

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86
97TH GENERAL ASSEMBLY

0087H.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 56.807, 86.200, 86.257, 86.263, 104.1205, 104.1215, 105.684, 169.070, 169.670, and 488.026, RSMo, and to enact in lieu thereof ten new sections relating to public employee retirement, with an emergency clause.

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

Section A. Sections 56.807, 86.200, 86.257, 86.263, 104.1205, 104.1215, 105.684, 169.070, 169.670, and 488.026, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 56.807, 86.200, 86.257, 86.263, 104.1205, 104.1215, 105.684, 169.070, 169.670, and 488.026, to read as follows:

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of

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.

14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and
15 sixty-seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the
18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840
23 and for no other purpose.

24 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys
25 provided for in this section shall be paid from county or city funds and the surcharge established
26 in this section and collected as provided by this section and sections 488.010 to 488.020.

27 5. **(1)** Beginning August 28, 2003, each county treasurer shall pay to the system the
28 following amounts to be drawn from the general revenues of the county:

29 **[(1)] (a)** For counties of the third and fourth classification except as provided in
30 **[subdivision (3)] paragraph (c)** of this **[subsection] subdivision**, one hundred eighty-seven
31 dollars;

32 **[(2)] (b)** For counties of the second classification, two hundred seventy-one dollars;

33 **[(3)] (c)** For counties of the first classification, counties which pursuant to section 56.363
34 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
35 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
36 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

37 **(2) Beginning August 28, 2013, the county contribution set forth in paragraphs (a)**
38 **to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following**
39 **schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's**
40 **annual actuarial valuation report. If the system's funding ratio is:**

41 **(a) One hundred twenty percent or more, no monthly sum shall be transmitted;**

42 **(b) More than one hundred ten percent but less than one hundred twenty percent,**
43 **the monthly sum transmitted shall be reduced fifty percent;**

44 **(c) At least ninety percent and up to and including one hundred ten percent, the**
45 **monthly sum transmitted shall remain the same;**

46 **(d) At least eighty percent and less than ninety percent, the monthly sum**
47 **transmitted shall be increased fifty percent; and**

48 **(e) Less than eighty percent, the monthly sum transmitted shall be increased one**
49 **hundred percent.**

50 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
51 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
52 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
53 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund
54 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other
55 purpose.

56 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and
57 circuit attorneys shall be collected and paid as follows:

58 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
59 filed in the courts of this state including violation of any county ordinance [or] , any violation
60 of criminal or traffic laws of this state, including infractions, **and against any person who pled**
61 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed
62 when the costs are waived or are to be paid by the state, county, or municipality or when a
63 criminal proceeding or the defendant has been dismissed by the court [or against any person who
64 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of
65 this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

66 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
67 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
68 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
69 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
70 provided for in sections 56.800 to 56.840 and for no other purpose.

71 8. The board may accept gifts, donations, grants and bequests from private or public
72 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

73 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
74 unless provided for by law.

 86.200. The following words and phrases as used in sections 86.200 to 86.366, unless
2 a different meaning is plainly required by the context, shall have the following meanings:

3 (1) "Accumulated contributions", the sum of all mandatory contributions deducted from
4 the compensation of a member and credited to the member's individual account, together with
5 members' interest thereon;

6 (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of
7 mortality tables and interest assumptions adopted by the board of trustees;

8 (3) "Average final compensation":

9 (a) With respect to a member who earns no creditable service on or after October 1,
10 2001, the average earnable compensation of the member during the member's last three years of

11 creditable service as a police officer, or if the member has had less than three years of creditable
12 service, the average earnable compensation of the member's entire period of creditable service;

13 (b) With respect to a member who is not participating in the DROP pursuant to section
14 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date,
15 and who earns any creditable service on or after October 1, 2001, the average earnable
16 compensation of the member during the member's last two years of creditable service as a
17 policeman, or if the member has had less than two years of creditable service, then the average
18 earnable compensation of the member's entire period of creditable service;

19 (c) With respect to a member who is participating in the DROP pursuant to section
20 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns
21 to active participation in the system pursuant to section 86.251, and who terminates employment
22 as a police officer for reasons other than death or disability before earning at least two years of
23 creditable service after such return, the portion of the member's benefit attributable to creditable
24 service earned before DROP entry shall be determined using average final compensation as
25 defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable
26 to creditable service earned after return to active participation in the system shall be determined
27 using average final compensation as defined in paragraph (b) of this subdivision;

28 (d) With respect to a member who is participating in the DROP pursuant to section
29 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who
30 returns to active participation in the system pursuant to section 86.251, and who terminates
31 employment as a police officer after earning at least two years of creditable service after such
32 return, the member's benefit attributable to all of such member's creditable service shall be
33 determined using the member's average final compensation as defined in paragraph (b) of this
34 subdivision;

35 (e) With respect to a member who is participating in the DROP pursuant to section
36 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns
37 to active participation in the system pursuant to section 86.251, and whose employment as a
38 police officer terminates due to death or disability after such return, the member's benefit
39 attributable to all of such member's creditable service shall be determined using the member's
40 average final compensation as defined in paragraph (b) of this subdivision; and

41 (f) With respect to the surviving spouse or surviving dependent child of a member who
42 earns any creditable service on or after October 1, 2001, the average earnable compensation of
43 the member during the member's last two years of creditable service as a police officer or, if the
44 member has had less than two years of creditable service, the average earnable compensation of
45 the member's entire period of creditable service;

46 (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

47 (5) "Board of police commissioners", any board of police commissioners, police
48 commissioners and any other officials or boards now or hereafter authorized by law to employ
49 and manage a permanent police force in such cities;

50 (6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer
51 the retirement system;

52 (7) "Creditable service", prior service plus membership service as provided in sections
53 86.200 to 86.366;

54 (8) "DROP", the deferred retirement option plan provided for in section 86.251;

55 (9) "Earnable compensation", the annual salary which a member would earn during one
56 year on the basis of the member's rank or position as specified in the applicable salary matrix
57 plus any additional compensation for academic work and shift differential that may be provided
58 by any official or board now or hereafter authorized by law to employ and manage a permanent
59 police force in such cities. Such amount shall include the member's deferrals to a deferred
60 compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan
61 pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a
62 transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code.
63 Earnable compensation shall not include a member's additional compensation for overtime,
64 standby time, court time, nonuniform time or unused vacation time. Notwithstanding the
65 foregoing, the earnable compensation taken into account under the plan established pursuant to
66 sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined
67 in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the
68 amount of compensation that may be taken into account under Section 401(a)(17) of the Internal
69 Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes
70 of this subdivision, a "noneligible participant" is an individual who first becomes a member on
71 or after the first day of the first plan year beginning after the earlier of:

72 (a) The last day of the plan year that includes August 28, 1995; or

73 (b) December 31, 1995;

74 (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

75 (11) "Mandatory contributions", the contributions required to be deducted from the
76 salary of each member who is not participating in DROP in accordance with section 86.320;

77 (12) **"Medical board", the board of three physicians of different disciplines**
78 **appointed by the trustees of the police retirement board and responsible for arranging and**
79 **passing upon all medical examinations required under the provisions of sections 86.200 to**
80 **86.366, which board shall investigate all essential statements and certificates made by or**
81 **on behalf of a member in connection with an application for disability retirement and shall**
82 **report in writing to the board of trustees its conclusions and recommendations which can**

83 **be based upon the opinion of a single member or that of an outside specialist if one is**
84 **appointed, upon all the matters referred to it;**

85 (13) "Member", a member of the retirement system as defined by sections 86.200 to
86 86.366;

87 [(13)] (14) "Members' interest", interest on accumulated contributions at such rate as
88 may be set from time to time by the board of trustees;

89 [(14)] (15) "Membership service", service as a policeman rendered since last becoming
90 a member, except in the case of a member who has served in the armed forces of the United
91 States and has subsequently been reinstated as a policeman, in which case "membership service"
92 means service as a policeman rendered since last becoming a member prior to entering such
93 armed service;

94 [(15)] (16) "Plan year" or "limitation year", the twelve consecutive-month period
95 beginning each October first and ending each September thirtieth;

96 [(16)] (17) "Policeman" or "police officer", any member of the police force of such cities
97 who holds a rank in such police force;

98 [(17)] (18) "Prior service", all service as a policeman rendered prior to the date the
99 system becomes operative or prior to membership service which is creditable in accordance with
100 the provisions of sections 86.200 to 86.366;

101 [(18)] (19) "Reserve officer", any member of the police reserve force of such cities,
102 armed or unarmed, who works less than full time, without compensation, and who, by his or her
103 assigned function or as implied by his or her uniform, performs duties associated with those of
104 a police officer and who currently receives a service retirement as provided by sections 86.200
105 to 86.366;

106 [(19)] (20) "Retirement allowance", annual payments for life as provided by sections
107 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu
108 thereof granted to a member upon termination of employment as a police officer and actual
109 retirement;

110 [(20)] (21) "Retirement system", the police retirement system of the cities as defined in
111 sections 86.200 to 86.366;

112 [(21)] (22) "Surviving spouse", the surviving spouse of a member who was the member's
113 spouse at the time of the member's death.

86.257. 1. Upon the application of [a member in service or of] the board of police
2 commissioners **or any successor body**, any member who has completed ten or more years of
3 creditable service **or upon the police retirement system created by sections 86.200 to 86.366**
4 **first attaining after the effective date of this act a funded ratio, as defined in section**
5 **105.660 and as determined by the system's annual actuarial valuation, of eighty percent,**

6 **a member who has completed five or more years of creditable service** and who has become
7 permanently unable to perform the duties of a police officer as the result of an injury or illness
8 not exclusively caused or induced by the actual performance of his or her official duties or by
9 his or her own negligence shall be retired by the board of [trustees of the police retirement
10 system] **police commissioners or any successor body** upon certification by the medical
11 [director] **board** of the police retirement system and approval by the board of trustees of the
12 police retirement system that the member is mentally or physically unable to perform the duties
13 of a police officer, that the inability is permanent or likely to become permanent, and that the
14 member should be retired.

15 2. Once each year during the first five years following such member's retirement, and at
16 least once in every three-year period thereafter, the board of trustees may, and upon the member's
17 application shall, require any nonduty disability beneficiary who has not yet attained sixty years
18 of age to undergo a medical examination at a place designated by the medical [director] **board**
19 or such physicians as the medical [director] **board** appoints. If any nonduty disability
20 beneficiary who has not attained sixty years of age refuses to submit to a medical examination,
21 his or her nonduty disability pension may be discontinued until his or her withdrawal of such
22 refusal, and if his or her refusal continues for one year, all rights in and to such pension may be
23 revoked by the board of trustees.

24 3. If the medical [director] **board** certifies to the board of trustees that a nonduty
25 disability beneficiary is able to perform the duties of a police officer, and if the board of trustees
26 concurs on the report, then such beneficiary's nonduty disability pension shall cease.

27 4. If upon cessation of a disability pension under subsection 3 of this section, the former
28 disability beneficiary is restored to active service, he or she shall again become a member, and
29 he or she shall contribute thereafter at the same rate as other members. Upon his or her
30 subsequent retirement, he or she shall be credited with all of his or her active retirement, but not
31 including any time during which the former disability beneficiary received a disability pension
32 under this section.

86.263. 1. Any member **in active service** who is permanently unable to perform the **full**
2 **and unrestricted** duties of a police officer as the natural, proximate, and exclusive result of an
3 accident occurring within the actual performance of duty at some definite time and place, through
4 no negligence on the member's part, shall[, upon application,] be retired **by the board of police**
5 **commissioners or any successor body** upon certification by [the medical director of the police
6 retirement system and approval by the board of trustees of the police retirement system] **one or**
7 **more physicians of the medical board** that the member is mentally or physically unable to
8 perform the **full and unrestricted** duties of a police officer [and] , that the inability is permanent
9 or [reasonably] likely to become permanent, **and that the member should be retired. The**

10 **inability to perform the "full and unrestricted duties of a police officer" means the member**
11 **is unable to perform all the essential job functions for the position of police officer as**
12 **established by the board of police commissioners or any successor body.**

13 2. No member shall be approved for retirement under the provisions of subsection 1 of
14 this section unless the application was made and submitted to the board of [trustees of the police
15 retirement system] **police commissioners or any successor body** no later than five years
16 following the date of accident, provided, that if the accident was reported within five years of the
17 date of the accident and an examination made of the member within thirty days of the date of
18 accident by a health care provider whose services were provided through the board of police
19 commissioners with subsequent examinations made as requested, then an application made more
20 than five years following the date of the accident shall be considered timely.

21 3. Once each year during the first five years following a member's retirement, and at least
22 once in every three-year period thereafter, the board of trustees may require any disability
23 beneficiary who has not yet attained sixty years of age to undergo a medical examination or
24 medical examinations at a place designated by the medical [director] **board** or such physicians
25 as the medical [director] **board** appoints. If any disability beneficiary who has not attained sixty
26 years of age refuses to submit to a medical examination, his or her disability pension may be
27 discontinued **by the board of trustees of the police retirement system** until his or her
28 withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to
29 such pension may be revoked by the board of trustees.

30 4. If the medical [director] **board** certifies to the board of trustees that a disability
31 beneficiary is able to perform the duties of a police officer, [and if the board of trustees concurs
32 with the medical director's determination,] then such beneficiary's disability pension shall cease.

33 5. If upon cessation of a disability pension under subsection 4 of this section, the former
34 disability beneficiary is restored to active service, he or she shall again become a member, and
35 he or she shall contribute thereafter at the same rate as other members. Upon his or her
36 subsequent retirement, he or she shall be credited with all of his or her active service time as a
37 member including the service time prior to receiving disability retirement, but not including any
38 time during which the former disability beneficiary received a disability pension under this
39 section.

40 6. If upon cessation of a disability pension under subsection 4 of this section, the former
41 disability beneficiary is not restored to active service, such former disability beneficiary shall be
42 entitled to the retirement benefit to which such former disability beneficiary would have been
43 entitled if such former disability beneficiary had terminated service for any reason other than
44 dishonesty or being convicted of a felony at the time of such cessation of such former disability
45 beneficiary's disability pension. For purposes of such retirement benefits, such former disability

46 beneficiary shall be credited with all of the former disability beneficiary's active service time as
47 a member, but not including any time during which the former disability beneficiary received a
48 disability beneficiary pension under this section.

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

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

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

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

8 (4) Annually establish the contribution rate used for purposes of subsection 3 of section
9 104.1066 for employees of institutions who are other than outside employees, which shall be
10 done by considering all such employees to be part of the general employee population within the
11 Missouri state employees' retirement system;

12 (5) Establish the contribution rate **to be used by institutions for purposes of making**
13 **employer contributions** for outside employees which shall be equal to one percent of payroll
14 less than the normal cost contribution rate established pursuant to subdivision (4) of this section;
15 **provided that on and after July 1, 2014:**

16 (a) **The contribution rate to be used by institutions for purposes of making**
17 **employer contributions for outside employees shall be equal to seven percent of payroll;**

18 (b) **Each institution may, by resolution of its governing body, prospectively require**
19 **its outside employees hired on or after July 1, 2014, to contribute an additional amount up**
20 **to four percent of pay; and**

21 (c) **Each institution requiring employee contributions shall pick up and pay such**
22 **contributions under 26 U.S.C. Section 414(h)(2); and**

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

104.1215. 1. Any outside employee who has participated in the defined contribution
2 plan established pursuant to sections 104.1200 to 104.1215 for at least six years may elect to
3 become a member of the Missouri state employees' retirement system. Such employee shall:

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

7 (2) Participate in the year 2000 plan;

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

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

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

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

15 **2. The provisions of subsection 1 of this section shall not apply to any outside**
16 **employee who first becomes an outside employee on or after July 1, 2014.**

105.684. 1. Notwithstanding any law to the contrary, no plan shall adopt or implement
2 any additional benefit increase, supplement, enhancement, lump sum benefit payments to
3 participants, or cost-of-living adjustment beyond current plan provisions in effect prior to August
4 28, 2007, unless the plan's actuary determines that the funded ratio **of the most recent periodic**
5 **actuarial valuation and** prior to such adoption or implementation is at least eighty percent and
6 will not be less than seventy-five percent after such adoption or implementation.

7 2. The unfunded actuarial accrued liabilities associated with benefit changes described
8 in this section shall be amortized over a period not to exceed twenty years for purposes of
9 determining the contributions associated with the adoption or implementation of any such benefit
10 increase, supplement, or enhancement.

11 3. Any plan with a funded ratio below sixty percent shall have the actuary prepare an
12 accelerated contribution schedule based on a descending amortization period for inclusion in the
13 actuarial valuation.

14 4. Nothing in this section shall apply to any plan established under chapter 70 or chapter
15 476.

16 **5. Nothing in this section shall prevent a plan from adopting and implementing any**
17 **provision necessary to maintain a plan's status as a qualified trust pursuant to 26 U.S.C.**
18 **Section 401(a).**

169.070. 1. The retirement allowance of a member whose age at retirement is sixty years
2 or more and whose creditable service is five years or more, or whose sum of age and creditable
3 service equals eighty years or more, or who has attained age fifty-five and whose creditable
4 service is twenty-five years or more or whose creditable service is thirty years or more regardless
5 of age, may be the sum of the following items, not to exceed one hundred percent of the
6 member's final average salary:

7 (1) Two and five-tenths percent of the member's final average salary for each year of
8 membership service;

9 (2) Six-tenths of the amount payable for a year of membership service for each year of
10 prior service not exceeding thirty years.

11 In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this
12 subsection, a member may elect to receive a retirement allowance of:

13 (3) [Between July 1, 1998, and July 1, 2013,] Two and four-tenths percent of the
14 member's final average salary for each year of membership service, if the member's creditable
15 service is twenty-nine years or more but less than thirty years, and the member has not attained
16 age fifty-five;

17 (4) [Between July 1, 1998, and July 1, 2013,] Two and thirty-five-hundredths percent of
18 the member's final average salary for each year of membership service, if the member's creditable
19 service is twenty-eight years or more but less than twenty-nine years, and the member has not
20 attained age fifty-five;

21 (5) [Between July 1, 1998, and July 1, 2013,] Two and three-tenths percent of the
22 member's final average salary for each year of membership service, if the member's creditable
23 service is twenty-seven years or more but less than twenty-eight years, and the member has not
24 attained age fifty-five;

25 (6) [Between July 1, 1998, and July 1, 2013,] Two and twenty-five-hundredths percent
26 of the member's final average salary for each year of membership service, if the member's
27 creditable service is twenty-six years or more but less than twenty-seven years, and the member
28 has not attained age fifty-five;

29 (7) [Between July 1, 1998, and July 1, 2013,] Two and two-tenths percent of the
30 member's final average salary for each year of membership service, if the member's creditable
31 service is twenty-five years or more but less than twenty-six years, and the member has not
32 attained age fifty-five;

33 (8) [Between July 1, 2001, and July 1, 2013,] Two and fifty-five hundredths percent of
34 the member's final average salary for each year of membership service, if the member's creditable
35 service is thirty-one years or more regardless of age.

36 2. In lieu of the retirement allowance provided in subsection 1 of this section, a member
37 whose age is sixty years or more on September 28, 1975, may elect to have the member's
38 retirement allowance calculated as a sum of the following items:

39 (1) Sixty cents plus one and five-tenths percent of the member's final average salary for
40 each year of membership service;

41 (2) Six-tenths of the amount payable for a year of membership service for each year of
42 prior service not exceeding thirty years;

43 (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection
44 for each month of attained age in excess of sixty years but not in excess of age sixty-five.

45 3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this
46 section, collectively called "option 1", a member whose creditable service is twenty-five years

47 or more or who has attained the age of fifty-five with five or more years of creditable service may
48 elect in the member's application for retirement to receive the actuarial equivalent of the
49 member's retirement allowance in reduced monthly payments for life during retirement with the
50 provision that:

51 Option 2. Upon the member's death the reduced retirement allowance shall be continued
52 throughout the life of and paid to such person as has an insurable interest in the life of the
53 member as the member shall have nominated in the member's election of the option, and
54 provided further that if the person so nominated dies before the retired member, the retirement
55 allowance will be increased to the amount the retired member would be receiving had the retired
56 member elected option 1; OR

57 Option 3. Upon the death of the member three-fourths of the reduced retirement
58 allowance shall be continued throughout the life of and paid to such person as has an insurable
59 interest in the life of the member and as the member shall have nominated in an election of the
60 option, and provided further that if the person so nominated dies before the retired member, the
61 retirement allowance will be increased to the amount the retired member would be receiving had
62 the member elected option 1; OR

63 Option 4. Upon the death of the member one-half of the reduced retirement allowance
64 shall be continued throughout the life of, and paid to, such person as has an insurable interest in
65 the life of the member and as the member shall have nominated in an election of the option, and
66 provided further that if the person so nominated dies before the retired member, the retirement
67 allowance shall be increased to the amount the retired member would be receiving had the
68 member elected option 1; OR

69 Option 5. Upon the death of the member prior to the member having received one
70 hundred twenty monthly payments of the member's reduced allowance, the remainder of the one
71 hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as
72 the member shall have nominated in the member's election of the option or in a subsequent
73 nomination. If there is no beneficiary so nominated who survives the member for the remainder
74 of the one hundred twenty monthly payments, the total of the remainder of such one hundred
75 twenty monthly payments shall be paid to the surviving spouse, surviving children in equal
76 shares, surviving parents in equal shares, or estate of the last person, in that order of precedence,
77 to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty
78 payments paid to the retired individual and the beneficiary of the retired individual is less than
79 the total of the member's accumulated contributions, the difference shall be paid to the
80 beneficiary in a lump sum; OR

81 Option 6. Upon the death of the member prior to the member having received sixty
82 monthly payments of the member's reduced allowance, the remainder of the sixty monthly

83 payments of the reduced allowance shall be paid to such beneficiary as the member shall have
84 nominated in the member's election of the option or in a subsequent nomination. If there is no
85 beneficiary so nominated who survives the member for the remainder of the sixty monthly
86 payments, the total of the remainder of such sixty monthly payments shall be paid to the
87 surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate
88 of the last person, in that order of precedence, to receive a monthly allowance in a lump sum
89 payment. If the total of the sixty payments paid to the retired individual and the beneficiary of
90 the retired individual is less than the total of the member's accumulated contributions, the
91 difference shall be paid to the beneficiary in a lump sum.

92 (2) The election of an option may be made only in the application for retirement and such
93 application must be filed prior to the date on which the retirement of the member is to be
94 effective. If either the member or the person nominated to receive the survivorship payments
95 dies before the effective date of retirement, the option shall not be effective, provided that:

96 (a) If the member or a person retired on disability retirement dies after acquiring
97 twenty-five or more years of creditable service or after attaining the age of fifty-five years and
98 acquiring five or more years of creditable service and before retirement, except retirement with
99 disability benefits, and the person named by the member as the member's beneficiary has an
100 insurable interest in the life of the deceased member, the designated beneficiary may elect to
101 receive either survivorship benefits under option 2 or a payment of the accumulated contributions
102 of the member. If survivorship benefits under option 2 are elected and the member at the time
103 of death would have been eligible to receive an actuarial equivalent of the member's retirement
104 allowance, the designated beneficiary may further elect to defer the option 2 payments until the
105 date the member would have been eligible to receive the retirement allowance provided in
106 subsection 1 or 2 of this section;

107 (b) If the member or a person retired on disability retirement dies before attaining age
108 fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the
109 person named as the member's beneficiary has an insurable interest in the life of the deceased
110 member, the designated beneficiary may elect to receive either a payment of the member's
111 accumulated contributions, or survivorship benefits under option 2 to begin on the date the
112 member would first have been eligible to receive an actuarial equivalent of the member's
113 retirement allowance, or to begin on the date the member would first have been eligible to
114 receive the retirement allowance provided in subsection 1 or 2 of this section.

115 4. If the total of the retirement or disability allowance paid to an individual before the
116 death of the individual is less than the accumulated contributions at the time of retirement, the
117 difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving
118 children in equal shares, surviving parents in equal shares, or estate of the individual in that order

119 of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this
120 section had been elected, and the beneficiary dies after receiving the optional benefit, and if the
121 total retirement allowance paid to the retired individual and the beneficiary of the retired
122 individual is less than the total of the contributions, the difference shall be paid to the surviving
123 spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the
124 beneficiary, in that order of precedence, unless the retired individual designates a different
125 recipient with the board at or after retirement.

126 5. If a member dies and his or her financial institution is unable to accept the final
127 payment or payments due to the member, the final payment or payments shall be paid to the
128 beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving
129 children in equal shares, surviving parents in equal shares, or estate of the member, in that order
130 of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or
131 her financial institution is unable to accept the final payment or payments, the final payment or
132 payments shall be paid to the surviving spouse, surviving children in equal shares, surviving
133 parents in equal shares, or estate of the member, in that order of precedence, unless otherwise
134 stated.

135 6. If a member dies before receiving a retirement allowance, the member's accumulated
136 contributions at the time of the death of the member shall be paid to the beneficiary of the
137 member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares,
138 surviving parents in equal shares, or to the estate of the member, in that order of precedence;
139 except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of
140 this section, unless the beneficiary dies before having received benefits pursuant to that
141 subsection equal to the accumulated contributions of the member, in which case the amount of
142 accumulated contributions in excess of the total benefits paid pursuant to that subsection shall
143 be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal
144 shares, or estate of the beneficiary, in that order of precedence.

145 7. If a member ceases to be a public school employee as herein defined and certifies to
146 the board of trustees that such cessation is permanent, or if the membership of the person is
147 otherwise terminated, the member shall be paid the member's accumulated contributions with
148 interest.

149 8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a
150 member ceases to be a public school employee after acquiring five or more years of membership
151 service in Missouri, the member may at the option of the member leave the member's
152 contributions with the retirement system and claim a retirement allowance any time after
153 reaching the minimum age for voluntary retirement. When the member's claim is presented to
154 the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141

155 on the basis of the member's age, years of service, and the provisions of the law in effect at the
156 time the member requests the member's retirement to become effective.

157 9. The retirement allowance of a member retired because of disability shall be
158 nine-tenths of the allowance to which the member's creditable service would entitle the member
159 if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in
160 determining the member's contributions during the last school year for which the member
161 received a year of creditable service immediately prior to the member's disability, whichever is
162 greater, except that no such allowance shall exceed the retirement allowance to which the
163 member would have been entitled upon retirement at age sixty if the member had continued to
164 teach from the date of disability until age sixty at the same salary rate.

165 10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from
166 October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be
167 multiplied by the factor of two-thirds for any member of the system for whom federal Old Age
168 and Survivors Insurance tax is paid from state or local tax funds on account of the member's
169 employment entitling the person to membership in the system. The monetary benefits for a
170 member who elected not to exercise an option to pay into the system a retroactive contribution
171 of four percent on that part of the member's annual salary rate which was in excess of four
172 thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each
173 year of employment in a position covered by this system between July 1, 1957, and July 1, 1961,
174 as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

175 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for
176 years of membership service;

177 (2) For years of membership service after July 1, 1946, in which the full contribution rate
178 was paid, full benefits under the formula in effect at the time of the member's retirement;

179 (3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the
180 benefits provided in this section as it appears in RSMo, 1959; except that if the member has at
181 least thirty years of creditable service at retirement the member shall receive the benefit payable
182 pursuant to that section as though the member's age were sixty-five at retirement;

183 (4) For years of membership service after July 1, 1961, in which the two-thirds
184 contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of
185 the member's retirement.

186 11. The monetary benefits for each other member for whom federal Old Age and
187 Survivors Insurance tax is or was paid at any time from state or local funds on account of the
188 member's employment entitling the member to membership in the system shall be the sum of:

189 (1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for
190 years of membership service;

191 (2) For years of membership service after July 1, 1946, in which the full contribution rate
192 was paid, full benefits under the formula in effect at the time of the member's retirement;

193 (3) For years of membership service after July 1, 1957, in which the two-thirds
194 contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of
195 the member's retirement.

196 12. Any retired member of the system who was retired prior to September 1, 1972, or
197 beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such
198 option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement
199 allowance of the member of two percent for each year, or major fraction of more than one-half
200 of a year, which the retired member has been retired prior to July 1, 1975. This increased amount
201 shall be payable commencing with January, 1976, and shall thereafter be referred to as the
202 member's retirement allowance. The increase provided for in this subsection shall not affect the
203 retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor
204 shall the amount being paid pursuant to these sections be reduced because of any increases
205 provided for in this section.

206 13. If the board of trustees determines that the cost of living, as measured by generally
207 accepted standards, increases two percent or more in the preceding fiscal year, the board shall
208 increase the retirement allowances which the retired members or beneficiaries are receiving by
209 two percent of the amount being received by the retired member or the beneficiary at the time
210 the annual increase is granted by the board with the provision that the increases provided for in
211 this subsection shall not become effective until the fourth January first following the member's
212 retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on
213 or after July 1, 2000, the increase provided for in this subsection shall not become effective until
214 the third January first following the member's retirement, or in the case of any member retiring
215 on or after July 1, 2001, the increase provided for in this subsection shall not become effective
216 until the second January first following the member's retirement. Commencing with January 1,
217 1992, if the board of trustees determines that the cost of living has increased five percent or more
218 in the preceding fiscal year, the board shall increase the retirement allowances by five percent.
219 The total of the increases granted to a retired member or the beneficiary after December 31,
220 1976, may not exceed eighty percent of the retirement allowance established at retirement or as
221 previously adjusted by other subsections. If the cost of living increases less than five percent,
222 the board of trustees may determine the percentage of increase to be made in retirement
223 allowances, but at no time can the increase exceed five percent per year. If the cost of living
224 decreases in a fiscal year, there will be no increase in allowances for retired members on the
225 following January first.

226 14. The board of trustees may reduce the amounts which have been granted as increases
227 to a member pursuant to subsection 13 of this section if the cost of living, as determined by the
228 board and as measured by generally accepted standards, is less than the cost of living was at the
229 time of the first increase granted to the member; except that, the reductions shall not exceed the
230 amount of increases which have been made to the member's allowance after December 31, 1976.

231 15. Any application for retirement shall include a sworn statement by the member
232 certifying that the spouse of the member at the time the application was completed was aware
233 of the application and the plan of retirement elected in the application.

234 16. Notwithstanding any other provision of law, any person retired prior to September
235 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of
236 subsection 3 of this section, as such option existed prior to September 28, 1983, and whose
237 beneficiary nominated to receive continued retirement allowance payments under the elected
238 option dies or has died, shall upon application to the board of trustees have his or her retirement
239 allowance increased to the amount he or she would have been receiving had the option not been
240 elected, actuarially adjusted to recognize any excessive benefits which would have been paid to
241 him or her up to the time of application.

242 17. Benefits paid pursuant to the provisions of the public school retirement system of
243 Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code
244 except as provided pursuant to this subsection. Notwithstanding any other law to the contrary,
245 the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the
246 United States Code. Such plan shall be created solely for the purpose described in Section
247 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate
248 regulations necessary to implement the provisions of this subsection and to create and administer
249 such benefit plan.

250 18. Notwithstanding any other provision of law to the contrary, any person retired before,
251 on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as
252 a special consultant on the matters of education, retirement and aging, and upon request shall
253 give written or oral opinions to the board in response to such requests. As compensation for such
254 duties the person shall receive an amount based on the person's years of service so that the total
255 amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts
256 specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to
257 be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in
258 accordance with the actuarial adjustment, if any, that was applied to the person's retirement
259 allowance. In determining the minimum amount to be received, beginning September 1, 1996,
260 the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with
261 the actuarial adjustment, if any, that was applied to the person's retirement allowance due to

262 election of an optional form of retirement having a continued monthly payment after the person's
263 death. Notwithstanding any other provision of law to the contrary, no person retired before, on,
264 or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit
265 pursuant to sections 169.010 to 169.141 based on the person's years of service less than the
266 following amounts:

- 267 (1) Thirty or more years of service, one thousand two hundred dollars;
- 268 (2) At least twenty-five years but less than thirty years, one thousand dollars;
- 269 (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- 270 (4) At least fifteen years but less than twenty years, six hundred dollars.

271 19. Notwithstanding any other provisions of law to the contrary, any person retired prior
272 to May 26, 1994, and any designated beneficiary of such a retired member who was deceased
273 prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a
274 special consultant on the matters of education, retirement or aging and upon request shall give
275 written or oral opinions to the board in response to such requests. Beginning September 1, 1996,
276 as compensation for such service, the member shall have added, pursuant to this subsection, to
277 the member's monthly annuity as provided by this section a dollar amount equal to the lesser of
278 sixty dollars or the product of two dollars multiplied by the member's number of years of
279 creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased
280 member shall as compensation for such service have added, pursuant to this subsection, to the
281 monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars
282 or the product of two dollars multiplied by the member's number of years of creditable service.
283 The total compensation provided by this section including the compensation provided by this
284 subsection shall be used in calculating any future cost-of-living adjustments provided by
285 subsection 13 of this section.

286 20. Any member who has retired prior to July 1, 1998, and the designated beneficiary
287 of a deceased retired member shall be made, constituted, appointed and employed by the board
288 as a special consultant on the matters of education, retirement and aging, and upon request shall
289 give written or oral opinions to the board in response to such requests. As compensation for such
290 duties the person shall receive a payment equivalent to eight and seven-tenths percent of the
291 previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity
292 and which shall not be subject to the provisions of subsections 13 and 14 of this section for the
293 purposes of the limit on the total amount of increases which may be received.

294 21. Any member who has retired shall be made, constituted, appointed and employed
295 by the board as a special consultant on the matters of education, retirement and aging, and upon
296 request shall give written or oral opinions to the board in response to such request. As
297 compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary,

298 the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or
299 estate of the retired member, in that order of precedence, shall receive as a part of compensation
300 for these duties a death benefit of five thousand dollars.

301 22. Any member who has retired prior to July 1, 1999, and the designated beneficiary
302 of a retired member who was deceased prior to July 1, 1999, shall be made, constituted,
303 appointed and employed by the board as a special consultant on the matters of education,
304 retirement and aging, and upon request shall give written or oral opinions to the board in
305 response to such requests. As compensation for such duties, the person shall have added,
306 pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount
307 equal to five dollars times the member's number of years of creditable service.

308 23. Any member who has retired prior to July 1, 2000, and the designated beneficiary
309 of a deceased retired member shall be made, constituted, appointed and employed by the board
310 as a special consultant on the matters of education, retirement and aging, and upon request shall
311 give written or oral opinions to the board in response to such requests. As compensation for such
312 duties, the person shall receive a payment equivalent to three and five-tenths percent of the
313 previous month's benefit, which shall be added to the member or beneficiary's monthly annuity
314 and which shall not be subject to the provisions of subsections 13 and 14 of this section for the
315 purposes of the limit on the total amount of increases which may be received.

316 24. Any member who has retired prior to July 1, 2001, and the designated beneficiary
317 of a deceased retired member shall be made, constituted, appointed and employed by the board
318 as a special consultant on the matters of education, retirement and aging, and upon request shall
319 give written or oral opinions to the board in response to such requests. As compensation for such
320 duties, the person shall receive a dollar amount equal to three dollars times the member's number
321 of years of creditable service, which shall be added to the member's or beneficiary's monthly
322 annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section
323 for the purposes of the limit on the total amount of increases which may be received.

169.670. 1. The retirement allowance of a member whose age at retirement is sixty years
2 or more and whose creditable service is five years or more, or whose sum of age and creditable
3 service equals eighty years or more, or whose creditable service is thirty years or more regardless
4 of age, shall be the sum of the following items:

5 (1) For each year of membership service, one and sixty-one hundredths percent of the
6 member's final average salary;

7 (2) Six-tenths of the amount payable for a year of membership service for each year of
8 prior service;

9 (3) Eighty-five one-hundredths of one percent of any amount by which the member's
10 average compensation for services rendered prior to July 1, 1973, exceeds the average monthly

11 compensation on which federal Social Security taxes were paid during the period over which
12 such average compensation was computed, for each year of membership service credit for
13 services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of
14 membership service for each year of prior service credit;

15 (4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of
16 this subsection, [between July 1, 2001, and July 1, 2013,] a member may elect to receive a
17 retirement allowance of:

18 (a) One and fifty-nine hundredths percent of the member's final average salary for each
19 year of membership service, if the member's creditable service is twenty-nine years or more but
20 less than thirty years and the member has not attained the age of fifty-five;

21 (b) One and fifty-seven hundredths percent of the member's final average salary for each
22 year of membership service, if the member's creditable service is twenty-eight years or more but
23 less than twenty-nine years, and the member has not attained the age of fifty-five;

24 (c) One and fifty-five hundredths percent of the member's final average salary for each
25 year of membership service, if the member's creditable service is twenty-seven years or more but
26 less than twenty-eight years and the member has not attained the age of fifty-five;

27 (d) One and fifty-three hundredths percent of the member's final average salary for each
28 year of membership service, if the member's creditable service is twenty-six years or more but
29 less than twenty-seven years and the member has not attained the age of fifty-five;

30 (e) One and fifty-one hundredths percent of the member's final average salary for each
31 year of membership service, if the member's creditable service is twenty-five years or more but
32 less than twenty-six years and the member has not attained the age of fifty-five; and

33 (5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this
34 subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years
35 or more or whose sum of age and creditable service is eighty years or more, shall receive a
36 temporary retirement allowance equivalent to eight-tenths of one percent of the member's final
37 average salary multiplied by the member's years of service until such time as the member reaches
38 the minimum age for Social Security retirement benefits.

39 2. If the board of trustees determines that the cost of living, as measured by generally
40 accepted standards, increases five percent or more in the preceding fiscal year, the board shall
41 increase the retirement allowances which the retired members or beneficiaries are receiving by
42 five percent of the amount being received by the retired member or the beneficiary at the time
43 the annual increase is granted by the board; provided that, the increase provided in this
44 subsection shall not become effective until the fourth January first following a member's
45 retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to
46 a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of

47 the retirement allowance established at retirement or as previously adjusted by other provisions
48 of law. If the cost of living increases less than five percent, the board of trustees may determine
49 the percentage of increase to be made in retirement allowances, but at no time can the increase
50 exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no
51 increase in allowances for retired members on the following January first.

52 3. The board of trustees may reduce the amounts which have been granted as increases
53 to a member pursuant to subsection 2 of this section if the cost of living, as determined by the
54 board and as measured by generally accepted standards, is less than the cost of living was at the
55 time of the first increase granted to the member; provided that, the reductions shall not exceed
56 the amount of increases which have been made to the member's allowance after December 31,
57 1981.

58 4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called
59 option 1, a member whose creditable service is twenty-five years or more or who has attained
60 age fifty-five with five or more years of creditable service may elect, in the application for
61 retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced
62 monthly payments for life during retirement with the provision that:

63 Option 2. Upon the member's death, the reduced retirement allowance shall be
64 continued throughout the life of and paid to such person as has an insurable interest in the life
65 of the member as the member shall have nominated in the member's election of the option, and
66 provided further that if the person so nominated dies before the retired member, the retirement
67 allowance will be increased to the amount the retired member would be receiving had the
68 member elected option 1; OR

69 Option 3. Upon the death of the member three-fourths of the reduced retirement
70 allowance shall be continued throughout the life of and paid to such person as has an insurable
71 interest in the life of the member and as the member shall have nominated in an election of the
72 option, and provided further that if the person so nominated dies before the retired member, the
73 retirement allowance will be increased to the amount the retired member would be receiving had
74 the member elected option 1; OR

75 Option 4. Upon the death of the member one-half of the reduced retirement allowance
76 shall be continued throughout the life of, and paid to, such person as has an insurable interest in
77 the life of the member and as the member shall have nominated in an election of the option, and
78 provided further that if the person so nominated dies before the retired member, the retirement
79 allowance shall be increased to the amount the retired member would be receiving had the
80 member elected option 1; OR

81 Option 5. Upon the death of the member prior to the member having received one
82 hundred twenty monthly payments of the member's reduced allowance, the remainder of the one

83 hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as
84 the member shall have nominated in the member's election of the option or in a subsequent
85 nomination. If there is no beneficiary so nominated who survives the member for the remainder
86 of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred
87 twenty monthly payments shall be paid to the surviving spouse, surviving children in equal
88 shares, surviving parents in equal shares, or estate of the last person, in that order of precedence,
89 to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty
90 payments paid to the retired individual and the beneficiary of the retired individual is less than
91 the total of the member's accumulated contributions, the difference shall be paid to the
92 beneficiary in a lump sum; OR

93 Option 6. Upon the death of the member prior to the member having received sixty
94 monthly payments of the member's reduced allowance, the remainder of the sixty monthly
95 payments of the reduced allowance shall be paid to such beneficiary as the member shall have
96 nominated in the member's election of the option or in a subsequent nomination. If there is no
97 beneficiary so nominated who survives the member for the remainder of the sixty monthly
98 payments, the reserve for the remainder of such sixty monthly payments shall be paid to the
99 surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate
100 of the last person, in that order of precedence, to receive a monthly allowance in a lump sum
101 payment. If the total of the sixty payments paid to the retired individual and the beneficiary of
102 the retired individual is less than the total of the member's accumulated contributions, the
103 difference shall be paid to the beneficiary in a lump sum; OR

104 Option 7. A plan of variable monthly benefit payments which provides, in conjunction
105 with the member's retirement benefits under the federal Social Security laws, level or near-level
106 retirement benefit payments to the member for life during retirement, and if authorized, to an
107 appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent
108 to the retirement allowance under option 1 and shall be available for election only if established
109 by the board of trustees under duly adopted rules.

110 (2) The election of an option may be made only in the application for retirement and such
111 application must be filed prior to the date on which the retirement of the member is to be
112 effective. If either the member or the person nominated dies before the effective date of
113 retirement, the option shall not be effective, provided that:

114 (a) If the member or a person retired on disability retirement dies after attaining age
115 fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or
116 more years of creditable service and before retirement, except retirement with disability benefits,
117 and the person named by the member as the member's beneficiary has an insurable interest in the
118 life of the deceased member, the designated beneficiary may elect to receive either survivorship

119 payments under option 2 or a payment of the member's accumulated contributions. If
120 survivorship benefits under option 2 are elected and the member at the time of death would have
121 been eligible to receive an actuarial equivalent of the member's retirement allowance, the
122 designated beneficiary may further elect to defer the option 2 payments until the date the member
123 would have been eligible to receive the retirement allowance provided in subsection 1 of this
124 section.

125 (b) If the member or a person retired on disability retirement dies before attaining age
126 fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the
127 person named as the beneficiary has an insurable interest in the life of the deceased member or
128 disability retiree, the designated beneficiary may elect to receive either a payment of the person's
129 accumulated contributions or survivorship benefits under option 2 to begin on the date the
130 member would first have been eligible to receive an actuarial equivalent of the person's
131 retirement allowance, or to begin on the date the member would first have been eligible to
132 receive the retirement allowance provided in subsection 1 of this section.

133 5. If the total of the retirement or disability allowances paid to an individual before the
134 person's death is less than the person's accumulated contributions at the time of the person's
135 retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary,
136 to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or
137 person's estate, in that order of precedence; provided, however, that if an optional benefit, as
138 provided in option 2, 3 or 4 in subsection 4 of this section, had been elected and the beneficiary
139 dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired
140 individual and the individual's beneficiary are less than the total of the contributions, the
141 difference shall be paid to the surviving spouse, surviving children in equal shares, surviving
142 parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired
143 individual designates a different recipient with the board at or after retirement.

144 6. If a member dies and his or her financial institution is unable to accept the final
145 payment or payments due to the member, the final payment or payments shall be paid to the
146 beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving
147 children in equal shares, surviving parents in equal shares, or estate of the member, in that order
148 of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or
149 her financial institution is unable to accept the final payment or payments, the final payment or
150 payments shall be paid to the surviving spouse, surviving children in equal shares, surviving
151 parents in equal shares, or estate of the member, in that order of precedence, unless otherwise
152 stated.

153 7. If a member dies before receiving a retirement allowance, the member's accumulated
154 contributions at the time of the member's death shall be paid to the member's beneficiary or, if

155 there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving
156 parents in equal shares, or to the member's estate; provided, however, that no such payment shall
157 be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary
158 dies before having received benefits pursuant to that subsection equal to the accumulated
159 contributions of the member, in which case the amount of accumulated contributions in excess
160 of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse,
161 surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary,
162 in that order of precedence.

163 8. If a member ceases to be an employee as defined in section 169.600 and certifies to
164 the board of trustees that such cessation is permanent or if the person's membership is otherwise
165 terminated, the person shall be paid the person's accumulated contributions with interest.

166 9. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a
167 member ceases to be an employee as defined in section 169.600 after acquiring five or more
168 years of creditable service, the member may, at the option of the member, leave the member's
169 contributions with the retirement system and claim a retirement allowance any time after the
170 member reaches the minimum age for voluntary retirement. When the member's claim is
171 presented to the board, the member shall be granted an allowance as provided in sections
172 169.600 to 169.715 on the basis of the member's age and years of service.

173 10. The retirement allowance of a member retired because of disability shall be
174 nine-tenths of the allowance to which the member's creditable service would entitle the member
175 if the member's age were sixty.

176 11. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any
177 member who is a member prior to October 13, 1969, may elect to have the member's retirement
178 allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to
179 October 13, 1969.

180 12. Any application for retirement shall include a sworn statement by the member
181 certifying that the spouse of the member at the time the application was completed was aware
182 of the application and the plan of retirement elected in the application.

183 13. Notwithstanding any other provision of law, any person retired prior to August 14,
184 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this
185 section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to
186 receive continued retirement allowance payments under the elected option dies or has died, shall
187 upon application to the board of trustees have the person's retirement allowance increased to the
188 amount the person would have been receiving had the person not elected the option actuarially
189 adjusted to recognize any excessive benefits which would have been paid to the person up to the
190 time of the application.

191 14. Benefits paid pursuant to the provisions of the public education employee retirement
192 system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United
193 States Code, except as provided under this subsection. Notwithstanding any other law, the board
194 of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States
195 Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of
196 Title 26 of the United States Code. The board of trustees may promulgate regulations necessary
197 to implement the provisions of this subsection and to create and administer such benefit plan.

198 15. Any member who has retired prior to July 1, 1999, and the designated beneficiary
199 of a deceased retired member upon request shall be made, constituted, appointed and employed
200 by the board as a special consultant on the matters of education, retirement and aging. As
201 compensation for such duties the person shall receive a payment equivalent to seven and
202 four-tenths percent of the previous month's benefit, which shall be added to the member's or
203 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
204 and 3 of this section for the purposes of the limit on the total amount of increases which may be
205 received.

206 16. Any member who has retired prior to July 1, 2000, and the designated beneficiary
207 of a deceased retired member upon request shall be made, constituted, appointed and employed
208 by the board as a special consultant on the matters of education, retirement and aging. As
209 compensation for such duties the person shall receive a payment equivalent to three and
210 four-tenths percent of the previous month's benefit, which shall be added to the member's or
211 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
212 and 3 of this section for the purposes of the limit on the total amount of increases which may be
213 received.

214 17. Any member who has retired prior to July 1, 2001, and the designated beneficiary
215 of a deceased retired member upon request shall be made, constituted, appointed and employed
216 by the board as a special consultant on the matters of education, retirement and aging. As
217 compensation for such duties the person shall receive a payment equivalent to seven and
218 one-tenth percent of the previous month's benefit, which shall be added to the member's or
219 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
220 and 3 of this section for the purposes of the limit on the total amount of increases which may be
221 received.

488.026. As provided by section 56.807, there shall be assessed and collected a
2 surcharge of four dollars in all criminal cases filed in the courts of this state, including violations
3 of any county ordinance [or] , any violation of criminal or traffic laws of this state, including
4 infractions, **or against any person who pled guilty and paid a fine through a fine collection**
5 **center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by

6 the state, county, or municipality or when a criminal proceeding or the defendant has been
7 dismissed by the court [or against any person who has pled guilty and paid their fine pursuant
8 to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance"
9 shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court
10 costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010
11 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys'
12 retirement fund.

Section B. Because immediate action is necessary to ensure sustainability and expedite
2 conformance procedures of public retirement funds, section 105.684 of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section
5 105.684 of this act shall be in full force and effect upon its passage and approval.

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