

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 17

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 1, 2018, and ordered printed.

Read 2nd time January 17, 2019, and referred to the Committee on Health and Pensions.

Reported from the Committee January 31, 2019, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 7, 2019. Read 3rd time and placed upon its final passage; bill passed.

ADRIANE D. CROUSE, Secretary.

0446S.02P

AN ACT

To repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri, with an emergency clause.

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

Section A. Section 169.560, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 169.560, to read as follows:

169.560. 1. 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 for an employer 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 employer's salary schedule for the position or positions filled
8 by the retiree, given such person's level of experience and education, without a
9 discontinuance of the person's retirement allowance. If the employer does not
10 utilize a salary schedule, or if the position in question is not subject to the
11 employer's salary schedule, a retiree employed in accordance with the provisions
12 of this subsection may earn up to fifty percent of the annual compensation paid
13 to the person or persons who last held such position or positions. If the position
14 or positions did not previously exist, the compensation limit shall be determined
15 in accordance with rules duly adopted by the board of trustees of the retirement
16 system; provided that, it shall not exceed fifty percent of the annual compensation
17 payable for the position by the employer that is most comparable to the position

18 filled by the retiree. In any case where a retiree fills more than one position
19 during the school year, the fifty-percent limit on permitted earning shall be based
20 solely on the annual compensation of the highest paid position occupied by the
21 retiree for at least one-fifth of the total hours worked during the year. Such a
22 person shall not contribute to the retirement system or to the public education
23 employee retirement system established by sections 169.600 to 169.715 because
24 of earnings during such period of employment. If such a person is employed in
25 any capacity by such an employer in excess of the limitations set forth in this
26 subsection, the person shall not be eligible to receive the person's retirement
27 allowance for any month during which the person is so employed. In addition,
28 such person shall contribute to the retirement system if the person satisfies the
29 retirement system's membership eligibility requirements. In addition to the
30 conditions set forth above, this subsection shall apply to any person retired and
31 currently receiving a retirement allowance under sections 169.010 to 169.141,
32 other than for disability, who is employed by a third party or is performing work
33 as an independent contractor, if such person is performing work for an employer
34 included in the retirement system as a temporary or long-term substitute teacher
35 or in any other position that would normally require that person to be duly
36 certificated under the laws governing the certification of teachers in Missouri if
37 such person was employed by the district. The retirement system may require
38 the employer, the third-party employer, the independent contractor, and the
39 retiree subject to this subsection to provide documentation showing compliance
40 with this subsection. If such documentation is not provided, the retirement
41 system may deem the retiree to have exceeded the limitations provided in this
42 subsection.

43 2. Notwithstanding any other provision of this section, any person retired
44 and currently receiving a retirement allowance in accordance with sections
45 169.010 to 169.141, other than for disability, may be employed by an employer
46 included in the retirement system created by those sections in a position that
47 does not normally require a person employed in that position to be duly
48 certificated under the laws governing the certification of teachers in Missouri,
49 and through such employment may earn up to sixty percent of the minimum
50 teacher's salary as set forth in section 163.172, without a discontinuance of the
51 person's retirement allowance. Such person shall not contribute to the retirement
52 system or to the public education employee retirement system established by
53 sections 169.600 to 169.715 because of earnings during such period of

54 employment, and such person shall not earn membership service for such
55 employment. The employer's contribution rate shall be paid by the hiring
56 employer into the public education employee retirement system established by
57 sections 169.600 to 169.715. If such a person is employed in any capacity by an
58 employer in excess of the limitations set forth in this subsection, the person shall
59 not be eligible to receive the person's retirement allowance for any month during
60 which the person is so employed. In addition, such person shall become a
61 member of and contribute to any retirement system described in this subsection
62 if the person satisfies the retirement system's membership eligibility
63 requirements. **The provisions of this subsection shall not apply to any**
64 **person retired and currently receiving a retirement allowance in**
65 **accordance with sections 169.010 to 169.141 employed by a public**
66 **community college.**

Section B. Because of the importance of retired members of the Public
2 School Retirement System in providing course instruction at public community
3 colleges, section A of this act is deemed necessary for the immediate preservation
4 of the public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act
6 shall be in full force and effect upon its passage and approval.

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