

FIRST REGULAR SESSION

HOUSE BILL NO. 478

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor), SATER, SALVA, LOEHNER, FAITH, CUNNINGHAM, JONES (89), OXFORD, LEARA, BRUNS, WELLS, SANDER, ATKINS, McGHEE, KELLY AND BROWN (50) (Co-sponsors).

1224L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 104.403 and 104.404, RSMo, and to enact in lieu thereof two new sections relating to the Missouri state employees' retirement system, with an emergency clause.

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

Section A. Sections 104.403 and 104.404, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 104.403 and 104.404, to read as follows:

104.403. 1. Any state employee [or retiree] who retires pursuant to section 104.404, and
2 who is also eligible for medical coverage as described in section 103.115, RSMo, shall be
3 eligible to apply for the following coverage:

4 (1) Such retiree may elect to continue coverage for himself or herself and any eligible
5 dependents at the same cost as if such retiree [was] **were** an active employee;

6 (2) Such retiree may continue to pay the applicable rate as if the retiree were an active
7 employee for a maximum period of five years or upon becoming eligible for Medicare,
8 whichever occurs first; and

9 (3) After five years or upon becoming eligible for Medicare, the cost for medical
10 coverage for such retiree and any dependents shall revert to the applicable rate in place at that
11 time.

12 2. Any employee [or retiree] of a participating member agency who retires pursuant to
13 section 104.404 shall only be eligible to have the provisions of subsection 1 of this section
14 applied to his or her coverage if the governing body of the participating member agency elects
15 to provide such benefits.

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

16 3. The governing boards of Truman State University, Lincoln University, the educational
17 institutions described in section 174.020, RSMo, the highway commission that governs the
18 health care plans of the Missouri department of transportation and the Missouri state highway
19 patrol, and the conservation commission of the department of conservation may elect to provide
20 its employees or retirees who retire pursuant to section 104.404 the same benefits as described
21 in subsection 1 of this section under the respective medical plans of those institutions and
22 departments. [If the highway commission elects to provide retirees the benefits of this section,
23 any special consultant pursuant to section 104.515 who is a member of the Missouri department
24 of transportation and Missouri state highway patrol medical and life insurance plan and who
25 retired on or after February 1, 2003, but prior to July 1, 2003, shall be eligible to receive the
26 benefits of this section.]

 104.404. 1. An employee **currently active on the effective date of this act** who has
2 not been a retiree of the system in which such employee is currently receiving creditable or
3 credited service, who is eligible to receive a normal annuity pursuant to section 104.080,
4 104.090, 104.100, 104.271, or 104.400, or a life and any temporary annuity pursuant to section
5 104.1024, and whose annuity commences [no later than September 1, 2003] **on or after May**
6 **1, 2009, but no later than August 1, 2009**, shall be eligible to receive the medical benefits
7 described in section 104.403.

 2. An employee who would be eligible to receive a normal annuity pursuant to section
9 104.080, 104.090, 104.100, 104.271, or 104.400, or a life and any temporary annuity pursuant
10 to section 104.1024, no later than January 1, [2004] **2010**, shall be eligible to retire based on the
11 employee's creditable or credited service and the average compensation or final average pay on
12 the employee's date of termination of employment if the employee applies to retire and whose
13 annuity commences [no later than September 1, 2003] **on or after May 1, 2009, but no later**
14 **than August 1, 2009**. Such employee who so retires shall be eligible to receive the medical
15 benefits described in subsection 1 of this section.

 3. Any employee described in subsections 1 and 2 of this section who otherwise would
17 be eligible to elect to receive benefits under the provisions of sections 104.625 and 104.1024,
18 by no later than January 1, [2004] **2010**, shall be eligible to elect to receive benefits pursuant to
19 sections 104.625 and 104.1024; except that in no event shall a lump sum payment be made for
20 any time period after the employee's annuity starting date.

 4. A retiree whose retirement annuity commenced on or after February 1, [2003] **2009**,
22 but no later than [September 1, 2003] **August 1, 2009**, shall be eligible to receive the medical
23 benefits described in section 104.403.

 5. The state may hire employees to replace those employees retiring pursuant to this
25 section and section 104.403, except that departments shall not fill [more than twenty-five percent

26 of those positions vacated] **using more than fifty percent of the personal service funds of**
27 **those positions vacated.** Exceptions to the [twenty-five] **fifty** percent restriction may be made
28 for critical or seasonal positions or positions which are entirely federally funded. Such
29 determination shall be made by rule and regulation promulgated by the office of administration.
30 The provisions of this subsection shall not apply to Truman University, Lincoln University or
31 the educational institutions described in section 174.020, RSMo.

32 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
33 is created under the authority delegated in this section shall become effective only if it complies
34 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
35 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
36 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
37 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
38 grant of rulemaking authority and any rule proposed or adopted after August 28, [2003] **2009**,
39 shall be invalid and void.

40 7. [The Missouri state employees' retirement system and the highways and transportation
41 employees' and highway patrol retirement system shall make a report in writing to the governor,
42 commissioner of administration, and the general assembly by April 1, 2004, and in addition shall
43 provide monthly tracking of the effect of state employee retirements pursuant to this section and
44 section 104.403. The report shall cover the time period of February 1, 2003, to January 31, 2004.
45 The report shall include the number of such retirements, the amount of payroll affected as a
46 result of retirements, and the financial effect of such retirements as expressed in a report by each
47 system's actuary.

48 8. The office of administration shall make a report in writing to the governor and the
49 general assembly by April 1, 2004, and in addition shall provide monthly tracking of the
50 budgetary effect of state employee retirements pursuant to this section and section 104.403. The
51 report shall include the amount of payroll reduced as a result of such retirements, the number of
52 positions that are core cut as a result of such retirements, the number of employees employed to
53 replace those who retired pursuant to this section, and the financial effect on the budget,
54 including any costs associated with payment of medical premiums by the state.

55 9. The Missouri consolidated health care plan shall make a report in writing to the
56 governor and the general assembly by April 1, 2004, and in addition shall provide monthly
57 tracking of the effect of state employee retirements pursuant to this section and section 104.403.
58 The report may include, and not be limited to, the amount of payroll reduced as a result of such
59 retirements, the number of positions that are core cut as a result of such retirements, the number
60 of employees employed to replace those who retired pursuant to this section, and the financial
61 effect on the budget, including any costs associated with payment of medical premiums by the

62 state.] **Any employee making an election under the provisions of this section and section**
63 **104.403 shall be prohibited from any employment with any department as defined in this**
64 **chapter for a period of five years from the date of election.**

Section B. Because immediate action is necessary to address the current fiscal crisis, the
2 repeal and reenactment of section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and the repeal and reenactment of section
5 A of this act shall be in full force and effect upon its passage and approval.

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