

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 75, Page 17, Section 169.070, Line 528,

2 by inserting after all of said line the following:

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

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

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

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

27 of that nomination as well as previous beneficiary and  
28 successor beneficiary nominations.

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

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

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

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

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

58 (3) The person receives a retirement allowance under  
59 subsection 3 of section 169.070.

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

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

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

79 (2) The nominated beneficiary consents in writing to  
80 his or her immediate removal as nominated beneficiary and  
81 disclaims all rights to future benefits to the satisfaction  
82 of the board of trustees, or the parties obtain a court  
83 order or judgment after September 1, 2023, which provides  
84 that the nominated beneficiary may be removed;

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

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

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

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

107           (2) If the retired person executes an affidavit  
108 attesting to the existence of the same-sex domestic  
109 partnership at the time of the nomination of the beneficiary  
110 and that the same-sex domestic partnership has since ended,  
111 and the nominated same-sex domestic partner consents in  
112 writing to his or her immediate removal as nominated  
113 beneficiary and disclaims all rights to future benefits to  
114 the satisfaction of the board of trustees or the parties  
115 obtain a court order or judgment after September 1, 2023,  
116 which provides that the nominated beneficiary may be  
117 removed, the retired person may, upon a later marriage,  
118 nominate his or her spouse under the same option elected in  
119 the application for retirement;

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

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

127 6. Any nomination of successor beneficiary under  
128 subdivision (1) or (2) of subsection 5 of this section shall  
129 be made in accordance with procedures established by the  
130 board of trustees, and shall be filed within one year of  
131 September 1, 2023, or within one year of the marriage of the  
132 retired person and successor beneficiary, whichever later  
133 occurs. Upon receipt of a successor nomination filed in  
134 accordance with those procedures, the board shall adjust the  
135 retirement allowance to reflect actuarial considerations of  
136 that nomination as well as previous beneficiary and  
137 successor beneficiary nominations.

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

151 Further amend said bill, page 21, section 169.596, line  
152 48, by inserting after all of said line the following:

153 "169.715. 1. Any person receiving a retirement  
154 allowance under sections 169.600 to 169.712, and who elected  
155 a reduced retirement allowance under subsection 4 of section  
156 169.670 with his or her spouse as the nominated beneficiary,

157 may nominate a successor beneficiary under either of the  
158 following circumstances:

159 (1) If the nominated beneficiary precedes the retired  
160 person in death, the retired person may, upon remarriage,  
161 nominate the new spouse under the same option elected in the  
162 application for retirement;

163 (2) If the marriage of the retired person and the  
164 nominated beneficiary is dissolved, and if the dissolution  
165 decree provides for sole retention by the retired person of  
166 all rights in the retirement allowance, the retired person  
167 may, upon remarriage, nominate the new spouse under the same  
168 option elected in the application for retirement.

169 2. Any nomination of a successor beneficiary under  
170 subdivision (1) or (2) of subsection 1 of this section must  
171 be made in accordance with procedures established by the  
172 board of trustees, and must be filed within ninety days of  
173 May 6, 1993, or within one year of the remarriage, whichever  
174 later occurs. Upon receipt of a successor nomination filed  
175 in accordance with those procedures, the board shall adjust  
176 the retirement allowance to reflect actuarial considerations  
177 of that nomination as well as previous beneficiary and  
178 successor beneficiary nominations.

179 3. Any person receiving a retirement allowance under  
180 sections 169.600 to 169.715 who elected a reduced retirement  
181 allowance under subsection 4 of section 169.670 with his or  
182 her spouse as the nominated beneficiary may have the  
183 retirement allowance increased to the amount the retired  
184 member would be receiving had the retired member elected  
185 option 1 if:

186 (1) The marriage of the retired person and the  
187 nominated spouse is dissolved on or after September 1, 2017,  
188 and the dissolution decree provides for sole retention by

189 the retired person of all rights in the retirement  
190 allowance; or

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

193 (a) The dissolution decree provides for sole retention  
194 by the retired person of all rights in the retirement  
195 allowance, and the parties obtain an amended or modified  
196 dissolution decree after September 1, 2017, providing for  
197 the immediate removal of the nominated spouse, or the  
198 nominated spouse consents in writing to his or her immediate  
199 removal as nominated beneficiary and disclaims all rights to  
200 future benefits to the satisfaction of the board of  
201 trustees; or

202 (b) The dissolution decree does not provide for sole  
203 retention by the retired person of all rights in the  
204 retirement allowance and the parties obtain an amended or  
205 modified dissolution decree after September 1, 2017, which  
206 provides for sole retention by the retired person of all  
207 rights in the retirement allowance; and

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

210 Any such increase in the retirement allowance shall be  
211 effective upon the receipt of an application for such  
212 increase and a certified copy of the decree of dissolution  
213 and separation agreement, if applicable, that meets the  
214 requirements of this section.

215 4. Any person receiving a retirement allowance under  
216 sections 169.600 to 169.712, who, on or before September 1,  
217 2015, elected a reduced retirement allowance under  
218 subsection 4 of section 169.670 with his or her same-sex  
219 domestic partner as the nominated beneficiary, may have the  
220 retirement allowance increased to the amount the retired

221 member would be receiving had the retired member elected  
222 option 1 if:

223 (1) The retired person executes an affidavit attesting  
224 to the existence of a same-sex domestic partnership at the  
225 time of the nomination of the beneficiary and that the same-  
226 sex domestic partnership has since ended, with such  
227 supporting information and documentation as required by the  
228 board of trustees;

229 (2) The nominated beneficiary consents in writing to  
230 his or her immediate removal as nominated beneficiary and  
231 disclaims all rights to future benefits to the satisfaction  
232 of the board of trustees, or the parties obtain a court  
233 order or judgment after September 1, 2023, which provides  
234 that the nominated beneficiary may be removed;

235 (3) If the retired person and the nominated  
236 beneficiary were legally married in a state that recognized  
237 same-sex marriage at the time of retirement or have since  
238 become legally married, the marriage must be dissolved and  
239 the dissolution decree must provide for sole retention by  
240 the retired person of all rights in the retirement  
241 allowance; and

242 (4) The person receives a retirement allowance under  
243 subsection 4 of section 169.670.

244 5. Any person receiving a retirement allowance under  
245 sections 169.600 to 169.712, who, on or before September 1,  
246 2015, elected a reduced retirement allowance under  
247 subsection 4 of section 169.670 with his or her same-sex  
248 domestic partner as the nominated beneficiary, may nominate  
249 a successor beneficiary under the following circumstances:

250 (1) If the nominated same-sex domestic partner  
251 precedes the retired person in death, and the retired person  
252 executes an affidavit attesting to the existence of the same-  
253 sex domestic partnership at the time of the nomination of



254 the beneficiary, the retired person may, upon a later  
255 marriage, nominate his or her spouse under the same option  
256 elected in the application for retirement; or

257 (2) If the retired person executes an affidavit  
258 attesting to the existence of the same-sex domestic  
259 partnership at the time of the nomination of the beneficiary  
260 and that the same-sex domestic partnership has since ended,  
261 and the nominated same-sex domestic partner consents in  
262 writing to his or her immediate removal as nominated  
263 beneficiary and disclaims all rights to future benefits to  
264 the satisfaction of the board of trustees or the parties  
265 obtain a court order or judgment after September 1, 2023,  
266 which provides that the nominated beneficiary may be  
267 removed, the retired person may, upon a later marriage,  
268 nominate his or her spouse under the same option elected in  
269 the application for retirement;

270 (3) In addition to the requirements of subdivision (2)  
271 of this subsection, if the retired person and the nominated  
272 beneficiary were legally married in a state that recognized  
273 same-sex marriage at the time of retirement or have since  
274 become legally married, the marriage must be dissolved and  
275 the dissolution decree must provide for sole retention by  
276 the retired person of all rights in the retirement allowance.

277 6. Any nomination of successor beneficiary under  
278 subdivision (1) or (2) of subsection 5 of this section shall  
279 be made in accordance with procedures established by the  
280 board of trustees, and shall be filed within one year of  
281 September 1, 2023, or within one year of the marriage of the  
282 retired person and successor beneficiary, whichever later  
283 occurs. Upon receipt of a successor nomination filed in  
284 accordance with those procedures, the board shall adjust the  
285 retirement allowance to reflect actuarial considerations of

286 that nomination as well as previous beneficiary and  
287 successor beneficiary nominations.

288 7. For purposes of this section, the definition of  
289 "same-sex domestic partners" shall mean individuals of the  
290 same sex who are at least eighteen years of age, who are not  
291 related to a degree that would prohibit their marriage in  
292 the law of the state where they reside, who are not married  
293 to or a domestic partner of another person, and who live  
294 together in a long-term relationship of indefinite duration  
295 with an exclusive mutual commitment in which the domestic  
296 partners agree to be jointly responsible for their common  
297 welfare and to share financial obligations. For purposes of  
298 this section, "same-sex domestic partners" shall also  
299 include individuals of the same sex who were legally married  
300 in a state that recognized same-sex marriage."; and

301 Further amend the title and enacting clause accordingly.