the amount previously refunded
97 plus interest at a rate established by the board;

98 (7) The beneficiary of any member who made contributions shall receive
99 a refund upon the member's death equal to the amount, if any, of such
100 contributions and interest credited thereon less any retirement benefits received
101 by the member unless an annuity is payable to a survivor or beneficiary as a
102 result of the member's death. In that event, the beneficiary of the survivor or
103 beneficiary who received the annuity shall receive a refund upon the survivor's
104 or beneficiary's death equal to the amount, if any, of the member's contributions
105 less any annuity amounts received by the member and the survivor or beneficiary.

106 9. The employee contribution rate, the benefits provided under the year
107 2000 plan to members covered under this section, and any other provision of the
108 year 2000 plan with regard to members covered under this section may be
109 altered, amended, increased, decreased, or repealed, but only with respect to
110 services rendered by the member after the effective date of such alteration,
111 amendment, increase, decrease, or repeal, or, with respect to interest credits, for
112 periods of time after the effective date of such alteration, amendment, increase,
113 decrease, or repeal.

114 10. For purposes of members covered by this section, the options under
115 section 104.1027 shall be as follows:

116 Option 1. A retiree's life annuity shall be reduced to a certain percent of
117 the annuity otherwise payable. Such percent shall be eighty-eight and one half
118 percent adjusted as follows: if the retiree's age on the annuity starting date is
119 younger than sixty-seven years, an increase of three-tenths of one percent for
120 each year the retiree's age is younger than age sixty-seven years; and if the
121 beneficiary's age is younger than the retiree's age on the annuity starting date,
122 a decrease of three-tenths of one percent for each year of age difference; and if the
123 retiree's age is younger than the beneficiary's age on the annuity starting date,
124 an increase of three-tenths of one percent for each year of age difference;
125 provided, after all adjustments the option 1 percent cannot exceed ninety-four and
126 one quarter percent. Upon the retiree's death, fifty percent of the retiree's

127 reduced annuity shall be paid to such beneficiary who was the retiree's spouse on
128 the annuity starting date or as otherwise provided by subsection 5 of this section.

129 Option 2. A retiree's life annuity shall be reduced to a certain percent of
130 the annuity otherwise payable. Such percent shall be eighty-one percent adjusted
131 as follows: if the retiree's age on the annuity starting date is younger than
132 sixty-seven years, an increase of four-tenths of one percent for each year the
133 retiree's age is younger than sixty-seven years; and if the beneficiary's age is
134 younger than the retiree's age on the annuity starting date, a decrease of
135 five-tenths of one percent for each year of age difference; and if the retiree's age
136 is younger than the beneficiary's age on the annuity starting date, an increase of
137 five-tenths of one percent for each year of age difference; provided, after all
138 adjustments the option 2 percent cannot exceed eighty-seven and three quarter
139 percent. Upon the retiree's death one hundred percent of the retiree's reduced
140 annuity shall be paid to such beneficiary who was the retiree's spouse on the
141 annuity starting date or as otherwise provided by subsection 5 of this section.

142 Option 3. A retiree's life annuity shall be reduced to ninety-three percent
143 of the annuity otherwise payable. If the retiree dies before having received one
144 hundred twenty monthly payments, the reduced annuity shall be continued for
145 the remainder of the one hundred twenty-month period to the retiree's designated
146 beneficiary provided that if there is no beneficiary surviving the retiree, the
147 present value of the remaining annuity payments shall be paid as provided under
148 subsection 3 of section 104.620. If the beneficiary survives the retiree but dies
149 before receiving the remainder of such one hundred twenty monthly payments,
150 the present value of the remaining annuity payments shall be paid as provided
151 under subsection 3 of section 104.620.

152 Option 4. A retiree's life annuity shall be reduced to eighty-six percent of
153 the annuity otherwise payable. If the retiree dies before having received one
154 hundred eighty monthly payments, the reduced annuity shall be continued for the
155 remainder of the one hundred eighty-month period to the retiree's designated
156 beneficiary provided that if there is no beneficiary surviving the retiree, the
157 present value of the remaining annuity payments shall be paid as provided under
158 subsection 3 of section 104.620. If the beneficiary survives the retiree but dies
159 before receiving the remainder of such one hundred eighty monthly payments, the
160 present value of the remaining annuity payments shall be paid as provided under
161 subsection 3 of section 104.620.

162 11. The provisions of subsection 6 of section 104.1024 shall not apply to

163 members covered by this section.

164 **12. Notwithstanding the other provisions of this section or the**
165 **year 2000 plan to the contrary, effective January 1, 2018, a member who**
166 **is not a statewide elected official or a member of the general assembly**
167 **shall be eligible for retirement under this subsection subject to the**
168 **following conditions:**

169 **(1) A member's normal retirement eligibility shall be based on**
170 **the attainment of at least age sixty-seven and the completion of at least**
171 **five years of credited service; or the member's attainment of at least**
172 **age fifty-five with the sum of the member's age and credited service**
173 **equaling at least ninety; or, in the case of a member who is serving as**
174 **a uniformed member of the highway patrol and subject to the**
175 **mandatory retirement provisions of section 104.081, such member's**
176 **attainment of at least age sixty or the attainment of at least age**
177 **fifty-five with five years of credited service;**

178 **(2) A vested former member's normal retirement eligibility shall**
179 **be based on the attainment of at least age sixty-seven and the**
180 **completion of at least five years of credited service;**

181 **(3) A temporary annuity paid under subsection 4 of section**
182 **104.1024 shall be payable if the member has attained at least age**
183 **fifty-five with the sum of the member's age and credited service**
184 **equaling at least ninety; or, in the case of a member who is serving as**
185 **a uniformed member of the highway patrol and subject to the**
186 **mandatory retirement provisions of section 104.081, the temporary**
187 **annuity shall be payable if the member has attained at least age sixty,**
188 **or at least age fifty-five with five years of credited service;**

189 **(4) A member, other than a member who is serving as a**
190 **uniformed member of the highway patrol and subject to the mandatory**
191 **retirement provisions of section 104.081, shall be eligible for an early**
192 **retirement annuity upon the attainment of at least age sixty-two and**
193 **the completion of at least five years of credited service. A vested**
194 **former member shall not be eligible for early retirement;**

195 **(5) The normal and early retirement eligibility requirements in**
196 **this subsection shall apply for purposes of administering section**
197 **104.1087;**

198 **(6) The survivor annuity payable under section 104.1030 for**
199 **vested former members covered by this section shall not be payable**

200 until the deceased member would have reached his or her normal
201 retirement eligibility under this subsection;

202 (7) The annual cost-of-living adjustment payable under section
203 104.1045 shall not commence until the second anniversary of a vested
204 former member's annuity starting date for members covered by this
205 subsection;

206 (8) The unused sick leave credit granted under subsection 2 of
207 section 104.1021 shall not apply to members covered by this subsection
208 unless the member terminates employment after reaching normal
209 retirement eligibility or becoming eligible for an early retirement
210 annuity under this subsection; and

211 (9) The minimum credited service requirements of five years
212 contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be
213 five years for members covered by this subsection.

104.1092. 1. In lieu of retirement annuity benefits otherwise
2 payable under the closed plan or year 2000 plan, any member who has
3 terminated employment, is entitled to a deferred annuity, and has not
4 yet reached normal retirement age or eligibility may make a one-time
5 election to receive a lump sum payment equal to a percentage of the
6 present value of such member's deferred annuity should a board choose
7 to establish such a program by board rule pursuant to section 104.1063.

8 2. Any such election under subsection 1 of this section may be
9 made by the member beginning on a date as established by the board
10 under such program but not after May 31, 2018. After May 31, 2018, no
11 such election shall be made and retirement annuity benefits will only
12 be paid as otherwise provided by law under this chapter.

13 3. Any such member making such election under subsection 1 of
14 this section shall forfeit all such member's creditable or credited
15 service and future rights to receive retirement annuity benefits from
16 the system under this chapter and shall not be eligible to receive any
17 long-term disability benefits. If such member subsequently becomes an
18 employee, such member shall be considered a new employee with no
19 prior credited service and shall be subject to the provisions of section
20 104.1091.

104.1205. The board of trustees of the Missouri state employees'
2 retirement system shall:

3 (1) Establish a defined contribution plan for outside employees which,

4 among other things, provides for immediate vesting;

5 (2) Select a third-party administrator to provide such services as the
6 board determines to be necessary for the proper administration of the defined
7 contribution plan;

8 (3) Select the investment products which shall be made available to the
9 participants in the defined contribution plan;

10 (4) Annually establish the contribution rate used for purposes of
11 subsection 3 of section 104.1066 for employees of institutions who are other than
12 outside employees, which shall be done by considering all such employees to be
13 part of the general employee population within the Missouri state employees'
14 retirement system;

15 (5) Establish the contribution rate for outside employees which shall be
16 equal to ~~[one]~~ **six** percent of payroll ~~[less than the normal cost contribution rate~~
17 ~~established pursuant to subdivision (4) of this section; and]~~;

18 (6) **Require outside employees hired on or after July 1, 2018, to**
19 **contribute two percent of the employee's pay to the defined**
20 **contribution plan which shall be credited to a separate account within**
21 **the outside employee's individual account. The employing institution,**
22 **pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up**
23 **and pay such contributions. The contributions so picked up shall be**
24 **treated as employer contributions for purposes of determining the**
25 **outside employee's pay that is includable in the outside employee's**
26 **gross income for federal income tax purposes. The outside employee's**
27 **contributions picked up by the employing institution shall be:**

28 (a) **Paid from the same source of funds used for the payment of**
29 **pay to an outside employee. A deduction shall be made from each**
30 **outside employee's pay equal to the amount of the outside employee's**
31 **contributions picked up by the employing institution; and**

32 (b) **Paid by the employing institution in lieu of the contributions**
33 **by the outside employee, although designated as employee**
34 **contributions. The outside employee shall not have the option of**
35 **choosing to receive the contributed amounts directly instead of having**
36 **them paid by the employing institution to the defined contribution**
37 **plan;**

38 (7) Establish such rules and regulations as may be necessary to carry out
39 the purposes of this section; **and**

40 **(8) Allow outside employees to contribute to a supplemental**
 41 **account established by the employer. Such employees may elect to**
 42 **change the contribution rate in accordance with the terms of the**
 43 **supplemental account.**

137.280. 1. Taxpayers' personal property lists, except those of merchants
 2 and manufacturers, and except those of railroads, public utilities, pipeline
 3 companies or any other person or corporation subject to special statutory
 4 requirements, such as chapter 151, who shall return and file their assessments
 5 on locally assessed property no later than April first, shall be delivered to the
 6 office of the assessor of the county between the first day of January and the first
 7 day of March each year and shall be signed and certified by the taxpayer as being
 8 a true and complete list or statement of all the taxable tangible personal
 9 property. If any person shall fail to deliver the required list to the assessor by
 10 the first day of March, the owner of the property which ought to have been listed
 11 shall be assessed a penalty added to the tax bill, based on the assessed value of
 12 the property that was not reported, as follows:

13	Assessed Valuation			Penalty
14	0	-	\$1,000	[\$10.00] \$15.00
15	\$1,001	-	\$2,000	[\$20.00] \$25.00
16	\$2,001	-	\$3,000	[\$30.00] \$35.00
17	\$3,001	-	\$4,000	[\$40.00] \$45.00
18	\$4,001	-	\$5,000	[\$50.00] \$55.00
19	\$5,001	-	\$6,000	[\$60.00] \$65.00
20	\$6,001	-	\$7,000	[\$70.00] \$75.00
21	\$7,001	-	\$8,000	[\$80.00] \$85.00
22	\$8,001	-	\$9,000	[\$90.00] \$95.00
23	\$9,001		and above	[\$100.00] \$105.00

24 The assessor in any county of the first classification without a charter form of
 25 government with a population of one hundred thousand or more inhabitants
 26 which contains all or part of a city with a population of three hundred fifty
 27 thousand or more inhabitants shall omit assessing the penalty in any case where
 28 he is satisfied the neglect is unavoidable and not willful or falls into one of the
 29 following categories. The assessor in all other political subdivisions shall omit
 30 assessing the penalty in any case where he is satisfied the neglect falls into at
 31 least one of the following categories:

32 (1) The taxpayer is in military service and is outside the state;

- 33 (2) The taxpayer filed timely, but in the wrong county;
- 34 (3) There was a loss of records due to fire or flood;
- 35 (4) The taxpayer can show the list was mailed timely as evidenced by the
36 date of postmark; or
- 37 (5) The assessor determines that no form for listing personal property was
38 mailed to the taxpayer for that tax year; or
- 39 (6) The neglect occurred as a direct result of the actions or inactions of the
40 county or its employees or contractors.

41 2. Between March first and April first, the assessor shall send to each
42 taxpayer who was sent an assessment list for the current tax year, and said list
43 was not returned to the assessor, a second notice that statutes require the
44 assessment list be returned immediately. In the event the taxpayer returns the
45 assessment list to the assessor before May first, the penalty described in
46 subsection 1 of this section shall not apply. If said assessment list is not
47 returned before May first by the taxpayer, the penalty shall apply.

48 3. It shall be the duty of the county commission and assessor to place on
49 the assessment rolls for the year all personal property discovered in the calendar
50 year which was taxable on January first of that year.

51 **4. By December thirty-first of each year, the assessor shall**
52 **transmit to the county employees' retirement fund an electronic or**
53 **paper copy of the log maintained under subsection 3 of section 50.1020**
54 **for the current calendar year and the previous calendar year. The**
55 **assessor shall also report to the county employees' retirement fund the**
56 **dollar amount associated with any penalty waiver granted by the**
57 **assessor. The county employees' retirement fund shall provide an**
58 **analysis of expected revenue from assessed penalties compared to the**
59 **actual revenue from assessed penalties to the joint committee on public**
60 **employee retirement.**

137.345. 1. If any person, corporation, partnership or association neglects
2 or refuses to deliver an itemized statement or list of all the taxable tangible
3 personal property signed and certified by the taxpayer, as required by section
4 137.340, by the first day of March, they shall be assessed a penalty added to the
5 tax bill, based on the assessed value of the property that was not reported, as
6 follows:

7	Assessed Valuation	Penalty
8	0 - \$1,000	[\$10.00] \$15.00

9	\$1,001	-	\$2,000	[\$20.00] \$25.00
10	\$2,001	-	\$3,000	[\$30.00] \$35.00
11	\$3,001	-	\$4,000	[\$40.00] \$45.00
12	\$4,001	-	\$5,000	[\$50.00] \$55.00
13	\$5,001	-	\$6,000	[\$60.00] \$65.00
14	\$6,001	-	\$7,000	[\$70.00] \$75.00
15	\$7,001	-	\$8,000	[\$80.00] \$85.00
16	\$8,001	-	\$9,000	[\$90.00] \$95.00
17	\$9,001		and above	[\$100.00] \$105.00

18 The assessor in any county of the first classification without a charter form of
 19 government with a population of one hundred thousand or more inhabitants
 20 which contains all or part of a city with a population of three hundred fifty
 21 thousand or more inhabitants shall omit assessing the penalty in any case where
 22 he is satisfied the neglect is unavoidable and not willful or falls into one of the
 23 following categories. The assessor in all other political subdivisions shall omit
 24 assessing the penalty in any case where he is satisfied the neglect falls into at
 25 least one of the following categories:

- 26 (1) The taxpayer is in military service and is outside the state;
- 27 (2) The taxpayer filed timely, but in the wrong county;
- 28 (3) There was a loss of records due to fire, theft, fraud or flood;
- 29 (4) The taxpayer can show the list was mailed timely as evidenced by the
 30 date of postmark; or
- 31 (5) The assessor determines that no form for listing personal property was
 32 mailed to the taxpayer for that tax year; or
- 33 (6) The neglect occurred as a direct result of the actions or inactions of the
 34 county or its employees or contractors.

35 2. It shall be the duty of the county commission and assessor to place on
 36 the assessment rolls for the year all property discovered in the calendar year
 37 which was taxable on January first of that year.

38 3. Between March first and April first, the assessor shall send to each
 39 taxpayer who was sent an assessment list for the current tax year, and said list
 40 was not returned to the assessor, a second notice that statutes require that the
 41 assessment list be returned immediately. In the event the taxpayer returns the
 42 assessment list to the assessor before May first, the penalty described in
 43 subsection 1 of this section shall not apply. If said assessment list is not
 44 returned before May first by the taxpayer, the penalty shall apply.

45 4. The assessor, in the absence of the owner failing to deliver a required
46 list of property is not required to furnish to the owner a duplicate of the
47 assessment as made.

48 5. In every instance where a taxpayer has appealed to the board of
49 equalization or the state tax commission the assessment of the taxpayer's
50 property, real or personal, and that appeal has been successful, then in the next
51 following and all subsequent years the basis upon which the assessor must base
52 future assessments of the subject property shall be the basis established by the
53 successful appeal and any increases must be established from that basis.

140.100. 1. Each tract of land in the back tax book, in addition to the
2 amount of tax delinquent, shall be charged with a penalty of eighteen percent of
3 each year's delinquency except that the penalty on lands redeemed prior to sale
4 shall not exceed two percent per month or fractional part thereof.

5 2. For making and recording the delinquent land lists, the collector and
6 the clerk shall receive ten cents per tract or lot and the clerk shall receive five
7 cents per tract or lot for comparing and authenticating such list.

8 **3. In all counties except counties having a charter form of**
9 **government before January 1, 2008, and any city not within a county,**
10 **in addition to the amount collected in subsection 2 of this section, for**
11 **making and recording the delinquent land lists, the collector and the**
12 **clerk shall each receive five dollars per tract or lot. The ten dollars**
13 **shall be paid into the county employees' retirement fund established**
14 **pursuant to section 50.1010.**

169.141. 1. Any person receiving a retirement allowance under sections
2 169.010 to 169.140, and who elected a reduced retirement allowance under
3 subsection 3 of section 169.070 with his spouse as the nominated beneficiary, may
4 nominate a successor beneficiary under either of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the
6 retired person may, upon remarriage, nominate the new spouse under the same
7 option elected in the application for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is
9 dissolved, and if the dissolution decree provides for sole retention by the retired
10 person of all rights in the retirement allowance, the retired person may, upon
11 remarriage, nominate the new spouse under the same option elected in the
12 application for retirement.

13 2. Any nomination of a successor beneficiary under subdivision (1) or (2)

14 of subsection 1 of this section must be made in accordance with procedures
15 established by the board of trustees, and must be filed within ninety days of May
16 6, 1993, or within [ninety days] **one year** of the remarriage, whichever later
17 occurs. Upon receipt of a successor nomination filed in accordance with those
18 procedures, the board shall adjust the retirement allowance to reflect actuarial
19 considerations of that nomination as well as previous beneficiary and successor
20 beneficiary nominations.

21 **3. Any person receiving a retirement allowance under sections**
22 **169.010 to 169.140 who elected a reduced retirement allowance under**
23 **subsection 3 of section 169.070 with his or her spouse as the nominated**
24 **beneficiary may have the retirement allowance increased to the amount**
25 **the retired member would be receiving had the retired member elected**
26 **option 1 if:**

27 (1) **The marriage of the retired person and the nominated spouse**
28 **is dissolved on or after September 1, 2017;**

29 (2) **The dissolution decree provides for sole retention by the**
30 **retired person of all rights in the retirement allowance; and**

31 (3) **The person receives a retirement allowance under subsection**
32 **3 of section 169.070.**

33 **Any such increase in the retirement allowance shall be effective upon**
34 **the receipt of an application for such increase and a certified copy of**
35 **the decree of dissolution that meets the requirements of this section.**

169.324. 1. The annual service retirement allowance payable pursuant
2 to section 169.320 shall be the retirant's number of years of creditable service
3 multiplied by a percentage of the retirant's average final compensation,
4 determined as follows:

5 (1) A retirant whose last employment as a regular employee ended prior
6 to June 30, 1999, shall receive an annual service retirement allowance payable
7 pursuant to section 169.320 in equal monthly installments for life equal to the
8 retirant's number of years of creditable service multiplied by one and three-
9 fourths percent of the person's average final compensation, subject to a maximum
10 of sixty percent of the person's average final compensation;

11 (2) A retirant whose number of years of creditable service is greater than
12 thirty-four and one-quarter on August 28, 1993, shall receive an annual service
13 retirement allowance payable pursuant to section 169.320 in equal monthly
14 installments for life equal to the retirant's number of years of creditable service

15 as of August 28, 1993, multiplied by one and three-fourths percent of the person's
16 average final compensation but shall not receive a greater annual service
17 retirement allowance based on additional years of creditable service after August
18 28, 1993;

19 (3) A retirant who was an active member of the retirement system at any
20 time on or after June 30, 1999, and who either retires before January 1, 2014, or
21 is a member of the retirement system on December 31, 2013, and remains a
22 member continuously to retirement shall receive an annual service retirement
23 allowance payable pursuant to section 169.320 in equal monthly installments for
24 life equal to the retirant's number of years of creditable service multiplied by two
25 percent of the person's average final compensation, subject to a maximum of sixty
26 percent of the person's final compensation;

27 (4) A retirant who becomes a member of the retirement system on or after
28 January 1, 2014, including any retirant who was a member of the retirement
29 system before January 1, 2014, but ceased to be a member for any reason other
30 than retirement, shall receive an annual service retirement allowance payable
31 pursuant to section 169.320 in equal monthly installments for life equal to the
32 retirant's number of years of creditable service multiplied by one and three-
33 fourths percent of the person's average final compensation, subject to a maximum
34 of sixty percent of the person's average final compensation;

35 (5) Notwithstanding the provisions of subdivisions (1) to (4) of this
36 subsection, effective January 1, 1996, any retirant who retired on, before or after
37 January 1, 1996, with at least twenty years of creditable service shall receive at
38 least three hundred dollars each month as a retirement allowance, or the
39 actuarial equivalent thereof if the retirant elected any of the options available
40 under section 169.326. Any retirant who retired with at least ten years of
41 creditable service shall receive at least one hundred fifty dollars each month as
42 a retirement allowance, plus fifteen dollars for each additional full year of
43 creditable service greater than ten years but less than twenty years (or the
44 actuarial equivalent thereof if the retirant elected any of the options available
45 under section 169.326). Any beneficiary of a deceased retirant who retired with
46 at least ten years of creditable service and elected one of the options available
47 under section 169.326 shall also be entitled to the actuarial equivalent of the
48 minimum benefit provided by this subsection, determined from the option chosen.

49 2. Except as otherwise provided in sections 169.331[, 169.580] and
50 169.585, payment of a retirant's retirement allowance will be suspended for any

51 month for which such person receives remuneration from the person's employer
52 or from any other employer in the retirement system established by section
53 169.280 for the performance of services except any such person other than a
54 person receiving a disability retirement allowance under section 169.322 may
55 serve as a nonregular substitute, part-time or temporary employee for not more
56 than six hundred hours in any school year without becoming a member and
57 without having the person's retirement allowance discontinued, provided that
58 through such substitute, part-time, or temporary employment, the person may
59 earn no more than fifty percent of the annual salary or wages the person was last
60 paid by the employer before the person retired and commenced receiving a
61 retirement allowance, adjusted for inflation. If a person exceeds such hours limit
62 or such compensation limit, payment of the person's retirement allowance shall
63 be suspended for the month in which such limit was exceeded and each
64 subsequent month in the school year for which the person receives remuneration
65 from any employer in the retirement system. **In addition to the conditions**
66 **set forth above, this subsection shall apply to any person retired and**
67 **currently receiving a retirement allowance under sections 169.270 to**
68 **169.400, other than for disability, who is employed by a third party or**
69 **is performing work as an independent contractor if the services**
70 **performed by such person are provided to or for the benefit of any**
71 **employer in the retirement system established under section**
72 **169.280. The retirement system may require the employer receiving**
73 **such services, the third-party employer, the independent contractor,**
74 **and the retirant subject to this subsection to provide documentation**
75 **showing compliance with this subsection. If such documentation is not**
76 **provided, the retirement system may deem the retirant to have**
77 **exceeded the limitations provided for in this subsection.** If a retirant is
78 reemployed by any employer in any capacity, whether pursuant to this section,
79 or section 169.331[, 169.580,] or 169.585, or as a regular employee, the amount
80 of such person's retirement allowance attributable to service prior to the person's
81 first retirement date shall not be changed by the reemployment. If the person
82 again becomes an active member and earns additional creditable service, upon the
83 person's second retirement the person's retirement allowance shall be the sum of:
84 (1) The retirement allowance the person was receiving at the time the
85 person's retirement allowance was suspended, pursuant to the payment option
86 elected as of the first retirement date, plus the amount of any increase in such

87 retirement allowance the person would have received pursuant to subsection 3 of
88 this section had payments not been suspended during the person's reemployment;
89 and

90 (2) An additional retirement allowance computed using the benefit
91 formula in effect on the person's second retirement date, the person's creditable
92 service following reemployment, and the person's average final annual
93 compensation as of the second retirement date. The sum calculated pursuant to
94 this subsection shall not exceed the greater of sixty percent of the person's
95 average final compensation as of the second retirement date or the amount
96 determined pursuant to subdivision (1) of this subsection. Compensation earned
97 prior to the person's first retirement date shall be considered in determining the
98 person's average final compensation as of the second retirement date if such
99 compensation would otherwise be included in determining the person's average
100 final compensation.

101 3. The board of trustees shall determine annually whether the investment
102 return on funds of the system can provide for an increase in benefits for retirants
103 eligible for such increase. A retirant shall and will be eligible for an increase
104 awarded pursuant to this section as of the second January following the date the
105 retirant commenced receiving retirement benefits. Any such increase shall also
106 apply to any monthly joint and survivor retirement allowance payable to such
107 retirant's beneficiaries, regardless of age. The board shall make such
108 determination as follows:

109 (1) After determination by the actuary of the investment return for the
110 preceding year as of December thirty-first (the "valuation year"), the actuary shall
111 recommend to the board of trustees what portion of the investment return is
112 available to provide such benefits increase, if any, and shall recommend the
113 amount of such benefits increase, if any, to be implemented as of the first day of
114 the thirteenth month following the end of the valuation year, and first payable
115 on or about the first day of the fourteenth month following the end of the
116 valuation year. The actuary shall make such recommendations so as not to affect
117 the financial soundness of the retirement system, recognizing the following
118 safeguards:

119 (a) The retirement system's funded ratio as of January first of the year
120 preceding the year of a proposed increase shall be at least one hundred percent
121 after adjusting for the effect of the proposed increase. The funded ratio is the
122 ratio of assets to the pension benefit obligation;

123 (b) The actuarially required contribution rate, after adjusting for the
124 effect of the proposed increase, may not exceed the then applicable employer and
125 member contribution rate as determined under subsection 4 of section 169.350;

126 (c) The actuary shall certify to the board of trustees that the proposed
127 increase will not impair the actuarial soundness of the retirement system;

128 (d) A benefit increase, under this section, once awarded, cannot be
129 reduced in succeeding years;

130 (2) The board of trustees shall review the actuary's recommendation and
131 report and shall, in their discretion, determine if any increase is prudent and, if
132 so, shall determine the amount of increase to be awarded.

133 4. This section does not guarantee an annual increase to any retirant.

134 5. If an inactive member becomes an active member after June 30, 2001,
135 and after a break in service, unless the person earns at least four additional
136 years of creditable service without another break in service, upon retirement the
137 person's retirement allowance shall be calculated separately for each separate
138 period of service ending in a break in service. The retirement allowance shall be
139 the sum of the separate retirement allowances computed for each such period of
140 service using the benefit formula in effect, the person's average final
141 compensation as of the last day of such period of service and the creditable
142 service the person earned during such period of service; provided, however, if the
143 person earns at least four additional years of creditable service without another
144 break in service, all of the person's creditable service prior to and including such
145 service shall be aggregated and, upon retirement, the retirement allowance shall
146 be computed using the benefit formula in effect and the person's average final
147 compensation as of the last day of such period of four or more years and all of the
148 creditable service the person earned prior to and during such period.

149 6. Notwithstanding anything contained in this section to the contrary, the
150 amount of the annual service retirement allowance payable to any retirant
151 pursuant to the provisions of sections 169.270 to 169.400, including any
152 adjustments made pursuant to subsection 3 of this section, shall at all times
153 comply with the provisions and limitations of Section 415 of the Internal Revenue
154 Code of 1986, as amended, and the regulations thereunder, the terms of which are
155 specifically incorporated herein by reference.

156 7. All retirement systems established by the laws of the state of Missouri
157 shall develop a procurement action plan for utilization of minority and women
158 money managers, brokers and investment counselors. Such retirement systems

159 shall report their progress annually to the joint committee on public employee
160 retirement and the governor's minority advocacy commission.

169.560. Any person retired and currently receiving a retirement
2 allowance pursuant to sections 169.010 to 169.141, other than for disability, may
3 be employed in any capacity in a district included in the retirement system
4 created by those sections on either a part-time or temporary-substitute basis not
5 to exceed a total of five hundred fifty hours in any one school year, and through
6 such employment may earn up to fifty percent of the annual compensation
7 payable under the [employing] district's salary schedule for the position or
8 positions filled by the retiree, given such person's level of experience and
9 education, without a discontinuance of the person's retirement allowance. If the
10 [employing] school district does not utilize a salary schedule, or if the position in
11 question is not subject to the [employing] district's salary schedule, a retiree
12 employed in accordance with the provisions of this section may earn up to fifty
13 percent of the annual compensation paid to the person or persons who last held
14 such position or positions. If the position or positions did not previously exist,
15 the compensation limit shall be determined in accordance with rules duly adopted
16 by the board of trustees of the retirement system; provided that, it shall not
17 exceed fifty percent of the annual compensation payable for the position in the
18 [employing] school district that is most comparable to the position filled by the
19 retiree. In any case where a retiree fills more than one position during the school
20 year, the fifty-percent limit on permitted earning shall be based solely on the
21 annual compensation of the highest paid position occupied by the retiree for at
22 least one-fifth of the total hours worked during the year. Such a person shall not
23 contribute to the retirement system or to the public education employee
24 retirement system established by sections 169.600 to 169.715 because of earnings
25 during such period of employment. If such a person is employed in any capacity
26 by such a district [on a regular, full-time basis,] **in excess of the limitations**
27 **set forth in this section**, the person shall not be eligible to receive the person's
28 retirement allowance for any month during which the person is so employed
29 [and]. **In addition, such person** shall contribute to the retirement system **if**
30 **the person satisfies the retirement system's membership eligibility**
31 **requirements. In addition to the conditions set forth above, this section**
32 **shall apply to any person retired and currently receiving a retirement**
33 **allowance under sections 169.010 to 169.141, other than for disability,**
34 **who is employed by a third party or is performing work as an**

35 **independent contractor, if such person is performing work in a district**
36 **included in the retirement system as a temporary or long-term**
37 **substitute teacher or in any other position that would normally require**
38 **that person to be duly certificated under the laws governing the**
39 **certification of teachers in Missouri if such person was employed by the**
40 **district. The retirement system may require the district, the third-**
41 **party employer, the independent contractor, and the retiree subject to**
42 **this section to provide documentation showing compliance with this**
43 **section. If such documentation is not provided, the retirement system**
44 **may deem the retiree to have exceeded the limitations provided in this**
45 **section.**

169.715. 1. Any person receiving a retirement allowance under sections
2 169.600 to 169.712, and who elected a reduced retirement allowance under
3 subsection 4 of section 169.670 with his spouse as the nominated beneficiary, may
4 nominate a successor beneficiary under either of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the
6 retired person may, upon remarriage, nominate the new spouse under the same
7 option elected in the application for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is
9 dissolved, and if the dissolution decree provides for sole retention by the retired
10 person of all rights in the retirement allowance, the retired person may, upon
11 remarriage, nominate the new spouse under the same option elected in the
12 application for retirement.

13 2. Any nomination of a successor beneficiary under subdivision (1) or (2)
14 of subsection 1 of this section must be made in accordance with procedures
15 established by the board of trustees, and must be filed within ninety days of May
16 6, 1993, or within [ninety days] **one year** of the remarriage, whichever later
17 occurs. Upon receipt of a successor nomination filed in accordance with those
18 procedures, the board shall adjust the retirement allowance to reflect actuarial
19 considerations of that nomination as well as previous beneficiary and successor
20 beneficiary nominations.

21 **3. Any person receiving a retirement allowance under sections**
22 **169.600 to 169.715 who elected a reduced retirement allowance under**
23 **subsection 4 of section 169.670 with his or her spouse as the nominated**
24 **beneficiary may have the retirement allowance increased to the amount**
25 **the retired member would be receiving had the retired member elected**

26 **option 1 if:**

27 **(1) The marriage of the retired person and the nominated spouse**
28 **is dissolved on or after September 1, 2017;**

29 **(2) The dissolution decree provides for sole retention by the**
30 **retired person of all rights in the retirement allowance; and**

31 **(3) The person receives a retirement allowance under subsection**
32 **4 of section 169.670.**

33 **Any such increase in the retirement allowance shall be effective upon**
34 **the receipt of an application for such increase and a certified copy of**
35 **the decree of dissolution that meets the requirements of this section.**

Section B. The repeal and reenactment of section 104.1205 of this act
2 shall become effective July 1, 2018.

Section C. The repeal and reenactment of sections 50.1190, 52.290,
2 137.280, 137.345, and 140.100 of this act shall become effective January 1, 2018.

Section D. Because immediate action is necessary to meet the
2 requirements of the Social Security Administration and to prevent the expulsion
3 of Missouri airport officers from the Social Security Program, the repeal and
4 reenactment of section 86.207 of this act is deemed necessary for the immediate
5 preservation of the public health, welfare, peace and safety, and is hereby
6 declared to be an emergency act within the meaning of the constitution, and the
7 repeal and reenactment of section 86.207 of this act shall be in full force and
8 effect upon its passage and approval.

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