

FIRST REGULAR SESSION

HOUSE BILL NO. 665

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LEARA (Sponsor) AND COLONA (Co-sponsor).

1732L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 87.205 and 87.207, RSMo, and to enact in lieu thereof two new sections relating to the firefighter's retirement system of St. Louis.

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

Section A. Sections 87.205 and 87.207, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 87.205 and 87.207, to read as follows:

87.205. 1. Upon retirement for accidental disability **before August 28, 2011**, a member shall receive seventy-five percent of the pay then provided by law for the highest step in the range of salary for the title or rank held by such member at the time of such retirement unless the member is permanently and totally incapacitated from performing any work, occupation or vocation of any kind whatsoever and is continuously confined to the member's home except for visits to obtain medical treatment, in which event the member may receive, in the discretion of the board of trustees, a retirement allowance in an amount not exceeding the member's rate of compensation as a firefighter in effect as of the date the allowance begins.

2. Anyone who has retired pursuant to the provisions of section 87.170 and has been reinstated pursuant to subsection 2 of section 87.130 who subsequently becomes disabled, as provided in section 87.200, shall receive a total benefit which is the higher of either the disability pension or the service pension.

3. Upon retirement for accidental disability on or after August 28, 2011, based on conditions of the heart, lungs, or cancer or based on permanent and total disability which will prevent the member from obtaining employment elsewhere, as determined by the board of trustees based on medical evidence presented by the retirement system's physicians, a member shall receive, regardless of his or her number of years of credible

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.

18 service, seventy-five percent of the earnable compensation then provided for the step in the
19 range of salary for the title or rank held by such member at the time of such retirement.

20 **4. Except as provided in subsection 3 of this section, upon retirement for accidental**
21 **disability on or after August 28, 2011, a member shall receive a base pension equal to**
22 **twenty-five percent of the member's earnable compensation then provided for the step in**
23 **the range of salary for the title or rank held by such member at the time of such retirement.**

24 **5. Except as provided in subsection 3 of this section, upon retirement for accidental**
25 **disability on or after August 28, 2011, the member may elect to receive an education**
26 **allowance in an amount not to exceed the tuition for a state resident at the University of**
27 **Missouri-St. Louis. The accidentally disabled member shall enroll in a college, university,**
28 **community college, or vocational or technical school at the first opportunity after the**
29 **accidentally disabled member was retired and shall receive such educational allowance in**
30 **the form of reimbursement upon proof of payment to such institution. The education**
31 **allowance described in this subsection shall cease when the accidentally disabled member**
32 **ceases to be a full-time student or if the accidentally disabled member is restored to active**
33 **service as a firefighter, but in no event shall such education allowance be available for**
34 **more than five years after the member is retired under section 87.200.**

35 **6. Except as provided in subsection 3 of this section, upon retirement for accidental**
36 **disability on or after August 28, 2011, in addition to the base pension provided for in**
37 **subsection 4 of this section and the education allowance provided for in subsection 5 of this**
38 **section, members with twenty-five years or less of creditable service shall receive an**
39 **additional accidental retirement pension equal to two and three-fourths percent of the**
40 **member's earnable compensation then provided for the step in the range of salary for the**
41 **title or rank held by such member at the time of retirement for each year of credible**
42 **service equal to or greater than ten years but not more than twenty-five years.**

43 **7. Except as provided in subsection 3 of this section, upon retirement for accidental**
44 **disability on or after August 28, 2011, in addition to the base pension provided for in**
45 **subsection 4 of this section and the additional accidental retirement pension provided for**
46 **in subsection 6 of this section, for members with twenty-five years or less of creditable**
47 **service, then during such time that the disabled member is a full-time student in a college,**
48 **university, community college, or vocational or technical school and is receiving the**
49 **educational allowance provided for in subsection 5 of this section, such member shall also**
50 **receive a supplemental disability retirement pension in the amount necessary so that his**
51 **or her total accidental disability retirement pension, excluding the education allowance,**
52 **shall be equal to one hundred percent of the earnable compensation then provided for the**
53 **step in the range of salary for the title or rank held by such member at the time of such**

54 retirement. In no event shall such supplemental accidental disability pension be paid for
55 a period more than five years after the member is retired under section 87.200.

56 **8. Except as provided in subsection 3 of this section, upon retirement for accidental**
57 **disability on or after August 28, 2011, in addition to the base pension provided for in**
58 **subsection 4 of this section and the education allowance provided for in subsection 5 of this**
59 **section, for members with more than twenty-five years of credible service, such member**
60 **shall also receive an additional pension equal to fifty percent of the member's earnable**
61 **compensation then provided for the step in the range of salary for the title or rank held by**
62 **such member at the time of such retirement.**

63 **9. Notwithstanding any other provisions in this section, upon retirement for**
64 **accidental disability, other than as provided in subsection 3 of this section, on or after**
65 **August 28, 2011, a member with more than twenty years of credible service but not more**
66 **than twenty-five years of creditable service may waive the right to receive the education**
67 **allowance provided for in subsection 5 of this section, the right to additional pension**
68 **retirement allowance provided for in subsection 6 of this section, and the right to receive**
69 **the supplemental disability retirement pension provided for in subsection 7 of this section**
70 **and may elect to receive instead in addition to the accidental disability retirement base**
71 **pension as provided for in subsection 4 of this section an additional pension from the date**
72 **of such member's retirement equal to forty percent of the member's earnable compensation**
73 **then provided for the step in the range of salary for the title or rank held by such member**
74 **at the time of such retirement. Any such election shall be made prior to such member's**
75 **receipt of his or her first accidental disability pension payment.**

87.207. The following allowances due under the provisions of sections 87.120 to 87.371
2 of any member who retired from service shall be increased annually, as approved by the board
3 of trustees beginning with the first increase in the October following his or her retirement and
4 subsequent increases in each October thereafter, at the rates designated:

- 5 (1) With a retirement service allowance or ordinary disability allowance:
6 (a) One and one-half percent per year, compounded each year, up to age sixty for those
7 retiring with twenty to twenty-four years of service,
8 (b) Two and one-fourth percent per year, compounded each year, up to age sixty for
9 those retiring with twenty-five to twenty-nine years of service,
10 (c) Three percent per year, compounded each year, up to age sixty for those retiring with
11 thirty or more years of service,
12 (d) After age sixty, five percent per year for five years;
13 (2) With an accidental disability allowance, three percent per year, compounded each
14 year, up to age sixty, then five percent per year for five years. **Provided, however, for**

15 **accidental disability on or after August 28, 2011, for reasons other than provided in**
16 **subsection 3 of section 87.205, unless a member has more than twenty-five years of**
17 **creditable service, the accidental disability allowance shall only increase at a rate of one**
18 **percent per year, compounded each year, up to age sixty, then five percent per year for five**
19 **years. For accidental disability on or after August 28, 2011, for reasons other than**
20 **provided in subsection 3 of section 87.205, if a member has more than twenty-five years of**
21 **creditable service, the accidental disability allowance shall only increase at a rate of two**
22 **and one-fourth percent per year, compounded each year, up to age sixty, then five percent**
23 **per year for five years.**

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