

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 334

AN ACT

To repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.395, 104.403, 104.404, 104.410, 104.450, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-one new sections relating to state employee retirement, with an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 104.010, 104.335, 104.342, 104.344,
2 104.352, 104.354, 104.378, 104.395, 104.403, 104.404, 104.410,
3 104.450, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1012,
4 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042,
5 104.1072, 104.1205, 104.1215, and 476.682, RSMo, are repealed and
6 thirty-one new sections enacted in lieu thereof, to be known as
7 sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354,
8 104.378, 104.395, 104.403, 104.404, 104.410, 104.450, 104.490,
9 104.601, 104.603, 104.606, 104.607, 104.620, 104.800, 104.1003,
10 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030,
11 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, to read as
12 follows:

13 104.010. 1. The following words and phrases as used in
14 sections 104.010 to 104.800, unless a different meaning is
15 plainly required by the context, shall mean:

16 (1) "Accumulated contributions", the sum of all deductions

1 for retirement benefit purposes from a member's compensation
2 which shall be credited to the member's individual account and
3 interest allowed thereon;

4 (2) "Active armed warfare", any declared war, or the Korean
5 or Vietnamese Conflict;

6 (3) "Actuarial equivalent", a benefit which, when computed
7 upon the basis of actuarial tables and interest, is equal in
8 value to a certain amount or other benefit;

9 (4) "Actuarial tables", the actuarial tables approved and
10 in use by a board at any given time;

11 (5) "Actuary", the actuary who is a member of the American
12 Academy of Actuaries or who is an enrolled actuary under the
13 Employee Retirement Income Security Act of 1974 and who is
14 employed by a board at any given time;

15 (6) "Annuity", annual payments, made in equal monthly
16 installments, to a retired member from funds provided for in, or
17 authorized by, this chapter;

18 (7) "Average compensation", the average compensation of a
19 member for the thirty-six consecutive months of service prior to
20 retirement when the member's compensation was greatest; or if the
21 member is on workers' compensation leave of absence or a medical
22 leave of absence due to an employee illness, the amount of
23 compensation the member would have received may be used, as
24 reported and verified by the employing department; or if the
25 member had less than thirty-six months of service, the average
26 annual compensation paid to the member during the period up to
27 thirty-six months for which the member received creditable
28 service when the member's compensation was the greatest; or if

1 the member is on military leave, the amount of compensation the
2 member would have received may be used as reported and verified
3 by the employing department or, if such amount is not
4 determinable, the amount of the employee's average rate of
5 compensation during the twelve-month period immediately preceding
6 such period of leave, or if shorter, the period of employment
7 immediately preceding such period of leave. The board of each
8 system may promulgate rules for purposes of calculating average
9 compensation and other retirement provisions to accommodate for
10 any state payroll system in which compensation is received on a
11 monthly, semimonthly, biweekly, or other basis;

12 (8) "Beneficiary", any person entitled to or nominated by a
13 member or retiree who may be legally entitled to receive benefits
14 pursuant to this chapter;

15 (9) "Biennial assembly", the completion of no less than two
16 years of creditable service or creditable prior service by a
17 member of the general assembly;

18 (10) "Board of trustees", "board", or "trustees", a board
19 of trustees as established for the applicable system pursuant to
20 this chapter;

21 (11) "Chapter", sections 104.010 to 104.800;

22 (12) "Compensation":

23 (a) All salary and wages payable out of any state, federal,
24 trust, or other funds to an employee for personal services
25 performed for a department; but including only amounts for which
26 contributions have been made in accordance with section 104.436,
27 or section 104.070, whichever is applicable, and excluding any
28 nonrecurring single sum payments or amounts paid after the

1 member's termination of employment unless such amounts paid after
2 such termination are a final installment of salary or wages at
3 the same rate as in effect immediately prior to termination of
4 employment in accordance with a state payroll system adopted on
5 or after January 1, 2000, or any other one-time payments made as
6 a result of such payroll system;

7 (b) All salary and wages which would have been payable out
8 of any state, federal, trust or other funds to an employee on
9 workers' compensation leave of absence during the period the
10 employee is receiving a weekly workers' compensation benefit, as
11 reported and verified by the employing department;

12 (c) Effective December 31, 1995, compensation in excess of
13 the limitations set forth in Internal Revenue Code Section
14 401(a)(17) shall be disregarded. The limitation on compensation
15 for eligible employees shall not be less than the amount which
16 was allowed to be taken into account under the system as in
17 effect on July 1, 1993. For this purpose, an "eligible employee"
18 is an individual who was a member of the system before the first
19 plan year beginning after December 31, 1995;

20 (13) "Consumer price index", the Consumer Price Index for
21 All Urban Consumers for the United States, or its successor
22 index, as approved by a board, as such index is defined and
23 officially reported by the United States Department of Labor, or
24 its successor agency;

25 (14) "Creditable prior service", the service of an employee
26 which was either rendered prior to the establishment of a system,
27 or prior to the date the employee last became a member of a
28 system, and which is recognized in determining the member's

1 eligibility and for the amount of the member's benefits under a
2 system;

3 (15) "Creditable service", the sum of membership service
4 and creditable prior service, to the extent such service is
5 standing to a member's credit as provided in this chapter; except
6 that in no case shall more than one day of creditable service or
7 creditable prior service be credited any member for any one
8 calendar day of eligible service credit as provided by law;

9 (16) "Deferred normal annuity", the annuity payable to any
10 former employee who terminated employment as an employee or
11 otherwise withdrew from service with a vested right to a normal
12 annuity, payable at a future date;

13 (17) "Department", any department or agency of the
14 executive, legislative or judicial branch of the state of
15 Missouri receiving state appropriations, including allocated
16 funds from the federal government but not including any body
17 corporate or politic unless its employees are eligible for
18 retirement coverage from a system pursuant to this chapter as
19 otherwise provided by law;

20 (18) "Disability benefits", benefits paid to any employee
21 while totally disabled as provided in this chapter;

22 (19) "Early retirement age", a member's attainment of
23 fifty-five years of age and the completion of ten or more years
24 of creditable service, except for uniformed members of the water
25 patrol;

26 (20) "Employee":

27 (a) Any elective or appointive officer or person employed
28 by the state who is employed, promoted or transferred by a

1 department into a new or existing position and earns a salary or
2 wage in a position normally requiring the performance by the
3 person of duties during not less than one thousand forty hours
4 per year, including each member of the general assembly but not
5 including any patient or inmate of any state, charitable, penal
6 or correctional institution. Beginning September 1, 2001, the
7 term "year" as used in this subdivision shall mean the
8 twelve-month period beginning on the first day of employment.
9 However, persons who are members of the public school retirement
10 system and who are employed by a state agency other than an
11 institution of higher learning shall be deemed employees for
12 purposes of participating in all insurance programs administered
13 by a board established pursuant to section 104.450. This
14 definition shall not exclude any employee as defined in this
15 subdivision who is covered only under the federal Old Age and
16 Survivors' Insurance Act, as amended. As used in this chapter,
17 the term "employee" shall include:

18 a. Persons who are currently receiving annuities or other
19 retirement benefits from some other retirement or benefit fund,
20 so long as they are not simultaneously accumulating creditable
21 service in another retirement or benefit system which will be
22 used to determine eligibility for or the amount of a future
23 retirement benefit;

24 b. Persons who have elected to become or who have been made
25 members of a system pursuant to section 104.342;

26 (b) Any person who is not a retiree and has performed
27 services in the employ of the general assembly or either house
28 thereof, or any employee of any member of the general assembly

1 while acting in the person's official capacity as a member, and
2 whose position does not normally require the person to perform
3 duties during at least one thousand forty hours per year, with a
4 month of service being any monthly pay period in which the
5 employee was paid for full-time employment for that monthly
6 period;

7 (c) "Employee" does not include special consultants
8 employed pursuant to section 104.610;

9 (d) As used in this chapter, the hours governing the
10 definition of employee shall be applied only from August 13,
11 1988, forward;

12 (e) The system shall consider a person who is employed in
13 multiple positions simultaneously within a single agency to be
14 working in a single position for purposes of determining whether
15 the person is an employee as defined in this subdivision;

16 (21) "Employer", a department of the state;

17 (22) "Executive director", the executive director employed
18 by a board established pursuant to the provisions of this
19 chapter;

20 (23) "Fiscal year", the period beginning July first in any
21 year and ending June thirtieth the following year;

22 (24) "Full biennial assembly", the period of time beginning
23 on the first day the general assembly convenes for a first
24 regular session until the last day of the following year;

25 (25) "Fund", the benefit fund of a system established
26 pursuant to this chapter;

27 (26) "Interest", interest at such rate as shall be
28 determined and prescribed from time to time by a board;

1 (27) "Member", as used in sections 104.010 to 104.272 or
2 104.601 to 104.800 shall mean [a member of the highways and
3 transportation employees' and highway patrol retirement system
4 without regard to whether or not the member has been retired] an
5 employee, retiree, or former employee entitled to a deferred
6 annuity covered by the Missouri department of transportation and
7 highway patrol employees' retirement system. "Member", as used
8 in this section and sections 104.312 to 104.800, shall mean [a
9 member of] an employee, retiree, or former employee entitled to a
10 deferred annuity covered by the Missouri state employees'
11 retirement system [without regard to whether or not the member
12 has been retired];

13 (28) "Membership service", the service after becoming a
14 member that is recognized in determining a member's eligibility
15 for and the amount of a member's benefits under a system;

16 (29) "Military service", all active service performed in
17 the United States Army, Air Force, Navy, Marine Corps, Coast
18 Guard, and members of the United States Public Health Service or
19 any women's auxiliary thereof; and service in the Army national
20 guard and Air national guard when engaged in active duty for
21 training, inactive duty training or full-time national guard
22 duty, and service by any other category of persons designated by
23 the President in time of war or emergency;

24 (30) "Normal annuity", the annuity provided to a member
25 upon retirement at or after the member's normal retirement age;

26 (31) "Normal retirement age", an employee's attainment of
27 sixty-five years of age and the completion of four years of
28 creditable service or the attainment of age sixty-five years of

1 age and the completion of five years of creditable service by a
2 member who has terminated employment and is entitled to a
3 deferred normal annuity or the member's attainment of age sixty
4 and the completion of fifteen years of creditable service, except
5 that normal retirement age for uniformed members of the highway
6 patrol shall be fifty-five years of age and the completion of
7 four years of creditable service and uniformed employees of the
8 water patrol shall be fifty-five years of age and the completion
9 of four years of creditable service or the attainment of age
10 fifty-five and the completion of five years of creditable service
11 by a member of the water patrol who has terminated employment and
12 is entitled to a deferred normal annuity and members of the
13 general assembly shall be fifty-five years of age and the
14 completion of three full biennial assemblies. Notwithstanding
15 any other provision of law to the contrary, a member of the
16 highways and transportation employees' and highway patrol
17 retirement system or a member of the Missouri state employees'
18 retirement system shall be entitled to retire with a normal
19 annuity and shall be entitled to elect any of the survivor
20 benefit options and shall also be entitled to any other
21 provisions of this chapter that relate to retirement with a
22 normal annuity if the sum of the member's age and creditable
23 service equals eighty years or more and if the member is at least
24 forty-eight years of age;

25 (32) "Payroll deduction", deductions made from an
26 employee's compensation;

27 (33) "Prior service credit", the service of an employee
28 rendered prior to the date the employee became a member which

1 service is recognized in determining the member's eligibility for
2 benefits from a system but not in determining the amount of the
3 member's benefit;

4 (34) "Reduced annuity", an actuarial equivalent of a normal
5 annuity;

6 (35) "Retiree", a member who is not an employee and who is
7 receiving an annuity from a system pursuant to this chapter;

8 (36) "System" or "retirement system", the highways and
9 transportation employees' and highway patrol retirement system,
10 as created by sections 104.010 to 104.270, or sections 104.601 to
11 104.800, or the Missouri state employees' retirement system as
12 created by sections 104.320 to 104.800;

13 (37) "Uniformed members of the highway patrol", the
14 superintendent, lieutenant colonel, majors, captains, director of
15 radio, lieutenants, sergeants, corporals, and patrolmen of the
16 Missouri state highway patrol who normally appear in uniform;

17 (38) "Uniformed members of the water patrol", employees of
18 the Missouri state water patrol of the department of public
19 safety who are classified as water patrol officers who have taken
20 the oath of office prescribed by the provisions of chapter 306,
21 RSMo, and who have those peace officer powers given by the
22 provisions of chapter 306, RSMo;

23 (39) "Vesting service", the sum of a member's prior service
24 credit and creditable service which is recognized in determining
25 the member's eligibility for benefits under the system.

26 2. Benefits paid pursuant to the provisions of this chapter
27 shall not exceed the limitations of Internal Revenue Code Section
28 415, the provisions of which are hereby incorporated by

1 reference.

2 104.335. 1. Any member whose employment terminated prior
3 to September 1, 1972, and (a) who had served at least three full
4 biennial assemblies as a member of the general assembly, or (b)
5 who was other than a member of the general assembly and who had
6 fifteen or more years of vesting service shall be entitled to a
7 deferred normal annuity based on the member's creditable service,
8 average compensation and the law in effect at the time the
9 member's employment was terminated.

10 2. (1) Any member whose employment terminated on or after
11 September 1, 1972, and prior to July 1, 1981, and (a) who had
12 served at least three full biennial assemblies as a member of the
13 general assembly, or (b) who was other than a member of the
14 general assembly and who had fifteen or more years of vesting
15 service or who had ten or more years of vesting service and was
16 at least thirty-five years of age at the date of termination of
17 employment shall be entitled to a deferred normal annuity based
18 on the member's creditable service, average compensation and the
19 law in effect at the time the member's employment was terminated.

20 (2) Any member whose employment terminated on or after July
21 1, 1981, and (a) who had served at least three full biennial
22 assemblies as a member of the general assembly, or (b) who was
23 other than a member of the general assembly and who had ten or
24 more years of vesting service at the date of termination of
25 employment shall be entitled to a deferred normal annuity based
26 on the member's creditable service, average compensation and the
27 law in effect at the time the member's employment was terminated.

28 (3) Any member whose employment terminated on or after

1 September 1, 1972, and who had four or more years of vesting
2 service as governor, lieutenant governor, secretary of state,
3 auditor, treasurer, or attorney general of this state shall be
4 entitled to a deferred normal annuity based on the member's
5 creditable service, average compensation and the law in effect at
6 the time the member's employment was terminated.

7 (4) Any member whose employment terminated on or after
8 September 28, 1985, and who (a) had served less than three full
9 biennial assemblies as a member of the general assembly, and (b)
10 has less than ten years of vesting service as an employee other
11 than a member of the general assembly shall be entitled to two
12 years of vesting service for each full biennial assembly in which
13 the member served plus an additional amount of vesting service
14 for each partial biennial assembly served, which amount shall be
15 equal to the pro rata portion of the biennial assembly so served.
16 The total amount of vesting service provided for in this
17 subdivision shall be used to calculate the deferred normal
18 annuity or deferred partial annuity to which such member is
19 entitled based on the member's creditable service, which includes
20 all service designated as vesting service under this subdivision,
21 the member's average compensation, and the law in effect at the
22 time the member's employment was terminated.

23 3. Any member whose employment terminated on or after
24 October 1, 1984, but before September 28, 1992, and who was other
25 than a member of the general assembly and who has five or more
26 years of vesting service as an employee at the date of
27 termination of employment shall be entitled to a deferred partial
28 annuity based on the member's creditable service, average

1 compensation, and the law in effect at the time the member's
2 employment was terminated, in the following amounts:

3 (1) An employee with at least five years of vesting
4 service, but less than six years, is entitled to fifty percent of
5 the amount payable as a deferred normal annuity;

6 (2) An employee with six years of vesting service, but less
7 than seven years, is entitled to sixty percent of the amount
8 payable as a deferred normal annuity;

9 (3) An employee with seven years of vesting service, but
10 less than eight years, is entitled to seventy percent of the
11 amount payable as a deferred normal annuity;

12 (4) An employee with eight years of vesting service, but
13 less than nine years, is entitled to eighty percent of the amount
14 payable as a deferred normal annuity;

15 (5) An employee with nine years of vesting service, but
16 less than ten years, is entitled to ninety percent of the amount
17 payable as a deferred normal annuity.

18 4. Any member whose employment terminated on or after
19 September 28, 1992, and who was other than a member of the
20 general assembly and who has five or more years of vesting
21 service as an employee at the date of termination of employment
22 shall be entitled to a deferred normal annuity based on the
23 member's creditable service, average compensation, and the law in
24 effect at the time the member's employment was terminated.

25 5. Any member who is entitled to a deferred normal annuity
26 as provided in subsection 1, 2, 3, or 4 of this section and who
27 reenters the service of a department and again becomes a member
28 of the system shall have the member's prior period of vesting

1 service combined with the member's current membership service, so
2 that any benefits that may become payable under this system by
3 reason of the member's retirement or subsequent withdrawal will
4 recognize such prior period of vesting service.

5 6. [(1) A vested member, an administrative law judge or
6 legal advisor as defined in section 287.812, RSMo, or a judge as
7 defined in section 476.515, RSMo, who has terminated all
8 employment with the state of Missouri for a period of six months
9 or longer, may make a one-time election for the system to pay the
10 present value of a deferred annuity or a benefit as defined in
11 section 287.812, RSMo, or section 476.515, RSMo, if the amount of
12 such terminated member's or person's creditable service is less
13 than ten years, and if such terminated member or person is not
14 within five years of eligibility for receiving an annuity or
15 benefit. Any such member, administrative law judge, legal
16 advisor or judge who terminates employment on or after August 28,
17 1997, shall be eligible for the one-time election provided for in
18 this subsection only if the present value of the deferred annuity
19 does not exceed ten thousand dollars. The present value shall be
20 actuarially determined by the system. Except as provided in
21 subdivision (2) of this subsection, any payment so made shall be
22 a complete discharge of the existing liability of the system with
23 respect to such terminated member or person.

24 (2) Upon subsequent employment in a position covered under
25 a system administered by the Missouri state employees' retirement
26 system, the employee, administrative law judge or judge may
27 elect, within one year of such employment, to purchase creditable
28 service equal to the amount of creditable service surrendered due

1 to a payment as specified in this subsection. The cost of such
2 purchase shall be actuarially determined by the system, and shall
3 be paid over a period of not longer than two years from the date
4 of election, with interest on the unpaid balance.

5 (3) Persons described in subdivision (1) of this subsection
6 who terminate employment on or after September 1, 2002, shall no
7 longer be eligible to make the election described in subdivision
8 (1) of this subsection.

9 7.] Any individual, covered by a retirement plan identified
10 in this chapter, chapter 287 or chapter 476, RSMo, who terminated
11 employment prior to August 28, 1993, shall, upon application to
12 the board of trustees of the Missouri state employees' retirement
13 system, be made, constituted and appointed and employed by the
14 board as a special consultant on the problems of retirement,
15 aging and other state matters for the remainder of the person's
16 life. Upon request of the board or the court from which the
17 person retired, the consultant shall give opinions or be
18 available to give opinions in writing or orally in response to
19 such requests. As compensation for such services, the consultant
20 shall be eligible to purchase or transfer, prior to retirement,
21 creditable service as set forth in section 105.691, RSMo.

22 104.342. 1. Any person hired by the state on or after
23 August 13, 1986, in any of the positions described in this
24 subsection shall be a member of the system from the date on which
25 such employment begins. This subsection shall apply to any
26 person duly certified under the law governing the certification
27 of teachers who is employed full time:

28 (1) As a teacher by the division of youth services;

1 (2) As a teacher by a division of the state department of
2 social services and who renders services in a school whose
3 standards of education are set and which is supervised by a
4 public school officer of the county in which the school is
5 located, by the department of elementary and secondary education
6 or by the coordinating board for higher education;

7 (3) As a teacher by the section of inmate education of the
8 department of corrections;

9 (4) In either a teaching or supervisory teaching capacity
10 by the department of mental health, in which his or her duties
11 include participation in the educational program of the
12 department of mental health.

13 2. Any person employed in any of the positions described in
14 subsection 1 of this section immediately prior to and on August
15 13, 1986, may elect, in writing, to:

16 (1) Become a member of the Missouri state employees'
17 retirement system effective January 1, 1987. Any person who, by
18 virtue of an election made under this subdivision, becomes a
19 member of the Missouri state employees' retirement system shall
20 be entitled to creditable prior service credit for service
21 rendered in any of the positions described in subsection 1 of
22 this section. Members who so elect shall be eligible, upon
23 written request filed with the public school retirement system,
24 to receive a refund of their accumulated contributions including
25 interest of six percent and upon payment of such refund, the
26 public school retirement systems shall pay to the state
27 employees' retirement system before June 30, 1987, an amount
28 equal to the amount paid the public school retirement system on

1 behalf of each member so electing by the member's employer; or

2 (2) Remain a member of the public school retirement system
3 of Missouri created under sections 169.010 to 169.140, RSMo. Any
4 person entitled to make the election provided by this subsection
5 who does not make such election, in writing, by January 1, 1987,
6 shall be deemed to have elected to be governed by subdivision (1)
7 of this subsection.

8 3. Any person who is employed on a full-time basis by
9 Truman State University, Northwest Missouri State University,
10 Central Missouri State University, Southeast Missouri State
11 University, Southwest Missouri State University, Harris-Stowe
12 State College or Missouri Southern State College and Missouri
13 Western State College shall be a member of the system; except
14 that any person who is duly certified under the laws governing
15 the certification of teachers and who is a full-time employee of
16 such institution or institutions on June 14, 1989, and is
17 contributing because of such employment to a retirement system
18 established under sections 169.010 to 169.140, RSMo, or sections
19 169.410 to 169.540, RSMo, may make an election to continue in
20 that retirement system if such election is made on or before
21 December 31, 1989. This election shall not apply to any such
22 person who commenced receiving retirement benefits prior to
23 January 1, 1990, from any state retirement system because of such
24 service.

25 4. Effective January 1, 1990, only after an affirmative
26 referendum in accordance with section 105.353, RSMo, any person
27 who is employed on a full-time basis by the department of
28 elementary and secondary education shall be a member of the

1 system; except that any person duly certified under the law
2 governing the certification of teachers who is a full-time
3 employee at any time during the period extending from June 14,
4 1989, through December 31, 1989, and is contributing because of
5 such employment to the retirement system established under
6 sections 169.010 to 169.140, RSMo, may elect to continue in that
7 retirement system if such election is made on or before December
8 31, 1989. This election shall not apply to any such person who
9 commenced receiving retirement benefits prior to January 1, 1990,
10 from any state retirement system because of such service.

11 5. On June 14, 1989, all newly employed persons in the
12 positions described in subsection 3 of this section shall become
13 members of the Missouri state employees' retirement system.
14 Effective January 1, 1990, and only after an affirmative
15 referendum provided for in subsection 4 of this section, all
16 newly employed persons in the positions described in subsection 4
17 of this section shall become members of the Missouri state
18 employees' retirement system.

19 6. Any employee actively employed on June 14, 1989, who,
20 because of employment in a position described in subsection 1, 3
21 or 4 of this section, has creditable service in this system for
22 such employment which at the time the service was rendered was
23 not covered by the federal Social Security Act, shall remain in
24 this system and be entitled to the benefits provided under
25 subdivision (1) of subsection 7 of this section; except that any
26 such employee who has creditable service in this system because
27 of employment in a position described in subsection 4 of this
28 section which is not covered by the federal Social Security Act

1 on January 1, 1990, shall not be entitled to the benefits
2 provided under subdivision (1) of subsection 7 of this section
3 for such creditable service.

4 7. Any person entitled to make the election provided by
5 subsection 3 or 4 of this section, who does not make such
6 election, in writing, on or before December 31, 1989, shall be
7 deemed to have elected to be governed by subdivision (1) of this
8 subsection:

9 (1) Those persons described in subsections 3 and 4 of this
10 section who elect or have elected by written request filed with
11 the board to be members of this system, shall be entitled to
12 creditable prior service for service rendered in any of the
13 positions described in subsections 1, 3 and 4 of this section.
14 Any person who so elects shall be eligible, upon written request
15 filed with the board on or before March 31, 1990, with the
16 retirement system established under sections 169.010 to 169.140,
17 RSMo, or sections 169.410 to 169.540, RSMo, to receive a refund
18 of the member's accumulated contributions for the creditable
19 service in any of the positions described in subsections 1, 3 and
20 4 of this section, plus interest at an annual rate of six percent
21 computed on the refundable balance, if any, in the member's
22 account in that retirement system as of June 30, 1989. Such
23 refunds shall be made prior to June 1, 1990. If any creditable
24 prior service transferred under subsection 1, 3 or 4 of this
25 section, or subsection 3 of section 104.372, includes periods of
26 service not covered by the federal Social Security Act, as
27 provided in sections 105.300 to 105.445, RSMo, then, in
28 calculating the benefit amount payable to such member, the normal

1 annuity shall be an amount equal to two and one-tenth percent of
2 the average compensation of the member multiplied by the number
3 of years of such creditable service for the positions described
4 in subsections 1, 3 and 4 of this section not covered by the
5 federal Social Security Act in addition to an amount payable
6 under section 104.374 for all service covered by the federal
7 Social Security Act. The normal annuity as described in this
8 subdivision shall be adjusted for early retirement, if
9 applicable;

10 (2) Any person described in subsections 3 and 4 of this
11 section, who elects to remain in one of the retirement systems
12 established under sections 169.010 to 169.140, RSMo, or sections
13 169.410 to 169.540, RSMo, shall, notwithstanding any provision of
14 chapter 169, RSMo, to the contrary, be a noncontributing member
15 of such system and shall receive a refund of the member's
16 accumulated contributions for the creditable service in any of
17 the positions described in subsection 1, 3 or 4 of this section,
18 plus interest at an annual rate of six percent computed on the
19 refundable balance, if any, in the member's account in that
20 retirement system as of June 30, 1989. Such refunds shall be
21 made prior to June 1, 1990. At the time of retirement under the
22 provisions of sections 169.010 to 169.140, RSMo, or sections
23 169.410 to 169.540, RSMo, such person shall receive a retirement
24 benefit computed under the then existing law of that retirement
25 system; except that, for any person employed in a position
26 described in subsection 4 of this section, the benefit shall be
27 the amount computed as though the position were not covered by
28 the federal Social Security Act, reduced by the amount of any

1 federal Social Security benefit the person may receive which is
2 attributable to service rendered in the positions described in
3 subsection 4 of this section after December 31, 1989.

4 8. Upon payment of the refunds provided in subdivision (1)
5 of subsection 7 of this section, each refunding retirement system
6 shall pay to the state employees' retirement system, by December
7 31, 1990, an amount actuarially determined to equal the liability
8 transferred from such retirement systems. At least ninety days
9 before each regular session of the general assembly the board of
10 trustees of the affected public school retirement system shall
11 certify to the division of budget an actuarially determined
12 estimate of the amount which will be necessary during the next
13 appropriation period to pay all liabilities, including costs of
14 administration, which shall exist or accrue under subsections 1
15 through 7 of this section during such period. The estimate shall
16 be computed as a level percentage of payroll [compensation]
17 contribution to cover the normal cost and to amortize the accrued
18 liability over a period not to exceed forty years. The
19 commissioner of administration shall request appropriation of the
20 amount calculated under the provisions of this subsection. The
21 commissioner of administration monthly shall requisition and
22 certify the payment to the executive secretary of the appropriate
23 school retirement system.

24 9. Notwithstanding any provisions of chapter 169, RSMo, to
25 the contrary, any member who becomes a member under the
26 provisions of subsection 2, 5, or 7 of this section and who has
27 creditable service with a public school retirement system under
28 that chapter because of employment with any employer other than

1 those defined in subsection 1, 3, or 4 of this section shall
2 immediately vest in that public school retirement system and upon
3 attainment of the minimum retirement age of that system shall be
4 entitled to a monthly benefit based on such creditable service
5 and the law in effect at that time, provided the person does not
6 elect to withdraw the member's accumulated contributions for such
7 creditable service from that public school retirement system.

8 10. Effective July 1, 1988, the Lincoln University board of
9 curators shall terminate the Lincoln University retirement,
10 disability and death benefit plan and shall purchase through
11 competitive bids annuities adequate to cover the liability for
12 all benefits presently being paid from such plan to former
13 employees or their surviving beneficiaries upon the death of the
14 employee as provided by such plan at the time of the commencement
15 of benefits to such former employees or beneficiaries. Lincoln
16 University shall pay to the Missouri state employees' retirement
17 system on or before July 1, 1988, an amount equal to all funds
18 and securities thereon contained in the Lincoln University
19 retirement, disability and death benefit plan less the amount
20 needed to purchase annuities for retiree and survivor benefits.

21 11. Effective July 1, 1988, the Lincoln University board of
22 curators shall certify to the board of trustees of the Missouri
23 state employees' retirement system all persons eligible to
24 receive but not yet receiving benefits under the Lincoln
25 University retirement, disability and death benefit plan, for
26 service prior to June 30, 1988, together with the amounts payable
27 and supporting documentation as to the methods, plan provisions
28 and data used to calculate such benefits, to the satisfaction of

1 the board of trustees of the Missouri state employees' retirement
2 system, and the Missouri state employees' retirement system shall
3 assume responsibility for payment of such benefits in the future.

4 12. Any person employed on a full-time basis by Lincoln
5 University on or after July 1, 1988, shall become a member of the
6 Missouri state employees' retirement system, and may elect in
7 writing to receive creditable prior service for all full-time
8 service to Lincoln University if such service is not now credited
9 the member under the Missouri state employees' retirement system,
10 and provided the member elects in writing to forfeit all rights
11 accrued under the Lincoln University retirement, disability and
12 death benefit plan for such service.

13 13. (1) Any person who is employed by Harris-Stowe State
14 College as a teacher or administrator on August 28, 1995, who was
15 employed full time by Harris-Stowe College prior to September 1,
16 1978, who became a member of the Missouri state employees'
17 retirement system on or after September 1, 1978, and who has been
18 continuously employed by the college, may purchase creditable
19 prior service for any service rendered to Harris-Stowe College
20 prior to September 1, 1978, which is not otherwise credited under
21 the Missouri state employees' retirement system, not to exceed
22 twelve years;

23 (2) Any person eligible to purchase creditable prior
24 service under the provisions of subdivision (1) of this
25 subsection may make written application to the board of trustees
26 of the Missouri state employees' retirement system prior to
27 retirement, but not later than April 1, 1996. The purchase shall
28 be effected by the member and the public school retirement system

1 of which the member was previously a member paying to the
2 Missouri state employees' retirement system the following
3 amounts:

4 (a) The amount contributed by the employee to the St. Louis
5 public school retirement system during the years of prior service
6 with Harris-Stowe College for which the employee seeks to
7 purchase creditable prior service in the Missouri state
8 employees' retirement system, including interest which may have
9 been credited to the member's individual account with the system,
10 or which would have been credited to the account had it remained
11 with the St. Louis public school retirement system; and

12 (b) An amount which shall not be less than zero and which
13 shall equal the actuarial accrued liability of the St. Louis
14 public school retirement system for the prior service, determined
15 as of the transfer date as if the member were still in active
16 service covered by the St. Louis public school retirement system,
17 less the amount stipulated in paragraph (a) of this subdivision;

18 (c) If the member had received a refund of contributions
19 related to service covered by the St. Louis public school
20 retirement system, the amount stipulated in paragraph (a) of this
21 subdivision shall be paid to the Missouri state employees'
22 retirement system by the member, otherwise, such amount shall be
23 paid to the Missouri state employees' retirement system by the
24 St. Louis public school retirement system;

25 (3) Any amount payable to the Missouri state employees'
26 retirement system by the member may be paid in a lump sum or in
27 monthly installments. If paid in monthly installments, the
28 period over which payments are being made may not extend beyond

1 the earlier of the member's retirement date or April 1, 1997, and
2 shall include interest at a rate established by the board of
3 trustees of the Missouri state employees' retirement system;

4 (4) Any amounts payable to the Missouri state employees'
5 retirement system by the St. Louis public schools retirement
6 system shall be paid in a lump sum and shall not be paid later
7 than the earlier of the member's retirement date or April 1,
8 1997, and shall include interest at a rate established by the
9 board of trustees of the Missouri state employees' retirement
10 system;

11 (5) Any person who elects to purchase creditable prior
12 service under the provisions of this section shall file with the
13 St. Louis public school retirement system an irrevocable waiver
14 and release of any rights and benefits in that system for the
15 creditable prior service being purchased. The member shall file
16 with the Missouri state employees' retirement system a copy of
17 the waiver and an affidavit stating that he or she is no longer
18 eligible to receive benefits or credits in any other retirement
19 system for the creditable prior service being purchased;

20 (6) All retirement plans defined under section 105.660,
21 RSMo, shall develop a procurement action plan for utilization of
22 minority and women money managers, brokers and investment
23 counselors. Such retirement systems shall report their progress
24 annually to the joint committee on public employee retirement and
25 the governor's minority advocacy commission.

26 14. In no event shall any person receive service credit for
27 the same period of service under more than one retirement system.

28 104.344. Notwithstanding any other law to the contrary, any

1 person who is actively employed by the state of Missouri in a
2 position covered by a retirement plan administered by the
3 Missouri state employees' retirement system and who had
4 nonfederal full-time public employment in the state of Missouri
5 [or who had provided full-time services for compensation to the
6 state of Missouri under a contract], and who by virtue of such
7 employment was a member of a retirement system or other
8 employer-sponsored retirement plan other than the Missouri state
9 employees' retirement system but is not vested in such other
10 retirement system or plan, or was not a member of any retirement
11 system or plan, may elect, prior to retirement, to purchase all
12 of the member's creditable prior service but not to exceed four
13 years for such service in any plan administered by the Missouri
14 state employees' retirement system in which the person is
15 receiving service credit for active employment or is eligible for
16 a deferred annuity. The purchase shall be effected by the person
17 paying to the Missouri state employees' retirement system an
18 amount equal to what would have been contributed by the state in
19 his or her behalf had the person been a member for the period for
20 which he or she is electing to purchase credit and had the
21 person's compensation during such period been the same as the
22 annual salary rate at which the person was initially employed in
23 a position covered by a plan administered by the Missouri state
24 employees' retirement system, with the calculations based on the
25 contribution rate in effect on the date of his or her employment
26 under the provisions of the Missouri state employees' retirement
27 system with simple interest calculated from the date of
28 employment from which the person could first receive creditable

1 service from the Missouri state employees' retirement system to
2 the date of election to purchase such service. The payment shall
3 be made over a period of not longer than two years, with simple
4 interest on the unpaid balance. In no event shall any person
5 receive credit or benefits under any other retirement plan as
6 defined pursuant to section 105.691, RSMo, for creditable service
7 purchased pursuant to the provisions of this section. The
8 contribution rate for any judge who elects to purchase service
9 for a period prior to July 1, 1998, shall be equal to a
10 contribution rate which would be used if the judicial system were
11 funded on an actuarial basis prior to that date.

12 104.352. 1. Any employee or former employee described in
13 paragraph (b) of subdivision [(18)] (20) of section 104.010 is
14 entitled to credit for all prior service and membership service
15 as if he had been a member of the system on the date of its
16 inception. Any such employee shall be considered a member of the
17 system from the date of his or her employment and shall receive
18 credit for each month of service for which he is employed with
19 service being computed as if part-time employment with the
20 general assembly were full-time employment for the period the
21 member was so employed.

22 2. Each employee described in paragraph (b) of subdivision
23 [(18)] (20) of section 104.010 shall be entitled to the same
24 insurance benefits provided under sections 103.003 to 103.175,
25 RSMo to employees described in paragraph (a) of subdivision
26 [(18)] (20) of section 104.010 to cover the medical expenses of
27 such employees and their spouses and children. Such insurance
28 benefits shall be made available to employees described in

1 paragraph (b) of subdivision [(18)] (20) of section 104.010 upon
2 their initial employment as such employees in the same manner
3 provided for employees described in paragraph (a) of subdivision
4 [(18)] (20) of section 104.010, and shall be continued during any
5 period of time, not to exceed one year, in which such employees
6 are not paid for full-time employment, so long as such employees
7 pay the same amount for such insurance benefits as is required of
8 employees described in paragraph (a) of subdivision [(18)] (20)
9 of section 104.010 who continue receiving such insurance benefits
10 during a leave of absence without pay from their employment with
11 the state. Any employee described in paragraph (b) of
12 subdivision [(18)] (20) of section 104.010 who is reemployed by
13 the general assembly or either house thereof, or by any member of
14 the general assembly while acting in his official capacity as a
15 member, by the thirteenth legislative day of the session of the
16 general assembly immediately following the session of the general
17 assembly in which such employee was last so employed, without
18 having elected to discontinue the insurance benefits described in
19 this subsection, shall be entitled to continue such insurance
20 benefits without having to prove insurability for himself or any
21 of his covered dependents for whom he has paid for such coverage
22 continuously since last employed as an employee described in
23 paragraph (b) of subdivision [(18)] (20) of section 104.010. Any
24 employee described in paragraph (b) of subdivision [(18)] (20) of
25 section 104.010 who is not reemployed by the general assembly or
26 either house thereof, or by any member of the general assembly
27 while acting in his official capacity as a member, by the
28 thirteenth legislative day of the session of the general assembly

1 immediately following the session of the general assembly in
2 which such employee was last so employed, shall be deemed
3 terminated as an employee as of such thirteenth legislative day,
4 and the insurance benefits provided for such employee under this
5 subsection and sections 103.003 to 103.175, RSMo, shall be
6 terminated as provided for employees described in paragraph (a)
7 of subdivision [(18)] (20) of section 104.010 whose employment is
8 terminated. During each month of service in which an employee
9 described in paragraph (b) of subdivision [(18)] (20) of section
10 104.010 is employed, the state shall make any contribution
11 required by sections 103.003 to 103.175, RSMo, for such employee.

12 3. Any employee described in paragraph (b) of subdivision
13 [(18)] (20) of section 104.010 who is actively employed on or
14 after September 28, 1992, shall be deemed vested for purposes of
15 determining eligibility for benefits under sections 104.320 to
16 104.620 after being so employed for at least sixty months.

17 104.354. In each fiscal year in which retirement benefits
18 are to be paid to retired employees described in paragraph (b) of
19 subdivision [(18)] (20) of section 104.010 because of the
20 provisions of section 104.352, funding for such benefits shall be
21 provided as set forth in section 104.436. All benefits paid
22 because of the provisions of section 104.352 shall be paid by the
23 retirement system along with all other retirement benefits due
24 such retired employees under the retirement system.

25 104.378. Upon the death of a member who has not requested
26 creditable prior service [pursuant to] under section 104.339,
27 subsections 2, 6, 7, 8, and 9 of section 104.340, subsection 12
28 of section 104.342, subsection 4 of section 104.345, subsection 4

1 of section 104.372, section 104.800, section 178.639, RSMo, or
2 section 211.393, RSMo, the survivor of such member who is or
3 would be eligible to receive benefits pursuant to section 104.420
4 may apply to the board of trustees and shall be made,
5 constituted, appointed and employed by the board as a special
6 consultant on the problems of retirement, aging and other state
7 matters for the remainder of the surviving spouse's life, and
8 upon request of the board shall give opinions, and be available
9 to give opinions in writing, or orally, in response to such
10 requests. As compensation for such services, such survivor may
11 elect to have the member receive such creditable prior service or
12 transfer such service. Upon making such election, all of the
13 **[provisions of subsection 4 of section 104.372]** applicable law as
14 provided in this section shall apply. Any survivor benefits
15 payable shall be calculated as if such creditable prior service
16 or transferred service had been received by such member on the
17 date of the death of the member.

18 104.395. 1. In lieu of the normal annuity otherwise
19 payable to a member pursuant to section 104.335, 104.370,
20 104.371, 104.374 or 104.400, and prior to the last business day
21 of the month before the annuity starting date pursuant to section
22 104.401, a member shall elect whether or not to have such
23 member's normal annuity reduced as provided by the options set
24 forth in this section; provided that if such election has not
25 been made within such time, annuity payments due beginning on and
26 after such annuity starting date shall be made the month
27 following the receipt by the system of such election, and further
28 provided, that if such person dies after such annuity starting

1 date but before making such election, no benefits shall be paid
2 except as required pursuant to section 104.420:

3 Option 1. An actuarial reduction approved by the board of
4 the member's annuity in reduced monthly payments for life during
5 retirement with the provision that upon the member's death the
6 reduced annuity at the date of the member's death shall be
7 continued throughout the life of, and be paid to, the member's
8 spouse to whom the member was married at the date of retirement
9 and who was nominated by the member to receive such payments in
10 the member's application for retirement or as otherwise provided
11 pursuant to subsection 5 of this section. Such annuity shall be
12 reduced in the same manner as an annuity under option 2 as in
13 effect immediately prior to August 28, 1997. The surviving
14 spouse shall designate a beneficiary to receive any final monthly
15 payment due after the death of the surviving spouse; or

16 Option 2. The member's normal annuity in regular monthly
17 payments for life during the member's retirement with the
18 provision that upon the member's death a survivor's benefit equal
19 to one-half the member's annuity at the date of the member's
20 death shall be paid to the member's spouse to whom the member was
21 married at the date of retirement and who was nominated by the
22 member to receive such payments in the member's application for
23 retirement or as otherwise provided pursuant to subsection 5 of
24 this section, in regular monthly payments for life. The
25 surviving spouse shall designate a beneficiary to receive any
26 final monthly payment due after the death of the surviving
27 spouse; or

28 Option 3. An actuarial reduction approved by the board of

1 the member's normal annuity in reduced monthly payments for the
2 member's life with the provision that if the member dies prior to
3 the member having received one hundred twenty monthly payments of
4 the member's reduced annuity, the member's reduced annuity to
5 which the member would have been entitled had the member lived
6 shall be paid for the remainder of the one hundred twenty months'
7 period to such person as the member shall have nominated by
8 written designation duly executed and filed with the board. If
9 there is no such beneficiary surviving the retirant, the reserve
10 for such annuity for the remainder of such one hundred twenty
11 months' period shall be paid to the retirant's estate. If such
12 beneficiary dies after the member's date of death but before
13 having received the remainder of the one hundred twenty monthly
14 payments of the retiree's reduced annuity, the reserve for such
15 annuity for the remainder of such one hundred twenty-month period
16 shall be paid to the beneficiary's estate; or

17 Option 4. An actuarial reduction approved by the board of
18 the member's normal annuity in reduced monthly payments for the
19 member's life with the provision that if the member dies prior to
20 the member having received sixty monthly payments of the member's
21 reduced annuity, the member's reduced annuity to which the member
22 would have been entitled had the member lived shall be paid for
23 the remainder of the sixty months' period to such person as the
24 member shall have nominated by written designation duly executed
25 and filed with the board. If there be no such beneficiary
26 surviving the retirant, the reserve for such annuity for the
27 remainder of such sixty months' period shall be paid to the
28 retirant's estate. If such beneficiary dies after the member's

1 date of death but before having received the remainder of the
2 sixty monthly payments of the retiree's reduced annuity, the
3 reserve for such annuity for the remainder of the sixty-month
4 period shall be paid to the beneficiary's estate.

5 2. Effective July 1, 2000, if a member is married as of the
6 annuity starting date to a person who has been the member's
7 spouse, the member's annuity shall be paid pursuant to the
8 provisions of either option 1 or option 2 as set forth in
9 subsection 1 of this section, at the member's choice, with the
10 spouse as the member's designated beneficiary unless the spouse
11 consents in writing to the member electing another available form
12 of payment.

13 3. For members who retire on or after August 28, 1995, in
14 the event such member elected a joint and survivor option
15 pursuant to the provisions of this section and the member's
16 eligible spouse or eligible former spouse precedes the member in
17 death, the member's annuity shall revert effective the first of
18 the month following the death of the spouse or eligible former
19 spouse [regardless of when the board receives the member's
20 written application for the benefit provided in this subsection,
21 to an amount equal to the member's normal annuity, as adjusted
22 for early retirement if applicable] to a normal annuity, as
23 adjusted for early retirement if applicable, if the member
24 cancels the member's original joint and survivor election; such
25 benefit shall include any increases the member would have
26 received since the date of retirement had the member elected a
27 normal annuity.

28 4. Effective on or after August 28, 1995, any retired

1 member who had elected a joint and survivor option and whose
2 spouse or eligible former spouse precedes or preceded the member
3 in death shall upon application to the board be made,
4 constituted, appointed and employed by the board as a special
5 consultant on the problems of retirement, aging and other state
6 matters. As a special consultant pursuant to the provisions of
7 this section, the member's reduced annuity shall revert to a
8 normal annuity as adjusted for early retirement, if applicable,
9 effective the first of the month following the death of the
10 spouse or eligible former spouse or August 28, 1995, whichever is
11 later, [regardless of when the board receives the member's
12 written application] if the member cancels the member's original
13 joint and survivor election; such annuity shall include any
14 increases the retired member would have received since the date
15 of retirement had the member elected a normal annuity.

16 5. Effective July 1, 2000, a member may make an election
17 under option 1 or 2 after the date retirement benefits are
18 initiated if the member makes such election within one year from
19 the date of marriage or July 1, 2000, whichever is later, under
20 any of the following circumstances:

21 (1) The member elected to receive a normal annuity and was
22 not eligible to elect option 1 or 2 on the date retirement
23 benefits were initiated; or

24 (2) The member's annuity reverted to a normal annuity
25 pursuant to subsection 3 or 4 of this section and the member
26 remarried.

27 6. Any person who terminates employment or retires prior to
28 July 1, 2000, shall be made, constituted, appointed and employed

1 by the board as a special consultant on the problems of
2 retirement, aging and other state matters, and for such services
3 shall be eligible to elect to receive the benefits described in
4 subsection 5 of this section.

5 7. Effective September 1, 2001, the retirement application
6 of any member who fails to make an election pursuant to
7 subsection 1 of this section within ninety days of the annuity
8 starting date contained in such retirement application shall be
9 nullified. Any member whose retirement application is nullified
10 shall not receive retirement benefits until the member files a
11 new application for retirement pursuant to section 104.401 and
12 makes the election pursuant to subsection 1 of this section. In
13 no event shall any retroactive retirement benefits be paid.

14 8. A member may change a member's election made under this
15 section at any time prior to the system mailing or electronically
16 transferring the first annuity payment to such member.

17 104.403. 1. Any state employee [or retiree] who retires
18 pursuant to section 104.404, and who is also eligible for medical
19 coverage as described in section 103.115, RSMo, shall be eligible
20 to apply for the following coverage:

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

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

28 (3) After five years or upon becoming eligible for

1 Medicare, the cost for medical coverage for such retiree and any
2 dependents shall revert to the applicable rate in place at that
3 time.

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

9 3. The governing boards of Truman State University, Lincoln
10 University, the educational institutions described in section
11 174.020, RSMo, the highway commission that governs the health
12 care plans of the Missouri department of transportation and the
13 Missouri state highway patrol, and the conservation commission of
14 the department of conservation may elect to provide its employees
15 or retirees who retire pursuant to section 104.404 the same
16 benefits as described in subsection 1 of this section under the
17 respective medical plans of those institutions and departments.

18 [If the highway commission elects to provide retirees the
19 benefits of this section, any special consultant pursuant to
20 section 104.515 who is a member of the Missouri department of
21 transportation and Missouri state highway patrol medical and life
22 insurance plan and who retired on or after February 1, 2003, but
23 prior to July 1, 2003, shall be eligible to receive the benefits
24 of this section.]

25 104.404. 1. An employee currently active on the effective
26 date of this act who has not been a retiree of the system in
27 which such employee is currently receiving creditable or credited
28 service, who is eligible to receive a normal annuity pursuant to

1 section 104.080, 104.090, 104.100, 104.271, or 104.400, or a life
2 and any temporary annuity pursuant to section 104.1024, and whose
3 annuity commences on or after June 1, 2005, but no later than
4 September 1, [2003] 2005, shall be eligible to receive the
5 medical benefits described in section 104.403.

6 [2. An employee who would be eligible to receive a normal
7 annuity pursuant to section 104.080, 104.090, 104.100, 104.271,
8 or 104.400, or a life and any temporary annuity pursuant to
9 section 104.1024, no later than January 1, 2004, shall be
10 eligible to retire based on the employee's creditable or credited
11 service and the average compensation or final average pay on the
12 employee's date of termination of employment if the employee
13 applies to retire and whose annuity commences no later than
14 September 1, 2003. Such employee who so retires shall be
15 eligible to receive the medical benefits described in subsection
16 1 of this section.

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

24 4. A retiree whose retirement annuity commenced on or after
25 February 1, 2003, but no later than September 1, 2003, shall be
26 eligible to receive the medical benefits described in section
27 104.403.]

28 [5.] 2. The state may hire employees to replace those

1 employees retiring pursuant to this section and section 104.403,
2 except that departments shall not fill more than twenty-five
3 percent of those positions vacated. Exceptions to the
4 twenty-five percent restriction may be made for critical or
5 seasonal positions or positions which are entirely federally
6 funded. Such determination shall be made by rule and regulation
7 promulgated by the office of administration. The provisions of
8 this subsection shall not apply to Truman University, Lincoln
9 University or the educational institutions described in section
10 174.020, RSMo.

11 [6.] 3. Any rule or portion of a rule, as that term is
12 defined in section 536.010, RSMo, that is created under the
13 authority delegated in this section shall become effective only
14 if it complies with and is subject to all of the provisions of
15 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
16 This section and chapter 536, RSMo, are nonseverable and if any
17 of the powers vested with the general assembly pursuant to
18 chapter 536, RSMo, to review, to delay the effective date, or to
19 disapprove and annul a rule are subsequently held
20 unconstitutional, then the grant of rulemaking authority and any
21 rule proposed or adopted after August 28, [2003] 2005, shall be
22 invalid and void.

23 [7. The Missouri state employees' retirement system and the
24 highways and transportation employees' and highway patrol
25 retirement system shall make a report in writing to the governor,
26 commissioner of administration, and the general assembly by April
27 1, 2004, and in addition shall provide monthly tracking of the
28 effect of state employee retirements pursuant to this section and

1 section 104.403. The report shall cover the time period of
2 February 1, 2003, to January 31, 2004. The report shall include
3 the number of such retirements, the amount of payroll affected as
4 a result of retirements, and the financial effect of such
5 retirements as expressed in a report by each system's actuary.

6 8. The office of administration shall make a report in
7 writing to the governor and the general assembly by April 1,
8 2004, and in addition shall provide monthly tracking of the
9 budgetary effect of state employee retirements pursuant to this
10 section and section 104.403. The report shall include the amount
11 of payroll reduced as a result of such retirements, the number of
12 positions that are core cut as a result of such retirements, the
13 number of employees employed to replace those who retired
14 pursuant to this section, and the financial effect on the budget,
15 including any costs associated with payment of medical premiums
16 by the state.

17 9. The Missouri consolidated health care plan shall make a
18 report in writing to the governor and the general assembly by
19 April 1, 2004, and in addition shall provide monthly tracking of
20 the effect of state employee retirements pursuant to this section
21 and section 104.403. The report may include, and not be limited
22 to, the amount of payroll reduced as a result of such
23 retirements, the number of positions that are core cut as a
24 result of such retirements, the number of employees employed to
25 replace those who retired pursuant to this section, and the
26 financial effect on the budget, including any costs associated
27 with payment of medical premiums by the state.]

28 4. Any employee making an election pursuant to the

1 provisions of this section and section 104.403 shall be
2 prohibited from any employment with any department as defined in
3 this chapter for a period of three years from the date of
4 election.

5 5. For purposes of meeting eligibility requirements in
6 subsection 1 of this section, a member shall be entitled to
7 creditable service for any unused sick leave calculated in
8 accordance with the provisions of section 104.601.

9 104.410. 1. Any uniformed member of the water patrol who
10 shall be affirmatively found by the board to be wholly and
11 permanently incapable of holding any position of gainful
12 employment as a result of injuries or illness incurred in the
13 performance of the member's duties shall be entitled to receive
14 disability benefits in an amount equal to one-half of the
15 compensation that the employee was receiving at the time of the
16 occurrence of the injury entitling the employee to such
17 disability benefits. Any disability benefit payable pursuant to
18 this subsection shall be decreased by any amount paid to such
19 uniformed member of the water patrol by reason of the workers'
20 compensation laws of this state. After termination of payment
21 under workers' compensation, however, any such reduction and
22 disability benefits shall be restored.

23 2. The board of trustees may require a medical examination
24 of any uniformed member of the water patrol who is receiving
25 disability benefits pursuant to this section at any time by a
26 designated physician, and disability benefits shall be
27 discontinued if the board finds that such member is able to
28 perform the duties of the member's former position, or if such

1 member refuses to submit to such an examination.

2 3. The disability benefits described in this section shall
3 not be paid to any uniformed member of the water patrol who has
4 retained or regained more than fifty percent of the member's
5 earning capacity. If any uniformed member of the water patrol
6 who has been receiving disability benefits again becomes an
7 employee, the member's disability benefits shall be discontinued,
8 the member's prior period of creditable service shall be
9 restored, and any subsequent determination of benefits due the
10 member or the member's survivors shall be based on the sum of the
11 member's creditable service accrued to the date the member's
12 disability benefits commenced and the period of creditable
13 service after the member's return to employment.

14 4. Any uniformed member of the water patrol receiving
15 benefits pursuant to the provisions of this section for five or
16 more years immediately prior to attainment of age fifty-five
17 shall be considered a normal retirant at age fifty-five, and may
18 elect, within thirty days preceding the attainment of age
19 fifty-five, option 1 of section 104.395, but only for the
20 member's spouse who was the member's spouse for two or more years
21 prior to the member's attainment of age fifty-five.

22 5. Any member who is receiving disability benefits as of
23 December 31, 1985, or any member who is disabled on December 31,
24 1985, and would have been entitled to receive disability benefits
25 pursuant to this section as the provisions of this section
26 existed immediately prior to September 28, 1985, shall be
27 eligible to receive or shall continue to receive benefits in
28 accordance with such prior provisions of this section until the

1 member again becomes an employee; however, all employees of the
2 department of conservation who are disabled shall receive
3 benefits pursuant only to this section or section 104.518,
4 whichever is applicable, and shall not be eligible for benefits
5 under any other plan or program purchased or provided after
6 September 28, 1985.

7 6. Any member who qualifies for disability benefits
8 pursuant to subsection 1 of this section or pursuant to the
9 provisions of section 104.518, or under a long-term disability
10 program provided by the member's employing department as a
11 consequence of employment by the department, shall continue to
12 accrue creditable service based on the member's rate of pay
13 immediately prior to the date the member became disabled in
14 accordance with sections 104.370, 104.371, 104.374 and 104.615,
15 until the date the member's retirement benefit goes into pay
16 status, the disability benefits cease being paid to the member,
17 or the member is no longer disabled, whichever comes first.
18 Persons covered by the provisions of sections 476.515 to 476.565,
19 RSMo, or sections 287.812 to 287.855, RSMo, who qualify for
20 disability benefits pursuant to the provisions of section
21 104.518, at the date the person becomes disabled, shall continue
22 to accrue creditable service based on the person's rate of pay
23 immediately prior to the date the person becomes disabled until
24 the date the person's retirement benefit goes into pay status,
25 the disability benefits cease being paid to the person or the
26 person is no longer disabled, whichever comes first. [Members or
27 persons continuing to accrue creditable service pursuant to this
28 subsection shall be entitled to continue their life insurance

1 coverage subject to the provisions of the life insurance plan
2 administered by the board pursuant to section 104.517.] For the
3 purposes of life insurance coverage under sections 104.515 and
4 104.517, a person who is receiving disability benefits under this
5 section shall be required to pay the cost of life insurance
6 coverage provided under section 104.517 in order to receive such
7 coverage, unless such person is eligible to receive such
8 insurance at no cost under any waiver of premium provision that
9 may exist under the contract for life insurance. For purposes of
10 eligibility to apply for retirement, persons receiving disability
11 benefits under this section shall be treated as if they were
12 active employees during their period of disability. The rate of
13 pay for purposes of calculating retirement benefits for a member
14 or person described in this subsection who becomes disabled and
15 retires on or after August 28, 1999, shall be the member's or
16 person's regular monthly compensation received at the time of
17 disablement, increased thereafter for any increases in the
18 consumer price index. Such increases in the member's monthly pay
19 shall be made annually beginning twelve months after disablement
20 and shall be equal to eighty percent of the increase in the
21 consumer price index during the calendar year prior to the
22 adjustment, but not more than five percent of the member's
23 monthly pay immediately before the increase. Such accruals shall
24 continue until the earliest of: receipt of an early retirement
25 annuity, attainment of normal retirement eligibility or
26 termination of disability benefits.

27 7. A member or person who continues to be disabled as
28 provided in subsection 6 of this section until the member's

1 normal retirement age shall be eligible to retire on the first
2 day of the month next following the member's or person's final
3 payment pursuant to section 104.518 or, if applicable, subsection
4 1 of this section. A member or person who retires pursuant to
5 this subsection shall receive the greater of the normal annuity
6 or the minimum annuity, if applicable, determined pursuant to
7 sections 104.370, 104.371, 104.374 and 104.615, and section
8 287.820, RSMo, and section 476.530, RSMo, as if the member or
9 person had continued in the active employ of the employer until
10 the member's or person's retirement benefit goes into pay status,
11 the disability benefits cease being paid to the member or person,
12 or the member or person is no longer disabled, whichever comes
13 first and the member's or person's compensation for such period
14 had been the member's or person's rate of pay immediately
15 preceding the date the member or person became disabled.

16 8. If a member who has been disabled becomes an employee
17 again and if the member was disabled during the entire period of
18 the member's absence, then the member shall resume active
19 participation as of the date of reemployment. Such a member
20 shall receive creditable service for the entire period the member
21 was disabled as provided in subsection 6 of this section.

22 9. If a member ceases to be disabled and if the member does
23 not return to work as provided in subsection 8 of this section,
24 the member's rights to further benefits shall be determined in
25 accordance with sections 104.335, 104.380, 104.400, 104.420 and
26 104.615 as though the member had withdrawn from service as of the
27 date the member ceased to be disabled, as determined by the
28 system.

1 104.450. The board of trustees shall consist of the state
2 treasurer, the commissioner of administration, two members of the
3 senate appointed by the president pro tem of the senate, two
4 members of the house of representatives appointed by the speaker
5 of the house, two members appointed by the governor, and three
6 elected members [who are members of the system, one of whom] that
7 shall each serve four-year terms. One elected member shall be a
8 retiree elected by a plurality vote of [retired members] retirees
9 and two of [whom] the elected members shall be employees, elected
10 by a plurality vote of [the members of the system not retired for
11 four-year terms] employees and former employees eligible for a
12 deferred annuity and not retired. For purposes of this section,
13 "retiree" shall include any retiree under this chapter, any judge
14 as defined under section 476.515, RSMo, who is retired, and any
15 administrative law judge or legal advisor as those terms are
16 defined under section 287.812, RSMo, who is retired. For
17 purposes of this section, "employees" shall include any employee
18 under this chapter who is actively employed, any judge as defined
19 under section 476.515, RSMo, who is actively employed, and any
20 administrative law judge or legal advisor as those terms are
21 defined under section 287.812, RSMo, who is actively employed.
22 The board so constituted shall determine, by board rule, the
23 procedures for nomination and election of the elective board
24 members. The first two trustees designated above shall serve as
25 trustees during their respective terms of office; the legislative
26 members shall serve as trustees until such time as they resign,
27 are no longer members of the general assembly, or are replaced by
28 new appointments; and the members appointed by the governor shall

1 serve as trustees until such time as they resign or are replaced
2 by new appointments. Any vacancies occurring in the office of
3 trustees shall be filled in the same manner as the office was
4 filled previously except that vacancies occurring in the offices
5 of the elected board members may be filled by the board of
6 trustees until the next regularly scheduled election.

7 104.490. 1. Should any error result in any member or
8 beneficiary receiving more or less than he or she would have been
9 entitled to receive had the error not occurred, the board shall
10 correct such error, and, as far as practicable, make future
11 payments in such a manner that the actuarial equivalent of the
12 benefit to which such member or beneficiary was entitled shall be
13 paid, and to this end may recover any overpayments. In all cases
14 in which an error has been made, no such error shall be corrected
15 unless the system discovers or is notified of such error within
16 ten years after the date of error.

17 2. A person who knowingly makes a false statement, or
18 falsifies or permits to be falsified a record of the system, in
19 an attempt to defraud the system is subject to fine or
20 imprisonment pursuant to the Missouri revised statutes.

21 3. The board of trustees of the Missouri state employees'
22 retirement system shall cease paying benefits to any survivor or
23 beneficiary who is charged with the intentional killing of a
24 member without legal excuse or justification. A survivor or
25 beneficiary who is convicted of such charge shall no longer be
26 entitled to receive benefits. If the survivor or beneficiary is
27 not convicted of such charge, the board shall resume payment of
28 benefits and shall pay the survivor or beneficiary any benefits

1 that were suspended pending resolution of such charge.

2 104.601. Any member retiring pursuant to the provisions of
3 this chapter or any member retiring pursuant to provisions of
4 chapter 169, RSMo, who is a member of the public school
5 retirement system and who is employed by a state agency other
6 than an institution of higher learning, after working
7 continuously until reaching retirement age, shall be credited
8 with all his or her unused sick leave as reported through the
9 financial and human resources system maintained by the office of
10 administration, or if a state agency's employees are not paid
11 salaries or wages through such system, as reported directly by
12 the state agency. When calculating years of service, each member
13 shall be entitled to one-twelfth of a year of creditable service
14 for each one hundred sixty-eight hours of unused accumulated sick
15 leave earned by the member. The employing agency shall not
16 certify unused sick leave unless such unused sick leave could
17 have been used by the member for sickness or injury. The rate of
18 accrual of sick leave for purposes of computing years of service
19 pursuant to this section shall be no greater than ten hours per
20 month regardless of whether or not the employee is employed in
21 more than one position that qualifies the employee to receive
22 retirement benefits under this chapter. Nothing under this
23 section shall allow a member to vest in the retirement system by
24 using such credited sick leave to reach the time of vesting.

25 104.603. 1. For purposes of this section, the term
26 "member" shall include any member under this chapter, an
27 administrative law judge or legal advisor under chapter 287,
28 RSMo, or a judge under chapter 476, RSMo, who is receiving a

1 retirement annuity based on the member's creditable or credited
2 service from either system; except that a member covered under
3 sections 104.010 to 104.272 shall not be considered a member
4 under this section.

5 2. Notwithstanding the provisions of sections 104.380 and
6 104.1039 or any other law, any member who is employed, elected,
7 or appointed and begins serving on or after September 1, 2005, as
8 an employee by a department, an administrative law judge or legal
9 advisor, or a judge, shall not receive a retirement annuity based
10 on the member's creditable or credited service under this
11 chapter, chapter 287, RSMo, or chapter 476, RSMo, during any
12 month or part of a month while such member is so employed.

13 3. A member described in subsection 2 of this section who
14 retired under the closed plan as defined under subsection 7 of
15 section 104.1003 and who is employed, elected, or appointed as an
16 employee by a department shall be considered to be an employee
17 with no previous creditable service and will accrue creditable
18 service under the closed plan while so employed. Such member
19 shall not be required to meet age and service requirements for
20 retirement eligibility under the closed plan and upon termination
21 of employment shall receive an additional monthly annuity
22 calculated under the closed plan based on the type of service
23 accrued. If the member's original annuity was based on an early
24 retirement reduction, the additional annuity shall be calculated
25 using a reduction based on the member's age at the time the
26 additional annuity is calculated and the amount of service since
27 reemployment unless the member's age and total years of service
28 under the original and additional annuity would make the member

1 eligible for a normal annuity, in which case, the additional
2 annuity shall be calculated as a normal retirement annuity based
3 on the member's service since reemployment.

4 4. A member described in subsection 2 of this section who
5 retired under the year 2000 plan under sections 104.1003 to
6 104.1093 and who is employed, elected, or appointed as an
7 employee by a department shall be considered to be an employee
8 with no previous credited service and will accrue credited
9 service under the year 2000 plan while so employed. Such member
10 shall not be required to meet age and service requirements for
11 retirement eligibility under the year 2000 plan and upon
12 termination of employment shall receive an additional monthly
13 annuity calculated under the year 2000 plan based on the type of
14 service accrued. If the member's original annuity was based on
15 an early retirement reduction, the additional annuity shall be
16 calculated using a reduction based on the member's age at the
17 time the additional annuity is calculated and the amount of
18 service since reemployment unless the member's age and total
19 years of service under the original and additional annuity would
20 make the member eligible for a normal retirement annuity, in
21 which case, the additional annuity shall be calculated as a
22 normal retirement annuity based on the member's service since
23 reemployment.

24 5. A member who was an administrative law judge, legal
25 advisor, or judge described in subsection 2 of this section who
26 has not retired under a retirement plan created under this
27 chapter and who is employed, elected, or appointed as an employee
28 by a department shall be considered to be a new employee with no

1 previous credited service and will accrue credited service under
2 the year 2000 plan under sections 104.1003 to 104.1093 while so
3 employed. Such member shall not be required to meet age and
4 service requirements for retirement eligibility under the year
5 2000 plan and upon termination of employment shall receive an
6 additional monthly annuity calculated under the year 2000 plan
7 based on the type of service accrued.

8 6. The original annuity or benefit, the additional annuity
9 described in this section, or any annuity paid under section
10 104.420 or 104.1030, shall be paid commencing with the end of the
11 first month after the month during which the member terminates
12 employment. The original annuity or benefit, the additional
13 annuity, or any annuity paid under section 104.420 or 104.1030
14 shall be paid by the system that issued the original annuity or
15 benefit; except that in the event a member dies prior to
16 termination of employment, an annuity shall be paid under section
17 104.420 or 104.1030 in lieu of an additional annuity otherwise
18 described in this section, and such member shall not be required
19 to meet age and service requirements for retirement eligibility
20 for an annuity paid under section 104.420 or 104.1030. A member,
21 or the member's beneficiary in the event the member dies prior to
22 termination of employment, shall transfer the member's creditable
23 or credited service to the system that paid the original annuity
24 if the member accrued such service in a different system. The
25 system that paid the original annuity shall pay the additional
26 annuity or the annuity under section 104.420 or 104.1030, based
27 on the retirement formula that otherwise would apply based on the
28 position in which the member was employed for the period of

1 service applicable to the additional annuity or the annuity under
2 section 104.420 or 104.1030. The annuity option and plan
3 election for the additional annuity shall be the same as the
4 original annuity or benefit subject to any modifications that may
5 have been made to the original annuity as provided by law; except
6 that the annuity option for an annuity paid under section 104.420
7 or 104.1030 shall be as provided in those sections. Cost-of-
8 living adjustments shall be paid on both annuities based on the
9 original cost-of-living payment date for the original annuity or
10 benefit. In no event shall any cost-of-living adjustments be
11 paid or accrued during the member's period of employment.

12 104.606. Any member of either system who purchases
13 creditable service or credited service under this chapter or
14 chapter 105, RSMo, must apply and complete the purchase prior to
15 applying to receive a retirement annuity in order to receive
16 credit for such purchase.

17 104.607. 1. Either system may elect by a majority vote of
18 its board of trustees to establish and administer an arrangement
19 and fund to pay accrued benefits of its members to its member
20 under this chapter to the extent that the accrued benefits paid
21 out of the fund would not otherwise be payable under limitations
22 in Section 415 of the Internal Revenue Code. An arrangement and
23 fund established under this section shall be kept separate from
24 the pension's fund assets.

25 2. If an arrangement and fund is established by a
26 retirement system under subsection 1 of this section, the
27 arrangement and fund shall be established and administered in
28 accordance with Section 415(m) of the Internal Revenue Code. The

1 board may establish and adopt policies and procedures for the
2 arrangement and fund.

3 3. If an arrangement and fund is established by a
4 retirement system under subsection 1 of this section, the
5 benefits paid from the fund shall be paid out of employer
6 contributions or other eligible assets. The board shall
7 determine the amount of the employer contribution that shall be
8 allocated to the arrangement and fund. Employer contributions
9 and other eligible assets that are contributed to the arrangement
10 and fund shall be deposited in the arrangement and fund before
11 deposits are made to the system.

12 4. Nothing in this section is intended to limit the amount
13 of employer contributions that are contributed to a retirement
14 fund for the accrued benefits that are allowed to be paid under
15 Section 415 of the Internal Revenue Code.

16 104.620. 1. Any member who has not received a lump sum
17 payment equal to the sum total of the contributions that the
18 member paid into the retirement system, plus interest credited to
19 his or her account, shall be entitled to such a lump sum payment.
20 Lump sum payments made pursuant to this section shall not be
21 reduced by any retirement benefits which a member is entitled to
22 receive, but shall be paid in full out of appropriate funds
23 pursuant to appropriations for this purpose.

24 2. In the event any accumulated contributions standing to a
25 member of the Missouri state employees' retirement system's
26 credit remains unclaimed by such member for a period of four
27 years or more, such accumulated contributions shall automatically
28 revert to the credit of the fund for the Missouri state

1 employees' retirement system. If an application is made, after
2 such reversion, for such accumulated contributions, the board
3 shall pay such contributions from the fund for the Missouri state
4 employees' retirement system; except that, no interest shall be
5 paid on such funds after the date of the reversion to the fund
6 for the Missouri state employees' retirement system.

7 3. In the event any amount is due a deceased member,
8 survivor, or beneficiary who dies after September 1, 2002, such
9 amount shall be paid to the person or entity designated in
10 writing as beneficiary to receive such amount by such member,
11 survivor, or beneficiary. The member, survivor, or beneficiary
12 may designate in writing a beneficiary to receive any final
13 payment due after the death of a member, survivor, or beneficiary
14 pursuant to this chapter. If no living person or entity so
15 designated as beneficiary exists at the time of death, such
16 amount shall be paid to the surviving spouse married to the
17 deceased member, survivor, or beneficiary at the time of death.
18 If no surviving spouse exists, such amount shall be paid to the
19 surviving children or their descendants of such member, survivor,
20 or beneficiary in equal parts. If no surviving children or any
21 of their descendants exist, such amount shall be paid to the
22 surviving parents of such member, survivor, or beneficiary in
23 equal parts. If no surviving parents exist, such amount shall be
24 paid to the surviving brothers, sisters, or their descendants of
25 such member, survivor, or beneficiary in equal parts. If no
26 surviving brothers, sisters, or their descendants exist, payment
27 may be made as otherwise permitted by law. Notwithstanding this
28 subsection, any amount due to a deceased member as payment of all

1 or part of a lump sum pursuant to section 104.625 shall be paid
2 to the member's surviving spouse married to the member at the
3 time of death, and otherwise payment may be made as provided in
4 this subsection. In the event any amount that is due to a member
5 of either system remains unclaimed by such member for a period of
6 four years or more, such amount shall automatically revert to the
7 credit of the fund of the member's system. If an application is
8 made after such reversion for such amount, the board shall pay
9 such amount from the board's fund to the member, except that no
10 interest shall be paid on such funds after the date of the
11 reversion to the fund.

12 4. The beneficiary of any member who purchased creditable
13 service in the Missouri state employees' retirement system shall
14 receive a refund upon the member's death equal to the amount of
15 any purchase less any retirement benefits received by the member
16 unless an annuity is payable to a survivor or beneficiary as a
17 result of the member's death. In that event, the beneficiary of
18 the survivor or beneficiary who received the annuity shall
19 receive a refund upon the survivor's or beneficiary's death equal
20 to the amount of the member's purchase of service less any
21 annuity amounts received by the member and the survivor or
22 beneficiary.

23 5. The provisions of this section shall apply to any
24 administrative law judge, legal advisor or beneficiary as defined
25 under section 287.812, RSMo, or any judge or beneficiary as
26 defined under section 476.515, RSMo, or any special commissioner
27 under section 476.450, RSMo.

28 104.800. 1. Except as otherwise provided by law, any

1 person [having earned creditable service pursuant to the
2 provisions of the state employees' retirement system or pursuant
3 to the provisions of the state transportation department
4 employees' and highway patrol retirement system or having service
5 as a statewide state elective officer or having service as a
6 member of the general assembly or having service pursuant to the
7 provisions of sections 287.812 to 287.855, RSMo, or having
8 service as a judge, as defined in section 476.515, RSMo, may
9 elect prior to retirement and not after retirement, to make a
10 one-time transfer of credit for such service or such creditable
11 service to or from any other retirement system or type of service
12 specified in this section or sections 56.800 to 56.840, RSMo, for
13 which the person has accumulated service or creditable service.
14 The amount of transferred credit shall be accumulated with the
15 amount of such creditable service or such service earned by the
16 person in the retirement system or type of service to which the
17 service is transferred for purposes of determining the benefits
18 to which the person is entitled under the retirement system or
19 type of service to which the service is transferred. The
20 transfer of such creditable service or service shall become
21 effective on the first day of the second month following the
22 month in which the person files written notification of the
23 person's election with the retirement boards affected by such
24 service transfer. When the election to transfer creditable
25 service or service becomes effective, the person shall thereby
26 forfeit any claim to any benefit under the provisions of the
27 retirement system or type of service, as the case may be, from
28 which the service or creditable service was transferred

1 regardless of the amount of service or creditable service
2 previously earned in such retirement system or type of service]
3 who has creditable service, forfeited creditable service, or
4 service under two or more of the following categories as:

5 (1) An employee;

6 (2) A member of the general assembly;

7 (3) A statewide elected official;

8 (4) An employee under sections 56.800 to 56.840, RSMo;

9 (5) An administrative law judge or legal advisor under
10 sections 287.812 to 287.855, RSMo; or

11 (6) A judge under sections 476.515 to 476.565, RSMo;

12
13 may elect to make a one-time transfer of such service between any
14 categories specified in this subsection in which the person has
15 such service prior to the transfer. The transfer shall not occur
16 unless the person has terminated employment in the category from
17 which service is being transferred. When the election to
18 transfer such service becomes effective, the retirement system
19 shall credit the transferred service as service in the category
20 in which it was transferred. Thereafter the person shall forfeit
21 any claim to any benefit based on such transferred service and
22 any remaining service in excess of the limitation of the amount
23 of service that can be transferred under this section. Any
24 person who has transferred service pursuant to this subsection
25 prior to August 28, 2002, and who is an employee covered by a
26 retirement plan described in this subsection after that date, may
27 elect to make an additional transfer of service prior to
28 retirement if additional service would otherwise be available to

1 be transferred except for the forfeiture of that service after
2 the previous transfer. In no event shall the amount of service
3 that a person shall be entitled to transfer pursuant to the
4 provisions of this section exceed eight years.

5 2. In the event of the death of a member before retirement
6 and prior to exercising transfer rights pursuant to the
7 provisions of this section, survivorship benefits shall be
8 computed as if such person had in fact exercised or not exercised
9 the person's transfer rights to produce the most advantageous
10 benefit possible.

11 3. Any person that has earned creditable service pursuant
12 to the provisions governing the Missouri state employees'
13 retirement system or pursuant to the provisions of chapter 287,
14 RSMo, or chapter 476, RSMo, who terminated employment prior to
15 August 13, 1986, shall, upon application to the board of trustees
16 of the Missouri state employees' retirement system, be made,
17 constituted and appointed and employed by the board as a special
18 consultant on the problems of retirement, aging and other state
19 matters for the remainder of the person's life. Upon request of
20 the board or the court from which the person retired, the
21 consultant shall give opinions or be available to give opinions
22 in writing or orally in response to such request. As
23 compensation for such services, the consultant shall be eligible,
24 prior to retirement, to make a one-time transfer of creditable
25 service as provided in this section.

26 104.1003. Unless a different meaning is plainly required by
27 the context, the following words and phrases as used in sections
28 104.1003 to 104.1093 shall mean:

1 (1) "Act", the "Year 2000 Plan" created by sections
2 104.1003 to 104.1093;

3 (2) "Actuary", an actuary who is experienced in retirement
4 plan financing and who is either a member of the American Academy
5 of Actuaries or an enrolled actuary under the Employee Retirement
6 Income Security Act of 1974;

7 (3) "Annuity", annual benefit amounts, paid in equal
8 monthly installments, from funds provided for in, or authorized
9 by, sections 104.1003 to 104.1093;

10 (4) "Annuity starting date" means the first day of the
11 first month with respect to which an amount is paid as an annuity
12 pursuant to sections 104.1003 to 104.1093;

13 (5) "Beneficiary", any person or entity entitled to receive
14 an annuity or other benefit pursuant to sections 104.1003 to
15 104.1093 based upon the employment record of another person;

16 (6) "Board of trustees", "board", or "trustees", a
17 governing body or bodies established for the year 2000 plan
18 pursuant to sections 104.1003 to 104.1093;

19 (7) "Closed plan", a benefit plan created pursuant to this
20 chapter and administered by a system prior to July 1, 2000. No
21 person first employed on or after July 1, 2000, shall become a
22 member of the closed plan, but the closed plan shall continue to
23 function for the benefit of persons covered by and remaining in
24 the closed plan and their beneficiaries;

25 (8) "Consumer price index", the Consumer Price Index for
26 All Urban Consumers for the United States, or its successor
27 index, as approved by the board, as such index is defined and
28 officially reported by the United States Department of Labor, or

1 its successor agency;

2 (9) "Credited service", the total credited service to a
3 member's credit as provided in sections 104.1003 to 104.1093;

4 (10) "Department", any department or agency of the
5 executive, legislative, or judicial branch of the state of
6 Missouri receiving state appropriations, including allocated
7 funds from the federal government but not including any body
8 corporate or politic unless its employees are eligible for
9 retirement coverage from a system pursuant to this chapter as
10 otherwise provided by law;

11 (11) "Early retirement eligibility", a member's attainment
12 of fifty-seven years of age and the completion of at least five
13 years of credited service;

14 (12) "Effective date", July 1, 2000;

15 (13) "Employee" shall be any person who is employed by a
16 department and is paid a salary or wage by a department in a
17 position normally requiring the performance of duties of not less
18 than one thousand forty hours per year, provided:

19 (a) The term "employee" shall not include any patient or
20 inmate of any state, charitable, penal or correctional
21 institution, or any person who is employed by a department in a
22 position that is covered by a state-sponsored defined benefit
23 retirement plan not created by this chapter;

24 (b) The term "employee" shall be modified as provided by
25 other provisions of sections 104.1003 to 104.1093;

26 (c) The system shall consider a person who is employed in
27 multiple positions simultaneously within a single agency to be
28 working in a single position for purposes of determining whether

1 the person is an employee as defined in this subdivision;

2 (d) Beginning September 1, 2001, the term "year" as used in
3 this subdivision shall mean the twelve-month period beginning on
4 the first day of employment;

5 (e) The term "employee" shall include any person as defined
6 under paragraph (b) of subdivision (20) of subsection 1 of
7 section 104.010 who is employed on or after July 1, 2000;

8 (14) "Employer", a department;

9 (15) "Executive director", the executive director employed
10 by a board established pursuant to the provisions of sections
11 104.1003 to 104.1093;

12 (16) "Final average pay", the average pay of a member for
13 the thirty-six full consecutive months of service before
14 termination of employment when the member's pay was greatest; or
15 if the member was on workers' compensation leave of absence or a
16 medical leave of absence due to an employee illness, the amount
17 of pay the member would have received but for such leave of
18 absence as reported and verified by the employing department; or
19 if the member was employed for less than thirty-six months, the
20 average monthly pay of a member during the period for which the
21 member was employed. The board of each system may promulgate
22 rules for purposes of calculating final average pay and other
23 retirement provisions to accommodate for any state payroll system
24 in which pay is received on a monthly, semimonthly, biweekly, or
25 other basis;

26 (17) "Fund", a fund of the year 2000 plan established
27 pursuant to sections 104.1003 to 104.1093;

28 (18) "Investment return", or "interest", rates as shall be

1 determined and prescribed from time to time by a board;

2 (19) "Member", a person who is included in the membership
3 of the system, as set forth in section 104.1009;

4 (20) "Normal retirement eligibility", a member's attainment
5 of at least sixty-two years of age and the completion of at least
6 five or more years of credited service or, the attainment of at
7 least forty-eight years of age with a total of years of age and
8 years of credited service which is at least eighty or, in the
9 case of a member of the highway patrol who shall be subject to
10 the mandatory retirement provisions of section 104.080, the
11 mandatory retirement age and completion of five years of credited
12 service or, the attainment of at least forty-eight years of age
13 with a total of years of age and years of credited service which
14 is at least eighty;

15 (21) "Pay" shall include:

16 (a) All salary and wages payable to an employee for
17 personal services performed for a department; but excluding:

18 a. Any amounts paid after an employee's employment is
19 terminated, unless the payment is made as a final installment of
20 salary or wages at the same rate as in effect immediately prior
21 to termination of employment in accordance with a state payroll
22 system adopted on or after January 1, 2000;

23 b. Any amounts paid upon termination of employment for
24 unused annual leave or unused sick leave;

25 c. Pay in excess of the limitations set forth in Section
26 401(a)(17) of the Internal Revenue Code of 1986 as amended and
27 other applicable federal laws or regulations; and

28 d. Any nonrecurring single sum payments;

1 (b) All salary and wages which would have been payable to
2 an employee on workers' compensation leave of absence during the
3 period the employee is receiving a weekly workers' compensation
4 benefit, as reported and verified by the employing department;

5 (c) All salary and wages which would have been payable to
6 an employee on a medical leave due to employee illness, as
7 reported and verified by the employing department;

8 (d) For purposes of members of the general assembly, pay
9 shall be the annual salary provided to each senator and
10 representative pursuant to section 21.140, RSMo, plus any salary
11 adjustment pursuant to section 21.140, RSMo;

12 (22) "Retiree", a person receiving an annuity from the year
13 2000 plan based upon the person's employment record;

14 (23) "State", the state of Missouri;

15 (24) "System" or "retirement system", the Missouri state
16 employees' retirement system or the transportation department and
17 highway patrol retirement system, as the case may be;

18 (25) "Vested former member", a person entitled to receive a
19 deferred annuity pursuant to section 104.1036;

20 (26) "Year 2000 plan", the benefit plan created by sections
21 104.1003 to 104.1093.

22 104.1012. 1. Any new state employee who would have become
23 a member of the closed plan administered by the transportation
24 department and highway patrol retirement system except for the
25 creation of the year 2000 plan and persons covered by the closed
26 plan administered by the highway and transportation employees'
27 and highway patrol retirement system who elect year 2000 plan
28 coverage as provided in section 104.1015 shall have their year

1 2000 plan coverage managed by that board.

2 2. Any new state employee who would have become a member of
3 the closed plan administered by the Missouri state employees'
4 retirement system except for the creation of the year 2000 plan
5 or persons covered by the closed plan administered by the
6 Missouri state employees' retirement system who elect year 2000
7 plan coverage as provided in section 104.1015 shall have their
8 year 2000 plan coverage managed by that board.

9 3. In the event either board of trustees elects to provide
10 employees, members, or vested former members under either the
11 closed plan or the year 2000 plan with education or advice
12 pertaining to any aspect of retirement planning, the board will
13 not be liable for the retirement or investment decisions made or
14 not made by employees, members, or vested former members so long
15 as the board acts with the same care, skill, prudence, and
16 diligence in the selection and monitoring of providers of
17 education and advice, under the circumstances then prevailing
18 that a prudent person acting in a similar capacity and familiar
19 with those matters would use in the conduct of a similar
20 enterprise with similar aims.

21 104.1015. 1. Persons covered by a closed plan on July 1,
22 2000, shall elect whether or not to change to year 2000 plan
23 coverage. Any such person who elects to be covered by the year
24 2000 plan shall forfeit all rights to receive benefits under this
25 chapter except as provided under the year 2000 plan and all
26 creditable service of such person under the closed plan shall be
27 credited under the year 2000 plan. Any such person who elects
28 not to be covered by the year 2000 plan shall waive all rights to

1 receive benefits under the year 2000 plan. In no event shall any
2 retroactive annuity be paid to such persons pursuant to sections
3 104.1003 to 104.1093 except as described in subsection 2 of this
4 section.

5 2. Each retiree of the closed plan on July 1, 2000, shall
6 be furnished by the appropriate system a written comparison of
7 the retiree's closed plan coverage and the retiree's potential
8 year 2000 plan coverage. A retiree shall elect whether or not to
9 change to year 2000 plan coverage by making a written election,
10 on a form furnished by the appropriate board, and providing that
11 form to the system by no later than twelve months after July 1,
12 2000, and any retiree who fails to make such election within such
13 time period shall be deemed to have elected to remain covered
14 under the closed plan; provided the election must be after the
15 retiree has received from the appropriate system such written
16 comparison. The retirement option elected under the year 2000
17 plan shall be the same as the retirement option elected under the
18 closed plan, except any retiree who is receiving one of the
19 options providing for a continuing lifetime annuity to a
20 surviving spouse under the closed plan may elect to receive an
21 annuity under option 1 or 2 of section 104.1027, or a life
22 annuity under subsection 2 of section 104.1024, provided the
23 person who was married to the member at the time of retirement,
24 if any, consents in writing to such election made pursuant to
25 section 104.1024, or to any election described in this section if
26 the person was married to a member of the Missouri state
27 employees' retirement system. The effective date of payment of
28 an annuity under the year 2000 plan as provided in this

1 subsection shall begin on July 1, 2000. No adjustment shall be
2 made to retirement benefits paid to the retiree prior to July 1,
3 2000. In order to calculate a new monthly annuity for retirees
4 electing coverage under the year 2000 plan pursuant to this
5 subsection, the following calculations shall be made:

6 (1) Except as otherwise provided in this subsection, the
7 retiree's gross monthly retirement annuity in effect immediately
8 prior to July 1, 2000, shall be multiplied by the percentage
9 increase in the life annuity formula between the closed plan and
10 the year 2000 plan. This amount shall be added to the retiree's
11 gross monthly retirement annuity in effect immediately prior to
12 July 1, 2000, to arrive at the retiree's new monthly retirement
13 annuity in the year 2000 plan on July 1, 2000. The age of
14 eligibility and reduction factors applicable to the retiree's
15 original annuity under the closed plan shall remain the same in
16 the annuity payable under the year 2000 plan, except as provided
17 in subdivision (2) of this subsection.

18 (2) If option 1 or 2 pursuant to section 104.1027 is chosen
19 by the retiree under the year 2000 plan, the new monthly
20 retirement annuity calculated pursuant to subdivision (1) of this
21 subsection shall be recalculated using the reduction factors for
22 the option chosen pursuant to section 104.1027.

23 (3) If a temporary annuity is payable pursuant to
24 subsection 4 of section 104.1024 the additional temporary annuity
25 shall be calculated by multiplying the retiree's credited service
26 by the retiree's final average pay by eight-tenths of one
27 percent.

28 (4) Cost-of-living adjustments paid pursuant to section

1 104.1045 will commence on the anniversary of the retiree's
2 annuity starting date coincident with or next following July 1,
3 2000.

4 (5) Any retiree or other person described in this section
5 who elects coverage under the year 2000 plan based on service
6 rendered as a member of the general assembly or as a statewide
7 elected official shall receive an annuity under the year 2000
8 plan calculated pursuant to the provisions of section 104.1084
9 using the current monthly pay at the time of the election with
10 future COLAs calculated pursuant to subsection 7 of section
11 104.1084.

12 3. Each person who is an employee and covered by the closed
13 plan and not a retiree of the closed plan on July 1, 2000, shall
14 elect whether or not to change to year 2000 plan coverage prior
15 to the last business day of the month before the person's annuity
16 starting date, and if such election has not been made within such
17 time, annuity payments due beginning on and after the month of
18 the annuity starting date shall be made the month following the
19 receipt by the appropriate system of such election and any other
20 information required by the year 2000 plan created by sections
21 104.1003 to 104.1093; provided, such election must be after the
22 person has received from the year 2000 plan a written comparison
23 of the person's closed plan coverage and the person's potential
24 year 2000 plan coverage and the election must be made in writing
25 on a form furnished by the appropriate board. If such person
26 dies after the annuity starting date but before making such
27 election and providing such other information, no benefits shall
28 be paid except as required pursuant to section 104.420 or

1 subsection 2 of section 104.372 for members of the general
2 assembly.

3 4. Each person who is not an employee and not a retiree and
4 is eligible for a deferred annuity from the closed plan on July
5 1, 2000, shall elect whether or not to change to the year 2000
6 plan coverage prior to the last business day of the month before
7 the person's annuity starting date, and if such election has not
8 been made within such time, annuity payments due beginning on and
9 after the month of the annuity starting date shall be made the
10 month following the receipt by the appropriate system of such
11 election and any other information required by the year 2000 plan
12 created by sections 104.1003 to 104.1093; provided, the election
13 must be after the person has received from the year 2000 plan a
14 written comparison of the person's closed plan coverage and the
15 person's potential year 2000 plan coverage and the election must
16 be made in writing on a form furnished by the appropriate board.
17 If such person dies after the annuity starting date but before
18 making such election and providing such other information, no
19 benefits shall be paid except as required pursuant to section
20 104.420 or subsection 2 of section 104.372 for members of the
21 general assembly.

22 5. Each person who is not an employee and not a retiree and
23 is eligible for a deferred annuity from the closed plan and
24 returns to covered employment on or after July 1, 2000, shall be
25 covered under the closed plan; provided, such person shall elect
26 whether or not to change to the year 2000 plan coverage prior to
27 the last business day of the month before the person's annuity
28 starting date, and if such election has not been made within such

1 time, annuity payments due beginning on and after the month of
2 the annuity starting date shall be made the month following the
3 receipt by the appropriate system of such election and any other
4 information required by the year 2000 plan created by sections
5 104.1003 to 104.1093 and the election must be after the person
6 has received from the year 2000 plan a written comparison of the
7 person's closed plan coverage and the person's potential year
8 2000 plan coverage and the election must be made in writing on a
9 form furnished by the appropriate board. If such person dies
10 after the annuity starting date but before making such election
11 and providing such other information, no benefits shall be paid
12 except as required under section 104.420 or subsection 2 of
13 section 104.372 for members of the general assembly.

14 6. Each person who is not an employee and not a retiree and
15 not eligible for a deferred annuity from the closed plan but has
16 forfeited creditable service with the closed plan and becomes an
17 employee on or after August 28, 2002, shall be changed to year
18 2000 plan coverage and upon receiving credited service
19 continuously for one year shall receive credited service for all
20 such forfeited creditable service under the closed plan.

21 7. Each person who was employed as a member of the general
22 assembly through December 31, 2000, covered under the closed
23 plan, and has served at least two full biennial assemblies as
24 defined in subdivision (24) of subsection 1 of section 104.010
25 but who is not eligible for a deferred annuity under the closed
26 plan shall be eligible to receive benefits under the new plan
27 pursuant to subdivision (5) of subsection 2 of this section upon
28 meeting the age requirements under the new plan.

1 8. The retirees and persons described in subsections 2 and
2 4 of this section shall be eligible for benefits under those
3 subsections pursuant to subsection 8 of section 104.610.

4 9. A member may change a member's plan election made under
5 this section at any time prior to the system mailing or
6 electronically transferring the first annuity payment to such
7 member.

8 104.1021. 1. The appropriate board shall determine how
9 much credited service shall be given each member consistent with
10 this section.

11 2. If a member terminates employment and is eligible to
12 receive an annuity pursuant to the year 2000 plan, or becomes a
13 vested former member at the time of termination, the member's or
14 former member's unused sick leave as reported through the
15 financial and human resources system maintained by the office of
16 administration, or if a department's employees are not paid
17 salaries or wages through such system, as reported directly by
18 the department, for which the member has not been paid will be
19 converted to credited service at the time of application for
20 retirement benefits. The member shall receive one-twelfth of a
21 year of credited service for each one hundred and sixty-eight
22 hours of such unused sick leave. The employing department shall
23 not certify unused sick leave unless such unused sick leave could
24 have been used by the member for sickness or injury. The rate of
25 accrual of sick leave for purposes of computing years of service
26 pursuant to this section shall be no greater than ten hours per
27 month regardless of whether or not the employee is employed in
28 more than one position that qualifies the employee to receive

1 retirement benefits under this chapter. Such credited service
2 shall not be used in determining the member's eligibility for
3 retirement or final average pay. Such credited service shall be
4 added to the credited service in the last position of employment
5 held as a member of the system.

6 3. If a member is employed in a covered position and
7 simultaneously employed in one or more other covered or
8 noncovered positions, credited service shall be determined as if
9 all such employment were in one position, and covered pay shall
10 be the total of pay for all such positions.

11 4. In calculating any annuity, "credited service" means a
12 period expressed as whole years and any fraction of a year
13 measured in twelfths that begins on the date an employee
14 commences employment in a covered position and ends on the date
15 such employee's membership terminates pursuant to section
16 104.1018 plus any additional period for which the employee is
17 credited with service pursuant to this section.

18 5. A member shall be credited for all military service
19 after membership commences as required by state and federal law.

20 6. Any member who had active military service in the United
21 States Army, Air Force, Navy, Marine Corps, Army or Air National
22 Guard, Coast Guard, or any reserve component thereof prior to
23 last becoming a member, or who is otherwise ineligible to receive
24 credited service pursuant to subsection 1 or 5 of this section,
25 and who became a member after the person's discharge from
26 military service under honorable conditions may elect, prior to
27 retirement, to purchase credited service for all such military
28 service, but not to exceed four years, provided the person is not

1 receiving and is not eligible to receive retirement credits or
2 benefits from any other public or private retirement plan, other
3 than a United States military service retirement system, for the
4 military service to be purchased along with the submission of
5 appropriate documentation verifying the member's dates of active
6 service. The purchase shall be effected by the member paying to
7 the system an amount equal to the state's contributions that
8 would have been made to the system on the member's behalf had the
9 member been a member for the period for which the member is
10 electing to purchase credit and had the member's pay during such
11 period of membership been the same as the annual pay rate as of
12 the date the member was initially employed as a member, with the
13 calculations based on the contribution rate in effect on the date
14 of such member's employment with simple interest calculated from
15 the date of employment to the date of election pursuant to this
16 subsection. The payment shall be made over a period of not
17 longer than two years, measured from the date of election, and
18 with simple interest on the unpaid balance. If a member who
19 purchased credited service pursuant to this subsection dies prior
20 to retirement, the surviving spouse may, upon written request,
21 receive a refund of the amount contributed for such purchase of
22 such credited service, provided the surviving spouse is not
23 entitled to survivorship benefits payable pursuant to the
24 provisions of section 104.1030.

25 7. Any member of the Missouri state employees' retirement
26 system shall receive credited service for the creditable prior
27 service that such employee would have been entitled to under the
28 closed plan pursuant to section 104.339, subsections 2, and 6 to

1 9 of section 104.340, subsection 12 of section 104.342, section
2 104.344, subsection 4 of section 104.345, subsection 4 of section
3 104.372, section 178.640, RSMo, and section 211.393, RSMo,
4 provided such service has not been credited under the closed
5 plan.

6 8. Any member who has service in both systems and dies or
7 terminates employment shall have the member's service in the
8 other system transferred to the last system that covered such
9 member and any annuity payable to such member shall be paid by
10 that system. Any such member may elect to transfer service
11 between systems prior to termination of employment, provided, any
12 annuity payable to such member shall be paid by the last system
13 that covered such member prior to the receipt of such annuity.

14 9. In no event shall any person or member receive credited
15 service pursuant to the year 2000 plan if that same service is
16 credited for retirement benefits under any defined benefit
17 retirement system not created pursuant to this chapter.

18 10. Any additional credited service as described in
19 subsections 5 to 7 of this section shall be added to the credited
20 service in the first position of employment held as a member of
21 the system. Any additional creditable service received pursuant
22 to section 105.691, RSMo, shall be added to the credited service
23 in the position of employment held at the time the member
24 completes the purchase or transfer pursuant to such section.

25 11. A member may not purchase any credited service
26 described in this section unless the member has met the five-year
27 minimum service requirement as provided in subdivisions (11) and
28 (20) of section 104.1003, the [two] three full biennial

1 assemblies minimum service requirement as provided in section
2 104.1084, or the four-year minimum service requirement as
3 provided in section 104.1084.

4 12. Absences taken by an employee without compensation for
5 sickness and injury of the employee of less than twelve months or
6 for leave taken by such employee without compensation pursuant to
7 the provisions of the Family and Medical Leave Act of 1993 shall
8 be counted as years of credited service.

9 13. Upon the death of a member who has not requested
10 credited service under section 104.339, subsections 2, 6, 7, and
11 9 of section 104.340, subsection 12 of section 104.342,
12 subsection 4 of section 104.345, subsection 4 of section 104.372,
13 section 178.639, RSMo, or section 211.393, RSMo, the survivor of
14 such member who is or would be eligible to receive benefits under
15 section 104.1030 may elect to have the member receive such
16 credited service or transfer such service. Upon making such
17 election, all of the provisions of applicable sections of law as
18 provided in this section shall apply. Any survivor benefits
19 shall be calculated as if such credited service or transferred
20 service had been received by such member on a date of the death
21 of the member.

22 104.1024. 1. Any member who terminates employment may
23 retire on or after attaining normal retirement eligibility by
24 making application in written form and manner approved by the
25 appropriate board. The written application shall set forth the
26 annuity starting date which shall not be earlier than the first
27 day of the second month following the month of the execution and
28 filing of the member's application for retirement nor later than

1 the first day of the fourth month following the month of the
2 execution and filing of the member's application for retirement.
3 The payment of the annuity shall be made by the last day of each
4 month, providing all documentation required under section
5 104.1027 for the calculation and payment of the benefits is
6 received by the board.

7 2. A member's annuity shall be paid in the form of a life
8 annuity, except as provided in section 104.1027, and shall be an
9 amount for life equal to one and seven-tenths percent of the
10 final average pay of the member multiplied by the member's years
11 of credited service.

12 3. The life annuity defined in subsection 2 of this section
13 shall not be less than a monthly amount equal to fifteen dollars
14 multiplied by the member's full years of credited service.

15 4. If as of the annuity starting date of a member who has
16 attained normal retirement eligibility the sum of the member's
17 years of age and years of credited service equals eighty or more
18 years and if the member's age is at least forty-eight years but
19 less than sixty-two years, or, in the case of a member of the
20 highway patrol who shall be subject to the mandatory retirement
21 provision of section 104.080, the mandatory retirement age and
22 completion of five years of credited service, then in addition to
23 the life annuity described in subsection 2 of this section, the
24 member shall receive a temporary annuity equal to eight-tenths of
25 one percent of the member's final average pay multiplied by the
26 member's years of credited service. The temporary annuity and
27 any cost-of-living adjustments attributable to the temporary
28 annuity pursuant to section 104.1045 shall terminate at the end

1 of the calendar month in which the earlier of the following
2 events occurs: the member's death or the member's attainment of
3 the earliest age of eligibility for reduced Social Security
4 retirement benefits, but no later than age sixty-two.

5 5. The annuity described in subsection 2 of this section
6 for any person who has credited service not covered by the
7 federal Social Security Act, as provided in sections 105.300 to
8 105.445, RSMo, shall be calculated as follows: the life annuity
9 shall be an amount equal to two and five-tenths percent of the
10 final average pay of the member multiplied by the number of years
11 of service not covered by the federal Social Security Act in
12 addition to one and seven-tenths percent of the final average pay
13 of the member multiplied by the member's years of credited
14 service covered by the federal Social Security Act.

15 6. Effective July 1, 2002, any member, except an elected
16 official or a member of the general assembly, who has not been
17 paid retirement benefits and continues employment for at least
18 two years beyond the date of normal retirement eligibility, may
19 elect to receive an annuity and lump sum payment or payments,
20 determined as follows:

21 (1) A retroactive starting date shall be established which
22 shall be a date selected by the member; provided, however, that
23 the retroactive starting date selected by the member shall not be
24 a date which is earlier than the date when a normal annuity would
25 have first been payable. In addition, the retroactive starting
26 date shall not be more than five years prior to the annuity
27 starting date. The member's selection of a retroactive starting
28 date shall be done in twelve-month increments, except this

1 restriction shall not apply when the member selects the total
2 available time between the retroactive starting date and the
3 annuity starting date;

4 (2) The prospective annuity payable as of the annuity
5 starting date shall be determined pursuant to the provisions of
6 this section, with the exception that it shall be the amount
7 which would have been payable at the annuity starting date had
8 the member actually retired on the retroactive starting date
9 under the retirement plan selected by the member. Other than for
10 the lump sum payment or payments specified in subdivision (3) of
11 this subsection, no other amount shall be due for the period
12 between the retroactive starting date and the annuity starting
13 date;

14 (3) The lump sum payable shall be ninety percent of the
15 annuity amounts which would have been paid to the member from the
16 retroactive starting date to the annuity starting date had the
17 member actually retired on the retroactive starting date and
18 received a life annuity. The member shall elect to receive the
19 lump sum amount either in its entirety at the same time as the
20 initial annuity payment is made or in three equal annual
21 installments with the first payment made at the same time as the
22 initial annuity payment;

23 (4) Any annuity payable pursuant to this section that is
24 subject to a division of benefit order pursuant to section
25 104.1051 shall be calculated as follows:

26 (a) Any service of a member between the retroactive
27 starting date and the annuity starting date shall not be
28 considered credited service except for purposes of calculating

1 the division of benefit; and

2 (b) The lump sum payment described in subdivision (3) of
3 this section shall not be subject to any division of benefit
4 order; and

5 (5) For purposes of determining annual benefit increases
6 payable as part of the lump sum and annuity provided pursuant to
7 this section, the retroactive starting date shall be considered
8 the member's date of retirement.

9 104.1027. 1. Prior to the last business day of the month
10 before the annuity starting date, a member or a vested former
11 member shall elect whether or not to have such member's or such
12 vested former member's life annuity reduced, but not any
13 temporary annuity which may be payable, and designate a
14 beneficiary, as provided by the options set forth in this
15 section; provided that if such election has not been made within
16 such time, annuity payments due beginning on and after the month
17 of the annuity starting date shall be made the month following
18 the receipt by the appropriate system of such election and any
19 other information required by the year 2000 plan created by
20 sections 104.1003 to 104.1093, and further provided, that if such
21 person dies after the annuity starting date but before making
22 such election and providing such other information, no benefits
23 shall be paid except as required pursuant to section 104.1030:

24 Option 1. A retiree's life annuity shall be reduced to a
25 certain percent of the annuity otherwise payable. Such percent
26 shall be ninety percent adjusted as follows: if the retiree's
27 age on the annuity starting date is younger than sixty-two years,
28 an increase of three-tenths of one percent for each year the

1 retiree's age is younger than age sixty-two years, to a maximum
2 increase of three and six-tenths percent; and if the
3 beneficiary's age is younger than the retiree's age on the
4 annuity starting date, a decrease of three-tenths of one percent
5 for each year of age difference; and if the retiree's age is
6 younger than the beneficiary's age on the annuity starting date,
7 an increase of three-tenths of one percent for each year of age
8 difference; provided, after all adjustments the option 1 percent
9 cannot exceed ninety-five percent. Upon the retiree's death,
10 fifty percent of the retiree's reduced annuity shall be paid to
11 such beneficiary who was the retiree's spouse on the annuity
12 starting date or as otherwise provided by subsection 5 of this
13 section.

14 Option 2. A retiree's life annuity shall be reduced to a
15 certain percent of the annuity otherwise payable. Such percent
16 shall be eighty-three percent adjusted as follows: if the
17 retiree's age on the annuity starting date is younger than
18 sixty-two years, an increase of four-tenths of one percent for
19 each year the retiree's age is younger than sixty-two years, to a
20 maximum increase of four and eight-tenths percent; and if the
21 beneficiary's age is younger than the retiree's age on the
22 annuity starting date, a decrease of five-tenths of one percent
23 for each year of age difference; and if the retiree's age is
24 younger than the beneficiary's age on the annuity starting date,
25 an increase of five-tenths of one percent for each year of age
26 difference; provided, after all adjustments the option 2 percent
27 cannot exceed ninety percent. Upon the retiree's death one
28 hundred percent of the retiree's reduced annuity shall be paid to

1 such beneficiary who was the retiree's spouse on the annuity
2 starting date or as otherwise provided by subsection 5 of this
3 section.

4 Option 3. A retiree's life annuity shall be reduced to
5 ninety-five percent of the annuity otherwise payable. If the
6 retiree dies before having received one hundred twenty monthly
7 payments, the reduced annuity shall be continued for the
8 remainder of the one hundred twenty-month period to the retiree's
9 designated beneficiary provided that if there is no beneficiary
10 surviving the retiree, the present value of the remaining annuity
11 payments shall be paid to the retiree's estate. If the
12 beneficiary survives the retiree but dies before receiving the
13 remainder of such one hundred twenty monthly payments, the
14 present value of the remaining annuity payments shall be paid to
15 the beneficiary's estate.

16 Option 4. A retiree's life annuity shall be reduced to
17 ninety percent of the annuity otherwise payable. If the retiree
18 dies before having received one hundred eighty monthly payments,
19 the reduced annuity shall be continued for the remainder of the
20 one hundred eighty-month period to the retiree's designated
21 beneficiary provided that if there is no beneficiary surviving
22 the retiree, the present value of the remaining annuity payments
23 shall be paid to the retiree's estate. If the beneficiary
24 survives the retiree but dies before receiving the remainder of
25 such one hundred eighty monthly payments, the present value of
26 the remaining annuity payments shall be paid to the beneficiary's
27 estate.

28 2. If a member is married as of the annuity starting date,

1 the member's annuity shall be paid under the provisions of either
2 option 1 or option 2 as set forth in subsection 1 of this
3 section, at the member's choice, with the spouse as the member's
4 designated beneficiary unless the spouse consents in writing to
5 the member electing another available form of payment.

6 3. If a member has elected at the annuity starting date
7 option 1 or 2 pursuant to this section and if the member's spouse
8 or eligible former spouse dies after the annuity starting date
9 but before the member dies, then the member may cancel the
10 member's election and return to the life annuity form of payment
11 and annuity amount, effective the first of the month following
12 the date of such spouse's or eligible former spouse's death.

13 4. If a member designates a spouse as a beneficiary
14 pursuant to this section and subsequently that marriage ends as a
15 result of a dissolution of marriage, such dissolution shall not
16 affect the option election pursuant to this section and the
17 former spouse shall continue to be eligible to receive survivor
18 benefits upon the death of the member.

19 5. Effective July 1, 2000, a member may make an election
20 under option 1 or 2 after the annuity starting date as described
21 in this section if the member makes such election within one year
22 from the date of marriage or July 1, 2000, whichever is later,
23 pursuant to any of the following circumstances:

24 (1) The member elected to receive a life annuity and was
25 not eligible to elect option 1 or 2 on the annuity starting date;
26 or

27 (2) The member's annuity reverted to a normal or early
28 retirement annuity pursuant to subsection 3 of this section, and

1 the member remarried.

2 6. Effective September 1, 2001, the retirement application
3 of any member who fails to make an election pursuant to
4 subsection 1 of this section within ninety days of the annuity
5 starting date contained in such retirement application shall be
6 nullified. Any member whose retirement application is nullified
7 shall not receive retirement benefits until the member files a
8 new application for retirement pursuant to section 104.1024 and
9 makes the election pursuant to subsection 1 of this section. In
10 no event shall any retroactive retirement benefits be paid.

11 7. A member may change a member's election made under this
12 section at any time prior to the system mailing or electronically
13 transferring the first annuity payment to such member.

14 104.1030. 1. If a member with five or more years of
15 credited service or a vested former member dies before such
16 member's or such vested former member's annuity starting date,
17 the applicable annuity provided in this section shall be paid.

18 2. The member's surviving spouse who was married to the
19 member at the date of death shall receive an annuity computed as
20 if such member had:

21 (1) Retired on the date of death with a normal retirement
22 annuity based upon credited service and final average pay to the
23 date of death, and without reduction if the member's age was
24 younger than normal retirement eligibility;

25 (2) Elected option 2 provided for in section 104.1027; and

26 (3) Designated such spouse as beneficiary under such
27 option.

28 3. If a spouse annuity is not payable pursuant to the

1 provisions of subsection 2 of this section, or when a spouse
2 annuity has ceased to be payable, eighty percent of an annuity
3 computed in the same manner as if the member had retired on the
4 date of death with a normal retirement annuity based upon
5 credited service and final average pay to the date of death and
6 without reduction if the member's age at death was younger than
7 normal retirement eligibility shall be divided equally among the
8 dependent children of the deceased member. A child shall be a
9 dependent child until death or attainment of age twenty-one,
10 whichever occurs first; provided the age twenty-one maximum shall
11 be extended for any child who has been found totally
12 incapacitated by a court of competent jurisdiction. Upon a child
13 ceasing to be a dependent child, that child's portion of the
14 dependent annuity shall cease to be paid, and the amounts payable
15 to any remaining dependent children shall be proportionately
16 increased. Benefits otherwise payable to a child under eighteen
17 years of age under this section, to a beneficiary under eighteen
18 years of age under the administrative law judges and legal
19 advisors retirement plan under chapter 287, RSMo, or to a
20 beneficiary under eighteen years of age under the judicial
21 retirement plan under chapter 476, RSMo, shall be payable to the
22 surviving parent as natural guardian of such child if such parent
23 has custody or assumes custody of such minor child, or to the
24 legal guardian of such child, until such child attains age
25 eighteen; thereafter, the benefit may be paid to the child.

26 4. For the purpose of computing the amount of an annuity
27 payable pursuant to this section, if the board finds that the
28 death was the natural and proximate result of a personal injury

1 or disease arising out of and in the course of his or her actual
2 performance of duty as an employee, then the minimum annuity to
3 such member's spouse or, if no spouse benefits are payable, the
4 minimum annuity that shall be divided among and paid to such
5 member's dependent children shall be fifty percent of final
6 average pay. The credited service requirement of subsection 1 of
7 this section shall not apply to any annuity payable pursuant to
8 this subsection.

9 5. The provisions of this section shall apply to members of
10 the general assembly and statewide elected officials except that
11 the credited service and monthly pay requirements described in
12 section 104.1084 shall apply notwithstanding any other language
13 to the contrary contained in this section.

14 104.1042. 1. Any member who is in the Missouri state
15 employees' retirement system pursuant to the year 2000 plan
16 created by sections 104.1003 to 104.1093 and who becomes disabled
17 and qualifies for long-term disability benefits and retires after
18 August 28, 1999, or who becomes disabled and qualifies for
19 long-term disability benefits under a program provided by the
20 member's employing department and retires after August 28, 1999,
21 shall continue to accrue credited service and such member's rate
22 of pay for purposes of calculating an annuity pursuant to the
23 year 2000 plan created by sections 104.1003 to 104.1093 shall be
24 the member's regular monthly pay received at the time of
25 disablement, increased thereafter for any increases in the
26 consumer price index. Such increases in the member's monthly pay
27 shall be made annually beginning twelve months after disablement
28 and shall be equal to eighty percent of the increase in the

1 consumer price index during the calendar year prior to the
2 adjustment, but not more than five percent of the member's
3 monthly pay immediately before the increase. Such accruals shall
4 continue until the earliest of receipt of an early retirement
5 annuity, attainment of normal retirement eligibility, or
6 termination of disability benefits. For the purposes of life
7 insurance coverage under section 104.1072, a person who is
8 receiving disability benefits under this section shall be
9 required to pay the cost of life insurance coverage provided
10 under section 104.1072 in order to receive such coverage, unless
11 such person is eligible to receive such insurance at no cost
12 under any waiver of premium provision that may exist under the
13 contract for life insurance. For purposes of eligibility to
14 apply for retirement, persons receiving disability benefits under
15 this section shall be treated as if they were active employees
16 during their period of disability.

17 2. A member described in subsection 1 of this section who
18 continues to be disabled until normal retirement eligibility may
19 elect an annuity starting date upon termination of disability
20 payments and shall receive a normal retirement annuity provided
21 for in section 104.1024.

22 3. If the member's disability terminates, disability
23 accruals described in subsection 1 of this section shall
24 terminate.

25 4. Upon termination of disability payments and not
26 returning to a position in which the member is an employee, the
27 member's rights to plan benefits shall be determined as if the
28 member had terminated employment at time of termination of

1 disability payments.

2 5. Any member who was disabled under the closed plan prior
3 to July 1, 2000, and who returns to a position in which the
4 member is an employee after July 1, 2000, shall be covered under
5 the closed plan and shall be eligible to elect coverage under the
6 new plan as provided by subsection 5 of section 104.1015.

7 104.1072. 1. Each board shall provide or contract, or
8 both, for life insurance benefits for employees covered pursuant
9 to the year 2000 plan as follows:

10 (1) Employees shall be provided fifteen thousand dollars of
11 life insurance until December 31, 2000. Effective January 1,
12 2001, the system shall provide or contract or both for basic life
13 insurance for employees covered under any retirement plan
14 administered by the system pursuant to this chapter, persons
15 covered by sections 287.812 to 287.856, RSMo, for employees who
16 are members of the judicial retirement system as provided in
17 section 476.590, RSMo, and, at the election of the state highways
18 and transportation commission, employees who are members of the
19 highways and transportation employees' and highway patrol
20 retirement system, in the amount equal to one times annual pay,
21 subject to a minimum amount of fifteen thousand dollars. The
22 board shall establish by rule or contract the method for
23 determining the annual rate of pay and any other terms of such
24 insurance as it deems necessary to implement the requirements
25 pursuant to this section. Annual rate of pay shall not include
26 overtime or any other irregular payments as determined by the
27 board. Such life insurance shall provide for triple indemnity in
28 the event the cause of death is a proximate result of a personal

1 injury or disease arising out of and in the course of actual
2 performance of duty as an employee;

3 (2) Any member who terminates employment after reaching
4 normal or early retirement eligibility and becomes a retiree
5 within sixty days of such termination shall receive five thousand
6 dollars of life insurance coverage.

7 2. (1) In addition to the life insurance authorized by the
8 provisions of subsection 1 of this section, any person for whom
9 life insurance is provided or contracted for pursuant to such
10 subsection may purchase, at the person's own expense and only if
11 monthly voluntary payroll deductions are authorized, additional
12 life insurance at a cost to be stipulated in a contract with a
13 private insurance company or as may be required by a system if
14 the board of trustees determines that the system should provide
15 such insurance itself. The maximum amount of additional life
16 insurance which may be so purchased prior to January 1, 2004, is
17 that amount which equals six times the amount of the person's
18 annual rate of pay, subject to any maximum established by a
19 board, except that if such maximum amount is not evenly divisible
20 by one thousand dollars, then the maximum amount of additional
21 insurance which may be purchased is the next higher amount evenly
22 divisible by one thousand dollars. The maximum amount of
23 additional life insurance which may be so purchased on or after
24 January 1, 2004, is an amount to be stipulated in a contract with
25 a private insurance company or as may be required by the system
26 if the board of trustees determines that the system should
27 provide the insurance itself.

28 (2) Any person defined in subdivision (1) of this

1 subsection may retain an amount not to exceed sixty thousand
2 dollars of life insurance following the date of his or her
3 retirement if such person becomes a retiree the month following
4 termination of employment and makes written application for such
5 life insurance at the same time such person's application is made
6 to the board for retirement benefits. Such life insurance shall
7 only be provided if such person pays the entire cost of the
8 insurance, as determined by the board, by allowing voluntary
9 deductions from the member's annuity.

10 (3) In addition to the life insurance authorized in
11 subdivision (1) of this subsection, any person for whom life
12 insurance is provided or contracted for pursuant to this
13 subsection may purchase, at the person's own expense and only if
14 monthly voluntary payroll deductions are authorized, life
15 insurance covering the person's children or the person's spouse
16 or both at coverage amounts to be determined by the board at a
17 cost to be stipulated in a contract with a private insurer or as
18 may be required by the system if the board of trustees determines
19 that the system should provide such insurance itself.

20 (4) Effective July 1, 2000, any member who applies and is
21 eligible to receive an annuity based on the attainment of at
22 least forty-eight years of age with a total of years of age and
23 years of credited service which is at least eighty shall be
24 eligible to retain any optional life insurance described in
25 subdivision (1) of this subsection. The amount of such retained
26 insurance shall not be greater than the amount in effect during
27 the month prior to termination of employment. Such insurance may
28 be retained until the member's attainment of the earliest age for

1 eligibility for reduced Social Security retirement benefits but
2 no later than age sixty-two, at which time the amount of such
3 insurance that may be retained shall be that amount permitted
4 pursuant to subdivision (2) of this subsection.

5 3. The state highways and transportation commission may
6 provide for insurance benefits to cover medical expenses for
7 members of the highways and transportation employees' and highway
8 patrol retirement system. The state highways and transportation
9 commission may provide medical benefits for dependents of members
10 and for retired members. Contributions by the state highways and
11 transportation commission to provide the benefits shall be on the
12 same basis as provided for other state employees pursuant to the
13 provisions of section 104.515. Except as otherwise provided by
14 law, the cost of benefits for dependents of members and for
15 retirees and their dependents shall be paid by the members or
16 retirees. The commission may contract with other persons or
17 entities including but not limited to third-party administrators,
18 health network providers and health maintenance organizations for
19 all, or any part of, the benefits provided for in this section.
20 The commission may require reimbursement of any medical claims
21 paid by the commission's medical plan for which there was
22 third-party liability.

23 4. The highways and transportation employees' and highway
24 patrol retirement system may request the state highways and
25 transportation commission to provide life insurance benefits as
26 required in subsections 1 and 2 of this section. If the state
27 highways and transportation commission agrees to the request, the
28 highways and transportation employees' and highway patrol

1 retirement system shall reimburse the state highways and
2 transportation commission for any and all costs for life
3 insurance provided pursuant to subdivision (2) of subsection 1 of
4 this section. The person who is covered pursuant to subsection 2
5 of this section shall be solely responsible for the costs of any
6 additional life insurance. In lieu of the life insurance benefit
7 in subdivision (2) of subsection 1 of this section, the highways
8 and transportation employees' and highway patrol retirement
9 system is authorized in its sole discretion to provide a death
10 benefit of five thousand dollars.

11 5. To the extent that the board enters or has entered into
12 any contract with any insurer or service organization to provide
13 life insurance provided for pursuant to this section:

14 (1) The obligation to provide such life insurance shall be
15 primarily that of the insurer or service organization and
16 secondarily that of the board;

17 (2) Any member who has been denied life insurance benefits
18 by the insurer or service organization and has exhausted all
19 appeal procedures provided by the insurer or service organization
20 may appeal such decision by filing a petition against the insurer
21 or service organization in a court of law in the member's county
22 of residence; and

23 (3) The board and the system shall not be liable for life
24 insurance benefits provided by an insurer or service organization
25 pursuant to this section and shall not be subject to any cause of
26 action with regard to life insurance benefits or the denial of
27 life insurance benefits by the insurer or service organization
28 unless the member has obtained judgment against the insurer or

1 service organization for life insurance benefits and the insurer
2 or service organization is unable to satisfy that judgment.

3 104.1205. 1. The board of trustees of the Missouri state
4 employees' retirement system shall:

5 (1) Establish a defined contribution plan for outside
6 employees which, among other things, provides for immediate
7 vesting;

8 (2) Select a third-party administrator to provide such
9 services as the board determines to be necessary for the proper
10 administration of the defined contribution plan;

11 (3) Select the investment products which shall be made
12 available to the participants in the defined contribution plan;

13 (4) Annually establish the contribution rate used for
14 purposes of subsection 3 of section 104.1066 for employees of
15 institutions who are other than outside employees, which shall be
16 done by considering all such employees to be part of the general
17 employee population within the Missouri state employees'
18 retirement system;

19 (5) Establish the contribution rate for outside employees
20 which shall be equal to one percent [of payroll] less than the
21 normal cost contribution rate established pursuant to subdivision
22 (4) of this section; and

23 (6) Establish such rules and regulations as may be
24 necessary to carry out the purposes of this section.

25 2. In the event the board of trustees elects to provide
26 outside employees with investment education, investment advice,
27 or a default investment option in a fund designed to provide a
28 diversified investment based on the outside employee's age, the

1 board will not be liable for the investment decisions made or not
2 made by outside employees so long as the board acts with the same
3 care, skill, prudence, and diligence in the selection and
4 monitoring of providers of education and advice and such default
5 investment option, under the circumstances then prevailing that a
6 prudent person acting in a similar capacity and familiar with
7 those matters would use in the conduct of a similar enterprise
8 with similar aims.

9 104.1215. Any outside employee who has participated in the
10 defined contribution plan established pursuant to sections
11 104.1200 to 104.1215 and who received contributions for at least
12 six years may elect to become a member of the Missouri state
13 employees' retirement system. Such employee shall:

14 (1) Make such election while actively employed in a
15 position that would otherwise be eligible for membership in the
16 Missouri state employees' retirement system except for the
17 provisions of sections 104.1200 to 104.1215;

18 (2) Participate in the year 2000 plan;

19 (3) Be considered to have met the service requirements
20 contained in section 104.1018;

21 (4) Not receive any credited service for service rendered
22 while a participant in such defined contribution plan;

23 (5) Forfeit any right to future participation in the
24 defined contribution plan after such election; and

25 (6) Not be eligible to receive credited service pursuant to
26 section 104.1090 based on service rendered while a participant in
27 such defined contribution plan.

28 476.682. 1. Any person assigned as a senior judge or

1 senior commissioner pursuant to section 26 of article V of the
2 Missouri Constitution and who has served in this state an
3 aggregate of at least two years, continuously or otherwise, as a
4 judge or commissioner, shall receive for each day of service an
5 amount equal to fifty percent of the current annual salary of the
6 office from which the judge or senior commissioner retired
7 attributable to one day of service. Notwithstanding the
8 foregoing, any judge or commissioner who has retired prior to
9 August 28, 1999, who serves subsequent to said date as a senior
10 judge or commissioner may receive compensation pursuant to this
11 section regardless of their length of service; and no senior
12 judge or senior commissioner shall receive less daily
13 compensation than an amount, that when added to the daily amount
14 of annual compensation payable pursuant to sections 476.450 to
15 476.595, is less than one hundred percent of the current annual
16 salary of the office from which the judge or commissioner retired
17 attributable to one day of service. For purposes of this
18 subsection, one year shall equal two hundred thirty-five days. No
19 senior judge or senior commissioner shall receive compensation
20 pursuant to this subsection in a total amount that when such
21 compensation is added to the annual compensation, salary or
22 retirement compensation payable pursuant to sections 476.450 to
23 476.595, the sum is greater than the current annual salary of the
24 office from which the judge or commissioner retired.

25 2. A senior judge or senior commissioner assigned pursuant
26 to section 26 of article V of the Missouri Constitution for
27 service outside the county where he or she resides shall be
28 reimbursed for his or her travel and other actual and necessary

1 expenses incurred in the performance of his or her services.

2 3. On or before the tenth day of each month a senior judge
3 or senior commissioner shall certify to the state courts
4 administrator the period during the previous month during which
5 he or she was assigned services and, if such services were
6 completed, the date thereof and at the same time shall certify
7 his or her expenses incurred and allowable under this section.
8 The state courts administrator shall then issue a warrant to the
9 state treasurer for the payment of the salary and expenses to the
10 extent and within limitations provided for in this section. The
11 state treasurer upon receipt of such warrant shall pay the same
12 out of any appropriations made for this purpose on the last day
13 of the month during which the warrant was received by him or her.

14 4. On or before the twentieth day of each month the state
15 courts administrator shall certify the period of service reported
16 by each senior judge or senior commissioner pursuant to
17 subsection 3 of this section to the Missouri state employees'
18 retirement system. [Any senior judge or senior commissioner]
19 After accumulating two hundred thirty-five days of such service,
20 such senior judge or senior commissioner shall receive credit for
21 one year of judicial service for purposes of sections 476.520 and
22 476.545, and subsequently shall receive credit for one year of
23 judicial service for each additional period of two hundred
24 thirty-five days of service certified by the state courts
25 administrator to the Missouri state employees' retirement system,
26 except, if a pro rata portion of two hundred thirty-five days
27 would cause the senior judge's or senior commissioner's total
28 judicial service to equal twelve years, the Missouri state

1 employees' retirement system shall credit the service at the time
2 the pro rata portion is certified. [Upon receipt of such
3 certification,] The retirement benefit of the senior judge or
4 senior commissioner shall be recalculated [to reflect the
5 attainment of twelve years; the adjusted benefit will become
6 effective the first of the month following certification] and
7 increased prospectively after receiving each additional year of
8 service or pro rata portion of a year if such pro rata portion
9 would cause such senior judge or commissioner's total service to
10 equal twelve years. In no event shall such senior judge or
11 commissioner receive service credit after such senior judge or
12 commissioner's total judicial service equals twelve years.

13 5. Notwithstanding the provisions of section 476.510 or
14 476.565, no person shall receive benefits pursuant to the
15 provisions of this section if the person is engaged in the
16 private practice of law or doing a law business.

17 6. The judicial conference of the state of Missouri shall
18 annually report on the use of senior judges and senior
19 commissioners pursuant to this section. Such report shall
20 include at least the number of senior judges and senior
21 commissioners assigned, the number of cases assigned and disposed
22 of by senior judges and senior commissioners, and the
23 expenditures made for that purpose.

24 Section B. Because of the need to address the current
25 fiscal crisis, the repeal and reenactment of sections 104.403 and
26 104.404 of this act is deemed necessary for the immediate
27 preservation of the public health, welfare, peace and safety, and
28 is hereby declared to be an emergency act within the meaning of

1 the constitution, and the repeal and reenactment of sections
2 104.403 and 104.404 of this act shall be in full force and effect
3 upon its passage and approval.