

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 898

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

3453S.03P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 70.605, 70.630, 70.655, 70.680, 70.690, 70.745, 70.746, 70.747, 86.200, 105.688, 169.070, 169.560, and 169.660, RSMo, and to enact in lieu thereof fourteen new sections relating to public employee retirement systems.

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

Section A. Sections 70.605, 70.630, 70.655, 70.680, 2 70.690, 70.745, 70.746, 70.747, 86.200, 105.688, 169.070, 3 169.560, and 169.660, RSMo, are repealed and fourteen new 4 sections enacted in lieu thereof, to be known as sections 5 70.605, 70.630, 70.655, 70.680, 70.690, 70.745, 70.746, 70.747, 6 70.748, 86.200, 105.688, 169.070, 169.560, and 169.660, to read 7 as follows:

70.605. 1. For the purpose of providing for the 2 retirement or pensioning of the officers and employees and 3 the widows and children of deceased officers and employees 4 of any political subdivision of the state, there is hereby 5 created and established a retirement system which shall be a 6 body corporate, which shall be under the management of a 7 board of trustees herein described, and shall be known as 8 the "Missouri Local Government Employees' Retirement 9 System". Such system may sue and be sued, transact 10 business, invest funds, and hold cash, securities, and other

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

11 property. All suits or proceedings directly or indirectly  
12 against the system shall be brought in Cole County. The  
13 system shall begin operations on the first day of the  
14 calendar month next following sixty days after the date the  
15 board of trustees has received certification from ten  
16 political subdivisions that they have elected to become  
17 employers.

18 2. The general administration and the responsibility  
19 for the proper operation of the system is vested in a board  
20 of trustees of seven persons: three persons to be elected as  
21 trustees by the members of the system; three persons to be  
22 elected trustees by the governing bodies of employers; and  
23 one person, to be appointed by the governor, who is not a  
24 member, retirant, or beneficiary of the system and who is  
25 not a member of the governing body of any political  
26 subdivision. **Beginning on January 1, 2025, upon the**  
27 **expiration of the term of the employer trustee elected to**  
28 **the board with a term ending on December 31, 2024, the**  
29 **position of such employer trustee shall thereafter be**  
30 **replaced by a person to be elected as trustee by the**  
31 **retirants of the system.**

32 3. Trustees shall be chosen for terms of four years  
33 from the first day of January next following their election  
34 or appointment[, except that of the first board shall all be  
35 appointed by the governor by and with the consent of the  
36 senate, as follows:

37 (1) Three persons who are officers or officials of  
38 political subdivisions, one for a term of three years, one  
39 for a term of two years, and one for a term of one year; and

40 (2) Three persons who are employees of political  
41 subdivisions and who would, if the subdivision by which they  
42 are employed becomes an employer, be eligible as members,

43 one for a term of three years, one for a term of two years,  
44 and one for a term of one year; and

45 (3) That person appointed by the governor under the  
46 provisions of subsection 2 of this section. All the members  
47 of the first board shall take office as soon as appointed by  
48 the governor, but their terms shall be computed from the  
49 first day of January next following their appointment, and  
50 only one member may be from any political subdivision or be  
51 a policeman or fireman].

52 4. Successor trustees elected or appointed as member  
53 trustees shall be members of the retirement system;  
54 provided, that not more than one [member] trustee shall be  
55 employed by any one employer, and not more than one [member]  
56 trustee shall be a policeman, and not more than one [member]  
57 trustee shall be a fireman, **and not more than one trustee**  
58 **shall be public safety personnel as described in section**  
59 **70.631.**

60 5. **For terms beginning on or after January 1, 2025,**  
61 successor trustees elected as employer trustees shall be  
62 elected or appointed officials of **the governing bodies of**  
63 **the** employers [and shall not be members of the retirement  
64 system] **or executive level employees certified by the**  
65 **governing bodies of the employers;** provided, that not more  
66 than one [employer] trustee shall be from any one employer,  
67 **and not more than one trustee shall be a policeman, and not**  
68 **more than one trustee shall be a fireman, and not more than**  
69 **one trustee shall be public safety personnel as described in**  
70 **section 70.631.**

71 6. [An annual meeting of the retirement system shall  
72 be called by the board in the last calendar quarter of each  
73 year in Jefferson City, or at such place as the board shall  
74 determine, for the purpose of electing trustees and to

75 transact such other business as may be required for the  
76 proper operation of the system. Notice of such meeting  
77 shall be sent by registered mail to the clerk or secretary  
78 of each employer not less than thirty days prior to the date  
79 of such meeting. The governing body of each employer shall  
80 certify to the board the name of one delegate who shall be  
81 an officer of the employer, and the members of the employer  
82 shall certify to the board a member of the employer to  
83 represent such employer at such meeting. The delegate  
84 certified as member delegate shall be elected by secret  
85 ballot by the members of such employer, and the clerk or  
86 secretary of each employer shall be charged with the duty of  
87 conducting such election in a manner which will permit each  
88 member to vote in such election. Under such rules and  
89 regulations as the board shall adopt, approved by the  
90 delegates, the member delegates shall elect a member trustee  
91 for each such position on the board to be filled, and the  
92 officer delegates shall elect an employer trustee for each  
93 such position on the board to be filled] **Successor trustees**  
94 **elected as retiree trustees shall be retirants of the system**  
95 **pursuant to sections 70.600 to 70.755.**

96 7. **The elections of the trustees shall be arranged for**  
97 **and managed and conducted by the board of trustees of the**  
98 **retirement system.**

99 8. In the event any [member trustee ceases to be a  
100 member of the retirement system, or any employer trustee  
101 ceases to be an appointed or elected official of an  
102 employer, or becomes a member of the retirement system, or  
103 if the trustee appointed by the governor becomes a member of  
104 the retirement system or an elected or appointed official of  
105 a political subdivision] **trustee ceases to meet the**  
106 **eligibility requirements pursuant to this section, or if any**

107 trustee fails to attend three consecutive meetings of the  
108 board, unless in each case excused for cause by the  
109 remaining trustees attending such meeting or meetings, he or  
110 she shall be considered as having resigned from the board  
111 and the board shall, by resolution, declare his or her  
112 office of trustee vacated. If a vacancy occurs in the  
113 office of trustee, the vacancy shall be filled for the  
114 unexpired term in the same manner as the office was  
115 previously filled; provided, however, that the remaining  
116 trustees may fill employer and member trustee vacancies on  
117 the board until the next [annual meeting] **election**.

118 [8.] 9. Each trustee shall be commissioned by the  
119 governor, and before entering upon the duties of his office,  
120 shall take and subscribe to an oath or affirmation to  
121 support the Constitution of the United States, and of the  
122 state of Missouri, and to demean himself faithfully in his  
123 or her office. Such oath as subscribed to shall be filed in  
124 the office of the secretary of state of this state.

125 [9.] 10. Each trustee shall be entitled to one vote in  
126 the board of trustees. Four votes shall be necessary for a  
127 decision by the trustees at any meeting of the board of  
128 trustees. Four trustees[, of whom at least two shall be  
129 member trustees and at least two shall be employer  
130 trustees,] shall constitute a quorum at any meeting of the  
131 board. Unless otherwise expressly provided herein, a  
132 meeting need not be called or held to make any decision on a  
133 matter before the board. Each member must be sent by the  
134 executive secretary a copy of the matter to be decided with  
135 full information from the files of the board. The  
136 concurring decisions of four trustees may decide the issue  
137 by signing a document declaring their decision and sending  
138 the written instrument to the executive secretary, provided

139 that no other trustee shall send a dissenting decision to  
140 the executive secretary within fifteen days after the  
141 document and information was mailed to him or her. If any  
142 trustee is not in agreement with the four trustees, the  
143 matter is to be passed on at a regular board meeting or a  
144 special meeting called for that purpose. The board shall  
145 hold regular meetings at least once each quarter, the dates  
146 of these meetings to be designated in the rules and  
147 regulations adopted by the board. Other meetings as deemed  
148 necessary may be called by the [chairman] **chairperson** or by  
149 any four trustees acting jointly.

150 [10.] 11. The board of trustees shall elect one of  
151 their number as [chairman] **chairperson**, and one of their  
152 number as vice [chairman] **chairperson**, and shall employ an  
153 executive secretary, not one of their number, who shall be  
154 the executive officer of the board. Other employees of the  
155 board shall be chosen only upon the recommendation of the  
156 executive secretary.

157 [11.] 12. The board shall appoint an actuary or a firm  
158 of actuaries as technical advisor to the board on matters  
159 regarding the operation of the system on an actuarial  
160 basis. The actuary or actuaries shall perform such duties  
161 as are required of him or her under sections 70.600 to  
162 70.755, and as are from time to time required by the board.

163 [12.] 13. The board may appoint an attorney-at-law or  
164 firm of attorneys-at-law to be the legal advisor of the  
165 board and to represent the board in all legal proceedings.

166 [13.] 14. The board may appoint an investment  
167 counselor to be the investment advisor of the board.

168 [14.] 15. The board shall from time to time, after  
169 receiving the advice of its actuary, adopt such mortality  
170 and other tables of experience, and a rate or rates of

171 regular interest, as shall be necessary for the actuarial  
172 requirements of the system, and shall require its executive  
173 secretary to keep in convenient form such data as shall be  
174 necessary for actuarial investigations of the experience of  
175 the system, and such data as shall be necessary for the  
176 annual actuarial valuations of the system.

177 [15.] 16. The board shall keep a record of its  
178 proceedings, which shall be open to public inspection. It  
179 shall prepare annually and render to each employer a report  
180 showing the financial condition of the system as of the  
181 preceding June thirtieth. The report shall contain, but  
182 shall not be limited to, a financial balance sheet; a  
183 statement of income and disbursements; a detailed statement  
184 of investments acquired and disposed of during the year,  
185 together with a detailed statement of the annual rates of  
186 investment income from all assets and from each type of  
187 investment; an actuarial balance sheet prepared by means of  
188 the last valuation of the system, and such other data as the  
189 board shall deem necessary or desirable for a proper  
190 understanding of the condition of the system.

191 [16.] 17. The board of trustees shall, after  
192 reasonable notice to all interested parties, conduct  
193 administrative hearings to hear and decide questions arising  
194 from the administration of sections 70.600 to 70.755;  
195 except, that such hearings may be conducted by a hearing  
196 officer who shall be appointed by the board. The hearing  
197 officer shall preside at the hearing and hear all evidence  
198 and rule on the admissibility of evidence. The hearing  
199 officer shall make recommended findings of fact and may make  
200 recommended conclusions of law to the board. All final  
201 orders or determinations or other final actions by the board  
202 shall be approved in writing by at least four members of the

203 board. Any board member approving in writing any final  
204 order, determination or other final action, who did not  
205 attend the hearing, shall do so only after certifying that  
206 he or she reviewed all exhibits and read the entire  
207 transcript of the hearing. Within thirty days after a  
208 decision or order or final action of the board, any member,  
209 retirant, beneficiary or political subdivision adversely  
210 affected by that determination or order or final action may  
211 take an appeal under the provisions of chapter 536.  
212 Jurisdiction over any dispute regarding the interpretation  
213 of sections 70.600 to 70.755 and the determinations required  
214 thereunder shall lie in the circuit court of Cole County.

215 [17.] 18. The board shall arrange for adequate surety  
216 bonds covering the executive secretary and any other  
217 custodian of the funds or investments of the board. When  
218 approved by the board, said bonds shall be deposited in the  
219 office of the secretary of state.

220 [18.] 19. The board shall arrange for annual audits of  
221 the records and accounts of the system by a certified public  
222 accountant or by a firm of certified public accountants.

223 [19.] 20. The headquarters of the retirement system  
224 shall be in Jefferson City.

225 [20.] 21. The board of trustees shall serve as  
226 trustees without compensation for their services as such;  
227 except that each trustee shall be paid for any necessary  
228 expenses incurred in attending meetings of the board or in  
229 the performance of other duties authorized by the board.

230 [21.] 22. Subject to the limitations of sections  
231 70.600 to 70.755, the board shall formulate and adopt rules  
232 and regulations for the government of its own proceedings  
233 and for the administration of the retirement system.



70.630. 1. The membership of the system shall include  
2 the following persons:

3 (1) All employees who are neither policemen nor  
4 firemen who are in the employ of a political subdivision the  
5 day preceding the date such political subdivision becomes an  
6 employer and who continue in such employ on and after such  
7 date shall become members of the system.

8 (2) All persons who become employed by a political  
9 subdivision as neither policemen nor firemen on or after the  
10 date such political subdivision becomes an employer shall  
11 become members of the system.

12 (3) If his employing political subdivision has elected  
13 to cover present and future policemen, all policemen who are  
14 in the employ of a political subdivision the day preceding  
15 the date such political subdivision covers policemen  
16 hereunder and who continue in such employ as a policeman on  
17 and after such date, and all persons who become employed by  
18 a political subdivision as a policeman on or after the date  
19 the political subdivision covers policemen shall become  
20 members of the system.

21 (4) If his employing political subdivision has elected  
22 to cover only future policemen, all persons who become  
23 employed by a political subdivision as a policeman on or  
24 after the date such political subdivision covers policemen  
25 hereunder shall become members of the system.

26 (5) If his employing political subdivision has elected  
27 to cover present and future firemen, all firemen who are in  
28 the employ of a political subdivision the day preceding the  
29 date such political subdivision covers firemen hereunder and  
30 who continue in such employ as a fireman on and after such  
31 date, and all persons who become employed by a political  
32 subdivision as a fireman on or after the date the political

33 subdivision covers firemen hereunder shall become members of  
34 the system.

35 (6) If his employing political subdivision has elected  
36 to cover only future firemen, all persons who become  
37 employed by a political subdivision as a fireman on or after  
38 the date such political subdivision covers firemen hereunder  
39 shall become members of the system.

40 2. [In no event shall an employee become a member if  
41 continuous employment to time of retirement will leave the  
42 employee with less than minimum number of years of credited  
43 service specified in section 70.645.]

44 3.] In any case of question as to the system  
45 membership status of any person, the board shall decide the  
46 question.

70.655. 1. Upon a member's retirement he or she shall  
2 receive an allowance for life in accordance with the  
3 applicable benefit program elected by the member's employer,  
4 as follows:

5 (1) Benefit program L-1. A member with credited  
6 service covered by benefit program L-1 shall receive an  
7 allowance for life equal to one percent of the member's  
8 final average salary multiplied by the number of years of  
9 such credited service;

10 (2) Benefit program L-3. A member with credited  
11 service covered by benefit program L-3 shall receive an  
12 allowance for life equal to one and one-quarter percent of  
13 the member's final average salary multiplied by the number  
14 of years of such credited service;

15 (3) Benefit program LT-4. A member with credited  
16 service covered by benefit program LT-4 shall receive an  
17 allowance for life equal to one percent of the member's  
18 final average salary multiplied by the number of years of

19 such credited service. In addition, if such member is  
20 retiring as provided in section 70.645 or section 70.650 or  
21 section 70.670, and if such member's age at retirement is  
22 younger than age sixty-two, then such member shall receive a  
23 temporary allowance equal to one percent of the member's  
24 final average salary multiplied by the number of years of  
25 such credited service. Such temporary allowance shall  
26 terminate at the end of the calendar month in which the  
27 earlier of the following events occurs: such member's  
28 death; or the member's attainment of age sixty-two;

29 (4) Benefit program LT-5. A member with credited  
30 service covered by benefit program LT-5 shall receive an  
31 allowance for life equal to one and one-quarter percent of  
32 the member's final average salary multiplied by the number  
33 of years of such credited service. In addition, if such  
34 member is retiring as provided in section 70.645 or section  
35 70.650 or section 70.670, and if such member's age at  
36 retirement is younger than age sixty-two, then such member  
37 shall receive a temporary allowance equal to three-quarters  
38 of one percent of the member's final average salary  
39 multiplied by the number of years of such credited service.  
40 Such temporary allowance shall terminate at the end of the  
41 calendar month in which the earlier of the following events  
42 occurs: such member's death; or the member's attainment of  
43 age sixty-two;

44 (5) Benefit program L-6. A member with credited  
45 service covered by benefit program L-6 shall receive an  
46 allowance for life equal to two percent of the member's  
47 final average salary multiplied by the number of years of  
48 such credited service;

49 (6) Benefit program L-7. A member with credited  
50 service covered by benefit program L-7 shall receive an

51 allowance for life equal to one and one-half percent of the  
52 member's final average salary multiplied by the number of  
53 years of such credited service;

54 (7) Benefit program LT-8. A member with credited  
55 service covered by benefit program LT-8 shall receive an  
56 allowance for life equal to one and one-half percent of the  
57 member's final average salary multiplied by the number of  
58 years of such credited service. In addition, if such member  
59 is retiring as provided in section 70.645 or section 70.650  
60 or section 70.670, and if such member's age at retirement is  
61 younger than age sixty-two, then such member shall receive a  
62 temporary allowance equal to one-half of one percent of the  
63 member's final average salary multiplied by the number of  
64 years of such credited service. Such temporary allowance  
65 shall terminate at the end of the calendar month in which  
66 the earlier of the following events occurs: such member's  
67 death; or the member's attainment of age sixty-two;

68 (8) Benefit program LT-4(65). A member with credited  
69 service covered by benefit program LT-4(65) shall receive an  
70 allowance for life equal to one percent of the member's  
71 final average salary multiplied by the number of years of  
72 such credited service. In addition, if such member is  
73 retiring as provided in section 70.645 or section 70.650 or  
74 section 70.670, and if such member's age at retirement is  
75 younger than age sixty-five, then such member shall receive  
76 a temporary allowance equal to one percent of the member's  
77 final average salary multiplied by the number of years of  
78 such credited service. Such temporary allowance shall  
79 terminate at the end of the calendar month in which the  
80 earlier of the following events occurs: such member's death;  
81 or the member's attainment of age sixty-five;

82           (9) Benefit program LT-5(65). A member with credited  
83 service covered by benefit program LT-5(65) shall receive an  
84 allowance for life equal to one and one-quarter percent of  
85 the member's final average salary multiplied by the number  
86 of years of such credited service. In addition, if such  
87 member is retiring as provided in section 70.645 or section  
88 70.650 or section 70.670, and if such member's age at  
89 retirement is younger than age sixty-five, then such member  
90 shall receive a temporary allowance equal to three-quarters  
91 of one percent of the member's final average salary  
92 multiplied by the number of years of such credited service.  
93 Such temporary allowance shall terminate at the end of the  
94 calendar month in which the earlier of the following events  
95 occurs: such member's death; or the member's attainment of  
96 age sixty-five;

97           (10) Benefit program LT-8(65). A member with credited  
98 service covered by benefit program LT-8(65) shall receive an  
99 allowance for life equal to one and one-half percent of the  
100 member's final average salary multiplied by the number of  
101 years of such credited service. In addition, if such member  
102 is retiring as provided in section 70.645 or section 70.650  
103 or section 70.670, and if such member's age at retirement is  
104 younger than age sixty-five, then such member shall receive  
105 a temporary allowance equal to one-half of one percent of  
106 the member's final average salary multiplied by the number  
107 of years of such credited service. Such temporary allowance  
108 shall terminate at the end of the calendar month in which  
109 the earlier of the following events occurs: such member's  
110 death; or the member's attainment of age sixty-five;

111           (11) Benefit program L-9. A member with credited  
112 service covered by benefit program L-9 shall receive an  
113 allowance for life equal to one and six-tenths percent of

114 the member's final average salary multiplied by the number  
115 of years of such credited service;

116 (12) Benefit program LT-10(65). A member with  
117 credited service covered by benefit program LT-10(65) shall  
118 receive an allowance for life equal to one and six-tenths  
119 percent of the members' final average salary multiplied by  
120 the number of years of such credited service. In addition,  
121 if such member is retiring as provided in section 70.645 or  
122 section 70.650 or section 70.670, and if such member's age  
123 at retirement is younger than age sixty-five, then such  
124 member shall receive a temporary allowance equal to four-  
125 tenths of one percent of the member's final average salary  
126 multiplied by the number of years of such credited service.  
127 Such temporary allowance shall terminate at the end of the  
128 calendar month in which the earlier of the following events  
129 occurs: such member's death; or the member's attainment of  
130 age sixty-five;

131 (13) Benefit program L-11. Benefit program L-11 may  
132 cover employment in a position only if such position is not  
133 concurrently covered by federal Social Security; in  
134 addition, if such position was previously covered by federal  
135 Social Security, benefit program L-11 may cover only  
136 employment rendered after cessation of federal Social  
137 Security coverage. A member with credited service covered  
138 by benefit program L-11 shall receive an allowance for life  
139 equal to two and one-half percent of the member's final  
140 average salary multiplied by the number of years of such  
141 credited service;

142 (14) Benefit program L-12. A member with credited  
143 service covered by benefit program L-12 shall receive an  
144 allowance for life equal to one and three-quarter percent of

145 the member's final average salary multiplied by the number  
146 of years of such credited service;

147 (15) Benefit program LT-14(65). A member with  
148 credited service covered by benefit program LT-14(65) shall  
149 receive an allowance for life equal to one and three-quarter  
150 percent of the member's final average salary multiplied by  
151 the number of years of such credited service. In addition,  
152 if such member is retiring as provided in section 70.645,  
153 70.650, or 70.670, then such member shall receive a  
154 temporary allowance equal to one-quarter of one percent of  
155 the member's final average salary multiplied by the number  
156 of years of such credited service. Such temporary allowance  
157 shall terminate at the end of the calendar month in which  
158 the earlier of the following events occurs: such member's  
159 death or the member's attainment of age sixty-five.

160 2. If each portion of a member's credited service is  
161 not covered by the same benefit program, then the member's  
162 total allowance for life shall be the total of the allowance  
163 for life determined under each applicable benefit program.

164 3. Each employer shall have the credited service of  
165 each of its members covered by benefit program L-1 provided  
166 for in this section unless such employer shall have elected  
167 another benefit program provided for in this section.

168 4. Except as otherwise provided in this subsection,  
169 each political subdivision, by majority vote of its  
170 governing body, may elect from time to time to cover its  
171 members, whose political subdivision employment is  
172 concurrently covered by federal Social Security, under one  
173 of the benefit programs provided for in this section. Each  
174 political subdivision, by majority vote of its governing  
175 body, may elect from time to time to cover its members,  
176 whose political subdivision employment is not concurrently

177 covered by federal Social Security, under one of the benefit  
178 programs provided for in this section. The clerk or  
179 secretary of the political subdivision shall certify the  
180 election of the benefit program to the board within ten days  
181 after such vote. The effective date of the political  
182 subdivision's benefit program is the first day of the  
183 calendar month specified by such governing body, or the  
184 first day of the calendar month next following receipt by  
185 the board of the certification of election of benefit  
186 program, or the effective date of the political subdivision  
187 becoming an employer, whichever is the latest. Such  
188 election of benefit program may be changed from time to time  
189 by such vote, but not more often than biennially. If such  
190 changed benefit program provides larger allowances than the  
191 benefit program previously in effect, then such larger  
192 benefit program shall be applicable to the past and future  
193 employment with the employer by present and future  
194 employees. If such changed benefit program provides smaller  
195 allowances than the benefit program previously in effect,  
196 then such changed benefit program shall be applicable only  
197 to credited service for employment rendered from and after  
198 the effective date of such change. After August 28, 1994,  
199 political subdivisions shall not elect coverage under  
200 benefit program LT-4, benefit program LT-5, or benefit  
201 program LT-8. After August 28, 2005, political subdivisions  
202 shall not elect coverage under benefit program L-9 or  
203 benefit program LT-10(65).

204 5. Should an employer change its election of benefit  
205 program as provided in this section, the employer  
206 contributions shall be correspondingly changed effective the  
207 same date as the benefit program change.



208           6. The limitation on increases in an employer's  
209 contribution provided by subsection 6 of section 70.730  
210 shall not apply to any contribution increase resulting from  
211 an employer electing a benefit program which provides larger  
212 allowances.

213           7. Subject to the provisions of subsections **8 and 9**  
214 **[and 10]** of this section, for an allowance becoming  
215 effective on September 28, 1975, or later, and beginning  
216 with the October first which is at least twelve full months  
217 after the effective date of the allowance, the amount of the  
218 allowance shall be redetermined effective each October first  
219 and such redetermined amount shall be payable for the  
220 ensuing year. Subject to the limitations stated in the next  
221 sentence, such redetermined amount shall be the amount of  
222 the allowance otherwise payable multiplied by the following  
223 percent: one hundred percent, plus two percent for each  
224 full year (excluding any fraction of a year) in the period  
225 from the effective date of the allowance to the current  
226 October first. In no event shall such redetermined amount  
227 (1) be less than the amount of the allowance otherwise  
228 payable nor (2) be more than the amount of the allowance  
229 otherwise payable multiplied by the following fraction: the  
230 numerator shall be the Consumer Price Index for the month of  
231 June immediately preceding such October first (but in no  
232 event an amount less than the denominator below) and the  
233 denominator shall be the Consumer Price Index for the month  
234 of June immediately preceding the effective date of the  
235 allowance. As used herein, "Consumer Price Index" means **a**  
236 **measure of** the Consumer Price Index **[for Urban Wage Earners**  
237 **and Clerical Workers,]** as determined by the United States  
238 Department of Labor and **adopted by the board of trustees [in**  
239 **effect January 1, 1975; provided, should such Consumer Price**

240 Index be restructured subsequent to 1974 in a manner  
241 materially changing its character, the board shall change  
242 the application of the Consumer Price Index so that as far  
243 as is practicable the 1975 intent of the use of the Consumer  
244 Price Index shall be continued]. As used herein "the amount  
245 of the allowance otherwise payable" means the amount of the  
246 allowance which would be payable without regard to these  
247 provisions redetermining allowance amounts after retirement.

248 8. [Subject to the provisions of subsections 9 and 10  
249 of this section, for an allowance becoming effective on  
250 September 28, 1975, or later, the maximum allowance payable  
251 under the provisions of section 70.685 shall be redetermined  
252 each October first in the same manner as an allowance is  
253 redetermined under the provisions of subsection 7 of this  
254 section.

255 9.] (1) The system establishes reserves for the  
256 payment of future allowances to retirants and  
257 beneficiaries. Should the board determine, after consulting  
258 with the actuary, that the established reserves are more  
259 than sufficient to provide such allowances, the board may  
260 increase the annual increase rate provided for in  
261 [subsections] **subsection 7 [and 8]** of this section, as it  
262 applies to any allowance payable, but in no event shall the  
263 total of all redetermined amounts as of October first of any  
264 year be greater than one hundred four percent of the  
265 allowances which would have been payable that October first  
266 without such redeterminations; provided, as of any  
267 redetermination date the same annual increase rate shall be  
268 applied to all allowances with effective dates in the range  
269 of November first to October first of the following year.  
270 The board may extend the provisions of [subsections]  
271 **subsection 7 [and 8]** of this section to allowances which

272 became effective before September 28, 1975; provided such an  
273 action by the board shall not increase an employer  
274 contribution rate then in effect;

275 (2) After August 28, 1993, the annual increase rate  
276 established by this subsection shall be a compound rate,  
277 compounded annually, and the four percent annual maximum  
278 rate shall also be a compound rate, compounded annually;  
279 provided, the use of such compounding shall not begin until  
280 October 1, 1993, and shall not affect redeterminations made  
281 prior to that date.

282 [10.] 9. Should the board determine that the  
283 provisions of subsections 7[, 8] and [9] 8 of this section  
284 are jeopardizing the financial solvency of the system, the  
285 board shall suspend these provisions redetermining allowance  
286 amounts after retirement for such periods of time as the  
287 board deems appropriate.

70.680. 1. Any member in service with five or more  
2 years of credited service who has not attained the age and  
3 service requirements of section 70.645 and who becomes  
4 totally and permanently physically or mentally incapacitated  
5 for his duty as an employee, as the result of a personal  
6 injury or disease, may be retired by the board upon written  
7 application filed with the board by or on behalf of the  
8 member; provided, that after a medical examination of such  
9 member made by or under the direction of a medical committee  
10 consisting of three physicians, one of whom shall be  
11 selected by the board, one by or on behalf of such member,  
12 and the third by the first two physicians so named, the  
13 medical committee reports to the board, by majority opinion  
14 in writing, that such member is physically or mentally  
15 totally incapacitated for the further performance of duty,

16 that such incapacity will probably be permanent and that  
17 such member should be retired.

18 2. Upon disability retirement, as provided in  
19 subsection 1 of this section, a member shall receive an  
20 allowance for life provided for in section 70.655 and shall  
21 have the right to elect an option provided for in section  
22 70.660. His or her disability retirement and allowance  
23 shall be subject to the provisions of subsection 5 of this  
24 section [and to the provisions of section 70.685].

25 3. Any member in service who becomes totally and  
26 permanently physically or mentally incapacitated for his  
27 duty as an employee, as the natural and proximate result of  
28 a personal injury or disease which the board finds to have  
29 arisen out of and in the course of his actual performance of  
30 duty as an employee, may be retired by the board upon  
31 written application filed with the board by or on behalf of  
32 the member; provided, that after a medical examination of  
33 such member made by or under the direction of a medical  
34 committee consisting of three physicians, one of whom shall  
35 be selected by the board, one by or on behalf of such  
36 member, and the third by the first two physicians so named,  
37 the medical committee reports to the board, by majority  
38 opinion in writing, that such member is physically or  
39 mentally totally incapacitated for the further performance  
40 of duty, that such incapacity will probably be permanent,  
41 and that such member should be retired.

42 4. Upon disability retirement as provided in  
43 subsection 3 of this section, a member shall receive an  
44 allowance for life provided for in section 70.655; provided,  
45 that for the sole purpose of computing the amount of such  
46 allowance, he or she shall be given credited service for the  
47 period from the date of his or her disability retirement to

48 the date he or she would attain age sixty. He or she shall  
49 have the right to elect an option provided for in section  
50 70.660. His or her disability retirement and allowance  
51 shall be subject to the provisions of subsection 5 of this  
52 section [and to the provisions of section 70.685].

53 5. At least once each year during the first five years  
54 following a member's retirement on account of disability,  
55 and at least once in each three-year period thereafter, the  
56 board shall require any disability retirant who has not  
57 attained his minimum service retirement age to undergo a  
58 medical examination to be made by a physician designated by  
59 the board. If the retirant refuses to submit to medical  
60 examination in any such period, his disability allowance  
61 shall be suspended by the board until his withdrawal of such  
62 refusal. If such refusal continues for one year, all his  
63 rights in and to a disability allowance shall be revoked by  
64 the board. If, upon medical examination of the retirant,  
65 the physician reports to the board that the retirant is  
66 physically and mentally able and capable of resuming his  
67 duty as an employee in the position held by him at the time  
68 of his disability retirement, then the board shall, if  
69 demanded by the retirant, arrange a further medical  
70 examination of such member made by or under the direction of  
71 a medical committee consisting of three physicians, one of  
72 whom shall be selected by the board, one by or on behalf of  
73 the member, and the third by the first two physicians  
74 named. Should the medical committee concur, by majority  
75 opinion in writing to the board, the disability retirant is  
76 capable of resumption of duty, his disability retirement  
77 shall terminate and he shall be returned to duty and he  
78 shall immediately again become a member of the system, his  
79 credited service at the time of disability retirement shall

80 be restored to his credit, and the amount of his accumulated  
81 contributions at the time of his disability retirement shall  
82 be restored to his credit in the members deposit fund. If  
83 he was in receipt of a duty disability allowance provided  
84 for in subsection 3 of this section, he shall also be given  
85 service credit for the period he was in receipt of the duty  
86 disability allowance.

70.690. 1. In the event a member ceases to be a  
2 member other than by death before the date he becomes  
3 entitled to retire with an allowance payable by the system,  
4 he shall be paid, upon his written application filed with  
5 the board, his accumulated contributions standing to his  
6 credit in the members deposit fund.

7 2. In the event a member dies, and no allowance  
8 becomes or will become payable by the system on account of  
9 his death, his accumulated contributions standing to his  
10 credit in the members deposit fund at the time of his death  
11 shall be paid to such person or persons as he shall have  
12 nominated by written designation duly executed and filed  
13 with the board. If there be no such designated person or  
14 persons surviving such member, such accumulated  
15 contributions shall be paid to his surviving spouse, or to  
16 his estate if there is no surviving spouse.

17 3. In the event a member's membership in the system  
18 terminates, and no allowance becomes or will become payable  
19 on his account, any accumulated contributions standing to  
20 his credit in the members deposit fund unclaimed by such  
21 member or his legal representative within [three] ten years  
22 after the date his membership terminated, shall be  
23 transferred to the income-expense fund. If thereafter  
24 proper application is made for such accumulated  
25 contributions, the board shall pay them from the income-

26 expense fund, but without interest after the date payment  
27 was first due.

70.745. **1.** The board shall be the trustees of the  
2 funds of the system. Subject to the provisions of any  
3 applicable federal or state laws, the board shall have full  
4 power to invest and reinvest the moneys of the system, and  
5 to hold, purchase, sell, assign, transfer or dispose of any  
6 of the securities and investments in which such moneys shall  
7 have been invested, as well as the proceeds of such  
8 investments and such moneys.

**2. The board of trustees may deliberate about, or make  
10 tentative or final decisions on, investments or other  
11 financial matters in a closed meeting under chapter 610 if  
12 disclosure of the deliberations or decisions would  
13 jeopardize the ability to implement a decision or to achieve  
14 investment objectives. A record of the retirement system  
15 that discloses deliberations about, or a tentative decision  
16 on, investments or other financial matters is not a public  
17 record under chapter 610 to the extent and so long as its  
18 disclosure would jeopardize the ability to implement a  
19 decision or to achieve investment objectives.**

**3. The board of trustees shall not be prohibited from  
21 closing records to the extent that such records relate to  
22 information submitted by an individual, corporation, or  
23 other business entity in connection with investments in or  
24 financial transactions with business entities for investment  
25 purposes.**

70.746. Notwithstanding any other provision of law to  
2 the contrary, the board of trustees may delegate to its duly  
3 appointed investment counselor authority to act in place of  
4 the board in the investment and reinvestment of all or part  
5 of the moneys of the system, and may also delegate to such

6 counselor the authority to act in place of the board in the  
7 holding, purchasing, selling, assigning, transferring, or  
8 disposing of any or all of the securities and investments in  
9 which such moneys shall have been invested, as well as the  
10 proceeds of such investments and such moneys. [Such  
11 investment counselor shall be registered as an investment  
12 advisor with the United States Securities and Exchange  
13 Commission.] In exercising or delegating its investment  
14 powers and authority, members of the board shall exercise  
15 ordinary business care and prudence under the facts and  
16 circumstances prevailing at the time of the action or  
17 decision. In so doing, the board shall consider the long-  
18 and short-term needs of the system in carrying out its  
19 purposes, the system's present and anticipated financial  
20 requirements, the expected total return on the system's  
21 investment, general economic conditions, income, growth,  
22 long-term net appreciation, and probable safety of funds.  
23 No member of the board shall be liable for any action taken  
24 or omitted with respect to the exercise of or delegation of  
25 these powers and authority if such member shall have  
26 discharged the duties of his or her position in good faith  
27 and with that degree of diligence, care, and skill which  
28 prudent men and women would ordinarily exercise under  
29 similar circumstances in a like position.

70.747. Notwithstanding any other provision of law to  
2 the contrary, the board shall have full power to invest and  
3 reinvest the funds and moneys of the system in improved real  
4 estate, including collective real estate funds and real  
5 estate investment trusts, wherever situated[; provided,  
6 however, that not more than one-tenth of the funds and  
7 moneys of the system at the time of such investment shall be  
8 so invested].



70.748. 1. Notwithstanding the provisions of section  
2 105.662 to the contrary, the board may set up and maintain a  
3 local government employee retirement systems of Missouri  
4 investment fund account in which investment and reinvestment  
5 of all or part of the moneys of the retirement system may be  
6 placed and be available for investment purposes.

7 2. For the purpose of investing the funds of the  
8 retirement system, the funds may be combined with the funds  
9 of any retirement plan that is administered by the  
10 retirement system under section 70.621 and any retirement  
11 plan established for the purpose of providing benefits for  
12 employees of the system, but the funds of each plan shall be  
13 accounted for separately and for all other reporting  
14 purposes shall be separate.

15 3. The board of trustees may promulgate such rules and  
16 regulations consistent with the provisions of this section  
17 as deemed necessary for its proper administration, pursuant  
18 to the provisions of this section and this chapter.

19 4. The board of trustees may promulgate all necessary  
20 rules and regulations for the administration of this  
21 section. Any rule or portion of a rule, as that term is  
22 defined in section 536.010, that is created under the  
23 authority delegated in this section shall become effective  
24 only if it complies with and is subject to all of the  
25 provisions of chapter 536 and, if applicable, section  
26 536.028. This section and chapter 536 are nonseverable and  
27 if any of the powers vested with the general assembly  
28 pursuant to chapter 536 to review, to delay the effective  
29 date, or to disapprove and annul a rule are subsequently  
30 held unconstitutional, then the grant of rulemaking  
31 authority and any rule proposed or adopted after August 28,  
32 2024, shall be invalid and void.

86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who

33 returns to active participation in the system pursuant to  
34 section 86.251, and who terminates employment as a police  
35 officer for reasons other than death or disability before  
36 earning at least two years of creditable service after such  
37 return, the portion of the member's benefit attributable to  
38 creditable service earned before DROP entry shall be  
39 determined using average final compensation as defined in  
40 paragraph (a) of this subdivision; and the portion of the  
41 member's benefit attributable to creditable service earned  
42 after return to active participation in the system shall be  
43 determined using average final compensation as defined in  
44 paragraph (b) of this subdivision;

45 (d) With respect to a member who is participating in  
46 the DROP pursuant to section 86.251 on October 1, 2001, or  
47 whose participation in the DROP ended before such date, who  
48 returns to active participation in the system pursuant to  
49 section 86.251, and who terminates employment as a police  
50 officer after earning at least two years of creditable  
51 service after such return, the member's benefit attributable  
52 to all of such member's creditable service shall be  
53 determined using the member's average final compensation as  
54 defined in paragraph (b) of this subdivision;

55 (e) With respect to a member who is participating in  
56 the DROP pursuant to section 86.251 on October 1, 2001, or  
57 whose participation in DROP ended before such date, who  
58 returns to active participation in the system pursuant to  
59 section 86.251, and whose employment as a police officer  
60 terminates due to death or disability after such return, the  
61 member's benefit attributable to all of such member's  
62 creditable service shall be determined using the member's  
63 average final compensation as defined in paragraph (b) of  
64 this subdivision; and

65 (f) With respect to the surviving spouse or surviving  
66 dependent child of a member who earns any creditable service  
67 on or after October 1, 2001, the average earnable  
68 compensation of the member during the member's last two  
69 years of creditable service as a police officer or, if the  
70 member has had less than two years of creditable service,  
71 the average earnable compensation of the member's entire  
72 period of creditable service;

73 (4) "Beneficiary", any person in receipt of a  
74 retirement allowance or other benefit;

75 (5) "Board of trustees", the board provided in  
76 sections 86.200 to 86.366 to administer the retirement  
77 system;

78 (6) "Creditable service", prior service plus  
79 membership service as provided in sections 86.200 to 86.366;

80 (7) "DROP", the deferred retirement option plan  
81 provided for in section 86.251;

82 (8) "Earnable compensation", the annual salary  
83 [established under section 84.160] which a member would earn  
84 during one year on the basis of the member's rank or  
85 position, plus any additional compensation for academic work  
86 and shift differential, that [may be provided] **is set** by any  
87 **state or municipal body or** official [or board] now or  
88 hereafter authorized by law to employ and manage a permanent  
89 police force in such cities. Such amount shall include the  
90 member's deferrals to a deferred compensation plan pursuant  
91 to Section 457 of the Internal Revenue Code or to a  
92 cafeteria plan pursuant to Section 125 of the Internal  
93 Revenue Code or, effective October 1, 2001, to a  
94 transportation fringe benefit program pursuant to Section  
95 132(f)(4) of the Internal Revenue Code. [Earnable  
96 compensation] **The term "earnable compensation"** shall not

97 include a member's additional compensation for overtime,  
98 standby time, court time, nonuniform time or unused vacation  
99 time. **The term "earnable compensation" shall not include**  
100 **any funds received by a member through a judgment or**  
101 **settlement of a legal action or claim made or threatened by**  
102 **the member against any city not within a county, if the**  
103 **funds are intended to retroactively compensate the member**  
104 **for the salary differential between the member's actual rank**  
105 **and the rank the member claims he or she should have**  
106 **received.** Notwithstanding the foregoing, the earnable  
107 compensation taken into account under the plan established  
108 pursuant to sections 86.200 to 86.366 with respect to a  
109 member who is a noneligible participant, as defined in this  
110 subdivision, for any plan year beginning on or after October  
111 1, 1996, shall not exceed the amount of compensation that  
112 may be taken into account under Section 401(a)(17) of the  
113 Internal Revenue Code, as adjusted for increases in the cost  
114 of living, for such plan year. For purposes of this  
115 subdivision, a "noneligible participant" is an individual  
116 who first becomes a member on or after the first day of the  
117 first plan year beginning after the earlier of:

- 118 (a) The last day of the plan year that includes August  
119 28, 1995; or
- 120 (b) December 31, 1995;
- 121 (9) "Internal Revenue Code", the federal Internal  
122 Revenue Code of 1986, as amended;
- 123 (10) "Mandatory contributions", the contributions  
124 required to be deducted from the salary of each member who  
125 is not participating in DROP in accordance with section  
126 86.320;
- 127 (11) "Medical board", the health care organization  
128 appointed by the trustees of the police retirement board and

129 responsible for arranging and passing upon all medical  
130 examinations required under the provisions of sections  
131 86.200 to 86.366, which shall investigate all essential  
132 statements and certificates made by or on behalf of a member  
133 in connection with an application for disability retirement  
134 and shall report in writing to the board of trustees its  
135 conclusions and recommendations;

136 (12) "Member", a member of the retirement system as  
137 defined by sections 86.200 to 86.366;

138 (13) "Members' interest", interest on accumulated  
139 contributions at such rate as may be set from time to time  
140 by the board of trustees;

141 (14) "Membership service", service as a policeman  
142 rendered since last becoming a member, except in the case of  
143 a member who has served in the Armed Forces of the United  
144 States and has subsequently been reinstated as a policeman,  
145 in which case "membership service" means service as a  
146 policeman rendered since last becoming a member prior to  
147 entering such armed service;

148 (15) "Plan year" or "limitation year", the twelve  
149 consecutive-month period beginning each October first and  
150 ending each September thirtieth;

151 (16) "Policeman" or "police officer", any member of  
152 the police force of such cities who holds a rank in such  
153 police force;

154 (17) "Prior service", all service as a policeman  
155 rendered prior to the date the system becomes operative or  
156 prior to membership service which is creditable in  
157 accordance with the provisions of sections 86.200 to 86.366;

158 (18) "Reserve officer", any member of the police  
159 reserve force of such cities, armed or unarmed, who works  
160 less than full time, without compensation, and who, by his

161 or her assigned function or as implied by his or her  
162 uniform, performs duties associated with those of a police  
163 officer and who currently receives a service retirement as  
164 provided by sections 86.200 to 86.366;

165 (19) "Retirement allowance", annual payments for life  
166 as provided by sections 86.200 to 86.366 which shall be  
167 payable in equal monthly installments or any benefits in  
168 lieu thereof granted to a member upon termination of  
169 employment as a police officer and actual retirement;

170 (20) "Retirement system", the police retirement system  
171 of the cities as defined in sections 86.200 to 86.366;

172 (21) "Surviving spouse", the surviving spouse of a  
173 member who was the member's spouse at the time of the  
174 member's death.

105.688. The assets of a system may be invested,  
2 reinvested and managed by an investment fiduciary subject to  
3 the terms, conditions and limitations provided in sections  
4 105.687 to 105.689. An investment fiduciary shall discharge  
5 his or her duties in the interest of the participants in the  
6 system and their beneficiaries and shall:

7 (1) Act with the same care, skill, prudence, and  
8 diligence under the circumstances then prevailing that a  
9 prudent person acting in a similar capacity and familiar  
10 with those matters would use in the conduct of a similar  
11 enterprise with similar aims;

12 (2) Act with due regard for the management,  
13 reputation, and stability of the issuer and the character of  
14 the particular investments being considered;

15 (3) Make investments for the purposes of providing  
16 benefits to participants and participants' beneficiaries,  
17 and of defraying reasonable expenses of investing the assets  
18 of the system;

19           (4) Give appropriate consideration to those facts and  
20 circumstances that the investment fiduciary knows or should  
21 know are relevant to the particular investment or investment  
22 course of action involved, including the role of the  
23 investment or investment course of action plays in that  
24 portion of the system's investments for which the investment  
25 fiduciary has responsibility. For purposes of this  
26 subdivision, "appropriate consideration" shall include, but  
27 is not necessarily limited to a determination by the  
28 investment fiduciary that a particular investment or  
29 investment course of action is reasonably designed, as part  
30 of the investments of the system, to further the purposes of  
31 the system, taking into consideration the risk of loss and  
32 the opportunity for gain or other return associated with the  
33 investment or investment course of action; and consideration  
34 of the following factors as they relate to the investment or  
35 investment course of action:

36           (a) The diversification of the investments of the  
37 system;

38           (b) The liquidity and current return of the  
39 investments of the system relative to the anticipated cash  
40 flow requirements of the system; and

41           (c) The projected return of the investments of the  
42 system relative to the funding objectives of the system;

43           (5) Give appropriate consideration to investments  
44 which would enhance the general welfare of this state and  
45 its citizens if those investments offer the safety and rate  
46 of return comparable to other investments available to the  
47 investment fiduciary at the time the investment decision is  
48 made; **and**

49           **(6) Not be prohibited from closing records to the**  
50 **extent that such records relate to information submitted by**



51 **an individual, corporation, or other business entity in**  
52 **connection with investments in or financial transactions**  
53 **with business entities for investment purposes.**

169.070. 1. The retirement allowance of a member  
2 whose age at retirement is sixty years or more and whose  
3 creditable service is five years or more, or whose sum of  
4 age and creditable service equals eighty years or more, or  
5 who has attained age fifty-five and whose creditable service  
6 is twenty-five years or more or whose creditable service is  
7 thirty years or more regardless of age, may be the sum of  
8 the following items, not to exceed one hundred percent of  
9 the member's final average salary:

10 (1) Two and five-tenths percent of the member's final  
11 average salary for each year of membership service;

12 (2) Six-tenths of the amount payable for a year of  
13 membership service for each year of prior service not  
14 exceeding thirty years.

15 In lieu of the retirement allowance otherwise provided in  
16 subdivisions (1) and (2) of this subsection, a member may  
17 elect to receive a retirement allowance of:

18 (3) Two and four-tenths percent of the member's final  
19 average salary for each year of membership service, if the  
20 member's creditable service is twenty-nine years or more but  
21 less than thirty years, and the member has not attained age  
22 fifty-five;

23 (4) Two and thirty-five-hundredths percent of the  
24 member's final average salary for each year of membership  
25 service, if the member's creditable service is twenty-eight  
26 years or more but less than twenty-nine years, and the  
27 member has not attained age fifty-five;

28           (5) Two and three-tenths percent of the member's final  
29 average salary for each year of membership service, if the  
30 member's creditable service is twenty-seven years or more  
31 but less than twenty-eight years, and the member has not  
32 attained age fifty-five;

33           (6) Two and twenty-five-hundredths percent of the  
34 member's final average salary for each year of membership  
35 service, if the member's creditable service is twenty-six  
36 years or more but less than twenty-seven years, and the  
37 member has not attained age fifty-five;

38           (7) Two and two-tenths percent of the member's final  
39 average salary for each year of membership service, if the  
40 member's creditable service is twenty-five years or more but  
41 less than twenty-six years, and the member has not attained  
42 age fifty-five;

43           (8) Two and fifty-five hundredths percent of the  
44 member's final average salary for each year of membership  
45 service, if the member's creditable service is thirty-two  
46 years or more regardless of age;

47           **(9) Two and six-tenths percent of the member's final**  
48 **average salary for each year of membership service, if the**  
49 **member's creditable service is thirty-three years or more**  
50 **regardless of age.**

51           2. In lieu of the retirement allowance provided in  
52 subsection 1 of this section, a member whose age is sixty  
53 years or more on September 28, 1975, may elect to have the  
54 member's retirement allowance calculated as a sum of the  
55 following items:

56           (1) Sixty cents plus one and five-tenths percent of  
57 the member's final average salary for each year of  
58 membership service;



91 further that if the person so nominated dies before the  
92 retired member, the retirement allowance will be increased  
93 to the amount the retired member would be receiving had the  
94 member elected option 1; or

95 Option 4.

96 Upon the death of the member one-half of the reduced  
97 retirement allowance shall be continued throughout the life  
98 of, and paid to, such person as has an insurable interest in  
99 the life of the member and as the member shall have  
100 nominated in an election of the option, and provided further  
101 that if the person so nominated dies before the retired  
102 member, the retirement allowance shall be increased to the  
103 amount the retired member would be receiving had the member  
104 elected option 1; or

105 Option 5.

106 Upon the death of the member prior to the member having  
107 received one hundred twenty monthly payments of the member's  
108 reduced allowance, the remainder of the one hundred twenty  
109 monthly payments of the reduced allowance shall be paid to  
110 such beneficiary as the member shall have nominated in the  
111 member's election of the option or in a subsequent  
112 nomination. If there is no beneficiary so nominated who  
113 survives the member for the remainder of the one hundred  
114 twenty monthly payments, the total of the remainder of such  
115 one hundred twenty monthly payments shall be paid to the  
116 surviving spouse, surviving children in equal shares,  
117 surviving parents in equal shares, or estate of the last  
118 person, in that order of precedence, to receive a monthly  
119 allowance in a lump sum payment. If the total of the one  
120 hundred twenty payments paid to the retired individual and  
121 the beneficiary of the retired individual is less than the

122 total of the member's accumulated contributions, the  
123 difference shall be paid to the beneficiary in a lump sum; or  
124 Option 6.

125 Upon the death of the member prior to the member having  
126 received sixty monthly payments of the member's reduced  
127 allowance, the remainder of the sixty monthly payments of  
128 the reduced allowance shall be paid to such beneficiary as  
129 the member shall have nominated in the member's election of  
130 the option or in a subsequent nomination. If there is no  
131 beneficiary so nominated who survives the member for the  
132 remainder of the sixty monthly payments, the total of the  
133 remainder of such sixty monthly payments shall be paid to  
134 the surviving spouse, surviving children in equal shares,  
135 surviving parents in equal shares, or estate of the last  
136 person, in that order of precedence, to receive a monthly  
137 allowance in a lump sum payment. If the total of the sixty  
138 payments paid to the retired individual and the beneficiary  
139 of the retired individual is less than the total of the  
140 member's accumulated contributions, the difference shall be  
141 paid to the beneficiary in a lump sum.

142 (2) The election of an option may be made only in the  
143 application for retirement and such application must be  
144 filed prior to the date on which the retirement of the  
145 member is to be effective. If either the member or the  
146 person nominated to receive the survivorship payments dies  
147 before the effective date of retirement, the option shall  
148 not be effective, provided that:

149 (a) If the member or a person retired on disability  
150 retirement dies after acquiring twenty-five or more years of  
151 creditable service or after attaining the age of fifty-five  
152 years and acquiring five or more years of creditable service  
153 and before retirement, except retirement with disability

154 benefits, and the person named by the member as the member's  
155 beneficiary has an insurable interest in the life of the  
156 deceased member, the designated beneficiary may elect to  
157 receive either survivorship benefits under option 2 or a  
158 payment of the accumulated contributions of the member. If  
159 survivorship benefits under option 2 are elected and the  
160 member at the time of death would have been eligible to  
161 receive an actuarial equivalent of the member's retirement  
162 allowance, the designated beneficiary may further elect to  
163 defer the option 2 payments until the date the member would  
164 have been eligible to receive the retirement allowance  
165 provided in subsection 1 or 2 of this section;

166 (b) If the member or a person retired on disability  
167 retirement dies before attaining age fifty-five but after  
168 acquiring five but fewer than twenty-five years of  
169 creditable service, and the person named as the member's  
170 beneficiary has an insurable interest in the life of the  
171 deceased member, the designated beneficiary may elect to  
172 receive either a payment of the member's accumulated  
173 contributions, or survivorship benefits under option 2 to  
174 begin on the date the member would first have been eligible  
175 to receive an actuarial equivalent of the member's  
176 retirement allowance, or to begin on the date the member  
177 would first have been eligible to receive the retirement  
178 allowance provided in subsection 1 or 2 of this section.

179 4. If the total of the retirement or disability  
180 allowance paid to an individual before the death of the  
181 individual is less than the accumulated contributions at the  
182 time of retirement, the difference shall be paid to the  
183 beneficiary of the individual, or to the surviving spouse,  
184 surviving children in equal shares, surviving parents in  
185 equal shares, or estate of the individual in that order of

186 precedence. If an optional benefit as provided in option 2,  
187 3 or 4 in subsection 3 of this section had been elected, and  
188 the beneficiary dies after receiving the optional benefit,  
189 and if the total retirement allowance paid to the retired  
190 individual and the beneficiary of the retired individual is  
191 less than the total of the contributions, the difference  
192 shall be paid to the surviving spouse, surviving children in  
193 equal shares, surviving parents in equal shares, or estate  
194 of the beneficiary, in that order of precedence, unless the  
195 retired individual designates a different recipient with the  
196 board at or after retirement.

197 5. If a member dies and his or her financial  
198 institution is unable to accept the final payment or  
199 payments due to the member, the final payment or payments  
200 shall be paid to the beneficiary of the member or, if there  
201 is no beneficiary, to the surviving spouse, surviving  
202 children in equal shares, surviving parents in equal shares,  
203 or estate of the member, in that order of precedence, unless  
204 otherwise stated. If the beneficiary of a deceased member  
205 dies and his or her financial institution is unable to  
206 accept the final payment or payments, the final payment or  
207 payments shall be paid to the surviving spouse, surviving  
208 children in equal shares, surviving parents in equal shares,  
209 or estate of the member, in that order of precedence, unless  
210 otherwise stated.

211 6. If a member dies before receiving a retirement  
212 allowance, the member's accumulated contributions at the  
213 time of the death of the member shall be paid to the  
214 beneficiary of the member or, if there is no beneficiary, to  
215 the surviving spouse, surviving children in equal shares,  
216 surviving parents in equal shares, or to the estate of the  
217 member, in that order of precedence; except that, no such

218 payment shall be made if the beneficiary elects option 2 in  
219 subsection 3 of this section, unless the beneficiary dies  
220 before having received benefits pursuant to that subsection  
221 equal to the accumulated contributions of the member, in  
222 which case the amount of accumulated contributions in excess  
223 of the total benefits paid pursuant to that subsection shall  
224 be paid to the surviving spouse, surviving children in equal  
225 shares, surviving parents in equal shares, or estate of the  
226 beneficiary, in that order of precedence.

227         7. If a member ceases to be a public school employee  
228 as herein defined and certifies to the board of trustees  
229 that such cessation is permanent, or if the membership of  
230 the person is otherwise terminated, the member shall be paid  
231 the member's accumulated contributions with interest.

232         8. Notwithstanding any provisions of sections 169.010  
233 to 169.141 to the contrary, if a member ceases to be a  
234 public school employee after acquiring five or more years of  
235 membership service in Missouri, the member may at the option  
236 of the member leave the member's contributions with the  
237 retirement system and claim a retirement allowance any time  
238 after reaching the minimum age for voluntary retirement.  
239 When the member's claim is presented to the board, the  
240 member shall be granted an allowance as provided in sections  
241 169.010 to 169.141 on the basis of the member's age, years  
242 of service, and the provisions of the law in effect at the  
243 time the member requests the member's retirement to become  
244 effective.

245         9. The retirement allowance of a member retired  
246 because of disability shall be nine-tenths of the allowance  
247 to which the member's creditable service would entitle the  
248 member if the member's age were sixty, or fifty percent of  
249 one-twelfth of the annual salary rate used in determining



250 the member's contributions during the last school year for  
251 which the member received a year of creditable service  
252 immediately prior to the member's disability, whichever is  
253 greater, except that no such allowance shall exceed the  
254 retirement allowance to which the member would have been  
255 entitled upon retirement at age sixty if the member had  
256 continued to teach from the date of disability until age  
257 sixty at the same salary rate.

258 10. Notwithstanding any provisions of sections 169.010  
259 to 169.141 to the contrary, from October 13, 1961, the  
260 contribution rate pursuant to sections 169.010 to 169.141  
261 shall be multiplied by the factor of two-thirds for any  
262 member of the system for whom federal Old Age and Survivors  
263 Insurance tax is paid from state or local tax funds on  
264 account of the member's employment entitling the person to  
265 membership in the system. The monetary benefits for a  
266 member who elected not to exercise an option to pay into the  
267 system a retroactive contribution of four percent on that  
268 part of the member's annual salary rate which was in excess  
269 of four thousand eight hundred dollars but not in excess of  
270 eight thousand four hundred dollars for each year of  
271 employment in a position covered by this system between July  
272 1, 1957, and July 1, 1961, as provided in subsection 10 of  
273 this section as it appears in RSMo, 1969, shall be the sum  
274 of:

275 (1) For years of service prior to July 1, 1946, six-  
276 tenths of the full amount payable for years of membership  
277 service;

278 (2) For years of membership service after July 1,  
279 1946, in which the full contribution rate was paid, full  
280 benefits under the formula in effect at the time of the  
281 member's retirement;

282           (3) For years of membership service after July 1,  
283 1957, and prior to July 1, 1961, the benefits provided in  
284 this section as it appears in RSMo, 1959; except that if the  
285 member has at least thirty years of creditable service at  
286 retirement the member shall receive the benefit payable  
287 pursuant to that section as though the member's age were  
288 sixty-five at retirement;

289           (4) For years of membership service after July 1,  
290 1961, in which the two-thirds contribution rate was paid,  
291 two-thirds of the benefits under the formula in effect at  
292 the time of the member's retirement.

293           11. The monetary benefits for each other member for  
294 whom federal Old Age and Survivors Insurance tax is or was  
295 paid at any time from state or local funds on account of the  
296 member's employment entitling the member to membership in  
297 the system shall be the sum of:

298           (1) For years of service prior to July 1, 1946, six-  
299 tenths of the full amount payable for years of membership  
300 service;

301           (2) For years of membership service after July 1,  
302 1946, in which the full contribution rate was paid, full  
303 benefits under the formula in effect at the time of the  
304 member's retirement;

305           (3) For years of membership service after July 1,  
306 1957, in which the two-thirds contribution rate was paid,  
307 two-thirds of the benefits under the formula in effect at  
308 the time of the member's retirement.

309           12. Any retired member of the system who was retired  
310 prior to September 1, 1972, or beneficiary receiving  
311 payments under option 1 or option 2 of subsection 3 of this  
312 section, as such option existed prior to September 1, 1972,  
313 will be eligible to receive an increase in the retirement

314 allowance of the member of two percent for each year, or  
315 major fraction of more than one-half of a year, which the  
316 retired member has been retired prior to July 1, 1975. This  
317 increased amount shall be payable commencing with January,  
318 1976, and shall thereafter be referred to as the member's  
319 retirement allowance. The increase provided for in this  
320 subsection shall not affect the retired member's eligibility  
321 for compensation provided for in section 169.580 or 169.585,  
322 nor shall the amount being paid pursuant to these sections  
323 be reduced because of any increases provided for in this  
324 section.

325       13. If the board of trustees determines that the cost  
326 of living, as measured by generally accepted standards,  
327 increases two percent or more in the preceding fiscal year,  
328 the board shall increase the retirement allowances which the  
329 retired members or beneficiaries are receiving by two  
330 percent of the amount being received by the retired member  
331 or the beneficiary at the time the annual increase is  
332 granted by the board with the provision that the increases  
333 provided for in this subsection shall not become effective  
334 until the fourth January first following the member's  
335 retirement or January 1, 1977, whichever later occurs, or in  
336 the case of any member retiring on or after July 1, 2000,  
337 the increase provided for in this subsection shall not  
338 become effective until the third January first following the  
339 member's retirement, or in the case of any member retiring  
340 on or after July 1, 2001, the increase provided for in this  
341 subsection shall not become effective until the second  
342 January first following the member's retirement. Commencing  
343 with January 1, 1992, if the board of trustees determines  
344 that the cost of living has increased five percent or more  
345 in the preceding fiscal year, the board shall increase the

346 retirement allowances by five percent. The total of the  
347 increases granted to a retired member or the beneficiary  
348 after December 31, 1976, may not exceed eighty percent of  
349 the retirement allowance established at retirement or as  
350 previously adjusted by other subsections. If the cost of  
351 living increases less than five percent, the board of  
352 trustees may determine the percentage of increase to be made  
353 in retirement allowances, but at no time can the increase  
354 exceed five percent per year. If the cost of living  
355 decreases in a fiscal year, there will be no increase in  
356 allowances for retired members on the following January  
357 first.

358 14. The board of trustees may reduce the amounts which  
359 have been granted as increases to a member pursuant to  
360 subsection 13 of this section if the cost of living, as  
361 determined by the board and as measured by generally  
362 accepted standards, is less than the cost of living was at  
363 the time of the first increase granted to the member; except  
364 that, the reductions shall not exceed the amount of  
365 increases which have been made to the member's allowance  
366 after December 31, 1976.

367 15. Any application for retirement shall include a  
368 sworn statement by the member certifying that the spouse of  
369 the member at the time the application was completed was  
370 aware of the application and the plan of retirement elected  
371 in the application.

372 16. Notwithstanding any other provision of law, any  
373 person retired prior to September 28, 1983, who is receiving  
374 a reduced retirement allowance under option 1 or option 2 of  
375 subsection 3 of this section, as such option existed prior  
376 to September 28, 1983, and whose beneficiary nominated to  
377 receive continued retirement allowance payments under the

378 elected option dies or has died, shall upon application to  
379 the board of trustees have his or her retirement allowance  
380 increased to the amount he or she would have been receiving  
381 had the option not been elected, actuarially adjusted to  
382 recognize any excessive benefits which would have been paid  
383 to him or her up to the time of application.

384 17. Benefits paid pursuant to the provisions of the  
385 public school retirement system of Missouri shall not exceed  
386 the limitations of Section 415 of Title 26 of the United  
387 States Code except as provided pursuant to this subsection.  
388 Notwithstanding any other law to the contrary, the board of  
389 trustees may establish a benefit plan pursuant to Section  
390 415(m) of Title 26 of the United States Code. Such plan  
391 shall be created solely for the purpose described in Section  
392 415(m) (3) (A) of Title 26 of the United States Code. The  
393 board of trustees may promulgate regulations necessary to  
394 implement the provisions of this subsection and to create  
395 and administer such benefit plan.

396 18. Notwithstanding any other provision of law to the  
397 contrary, any person retired before, on, or after May 26,  
398 1994, shall be made, constituted, appointed and employed by  
399 the board as a special consultant on the matters of  
400 education, retirement and aging, and upon request shall give  
401 written or oral opinions to the board in response to such  
402 requests. As compensation for such duties the person shall  
403 receive an amount based on the person's years of service so  
404 that the total amount received pursuant to sections 169.010  
405 to 169.141 shall be at least the minimum amounts specified  
406 in subdivisions (1) to (4) of this subsection. In  
407 determining the minimum amount to be received, the amounts  
408 in subdivisions (3) and (4) of this subsection shall be  
409 adjusted in accordance with the actuarial adjustment, if

410 any, that was applied to the person's retirement allowance.  
411 In determining the minimum amount to be received, beginning  
412 September 1, 1996, the amounts in subdivisions (1) and (2)  
413 of this subsection shall be adjusted in accordance with the  
414 actuarial adjustment, if any, that was applied to the  
415 person's retirement allowance due to election of an optional  
416 form of retirement having a continued monthly payment after  
417 the person's death. Notwithstanding any other provision of  
418 law to the contrary, no person retired before, on, or after  
419 May 26, 1994, and no beneficiary of such a person, shall  
420 receive a retirement benefit pursuant to sections 169.010 to  
421 169.141 based on the person's years of service less than the  
422 following amounts:

423       (1) Thirty or more years of service, one thousand two  
424 hundred dollars;

425       (2) At least twenty-five years but less than thirty  
426 years, one thousand dollars;

427       (3) At least twenty years but less than twenty-five  
428 years, eight hundred dollars;

429       (4) At least fifteen years but less than twenty years,  
430 six hundred dollars.

431       19. Notwithstanding any other provisions of law to the  
432 contrary, any person retired prior to May 26, 1994, and any  
433 designated beneficiary of such a retired member who was  
434 deceased prior to July 1, 1999, shall be made, constituted,  
435 appointed and employed by the board as a special consultant  
436 on the matters of education, retirement or aging and upon  
437 request shall give written or oral opinions to the board in  
438 response to such requests. Beginning September 1, 1996, as  
439 compensation for such service, the member shall have added,  
440 pursuant to this subsection, to the member's monthly annuity  
441 as provided by this section a dollar amount equal to the

442 lesser of sixty dollars or the product of two dollars  
443 multiplied by the member's number of years of creditable  
444 service. Beginning September 1, 1999, the designated  
445 beneficiary of the deceased member shall as compensation for  
446 such service have added, pursuant to this subsection, to the  
447 monthly annuity as provided by this section a dollar amount  
448 equal to the lesser of sixty dollars or the product of two  
449 dollars multiplied by the member's number of years of  
450 creditable service. The total compensation provided by this  
451 section including the compensation provided by this  
452 subsection shall be used in calculating any future cost-of-  
453 living adjustments provided by subsection 13 of this section.

454 20. Any member who has retired prior to July 1, 1998,  
455 and the designated beneficiary of a deceased retired member  
456 shall be made, constituted, appointed and employed by the  
457 board as a special consultant on the matters of education,  
458 retirement and aging, and upon request shall give written or  
459 oral opinions to the board in response to such requests. As  
460 compensation for such duties the person shall receive a  
461 payment equivalent to eight and seven-tenths percent of the  
462 previous month's benefit, which shall be added to the  
463 member's or beneficiary's monthly annuity and which shall  
464 not be subject to the provisions of subsections 13 and 14 of  
465 this section for the purposes of the limit on the total  
466 amount of increases which may be received.

467 21. Any member who has retired shall be made,  
468 constituted, appointed and employed by the board as a  
469 special consultant on the matters of education, retirement  
470 and aging, and upon request shall give written or oral  
471 opinions to the board in response to such request. As  
472 compensation for such duties, the beneficiary of the retired  
473 member, or, if there is no beneficiary, the surviving

474 spouse, surviving children in equal shares, surviving  
475 parents in equal shares, or estate of the retired member, in  
476 that order of precedence, shall receive as a part of  
477 compensation for these duties a death benefit of five  
478 thousand dollars.

479         22. Any member who has retired prior to July 1, 1999,  
480 and the designated beneficiary of a retired member who was  
481 deceased prior to July 1, 1999, shall be made, constituted,  
482 appointed and employed by the board as a special consultant  
483 on the matters of education, retirement and aging, and upon  
484 request shall give written or oral opinions to the board in  
485 response to such requests. As compensation for such duties,  
486 the person shall have added, pursuant to this subsection, to  
487 the monthly annuity as provided by this section a dollar  
488 amount equal to five dollars times the member's number of  
489 years of creditable service.

490         23. Any member who has retired prior to July 1, 2000,  
491 and the designated beneficiary of a deceased retired member  
492 shall be made, constituted, appointed and employed by the  
493 board as a special consultant on the matters of education,  
494 retirement and aging, and upon request shall give written or  
495 oral opinions to the board in response to such requests. As  
496 compensation for such duties, the person shall receive a  
497 payment equivalent to three and five-tenths percent of the  
498 previous month's benefit, which shall be added to the member  
499 or beneficiary's monthly annuity and which shall not be  
500 subject to the provisions of subsections 13 and 14 of this  
501 section for the purposes of the limit on the total amount of  
502 increases which may be received.

503         24. Any member who has retired prior to July 1, 2001,  
504 and the designated beneficiary of a deceased retired member  
505 shall be made, constituted, appointed and employed by the



506 board as a special consultant on the matters of education,  
507 retirement and aging, and upon request shall give written or  
508 oral opinions to the board in response to such requests. As  
509 compensation for such duties, the person shall receive a  
510 dollar amount equal to three dollars times the member's  
511 number of years of creditable service, which shall be added  
512 to the member's or beneficiary's monthly annuity and which  
513 shall not be subject to the provisions of subsections 13 and  
514 14 of this section for the purposes of the limit on the  
515 total amount of increases which may be received.

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**  
19 **fifty percent of the limit set for the position by the**  
20 **school board of the employer which has been submitted and**  
21 **approved by the board of trustees of the retirement system.**  
22 If the position or positions did not previously exist, the

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

55 certificated under the laws governing the certification of  
56 teachers in Missouri if such person was employed by the  
57 district. The retirement system may require the employer,  
58 the third-party employer, the independent contractor, and  
59 the retiree subject to this subsection to provide  
60 documentation showing compliance with this subsection. If  
61 such documentation is not provided, the retirement system  
62 may deem the retiree to have exceeded the limitations  
63 provided in this subsection.

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

87 established by sections 169.600 to 169.715 because of  
88 earnings during such period of employment, and such person  
89 shall not earn membership service for such employment. The  
90 employer's contribution rate shall be paid by the hiring  
91 employer into the public education employee retirement  
92 system established by sections 169.600 to 169.715. If such  
93 a person is employed in any capacity by an employer in  
94 excess of the limitations set forth in this subsection, the  
95 person shall not be eligible to receive the person's  
96 retirement allowance for any month during which the person  
97 is so employed **or the retirement system shall recover the**  
98 **amount the person earned in excess of the limitations,**  
99 **whichever is less.** In addition, such person shall become a  
100 member of and contribute to any retirement system described  
101 in this subsection if the person satisfies the retirement  
102 system's membership eligibility requirements. The  
103 provisions of this subsection shall not apply to any person  
104 retired and currently receiving a retirement allowance in  
105 accordance with sections 169.010 to 169.141 employed by a  
106 public community college or employer under subsection 4 of  
107 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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