

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

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**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.

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A. Sections 56.807, 86.200, 86.257, 86.263, 104.1205, 104.1215, 105.684, 169.070, 169.670, and 488.026, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 56.807, 86.200, 86.257, 86.263, 104.1205, 104.1215, 105.684, 169.070, 169.670, and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