

SENATE BILL NO. 836

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

4110S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to retirement benefits from public employee retirement systems.

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

Section A. Chapter 105, RSMo, is amended by adding thereto
2 one new section, to be known as section 105.668, to read as
3 follows:

105.668. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Public employee", an elected or appointed public
4 official or employee of the state of Missouri or any
5 political subdivision or instrumentality of the state;

6 (2) "Public employer", the state of Missouri or any
7 political subdivision or instrumentality of the state.

8 2. Any public employee who has retired from a public
9 employer and is receiving a retirement benefit from the
10 public employer's defined benefit plan and who becomes an
11 active employee employed by a different public employer that
12 operates a defined benefit plan shall not earn creditable
13 service, contribute to, nor otherwise participate in the
14 defined benefit plan operated by the employing public
15 employer unless the public employee is a surviving
16 beneficiary of a member of such defined benefit plan.

17 3. If a public employer that operates a defined
18 benefit plan for its employees employs a public employee who

19 has retired from a different public employer and is
20 receiving a retirement benefit from a defined benefit plan
21 operated by such public employer, the employing public
22 employer shall establish a defined contribution plan for
23 such employee that is a qualified plan under the Internal
24 Revenue Code and complies with all other applicable laws,
25 rules, and regulations.

26 4. The provisions of this section shall not prohibit
27 any public employee who is a member of more than one defined
28 benefit plan as an incident to employment by one public
29 employer from retiring and receiving retirement benefits
30 from each defined benefit plan.

31 5. The provisions of this section shall not apply to
32 any public employee who is:

33 (1) Classified as a uniformed member by the public
34 employer's defined benefit plan, including uniformed members
35 of the highway patrol and uniformed members of the water
36 patrol, as those terms are defined in section 104.010;

37 (2) Any regular or permanent employee of the police
38 department of a political subdivision employed for police
39 duty and who is not employed temporarily as a policeman for
40 an emergency nor in a clerical, civilian, or other capacity
41 not involving police duties;

42 (3) Any regular or permanent employee of the fire
43 department of a political subdivision employed for the duty
44 of fighting fires who does not serve in a volunteer capacity
45 and who is not employed temporarily as a fireman for an
46 emergency nor in a clerical, civilian, or other capacity not
47 involving fire-fighting duties;

48 (4) Covered as public safety personnel pursuant to
49 section 70.631; or

50 (5) A member of the sheriffs' retirement system as
51 incident to his or her employment as an elected or appointed
52 sheriff of a county pursuant to sections 57.949 to 57.997.

53 6. The provisions of this section shall apply to any
54 public employee who retires from a public employer, receives
55 a retirement benefit from the public employer's defined
56 benefit plan, and becomes first employed by a different
57 public employer on or after January 1, 2023.

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