

HOUSE COMMITTEE BILL NO. 1

AN ACT

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3 To repeal sections 37.850, 70.631, 104.010, 104.020,
4 104.035, 104.090, 104.130, 104.160, 104.170, 104.200,
5 104.312, 104.410, 104.436, 104.490, 104.515, 104.625,
6 104.810, 104.1003, 104.1015, 104.1018, 104.1024,
7 104.1051, 104.1060, 104.1066, 104.1072, 104.1084,
8 104.1091, and 476.521, RSMo, and to enact in lieu
9 thereof twenty-seven new sections relating to public
10 employee retirement systems.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
14 AS FOLLOWS:

15
16 Section A. Sections 37.850, 70.631, 104.010, 104.020,
17 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312,
18 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003,
19 104.1015, 104.1018, 104.1024, 104.1051, 104.1060, 104.1066,
20 104.1072, 104.1084, 104.1091, and 476.521, RSMo, are repealed and
21 twenty-seven new sections enacted in lieu thereof, to be known as
22 sections 37.850, 70.631, 104.010, 104.020, 104.035, 104.090,
23 104.160, 104.170, 104.200, 104.312, 104.410, 104.436, 104.490,
24 104.515, 104.625, 104.810, 104.1003, 104.1015, 104.1018,
25 104.1024, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084,
26 104.1091, and 476.521, to read as follows:

27 37.850. 1. The commissioner of administration shall
28 maintain the Missouri accountability portal established in
29 executive order 07-24 as a free, internet-based tool allowing
30 citizens to demand fiscal discipline and responsibility.

31 2. The Missouri accountability portal shall consist of an

1 easy-to-search database of financial transactions related to the
2 purchase of goods and services and the distribution of funds for
3 state programs; all bonds issued by any public institution of
4 higher education or political subdivision of this state or its
5 designated authority after August 28, 2013; all obligations
6 issued or incurred pursuant to section 99.820 by any political
7 subdivision of this state or its designated authority; and the
8 revenue stream pledged to repay such bonds or obligations; and
9 all debt incurred by any public charter school.

10 3. The Missouri accountability portal shall be updated each
11 state business day and maintained as the primary source of
12 information about the activity of Missouri's government.

13 4. Upon the conducting of a withholding or a release of
14 funds, the governor shall submit a report stating all amounts
15 withheld from the state's operating budget for the current fiscal
16 year, as authorized by Article IV, Section 27 of the Missouri
17 Constitution which shall be:

18 (1) Conspicuously posted on the accountability portal
19 website;

20 (2) Searchable by the amounts withheld or released from
21 each individual fund; and

22 (3) Searchable by the total amount withheld or released
23 from the operating budget.

24 5. Every political subdivision of the state, including
25 public institutions of higher education but excluding school
26 districts, shall supply all information described in subsection 2
27 of this section to the office of administration within seven days

1 of issuing or incurring such corresponding bond or obligation.
2 For all such bonds or obligations issued or incurred prior to
3 August 28, 2013, every such political subdivision and public
4 institution of higher education shall have ninety days to supply
5 such information to the office of administration.

6 6. Every school district and public charter school shall
7 supply all information described in subsection 2 of this section
8 to the department of elementary and secondary education within
9 seven days of issuing such bond, or incurring such debt. The
10 department of elementary and secondary education shall have
11 forty-eight hours to deliver such information to the office of
12 administration. For all such bonds issued or debt incurred prior
13 to August 28, 2013, every school district and public charter
14 school shall have ninety days to supply such information to the
15 department of elementary and secondary education. The department
16 of elementary and secondary education shall have forty-eight
17 hours to deliver such information to the office of
18 administration.

19 7. The following entities shall report the name, salary
20 data, and incentive pay for all employees of the entity in the
21 same manner as all state departments and agencies under this
22 section:

23 (1) The county employees' retirement system established in
24 sections 50.1000 to 50.1300;

25 (2) The sheriffs' retirement system established in sections
26 57.949 to 57.997;

27 (3) The Missouri local government employees' retirement

1 system established in sections 70.600 to 70.755;

2 (4) The Missouri state employees' retirement system
3 established in section 104.320;

4 (5) The Missouri department of transportation and highway
5 patrol employees' retirement system established in section
6 104.020;

7 (6) The prosecuting attorneys' and circuit attorneys'
8 retirement system established in sections 56.800 to 56.840;

9 (7) The college and university retirement plan established
10 in sections 104.1200 to 104.1215;

11 (8) The Kansas City public school retirement system
12 established in sections 169.270 to 169.400;

13 (9) The Kansas City civilian police retirement system
14 established in sections 86.1310 to 86.1640;

15 (10) The Kansas City police retirement system established in
16 sections 86.900 to 86.1280;

17 (11) The public education employees' retirement system
18 established in sections 169.600 to 169.710;

19 (12) The public school retirement system established in
20 sections 169.010 to 169.130;

21 (13) The St. Louis public school retirement system
22 established in sections 169.410 to 169.540;

23 (14) The St. Louis firemen's retirement system established
24 in sections 87.125 to 87.370;

25 (15) The St. Louis police retirement system established in
26 sections 86.200 to 86.366; and

27 (16) The judicial retirement system established in sections

1 476.450 to 476.690.

2
3 The entities identified in this subsection shall not report the
4 retirement annuity, retirement allowance, or retirement benefit
5 amount of any employee or member to the Missouri accountability
6 portal. The commissioner of administration shall prohibit the
7 display of the retirement annuity, retirement allowance, or
8 retirement benefit of any employee or member on the Missouri
9 accountability portal.

10 70.631. 1. Each political subdivision may, by majority
11 vote of its governing body, elect to cover emergency
12 telecommunicators, jailors, and emergency medical service
13 personnel as public safety personnel members of the system. The
14 clerk or secretary of the political subdivision shall certify an
15 election concerning the coverage of emergency telecommunicators,
16 jailors, and emergency medical service personnel as public safety
17 personnel members of the system to the board within ten days
18 after such vote. The date in which the political subdivision's
19 election becomes effective shall be the first day of the calendar
20 month specified by such governing body, the first day of the
21 calendar month next following receipt by the board of the
22 certification of the election, or the effective date of the
23 political subdivision's becoming an employer, whichever is the
24 latest date. Such election shall not be changed after the
25 effective date. If the election is made, the coverage provisions
26 shall be applicable to all past and future employment with the
27 employer by present and future employees. If a political

1 subdivision makes no election under this section, no emergency
2 telecommunicator, jailor, or emergency medical service personnel
3 of the political subdivision shall be considered public safety
4 personnel for purposes determining a minimum service retirement
5 age as defined in section 70.600.

6 2. If an employer elects to cover emergency
7 telecommunicators, jailors, and emergency medical service
8 personnel as public safety personnel members of the system, the
9 employer's contributions shall be correspondingly changed
10 effective the same date as the effective date of the political
11 subdivision's election.

12 3. The limitation on increases in an employer's
13 contributions provided by subsection 6 of section 70.730 shall
14 not apply to any contribution increase resulting from an employer
15 making an election under the provisions of this section.

16 4. The provisions of this section shall only apply to
17 counties of the second or third classification and any county of
18 the first classification with more than seventy thousand but
19 fewer than eighty-three thousand inhabitants and with a city of
20 the fourth classification with more than thirteen thousand five
21 hundred but fewer than sixteen thousand inhabitants as the county
22 seat, and any political subdivisions located, in whole or in
23 part, within such counties.

24 104.010. 1. The following words and phrases as used in
25 sections 104.010 to 104.800, unless a different meaning is
26 plainly required by the context, shall mean:

27 (1) "Accumulated contributions", the sum of all deductions

1 for retirement benefit purposes from a member's compensation
2 which shall be credited to the member's individual account and
3 interest allowed thereon;

4 (2) "Active armed warfare", any declared war, or the Korean
5 or Vietnamese Conflict;

6 (3) "Actuarial equivalent", a benefit which, when computed
7 upon the basis of specified actuarial assumptions approved by the
8 board, is equal in value to a certain amount or other benefit;

9 (4) "Actuarial tables", the actuarial tables approved and
10 in use by a board at any given time;

11 (5) "Actuary", the actuary who is a member of the American
12 Academy of Actuaries or who is an enrolled actuary under the
13 Employee Retirement Income Security Act of 1974 and who is
14 employed by a board at any given time;

15 (6) "Annuity", annual payments, made in equal monthly
16 installments, to a retired member from funds provided for in, or
17 authorized by, this chapter;

18 (7) "Annuity starting date", the first day of the first
19 month with respect to which an amount is paid as an annuity under
20 sections 104.010 to 104.800, and the terms retirement, time of
21 retirement, and date of retirement shall mean annuity starting
22 date as defined in this subdivision unless the context in which
23 the term is used indicates otherwise;

24 (8) "Average compensation", the average compensation of a
25 member for the thirty-six consecutive months of service prior to
26 retirement when the member's compensation was greatest; or if the
27 member is on workers' compensation leave of absence or a medical

1 leave of absence due to an employee illness, the amount of
2 compensation the member would have received may be used, as
3 reported and verified by the employing department; or if the
4 member had less than thirty-six months of service, the average
5 annual compensation paid to the member during the period up to
6 thirty-six months for which the member received creditable
7 service when the member's compensation was the greatest; or if
8 the member is on military leave, the amount of compensation the
9 member would have received may be used as reported and verified
10 by the employing department or, if such amount is not
11 determinable, the amount of the employee's average rate of
12 compensation during the twelve-month period immediately preceding
13 such period of leave, or if shorter, the period of employment
14 immediately preceding such period of leave. The board of each
15 system may promulgate rules for purposes of calculating average
16 compensation and other retirement provisions to accommodate for
17 any state payroll system in which compensation is received on a
18 monthly, semimonthly, biweekly, or other basis;

19 (9) "Beneficiary", any persons or entities entitled to or
20 nominated by a member or retiree who may be legally entitled to
21 receive benefits pursuant to this chapter;

22 (10) "Biennial assembly", the completion of no less than
23 two years of creditable service or creditable prior service by a
24 member of the general assembly;

25 (11) "Board of trustees", "board", or "trustees", a board
26 of trustees as established for the applicable system pursuant to
27 this chapter;

1 (12) "Chapter", sections 104.010 to 104.800;

2 (13) "Compensation":

3 (a) All salary and wages payable out of any state, federal,
4 trust, or other funds to an employee for personal services
5 performed for a department; but including only amounts for which
6 contributions have been made in accordance with section 104.436,
7 or section 104.070, whichever is applicable, and excluding any
8 nonrecurring single sum payments or amounts paid after the
9 member's termination of employment unless such amounts paid after
10 such termination are a final installment of salary or wages at
11 the same rate as in effect immediately prior to termination of
12 employment in accordance with a state payroll system adopted on
13 or after January 1, 2000, or any other one-time payments made as
14 a result of such payroll system;

15 (b) All salary and wages which would have been payable out
16 of any state, federal, trust or other funds to an employee on
17 workers' compensation leave of absence during the period the
18 employee is receiving a weekly workers' compensation benefit, as
19 reported and verified by the employing department;

20 (c) Effective December 31, 1995, compensation in excess of
21 the limitations set forth in Internal Revenue Code Section
22 401(a)(17) shall be disregarded. The limitation on compensation
23 for eligible employees shall not be less than the amount which
24 was allowed to be taken into account under the system as in
25 effect on July 1, 1993. For this purpose, an "eligible employee"
26 is an individual who was a member of the system before the first
27 plan year beginning after December 31, 1995;

1 (d) The board by its rules may further define
2 "compensation" in a manner consistent with this definition;

3 (14) "Consumer price index", the Consumer Price Index for
4 All Urban Consumers for the United States, or its successor
5 index, as approved by a board, as such index is defined and
6 officially reported by the United States Department of Labor, or
7 its successor agency;

8 (15) "Creditable prior service", the service of an employee
9 which was either rendered prior to the establishment of a system,
10 or prior to the date the employee last became a member of a
11 system, and which is recognized in determining the member's
12 eligibility and for the amount of the member's benefits under a
13 system;

14 (16) "Creditable service", the sum of membership service
15 and creditable prior service, to the extent such service is
16 standing to a member's credit as provided in this chapter; except
17 that in no case shall more than one day of creditable service or
18 creditable prior service be credited any member for any one
19 calendar day of eligible service credit as provided by law;

20 (17) "Deferred normal annuity", the annuity payable to any
21 former employee who terminated employment as an employee or
22 otherwise withdrew from service with a vested right to a normal
23 annuity, payable at a future date;

24 (18) "Department", any department or agency of the
25 executive, legislative or judicial branch of the state of
26 Missouri receiving state appropriations, including allocated
27 funds from the federal government but not including any body

1 corporate or politic unless its employees are eligible for
2 retirement coverage from a system pursuant to this chapter as
3 otherwise provided by law;

4 (19) "Disability benefits", benefits paid to any employee
5 while totally disabled as provided in this chapter;

6 (20) "Early retirement age", a member's attainment of
7 fifty-five years of age and the completion of ten or more years
8 of creditable service, except for uniformed members of the water
9 patrol;

10 (21) "Employee":

11 (a) Effective August 28, 2007, any elective or appointive
12 officer or person employed by the state who is employed, promoted
13 or transferred by a department into a new or existing position
14 and earns a salary or wage in a position normally requiring the
15 performance by the person of duties during not less than one
16 thousand forty hours per year, including each member of the
17 general assembly but not including any patient or inmate of any
18 state, charitable, penal or correctional institution. However,
19 persons who are members of the public school retirement system
20 and who are employed by a state agency other than an institution
21 of higher learning shall be deemed employees for purposes of
22 participating in all insurance programs administered by a board
23 established pursuant to section 104.450. This definition shall
24 not exclude any employee as defined in this subdivision who is
25 covered only under the federal Old Age and Survivors' Insurance
26 Act, as amended. As used in this chapter, the term "employee"
27 shall include:

1 a. Persons who are currently receiving annuities or other
2 retirement benefits from some other retirement or benefit fund,
3 so long as they are not simultaneously accumulating creditable
4 service in another retirement or benefit system which will be
5 used to determine eligibility for or the amount of a future
6 retirement benefit;

7 b. Persons who have elected to become or who have been made
8 members of a system pursuant to section 104.342;

9 (b) Any person who is not a retiree and has performed
10 services in the employ of the general assembly or either house
11 thereof, or any employee of any member of the general assembly
12 while acting in the person's official capacity as a member, and
13 whose position does not normally require the person to perform
14 duties during at least one thousand forty hours per year, with a
15 month of service being any monthly pay period in which the
16 employee was paid for full-time employment for that monthly
17 period; except that persons described in this paragraph shall not
18 include any such persons who are employed on or after August 28,
19 2007, and who have not previously been employed in such
20 positions;

21 (c) "Employee" does not include special consultants
22 employed pursuant to section 104.610;

23 (d) The system shall consider a person who is employed in
24 multiple positions simultaneously within a single agency to be
25 working in a single position for purposes of determining whether
26 the person is an employee as defined in this subdivision;

27 (22) "Employer", a department of the state;

1 (23) "Executive director", the executive director employed
2 by a board established pursuant to the provisions of this
3 chapter;

4 (24) "Fiscal year", the period beginning July first in any
5 year and ending June thirtieth the following year;

6 (25) "Full biennial assembly", the period of time beginning
7 on the first day the general assembly convenes for a first
8 regular session until the last day of the following year;

9 (26) "Fund", the benefit fund of a system established
10 pursuant to this chapter;

11 (27) "Interest", interest at such rate as shall be
12 determined and prescribed from time to time by a board;

13 (28) "Member", as used in sections 104.010 to 104.272 or
14 104.601 to 104.800 shall mean an employee, retiree, or former
15 employee entitled to a deferred annuity covered by the Missouri
16 department of transportation and highway patrol employees'
17 retirement system. "Member", as used in this section and
18 sections 104.312 to 104.800, shall mean an employee, retiree, or
19 former employee entitled to deferred annuity covered by the
20 Missouri state employees' retirement system;

21 (29) "Membership service", the service after becoming a
22 member that is recognized in determining a member's eligibility
23 for and the amount of a member's benefits under a system;

24 (30) "Military service", all active service performed in
25 the United States Army, Air Force, Navy, Marine Corps, Coast
26 Guard, and members of the United States Public Health Service or
27 any women's auxiliary thereof; and service in the Army National

1 Guard and Air National Guard when engaged in active duty for
2 training, inactive duty training or full-time National Guard
3 duty, and service by any other category of persons designated by
4 the President in time of war or emergency;

5 (31) "Normal annuity", the annuity provided to a member
6 upon retirement at or after the member's normal retirement age;

7 (32) "Normal retirement age", an employee's attainment of
8 sixty-five years of age and the completion of four years of
9 creditable service or the attainment of age sixty-five years of
10 age and the completion of five years of creditable service by a
11 member who has terminated employment and is entitled to a
12 deferred normal annuity or the member's attainment of age sixty
13 and the completion of fifteen years of creditable service, except
14 that normal retirement age for uniformed members of the highway
15 patrol shall be fifty-five years of age and the completion of
16 four years of creditable service and uniformed employees of the
17 water patrol shall be fifty-five years of age and the completion
18 of four years of creditable service or the attainment of age
19 fifty-five and the completion of five years of creditable service
20 by a member of the water patrol who has terminated employment and
21 is entitled to a deferred normal annuity and members of the
22 general assembly shall be fifty-five years of age and the
23 completion of three full biennial assemblies. Notwithstanding
24 any other provision of law to the contrary, a member of the
25 Missouri department of transportation and highway patrol
26 employees' retirement system or a member of the Missouri state
27 employees' retirement system shall be entitled to retire with a

1 normal annuity and shall be entitled to elect any of the survivor
2 benefit options and shall also be entitled to any other
3 provisions of this chapter that relate to retirement with a
4 normal annuity if the sum of the member's age and creditable
5 service equals eighty years or more and if the member is at least
6 forty-eight years of age;

7 (33) "Payroll deduction", deductions made from an
8 employee's compensation;

9 (34) "Prior service credit", the service of an employee
10 rendered prior to the date the employee became a member which
11 service is recognized in determining the member's eligibility for
12 benefits from a system but not in determining the amount of the
13 member's benefit;

14 (35) "Reduced annuity", an actuarial equivalent of a normal
15 annuity;

16 (36) "Retiree", a member who is not an employee and who is
17 receiving an annuity from a system pursuant to this chapter;

18 (37) "System" or "retirement system", the Missouri
19 department of transportation and highway patrol employees'
20 retirement system, as created by sections 104.010 to 104.270, or
21 sections 104.601 to 104.800, or the Missouri state employees'
22 retirement system as created by sections 104.320 to 104.800;

23 (38) "Uniformed members of the highway patrol", the
24 superintendent, lieutenant colonel, majors, captains, director of
25 radio, lieutenants, sergeants, corporals, and patrolmen of the
26 Missouri state highway patrol who normally appear in uniform;

27 (39) "Uniformed members of the water patrol", employees of

1 the Missouri state water patrol of the department of public
2 safety who are classified as water patrol officers who have taken
3 the oath of office prescribed by the provisions of chapter 306
4 and who have those peace officer powers given by the provisions
5 of chapter 306;

6 (40) "Vesting service", the sum of a member's prior service
7 credit and creditable service which is recognized in determining
8 the member's eligibility for benefits under the system.

9 2. Benefits paid pursuant to the provisions of this chapter
10 shall not exceed the limitations of Internal Revenue Code Section
11 415, the provisions of which are hereby incorporated by
12 reference. Notwithstanding any other law to the contrary, the
13 board of trustees may establish a benefit plan under Section
14 415(m) of the Internal Revenue Code of 1986, as amended. Such
15 plan shall be created solely for the purposes described in
16 Section 415(m) (3) (A) of the Internal Revenue Code of 1986, as
17 amended. The board of trustees may promulgate regulations
18 necessary to implement the provisions of this subsection and to
19 create and administer such benefit plan.

20 104.020. There is hereby created the "Missouri Department
21 of Transportation and Highway Patrol Employees' Retirement
22 System", which shall be a body corporate and an instrumentality
23 of the state. In such system shall be vested the powers and
24 duties specified in sections 104.010 to ~~[104.270]~~ 104.312 and
25 such other powers as may be necessary or proper to enable it, its
26 officers, employees, and agents to carry out fully and
27 effectively all the purposes of sections 104.010 to ~~[104.270]~~

1 104.312.

2 104.035. 1. Any member whose employment terminated prior
3 to August 13, 1976, and who had served twenty years or more as an
4 employee shall be entitled to a deferred normal annuity based on
5 his creditable service, average compensation, and the act in
6 effect at the time his employment was terminated.

7 2. Any member whose employment terminates on or after
8 August 13, 1976, and prior to June 1, 1981, and who had served
9 fifteen or more years' creditable service as an employee or had
10 served ten or more years of creditable service as an employee and
11 was at least thirty-five years of age at the date of termination
12 of employment shall be entitled to a deferred normal annuity
13 based on his creditable service, average compensation, and the
14 act in effect at the time his employment was terminated.

15 3. Any member whose employment terminates on or after June
16 1, 1981, and who has ten or more years of creditable service at
17 the date of termination of employment shall be entitled to a
18 deferred normal annuity based on the member's creditable service,
19 average compensation and the act in effect at the time the
20 member's employment is terminated.

21 4. Any member entitled to a deferred normal annuity as
22 provided in subsection 1, 2, 3 or 5 of this section who reenters
23 the service of a department and again becomes a member of the
24 system [~~and thereafter serves for one continuous year~~] shall have
25 his prior period of service restored, so that benefits determined
26 by reason of his retirement or subsequent withdrawal from service
27 will include the sum of all periods of creditable service, and

1 his annuity shall be based on his creditable service, average
2 compensation, and the act in effect at the time of his retirement
3 or subsequent withdrawal from service.

4 5. Notwithstanding any other law to the contrary, any
5 member of the transportation department and highway patrol
6 retirement system whose employment terminated on or after
7 September 28, 1992, who has five or more years of vesting service
8 as an employee at the date of termination of employment shall be
9 entitled to a deferred normal annuity based on the member's
10 creditable service, average compensation, and the act in effect
11 at the time the member's employment was terminated.

12 104.090. 1. The normal annuity of a member shall equal one
13 and six-tenths percent of the average compensation of the member
14 multiplied by the number of years of creditable service of such
15 member. In addition, the normal annuity of a uniformed member of
16 the patrol shall be increased by thirty-three and one-third
17 percent.

18 2. In addition, a uniformed member of the highway patrol
19 who is retiring with a normal annuity after attaining normal
20 retirement age shall receive an additional sum of ninety dollars
21 per month as a contribution by the system until such member
22 attains the age of sixty-five years, when such contribution shall
23 cease. To qualify for the contribution provided in this
24 subsection by the system, the retired uniformed member of the
25 highway patrol is made, constituted, appointed and employed by
26 the board as a special consultant on the problems of retirement,
27 aging and other state matters. Such additional contribution

1 shall be reduced each month by such amount earned by the retired
2 uniformed member of the highway patrol in gainful employment. In
3 order to qualify for the additional contribution provided in this
4 subsection, the retired uniformed member of the highway patrol
5 shall have been:

6 (1) Hired by the Missouri state highway patrol prior to
7 January 1, 1995; and

8 (2) Employed by the Missouri state highway patrol or
9 receiving long-term disability or work-related disability
10 benefits on the day before the effective date of the member's
11 retirement.

12 3. In lieu of the annuity payable to the member pursuant to
13 section 104.100, a member whose age at retirement is forty-eight
14 or more may elect in the member's application for retirement to
15 receive one of the following:

16
17 Option 1.

18 An actuarial reduction approved by the board of the
19 member's annuity in reduced monthly payments for life during
20 retirement with the provision that upon the member's death the
21 reduced annuity at date of death shall be continued throughout
22 the life of, and be paid to, the member's spouse; or

23
24 Option 2.

25 The member's normal annuity in regular monthly payments for
26 life during retirement with the provision that upon the member's
27 death a survivor's benefit equal to one-half the member's normal

1 annuity at date of death shall be paid to the member's spouse in
2 regular monthly payments for life; or

3

4 Option 3.

5 An actuarial reduction approved by the board of the
6 member's normal annuity in reduced monthly payments for the
7 member's life with the provision that if the member dies prior to
8 the member's having received one hundred twenty monthly payments
9 of the member's reduced annuity, the member's reduced allowance
10 to which the member would have been entitled had the member lived
11 shall be paid for the remainder of the one hundred twenty-month
12 period to such beneficiary as the member shall have nominated by
13 written designation duly executed and filed with the board. If
14 there is no beneficiary surviving the retiree, the reserve for
15 such allowance for the remainder of such one hundred twenty-month
16 period shall be paid to the retiree's estate; or

17

18 Option 4.

19 An actuarial reduction approved by the board of the
20 member's normal annuity in reduced monthly payments for the
21 member's life with the provision that if the member dies prior to
22 the member having received sixty monthly payments of the member's
23 reduced annuity, the member's reduced allowance to which the
24 member would have been entitled had the member lived shall be
25 paid for the remainder of the sixty-month period to such
26 beneficiary as the member shall have nominated by written
27 designation duly executed and filed with the board. If there is

1 no beneficiary surviving the retiree, the reserve for such
2 allowance for the remainder of such sixty-month period shall be
3 paid to the retiree's estate.

4 4. The election may be made only in the application for
5 retirement, and such application shall be filed at least thirty
6 days but not more than ninety days prior to the date on which the
7 retirement of the member is to be effective, provided that if
8 either the member or the spouse nominated to receive the
9 survivorship payment dies before the effective date of
10 retirement, the election shall not be effective. If after the
11 reduced annuity commences, the spouse predeceases the retired
12 member, the reduced annuity continues to the retired member
13 during the member's lifetime.

14 5. Effective July 1, 2000, a member may make an election
15 under option 1 or 2 after the date retirement benefits are
16 initiated if the member makes the election within one year from
17 the date of marriage or July 1, 2000, whichever is later, under
18 any of the following circumstances:

19 (1) The member elected to receive a normal annuity and was
20 not eligible to elect option 1 or 2 on the date retirement
21 benefits were initiated; or

22 (2) The member's annuity reverted to a normal annuity
23 pursuant to subsection 7 of this section or subsection ~~[7-04]~~ 8
24 of section 104.103 and the member remarried; or

25 (3) The member elected option 1 or 2 but the member's
26 spouse at the time of retirement has died and the member has
27 remarried.

1 6. Any person who terminates employment or retires prior to
2 July 1, 2000, shall be made, constituted, appointed and employed
3 by the board as a special consultant on the problems of
4 retirement, aging and other state matters, and for such services
5 shall be eligible to elect to receive the benefits described in
6 subsection 5 of this section.

7 7. For retirement applications filed on or after August 28,
8 2004, the beneficiary for either option 1 or option 2 of
9 subsection 3 of this section shall be the member's spouse at the
10 time of retirement. If the member's marriage ends after
11 retirement as a result of a dissolution of marriage, such
12 dissolution shall not affect the option election and the former
13 spouse shall continue to be eligible to receive survivor benefits
14 upon death of the member, except a member may cancel his or her
15 election if:

16 (1) The dissolution of marriage of the member and former
17 spouse occurred on or after January 1, 2021, and the dissolution
18 decree provides for sole retention by the member of all rights in
19 the annuity and provides that the former spouse shall not be
20 entitled to any survivor benefits pursuant to this chapter; or

21 (2) The dissolution of marriage of the member and former
22 spouse occurred prior to January 1, 2021, and:

23 (a) The dissolution decree provided for the sole retention
24 by the member of all rights in the annuity pursuant to this
25 chapter, and the parties obtained an amended or modified
26 dissolution decree after January 1, 2021, providing for immediate
27 removal of the former spouse as the beneficiary entitled to

1 survivor benefits to the satisfaction of the system; or

2 (b) The dissolution decree does not provide for the sole
3 retention by the member of all rights in the annuity and the
4 parties obtained an amended or modified dissolution decree after
5 January 1, 2021, which provides for the sole retention by the
6 member of all rights in the annuity and provides that the former
7 spouse shall not be entitled to any survivor benefits pursuant to
8 this chapter.

9
10 Upon meeting the requirements of subdivision (1) or (2) of this
11 subsection, the monthly benefit payable for the lifetime of the
12 member shall be the actuarial equivalent of the annuity payable
13 pursuant to the provisions of option 1 or option 2 of subsection
14 3 of this section, as adjusted for early retirement if
15 applicable. In no event shall the monthly benefit payable for
16 the lifetime of the member be greater than the amount that would
17 have been payable to the member under subsection 7 or 8 of
18 section 104.103, whichever is applicable, had the former spouse
19 died on the date of the dissolution of marriage. Any increase in
20 the annuity amount pursuant to this subsection shall be
21 prospective and effective the first of the month following the
22 date of receipt by the system of a certified copy of the
23 dissolution decree that meets the requirements of this
24 subsection.

25 8. Any application for retirement shall only become
26 effective on the first day of the month.

27 104.160. The board of trustees shall consist of three

1 members of the state highways and transportation commission
2 elected by the members of the commission. The superintendent of
3 the highway patrol and the director of the department of
4 transportation shall serve as members by virtue of their
5 respective offices, and their successors shall succeed them as
6 members of the board of trustees. In addition, one member of the
7 senate appointed by the president pro tem of the senate and one
8 member of the house of representatives, appointed by the speaker
9 of the house shall serve as members of the board of trustees. In
10 addition to the appointed legislators, two active employee
11 members of the system shall be elected by a plurality vote of the
12 active employee members of the system, herein designated for
13 four-year terms to commence July 1, 1982, and every four years
14 thereafter. One elected member shall be elected from the active
15 employees of the department of transportation and one elected
16 member shall be elected from the active employees of the civilian
17 or uniformed highway patrol. The terms of the active employee
18 representatives serving on the board on August 28, 2022, shall
19 continue until June 30, 2024. All terms of elected active
20 employee representatives shall be for four years after June 30,
21 2024. In addition to the two active employee members, two
22 retirees of the system shall be elected to serve on the board by
23 a plurality vote of the retirees of the system. One retiree
24 shall be elected by the retired employees of the transportation
25 department and one retiree shall be elected by the retired
26 employees of the civilian or uniformed highway patrol. The
27 retiree serving on the board on August 28, 2007, shall continue

1 to serve on the board as the representative of the retired
2 employees of the transportation department until June 30, 2010.
3 An election shall be held prior to January 1, 2008, for the
4 retiree to be elected by the retired employees of the civilian or
5 uniformed highway patrol with said term to commence on January 1,
6 2008, and expire on June 30, 2010. All terms of elected retired
7 employees shall be for four years after June 30, 2010. The board
8 shall determine the procedures for nomination and election of the
9 elective board members. Nominations may be entered by any member
10 of the system, provided members of the system have a reasonable
11 opportunity to vote.

12 104.170. 1. The board shall elect [~~by secret ballot~~] one
13 member as chair and one member as vice chair at the first board
14 meeting of each year. The chair may not serve more than two
15 consecutive terms beginning after August 13, 1988. The chair
16 shall preside over meetings of the board and perform such other
17 duties as may be required by action of the board. The vice chair
18 shall perform the duties of the chair in the absence of the
19 latter or upon the chair's inability or refusal to act.

20 2. The board shall appoint a full-time executive director,
21 who shall not be compensated for any other duties under the state
22 highways and transportation commission. The executive director
23 shall have charge of the offices and records and shall hire such
24 employees that the executive director deems necessary subject to
25 the direction of the board. The executive director and all other
26 employees of the system shall be members of the system and the
27 board shall make contributions to provide the insurance benefits

1 available pursuant to section 104.270 on the same basis as
2 provided for other state employees pursuant to the provisions of
3 section 104.515, and also shall make contributions to provide the
4 retirement benefits on the same basis as provided for other
5 employees pursuant to the provisions of sections 104.090 to
6 104.260. The executive director is authorized to execute all
7 documents including contracts necessary to carry out any and all
8 actions of the board.

9 3. Any summons or other writ issued by the courts of the
10 state shall be served upon the executive director or, in the
11 executive director's absence, on the assistant director.

12 104.200. Should any error in any records result in any
13 ~~[member's]~~ member or ~~[beneficiary's]~~ beneficiary receiving more
14 or less than he or she would have been entitled to receive had
15 the records been correct, the board shall correct such error,
16 and, as far as practicable, make future payments in such a manner
17 that the actuarial equivalent of the benefit to which such member
18 or beneficiary was entitled shall be paid, and to this end may
19 recover any overpayments. In all cases in which such error has
20 been made, no such error shall be corrected unless the system
21 discovers or is notified of such error within ten years after the
22 ~~[initial]~~ member's annuity starting date or the date of error,
23 whichever occurs later. In cases of fraud, any error discovered
24 shall be corrected without concern to the amount of time that has
25 passed.

26 104.312. 1. The provisions of subsection 2 of section
27 104.250, subsection 2 of section 104.540, subsection 2 of section

1 287.820, and section 476.688 to the contrary notwithstanding, any
2 pension, annuity, benefit, right, or retirement allowance
3 provided pursuant to this chapter, chapter 287, or chapter 476 is
4 marital property and after August 28, 1994, a court of competent
5 jurisdiction may divide the pension, annuity, benefits, rights,
6 and retirement allowance provided pursuant to this chapter,
7 chapter 287, or chapter 476 between the parties to any action for
8 dissolution of marriage. A division of benefits order issued
9 pursuant to this section:

10 (1) Shall not require the applicable retirement system to
11 provide any form or type of annuity or retirement plan not
12 selected by the member and not normally made available by that
13 system;

14 (2) Shall not require the applicable retirement system to
15 commence payments until the member submits a valid application
16 for an annuity and the annuity becomes payable in accordance with
17 the application;

18 (3) Shall identify the monthly amount to be paid to the
19 alternate payee, which shall be expressed as a percentage and
20 which shall not exceed fifty percent of the amount of the
21 member's annuity accrued during all or part of the time while the
22 member and alternate payee were married, excluding service
23 accrued under section 104.601; and which shall be based on the
24 member's vested annuity on the date of the dissolution of
25 marriage or an earlier date as specified in the order, which
26 amount shall be adjusted proportionately if the member's annuity
27 is reduced due to early retirement or the member's annuity is

1 reduced pursuant to section 104.395 under an annuity option in
2 which the member named the alternate payee as beneficiary prior
3 to the dissolution of marriage or pursuant to section 104.090
4 under an annuity option in which the member on or after August
5 28, 2007, named the alternative payee as beneficiary prior to the
6 dissolution of marriage, and the percentage established shall be
7 applied to the pro rata portion of any lump sum distribution
8 pursuant to subsection 6 of section 104.335, accrued during the
9 time while the member and alternate payee were married;

10 (4) Shall not require the payment of an annuity amount to
11 the member and alternate payee which in total exceeds the amount
12 which the member would have received without regard to the order;

13 (5) Shall provide that any benefit formula increases,
14 additional years of service, increased average compensation or
15 other type of increases accrued after the date of the dissolution
16 of marriage shall accrue solely to the benefit of the member;
17 except that on or after September 1, 2001, any annual benefit
18 increase paid after the member's annuity starting date shall not
19 be considered to be an increase accrued after the date of
20 termination of marriage and shall be part of the monthly amount
21 subject to division pursuant to any order issued after September
22 1, 2001;

23 (6) Shall terminate upon the death of either the member or
24 the alternate payee, whichever occurs first;

25 (7) Shall not create an interest which is assignable or
26 subject to any legal process;

27 (8) Shall include the name, address, and date of birth of

1 both the member and the alternate payee, and the identity of the
2 retirement system to which it applies;

3 (9) Shall be consistent with any other division of benefits
4 orders which are applicable to the same member;

5 (10) Shall not require the applicable retirement system to
6 continue payments to the alternate payee if the member's
7 retirement benefit is suspended or waived as provided by this
8 chapter but such payments shall resume when the retiree begins to
9 receive retirement benefits in the future.

10 2. A system established by this chapter shall provide the
11 court having jurisdiction of a dissolution of marriage proceeding
12 or the parties to the proceeding with information necessary to
13 issue a division of benefits order concerning a member of the
14 system, upon written request from either the court, the member or
15 the member's spouse, which cites this section and identifies the
16 case number and parties.

17 3. A system established by this chapter shall have the
18 discretionary authority to reject a division of benefits order
19 for the following reasons:

20 (1) The order does not clearly state the rights of the
21 member and the alternate payee;

22 (2) The order is inconsistent with any law governing the
23 retirement system.

24 4. The amount paid to an alternate payee under an order
25 issued pursuant to this section shall be based on the plan the
26 member was in on the date of the dissolution of marriage; except
27 that any annual benefit increases subject to division shall be

1 based on the actual annual benefit increases received after the
2 retirement plan election.

3 5. Any annuity payable under section 104.625 that is
4 subject to a division of benefit order under this section shall
5 be calculated as follows:

6 (1) In instances of divorce after retirement, any service
7 or compensation of a member between the retroactive starting date
8 and the annuity starting date shall not be considered creditable
9 service or compensation; and

10 (2) The lump sum payment described in subdivision (3) of
11 section 104.625 shall not be subject to any division of benefit
12 order.

13 104.410. 1. Any uniformed member of the water patrol who
14 shall be affirmatively found by the board to be wholly and
15 permanently incapable of holding any position of gainful
16 employment as a result of injuries or illness incurred in the
17 performance of the member's duties shall be entitled to receive
18 disability benefits in an amount equal to one-half of the
19 compensation that the employee was receiving at the time of the
20 occurrence of the injury entitling the employee to such
21 disability benefits. Any disability benefit payable pursuant to
22 this subsection shall be decreased by any amount paid to such
23 uniformed member of the water patrol by reason of the workers'
24 compensation laws of this state. After termination of payment
25 under workers' compensation, however, any such reduction and
26 disability benefits shall be restored.

27 2. The board of trustees may require a medical examination

1 of any uniformed member of the water patrol who is receiving
2 disability benefits pursuant to this section at any time by a
3 designated physician, and disability benefits shall be
4 discontinued if the board finds that such member is able to
5 perform the duties of the member's former position, or if such
6 member refuses to submit to such an examination.

7 3. The disability benefits described in this section shall
8 not be paid to any uniformed member of the water patrol who has
9 retained or regained more than fifty percent of the member's
10 earning capacity. If any uniformed member of the water patrol
11 who has been receiving disability benefits again becomes an
12 employee, the member's disability benefits shall be discontinued,
13 the member's prior period of creditable service shall be
14 restored, and any subsequent determination of benefits due the
15 member or the member's survivors shall be based on the sum of the
16 member's creditable service accrued to the date the member's
17 disability benefits commenced and the period of creditable
18 service after the member's return to employment.

19 4. Any uniformed member of the water patrol receiving
20 benefits pursuant to the provisions of this section for five or
21 more years immediately prior to attainment of age fifty-five
22 shall be considered a normal retirant at age fifty-five, and may
23 elect, within thirty days preceding the attainment of age
24 fifty-five, option 1 of section 104.395, but only for the
25 member's spouse who was the member's spouse for two or more years
26 prior to the member's attainment of age fifty-five.

27 5. Any member who is receiving disability benefits as of

1 December 31, 1985, or any member who is disabled on December 31,
2 1985, and would have been entitled to receive disability benefits
3 pursuant to this section as the provisions of this section
4 existed immediately prior to September 28, 1985, shall be
5 eligible to receive or shall continue to receive benefits in
6 accordance with such prior provisions of this section until the
7 member again becomes an employee; however, all employees of the
8 department of conservation who are disabled shall receive
9 benefits pursuant only to this section or section 104.518,
10 whichever is applicable, and shall not be eligible for benefits
11 under any other plan or program purchased or provided after
12 September 28, 1985.

13 6. Any member who qualifies for disability benefits
14 pursuant to subsection 1 of this section or pursuant to the
15 provisions of section 104.518, or under a long-term disability
16 program provided by the member's employing department as a
17 consequence of employment by the department, shall continue to
18 accrue creditable service based on the member's rate of pay
19 immediately prior to the date the member became disabled in
20 accordance with sections 104.370, 104.371, 104.374 and 104.615,
21 until the date the member's retirement benefit goes into pay
22 status, the disability benefits cease being paid to the member,
23 or the member is no longer disabled, whichever comes first.
24 Persons covered by the provisions of sections 476.515 to 476.565
25 or sections 287.812 to 287.855, who qualify for disability
26 benefits pursuant to the provisions of section 104.518, at the
27 date the person becomes disabled, shall continue to accrue

1 creditable service based on the person's rate of pay immediately
2 prior to the date the person becomes disabled until the date the
3 person's retirement benefit goes into pay status, the disability
4 benefits cease being paid to the person or the person is no
5 longer disabled, whichever comes first. Members or persons
6 continuing to accrue creditable service pursuant to this
7 subsection shall be entitled to continue their life insurance
8 coverage subject to the provisions of the life insurance plan
9 administered by the board pursuant to section 104.517. The rate
10 of pay for purposes of calculating retirement benefits for a
11 member or person described in this subsection who becomes
12 disabled and retires on or after August 28, 1999, shall be the
13 member's or person's regular monthly compensation received at the
14 time of disablement, increased thereafter for any increases in
15 the consumer price index. Such increases in the member's monthly
16 pay shall be made annually beginning twelve months after
17 disablement and shall be equal to eighty percent of the increase
18 in the consumer price index during the calendar year prior to the
19 adjustment, but not more than five percent of the member's
20 monthly pay immediately before the increase. Such accruals shall
21 continue until the earliest of: receipt of an early retirement
22 annuity, attainment of normal retirement eligibility or
23 termination of disability benefits.

24 7. A member or person who continues to be disabled as
25 provided in subsection 6 of this section until the member's
26 normal retirement age shall be eligible to retire on the first
27 day of the month next following the member's or person's final

1 payment pursuant to section 104.518 or, if applicable, subsection
2 1 of this section. A member or person who retires pursuant to
3 this subsection shall receive the greater of the normal annuity
4 or the minimum annuity, if applicable, determined pursuant to
5 sections 104.370, 104.371, 104.374 and 104.615, and section
6 287.820, and section 476.530 as if the member or person had
7 continued in the active employ of the employer until the member's
8 or person's retirement benefit goes into pay status, the
9 disability benefits cease being paid to the member or person, or
10 the member or person is no longer disabled, whichever comes first
11 and the member's or person's compensation for such period had
12 been the member's or person's rate of pay immediately preceding
13 the date the member or person became disabled.

14 8. If a member who has been disabled becomes an employee
15 again and if the member was disabled during the entire period of
16 the member's absence, then the member shall resume active
17 participation as of the date of reemployment. Such a member
18 shall receive creditable service for the entire period the member
19 was disabled as provided in subsection 6 of this section.

20 9. If a member ceases to be disabled and if the member does
21 not return to work as provided in subsection 8 of this section,
22 the member's rights to further benefits shall be determined in
23 accordance with sections 104.335, 104.380, 104.400, 104.420 and
24 104.615 as though the member had withdrawn from service as of the
25 date the member ceased to be disabled, as determined by the
26 system.

27 10. Members of the general assembly who are accruing

1 service under subsection 6 of this section shall continue to
2 accrue service until the earliest of attainment of normal
3 retirement age eligibility, termination of disability benefits,
4 or the end of the member's constitutionally mandated limit on
5 service as a member of the general assembly for the chamber in
6 which the member was serving at the time of disablement.

7 11. Statewide elected officials who are accruing service
8 under subsection 6 of this section shall continue to accrue
9 service until the earliest of attainment of normal retirement age
10 eligibility, termination of disability benefits, or the end of
11 the statewide elected official's constitutionally mandated limit
12 on service as a statewide elected official for the office in
13 which the statewide elected official was serving at the time of
14 disablement.

15 104.436. 1. The board intends to follow a financing
16 pattern which computes and requires contribution amounts which,
17 expressed as percents of active member payroll, will remain
18 approximately level from year to year and from one generation of
19 citizens to the next generation. Such contribution
20 determinations require regular actuarial valuations, which shall
21 be made by the board's actuary, using assumptions and methods
22 adopted by the board after consulting with its actuary. The
23 entry age normal cost valuation method shall be used in
24 determining the normal cost calculation [~~, and contributions for~~
25 ~~unfunded accrued liabilities shall be determined using level~~
26 ~~percent of payroll amortization]~~.

27 2. At least ninety days before each regular session of the

1 general assembly, the board shall certify to the division of
2 budget the contribution rate necessary to cover the liabilities
3 of the plan administered by the system, including costs of
4 administration, expected to accrue during the next appropriation
5 period. The commissioner of administration shall request
6 appropriation of the amount calculated pursuant to the provisions
7 of this subsection. Following each pay period, the commissioner
8 of administration shall requisition and certify the payment to
9 the executive director of the Missouri state employees'
10 retirement system. The executive director shall promptly deposit
11 the amounts certified to the credit of the Missouri state
12 employees' retirement fund.

13 3. The employers of members of the system who are not paid
14 out of funds that have been deposited in the state treasury shall
15 remit promptly to the executive director an amount equal to the
16 amount which the state would have paid if those members had been
17 paid entirely from state funds. The executive director shall
18 promptly deposit the amounts certified to the credit of the
19 Missouri state employees' retirement system fund.

20 4. These amounts are funds of the system, and shall not be
21 commingled with any funds in the state treasury.

22 104.490. 1. Should any error result in any member or
23 beneficiary receiving more or less than he or she would have been
24 entitled to receive had the error not occurred, the board shall
25 correct such error, and, as far as practicable, make future
26 payments in such a manner that the actuarial equivalent of the
27 benefit to which such member or beneficiary was entitled shall be

1 paid, and to this end may recover any overpayments. In all cases
2 in which such error has been made, no such error shall be
3 corrected unless the system discovers or is notified of such
4 error within ten years after the ~~[initial]~~ member's annuity
5 starting date or the date of error, whichever occurs later. In
6 cases of fraud, any error discovered shall be corrected without
7 concern to the amount of time that has passed.

8 2. A person who knowingly makes a false statement, or
9 falsifies or permits to be falsified a record of the system, in
10 an attempt to defraud the system is subject to fine or
11 imprisonment pursuant to the Missouri revised statutes.

12 3. The board of trustees of the Missouri state employees'
13 retirement system shall cease paying benefits to any survivor or
14 beneficiary who is charged with the intentional killing of a
15 member without legal excuse or justification. A survivor or
16 beneficiary who is convicted of such charge shall no longer be
17 entitled to receive benefits. If the survivor or beneficiary is
18 not convicted of such charge, the board shall resume payment of
19 benefits and shall pay the survivor or beneficiary any benefits
20 that were suspended pending resolution of such charge.

21 104.515. 1. Separate accounts for medical, life insurance
22 and disability benefits provided pursuant to sections 104.517 and
23 104.518 shall be established as part of the fund. The funds,
24 property and return on investments of the separate account shall
25 not be commingled with any other funds, property and investment
26 return of the system. All benefits and premiums are paid solely
27 from the separate account for medical, life insurance and

1 disability benefits provided pursuant to this section.

2 2. The state shall contribute an amount as appropriated by
3 law and approved by the governor per month for medical benefits,
4 life insurance and long-term disability benefits as provided
5 pursuant to this section and sections 104.517 and 104.518. Such
6 amounts shall include the cost of providing life insurance
7 benefits for each active employee who is a member of the Missouri
8 state employees' retirement system, a member of the public school
9 retirement system and who is employed by a state agency other
10 than an institution of higher learning, a member of the
11 retirement system established by sections 287.812 to 287.855, the
12 judicial retirement system, each legislator and official holding
13 an elective state office, members not on payroll status who are
14 receiving workers' compensation benefits, and if the state
15 highways and transportation commission so elects, those employees
16 who are members of the state transportation department employees'
17 and highway patrol retirement system; if the state highways and
18 transportation commission so elects to join the plan, the state
19 shall contribute an amount as appropriated by law for medical
20 benefits for those employees who are members of the
21 transportation department employees' and highway patrol
22 retirement system; an additional amount equal to the amount
23 required, based on competitive bidding or determined actuarially,
24 to fund the retired members' death benefit or life insurance
25 benefit, or both, provided in subsection 4 of this section and
26 the disability benefits provided in section 104.518. This amount
27 shall be reported as a separate item in the monthly certification

1 of required contributions which the commissioner of
2 administration submits to the state treasurer and shall be
3 deposited to the separate account for medical, life insurance and
4 disability benefits. All contributions made on behalf of members
5 of the state transportation department employees' and highway
6 patrol retirement system shall be made from highway funds. If
7 the highways and transportation commission so elects, the spouses
8 and unemancipated children under twenty-three years of age of
9 employees who are members of the state transportation department
10 employees' and highway patrol retirement system shall be able to
11 participate in the program of insurance benefits to cover medical
12 expenses pursuant to the provisions of subsection 3 of this
13 section.

14 3. The board shall determine the premium amounts required
15 for participating employees. The premium amounts shall be the
16 amount, which, together with the state's contribution, is
17 required to fund the benefits provided, taking into account
18 necessary actuarial reserves. Separate premiums shall be
19 established for employees' benefits and a separate premium or
20 schedule of premiums shall be established for benefits for
21 spouses and unemancipated children under twenty-three years of
22 age of participating employees. The employee's premiums for
23 spouse and children benefits shall be established to cover that
24 portion of the cost of such benefits which is not paid for by
25 contributions by the state. All such premium amounts shall be
26 paid to the board of trustees at the time that each employee's
27 wages or salary would normally be paid. The premium amounts so

1 remitted will be placed in the separate account for medical, life
2 insurance and disability benefits. In lieu of the availability
3 of premium deductions, the board may establish alternative
4 methods for the collection of premium amounts.

5 4. Each special consultant eligible for life benefits
6 employed by a board of trustees of a retirement system as
7 provided in section 104.610 who is a member of the Missouri state
8 life insurance plan or Missouri state transportation department
9 and Missouri state highway patrol life insurance plan shall, in
10 addition to duties prescribed in section 104.610 or any other
11 law, and upon request of the board of trustees, give the board,
12 orally or in writing, a short detailed statement on life
13 insurance and death benefit problems affecting retirees. As
14 compensation for the extra duty imposed by this subsection, any
15 special consultant as defined above, other than a special
16 consultant entitled to a deferred normal annuity pursuant to
17 section 104.035 or 104.335, who retires on or after September 28,
18 1985, shall receive as a part of compensation for these extra
19 duties, a death benefit of five thousand dollars, and any special
20 consultant who terminates employment on or after August 28, 1999,
21 after reaching normal or early retirement age and becomes a
22 retiree within [~~sixty~~] sixty-five days of such termination shall
23 receive five thousand dollars of life insurance coverage. In
24 addition, each special consultant who is a member of the
25 transportation department employees' and highway patrol
26 retirement system medical insurance plan shall also provide the
27 board, upon request of the board, orally or in writing, a short

1 detailed statement on physical, medical and health problems
2 affecting retirees. As compensation for this extra duty, each
3 special consultant as defined above shall receive, in addition to
4 all other compensation provided by law, nine dollars, or an
5 amount equivalent to that provided to other special consultants
6 pursuant to the provisions of section 103.115. In addition, any
7 special consultant as defined in section 287.820 or section
8 476.601 who terminates employment and immediately retires on or
9 after August 28, 1995, shall receive as a part of compensation
10 for these duties, a death benefit of five thousand dollars and
11 any special consultant who terminates employment on or after
12 August 28, 1999, after reaching the age of eligibility to receive
13 retirement benefits and becomes a retiree within [~~sixty~~] sixty-
14 five days of such termination shall receive five thousand dollars
15 of life insurance coverage.

16 5. Any former employee who is receiving disability income
17 benefits from the Missouri state employees' retirement system or
18 the transportation department employees' and highway patrol
19 retirement system shall, upon application with the board of
20 trustees of the Missouri consolidated health care plan or the
21 transportation department employees and highway patrol medical
22 plan, be made, constituted, appointed and employed by the
23 respective board as a special consultant on the problems of the
24 health of disability income recipients and, upon request of the
25 board of trustees of each medical plan, give the board, orally or
26 in writing, a short detailed statement of physical, medical and
27 health problems affecting disability income recipients. As

1 compensation for the extra duty imposed by this subsection, each
2 such special consultant as defined in this subsection may
3 receive, in addition to all other compensation provided by law,
4 an amount contributed toward medical benefits coverage provided
5 by the Missouri consolidated health care plan or the
6 transportation employees and highway patrol medical plan pursuant
7 to appropriations.

8 104.625. Effective July 1, 2002, any member retiring
9 pursuant to the provisions of sections 104.010 to 104.801, except
10 an elected official or a member of the general assembly, who has
11 not been paid retirement benefits and continues employment for at
12 least two years beyond normal retirement age, may elect to
13 receive an annuity and lump sum payment or payments, determined
14 as follows:

15 (1) A retroactive starting date shall be established which
16 shall be a date selected by the member; provided, however, that
17 the retroactive starting date selected by the member shall not be
18 a date which is earlier than the date when a normal annuity would
19 have first been payable. In addition, the retroactive starting
20 date shall not be more than five years prior to the annuity
21 starting date, which shall be the first day of the month with
22 respect to which an amount is paid as an annuity pursuant to this
23 section. The member's selection of a retroactive starting date
24 shall be done in twelve-month increments, except this restriction
25 shall not apply when the member selects the total available time
26 between the retroactive starting date and the annuity starting
27 date;

1 (2) The prospective annuity payable as of the annuity
2 starting date shall be determined pursuant to the provisions
3 otherwise applicable under the law, with the exception that it
4 shall be the amount which would have been payable had the member
5 actually retired on the retroactive starting date under the
6 retirement plan selected by the member. Other than for the lump
7 sum payment or payments specified in subdivision (3) of this
8 section, no other amount shall be due for the period between the
9 retroactive starting date and the annuity starting date;

10 (3) The lump sum payable shall be ninety percent of the
11 annuity amounts which would have been paid to the member from the
12 retroactive starting date to the annuity starting date had the
13 member actually retired on the retroactive starting date and
14 received a normal annuity. The member shall ~~[elect to]~~ receive
15 the lump sum amount ~~[either]~~ in its entirety at the same time as
16 the initial annuity payment is made ~~[or in three equal annual~~
17 ~~installments with the first payment made at the same time as the~~
18 ~~initial annuity payment]~~; and

19 (4) ~~[Any annuity payable pursuant to this section that is~~
20 ~~subject to a division of benefit order pursuant to section~~
21 ~~104.312 shall be calculated as follows:~~

22 ~~— (a) Any service of a member between the retroactive~~
23 ~~starting date and the annuity starting date shall not be~~
24 ~~considered creditable service except for purposes of calculating~~
25 ~~the division of benefit; and~~

26 ~~— (b) The lump sum payment described in subdivision (3) of~~
27 ~~this section shall not be subject to any division of benefit~~

1 ~~order; and~~

2 ~~——(5)]~~ For purposes of determining annual benefit increases
3 payable as part of the lump sum and annuity provided pursuant to
4 this section, the retroactive starting date shall be considered
5 the member's date of retirement.

6 104.810. 1. Employees of the Missouri state water patrol
7 who are earning creditable service in the closed plan of the
8 Missouri state employees' retirement system and who are
9 transferred to the division of water patrol with the Missouri
10 state highway patrol shall elect within ninety days of January 1,
11 2011, to either remain a member of the Missouri state employees'
12 retirement system or transfer membership and creditable service
13 to the closed plan of the Missouri department of transportation
14 and highway patrol employees' retirement system. The election
15 shall be made in writing after the employee has received a
16 detailed analysis comparing retirement, life insurance,
17 disability benefits, and medical benefits of a member of the
18 Missouri state employees' retirement system with the
19 corresponding benefits provided an employee of the highway patrol
20 covered by the closed plan of the Missouri department of
21 transportation and highway patrol employees' retirement system.
22 In electing plan membership the employee shall acknowledge and
23 agree that an election made under this subsection is irrevocable,
24 and constitutes a waiver to receive retirement, life insurance,
25 disability benefits, and medical benefits except as provided by
26 the system elected by the employee. Furthermore, in connection
27 with the election, the employee shall be required to acknowledge

1 that the benefits provided by virtue of membership in either
2 system, and any associated costs to the employee, may be
3 different now or in the future as a result of the election and
4 that the employee agrees to hold both systems harmless with
5 regard to benefit differences resulting from the election. If an
6 employee terminates employment and later returns to the same
7 position, the employee shall be a member of the system in which
8 he or she was a member prior to termination. If the employee
9 returns to any other job, the employee shall be a member of the
10 system that currently covers that position.

11 2. Employees of the Missouri state water patrol who are
12 earning credited service in the year 2000 plan of the Missouri
13 state employees' retirement system and who are transferred to the
14 division of water patrol with the Missouri state highway patrol
15 shall elect within ninety days of January 1, 2011, to either
16 remain a member of the Missouri state employees' retirement
17 system or transfer membership and creditable service to the year
18 2000 plan of the Missouri department of transportation and
19 highway patrol employees' retirement system. The election shall
20 be made in writing after the employee has received a detailed
21 analysis comparing retirement, life insurance, disability
22 benefits, and medical benefits of a member of the Missouri state
23 employees' retirement system with the corresponding benefits
24 provided an employee of the highway patrol covered by the year
25 2000 plan of the Missouri department of transportation and
26 highway patrol employees' retirement system. In electing plan
27 membership the employee shall acknowledge and agree that an

1 election made under this subsection is irrevocable, and
2 constitutes a waiver to receive retirement, life insurance,
3 disability benefits, and medical benefits except as provided by
4 the system elected by the employee. Furthermore, in connection
5 with the election, the employee shall be required to acknowledge
6 that the benefits provided by virtue of membership in either
7 system, and any associated costs to the employee, may be
8 different now or in the future as a result of the election and
9 that the employee agrees to hold both systems harmless with
10 regard to benefit differences resulting from the election.

11 3. The Missouri state employees' retirement system shall
12 pay to the Missouri department of transportation and highway
13 patrol employees' retirement system, by June 30, 2011, an amount
14 actuarially determined to equal the liability at the time of the
15 transfer for any employee who elects under subsection 1 or 2 of
16 this section to transfer to the Missouri department of
17 transportation and highway patrol employees' retirement system,
18 to the extent that liability is funded as of the most recent
19 actuarial valuation and based on the actuarial value of assets
20 not to exceed one hundred percent.

21 4. In no event shall any employee receive service credit
22 for the same period of service under more than one retirement
23 system as a result of the provisions of this section.

24 5. The only medical coverage available for any employee who
25 elects under subsection 1 or 2 of this section to transfer to the
26 Missouri department of transportation and highway patrol
27 employees' retirement system shall be the medical coverage

1 provided in section 104.270. The effective date for commencement
2 of medical coverage shall be July 1, 2011. However, this does
3 not preclude medical coverage for the transferred employee as a
4 dependent under any other health care plan.

5 6. Any employee who elects under subsection 1 or 2 of this
6 section to transfer to the Missouri department of transportation
7 and highway patrol employees' retirement system and who is also
8 thereafter a uniformed member of the highway patrol shall be
9 subject to the mandatory retirement age stated in section
10 104.081.

11 104.1003. 1. Unless a different meaning is plainly
12 required by the context, the following words and phrases as used
13 in sections 104.1003 to 104.1093 shall mean:

14 (1) "Act", the year 2000 plan created by sections 104.1003
15 to 104.1093;

16 (2) "Actuary", an actuary who is experienced in retirement
17 plan financing and who is either a member of the American Academy
18 of Actuaries or an enrolled actuary under the Employee Retirement
19 Income Security Act of 1974;

20 (3) "Annuity", annual benefit amounts, paid in equal
21 monthly installments, from funds provided for in, or authorized
22 by, sections 104.1003 to 104.1093;

23 (4) "Annuity starting date" means the first day of the
24 first month with respect to which an amount is paid as an annuity
25 pursuant to sections 104.1003 to 104.1093;

26 (5) "Beneficiary", any persons or entities entitled to
27 receive an annuity or other benefit pursuant to sections 104.1003

1 to 104.1093 based upon the employment record of another person;

2 (6) "Board of trustees", "board", or "trustees", a
3 governing body or bodies established for the year 2000 plan
4 pursuant to sections 104.1003 to 104.1093;

5 (7) "Closed plan", a benefit plan created pursuant to this
6 chapter and administered by a system prior to July 1, 2000. No
7 person first employed on or after July 1, 2000, shall become a
8 member of the closed plan, but the closed plan shall continue to
9 function for the benefit of persons covered by and remaining in
10 the closed plan and their beneficiaries;

11 (8) "Consumer price index", the Consumer Price Index for
12 All Urban Consumers for the United States, or its successor
13 index, as approved by the board, as such index is defined and
14 officially reported by the United States Department of Labor, or
15 its successor agency;

16 (9) "Credited service", the total credited service to a
17 member's credit as provided in sections 104.1003 to 104.1093;
18 except that in no case shall more than one day of credited
19 service be credited to any member or vested former member for any
20 one calendar day of eligible credit as provided by law;

21 (10) "Department", any department or agency of the
22 executive, legislative, or judicial branch of the state of
23 Missouri receiving state appropriations, including allocated
24 funds from the federal government but not including any body
25 corporate or politic unless its employees are eligible for
26 retirement coverage from a system pursuant to this chapter as
27 otherwise provided by law;

1 (11) "Early retirement eligibility", a member's attainment
2 of fifty-seven years of age and the completion of at least five
3 years of credited service;

4 (12) "Effective date", July 1, 2000;

5 (13) "Employee" shall be any person who is employed by a
6 department and is paid a salary or wage by a department in a
7 position normally requiring the performance of duties of not less
8 than one thousand forty hours per year, provided:

9 (a) The term "employee" shall not include any patient or
10 inmate of any state, charitable, penal or correctional
11 institution, or any person who is employed by a department in a
12 position that is covered by a state-sponsored defined benefit
13 retirement plan not created by this chapter;

14 (b) The term "employee" shall be modified as provided by
15 other provisions of sections 104.1003 to 104.1093;

16 (c) The system shall consider a person who is employed in
17 multiple positions simultaneously within a single agency to be
18 working in a single position for purposes of determining whether
19 the person is an employee as defined in this subdivision; and

20 (d) ~~Beginning September 1, 2001, the term "year" as used~~
21 ~~in this subdivision shall mean the twelve-month period beginning~~
22 ~~on the first day of employment;~~

23 ~~—(e)]~~ The term "employee" shall include any person as
24 defined under paragraph (b) of subdivision (21) of subsection 1
25 of section 104.010 who is first employed on or after July 1,
26 2000, but prior to August 28, 2007;

27 (14) "Employer", a department;

1 (15) "Executive director", the executive director employed
2 by a board established pursuant to the provisions of sections
3 104.1003 to 104.1093;

4 (16) "Final average pay", the average pay of a member for
5 the thirty-six full consecutive months of service before
6 termination of employment when the member's pay was greatest; or
7 if the member was on workers' compensation leave of absence or a
8 medical leave of absence due to an employee illness, the amount
9 of pay the member would have received but for such leave of
10 absence as reported and verified by the employing department; or
11 if the member was employed for less than thirty-six months, the
12 average monthly pay of a member during the period for which the
13 member was employed. The board of each system may promulgate
14 rules for purposes of calculating final average pay and other
15 retirement provisions to accommodate for any state payroll system
16 in which pay is received on a monthly, semimonthly, biweekly, or
17 other basis;

18 (17) "Fund", a fund of the year 2000 plan established
19 pursuant to sections 104.1003 to 104.1093;

20 (18) "Investment return", or "interest", rates as shall be
21 determined and prescribed from time to time by a board;

22 (19) "Member", a person who is included in the membership
23 of the system, as set forth in section 104.1009;

24 (20) "Normal retirement eligibility", a member's attainment
25 of at least sixty-two years of age and the completion of at least
26 five or more years of credited service or, the attainment of at
27 least forty-eight years of age with a total of years of age and

1 years of credited service which is at least eighty or, in the
2 case of a member of the highway patrol who shall be subject to
3 the mandatory retirement provisions of section 104.080, the
4 mandatory retirement age and completion of five years of credited
5 service or, the attainment of at least forty-eight years of age
6 with a total of years of age and years of credited service which
7 is at least eighty;

8 (21) "Pay" shall include:

9 (a) All salary and wages payable to an employee for
10 personal services performed for a department; but excluding:

11 a. Any amounts paid after an employee's employment is
12 terminated, unless the payment is made as a final installment of
13 salary or wages at the same rate as in effect immediately prior
14 to termination of employment in accordance with a state payroll
15 system adopted on or after January 1, 2000;

16 b. Any amounts paid upon termination of employment for
17 unused annual leave or unused sick leave;

18 c. Pay in excess of the limitations set forth in Section
19 401(a)(17) of the Internal Revenue Code of 1986 as amended and
20 other applicable federal laws or regulations;

21 d. Any nonrecurring single sum payments; and

22 e. Any amounts for which contributions have not been made
23 in accordance with section 104.1066;

24 (b) All salary and wages which would have been payable to
25 an employee on workers' compensation leave of absence during the
26 period the employee is receiving a weekly workers' compensation
27 benefit, as reported and verified by the employing department;

1 (c) All salary and wages which would have been payable to
2 an employee on a medical leave due to employee illness, as
3 reported and verified by the employing department;

4 (d) For purposes of members of the general assembly, pay
5 shall be the annual salary provided to each senator and
6 representative pursuant to section 21.140, plus any salary
7 adjustment pursuant to section 21.140;

8 (e) The board by its rules may further define "pay" in a
9 manner consistent with this definition;

10 (22) "Retiree", a person receiving an annuity from the year
11 2000 plan based upon the person's employment record;

12 (23) "State", the state of Missouri;

13 (24) "System" or "retirement system", the Missouri state
14 employees' retirement system or the Missouri department of
15 transportation and highway patrol employees' retirement system,
16 as the case may be;

17 (25) "Vested former member", a person entitled to receive a
18 deferred annuity pursuant to section 104.1036;

19 (26) "Year 2000 plan", the benefit plan created by sections
20 104.1003 to 104.1093.

21 2. Benefits paid under the provisions of this chapter shall
22 not exceed the limitations of Internal Revenue Code Section 415,
23 the provisions of which are hereby incorporated by reference.
24 Notwithstanding any other law to the contrary, the board of
25 trustees may establish a benefit plan under Section 415(m) of the
26 Internal Revenue Code of 1986, as amended. Such plan shall be
27 created solely for the purposes described in Section 415(m)(3)(A)

1 of the Internal Revenue Code of 1986, as amended. The board of
2 trustees may promulgate regulations necessary to implement the
3 provisions of this subsection and to create and administer such
4 benefit plan.

5 104.1015. 1. Persons covered by a closed plan on July 1,
6 2000, shall elect whether or not to change to year 2000 plan
7 coverage. Any such person who elects to be covered by the year
8 2000 plan shall forfeit all rights to receive benefits under this
9 chapter except as provided under the year 2000 plan and all
10 creditable service of such person under the closed plan shall be
11 credited under the year 2000 plan. Any such person who elects
12 not to be covered by the year 2000 plan shall waive all rights to
13 receive benefits under the year 2000 plan. In no event shall any
14 retroactive annuity be paid to such persons pursuant to sections
15 104.1003 to 104.1093 except as described in subsection 2 of this
16 section. Any person who elects year 2000 plan coverage under
17 subsection 3, 4, or 5 [~~7 or 6~~] of this section shall be in the
18 closed plan until the person's annuity starting date.

19 2. Each retiree of the closed plan on July 1, 2000, shall
20 be furnished by the appropriate system a written comparison of
21 the retiree's closed plan coverage and the retiree's potential
22 year 2000 plan coverage. A retiree shall elect whether or not to
23 change to year 2000 plan coverage by making a written election,
24 on a form furnished by the appropriate board, and providing that
25 form to the system by no later than twelve months after July 1,
26 2000, and any retiree who fails to make such election within such
27 time period shall be deemed to have elected to remain covered

1 under the closed plan; provided the election must be after the
2 retiree has received from the appropriate system such written
3 comparison. The retirement option elected under the year 2000
4 plan shall be the same as the retirement option elected under the
5 closed plan, except any retiree who is receiving one of the
6 options providing for a continuing lifetime annuity to a
7 surviving spouse under the closed plan may elect to receive an
8 annuity under option 1 or 2 of section 104.1027, or a life
9 annuity under subsection 2 of section 104.1024, provided the
10 person who was married to the member at the time of retirement,
11 if any, consents in writing to such election made pursuant to
12 section 104.1024, or to any election described in this section if
13 the person was married to a member of the Missouri state
14 employees' retirement system. The effective date of payment of
15 an annuity under the year 2000 plan as provided in this
16 subsection shall begin on July 1, 2000. No adjustment shall be
17 made to retirement benefits paid to the retiree prior to July 1,
18 2000. In order to calculate a new monthly annuity for retirees
19 electing coverage under the year 2000 plan pursuant to this
20 subsection, the following calculations shall be made:

21 (1) Except as otherwise provided in this subsection, the
22 retiree's gross monthly retirement annuity in effect immediately
23 prior to July 1, 2000, shall be multiplied by the percentage
24 increase in the life annuity formula between the closed plan and
25 the year 2000 plan. This amount shall be added to the retiree's
26 gross monthly retirement annuity in effect immediately prior to
27 July 1, 2000, to arrive at the retiree's new monthly retirement

1 annuity in the year 2000 plan on July 1, 2000. The age of
2 eligibility and reduction factors applicable to the retiree's
3 original annuity under the closed plan shall remain the same in
4 the annuity payable under the year 2000 plan, except as provided
5 in subdivision (2) of this subsection;

6 (2) If option 1 or 2 pursuant to section 104.1027 is chosen
7 by the retiree under the year 2000 plan, the new monthly
8 retirement annuity calculated pursuant to subdivision (1) of this
9 subsection shall be recalculated using the reduction factors for
10 the option chosen pursuant to section 104.1027;

11 (3) If a temporary annuity is payable pursuant to
12 subsection 4 of section 104.1024 the additional temporary annuity
13 shall be calculated by multiplying the retiree's credited service
14 by the retiree's final average pay by eight-tenths of one
15 percent;

16 (4) Cost-of-living adjustments paid pursuant to section
17 104.1045 will commence on the anniversary of the retiree's
18 annuity starting date coincident with or next following July 1,
19 2000;

20 (5) Any retiree or other person described in this section
21 who elects coverage under the year 2000 plan based on service
22 rendered as a member of the general assembly or as a statewide
23 elected official shall receive an annuity under the year 2000
24 plan calculated pursuant to the provisions of section 104.1084
25 using the current monthly pay at the time of the election with
26 future COLAs calculated pursuant to subsection 7 of section
27 104.1084.

1 3. Each person who is an employee and covered by the closed
2 plan and not a retiree of the closed plan on July 1, 2000, shall
3 elect whether or not to change to year 2000 plan coverage prior
4 to the last business day of the month before the person's annuity
5 starting date, and if such election has not been made within such
6 time, annuity payments due beginning on and after the month of
7 the annuity starting date shall be made the month following the
8 receipt by the appropriate system of such election and any other
9 information required by the year 2000 plan created by sections
10 104.1003 to 104.1093; provided, such election must be after the
11 person has received from the year 2000 plan a written comparison
12 of the person's closed plan coverage and the person's potential
13 year 2000 plan coverage and the election must be made in writing
14 on a form furnished by the appropriate board. If such person
15 dies after the annuity starting date but before making such
16 election and providing such other information, no benefits shall
17 be paid except as required pursuant to section 104.420 or
18 subsection 2 of section 104.372 for members of the general
19 assembly.

20 4. Each person who is not an employee and not a retiree and
21 is eligible for a deferred annuity from the closed plan on July
22 1, 2000, shall elect whether or not to change to the year 2000
23 plan coverage prior to the last business day of the month before
24 the person's annuity starting date, and if such election has not
25 been made within such time, annuity payments due beginning on and
26 after the month of the annuity starting date shall be made the
27 month following the receipt by the appropriate system of such

1 election and any other information required by the year 2000 plan
2 created by sections 104.1003 to 104.1093; provided, the election
3 must be after the person has received from the year 2000 plan a
4 written comparison of the person's closed plan coverage and the
5 person's potential year 2000 plan coverage and the election must
6 be made in writing on a form furnished by the appropriate board.
7 If such person dies after the annuity starting date but before
8 making such election and providing such other information, no
9 benefits shall be paid except as required pursuant to section
10 104.420 or subsection 2 of section 104.372 for members of the
11 general assembly.

12 5. Each person who is not an employee and not a retiree and
13 is eligible for a deferred annuity from the closed plan and
14 returns to covered employment on or after July 1, 2000, shall be
15 covered under the closed plan; provided, such person shall elect
16 whether or not to change to the year 2000 plan coverage prior to
17 the last business day of the month before the person's annuity
18 starting date, and if such election has not been made within such
19 time, annuity payments due beginning on and after the month of
20 the annuity starting date shall be made the month following the
21 receipt by the appropriate system of such election and any other
22 information required by the year 2000 plan created by sections
23 104.1003 to 104.1093 and the election must be after the person
24 has received from the year 2000 plan a written comparison of the
25 person's closed plan coverage and the person's potential year
26 2000 plan coverage and the election must be made in writing on a
27 form furnished by the appropriate board. If such person dies

1 after the annuity starting date but before making such election
2 and providing such other information, no benefits shall be paid
3 except as required under section 104.420 or subsection 2 of
4 section 104.372 for members of the general assembly.

5 6. Each person who is not an employee and not a retiree and
6 not eligible for a deferred annuity from the closed plan or year
7 2000 plan but has forfeited creditable service with the closed
8 plan or year 2000 plan and becomes an employee on or after August
9 28, ~~[2002]~~ 2021, shall be ~~[changed to year 2000 plan coverage]~~
10 subject to the provisions of section 104.1091 and upon receiving
11 credited service continuously for one year shall receive credited
12 service for all such forfeited creditable service under the
13 closed plan or year 2000 plan.

14 7. Each person who was employed as a member of the general
15 assembly through December 31, 2000, covered under the closed
16 plan, and has served at least two full biennial assemblies as
17 defined in subdivision (25) of subsection 1 of section 104.010
18 but who is not eligible for a deferred annuity under the closed
19 plan shall be eligible to receive benefits under the new plan
20 pursuant to subdivision (5) of subsection 2 of this section upon
21 meeting the age requirements under the new plan.

22 8. The retirees and persons described in subsections 2 and
23 4 of this section shall be eligible for benefits under those
24 subsections pursuant to subsection 8 of section 104.610.

25 9. A member may change a member's plan election made under
26 this section at any time prior to the system mailing or
27 electronically transferring the first annuity payment to such

1 member.

2 104.1018. 1. When a member is no longer employed in a
3 position covered by the system, membership in the system shall
4 thereupon cease. If a member has five or more years of credited
5 service upon such member's termination of membership, such member
6 shall be a vested former member entitled to a deferred annuity
7 pursuant to section 104.1036, except as otherwise provided in
8 subsection 7 of section 104.1024. If a member has fewer than
9 five years of credited service upon termination of membership,
10 such former member's credited service shall be forfeited,
11 provided that if such former member becomes reemployed in a
12 position covered by the system, such former member shall again
13 become a member of the system [~~and the forfeited credited service~~
14 ~~shall be restored after receiving creditable service continuously~~
15 ~~for one year] subject to the provisions of section 104.1091 and
16 upon receiving credited service continuously for one year, such
17 former member shall receive credited service for all such
18 forfeited service.~~

19 2. Upon a member becoming a retiree, membership shall cease
20 and, except as otherwise provided in section 104.1039, the person
21 shall not again become a member of the system.

22 3. If a vested former member becomes reemployed in a
23 position covered by the system before such vested former member's
24 annuity starting date, membership shall be restored with the
25 previous credited service and increased by such reemployment.

26 104.1024. 1. Any member who terminates employment may
27 retire on or after attaining normal retirement eligibility by

1 making application in written form and manner approved by the
2 appropriate board. The written application shall set forth the
3 annuity starting date which shall not be earlier than the first
4 day of the second month following the month of the execution and
5 filing of the member's application for retirement nor later than
6 the first day of the fourth month following the month of the
7 execution and filing of the member's application for retirement.
8 The payment of the annuity shall be made the last working day of
9 each month, providing all documentation required under section
10 104.1027 for the calculation and payment of the benefits is
11 received by the board.

12 2. A member's annuity shall be paid in the form of a life
13 annuity, except as provided in section 104.1027, and shall be an
14 amount for life equal to one and seven-tenths percent of the
15 final average pay of the member multiplied by the member's years
16 of credited service.

17 3. The life annuity defined in subsection 2 of this section
18 shall not be less than a monthly amount equal to fifteen dollars
19 multiplied by the member's full years of credited service.

20 4. If as of the annuity starting date of a member who has
21 attained normal retirement eligibility the sum of the member's
22 years of age and years of credited service equals eighty or more
23 years and if the member's age is at least forty-eight years but
24 less than sixty-two years, or, in the case of a member of the
25 highway patrol who shall be subject to the mandatory retirement
26 provision of section 104.080, the mandatory retirement age and
27 completion of five years of credited service, then in addition to

1 the life annuity described in subsection 2 of this section, the
2 member shall receive a temporary annuity equal to eight-tenths of
3 one percent of the member's final average pay multiplied by the
4 member's years of credited service. The temporary annuity and
5 any cost-of-living adjustments attributable to the temporary
6 annuity pursuant to section 104.1045 shall terminate at the end
7 of the calendar month in which the earlier of the following
8 events occurs: the member's death or the member's attainment of
9 the earliest age of eligibility for reduced Social Security
10 retirement benefits, but no later than age sixty-two.

11 5. The annuity described in subsection 2 of this section
12 for any person who has credited service not covered by the
13 federal Social Security Act, as provided in [~~sections 105.300 to~~
14 ~~105.430~~] subdivision (1) of subsection 7 of section 104.342,
15 shall be calculated as follows: the life annuity shall be an
16 amount equal to two and five-tenths percent of the final average
17 pay of the member multiplied by the number of years of service
18 not covered by the federal Social Security Act in addition to one
19 and seven-tenths percent of the final average pay of the member
20 multiplied by the member's years of credited service covered by
21 the federal Social Security Act.

22 6. Effective July 1, 2002, any member, except an elected
23 official or a member of the general assembly, who has not been
24 paid retirement benefits and continues employment for at least
25 two years beyond the date of normal retirement eligibility, may
26 elect to receive an annuity and lump sum payment or payments,
27 determined as follows:

1 (1) A retroactive starting date shall be established which
2 shall be a date selected by the member; provided, however, that
3 the retroactive starting date selected by the member shall not be
4 a date which is earlier than the date when a normal annuity would
5 have first been payable. In addition, the retroactive starting
6 date shall not be more than five years prior to the annuity
7 starting date. The member's selection of a retroactive starting
8 date shall be done in twelve-month increments, except this
9 restriction shall not apply when the member selects the total
10 available time between the retroactive starting date and the
11 annuity starting date;

12 (2) The prospective annuity payable as of the annuity
13 starting date shall be determined pursuant to the provisions of
14 this section, with the exception that it shall be the amount
15 which would have been payable at the annuity starting date had
16 the member actually retired on the retroactive starting date
17 under the retirement plan selected by the member. Other than for
18 the lump sum payment or payments specified in subdivision (3) of
19 this subsection, no other amount shall be due for the period
20 between the retroactive starting date and the annuity starting
21 date;

22 (3) The lump sum payable shall be ninety percent of the
23 annuity amounts which would have been paid to the member from the
24 retroactive starting date to the annuity starting date had the
25 member actually retired on the retroactive starting date and
26 received a life annuity. The member shall ~~[elect to]~~ receive the
27 lump sum amount ~~[either]~~ in its entirety at the same time as the

1 initial annuity payment is made ~~[or in three equal annual~~
2 ~~installments with the first payment made at the same time as the~~
3 ~~initial annuity payment]~~; and

4 (4) ~~[Any annuity payable pursuant to this section that is~~
5 ~~subject to a division of benefit order pursuant to section~~
6 ~~104.1051 shall be calculated as follows:~~

7 ~~— (a) Any service of a member between the retroactive~~
8 ~~starting date and the annuity starting date shall not be~~
9 ~~considered credited service except for purposes of calculating~~
10 ~~the division of benefit; and~~

11 ~~— (b) The lump sum payment described in subdivision (3) of~~
12 ~~this section shall not be subject to any division of benefit~~
13 ~~order; and~~

14 ~~— (5)]~~ For purposes of determining annual benefit increases
15 payable as part of the lump sum and annuity provided pursuant to
16 this section, the retroactive starting date shall be considered
17 the member's date of retirement.

18 7. Any vested former member who terminated employment after
19 attaining normal retirement eligibility shall be considered a
20 member for the purposes of this section.

21 104.1051. 1. Any annuity provided pursuant to the year
22 2000 plan is marital property and a court of competent
23 jurisdiction may divide such annuity between the parties to any
24 action for dissolution of marriage if at the time of the
25 dissolution the member has at least five years of credited
26 service pursuant to sections 104.1003 to 104.1093. A division of
27 benefits order issued pursuant to this section:

1 (1) Shall not require the applicable retirement system to
2 provide any form or type of annuity or retirement plan not
3 selected by the member;

4 (2) Shall not require the applicable retirement system to
5 commence payments until the member's annuity starting date;

6 (3) Shall identify the monthly amount to be paid to the
7 former spouse, which shall be expressed as a percentage and which
8 shall not exceed fifty percent of the amount of the member's
9 annuity accrued during all or part of the period of the marriage
10 of the member and former spouse, excluding service accrued under
11 subsection 2 of section 104.1021, and which shall be based on the
12 member's vested annuity on the date of the dissolution of
13 marriage or an earlier date as specified in the order, which
14 amount shall be adjusted proportionately upon the annuity
15 starting date if the member's annuity is reduced due to the
16 receipt of an early retirement annuity or the member's annuity is
17 reduced pursuant to section 104.1027 under an annuity option in
18 which the member named the alternate payee as beneficiary prior
19 to the dissolution of marriage;

20 (4) Shall not require the payment of an annuity amount to
21 the member and former spouse which in total exceeds the amount
22 which the member would have received without regard to the order;

23 (5) Shall provide that any annuity increases, additional
24 years of credited service, increased final average pay, increased
25 pay pursuant to subsections 2 and 5 of section 104.1084, or other
26 type of increases accrued after the date of the dissolution of
27 marriage and any temporary annuity received pursuant to

1 subsection 4 of section 104.1024 shall accrue solely to the
2 benefit of the member; except that on or after September 1, 2001,
3 any cost-of-living adjustment (COLA) due after the annuity
4 starting date shall not be considered to be an increase accrued
5 after the date of termination of marriage and shall be part of
6 the monthly amount subject to division pursuant to any order
7 issued after September 1, 2001;

8 (6) Shall terminate upon the death of either the member or
9 the former spouse, whichever occurs first;

10 (7) Shall not create an interest which is assignable or
11 subject to any legal process;

12 (8) Shall include the name, address, and date of birth of
13 both the member and the former spouse, and the identity of the
14 retirement system to which it applies;

15 (9) Shall be consistent with any other division of benefits
16 orders which are applicable to the same member;

17 (10) Shall not require the applicable retirement system to
18 continue payments to the alternate payee if the member's
19 retirement benefit is suspended or waived as provided by this
20 chapter but such payments shall resume when the retiree begins to
21 receive retirement benefits in the future.

22 2. A system shall provide the court having jurisdiction of
23 a dissolution of a marriage proceeding or the parties to the
24 proceeding with information necessary to issue a division of
25 benefits order concerning a member of the system, upon written
26 request from either the court, the member, or the member's
27 spouse, citing this section and identifying the case number and

1 parties.

2 3. A system shall have the discretionary authority to
3 reject a division of benefits order for the following reasons:

4 (1) The order does not clearly state the rights of the
5 member and the former spouse;

6 (2) The order is inconsistent with any law governing the
7 retirement system.

8 4. Any member of the closed plan who elected the year 2000
9 plan pursuant to section 104.1015 and then becomes divorced and
10 subject to a division of benefits order shall have the division
11 of benefits order calculated pursuant to the provisions of the
12 year 2000 plan.

13 5. Any annuity payable under section 104.1024 that is
14 subject to a division of benefit order under this section shall
15 be calculated as follows:

16 (a) In instances of divorce after retirement, any service
17 or pay of a member between the retroactive starting date and the
18 annuity starting date shall not be considered creditable service
19 or pay; and

20 (b) The lump sum payment described in subdivision (3) of
21 subsection 6 of section 104.1024 shall not be subject to any
22 division of benefit order.

23 104.1060. 1. Should any error result in any person
24 receiving more or less than the person would have been entitled
25 to receive had the error not occurred, the board shall correct
26 such error, and, as far as practicable, make future payments in
27 such a manner that the actuarial equivalent of the annuity to

1 which such person was entitled shall be paid, and to this end may
2 recover any overpayments. In all cases in which such error has
3 been made, no such error shall be corrected unless the system
4 discovers or is notified of such error within ten years after the
5 [initial] member's annuity starting date or the date of error,
6 whichever occurs later. In cases of fraud, any error discovered
7 shall be corrected without concern to the amount of time that has
8 passed.

9 2. A person who knowingly makes a false statement, or
10 falsifies or permits to be falsified a record of the system, in
11 an attempt to defraud the system shall be subject to fine or
12 imprisonment under the Missouri revised statutes.

13 3. A board shall not pay an annuity to any survivor or
14 beneficiary who is charged with the intentional killing of a
15 member, retiree or survivor without legal excuse or
16 justification. A survivor or beneficiary who is convicted of
17 such charge shall no longer be entitled to receive an annuity.
18 If the survivor or beneficiary is not convicted of such charge,
19 the board shall resume annuity payments and shall pay the
20 survivor or beneficiary any annuity payments that were suspended
21 pending resolution of such charge.

22 104.1066. 1. The year 2000 plan intends to follow a
23 financing pattern which computes and requires contribution
24 amounts which, expressed as percents of active member payroll,
25 will remain approximately level from year to year and from one
26 generation of citizens to the next generation. Such contribution
27 determinations require regular actuarial valuations, which shall

1 be made by the board's actuary, using assumptions and methods
2 adopted by the board after consulting with its actuary. The
3 entry age-normal cost valuation method shall be used in
4 determining the normal cost [~~, and contributions for unfunded~~
5 ~~accrued liabilities shall be determined using level~~
6 ~~percent of payroll amortization]~~ calculation. For purposes of
7 this subsection and section 104.436, the actuary shall determine
8 a single contribution rate applicable to both closed plan and
9 year 2000 plan participants and, in determining such rate, make
10 estimates of the probabilities of closed plan participants
11 transferring to the year 2000 plan.

12 2. At least ninety days before each regular session of the
13 general assembly, the board of the Missouri state employees'
14 retirement system shall certify to the division of budget the
15 contribution rate necessary to cover the liabilities of the year
16 2000 plan administered by such system, including costs of
17 administration, expected to accrue during the next appropriation
18 period. The commissioner of administration shall request
19 appropriations based upon the contribution rate so certified.
20 From appropriations so made, the commissioner of administration
21 shall certify contribution amounts to the state treasurer who in
22 turn shall immediately pay the contributions to the year 2000
23 plan.

24 3. The employers of members covered by the Missouri state
25 employees' retirement system who are not paid out of funds that
26 have been deposited in the state treasury shall remit following
27 each pay period to the year 2000 plan an amount equal to the

1 amount which the state would have paid if those members had been
2 paid entirely from state funds. Such employers shall maintain
3 payroll records for a minimum of five years and shall produce all
4 such records as requested by the system. The system is
5 authorized to request from the state office of administration an
6 appropriation out of the annual budget of any such employer in
7 the event such records indicate that such employer has not
8 contributed the amounts required by this section. The office of
9 administration shall request such appropriation which shall be
10 equal to the amount necessary to replace any shortfall in
11 contributions as determined by the system. From appropriations
12 so made, the commissioner of administration shall certify
13 contribution amounts to the state treasurer who in turn shall
14 immediately pay such contributions to the year 2000 plan.

15 4. At least ninety days before each regular session of the
16 general assembly, the board of the transportation department and
17 highway patrol retirement system shall certify to the department
18 of transportation and the department of public safety the
19 contribution rate necessary to cover the liabilities of the year
20 2000 plan administered by such system, including costs of
21 administration, expected to accrue during the next biennial or
22 other appropriation period. Each department shall include in its
23 budget and in its request for appropriations for personal service
24 the sum so certified to it by such board, and shall present the
25 same to the general assembly for allowance. The sums so
26 certified and appropriated, when available, shall be immediately
27 paid to the system and deposited in the highway and

1 transportation employees' and highway patrol retirement and
2 benefit fund.

3 5. These amounts are funds of the year 2000 plan and shall
4 not be commingled with any funds in the state treasury.

5 104.1072. 1. Each board shall provide or contract, or
6 both, for life insurance benefits for employees covered pursuant
7 to the year 2000 plan as follows:

8 (1) Employees shall be provided fifteen thousand dollars of
9 life insurance until December 31, 2000. Effective January 1,
10 2001, the system shall provide or contract or both for basic life
11 insurance for employees covered under any retirement plan
12 administered by the system pursuant to this chapter, persons
13 covered by sections 287.812 to 287.856, for employees who are
14 members of the judicial retirement system as provided in section
15 476.590, and, at the election of the state highways and
16 transportation commission, employees who are members of the
17 highways and transportation employees' and highway patrol
18 retirement system, in the amount equal to one times annual pay,
19 subject to a minimum amount of fifteen thousand dollars. The
20 board shall establish by rule or contract the method for
21 determining the annual rate of pay and any other terms of such
22 insurance as it deems necessary to implement the requirements
23 pursuant to this section. Annual rate of pay shall not include
24 overtime or any other irregular payments as determined by the
25 board. Such life insurance shall provide for triple indemnity in
26 the event the cause of death is a proximate result of a personal
27 injury or disease arising out of and in the course of actual

1 performance of duty as an employee;

2 (2) Any member who terminates employment after reaching
3 normal or early retirement eligibility and becomes a retiree
4 within [~~sixty~~] sixty-five days of such termination shall receive
5 five thousand dollars of life insurance coverage.

6 2. (1) In addition to the life insurance authorized by the
7 provisions of subsection 1 of this section, any person for whom
8 life insurance is provided or contracted for pursuant to such
9 subsection may purchase, at the person's own expense and only if
10 monthly voluntary payroll deductions are authorized, additional
11 life insurance at a cost to be stipulated in a contract with a
12 private insurance company or as may be required by a system if
13 the board of trustees determines that the system should provide
14 such insurance itself. The maximum amount of additional life
15 insurance which may be so purchased prior to January 1, 2004, is
16 that amount which equals six times the amount of the person's
17 annual rate of pay, subject to any maximum established by a
18 board, except that if such maximum amount is not evenly divisible
19 by one thousand dollars, then the maximum amount of additional
20 insurance which may be purchased is the next higher amount evenly
21 divisible by one thousand dollars. The maximum amount of
22 additional life insurance which may be so purchased on or after
23 January 1, 2004, is an amount to be stipulated in a contract with
24 a private insurance company or as may be required by the system
25 if the board of trustees determines that the system should
26 provide the insurance itself.

27 (2) Any person defined in subdivision (1) of this

1 subsection may retain an amount not to exceed sixty thousand
2 dollars of life insurance following the date of his or her
3 retirement if such person becomes a retiree the month following
4 termination of employment and makes written application for such
5 life insurance at the same time such person's application is made
6 to the board for retirement benefits. Such life insurance shall
7 only be provided if such person pays the entire cost of the
8 insurance, as determined by the board, by allowing voluntary
9 deductions from the member's annuity.

10 (3) In addition to the life insurance authorized in
11 subdivision (1) of this subsection, any person for whom life
12 insurance is provided or contracted for pursuant to this
13 subsection may purchase, at the person's own expense and only if
14 monthly voluntary payroll deductions are authorized, life
15 insurance covering the person's children or the person's spouse
16 or both at coverage amounts to be determined by the board at a
17 cost to be stipulated in a contract with a private insurer or as
18 may be required by the system if the board of trustees determines
19 that the system should provide such insurance itself.

20 (4) Effective July 1, 2000, any member who applies and is
21 eligible to receive an annuity based on the attainment of at
22 least forty-eight years of age with a total of years of age and
23 years of credited service which is at least eighty shall be
24 eligible to retain any optional life insurance described in
25 subdivision (1) of this subsection. The amount of such retained
26 insurance shall not be greater than the amount in effect during
27 the month prior to termination of employment. Such insurance may

1 be retained until the member's attainment of the earliest age for
2 eligibility for reduced Social Security retirement benefits but
3 no later than age sixty-two, at which time the amount of such
4 insurance that may be retained shall be that amount permitted
5 pursuant to subdivision (2) of this subsection.

6 3. The state highways and transportation commission may
7 provide for insurance benefits to cover medical expenses for
8 members of the highways and transportation employees' and highway
9 patrol retirement system. The state highways and transportation
10 commission may provide medical benefits for dependents of members
11 and for retired members. Contributions by the state highways and
12 transportation commission to provide the benefits shall be on the
13 same basis as provided for other state employees pursuant to the
14 provisions of section 104.515. Except as otherwise provided by
15 law, the cost of benefits for dependents of members and for
16 retirees and their dependents shall be paid by the members or
17 retirees. The commission may contract with other persons or
18 entities including but not limited to third-party administrators,
19 health network providers and health maintenance organizations for
20 all, or any part of, the benefits provided for in this section.
21 The commission may require reimbursement of any medical claims
22 paid by the commission's medical plan for which there was
23 third-party liability.

24 4. The highways and transportation employees' and highway
25 patrol retirement system may request the state highways and
26 transportation commission to provide life insurance benefits as
27 required in subsections 1 and 2 of this section. If the state

1 highways and transportation commission agrees to the request, the
2 highways and transportation employees' and highway patrol
3 retirement system shall reimburse the state highways and
4 transportation commission for any and all costs for life
5 insurance provided pursuant to subdivision (2) of subsection 1 of
6 this section. The person who is covered pursuant to subsection 2
7 of this section shall be solely responsible for the costs of any
8 additional life insurance. In lieu of the life insurance benefit
9 in subdivision (2) of subsection 1 of this section, the highways
10 and transportation employees' and highway patrol retirement
11 system is authorized in its sole discretion to provide a death
12 benefit of five thousand dollars.

13 5. To the extent that the board enters or has entered into
14 any contract with any insurer or service organization to provide
15 life insurance provided for pursuant to this section:

16 (1) The obligation to provide such life insurance shall be
17 primarily that of the insurer or service organization and
18 secondarily that of the board;

19 (2) Any member who has been denied life insurance benefits
20 by the insurer or service organization and has exhausted all
21 appeal procedures provided by the insurer or service organization
22 may appeal such decision by filing a petition against the insurer
23 or service organization in a court of law in the member's county
24 of residence; and

25 (3) The board and the system shall not be liable for life
26 insurance benefits provided by an insurer or service organization
27 pursuant to this section and shall not be subject to any cause of

1 action with regard to life insurance benefits or the denial of
2 life insurance benefits by the insurer or service organization
3 unless the member has obtained judgment against the insurer or
4 service organization for life insurance benefits and the insurer
5 or service organization is unable to satisfy that judgment.

6 104.1084. 1. For members of the general assembly, the
7 provisions of this section shall supplement or replace the
8 indicated other provisions of the year 2000 plan. "Normal
9 retirement eligibility" means attainment of age fifty-five for a
10 member who has served at least three full biennial assemblies or
11 the attainment of at least age fifty for a member who has served
12 at least three full biennial assemblies with a total of years of
13 age and years of credited service which is at least eighty. A
14 member shall receive two years of credited service for every full
15 biennial assembly served. A full biennial assembly shall be
16 equal to the period of time beginning on the first day the
17 general assembly convenes for a first regular session until the
18 last day of the following year. If a member serves less than a
19 full biennial assembly, the member shall receive credited service
20 for the pro rata portion of the full biennial assembly served.

21 2. For the purposes of section 104.1024, the normal
22 retirement annuity of a member of the general assembly shall be
23 an amount for life equal to one twenty-fourth of the monthly pay
24 for a senator or representative on the annuity starting date
25 multiplied by the years of credited service as a member of the
26 general assembly. In no event shall any such member or eligible
27 beneficiary receive annuity amounts in excess of one hundred

1 percent of pay.

2 3. To be covered by the provisions of section 104.1030, or
3 section 104.1036, a member of the general assembly must have
4 served at least three full biennial assemblies.

5 4. For members who are statewide elected officials, the
6 provisions of this section shall supplement or replace the
7 indicated other provisions of the year 2000 plan. "Normal
8 retirement eligibility" means attainment of age fifty-five for a
9 member who has served at least four years as a statewide elected
10 official, or the attainment of age fifty with a total of years of
11 age and years of such credited service which is at least eighty.

12 5. For the purposes of section 104.1024, the normal
13 retirement annuity of a member who is a statewide elected
14 official shall be an amount for life equal to one twenty-fourth
15 of the monthly pay in the highest office held by such member on
16 the annuity starting date multiplied by the years of credited
17 service as a statewide elected official not to exceed twelve
18 years.

19 6. To be covered by the provisions of sections 104.1030 and
20 104.1036, a member who is a statewide elected official must have
21 at least four years as a statewide elected official.

22 7. The provisions of section 104.1045 shall not apply to
23 persons covered by the general assembly and statewide elected
24 official provisions of this section. Persons covered by the
25 general assembly provisions and receiving a year 2000 plan
26 annuity shall be entitled to a cost-of-living adjustment (COLA)
27 when there are increases in pay for members of the general

1 assembly. Persons covered by the statewide elected official
2 provisions and receiving a year 2000 plan annuity shall be
3 entitled to COLAs when there are increases in the pay for
4 statewide elected officials in the highest office held by such
5 person. The COLA described in this subsection shall be equal to
6 and concurrent with the percentage increase in pay as described
7 in section 105.005. No COLA shall be less than zero.

8 8. Any member who serves under this chapter as a member of
9 the general assembly or as a statewide elected official on or
10 after August 28, 1999, shall not be eligible to receive any
11 retirement benefits from the system under either the closed plan
12 or the year 2000 plan based on service rendered on or after
13 August 28, 1999, as a member of the general assembly or as a
14 statewide elected official if such member is convicted of a
15 felony that is determined by a court of law to have been
16 committed in connection with the member's duties either as a
17 member of the general assembly or as a statewide elected
18 official, unless such conviction is later reversed by a court of
19 law.

20 9. A member of the general assembly who has purchased or
21 transferred creditable service shall not be subject to the cap on
22 benefits pursuant to subsection 2 of this section for that
23 portion of the benefit attributable to the purchased or
24 transferred service.

25 10. For the purposes of section 104.1042, the service
26 credit accrued by a member of the general assembly while
27 receiving long-term disability benefits shall continue to accrue

1 until the earliest of attainment of normal retirement age
2 eligibility, termination of disability benefits, or the end of
3 the member's constitutionally mandated limit on service as a
4 member of the general assembly for the chamber in which the
5 member was serving at the time of disablement.

6 11. For the purposes of section 104.1042, the service
7 credit accrued by a statewide elected official while receiving
8 long-term disability benefits shall continue to accrue until the
9 earliest of attainment of normal retirement age eligibility,
10 termination of disability benefits, or the end of the statewide
11 elected official's constitutionally mandated limit on service as
12 a statewide elected official for the office in which the
13 statewide elected official was serving at the time of
14 disablement.

15 104.1091. 1. Notwithstanding any provision of the year
16 2000 plan to the contrary, each person who first becomes an
17 employee on or after January 1, 2011, shall be a member of the
18 year 2000 plan subject to the provisions of this section.

19 2. A member's normal retirement eligibility shall be as
20 follows:

21 (1) The member's attainment of at least age sixty-seven and
22 the completion of at least ten years of credited service; or the
23 member's attainment of at least age fifty-five with the sum of
24 the member's age and credited service equaling at least ninety;
25 or, in the case of a member who is serving as a uniformed member
26 of the highway patrol and subject to the mandatory retirement
27 provisions of section 104.081, such member's attainment of at

1 least age sixty or the attainment of at least age fifty-five with
2 ten years of credited service;

3 (2) For members of the general assembly, the member's
4 attainment of at least age sixty-two and the completion of at
5 least three full biennial assemblies; or the member's attainment
6 of at least age fifty-five with the sum of the member's age and
7 credited service equaling at least ninety;

8 (3) For statewide elected officials, the official's
9 attainment of at least age sixty-two and the completion of at
10 least four years of credited service; or the official's
11 attainment of at least age fifty-five with the sum of the
12 official's age and credited service equaling at least ninety.

13 3. A vested former member's normal retirement eligibility
14 shall be based on the attainment of at least age sixty-seven and
15 the completion of at least ten years of credited service.

16 4. A temporary annuity paid pursuant to subsection 4 of
17 section 104.1024 shall be payable if the member has attained at
18 least age fifty-five with the sum of the member's age and
19 credited service equaling at least ninety; or in the case of a
20 member who is serving as a uniformed member of the highway patrol
21 and subject to the mandatory retirement provisions of section
22 104.081, the temporary annuity shall be payable if the member has
23 attained at least age sixty, or at least age fifty-five with ten
24 years of credited service.

25 5. A member, other than a member who is serving as a
26 uniformed member of the highway patrol and subject to the
27 mandatory retirement provisions of section 104.081, shall be

1 eligible for an early retirement annuity upon the attainment of
2 at least age sixty-two and the completion of at least ten years
3 of credited service. A vested former member who terminated
4 employment prior to the attainment of early retirement
5 eligibility shall not be eligible for early retirement.

6 6. The provisions of subsection 6 of section 104.1021 and
7 section 104.344 as applied pursuant to subsection 7 of section
8 104.1021 and section 104.1090 shall not apply to members covered
9 by this section.

10 7. The minimum credited service requirements of five years
11 contained in sections 104.1018, 104.1030, 104.1036, and 104.1051
12 shall be ten years for members covered by this section. The
13 normal and early retirement eligibility requirements in this
14 section shall apply for purposes of administering section
15 104.1087.

16 8. A member shall be required to contribute four percent of
17 the member's pay to the retirement system, which shall stand to
18 the member's credit in his or her individual account with the
19 system, together with investment credits thereon, for purposes of
20 funding retirement benefits payable under the year 2000 plan,
21 subject to the following provisions:

22 (1) The state of Missouri employer, pursuant to the
23 provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay
24 the contributions that would otherwise be payable by the member
25 under this section. The contributions so picked up shall be
26 treated as employer contributions for purposes of determining the
27 member's pay that is includable in the member's gross income for

1 federal income tax purposes;

2 (2) Member contributions picked up by the employer shall be
3 paid from the same source of funds used for the payment of pay to
4 a member. A deduction shall be made from each member's pay equal
5 to the amount of the member's contributions picked up by the
6 employer. This deduction, however, shall not reduce the member's
7 pay for purposes of computing benefits under the retirement
8 system pursuant to this chapter;

9 (3) Member contributions so picked up shall be credited to
10 a separate account within the member's individual account so that
11 the amounts contributed pursuant to this section may be
12 distinguished from the amounts contributed on an after-tax basis;

13 (4) The contributions, although designated as employee
14 contributions, shall be paid by the employer in lieu of the
15 contributions by the member. The member shall not have the
16 option of choosing to receive the contributed amounts directly
17 instead of having them paid by the employer to the retirement
18 system;

19 (5) Interest shall be credited annually on June thirtieth
20 based on the value in the account as of July first of the
21 immediately preceding year at a rate of four percent. Effective
22 June 30, 2014, and each June thirtieth thereafter, the interest
23 crediting rate shall be equal to the investment rate that is
24 published by the United States Department of Treasury, or its
25 successor agency, for fifty-two week treasury bills for the
26 relevant auction that is nearest to the preceding July first, or
27 a successor treasury bill investment rate as approved by the

1 board if the fifty-two week treasury bill is no longer issued.
2 Interest credits shall cease upon termination of employment if
3 the member is not a vested former member. Otherwise, interest
4 credits shall cease upon retirement or death;

5 (6) A vested former member or a former member who is not
6 vested may request a refund of his or her contributions and
7 interest credited thereon. If such member is married at the time
8 of such request, such request shall not be processed without
9 consent from the spouse. Such member is not eligible to request
10 a refund if such member's retirement benefit is subject to a
11 division of benefit order pursuant to section 104.1051. Such
12 refund shall be paid by the system ~~[after]~~ within an
13 administratively reasonable period, but no sooner than ninety
14 days from the date of termination of employment ~~[or the request,~~
15 ~~whichever is later, and]~~ . The amount refunded shall include all
16 employee contributions made to any retirement plan administered
17 by the system and interest credited thereon. A vested former
18 member may not request a refund after such member becomes
19 eligible for normal retirement. A vested former member or a
20 former member who is not vested who receives a refund shall
21 forfeit all the member's credited service and future rights to
22 receive benefits from the system and shall not be eligible to
23 receive any ~~[long-term]~~ disability benefits; provided that any
24 member or vested former member receiving ~~[long-term]~~ disability
25 benefits shall not be eligible for a refund. If such member
26 subsequently becomes an employee and works continuously for at
27 least one year, the credited service previously forfeited shall

1 be restored if the member returns to the system the amount
2 previously refunded plus interest at a rate established by the
3 board;

4 (7) The beneficiary of any member who made contributions
5 shall receive a refund upon the member's death equal to the
6 amount, if any, of such contributions and interest credited
7 thereon less any retirement benefits received by the member
8 unless an annuity is payable to a survivor or beneficiary as a
9 result of the member's death. In that event, the beneficiary of
10 the survivor or beneficiary who received the annuity shall
11 receive a refund upon the survivor's or beneficiary's death equal
12 to the amount, if any, of the member's contributions less any
13 annuity amounts received by the member and the survivor or
14 beneficiary.

15 9. The employee contribution rate, the benefits provided
16 under the year 2000 plan to members covered under this section,
17 and any other provision of the year 2000 plan with regard to
18 members covered under this section may be altered, amended,
19 increased, decreased, or repealed, but only with respect to
20 services rendered by the member after the effective date of such
21 alteration, amendment, increase, decrease, or repeal, or, with
22 respect to interest credits, for periods of time after the
23 effective date of such alteration, amendment, increase, decrease,
24 or repeal.

25 10. For purposes of members covered by this section, the
26 options under section 104.1027 shall be as follows:
27

1 Option 1.

2 A retiree's life annuity shall be reduced to a certain
3 percent of the annuity otherwise payable. Such percent shall be
4 eighty-eight and one half percent adjusted as follows: if the
5 retiree's age on the annuity starting date is younger than
6 sixty-seven years, an increase of three-tenths of one percent for
7 each year the retiree's age is younger than age sixty-seven
8 years; and if the beneficiary's age is younger than the retiree's
9 age on the annuity starting date, a decrease of three-tenths of
10 one percent for each year of age difference; and if the retiree's
11 age is younger than the beneficiary's age on the annuity starting
12 date, an increase of three-tenths of one percent for each year of
13 age difference; provided, after all adjustments the option 1
14 percent cannot exceed ninety-four and one quarter percent. Upon
15 the retiree's death, fifty percent of the retiree's reduced
16 annuity shall be paid to such beneficiary who was the retiree's
17 spouse on the annuity starting date or as otherwise provided by
18 subsection 5 of this section.

19
20 Option 2.

21 A retiree's life annuity shall be reduced to a certain
22 percent of the annuity otherwise payable. Such percent shall be
23 eighty-one percent adjusted as follows: if the retiree's age on
24 the annuity starting date is younger than sixty-seven years, an
25 increase of four-tenths of one percent for each year the
26 retiree's age is younger than sixty-seven years; and if the
27 beneficiary's age is younger than the retiree's age on the

1 annuity starting date, a decrease of five-tenths of one percent
2 for each year of age difference; and if the retiree's age is
3 younger than the beneficiary's age on the annuity starting date,
4 an increase of five-tenths of one percent for each year of age
5 difference; provided, after all adjustments the option 2 percent
6 cannot exceed eighty-seven and three quarter percent. Upon the
7 retiree's death one hundred percent of the retiree's reduced
8 annuity shall be paid to such beneficiary who was the retiree's
9 spouse on the annuity starting date or as otherwise provided by
10 subsection 5 of this section.

11
12 Option 3.

13 A retiree's life annuity shall be reduced to ninety-three
14 percent of the annuity otherwise payable. If the retiree dies
15 before having received one hundred twenty monthly payments, the
16 reduced annuity shall be continued for the remainder of the one
17 hundred twenty-month period to the retiree's designated
18 beneficiary provided that if there is no beneficiary surviving
19 the retiree, the present value of the remaining annuity payments
20 shall be paid as provided under subsection 3 of section 104.620.
21 If the beneficiary survives the retiree but dies before receiving
22 the remainder of such one hundred twenty monthly payments, the
23 present value of the remaining annuity payments shall be paid as
24 provided under subsection 3 of section 104.620.

25
26 Option 4.

27 A retiree's life annuity shall be reduced to eighty-six

1 percent of the annuity otherwise payable. If the retiree dies
2 before having received one hundred eighty monthly payments, the
3 reduced annuity shall be continued for the remainder of the one
4 hundred eighty-month period to the retiree's designated
5 beneficiary provided that if there is no beneficiary surviving
6 the retiree, the present value of the remaining annuity payments
7 shall be paid as provided under subsection 3 of section 104.620.
8 If the beneficiary survives the retiree but dies before receiving
9 the remainder of such one hundred eighty monthly payments, the
10 present value of the remaining annuity payments shall be paid as
11 provided under subsection 3 of section 104.620.

12 11. The provisions of subsection 6 of section 104.1024
13 shall not apply to members covered by this section.

14 12. Effective January 1, 2018, a member who is not a
15 statewide elected official or a member of the general assembly
16 shall be eligible for retirement under this subsection subject to
17 the following conditions:

18 (1) A member's normal retirement eligibility shall be based
19 on the attainment of at least age sixty-seven and the completion
20 of at least five years of credited service; or the member's
21 attainment of at least age fifty-five with the sum of the
22 member's age and credited service equaling at least ninety; or in
23 the case of a member who is serving as a uniformed member of the
24 highway patrol and subject to the mandatory retirement provisions
25 of section 104.081, such member's attainment of at least age
26 sixty or the attainment of at least age fifty-five with five
27 years of credited service;

1 (2) A vested former member's normal retirement eligibility
2 shall be based on the attainment of at least age sixty-seven and
3 the completion of at least five years of credited service; except
4 that, a vested former member who terminates employment after the
5 attainment of normal retirement eligibility as defined in
6 subdivision (1) of this subsection shall be covered under such
7 subdivision;

8 (3) A temporary annuity paid under subsection 4 of section
9 104.1024 shall be payable if the member has attained at least age
10 fifty-five with the sum of the member's age and credited service
11 equaling at least ninety; or in the case of a member who is
12 serving as a uniformed member of the highway patrol and subject
13 to the mandatory retirement provisions of section 104.081, the
14 temporary annuity shall be payable if the member has attained at
15 least age sixty, or at least age fifty-five with five years of
16 credited service;

17 (4) A member, other than a member who is serving as a
18 uniformed member of the highway patrol and subject to the
19 mandatory retirement provisions of section 104.081, shall be
20 eligible for an early retirement annuity upon the attainment of
21 at least age sixty-two and the completion of at least five years
22 of credited service. A vested former member who terminated
23 employment prior to the attainment of early retirement
24 eligibility shall not be eligible for early retirement;

25 (5) The normal and early retirement eligibility
26 requirements in this subsection shall apply for purposes of
27 administering section 104.1087;

1 (6) The survivor annuity payable under section 104.1030 for
2 vested former members who terminated employment prior to the
3 attainment of early retirement eligibility and who are covered by
4 this section shall not be payable until the deceased member would
5 have reached his or her normal retirement eligibility under this
6 subsection;

7 (7) The annual cost-of-living adjustment payable under
8 section 104.1045 shall not commence until the second anniversary
9 of [~~a vested former member's~~] the annuity starting date for
10 vested former members who terminated employment prior to the
11 attainment of early retirement eligibility and who are covered by
12 this subsection;

13 (8) The unused sick leave credit granted under subsection 2
14 of section 104.1021 shall not apply to members covered by this
15 subsection unless the member terminates employment after reaching
16 normal retirement eligibility or becoming eligible for an early
17 retirement annuity under this subsection; and

18 (9) The minimum credited service requirements of five years
19 contained in sections 104.1018, 104.1030, 104.1036, and 104.1051
20 shall be five years for members covered by this subsection.

21 476.521. 1. Notwithstanding any provision of chapter 476
22 to the contrary, each person who first becomes a judge on or
23 after January 1, 2011, and continues to be a judge may receive
24 benefits as provided in sections 476.445 to 476.688 subject to
25 the provisions of this section.

26 2. Any person who is at least sixty-seven years of age, has
27 served in this state an aggregate of at least twelve years,

1 continuously or otherwise, as a judge, and ceases to hold office
2 by reason of the expiration of the judge's term, voluntary
3 resignation, or retirement pursuant to the provisions of
4 Subsection 2 of Section 24 of Article V of the Constitution of
5 Missouri may receive benefits as provided in sections 476.515 to
6 476.565. The twelve-year requirement of this subsection may be
7 fulfilled by service as judge in any of the courts covered, or by
8 service in any combination as judge of such courts, totaling an
9 aggregate of twelve years. Any judge who is at least sixty-seven
10 years of age and who has served less than twelve years and is
11 otherwise qualified under sections 476.515 to 476.565 may retire
12 after reaching age sixty-seven, or thereafter, at a reduced
13 retirement compensation in a sum equal to the proportion of the
14 retirement compensation provided in section 476.530 that his or
15 her period of judicial service bears to twelve years.

16 3. Any person who is at least sixty-two years of age or
17 older, has served in this state an aggregate of at least twenty
18 years, continuously or otherwise, as a judge, and ceases to hold
19 office by reason of the expiration of the judge's term, voluntary
20 resignation, or retirement pursuant to the provisions of
21 Subsection 2 of Section 24 of Article V of the Constitution of
22 Missouri may receive benefits as provided in sections 476.515 to
23 476.565. The twenty-year requirement of this subsection may be
24 fulfilled by service as a judge in any of the courts covered, or
25 by service in any combination as judge of such courts, totaling
26 an aggregate of twenty years. Any judge who is at least
27 sixty-two years of age and who has served less than twenty years

1 and is otherwise qualified under sections 476.515 to 476.565 may
2 retire after reaching age sixty-two, at a reduced retirement
3 compensation in a sum equal to the proportion of the retirement
4 compensation provided in section 476.530 that his or her period
5 of judicial service bears to twenty years.

6 4. All judges under this section required by the provisions
7 of Section 26 of Article V of the Constitution of Missouri to
8 retire at the age of seventy years shall retire upon reaching
9 that age.

10 5. The provisions of sections 104.344, 476.524, and 476.690
11 shall not apply to judges covered by this section.

12 6. A judge shall be required to contribute four percent of
13 the judge's compensation to the retirement system, which shall
14 stand to the judge's credit in his or her individual account with
15 the system, together with investment credits thereon, for
16 purposes of funding retirement benefits payable as provided in
17 sections 476.515 to 476.565, subject to the following provisions:

18 (1) The state of Missouri employer, pursuant to the
19 provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay
20 the contributions that would otherwise be payable by the judge
21 under this section. The contributions so picked up shall be
22 treated as employer contributions for purposes of determining the
23 judge's compensation that is includable in the judge's gross
24 income for federal income tax purposes;

25 (2) Judge contributions picked up by the employer shall be
26 paid from the same source of funds used for the payment of
27 compensation to a judge. A deduction shall be made from each

1 judge's compensation equal to the amount of the judge's
2 contributions picked up by the employer. This deduction,
3 however, shall not reduce the judge's compensation for purposes
4 of computing benefits under the retirement system pursuant to
5 this chapter;

6 (3) Judge contributions so picked up shall be credited to a
7 separate account within the judge's individual account so that
8 the amounts contributed pursuant to this section may be
9 distinguished from the amounts contributed on an after-tax basis;

10 (4) The contributions, although designated as employee
11 contributions, are being paid by the employer in lieu of the
12 contributions by the judge. The judge shall not have the option
13 of choosing to receive the contributed amounts directly instead
14 of having them paid by the employer to the retirement system;

15 (5) Interest shall be credited annually on June thirtieth
16 based on the value in the account as of July first of the
17 immediately preceding year at a rate of four percent. Effective
18 June 30, 2022, and each June thirtieth thereafter, the interest
19 crediting rate shall be equal to the investment rate that is
20 published by the United States Department of the Treasury, or its
21 successor agency, for fifty-two-week treasury bills for the
22 relevant auction that is nearest to the preceding July first, or
23 a successor treasury bill investment rate as approved by the
24 board if the fifty-two-week treasury bill is no longer issued.
25 Interest credits shall cease upon retirement or death of the
26 judge;

27 (6) A judge whose employment is terminated may request a

1 refund of his or her contributions and interest credited thereon.
2 If such judge is married at the time of such request, such
3 request shall not be processed without consent from the spouse.
4 A judge is not eligible to request a refund if the judge's
5 retirement benefit is subject to a division of benefit order
6 pursuant to section 104.312. Such refund shall be paid by the
7 system after ninety days from the date of termination of
8 employment or the request, whichever is later and shall include
9 all contributions made to any retirement plan administered by the
10 system and interest credited thereon. A judge may not request a
11 refund after such judge becomes eligible for retirement benefits
12 under sections 476.515 to 476.565. A judge who receives a refund
13 shall forfeit all the judge's service and future rights to
14 receive benefits from the system and shall not be eligible to
15 receive any long-term disability benefits; provided that any
16 judge or former judge receiving long-term disability benefits
17 shall not be eligible for a refund. If such judge subsequently
18 becomes a judge and works continuously for at least one year, the
19 service previously forfeited shall be restored if the judge
20 returns to the system the amount previously refunded plus
21 interest at a rate established by the board;

22 (7) The beneficiary of any judge who made contributions
23 shall receive a refund upon the judge's death equal to the
24 amount, if any, of such contributions and any interest credited
25 thereon, less any retirement benefits received by the judge
26 unless an annuity is payable to a survivor or beneficiary as a
27 result of the judge's death. In that event, the beneficiary of

1 the survivor or beneficiary who received the annuity shall
2 receive a refund upon the survivor's or beneficiary's death equal
3 to the amount, if any, of the judge's contributions less any
4 annuity amounts received by the judge and the survivor or
5 beneficiary.

6 7. The employee contribution rate, the benefits provided
7 under sections 476.515 to 476.565 to judges covered under this
8 section, and any other provision of sections 476.515 to 476.565
9 with regard to judges covered under this section may be altered,
10 amended, increased, decreased, or repealed, but only with respect
11 to services rendered by the judge after the effective date of
12 such alteration, amendment, increase, decrease, or repeal, or,
13 with respect to interest credits, for periods of time after the
14 effective date of such alteration, amendment, increase, decrease,
15 or repeal.

16 8. Any judge who is receiving retirement compensation under
17 section 476.529 or 476.530 who becomes employed as an employee
18 eligible to participate in the closed plan or in the year 2000
19 plan under chapter 104, shall not receive such retirement
20 compensation for any calendar month in which the retired judge is
21 so employed. Any judge who is receiving retirement compensation
22 under section 476.529 or section 476.530 who subsequently serves
23 as a judge as defined pursuant to subdivision (4) of subsection 1
24 of section 476.515 shall not receive such retirement compensation
25 for any calendar month in which the retired judge is serving as a
26 judge; except that upon retirement such judge's annuity shall be
27 recalculated to include any additional service or salary accrued

1 based on the judge's subsequent service. A judge who is
2 receiving compensation under section 476.529 or 476.530 may
3 continue to receive such retirement compensation while serving as
4 a senior judge or senior commissioner and shall receive
5 additional credit and salary for such service pursuant to section
6 476.682.

7 ~~[104.130. Upon the death of a retired member, the~~
8 ~~board shall pay to such member's designated~~
9 ~~beneficiaries or to his estate a death benefit equal to~~
10 ~~the excess, if any, of the accumulated contributions of~~
11 ~~the member at retirement over the total amount of~~
12 ~~retirement benefits received by such member prior to~~
13 ~~his death.]~~