

SECOND REGULAR SESSION

# HOUSE BILL NO. 2684

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE OWEN.

5565H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof two new sections relating to state employee retirement.

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

Section A. Sections 104.380 and 104.1039, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 104.380 and 104.1039, to read as follows:

104.380. **1.** If a retired member is elected to any state office or is appointed to any  
2 state office or is employed by a department in a position normally requiring the performance  
3 by the person of duties during not less than one thousand forty hours per year, the member  
4 shall not receive an annuity for any month or part of a month for which the member serves as  
5 an officer or employee, ~~but~~ **except, notwithstanding the provisions of section 105.684 to**  
6 **the contrary, those retired members serving as a member of the general assembly under**  
7 **section 104.370 or an elected state official under section 104.371.**

8 **2.** Upon reemployment under subsection 1 of this section, the member shall be  
9 considered to be a new employee with no previous creditable service and must accrue  
10 creditable service continuously for at least one year in order to receive any additional annuity.  
11 Any retired member who again becomes an employee and who accrues additional creditable  
12 service and later retires shall receive an additional amount of monthly annuity calculated to  
13 include only the creditable service and the average compensation earned by the member since  
14 such employment or creditable service earned as a member of the general assembly. Years of  
15 membership service and twelfths of a year are to be used in calculating any additional annuity  
16 except for creditable service earned as a member of the general assembly, and such additional  
17 annuity shall be based on the type of service accrued. In either event, the original annuity and

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 the additional annuity, if any, shall be paid commencing with the end of the first month after  
19 the month during which the member's term of office has been completed, or the member's  
20 employment terminated. If a retired member is employed by a department in a position that  
21 does not normally require the person to perform duties during at least one thousand forty  
22 hours per year, the member shall not be considered an employee as defined pursuant to  
23 section 104.010. A retired member who becomes reemployed as an employee on or after  
24 August 28, 2001, in a position covered by the Missouri department of transportation and  
25 highway patrol employees' retirement system shall not be eligible to receive retirement  
26 benefits or additional creditable service from the state employees' retirement system. Annual  
27 benefit increases paid under section 104.415 shall not accrue while a retired member is  
28 employed as described in this section **except, notwithstanding the provisions of section**  
29 **105.684 to the contrary, those retired members serving as a member of the general**  
30 **assembly under section 104.370 or an elected state official under section 104.371.** Any  
31 future annual benefit increases paid after the member terminates such employment will be  
32 paid in the same month as the member's original annual benefit increases were paid. Benefits  
33 paid under subsection 3 of section 104.374 are not applicable to any additional annuity paid  
34 under this section.

104.1039. If a retiree is employed as an employee by a department, the retiree shall  
2 not receive an annuity payment for any calendar month in which the retiree is so employed  
3 **except, notwithstanding the provisions of section 105.684 to the contrary, those retirees**  
4 **serving as a member of the general assembly or as a statewide elected official under**  
5 **section 104.1084.** While reemployed the retiree shall be considered to be a new employee  
6 with no previous credited service and must accrue credited service continuously for at least  
7 one year in order to receive any additional annuity. Such retiree shall receive an additional  
8 annuity in addition to the original annuity, calculated based only on the credited service and  
9 the pay earned by such retiree during reemployment and paid in accordance with the annuity  
10 option originally elected; provided such retiree who ceases to receive an annuity pursuant to  
11 this section shall not receive such additional annuity if such retiree is employed by a  
12 department in a position that is covered by a state-sponsored defined benefit retirement plan  
13 not created pursuant to this chapter. The original annuity and any additional annuity shall be  
14 paid commencing as of the end of the first month after the month during which the retiree's  
15 reemployment terminates. Cost-of-living adjustments paid under section 104.1045 shall not  
16 accrue while a retiree is employed as described in this section **except, notwithstanding the**  
17 **provisions of section 105.684 to the contrary, those retirees serving as a member of the**  
18 **general assembly or as a statewide elected official under section 104.1084.** Any future  
19 cost-of-living adjustments paid after the retiree terminates such employment will be paid in  
20 the same month as the retiree's original annual benefit increases were paid.