

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 664

AN ACT

To repeal sections 87.005, 87.006, 87.205, and 87.207, RSMo, and to enact in lieu thereof five new sections relating to firemen's retirement.

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

1 Section A. Sections 87.005, 87.006, 87.205, and 87.207,
2 RSMo, are repealed and five new sections enacted in lieu thereof,
3 to be known as sections 87.005, 87.006, 87.127, 87.205, and
4 87.207, to read as follows:

5 87.005. 1. Notwithstanding the provisions of any law to
6 the contrary, after five years' service, any condition of
7 impairment of health caused by any infectious disease, disease of
8 the lungs or respiratory tract, hypertension, or disease of the
9 heart resulting in total or partial disability or death to a
10 uniformed member of a paid fire department, who successfully
11 passed a physical examination within five years prior to the time
12 a claim is made for such disability or death, which examination
13 failed to reveal any evidence of such condition, shall be
14 presumed to have been suffered in line of duty, unless the

1 contrary be shown by competent evidence. In order to receive the
2 presumption that an infectious disease was contracted in the line
3 of duty, the member shall submit to an annual physical
4 examination, at which a blood test is administered.

5 2. This section shall apply only to the provisions of
6 chapter 87, RSMo 1959.

7 3. As used in this section, the term "infectious disease"
8 means the human immunodeficiency virus, acquired immunodeficiency
9 syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C,
10 hepatitis D, diphtheria, meningococcal meningitis, methicillin-
11 resistant staphylococcus aureus, hemorrhagic fever, plague,
12 rabies, and severe acute respiratory syndrome.

13 87.006. 1. Notwithstanding the provisions of any law to
14 the contrary, and only for the purpose of computing retirement
15 benefits provided by an established retirement plan, after five
16 years' service, any condition of impairment of health caused by
17 any infectious disease, disease of the lungs or respiratory
18 tract, hypotension, hypertension, or disease of the heart
19 resulting in total or partial disability or death to a uniformed
20 member of a paid fire department, who successfully passed a
21 physical examination within five years prior to the time a claim
22 is made for such disability or death, which examination failed to
23 reveal any evidence of such condition, shall be presumed to have
24 been suffered in the line of duty, unless the contrary be shown
25 by competent evidence. In order to receive the presumption that
26 an infectious disease was contracted in the line of duty, the
27 member shall submit to an annual physical examination, at which a
28 blood test is administered.

1 2. Any condition of cancer affecting the skin or the
2 central nervous, lymphatic, digestive, hematological, urinary,
3 skeletal, oral, breast, testicular, genitourinary, liver or
4 prostate systems, as well as any condition of cancer which may
5 result from exposure to heat or radiation or to a known or
6 suspected carcinogen as determined by the International Agency
7 for Research on Cancer, which results in the total or partial
8 disability or death to a uniformed member of a paid fire
9 department who successfully passed a physical examination within
10 five years prior to the time a claim is made for disability or
11 death, which examination failed to reveal any evidence of such
12 condition, shall be presumed to have been suffered in the line of
13 duty unless the contrary be shown by competent evidence and it
14 can be proven to a reasonable degree of medical certainty that
15 the condition did not result nor was contributed to by the
16 voluntary use of tobacco.

17 3. This section shall apply to paid members of all fire
18 departments of all counties, cities, towns, fire districts, and
19 other governmental units.

20 4. As used in this section, the term "infectious disease"
21 means the human immunodeficiency virus, acquired immunodeficiency
22 syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C,
23 hepatitis D, diphtheria, meningococcal meningitis, methicillin-
24 resistant staphylococcus aureus, hemorrhagic fever, plague,
25 rabies, and severe acute respiratory syndrome.

26 87.127. A retirement plan under sections 87.120 to 87.370
27 is intended to be a qualified governmental plan under the
28 provisions of applicable federal law. The benefits and

1 conditions of the plan shall be interpreted and the system shall
2 be operated to ensure that the system meets the federal
3 qualification requirements.

4 87.205. 1. Upon retirement for accidental disability
5 before August 28, 2011, a member shall receive seventy-five
6 percent of the pay then provided by law for the highest step in
7 the range of salary for the title or rank held by such member at
8 the time of such retirement unless the member is permanently and
9 totally incapacitated from performing any work, occupation or
10 vocation of any kind whatsoever and is continuously confined to
11 the member's home except for visits to obtain medical treatment,
12 in which event the member may receive, in the discretion of the
13 board of trustees, a retirement allowance in an amount not
14 exceeding the member's rate of compensation as a firefighter in
15 effect as of the date the allowance begins.

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

21 3. Upon retirement for accidental disability on or after
22 August 28, 2011, based on conditions of the heart, lungs, or
23 cancer or based on permanent and total disability which will
24 prevent the member from obtaining employment elsewhere, as
25 determined by the board of trustees based on medical evidence
26 presented by the retirement system's physicians, a member shall
27 receive, regardless of his or her number of years of creditable
28 service, seventy-five percent of the earnable compensation then

1 provided for the step in the range of salary for the title or
2 rank held by such member at the time of such retirement.

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

9 5. Except as provided in subsection 3 of this section, upon
10 retirement for accidental disability on or after August 28, 2011,
11 the member may elect to receive an education allowance in an
12 amount not to exceed the tuition for a state resident at the
13 University of Missouri-St. Louis. The accidentally disabled
14 member shall enroll in a college, university, community college,
15 or vocational or technical school at the first opportunity after
16 the accidentally disabled member was retired and shall receive
17 such educational allowance in the form of reimbursement upon
18 proof of payment to such institution. The education allowance
19 described in this subsection shall cease when the accidentally
20 disabled member ceases to be a full-time student, fails to
21 provide proof of achievement of a grade point average of two on a
22 four-point scale or the equivalent on another scale for each
23 academic term, or if the accidentally disabled member is restored
24 to active service as a firefighter, but in no event shall such
25 education allowance be available for more than five years after
26 the member is retired under section 87.200.

27 6. Except as provided in subsection 3 of this section, upon
28 retirement for accidental disability on or after August 28, 2011,

1 in addition to the base pension provided for in subsection 4 of
2 this section and the education allowance provided for in
3 subsection 5 of this section, members with twenty-five years or
4 less of creditable service shall receive an additional accidental
5 retirement pension equal to two and three-fourths percent of the
6 member's earnable compensation then provided for the step in the
7 range of salary for the title or rank held by such member at the
8 time of retirement for each year of creditable service equal to
9 or greater than ten years but not more than twenty-five years.

10 7. Except as provided in subsection 3 of this section, upon
11 retirement for accidental disability on or after August 28, 2011,
12 in addition to the base pension provided for in subsection 4 of
13 this section and the additional accidental retirement pension
14 provided for in subsection 6 of this section, for members with
15 twenty-five years or less of creditable service, then during such
16 time that the disabled member is a full-time student in a
17 college, university, community college, or vocational or
18 technical school and is receiving the educational allowance
19 provided for in subsection 5 of this section, such member shall
20 also receive a supplemental disability retirement pension in the
21 amount necessary so that his or her total accidental disability
22 retirement pension, excluding the education allowance, shall be
23 equal to one hundred percent of the earnable compensation then
24 provided for the step in the range of salary for the title or
25 rank held by such member at the time of such retirement. In no
26 event shall such supplemental accidental disability pension be
27 paid for a period more than five years after the member is
28 retired under section 87.200.

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

11 9. Notwithstanding any other provisions in this section,
12 upon retirement for accidental disability, other than as provided
13 in subsection 3 of this section, on or after August 28, 2011, a
14 member with more than twenty years of creditable service but not
15 more than twenty-five years of creditable service may waive the
16 right to receive the education allowance provided for in
17 subsection 5 of this section, the right to additional pension
18 retirement allowance provided for in subsection 6 of this
19 section, and the right to receive the supplemental disability
20 retirement pension provided for in subsection 7 of this section
21 and may elect to receive instead in addition to the accidental
22 disability retirement base pension as provided for in subsection
23 4 of this section an additional pension from the date of such
24 member's retirement equal to forty percent of the member's
25 earnable compensation then provided for the step in the range of
26 salary for the title or rank held by such member at the time of
27 such retirement. Any such election shall be made prior to such
28 member's receipt of his or her first accidental disability

1 pension payment.

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

8 (1) With a retirement service allowance or ordinary
9 disability allowance:

10 (a) One and one-half percent per year, compounded each
11 year, up to age sixty for those retiring with twenty to
12 twenty-four years of service,

13 (b) Two and one-fourth percent per year, compounded each
14 year, up to age sixty for those retiring with twenty-five to
15 twenty-nine years of service,

16 (c) Three percent per year, compounded each year, up to age
17 sixty for those retiring with thirty or more years of service,

18 (d) After age sixty, five percent per year for five years;

19 (2) With an accidental disability allowance, three percent
20 per year, compounded each year, up to age sixty, then five
21 percent per year for five years. Provided, however, for
22 accidental disability on or after August 28, 2011, for reasons
23 other than provided in subsection 3 of section 87.205, unless a
24 member has more than twenty-five years of creditable service, the
25 accidental disability allowance shall only increase at a rate of
26 one percent per year, compounded each year, up to age sixty, then
27 five percent per year for five years. For accidental disability
28 on or after August 28, 2011, for reasons other than provided in

1 subsection 3 of section 87.205, if a member has more than twenty-
2 five years of creditable service, the accidental disability
3 allowance shall only increase at a rate of two and one-fourth
4 percent per year, compounded each year, up to age sixty, then
5 five percent per year for five years.