

# SENATE BILL NO. 1286

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4801S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 169.560 and 169.660, RSMo, and to enact in lieu thereof two new sections relating to public school retirement systems.

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

Section A. Sections 169.560 and 169.660, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 169.560 and 169.660, to read as follows:

169.560. 1. Any person retired and currently  
2 receiving a retirement allowance pursuant to sections  
3 169.010 to 169.141 **[, other than for disability,]** may be  
4 employed in any capacity for an employer included in the  
5 retirement system created by those sections on either a part-  
6 time or temporary-substitute basis not to exceed a total of  
7 five hundred fifty hours in any one school year, and through  
8 such employment may earn up to fifty percent of the annual  
9 compensation payable under the employer's salary schedule  
10 for the position or positions filled by the retiree, given  
11 such person's level of experience and education, without a  
12 discontinuance of the person's retirement allowance. If the  
13 employer does not utilize a salary schedule, or if the  
14 position in question is not subject to the employer's salary  
15 schedule, a retiree employed in accordance with the  
16 provisions of this subsection may earn up to fifty percent  
17 of the annual compensation paid to the person or persons who  
18 last held such position or positions, **or may earn up to**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 **fifty percent of the limit set for the position by the**  
20 **school board of the employer.** If the position or positions  
21 did not previously exist, the compensation limit shall be  
22 determined in accordance with rules duly adopted by the  
23 board of trustees of the retirement system; provided that,  
24 it shall not exceed fifty percent of the annual compensation  
25 payable for the position by the employer that is most  
26 comparable to the position filled by the retiree. In any  
27 case where a retiree fills more than one position during the  
28 school year, the fifty-percent limit on permitted earning  
29 shall be based solely on the annual compensation of the  
30 highest paid position occupied by the retiree for at least  
31 one-fifth of the total hours worked during the year. Such a  
32 person shall not contribute to the retirement system or to  
33 the public education employee retirement system established  
34 by sections 169.600 to 169.715 because of earnings during  
35 such period of employment. If such a person is employed in  
36 any capacity by such an employer in excess of the  
37 limitations set forth in this subsection, the person shall  
38 not be eligible to receive the person's retirement allowance  
39 for any month during which the person is so employed **or the**  
40 **retirement system shall recover the amount the person earned**  
41 **in excess of the limitations, whichever is less.** In  
42 addition, such person shall contribute to the retirement  
43 system if the person satisfies the retirement system's  
44 membership eligibility requirements. In addition to the  
45 conditions set forth above, this subsection shall apply to  
46 any person retired and currently receiving a retirement  
47 allowance under sections 169.010 to 169.141[, other than for  
48 disability,] who is employed by a third party or is  
49 performing work as an independent contractor, if such person  
50 is performing work for an employer included in the

51 retirement system as a temporary or long-term substitute  
52 teacher or in any other position that would normally require  
53 that person to be duly certificated under the laws governing  
54 the certification of teachers in Missouri if such person was  
55 employed by the district. The retirement system may require  
56 the employer, the third-party employer, the independent  
57 contractor, and the retiree subject to this subsection to  
58 provide documentation showing compliance with this  
59 subsection. If such documentation is not provided, the  
60 retirement system may deem the retiree to have exceeded the  
61 limitations provided in this subsection.

62 2. Notwithstanding any other provision of this  
63 section, any person retired and currently receiving a  
64 retirement allowance in accordance with sections 169.010 to  
65 169.141[, other than for disability,] may be employed by an  
66 employer included in the retirement system created by those  
67 sections in a position that does not normally require a  
68 person employed in that position to be duly certificated  
69 under the laws governing the certification of teachers in  
70 Missouri, and through such employment may earn, beginning on  
71 August 28, 2023, and ending on June 30, 2028, up to one  
72 hundred thirty-three percent of the annual earnings  
73 exemption amount applicable to a Social Security recipient  
74 before the calendar year of attainment of full retirement  
75 age under 20 CFR 404.430, and, after June 30, 2028, up to  
76 the annual earnings exemption amount applicable to a Social  
77 Security recipient before the calendar year of attainment of  
78 full retirement age under 20 CFR 404.430, without a  
79 discontinuance of the person's retirement allowance from the  
80 retirement system. The Social Security annual earnings  
81 exemption amount applied shall be the exemption amount in  
82 effect for the calendar year in which the school year

83 begins. Such person shall not contribute to the retirement  
84 system or to the public education employee retirement system  
85 established by sections 169.600 to 169.715 because of  
86 earnings during such period of employment, and such person  
87 shall not earn membership service for such employment. The  
88 employer's contribution rate shall be paid by the hiring  
89 employer into the public education employee retirement  
90 system established by sections 169.600 to 169.715. If such  
91 a person is employed in any capacity by an employer in  
92 excess of the limitations set forth in this subsection, the  
93 person shall not be eligible to receive the person's  
94 retirement allowance for any month during which the person  
95 is so employed **or the retirement system shall recover the**  
96 **amount the person earned in excess of the limitations,**  
97 **whichever is less.** In addition, such person shall become a  
98 member of and contribute to any retirement system described  
99 in this subsection if the person satisfies the retirement  
100 system's membership eligibility requirements. The  
101 provisions of this subsection shall not apply to any person  
102 retired and currently receiving a retirement allowance in  
103 accordance with sections 169.010 to 169.141 employed by a  
104 public community college or employer under subsection 4 of  
105 section 169.130.

169.660. 1. On and after the first day of July next  
2 following the operative date, any member who is sixty or  
3 more years of age and who has at least five years of  
4 creditable service, or who has attained age fifty-five and  
5 has at least twenty-five years of creditable service, or who  
6 has at least thirty years of creditable service regardless  
7 of age may retire and receive the full retirement benefits  
8 based on the member's creditable service. A member whose  
9 creditable service at retirement is less than five years

10 shall not be entitled to a retirement allowance but shall be  
11 entitled to receive the member's contributions.

12 2. Any person retired and currently receiving a  
13 retirement allowance pursuant to sections 169.600 to  
14 169.715[, other than for disability,] may be employed on  
15 either a part-time or temporary-substitute basis by a  
16 district included in the retirement system not to exceed a  
17 total of five hundred fifty hours in any one school year,  
18 without a discontinuance of the person's retirement  
19 allowance. Such a person shall not contribute to the  
20 retirement system, or to the public school retirement system  
21 established by sections 169.010 to 169.141, because of  
22 earnings during such period of employment. If such a person  
23 is employed in any capacity by such a district on a regular,  
24 full-time basis, or the person's part-time or temporary-  
25 substitute service in any capacity exceeds five hundred  
26 fifty hours in any one school year, the person shall not be  
27 eligible to receive the person's retirement allowance for  
28 any month during which the person is so employed **or the**  
29 **retirement system shall recover the amount the person earned**  
30 **in excess of the limitations, whichever is less.**

31 3. The system shall pay a monthly retirement allowance  
32 for the month in which a retired member or beneficiary  
33 receiving a retirement allowance dies.

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