

SECOND REGULAR SESSION

# SENATE BILL NO. 1106

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 29, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6634S.011

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## AN ACT

To repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof three new sections relating to the calculation of creditable service for rehired, retired state employees.

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

Section A. Sections 104.380 and 104.1039, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 104.037, 104.380,  
3 and 104.1039, to read as follows:

**104.037. If a retired member of the Missouri department of  
2 transportation and highway patrol employees' retirement system or the  
3 Missouri state employees' retirement system is elected to any state  
4 office, appointed to any state office, or is reemployed by a department  
5 and such member reimburses the retirement system for any amount  
6 received as retirement benefits, such member shall be considered an  
7 active member of the retirement system, and upon retirement, the  
8 member's creditable service shall be calculated as if the member had  
9 never retired and received any retirement benefits.**

104.380. 1. **Except as provided in subsection 2 of this section, if  
2 a retired member is elected to any state office or is appointed to any state office  
3 or is employed by a department in a position normally requiring the performance  
4 by the person of duties during not less than one thousand forty hours per year,  
5 the member shall not receive an annuity for any month or part of a month for  
6 which the member serves as an officer or employee, but the member shall be  
7 considered to be a new employee with no previous creditable service and must  
8 accrue creditable service continuously for at least one year in order to receive any  
9 additional annuity. Any retired member who again becomes an employee and**

10 who accrues additional creditable service and later retires shall receive an  
11 additional amount of monthly annuity calculated to include only the creditable  
12 service and the average compensation earned by the member since such  
13 employment or creditable service earned as a member of the general  
14 assembly. Years of membership service and twelfths of a year are to be used in  
15 calculating any additional annuity except for creditable service earned as a  
16 member of the general assembly, and such additional annuity shall be based on  
17 the type of service accrued. In either event, the original annuity and the  
18 additional annuity, if any, shall be paid commencing with the end of the first  
19 month after the month during which the member's term of office has been  
20 completed, or the member's employment terminated. If a retired member is  
21 employed by a department in a position that does not normally require the person  
22 to perform duties during at least one thousand forty hours per year, the member  
23 shall not be considered an employee as defined pursuant to section 104.010. A  
24 retired member who becomes reemployed as an employee on or after August 28,  
25 2001, in a position covered by the Missouri department of transportation and  
26 highway patrol employees' retirement system shall not be eligible to receive  
27 retirement benefits or additional creditable service from the state employees'  
28 retirement system. Annual benefit increases paid under section 104.415 shall not  
29 accrue while a retired member is employed as described in this section. Any  
30 future annual benefit increases paid after the member terminates such  
31 employment will be paid in the same month as the member's original annual  
32 benefit increases were paid. Benefits paid under subsection 3 of section 104.374  
33 are not applicable to any additional annuity paid under this section.

34 **2. If a retired member of the Missouri department of**  
35 **transportation and highway patrol employees' retirement system or the**  
36 **Missouri state employees' retirement system is elected to any state**  
37 **office, appointed to any state office, or is reemployed by a department**  
38 **and such member reimburses the retirement system for any amount**  
39 **received as retirement benefits, such member shall be considered an**  
40 **active member of the retirement system, and upon retirement, the**  
41 **member's creditable service shall be calculated as if the member had**  
42 **never retired and received any retirement benefits.**

104.1039. 1. **Except as provided in subsection 2 of this section, if**  
2 a retiree is employed as an employee by a department, the retiree shall not  
3 receive an annuity payment for any calendar month in which the retiree is so

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

21 **2. If a retired member of the Missouri department of**  
22 **transportation and highway patrol employees' retirement system or the**  
23 **Missouri state employees' retirement system is elected to any state**  
24 **office, appointed to any state office, or is reemployed by a department**  
25 **and such member reimburses the retirement system for any amount**  
26 **received as retirement benefits, such member shall be considered an**  
27 **active member of the retirement system, and upon retirement, the**  
28 **member's creditable service shall be calculated as if the member had**  
29 **never retired and received any retirement benefits.**

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