

HCS HB 1217 -- PUBLIC PENSION BENEFITS

SPONSOR: Dugger

COMMITTEE ACTION: Voted "Do Pass by Consent" by the Committee on Financial Institutions by a vote of 18 to 0.

This bill prohibits a person's Missouri public employment retirement benefit from being transferred or assigned, at law or in equity. No moneys paid or payable or rights existing under a plan are subject to execution, levy, attachment, garnishment, or other legal process unless expressly authorized by the laws establishing a plan or specifically applicable to the plan.

No pension assignee can use any device, scheme, transfer, or other artifice to evade the applicability and prohibition of this provision. Any contract or agreement made in violation will be void and all sums paid or collected by an assignee must be returned.

Any benefit recipient, his or her guardian or conservator, or heir or beneficiary, or the attorney general may bring an action to enforce the restitution authorized under this section within five years. The attorney general can exercise the investigative and enforcement powers authorized under Chapter 407.

Nothing in the bill prohibits an action permitted under Chapter 409.

PROPOSERS: Supporters say that this legislation will only affect public pensions and is already in place for military pensions. This will prohibit a person's Missouri public employment retirement benefit from being transferred or assigned to a pension advance company and keep the benefit for what it is, a retirement benefit.

Testifying for the bill were Representative Dugger; Clint Zweifel, Missouri State Treasurer; Missouri Bankers Association; Missouri Credit Union Association; Office of the Missouri Attorney General.

OPPOSERS: There was no opposition voiced to the committee.

Those testifying for informational purposes say that most large public employee retirement plans already have statutes that prohibit this action.

Testifying for informational purposes were the Public School Retirement & Public Education System of Missouri; Rhonda Stegmann, Joint Committee on Retirement.