

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

# HOUSE BILL NO. 210

## 95TH GENERAL ASSEMBLY

0834L.01T

2009

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### AN ACT

To repeal sections 104.540 and 104.1054, RSMo, and to enact in lieu thereof two new sections relating to state retirement.

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

Section A. Sections 104.540 and 104.1054, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 104.540 and 104.1054, to read as follows:

104.540. 1. All premium payments and deferred compensation provided for under  
2 sections 104.320 to 104.540 are hereby made obligations of the state of Missouri. No alteration,  
3 amendment, or repeal of sections 104.320 to 104.540 shall affect the then existing rights of  
4 members and beneficiaries, but shall be effective only as to rights which would otherwise accrue  
5 hereunder as a result of services rendered by an employee after such alteration, amendment, or  
6 repeal.

7 2. Any annuity, benefits, funds, property, or rights created by, or accruing or paid to, any  
8 person under the provisions of sections 104.320 to 104.540 shall not be subject to execution,  
9 garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and  
10 shall be unassignable, except with regard to the collection of child support or maintenance, and  
11 except that a beneficiary may assign life insurance proceeds. Any retired member of the system  
12 may request the executive director of the system, in writing, to withhold and pay on his behalf  
13 to the proper person, from each of his monthly retirement benefit payments, if the payment is  
14 large enough, the contribution due from the retired member to any group providing [prepaid  
15 hospital care and any group providing prepaid medical and surgical care and any group providing  
16 life insurance when such group is composed entirely of members of the system] **state-sponsored**  
17 **life or medical insurance and to the Missouri state employees charitable campaign.**

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

18           3. The executive director of the system shall, when requested in writing by a retired  
19 member, withhold and pay over the funds authorized in subsection 2 of this section until such  
20 time as the request to do so is revoked by the death or written revocation of the retired member.

104.1054. 1. The benefits provided to each member and each member's spouse,  
2 beneficiary, or former spouse under the year 2000 plan are hereby made obligations of the state  
3 of Missouri and are an incident of every member's continued employment with the state. No  
4 alteration, amendment, or repeal of the year 2000 plan shall affect the then existing rights of  
5 members, or their spouses, beneficiaries or former spouses, but shall be effective only as to rights  
6 which would otherwise accrue hereunder as a result of services rendered by a member after such  
7 alteration, amendment, or repeal.

8           2. Except as otherwise provided in section 104.1051, any annuity, benefit, funds,  
9 property, or rights created by, or accruing or paid to, any person covered under the year 2000  
10 plan shall not be subject to execution, garnishment, attachment, writ of sequestration, or any  
11 other process or claim whatsoever, and shall be unassignable, except with regard to the collection  
12 of child support and maintenance, and except that a beneficiary may assign life insurance  
13 proceeds. Any retiree may request the executive director, in writing, to withhold and pay on his  
14 behalf to the proper person, from each of his monthly annuity payments, if the payment is large  
15 enough, the contribution due from the retiree to any group providing state-sponsored life or  
16 medical insurance **and to the Missouri state employees charitable campaign.**

17           3. The executive director shall, when requested in writing by a retiree, withhold and pay  
18 over the funds authorized in subsection 2 of this section until such time as the request to do so  
19 is revoked by the death or written revocation of the retiree.

20           4. In the event any amount is due a deceased member, survivor, or beneficiary who dies  
21 after September 1, 2002, such amount shall be paid to the person or entity designated in writing  
22 as beneficiary to receive such amount by such member, survivor, or beneficiary. The member,  
23 survivor, or beneficiary may designate in writing a beneficiary to receive any final payment due  
24 after the death of a member, survivor, or beneficiary pursuant to this chapter. If no living person  
25 or entity so designated as beneficiary exists at the time of death, such amount shall be paid to the  
26 surviving spouse married to the deceased member, survivor, or beneficiary at the time of death.  
27 If no surviving spouse exists, such amount shall be paid to the surviving children or their  
28 descendants of such member, survivor, or beneficiary in equal parts. If no surviving children or  
29 any of their descendants exist, such amount shall be paid to the surviving parents of such  
30 member, survivor, or beneficiary in equal parts. If no surviving parents exist, such amount shall  
31 be paid to the surviving brothers, sisters, or their descendants of such member, survivor, or  
32 beneficiary in equal parts. If no surviving brothers, sisters, or their descendants exist, payment  
33 may be made as otherwise permitted by law. Notwithstanding this subsection, any amount due

34 to a deceased member as payment of all or part of a lump sum pursuant to subsection 6 of section  
35 104.1024 shall be paid to the member's surviving spouse married to the member at the time of  
36 death, and otherwise payment may be made as provided in this subsection. In the event any  
37 amount that is due to a person from either system remains unclaimed by such member for a  
38 period of four years or more, such amount shall automatically revert to the credit of the fund of  
39 the member's system. If an application is made for such amount after such reversion, the board  
40 shall pay such amount to the person from the board's fund, except that no interest shall be paid  
41 on such amounts after the date of the reversion to the fund.

42 5. All annuities payable pursuant to the year 2000 plan shall be determined based upon  
43 the law in effect on the last date of termination of employment.

44 6. The beneficiary of any member who purchased creditable service in the Missouri state  
45 employees' retirement system shall receive a refund upon the member's death equal to the amount  
46 of any purchase less any retirement benefits received by the member unless an annuity is payable  
47 to a survivor or beneficiary as a result of the member's death. In such event, the beneficiary of  
48 the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's  
49 or beneficiary's death equal to the amount of the member's purchase of services less any annuity  
50 amounts received by the member and the survivor or beneficiary.

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