

SENATE BILL NO. 712

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

3496S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 169.141 and 169.715, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits for certain public school employees.

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

Section A. Sections 169.141 and 169.715, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 169.141 and 169.715, to read as follows:

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

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

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

17 2. Any nomination of a successor beneficiary under
18 subdivision (1) or (2) of subsection 1 of this section must

19 be made in accordance with procedures established by the
20 board of trustees, and must be filed within ninety days of
21 May 6, 1993, or within one year of the remarriage, whichever
22 later occurs. Upon receipt of a successor nomination filed
23 in accordance with those procedures, the board shall adjust
24 the retirement allowance to reflect actuarial considerations
25 of that nomination as well as previous beneficiary and
26 successor beneficiary nominations.

27 3. Any person receiving a retirement allowance under
28 sections 169.010 to 169.140 who elected a reduced retirement
29 allowance under subsection 3 of section 169.070 with his or
30 her spouse as the nominated beneficiary may have the
31 retirement allowance increased to the amount the retired
32 member would be receiving had the retired member elected
33 option 1 if:

34 (1) The marriage of the retired person and the
35 nominated spouse is dissolved on or after September 1, 2017,
36 and the dissolution decree provides for sole retention by
37 the retired person of all rights in the retirement
38 allowance; or

39 (2) The marriage of the retired person and the
40 nominated spouse was dissolved before September 1, 2017, and:

41 (a) The dissolution decree provides for sole retention
42 by the retired person of all rights in the retirement
43 allowance, and the parties obtain an amended or modified
44 dissolution decree after September 1, 2017, providing for
45 the immediate removal of the nominated spouse, or the
46 nominated spouse consents in writing to his or her immediate
47 removal as nominated beneficiary and disclaims all rights to
48 future benefits to the satisfaction of the board of
49 trustees; or

50 (b) The dissolution decree does not provide for sole
51 retention by the retired person of all rights in the
52 retirement allowance and the parties obtain an amended or
53 modified dissolution decree after September 1, 2017, which
54 provides for sole retention by the retired person of all
55 rights in the retirement allowance; and

56 (3) The person receives a retirement allowance under
57 subsection 3 of section 169.070.

58 Any such increase in the retirement allowance shall be
59 effective upon the receipt of an application for such
60 increase and a certified copy of the decree of dissolution
61 and separation agreement, if applicable, that meets the
62 requirements of this section.

63 **4. Any person receiving a retirement allowance under**
64 **sections 169.010 to 169.140 who, on or before September 1,**
65 **2015, elected a reduced retirement allowance under**
66 **subsection 3 of section 169.070 with his or her same-sex**
67 **domestic partner as the nominated beneficiary may have the**
68 **retirement allowance increased to the amount the retired**
69 **member would be receiving had the retired member elected**
70 **option 1 if:**

71 (1) The retired person executes an affidavit attesting
72 to the existence of a same-sex domestic partnership at the
73 time of the nomination of the beneficiary and that the same-
74 sex domestic partnership has since ended, with such
75 supporting information and documentation as required by the
76 board of trustees;

77 (2) The nominated beneficiary consents in writing to
78 his or her immediate removal as nominated beneficiary and
79 disclaims all rights to future benefits to the satisfaction
80 of the board of trustees, or the parties obtain a court

81 order or judgment after September 1, 2022, which provides
82 that the nominated beneficiary may be removed;

83 (3) If the retired person and the nominated
84 beneficiary were legally married in a state that recognized
85 same-sex marriage at the time of retirement or have since
86 become legally married, the marriage must be dissolved and
87 the dissolution decree must provide for sole retention by
88 the retired person of all rights in the retirement
89 allowance; and

90 (4) The person receives a retirement allowance under
91 subsection 3 of section 169.070.

92 5. Any person receiving a retirement allowance under
93 sections 169.010 to 169.140, who, on or before September 1,
94 2015, elected a reduced retirement allowance under
95 subsection 3 of section 169.070 with his or her same-sex
96 domestic partner as the nominated beneficiary, may nominate
97 a successor beneficiary under the following circumstances:

98 (1) If the nominated same-sex domestic partner
99 precedes the retired person in death, and the retired person
100 executes an affidavit attesting to the existence of the same-
101 sex domestic partnership at the time of the nomination of
102 the beneficiary, the retired person may, upon a later
103 marriage, nominate his or her spouse under the same option
104 elected in the application for retirement; or

105 (2) If the retired person executes an affidavit
106 attesting to the existence of the same-sex domestic
107 partnership at the time of the nomination of the beneficiary
108 and that the same-sex domestic partnership has since ended,
109 and the nominated same-sex domestic partner consents in
110 writing to his or her immediate removal as nominated
111 beneficiary and disclaims all rights to future benefits to
112 the satisfaction of the board of trustees or the parties

113 obtain a court order or judgment after September 1, 2022,
114 which provides that the nominated beneficiary may be
115 removed, the retired person may, upon a later marriage,
116 nominate his or her spouse under the same option elected in
117 the application for retirement;

118 (3) In addition to the requirements of subsection (2)
119 of this section, if the retired person and the nominated
120 beneficiary were legally married in a state that recognized
121 same-sex marriage at the time of retirement or have since
122 become legally married, the marriage must be dissolved and
123 the dissolution decree must provide for sole retention by
124 the retired person of all rights in the retirement allowance.

125 6. Any nomination of successor beneficiary under
126 subdivision (1) or (2) of subsection 5 of this section shall
127 be made in accordance with procedures established by the
128 board of trustees, and shall be filed within one year of
129 September 1, 2022, or within one year of the marriage of the
130 retired person and successor beneficiary, whichever later
131 occurs. Upon receipt of a successor nomination filed in
132 accordance with those procedures, the board shall adjust the
133 retirement allowance to reflect actuarial considerations of
134 that nomination as well as previous beneficiary and
135 successor beneficiary nominations.

136 7. For purposes of this section, the definition of
137 "same-sex domestic partners" shall be individuals of the
138 same sex who are at least eighteen years of age, who are not
139 related to a degree that would prohibit their marriage in
140 the law of the state where they reside, who are not married
141 to or a domestic partner of another person, and who live
142 together in a long-term relationship of indefinite duration
143 with an exclusive mutual commitment in which the domestic
144 partners agree to be jointly responsible for their common

145 **welfare and to share financial obligations. For purposes of**
146 **this section, "same-sex domestic partners" shall also**
147 **include individuals of the same sex who were legally married**
148 **in a state that recognized same-sex marriage.**

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

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

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

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

27 3. Any person receiving a retirement allowance under
28 sections 169.600 to 169.715 who elected a reduced retirement

29 allowance under subsection 4 of section 169.670 with his or
30 her spouse as the nominated beneficiary may have the
31 retirement allowance increased to the amount the retired
32 member would be receiving had the retired member elected
33 option 1 if:

34 (1) The marriage of the retired person and the
35 nominated spouse is dissolved on or after September 1, 2017,
36 and the dissolution decree provides for sole retention by
37 the retired person of all rights in the retirement
38 allowance; or

39 (2) The marriage of the retired person and the
40 nominated spouse was dissolved before September 1, 2017, and:

41 (a) The dissolution decree provides for sole retention
42 by the retired person of all rights in the retirement
43 allowance, and the parties obtain an amended or modified
44 dissolution decree after September 1, 2017, providing for
45 the immediate removal of the nominated spouse, or the
46 nominated spouse consents in writing to his or her immediate
47 removal as nominated beneficiary and disclaims all rights to
48 future benefits to the satisfaction of the board of
49 trustees; or

50 (b) The dissolution decree does not provide for sole
51 retention by the retired person of all rights in the
52 retirement allowance and the parties obtain an amended or
53 modified dissolution decree after September 1, 2017, which
54 provides for sole retention by the retired person of all
55 rights in the retirement allowance; and

56 (3) The person receives a retirement allowance under
57 subsection 4 of section 169.670.

58 Any such increase in the retirement allowance shall be
59 effective upon the receipt of an application for such

60 increase and a certified copy of the decree of dissolution
61 and separation agreement, if applicable, that meets the
62 requirements of this section.

63 4. Any person receiving a retirement allowance under
64 sections 169.600 to 169.712 who, on or before September 1,
65 2015, elected a reduced retirement allowance under
66 subsection 4 of section 169.670 with his or her same-sex
67 domestic partner as the nominated beneficiary may have the
68 retirement allowance increased to the amount the retired
69 member would be receiving had the retired member elected
70 option 1 if:

71 (1) The retired person executes an affidavit attesting
72 to the existence of a same-sex domestic partnership at the
73 time of the nomination of the beneficiary and that the same-
74 sex domestic partnership has since ended, with such
75 supporting information and documentation as required by the
76 board of trustees;

77 (2) The nominated beneficiary consents in writing to
78 his or her immediate removal as nominated beneficiary and
79 disclaims all rights to future benefits to the satisfaction
80 of the board of trustees, or the parties obtain a court
81 order or judgment after September 1, 2022, which provides
82 that the nominated beneficiary may be removed;

83 (3) If the retired person and the nominated
84 beneficiary were legally married in a state that recognized
85 same-sex marriage at the time of retirement or have since
86 become legally married, the marriage must be dissolved and
87 the dissolution decree must provide for sole retention by
88 the retired person of all rights in the retirement
89 allowance; and

90 (4) The person receives a retirement allowance under
91 subsection 4 of section 169.670.

92 5. Any person receiving a retirement allowance under
93 sections 169.600 to 169.712, who on or before September 1,
94 2015, elected a reduced retirement allowance under
95 subsection 4 of section 169.670 with his or her same-sex
96 domestic partner as the nominated beneficiary, may nominate
97 a successor beneficiary under the following circumstances:

98 (1) If the nominated same-sex domestic partner
99 precedes the retired person in death, and the retired person
100 executes an affidavit attesting to the existence of the same-
101 sex domestic partnership at the time of the nomination of
102 the beneficiary, the retired person may, upon a later
103 marriage, nominate his or her spouse under the same option
104 elected in the application for retirement; or

105 (2) If the retired person executes an affidavit
106 attesting to the existence of the same-sex domestic
107 partnership at the time of the nomination of the beneficiary
108 and that the same-sex domestic partnership has since ended,
109 and the nominated same-sex domestic partner consents in
110 writing to his or her immediate removal as nominated
111 beneficiary and disclaims all rights to future benefits to
112 the satisfaction of the board of trustees or the parties
113 obtain a court order or judgment after September 1, 2022,
114 which provides that the nominated beneficiary may be
115 removed, the retired person may, upon a later marriage,
116 nominate his or her spouse under the same option elected in
117 the application for retirement;

118 (3) In addition to the requirements of subdivision (2)
119 of this subsection, if the retired person and the nominated
120 beneficiary were legally married in a state that recognized
121 same-sex marriage at the time of retirement or have since
122 become legally married, the marriage must be dissolved and

123 the dissolution decree must provide for sole retention by
124 the retired person of all rights in the retirement allowance.

125 6. Any nomination of successor beneficiary under
126 subdivision (1) or (2) of subsection 5 of this section shall
127 be made in accordance with procedures established by the
128 board of trustees, and shall be filed within one year of
129 September 1, 2022, or within one year of the marriage of the
130 retired person and successor beneficiary, whichever later
131 occurs. Upon receipt of a successor nomination filed in
132 accordance with those procedures, the board shall adjust the
133 retirement allowance to reflect actuarial considerations of
134 that nomination as well as previous beneficiary and
135 successor beneficiary nominations.

136 7. For purposes of this section, the definition of
137 "same-sex domestic partners" shall mean individuals of the
138 same sex who are at least eighteen years of age, who are not
139 related to a degree that would prohibit their marriage in
140 the law of the state where they reside, who are not married
141 to or a domestic partner of another person, and who live
142 together in a long-term relationship of indefinite duration
143 with an exclusive mutual commitment in which the domestic
144 partners agree to be jointly responsible for their common
145 welfare and to share financial obligations. For purposes of
146 this section, "same-sex domestic partners" shall also
147 include individuals of the same sex who were legally married
148 in a state that recognized same-sex marriage.

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