

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 394**  
**99TH GENERAL ASSEMBLY**

1774H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 56.363, 56.805, 56.807, 56.814, 56.818, 56.833, 56.840, 70.600, 70.605, 70.610, 70.615, 70.630, 70.730, 86.200, 86.207, 86.210, 86.253, 86.267, 86.290, 86.360, 104.1091, 105.669, 169.141, 169.324, 169.460, 169.490, 169.560, and 169.715, RSMo, and to enact in lieu thereof thirty new sections relating to public employee retirement systems, with an emergency clause for a certain section.

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

Section A. Sections 56.363, 56.805, 56.807, 56.814, 56.818, 56.833, 56.840, 70.600,  
2 70.605, 70.610, 70.615, 70.630, 70.730, 86.200, 86.207, 86.210, 86.253, 86.267, 86.290, 86.360,  
3 104.1091, 105.669, 169.141, 169.324, 169.460, 169.490, 169.560, and 169.715, RSMo, are  
4 repealed and thirty new sections enacted in lieu thereof, to be known as sections 56.363, 56.805,  
5 56.807, 56.814, 56.818, 56.833, 56.840, 70.600, 70.605, 70.610, 70.615, 70.630, 70.631, 70.730,  
6 86.200, 86.207, 86.210, 86.253, 86.267, 86.290, 86.360, 104.1091, 104.1092, 105.669, 169.141,  
7 169.324, 169.460, 169.490, 169.560, and 169.715, to read as follows:

56.363. 1. The county commission of any county may on its own motion and shall upon  
2 the petition of ten percent of the total number of people who voted in the previous general  
3 election in the county submit to the voters at a general or special election the proposition of  
4 making the county prosecutor a full-time position. The commission shall cause notice of the  
5 election to be published in a newspaper published within the county, or if no newspaper is  
6 published within the county, in a newspaper published in an adjoining county, for three weeks  
7 consecutively, the last insertion of which shall be at least ten days and not more than thirty days  
8 before the day of the election, and by posting printed notices thereof at three of the most public  
9 places in each township in the county. The proposition shall be put before the voters  
10 substantially in the following form:

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.



47 previous general election in the county submit to the voters at a general or special election the  
 48 proposition of changing the full-time prosecutor position to a part-time position. The  
 49 commission shall cause notice of the election to be published in a newspaper published within  
 50 the county, or if no newspaper is published within the county, in a newspaper published in an  
 51 adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten  
 52 days and not more than thirty days before the day of the election, and by posting printed notices  
 53 thereof at three of the most public places in each township in the county. The proposition shall  
 54 be put before the voters substantially in the following form:

55            Shall the office of prosecuting attorney be made a part-time position in ..... County?  
 56                                     YES                                     NO

57 If a majority of the voters vote in favor of making the county prosecutor a part-time position, it  
 58 shall become effective upon the date that the prosecutor who is elected at the next election  
 59 subsequent to the passage of such proposal is sworn into office.

60            5. In any county that has elected to make the full-time position of county prosecutor a  
 61 part-time position under subsection 4 of this section, the county's retirement contribution to the  
 62 retirement system and the retirement benefit earned by the member shall prospectively be that  
 63 of a part-time prosecutor as established in this chapter. Any retirement contribution made and  
 64 retirement benefit earned prior to the effective date of the voter-approved proposition under  
 65 subsection 4 of this section shall be maintained by the retirement system and used to calculate  
 66 the retirement benefit for such prior full-time position service. Under no circumstances shall a  
 67 member in a part-time prosecutor position earn full-time position retirement benefit service  
 68 accruals for time periods after the effective date of the proposition changing the county  
 69 prosecutor back to a part-time position.

56.805. As used in sections 56.800 to 56.840, the following words and terms mean:

2            (1) "Annuity", annual payments, made in equal monthly installments, to a retired  
 3 member from funds provided for, in, or authorized by, the provisions of sections 56.800 to  
 4 56.840;

5            (2) "Average final compensation", the average compensation of an employee for the two  
 6 consecutive years prior to retirement when the employee's compensation was greatest;

7            (3) "Board of trustees" or "board", the board of trustees established by the provisions of  
 8 sections 56.800 to 56.840;

9            (4) "Compensation", all salary and other compensation payable by a county to an  
 10 employee for personal services rendered as an employee, **including any salary reduction**  
 11 **amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred**  
 12 **compensation plan that satisfies 26 U.S.C. Section 457** but not including [~~travel and mileage~~]

13 reimbursement **for any expenses, any consideration for agreeing to terminate employment,**  
14 **or any other nonrecurring or unusual payment that is not part of regular remuneration;**

15 (5) "County", the city of St. Louis and each county in the state;

16 (6) "Creditable service", the sum of both membership service and creditable prior  
17 service;

18 (7) "Effective date of the establishment of the system", August 28, 1989;

19 (8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is  
20 employed by a county or a city not within a county;

21 (9) "Membership service", service as a prosecuting attorney or circuit attorney after  
22 becoming a member that is creditable in determining the amount of the member's benefits under  
23 this system;

24 (10) "Prior service", service of a member rendered prior to the effective date of the  
25 establishment of the system which is creditable under section 56.823;

26 (11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys'  
27 retirement system authorized by the provisions of sections 56.800 to 56.840.

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

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

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

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

11 (3) For counties of the first classification, and, except as otherwise provided under  
12 section 56.363, counties which pursuant to section 56.363 elect to make the position of  
13 prosecuting attorney a full-time position after August 28, 2001, or whose county commission has  
14 elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the city of  
15 St. Louis, one thousand two hundred ninety-one dollars and 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 (a) For counties of the third and fourth classification except as provided in paragraph (c)  
30 of this subdivision, one hundred eighty-seven dollars;

31 (b) For counties of the second classification, two hundred seventy-one dollars;

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

36 (2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c)  
37 of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule  
38 based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial  
39 valuation report. If the system's funding ratio is:

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

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

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

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

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

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

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

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

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

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

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

73 **10. Beginning January first following the effective date of this section, all members,**  
74 **who upon vesting and retiring are eligible to receive a normal annuity equal to fifty percent**  
75 **of the final average compensation and, as a condition of participation, shall contribute two**  
76 **percent of their gross salary to the fund. Beginning on January 1, 2020, each such member**  
77 **shall contribute four percent of their gross salary to the fund. Each county treasurer shall**  
78 **deduct the appropriate amount from the gross salary of the prosecuting attorney or circuit**  
79 **attorney and, at least monthly, shall transmit the sum to the prosecuting attorney and**  
80 **circuit attorney retirement system for deposit in the prosecuting attorneys and circuit**  
81 **attorneys' retirement fund.**

82 **11. Upon separation from the system, a nonvested member shall receive a lump sum**  
83 **payment equal to the total contribution of the member without interest or other increases**  
84 **in value.**

85 **12. Upon retirement and in the sole discretion of the board on the advice of the**  
86 **actuary, a member shall receive a lump sum payment equal to the total contribution of the**  
87 **member without interest or other increases in value, but such lump sum shall not exceed**  
88 **twenty-five percent of the final average compensation of the member. This amount shall**  
89 **be in addition to any retirement benefits to which the member is entitled.**

90 **13. Upon the death of a nonvested member or the death of a vested member prior**  
91 **to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made**

92 **to the designated beneficiary of the member or, if no beneficiary has been designated, to**  
93 **the member's estate.**

56.814. 1. Any ~~[member]~~ **person who became a member prior to January 1, 2019,**  
2 who has attained the age of sixty-two years and who has twelve years or more of creditable  
3 service as prosecuting attorney or circuit attorney may retire with a normal annuity.

4 **2. Any person who becomes a member on or after January 1, 2019, who has**  
5 **attained the age of sixty-five and who has twelve years or more of creditable service as a**  
6 **prosecuting attorney or circuit attorney may retire with a normal annuity.**

56.818. 1. Each member who retires on or after August 28, 1989, shall receive each year  
2 an increase in the amount of benefits received by the member during the preceding year equal  
3 to the increase in the consumer price index calculated in the manner hereinafter provided ~~[not~~  
4 ~~to exceed]~~ **of at least two percent and not to exceed four percent** in any year. The total  
5 increase in the amount of benefits received pursuant to the provisions of this subsection shall not  
6 exceed fifty percent of the initial benefit which the member received upon retirement.

7 2. For the purposes of this section, any increase in the consumer price index shall be  
8 determined by the board in May of each year, based upon the consumer price index for the  
9 preceding calendar year over the consumer price index for the calendar year immediately prior  
10 thereto. Any increase so determined shall be applied by the board in calculating any benefit  
11 increases that become payable under this section for the twelve-month period beginning with the  
12 June first immediately following such determination.

13 3. An annual increase shall be payable monthly beginning on a date specified by the  
14 board. Nothing in this section shall be construed to prohibit a member from waiving his right  
15 to receive the annual increase provided pursuant to this section. The waiver shall be final as to  
16 the annual increase waived.

56.833. 1. Upon termination of employment, any ~~[member with twelve or more years~~  
2 ~~of creditable service]~~ **person who became a member prior to January 1, 2019,** shall be  
3 entitled to a deferred normal annuity, payable at age fifty-five with twelve or more years of  
4 creditable service. **Upon termination of employment, any person who became a member on**  
5 **or after January 1, 2019, shall be entitled to a deferred normal annuity, payable at age**  
6 **sixty with twelve or more years of creditable service.** Any member with less than twelve  
7 years of creditable service shall forfeit all rights in the fund, including the member's accrued  
8 creditable service as of the date of the member's termination of employment.

9 2. A former member who has forfeited creditable service may have the creditable service  
10 restored by again becoming an employee ~~[and]~~ **within ten years of the date of the termination**  
11 **of employment, completing four years of continuous membership service, and contributing an**  
12 **amount to the fund equal to any lump sum payment received under subsections 11 and 12**

13 **of section 56.807. Notwithstanding any other provision of section 104.800 to the contrary,**  
14 **a former member shall not be entitled to transfer creditable service into this retirement**  
15 **system unless the member previously vested in this system.**

16 3. Absences for sickness or injury of less than twelve months shall be counted as  
17 membership service.

56.840. 1. Annuity payments to retired employees under the provisions of sections  
2 56.800 to 56.840 shall be available beginning January first next succeeding the expiration of two  
3 calendar years from the effective date of the establishment of the system to eligible retired  
4 employees, and employees with at least twelve years of creditable service shall have vested rights  
5 and upon reaching the required age shall be entitled to retirement benefits.

6 **2. All members serving as a prosecuting attorney or circuit attorney in a county of**  
7 **the first classification, a county with a charter form of government, or a city not within a**  
8 **county shall receive one year of creditable service for each year served.**

9 **3. Members serving as a prosecuting attorney in counties that elected to make the**  
10 **position of prosecuting attorney a full-time position shall receive one year of creditable**  
11 **service for each year served as a full-time prosecuting attorney and six-tenths of a year of**  
12 **creditable service for each year served as a part-time prosecuting attorney.**

13 **4. Members restoring creditable service under subsection 2 of section 56.833 shall**  
14 **receive one year of creditable service for each restored year served as a full-time**  
15 **prosecuting attorney and six-tenths of a year of creditable service for each restored year**  
16 **served as a part-time prosecuting attorney. Unless otherwise permitted by law, no member**  
17 **shall receive credit for any partial year of employment.**

18 **5. Notwithstanding any provision of the law to the contrary, any member who**  
19 **vested in the system as a part-time prosecuting attorney and who ceased being a member**  
20 **for more than six months before returning as a full-time prosecuting attorney shall be**  
21 **entitled only to retirement benefits as a part-time prosecuting attorney. Any creditable**  
22 **service earned by such an employee upon returning to the system as a full-time prosecuting**  
23 **attorney shall begin a new vesting period subject to the provision of the system in effect at**  
24 **the time of the member's return. No member shall receive benefits while employed as a**  
25 **prosecuting attorney or circuit attorney.**

70.600. The following words and phrases as used in sections 70.600 to 70.755, unless  
2 a different meaning is plainly required by the context, shall mean:

3 (1) "Accumulated contributions", the total of all amounts deducted from the  
4 compensations of a member and standing to the member's credit in his or her individual account  
5 in the members deposit fund, together with investment credits thereon;

6 (2) "Actuarial equivalent", a benefit of equal reserve value;

- 7 (3) "Allowance", the total of the annuity and the pension. All allowances shall be paid  
8 not later than the tenth day of each calendar month;
- 9 (4) "Annuity", a monthly amount derived from the accumulated contributions of a  
10 member and payable by the system throughout the life of a person or for a temporary period;
- 11 (5) "Beneficiary", any person who is receiving or designated to receive a system benefit,  
12 except a retirant;
- 13 (6) "Benefit program", a schedule of benefits or benefit formulas from which the  
14 amounts of system benefits can be determined;
- 15 (7) "Board of trustees" or "board", the board of trustees of the system;
- 16 (8) "Compensation", the remuneration paid an employee by a political subdivision or by  
17 an elected fee official of the political subdivision for personal services rendered by the employee  
18 for the political subdivision or for the elected fee official in the employee's public capacity;  
19 provided, that for an elected fee official, "compensation" means that portion of his or her fees  
20 which is net after deduction of (a) compensation paid by such elected fee official to his or her  
21 office employees, if any, and (b) the ordinary and necessary expenses paid by such elected fee  
22 official and attributable to the operation of his or her office. In cases where an employee's  
23 compensation is not all paid in money, the political subdivision shall fix the reasonable value of  
24 the employee's compensation not paid in money. In determining compensation no consideration  
25 shall be given to:
- 26 (a) Any nonrecurring single sum payment paid by an employer;
- 27 (b) Employer contributions to any employee benefit plan or trust;
- 28 (c) Any other unusual or nonrecurring remuneration; or
- 29 (d) Compensation in excess of the limitations set forth in Internal Revenue Code Section  
30 401(a)(17). The limitation on compensation for eligible employees shall not be less than the  
31 amount which was allowed to be taken into account under the system as in effect on July 1, 1993.  
32 For purposes of this paragraph, an "eligible employee" is an individual who was a member of the  
33 system before the first plan year beginning after December 31, 1995;
- 34 (9) "Credited service", the total of a member's prior service and membership service, to  
35 the extent such service is standing to the member's credit as provided in sections 70.600 to  
36 70.755;
- 37 (10) "Employee", any person regularly employed by a political subdivision who receives  
38 compensation from the political subdivision for personal services rendered the political  
39 subdivision, including any elected official of the political subdivision whose position requires  
40 his or her regular personal services and who is compensated wholly or in part on a fee basis, and  
41 including the employees of such elected fee officials who may be compensated by such elected

42 fee officials. The term "employee" may include any elected county official. The term  
43 "employee" shall not include any person:

44 (a) Who is not an elected official of the political subdivision and who is included as an  
45 active member in any other plan similar in purpose to this system by reason of his or her  
46 employment with his or her political subdivision, except the federal Social Security Old Age,  
47 Survivors, and Disability Insurance Program, as amended; or

48 (b) Who acts for the political subdivision under contract; or

49 (c) Who is paid wholly on a fee basis, except elected officials and their employees; or

50 (d) Who holds the position of mayor, presiding judge, president or chairman of the  
51 political subdivision or is a member of the governing body of the political subdivision; except  
52 that, such an official of a political subdivision having ten or more other employees may become  
53 a member if the official is covered under the federal Social Security Old Age, Survivors, and  
54 Disability Insurance Program, as amended, by reason of such official's employment with his or  
55 her political subdivision, by filing written application for membership with the board after the  
56 date the official qualifies for such position or within thirty days after the date his or her political  
57 subdivision becomes an employer, whichever date is later;

58 (11) "Employer", any political subdivision which has elected to have all its eligible  
59 employees covered by the system;

60 (12) "Final average salary", the monthly average of the compensations paid an employee  
61 during the period of sixty or, if an election has been made in accordance with section 70.656,  
62 thirty-six consecutive months of credited service producing the highest monthly average, which  
63 period is contained within the period of one hundred twenty consecutive months of credited  
64 service immediately preceding his or her termination of membership. Should a member have  
65 less than sixty or, if an election has been made in accordance with section 70.656, thirty-six  
66 months of credited service, "final average salary" means the monthly average of compensation  
67 paid the member during his or her total months of credited service;

68 (13) "~~Fireman~~ **Firefighter**", any regular or permanent employee of the fire department  
69 of a political subdivision, including a probationary ~~fireman~~ **firefighter**. The term "~~fireman~~  
70 **firefighter**" shall not include:

71 (a) Any volunteer ~~fireman~~ **firefighter**; ~~or~~

72 (b) Any civilian employee of a fire department, **except as provided in section 70.631**;

73 or

74 (c) Any person temporarily employed as a ~~fireman~~ **firefighter** for an emergency;

75 (14) "Member", any employee included in the membership of the system;

76 (15) "Membership service", employment as an employee with the political subdivision  
77 from and after the date such political subdivision becomes an employer, which employment is  
78 creditable as service hereunder;

79 (16) "Minimum service retirement age", age sixty for a member who is neither a  
80 ~~[policeman]~~ **police officer** nor a ~~[fireman]~~ **firefighter**; "minimum service retirement age", age  
81 fifty-five for a member who is a ~~[policeman]~~ **police officer** or a ~~[fireman]~~ **firefighter**;

82 (17) "Pension", a monthly amount derived from contributions of an employer and  
83 payable by the system throughout the life of a person or for a temporary period;

84 (18) "~~[Policeman]~~ **Police officer**", any regular or permanent employee of the police  
85 department of a political subdivision, including a probationary ~~[policeman]~~ **police officer**. The  
86 term "~~[policeman]~~ **police officer**" shall not include:

87 (a) Any civilian employee of a police department, **except as provided in section 70.631**;  
88 or

89 (b) Any person temporarily employed as a ~~[policeman]~~ **police officer** for an emergency;

90 (19) "Political subdivision", any governmental subdivision of this state created pursuant  
91 to the laws of this state, and having the power to tax, except public school districts; a board of  
92 utilities or a board of public works which is required by charter or ordinance to establish the  
93 compensation of employees of the utility separate from the compensation of other employees of  
94 the city may be considered a political subdivision for purposes of sections 70.600 to 70.755; a  
95 joint municipal utility commission may be considered a political subdivision for purposes of  
96 sections 70.600 to 70.755;

97 (20) "Prior service", employment as an employee with the political subdivision prior to  
98 the date such political subdivision becomes an employer, which employment is creditable as  
99 service hereunder;

100 (21) "Regular interest" or "investment credits", such reasonable rate or rates per annum,  
101 compounded annually, as the board shall adopt annually;

102 (22) "Reserve", the present value of all payments to be made on account of any system  
103 benefit based upon such tables of experience and regular interest as the board shall adopt from  
104 time to time;

105 (23) "Retirant", a former member receiving a system allowance by reason of having been  
106 a member;

107 (24) "Retirement system" or "system", the Missouri local government employees'  
108 retirement system.

70.605. 1. For the purpose of providing for the retirement or pensioning of the officers  
2 and employees and the widows and children of deceased officers and employees of any political  
3 subdivision of the state, there is hereby created and established a retirement system which shall

4 be a body corporate, which shall be under the management of a board of trustees herein  
5 described, and shall be known as the "Missouri Local Government Employees' Retirement  
6 System". Such system may sue and be sued, transact business, invest funds, and hold cash,  
7 securities, and other property. All suits or proceedings directly or indirectly against the system  
8 shall be brought in Cole County. The system shall begin operations on the first day of the  
9 calendar month next following sixty days after the date the board of trustees has received  
10 certification from ten political subdivisions that they have elected to become employers.

11         2. The general administration and the responsibility for the proper operation of the  
12 system is vested in a board of trustees of seven persons: three persons to be elected as trustees  
13 by the members of the system; three persons to be elected trustees by the governing bodies of  
14 employers; and one person, to be appointed by the governor, who is not a member, retirant, or  
15 beneficiary of the system and who is not a member of the governing body of any political  
16 subdivision.

17         3. Trustees shall be chosen for terms of four years from the first day of January next  
18 following their election or appointment, except that of the first board shall all be appointed by  
19 the governor by and with the consent of the senate, as follows:

20             (1) Three persons who are officers or officials of political subdivisions, one for a term  
21 of three years, one for a term of two years, and one for a term of one year; and

22             (2) Three persons who are employees of political subdivisions and who would, if the  
23 subdivision by which they are employed becomes an employer, be eligible as members, one for  
24 a term of three years, one for a term of two years, and one for a term of one year; and

25             (3) That person appointed by the governor under the provisions of subsection 2 of this  
26 section. All the members of the first board shall take office as soon as appointed by the  
27 governor, but their terms shall be computed from the first day of January next following their  
28 appointment, and only one member may be from any political subdivision or be a ~~[policeman]~~  
29 **police officer** or ~~[fireman]~~ **firefighter**.

30         4. Successor trustees elected or appointed as member trustees shall be members of the  
31 retirement system; provided, that not more than one member trustee shall be employed by any  
32 one employer, and not more than one member trustee shall be a ~~[policeman]~~ **police officer**, and  
33 not more than one member trustee shall be a ~~[fireman]~~ **firefighter**.

34         5. Successor trustees elected as employer trustees shall be elected or appointed officials  
35 of employers and shall not be members of the retirement system; provided, that not more than  
36 one employer trustee shall be from any one employer.

37         6. An annual meeting of the retirement system shall be called by the board in the last  
38 calendar quarter of each year in Jefferson City, or at such place as the board shall determine, for  
39 the purpose of electing trustees and to transact such other business as may be required for the

40 proper operation of the system. Notice of such meeting shall be sent by registered mail to the  
41 clerk or secretary of each employer not less than thirty days prior to the date of such meeting.  
42 The governing body of each employer shall certify to the board the name of one delegate who  
43 shall be an officer of the employer, and the members of the employer shall certify to the board  
44 a member of the employer to represent such employer at such meeting. The delegate certified  
45 as member delegate shall be elected by secret ballot by the members of such employer, and the  
46 clerk or secretary of each employer shall be charged with the duty of conducting such election  
47 in a manner which will permit each member to vote in such election. Under such rules and  
48 regulations as the board shall adopt, approved by the delegates, the member delegates shall elect  
49 a member trustee for each such position on the board to be filled, and the officer delegates shall  
50 elect an employer trustee for each such position on the board to be filled.

51         7. In the event any member trustee ceases to be a member of the retirement system, or  
52 any employer trustee ceases to be an appointed or elected official of an employer, or becomes  
53 a member of the retirement system, or if the trustee appointed by the governor becomes a  
54 member of the retirement system or an elected or appointed official of a political subdivision,  
55 or if any trustee fails to attend three consecutive meetings of the board, unless in each case  
56 excused for cause by the remaining trustees attending such meeting or meetings, he or she shall  
57 be considered as having resigned from the board and the board shall, by resolution, declare his  
58 or her office of trustee vacated. If a vacancy occurs in the office of trustee, the vacancy shall be  
59 filled for the unexpired term in the same manner as the office was previously filled; provided,  
60 however, that the remaining trustees may fill employer and member trustee vacancies on the  
61 board until the next annual meeting.

62         8. Each trustee shall be commissioned by the governor, and before entering upon the  
63 duties of his or her office, shall take and subscribe to an oath or affirmation to support the  
64 Constitution of the United States, and of the state of Missouri, and to demean himself **or herself**  
65 faithfully in his **or her** office. Such oath as subscribed to shall be filed in the office of the  
66 secretary of state of this state.

67         9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be  
68 necessary for a decision by the trustees at any meeting of the board of trustees. Four trustees, of  
69 whom at least two shall be member trustees and at least two shall be employer trustees, shall  
70 constitute a quorum at any meeting of the board. Unless otherwise expressly provided herein,  
71 a meeting need not be called or held to make any decision on a matter before the board. Each  
72 member must be sent by the executive secretary a copy of the matter to be decided with full  
73 information from the files of the board. The concurring decisions of four trustees may decide  
74 the issue by signing a document declaring their decision and sending the written instrument to  
75 the executive secretary, provided that no other trustee shall send a dissenting decision to the

76 executive secretary within fifteen days after the document and information was mailed to him  
77 or her. If any trustee is not in agreement with the four trustees, the matter is to be passed on at  
78 a regular board meeting or a special meeting called for that purpose. The board shall hold  
79 regular meetings at least once each quarter, the dates of these meetings to be designated in the  
80 rules and regulations adopted by the board. Other meetings as deemed necessary may be called  
81 by the chairman or by any four trustees acting jointly.

82 10. The board of trustees shall elect one of their number as chairman, and one of their  
83 number as vice chairman, and shall employ an executive secretary, not one of their number, who  
84 shall be the executive officer of the board. Other employees of the board shall be chosen only  
85 upon the recommendation of the executive secretary.

86 11. The board shall appoint an actuary or a firm of actuaries as technical advisor to the  
87 board on matters regarding the operation of the system on an actuarial basis. The actuary or  
88 actuaries shall perform such duties as are required of him or her under sections 70.600 to 70.755,  
89 and as are from time to time required by the board.

90 12. The board may appoint an attorney-at-law or firm of attorneys-at-law to be the legal  
91 advisor of the board and to represent the board in all legal proceedings.

92 13. The board may appoint an investment counselor to be the investment advisor of the  
93 board.

94 14. The board shall from time to time, after receiving the advice of its actuary, adopt  
95 such mortality and other tables of experience, and a rate or rates of regular interest, as shall be  
96 necessary for the actuarial requirements of the system, and shall require its executive secretary  
97 to keep in convenient form such data as shall be necessary for actuarial investigations of the  
98 experience of the system, and such data as shall be necessary for the annual actuarial valuations  
99 of the system.

100 15. The board shall keep a record of its proceedings, which shall be open to public  
101 inspection. It shall prepare annually and render to each employer a report showing the financial  
102 condition of the system as of the preceding June thirtieth. The report shall contain, but shall not  
103 be limited to, a financial balance sheet; a statement of income and disbursements; a detailed  
104 statement of investments acquired and disposed of during the year, together with a detailed  
105 statement of the annual rates of investment income from all assets and from each type of  
106 investment; an actuarial balance sheet prepared by means of the last valuation of the system, and  
107 such other data as the board shall deem necessary or desirable for a proper understanding of the  
108 condition of the system.

109 16. The board of trustees shall, after reasonable notice to all interested parties, conduct  
110 administrative hearings to hear and decide questions arising from the administration of sections  
111 70.600 to 70.755; except, that such hearings may be conducted by a hearing officer who shall be

112 appointed by the board. The hearing officer shall preside at the hearing and hear all evidence and  
113 rule on the admissibility of evidence. The hearing officer shall make recommended findings of  
114 fact and may make recommended conclusions of law to the board. All final orders or  
115 determinations or other final actions by the board shall be approved in writing by at least four  
116 members of the board. Any board member approving in writing any final order, determination  
117 or other final action, who did not attend the hearing, shall do so only after certifying that he or  
118 she reviewed all exhibits and read the entire transcript of the hearing. Within thirty days after  
119 a decision or order or final action of the board, any member, retirant, beneficiary or political  
120 subdivision adversely affected by that determination or order or final action may take an appeal  
121 under the provisions of chapter 536. Jurisdiction over any dispute regarding the interpretation  
122 of sections 70.600 to 70.755 and the determinations required thereunder shall lie in the circuit  
123 court of Cole County.

124 17. The board shall arrange for adequate surety bonds covering the executive secretary  
125 and any other custodian of the funds or investments of the board. When approved by the board,  
126 said bonds shall be deposited in the office of the secretary of state.

127 18. The board shall arrange for annual audits of the records and accounts of the system  
128 by a certified public accountant or by a firm of certified public accountants.

129 19. The headquarters of the retirement system shall be in Jefferson City.

130 20. The board of trustees shall serve as trustees without compensation for their services  
131 as such; except that each trustee shall be paid for any necessary expenses incurred in attending  
132 meetings of the board or in the performance of other duties authorized by the board.

133 21. Subject to the limitations of sections 70.600 to 70.755, the board shall formulate and  
134 adopt rules and regulations for the government of its own proceedings and for the administration  
135 of the retirement system.

2 70.610. Each political subdivision, by a majority vote of its governing body, may elect  
3 to become an employer and cover its employees under the system, as follows:

4 (1) The clerk or secretary of the political subdivision shall certify the election to be an  
5 employer to the board within ten days after the vote of the governing body. The effective date  
6 of the political subdivision's coverage is the first day of the calendar month next following  
7 receipt by the board of the election to be an employer, or the operative date of the system,  
8 whichever is the later.

9 (2) An employer must cover all its employees who are neither ~~[policemen]~~ **police**  
10 **officers** nor ~~[firemen]~~ **firefighters** and may cover its ~~[policemen]~~ **police officers** or ~~[firemen]~~  
**firefighters** or both.

2 70.615. After October 13, 1967, a political subdivision shall not commence coverage of  
3 its employees who are neither ~~[policemen]~~ **police officers** nor ~~[firemen]~~ **firefighters** under

3 another plan similar in purpose to this system, other than under this system, except the federal  
 4 Social Security Old Age, Survivors, and Disability Insurance Program, as amended; except that,  
 5 any political corporation or subdivision of this state, now having or which may hereafter have  
 6 an assessed valuation of one hundred million dollars or more, which does not now have a  
 7 pension system for its officers and employees adopted pursuant to state law, may provide by  
 8 proper legislative action of its governing body for the pensioning of its officers and employees  
 9 and the widows and minor children of deceased officers and employees under a plan separate and  
 10 apart from that provided in sections 70.600 to 70.670 and appropriate and utilize its revenues and  
 11 other available funds for such purposes, and except that the board of hospital trustees of any  
 12 hospital which is owned by any political corporation or subdivision of this state, may provide for  
 13 the pensioning of its employees and the widows and minor children of deceased employees under  
 14 a plan separate and apart from that provided in sections 70.600 to 70.670, and utilize its revenues  
 15 and other funds for such purposes.

70.630. 1. The membership of the system shall include the following persons:

2 (1) All employees who are neither ~~[policemen]~~ **police officers** nor ~~[firemen]~~ **firefighters**  
 3 who are in the employ of a political subdivision the day preceding the date such political  
 4 subdivision becomes an employer and who continue in such employ on and after such date shall  
 5 become members of the system.

6 (2) All persons who become employed by a political subdivision as neither ~~[policemen]~~  
 7 **police officers** nor ~~[firemen]~~ **firefighters** on or after the date such political subdivision becomes  
 8 an employer shall become members of the system.

9 (3) If his **or her** employing political subdivision has elected to cover present and future  
 10 ~~[policemen]~~ **police officers**, all ~~[policemen]~~ **police officers** who are in the employ of a political  
 11 subdivision the day preceding the date such political subdivision covers ~~[policemen]~~ **police**  
 12 **officers** hereunder and who continue in such employ as a ~~[policeman]~~ **police officer** on and after  
 13 such date, and all persons who become employed by a political subdivision as a ~~[policeman]~~  
 14 **police officer** on or after the date the political subdivision covers ~~[policemen]~~ **police officers**  
 15 shall become members of the system.

16 (4) If his **or her** employing political subdivision has elected to cover only future  
 17 ~~[policemen]~~ **police officers**, all persons who become employed by a political subdivision as a  
 18 ~~[policeman]~~ **police officer** on or after the date such political subdivision covers ~~[policemen]~~  
 19 **police officers** hereunder shall become members of the system.

20 (5) If his **or her** employing political subdivision has elected to cover present and future  
 21 ~~[firemen]~~ **firefighters**, all ~~[firemen]~~ **firefighters** who are in the employ of a political subdivision  
 22 the day preceding the date such political subdivision covers ~~[firemen]~~ **firefighters** hereunder and  
 23 who continue in such employ as a ~~[fireman]~~ **firefighter** on and after such date, and all persons

24 who become employed by a political subdivision as a ~~[fireman]~~ **firefighter** on or after the date  
25 the political subdivision covers ~~[firemen]~~ **firefighters** hereunder shall become members of the  
26 system.

27 (6) If his **or her** employing political subdivision has elected to cover only future  
28 ~~[firemen]~~ **firefighters**, all persons who become employed by a political subdivision as a  
29 ~~[fireman]~~ **firefighter** on or after the date such political subdivision covers ~~[firemen]~~ **firefighters**  
30 hereunder shall become members of the system.

31 2. In no event shall an employee become a member if continuous employment to time  
32 of retirement will leave the employee with less than minimum number of years of credited  
33 service specified in section 70.645.

34 3. In any case of question as to the system membership status of any person, the board  
35 shall decide the question.

**70.631. 1. Each political subdivision may, by majority vote of its governing body,  
2 elect to cover jailers as police officer members of the system and emergency medical service  
3 personnel as firefighter members of the system. The clerk or secretary of the political  
4 subdivision shall certify an election concerning the coverage of jailers as police officer  
5 members of the system and emergency medical service personnel as firefighter members  
6 of the system to the board within ten days after such vote. The date on which the political  
7 subdivision's election becomes effective shall be the first day of the calendar month  
8 specified by such governing body, the first day of the calendar month next following receipt  
9 by the board of the certification of the election, or the effective date of the political  
10 subdivision becoming an employer, whichever is the latest date. Such election shall not be  
11 changed after the effective date. If the election is made, the coverage provisions shall be  
12 applicable to past and future employment with the employer by present and future  
13 employees.**

14 **2. If an employer elects to cover jailers as police officer members of the system and  
15 emergency medical service personnel as firefighter members of the system, the employer  
16 contributions shall be correspondingly changed effective the same date as the effective date  
17 of the political subdivision's election.**

18 **3. The limitation on increases in an employer's contributions under subsection 6  
19 of section 70.730 shall not apply to any contribution increase resulting from an employer  
20 making an election under the provisions of this section.**

70.730. 1. Each employer's contributions to the system shall be the total of the  
2 contribution amounts provided for in subsections 2 through 5 of this section; provided, that such  
3 contributions shall be subject to the provisions of subsection 6 of this section.

4           2. An employer's normal cost contributions shall be determined as follows: using the  
5 financial assumptions adopted by the board from time to time, the actuary shall annually compute  
6 the rate of contributions which, if paid annually by each employer during the total service of its  
7 members, will be sufficient to provide the pension reserves required at the time of their  
8 retirements to cover the pensions to which they might be entitled or which might be payable on  
9 their behalf. The board shall annually certify to the governing body of each employer the amount  
10 of membership service contribution so determined, and each employer shall pay such amount to  
11 the system during the employer's next fiscal year which begins six months or more after the date  
12 of such board certification. Such payments shall be made in such manner and form and in such  
13 frequency and shall be accompanied by such supporting data as the board shall from time to time  
14 determine. When received, such payments shall be credited to the employer's account in the  
15 employer accumulation fund.

16           3. An employer's accrued service contributions shall be determined as follows: using  
17 the financial assumptions adopted by the board from time to time, the actuary shall annually  
18 compute for each employer the portions of pension reserves for pensions which will not be  
19 provided by future normal cost contributions. The accrued service pension reserves so  
20 determined for each employer less the employer's applicable balance in the employer  
21 accumulation fund shall be amortized over a period of years, as determined by the board. Such  
22 period of years shall not extend beyond the latest of:

23           (1) forty years from the date the political subdivision became an employer~~[, or]~~;

24           (2) thirty years from the date the employer last elected to increase its optional benefit  
25 program~~]~~; or

26           (3) fifteen years from the date of the annual actuarial computation.

27

28 The board shall annually certify to the governing body of each employer the amount of accrued  
29 service contribution so determined for the employer, and each employer shall pay such amount  
30 to the system during the employer's next fiscal year which begins six months or more after the  
31 date of such board certification. Such payments shall be made in such manner and form and in  
32 such frequency and shall be accompanied by such supporting data as the board shall from time  
33 to time determine. When received, such payments shall be credited to the employer's account  
34 in the employer accumulation fund.

35           4. The employer's contributions for the portions of disability pensions or pensions that  
36 result from a member's death that was the natural and proximate result of a personal injury or  
37 disease arising out of and in the course of his or her actual performance of duty as an employee  
38 not covered by accrued service pension reserves shall be determined on a one-year term basis.  
39 The board may determine different rates of contributions for employers having ~~[policeman]~~

40 **police officer** members or having [~~fireman~~] **firefighter** members or having neither [~~police officer~~]  
41 **police officer** members nor [~~fireman~~] **firefighter** members. The board shall annually certify to  
42 the governing body of each employer the amount of contribution so ascertained for the employer,  
43 and each employer shall pay such amount to the system during the employer's next fiscal year  
44 which begins six months or more after the date of such board certification. Such payments shall  
45 be made in such manner and form and in such frequency and shall be accompanied by such  
46 supporting data as the board shall from time to time ascertain. When received, such payments  
47 shall be credited to the casualty reserve fund.

48 5. Each employer shall provide its share, as determined by the board, of the  
49 administrative expenses of the system and shall pay the same to the system to be credited to the  
50 income-expense fund.

51 6. The employer's total contribution to the system, expressed as a percent of active  
52 member compensations, in any employer fiscal year, beginning with the second fiscal year that  
53 the political subdivision is an employer, shall not exceed its total contributions for the  
54 immediately preceding fiscal year, expressed as a percent of active member compensations, by  
55 more than one percent.

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 [~~police officer~~] **police officer**, or if the member has had less than two years of creditable service,  
18 then the average 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 trustees", the board provided in sections 86.200 to 86.366 to administer  
48 the retirement system;

49 (6) "Creditable service", prior service plus membership service as provided in sections  
50 86.200 to 86.366;

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

52 (8) "Earnable compensation", the annual salary established under section 84.160 which  
53 a member would earn during one year on the basis of the member's rank or position plus any  
54 additional compensation for academic work and shift differential that may be provided by any  
55 official or board now or hereafter authorized by law to employ and manage a permanent police  
56 force in such cities. Such amount shall include the member's deferrals to a deferred

57 compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan  
58 pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a  
59 transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code.  
60 Earnable compensation shall not include a member's additional compensation for overtime,  
61 standby time, court time, nonuniform time or unused vacation time. Notwithstanding the  
62 foregoing, the earnable compensation taken into account under the plan established pursuant to  
63 sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined  
64 in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the  
65 amount of compensation that may be taken into account under Section 401(a)(17) of the Internal  
66 Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes  
67 of this subdivision, a "noneligible participant" is an individual who first becomes a member on  
68 or after the first day of the first plan year beginning after the earlier of:

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

70 (b) December 31, 1995;

71 (9) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

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

74 (11) "Medical board", the health care organization appointed by the trustees of the police  
75 retirement board and responsible for arranging and passing upon all medical examinations  
76 required under the provisions of sections 86.200 to 86.366, which shall investigate all essential  
77 statements and certificates made by or on behalf of a member in connection with an application  
78 for disability retirement and shall report in writing to the board of trustees its conclusions and  
79 recommendations;

80 (12) "Member", a member of the retirement system as defined by sections 86.200 to  
81 86.366;

82 (13) "Members' interest", interest on accumulated contributions at such rate as may be  
83 set from time to time by the board of trustees;

84 (14) "Membership service", service as a [~~police~~man] **police officer** rendered since last  
85 becoming a member, except in the case of a member who has served in the Armed Forces of the  
86 United States and has subsequently been reinstated as a [~~police~~man] **police officer**, in which case  
87 "membership service" means service as a [~~police~~man] **police officer** rendered since last  
88 becoming a member prior to entering such armed service;

89 (15) "Plan year" or "limitation year", the twelve consecutive-month period beginning  
90 each October first and ending each September thirtieth;

91 (16) [~~Police~~man] **or** "Police officer", any member of the police force of such cities who  
92 holds a rank in such police force;

93 (17) "Prior service", all service as a ~~[policeman]~~ **police officer** rendered prior to the date  
 94 the system becomes operative or prior to membership service which is creditable in accordance  
 95 with the provisions of sections 86.200 to 86.366;

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

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

103 (20) "Retirement system", the police retirement system of the cities as defined in sections  
 104 86.200 to 86.366;

105 (21) "Surviving spouse", the surviving spouse of a member who was the member's  
 106 spouse at the time of the member's death.

86.207. 1. Except as provided herein, all persons who become ~~[policemen]~~ **police**  
 2 **officers** and all ~~[policemen]~~ **police officers** who enter or reenter the service of any city not  
 3 within a county after the first day of October, 1957, become members **of the retirement system**  
 4 as a condition of their employment and **during the period of their membership** shall receive  
 5 no pensions or retirement allowance from any other pension or retirement system supported  
 6 wholly or in part by the city not within a county or the state of Missouri, nor shall they be  
 7 required to make contributions under any other pension or retirement system of the city not  
 8 within a county or the state of Missouri for the same period of service~~[-anything to the contrary~~  
 9 ~~notwithstanding. Any employee of a city not within a county who is earning creditable service~~  
 10 ~~in a retirement plan established by said city under section 95.540 and subsequently becomes a~~  
 11 ~~policeman may elect to remain a member of said retirement plan and shall not be required to~~  
 12 ~~become a member of a police retirement system established under section 86.200. However,]~~  
 13 **. Officers employed by a city not within a county and occupying the position of "Airport**  
 14 **Police Officer" shall not be required to become members as a condition of their**  
 15 **employment.** An employee of a city not within a county who is earning creditable service in a  
 16 retirement plan established by said city under section 95.540 and who subsequently becomes a  
 17 ~~[policeman]~~ **police officer** may elect to transfer ~~[membership and]~~ creditable service to the  
 18 police retirement system created under ~~[section]~~ **sections 86.200 to 86.366**. Such transfers are  
 19 subject to the conditions and requirements contained in section 105.691 and are also subject to  
 20 any existing agreements between the said retirement plans~~[-provided however, transfers~~  
 21 ~~completed prior to January 1, 2016, shall occur without regard to the vesting requirements of the~~  
 22 ~~receiving plan contained in section 105.691].~~ As part of the transfer process described herein,

23 the respective retirement plans may require the employee to acknowledge and agree as a  
24 condition of transfer that any election made under this section is irrevocable, constitutes a waiver  
25 of any right to receive retirement and disability benefits except as provided by the police  
26 retirement system, and that plan terms may be modified in the future.

27 2. If any member ceases to be in service for more than one year unless the member has  
28 attained the age of fifty-five or has twenty years or more of creditable service, or if the member  
29 withdraws the member's accumulated contributions or if the member receives benefits under the  
30 retirement system or dies, the member thereupon ceases to be a member; except in the case of  
31 a member who has served in the Armed Forces of the United States and has subsequently been  
32 reinstated as a ~~[policeman]~~ **police officer**. A member who has terminated employment as a  
33 police officer, has actually retired and is receiving retirement benefits under the system shall be  
34 considered a retired member.

35 3. A reserve officer shall not be considered a member of the system for the purpose of  
36 determining creditable service, nor shall any contributions be due. A reserve officer shall not  
37 be entitled to any benefits from the system other than those awarded when the reserve officer  
38 originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution  
39 of those benefits.

86.210. 1. Under such rules and regulations as the board of trustees shall adopt, each  
2 member who was a ~~[policeman]~~ **police officer** on and prior to the date the retirement system  
3 becomes operative and who becomes a member within one year from such date and each member  
4 who was a ~~[policeman]~~ **police officer** prior to reentering the service of the city as a ~~[policeman]~~  
5 **police officer**, shall file a detailed statement of all service as a ~~[policeman]~~ **police officer**  
6 rendered by the member prior to the date the retirement system becomes operative or prior to the  
7 date of last becoming a member, for which the member claims credit. If such member has  
8 withdrawn the member's accumulated contributions prior to reentering said service, then the  
9 member shall repay all such accumulated contributions plus the applicable members' interest  
10 thereon from the date of withdrawal to the date of repayment in order to receive credit for such  
11 prior service.

12 2. The board of trustees shall fix and determine by proper rules and regulations how  
13 much service in any year is equivalent to one year of service, but in no case shall more than one  
14 year of service be creditable for all service in one calendar year, nor shall the board of trustees  
15 allow credit as service for any period of more than one month's duration during which the  
16 member was absent without pay.

17 3. Subject to the above restrictions and to such other rules and regulations as the board  
18 of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable  
19 after the filing of such statement of service.

20 4. Upon verification of the statements of service the board of trustees shall issue prior  
21 service certificates, certifying to each member the length of prior service with which the member  
22 is credited on the basis of such member's statement of service. So long as the holder of such a  
23 certificate continues to be a member, a prior service certificate shall be final and conclusive for  
24 retirement purposes as to such service; provided, however, that any member may, within one  
25 year from the date of issuance or modification of such certificate, request the board of trustees  
26 to modify or correct such prior service certificate. When any [~~police~~man] **police officer** ceases  
27 to be a member, the former member's prior service certificate shall become void. Should the  
28 former member again become a member, the former member shall enter the retirement system  
29 as a member not entitled to prior service credit except as provided in sections 86.200 to 86.366.

30 5. Creditable service at retirement on which the retirement allowance of a member shall  
31 be based shall consist of the membership service rendered by the member since last becoming  
32 a member and also if the member has a prior service certificate which is in full force and effect,  
33 the amount of the service certified on such prior service certificate.

86.253. 1. Upon termination of employment as a police officer and actual retirement for  
2 service, a member shall receive a service retirement allowance which shall be an amount equal  
3 to two percent of the member's average final compensation multiplied by the number of years  
4 of the member's creditable service, up to twenty-five years, plus an amount equal to four percent  
5 of the member's average final compensation for each year of creditable service in excess of  
6 twenty-five years but not in excess of thirty years; plus an additional five percent of the member's  
7 average final compensation for any creditable service in excess of thirty years. Notwithstanding  
8 the foregoing, the service retirement allowance of a member who does not earn any creditable  
9 service after August 11, 1999, shall not exceed an amount equal to seventy percent of the  
10 member's average final compensation, and the service retirement allowance of a member who  
11 earns creditable service on or after August 12, 1999, shall not exceed an amount equal to  
12 seventy-five percent of the member's average final compensation; provided, however, that the  
13 service retirement allowance of a member who is participating in the DROP pursuant to section  
14 86.251 on August 12, 1999, who returns to active participation in the system pursuant to section  
15 86.251, and who terminates employment as a police officer and actually retires for reasons other  
16 than death or disability before earning at least two years of creditable service after such return  
17 shall be the sum of (1) the member's service retirement allowance as of the date the member  
18 entered DROP and (2) an additional service retirement allowance based solely on the creditable  
19 service earned by the member following the member's return to active participation. The  
20 member's total years of creditable service shall be taken into account for the purpose of  
21 determining whether the additional allowance attributable to such additional creditable service  
22 is two percent, four percent or five percent of the member's average final compensation.

23           2. If, at any time since first becoming a member of the retirement system, the member  
24 has served in the Armed Forces of the United States, and has subsequently been reinstated as a  
25 ~~[policeman]~~ **police officer** within ninety days after the member's discharge, the member shall be  
26 granted credit for such service as if the member's service in the police department of such city  
27 had not been interrupted by the member's induction into the Armed Forces of the United States.  
28 If earnable compensation is needed for such period in computation of benefits it shall be  
29 calculated on the basis of the compensation payable to the officers of the member's rank during  
30 the period of the member's absence. Notwithstanding any provision of sections 86.200 to 86.366  
31 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated  
32 and administered in accordance with the applicable provisions of the Uniformed Services  
33 Employment and Reemployment Rights Act of 1994, as amended.

34           3. The service retirement allowance of each present and future retired member who  
35 terminated employment as a police officer and actually retired from service after attaining age  
36 fifty-five or after completing twenty years of creditable service shall be increased annually at a  
37 rate not to exceed three percent as approved by the board of trustees beginning with the first  
38 increase in the second October following the member's retirement and subsequent increases in  
39 each October thereafter, provided that each increase is subject to a determination by the board  
40 of trustees that the consumer price index (United States City Average Index) as published by the  
41 United States Department of Labor shows an increase of not less than the approved rate during  
42 the latest twelve-month period for which the index is available at the date of determination; and  
43 provided further, that if the increase is in excess of the approved rate for any year, such excess  
44 shall be accumulated as to any retired member and increases may be granted in subsequent years  
45 subject to a maximum of three percent for each full year from October following the member's  
46 retirement but not to exceed a total percentage increase of thirty percent. In no event shall the  
47 increase described under this subsection be applied to the amount, if any, paid to a member or  
48 surviving spouse of a deceased member for services as a special consultant under subsection 5  
49 of this section ~~[or, if applicable, subsection 6 of this section]~~. If the board of trustees determines  
50 that the index has decreased for any year, the benefits of any retired member that have been  
51 increased shall be decreased but not below the member's initial benefit. No annual increase shall  
52 be made of less than one percent and no decrease of less than three percent except that any  
53 decrease may be limited in amount by the initial benefit.

54           4. In addition to any other retirement allowance payable under this section and section  
55 86.250, a member, upon termination of employment as police officer and actual service  
56 retirement, may request payment of the total amount of the member's mandatory contributions  
57 to the retirement system without interest. Upon receipt of such request, the board shall pay the  
58 retired member such total amount of the member's mandatory contributions to the retirement

59 system to be paid pursuant to this subsection within sixty days after such retired member's date  
60 of termination of employment as a police officer and actual retirement.

61 5. Any person who is receiving retirement benefits from the retirement system, upon  
62 application to the board of trustees, shall be made, constituted, appointed and employed by the  
63 board of trustees as a special consultant on the problems of retirement, aging and other matters,  
64 for the remainder of the person's life or, in the case of a deceased member's surviving spouse,  
65 until the earlier of the person's death or remarriage, and upon request of the board of trustees  
66 shall give opinions and be available to give opinions in writing or orally, in response to such  
67 requests, as may be required. For such services the special consultant shall be compensated  
68 monthly, in an amount which, when added to any monthly retirement benefits being received  
69 from the retirement system, including any cost-of-living increases under subsection 3 of this  
70 section, shall total six hundred fifty dollars a month. This employment shall in no way affect any  
71 person's eligibility for retirement benefits under this chapter, or in any way have the effect of  
72 reducing retirement benefits, notwithstanding any provisions of law to the contrary.

86.267. 1. Upon termination of employment as a police officer and actual retirement for  
2 accidental disability, other than permanent total disability as defined in subsection 2 **of this**  
3 **section**, a member shall receive a retirement allowance of seventy-five percent of the member's  
4 average final compensation.

5 2. Any member who, as the natural and proximate result of an accident occurring at some  
6 definite time and place in the actual performance of the member's duty through no negligence  
7 on the member's part, is permanently and totally incapacitated from performing any work,  
8 occupation or vocation of any kind whatsoever shall receive a retirement allowance as under  
9 subsection 1 **of this section** or, in the discretion of the board of trustees, may receive a larger  
10 retirement allowance in an amount not exceeding the member's rate of compensation as a  
11 ~~[policeman]~~ **police officer** in effect as of the date the allowance begins.

12 3. The board of trustees, in its discretion, may, in addition to the allowance granted in  
13 accordance with the provisions of subsections 1 and 2 **of this section**, grant an allowance in an  
14 amount to be determined by the board of trustees, to provide such member with surgical, medical  
15 and hospital care reasonably required after retirement, which are the result and in consequence  
16 of the accident causing such disability.

17 4. Any person who is receiving benefits pursuant to subsection 2 of this section on or  
18 after August 28, 1997, and any person who is receiving benefits pursuant to subsection 1 of this  
19 section on or after October 1, 2001, and who made mandatory contributions to the retirement  
20 system, upon application to the board of trustees, shall be made, constituted, appointed and  
21 employed by the board of trustees as a special consultant on the problems of retirement, aging  
22 and other matters, and upon request of the board of trustees shall give opinions and be available

23 to give opinions in writing or orally, in response to such requests, as may be required. For such  
24 services the retired member shall be paid a lump sum payment in an amount equal to the total  
25 amount of the member's mandatory contributions to the retirement system, without interest,  
26 within sixty days after approval of the retired member's application by the board of trustees.

86.290. Should a member cease to be a [~~police~~man] **police officer** except by death or  
2 actual retirement, the member may request payment of the amount of the accumulated  
3 contributions standing to the credit of the member's individual account, including members'  
4 interest, in which event such amount shall be paid to the member not later than one year after the  
5 member ceases to be a [~~police~~man] **police officer**. If the former member is reemployed as a  
6 [~~police~~man] **police officer** before any portion of such former member's accumulated  
7 contributions is distributed, no distribution shall be made. If the former member is reemployed  
8 as a [~~police~~man] **police officer** after a portion of the former member's accumulated contributions  
9 is distributed, the amount remaining shall also be distributed.

86.360. The board of trustees provided for by section 86.213 is hereby authorized to  
2 consolidate, combine and transfer funds provided by sections 86.010 to 86.193 with the funds  
3 provided by sections 86.200 to 86.366 in such a manner as will simplify the operations of the two  
4 systems. Separate records shall be maintained only to the extent necessary to determine and pay  
5 the benefits provided by sections 86.010 to 86.193 for those [~~police~~men] **police officers** electing  
6 not to become members of the retirement system provided by sections 86.200 to 86.366. The  
7 board of trustees may accept the membership records of the older system in lieu of the  
8 requirements in section 86.210. The board of trustees may authorize the use of the same  
9 actuarial assumptions and interest rate in the calculation of the contributions by the cities for both  
10 systems and the accrued liability rate may be a combined rate for both systems.

104.1091. 1. Notwithstanding any provision of the year 2000 plan to the contrary, each  
2 person who first becomes an employee on or after January 1, 2011, shall be a member of the year  
3 2000 plan subject to the provisions of this section.

4 2. A member's normal retirement eligibility shall be as follows:

5 (1) The member's attainment of at least age sixty-seven and the completion of at least  
6 ten years of credited service; or the member's attainment of at least age fifty-five with the sum  
7 of the member's age and credited service equaling at least ninety; or, in the case of a member  
8 who is serving as a uniformed member of the highway patrol and subject to the mandatory  
9 retirement provisions of section 104.081, such member's attainment of at least age sixty or the  
10 attainment of at least age fifty-five with ten years of credited service;

11 (2) For members of the general assembly, the member's attainment of at least age sixty-  
12 two and the completion of at least three full biennial assemblies; or the member's attainment of

13 at least age fifty-five with the sum of the member's age and credited service equaling at least  
14 ninety;

15 (3) For statewide elected officials, the official's attainment of at least age sixty-two and  
16 the completion of at least four years of credited service; or the official's attainment of at least age  
17 fifty-five with the sum of the official's age and credited service equaling at least ninety.

18 3. A vested former member's normal retirement eligibility shall be based on the  
19 attainment of at least age sixty-seven and the completion of at least ten years of credited service.

20 4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be  
21 payable if the member has attained at least age fifty-five with the sum of the member's age and  
22 credited service equaling at least ninety; or in the case of a member who is serving as a  
23 uniformed member of the highway patrol and subject to the mandatory retirement provisions of  
24 section 104.081, the temporary annuity shall be payable if the member has attained at least age  
25 sixty, or at least age fifty-five with ten years of credited service.

26 5. A member, other than a member who is serving as a uniformed member of the  
27 highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be  
28 eligible for an early retirement annuity upon the attainment of at least age sixty-two and the  
29 completion of at least ten years of credited service. A vested former member shall not be eligible  
30 for early retirement.

31 6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied  
32 pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members  
33 covered by this section.

34 7. The minimum credited service requirements of five years contained in sections  
35 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this  
36 section. The normal and early retirement eligibility requirements in this section shall apply for  
37 purposes of administering section 104.1087.

38 8. A member shall be required to contribute four percent of the member's pay to the  
39 retirement system, which shall stand to the member's credit in his or her individual account with  
40 the system, together with investment credits thereon, for purposes of funding retirement benefits  
41 payable under the year 2000 plan, subject to the following provisions:

42 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section  
43 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the  
44 member under this section. The contributions so picked up shall be treated as employer  
45 contributions for purposes of determining the member's pay that is includable in the member's  
46 gross income for federal income tax purposes;

47 (2) Member contributions picked up by the employer shall be paid from the same source  
48 of funds used for the payment of pay to a member. A deduction shall be made from each

49 member's pay equal to the amount of the member's contributions picked up by the employer.  
50 This deduction, however, shall not reduce the member's pay for purposes of computing benefits  
51 under the retirement system pursuant to this chapter;

52 (3) Member contributions so picked up shall be credited to a separate account within the  
53 member's individual account so that the amounts contributed pursuant to this section may be  
54 distinguished from the amounts contributed on an after-tax basis;

55 (4) The contributions, although designated as employee contributions, shall be paid by  
56 the employer in lieu of the contributions by the member. The member shall not have the option  
57 of choosing to receive the contributed amounts directly instead of having them paid by the  
58 employer to the retirement system;

59 (5) Interest shall be credited annually on June thirtieth based on the value in the account  
60 as of July first of the immediately preceding year at a rate of four percent. Effective June 30,  
61 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment  
62 rate that is published by the United States Department of Treasury, or its successor agency, for  
63 fifty-two week treasury bills for the relevant auction that is nearest to the preceding July first, or  
64 a successor treasury bill investment rate as approved by the board if the fifty-two week treasury  
65 bill is no longer issued. Interest credits shall cease upon termination of employment if the  
66 member is not a vested former member. Otherwise, interest credits shall cease upon retirement  
67 or death;

68 (6) A vested former member or a former member who is not vested may request a refund  
69 of his or her contributions and interest credited thereon. If such member is married at the time  
70 of such request, such request shall not be processed without consent from the spouse. Such  
71 member is not eligible to request a refund if such member's retirement benefit is subject to a  
72 division of benefit order pursuant to section 104.1051. Such refund shall be paid by the system  
73 after ninety days from the date of termination of employment or the request, whichever is later,  
74 and shall include all contributions made to any retirement plan administered by the system and  
75 interest credited thereon. A vested former member may not request a refund after such member  
76 becomes eligible for normal retirement. A vested former member or a former member who is  
77 not vested who receives a refund shall forfeit all the member's credited service and future rights  
78 to receive benefits from the system and shall not be eligible to receive any long-term disability  
79 benefits; provided that any member or vested former member receiving long-term disability  
80 benefits shall not be eligible for a refund. If such member subsequently becomes an employee  
81 and works continuously for at least one year, the credited service previously forfeited shall be  
82 restored if the member returns to the system the amount previously refunded plus interest at a  
83 rate established by the board;

84 (7) The beneficiary of any member who made contributions shall receive a refund upon  
85 the member's death equal to the amount, if any, of such contributions and interest credited  
86 thereon less any retirement benefits received by the member unless an annuity is payable to a  
87 survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the  
88 survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or  
89 beneficiary's death equal to the amount, if any, of the member's contributions less any annuity  
90 amounts received by the member and the survivor or beneficiary.

91 9. The employee contribution rate, the benefits provided under the year 2000 plan to  
92 members covered under this section, and any other provision of the year 2000 plan with regard  
93 to members covered under this section may be altered, amended, increased, decreased, or  
94 repealed, but only with respect to services rendered by the member after the effective date of  
95 such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for  
96 periods of time after the effective date of such alteration, amendment, increase, decrease, or  
97 repeal.

98 10. For purposes of members covered by this section, the options under section 104.1027  
99 shall be as follows:

100 Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity  
101 otherwise payable. Such percent shall be eighty-eight and one half percent adjusted as follows:  
102 if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of  
103 three-tenths of one percent for each year the retiree's age is younger than age sixty-seven years;  
104 and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a  
105 decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is  
106 younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one  
107 percent for each year of age difference; provided, after all adjustments the option 1 percent  
108 cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of the  
109 retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the  
110 annuity starting date or as otherwise provided by subsection 5 of this section.

111 Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity  
112 otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's  
113 age on the annuity starting date is younger than sixty-seven years, an increase of four-tenths of  
114 one percent for each year the retiree's age is younger than sixty-seven years; and if the  
115 beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-  
116 tenths of one percent for each year of age difference; and if the retiree's age is younger than the  
117 beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each  
118 year of age difference; provided, after all adjustments the option 2 percent cannot exceed eighty-  
119 seven and three quarter percent. Upon the retiree's death one hundred percent of the retiree's

120 reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity  
121 starting date or as otherwise provided by subsection 5 of this section.

122         Option 3. A retiree's life annuity shall be reduced to ninety-three percent of the annuity  
123 otherwise payable. If the retiree dies before having received one hundred twenty monthly  
124 payments, the reduced annuity shall be continued for the remainder of the one hundred twenty-  
125 month period to the retiree's designated beneficiary provided that if there is no beneficiary  
126 surviving the retiree, the present value of the remaining annuity payments shall be paid as  
127 provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies  
128 before receiving the remainder of such one hundred twenty monthly payments, the present value  
129 of the remaining annuity payments shall be paid as provided under subsection 3 of section  
130 104.620.

131         Option 4. A retiree's life annuity shall be reduced to eighty-six percent of the annuity  
132 otherwise payable. If the retiree dies before having received one hundred eighty monthly  
133 payments, the reduced annuity shall be continued for the remainder of the one hundred eighty-  
134 month period to the retiree's designated beneficiary provided that if there is no beneficiary  
135 surviving the retiree, the present value of the remaining annuity payments shall be paid as  
136 provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies  
137 before receiving the remainder of such one hundred eighty monthly payments, the present value  
138 of the remaining annuity payments shall be paid as provided under subsection 3 of section  
139 104.620.

140         11. The provisions of subsection 6 of section 104.1024 shall not apply to members  
141 covered by this section.

142         **12. Effective January 1, 2018, a member who is not a statewide elected official or**  
143 **a member of the general assembly shall be eligible for retirement under this subsection**  
144 **subject to the following conditions:**

145         **(1) A member's normal retirement eligibility shall be based on the attainment of**  
146 **at least age sixty-seven and the completion of at least five years of credited service; or the**  
147 **member's attainment of at least age fifty-five with the sum of the member's age and**  
148 **credited service equaling at least ninety; or, in the case of a member who is serving as a**  
149 **uniformed member of the highway patrol and subject to the mandatory retirement**  
150 **provisions of section 104.081, such member's attainment of at least age sixty or the**  
151 **attainment of at least age fifty-five with five years of credited service;**

152         **(2) A vested former member's normal retirement eligibility shall be based on the**  
153 **attainment of at least age sixty-seven and the completion of at least five years of credited**  
154 **service;**

155 (3) A temporary annuity paid under subsection 4 of section 104.1024 shall be  
156 payable if the member has attained at least age fifty-five with the sum of the member's age  
157 and credited service equaling at least ninety; or, in the case of a member who is serving as  
158 a uniformed member of the highway patrol and subject to the mandatory retirement  
159 provisions of section 104.081, the temporary annuity shall be payable if the member has  
160 attained at least age sixty, or at least age fifty-five with five years of credited service;

161 (4) A member, other than a member who is serving as a uniformed member of the  
162 highway patrol and subject to the mandatory retirement provisions of section 104.081,  
163 shall be eligible for an early retirement annuity upon the attainment of at least age sixty-  
164 two and the completion of at least five years of credited service. A vested former member  
165 shall not be eligible for early retirement;

166 (5) The normal and early retirement eligibility requirements in this subsection shall  
167 apply for purposes of administering section 104.1087;

168 (6) The survivor annuity payable under section 104.1030 for vested former  
169 members covered by this section shall not be payable until the deceased member would  
170 have reached his or her normal retirement eligibility under this subsection;

171 (7) The annual cost-of-living adjustment payable under section 104.1045 will not  
172 commence until the second anniversary of a vested former member's annuity starting date  
173 for members covered by this subsection;

174 (8) The unused sick leave credit granted under subsection 2 of section 104.1021 will  
175 not apply to members covered by this subsection unless the member terminates  
176 employment after reaching normal retirement eligibility or becoming eligible for an early  
177 retirement annuity under this subsection; and

178 (9) The minimum credited service requirements of five years contained in sections  
179 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this  
180 subsection.

104.1092. 1. In lieu of retirement annuity benefits otherwise payable under the  
2 closed plan or year 2000 plan, any member who has terminated employment, is entitled to  
3 a deferred annuity, and has not yet reached normal retirement age or eligibility may make  
4 a one-time election to receive a lump sum payment equal to a percentage of the present  
5 value of such member's deferred annuity should a board choose to establish such a  
6 program by board rule pursuant to section 104.1063.

7 2. Any such election under subsection 1 of this section may be made by the member  
8 beginning on a date as established by the board under such program but not after May 31,  
9 2018. After May 31, 2018, no such election shall be made and retirement annuity benefits  
10 will only be paid as otherwise provided by law under this chapter.

11           **3. Any such member making such election under subsection 1 of this section shall**  
 12 **forfeit all such member's creditable or credited service and future rights to receive**  
 13 **retirement annuity benefits from the system under this chapter and shall not be eligible to**  
 14 **receive any long-term disability benefits. If such member subsequently becomes an**  
 15 **employee, such member shall be considered a new employee with no prior credited service**  
 16 **and shall be subject to the provisions of section 104.1091.**

105.669. 1. Any participant of a plan who is ~~found guilty~~ **convicted** of a felony offense  
 2 listed in subsection 3 of this section, which is committed in direct connection with or directly  
 3 related to the participant's duties as an employee on or after August 28, 2014, shall not be eligible  
 4 to receive any retirement benefits from the respective plan based on service rendered on or after  
 5 August 28, 2014, except a participant may still request from the respective retirement system a  
 6 refund of the participant's plan contributions, including interest credited to the participant's  
 7 account.

2. ~~Upon a finding of guilt, the court shall forward a notice of the court's finding to]~~ **The**  
 9 **employer of any participant who is charged or convicted of a felony offense listed in**  
 10 **subsection 3 of this section, which is committed in direct connection with or directly related**  
 11 **to the participant's duties as an employee on or after August 28, 2014, shall notify the**  
 12 appropriate retirement system in which the offender was a participant~~]. The court shall also~~  
 13 ~~make a determination on the value of the money, property, or services involved in committing~~  
 14 ~~the offense]~~ **and provide information in connection with such charge or conviction.** The  
 15 plans shall take all actions necessary to implement the provisions of this section.

3. ~~The finding of guilt for]~~ **A felony conviction based on** any of the following offenses  
 17 or a substantially similar offense provided under federal law shall result in the ineligibility of  
 18 retirement benefits as provided in subsection 1 of this section:

19           (1) The offense of felony stealing under section 570.030 when such offense involved  
 20 money, property, or services valued at five thousand dollars or more ~~[as determined by the~~  
 21 ~~court]~~;

22           (2) The offense of felony receiving stolen property under section 570.080, **as it existed**  
 23 **before January 1, 2017**, when such offense involved money, property, or services valued at five  
 24 thousand dollars or more ~~[as determined by the court]~~;

25           (3) The offense of forgery under section 570.090;

26           (4) The offense of felony counterfeiting under section 570.103;

27           (5) The offense of bribery of a public servant under section 576.010; or

28           (6) The offense of acceding to corruption under section 576.020.

169.141. 1. Any person receiving a retirement allowance under sections 169.010 to  
 2 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070

3 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either  
4 of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the retired person  
6 may, upon remarriage, nominate the new spouse under the same option elected in the application  
7 for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is dissolved, and  
9 if the dissolution decree provides for sole retention by the retired person of all rights in the  
10 retirement allowance, the retired person may, upon remarriage, nominate the new spouse under  
11 the same option elected in the application for retirement.

12 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection  
13 1 of this section must be made in accordance with procedures established by the board of  
14 trustees, and must be filed within ninety days of May 6, 1993, or within ~~ninety days~~ **one year**  
15 of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in  
16 accordance with those procedures, the board shall adjust the retirement allowance to reflect  
17 actuarial considerations of that nomination as well as previous beneficiary and successor  
18 beneficiary nominations.

19 **3. Any person receiving a retirement allowance under sections 169.010 to 169.140**  
20 **who elected a reduced retirement allowance under subsection 3 of section 169.070 with his**  
21 **or her spouse as the nominated beneficiary may have the retirement allowance increased**  
22 **to the amount the retired member would be receiving had the retired member elected**  
23 **option 1 if:**

24 (1) **The marriage of the retired person and the nominated spouse is dissolved on or**  
25 **after September 1, 2017;**

26 (2) **If the dissolution decree provides for sole retention by the retired person of all**  
27 **rights in the retirement allowance; and**

28 (3) **The person receives a retirement allowance under subsection 3 of section**  
29 **169.070.**

30

31 **Any such increase in the retirement allowance shall be effective upon the receipt of an**  
32 **application for such increase and a certified copy of the decree of dissolution that meets the**  
33 **requirements of this section.**

169.324. 1. The annual service retirement allowance payable pursuant to section  
2 169.320 shall be the retirant's number of years of creditable service multiplied by a percentage  
3 of the retirant's average final compensation, determined as follows:

4 (1) A retirant whose last employment as a regular employee ended prior to June 30,  
5 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320

6 in equal monthly installments for life equal to the retirant's number of years of creditable service  
7 multiplied by one and three-fourths percent of the person's average final compensation, subject  
8 to a maximum of sixty percent of the person's average final compensation;

9 (2) A retirant whose number of years of creditable service is greater than thirty-four and  
10 one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable  
11 pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number  
12 of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent  
13 of the person's average final compensation but shall not receive a greater annual service  
14 retirement allowance based on additional years of creditable service after August 28, 1993;

15 (3) A retirant who was an active member of the retirement system at any time on or after  
16 June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement  
17 system on December 31, 2013, and remains a member continuously to retirement shall receive  
18 an annual service retirement allowance payable pursuant to section 169.320 in equal monthly  
19 installments for life equal to the retirant's number of years of creditable service multiplied by two  
20 percent of the person's average final compensation, subject to a maximum of sixty percent of the  
21 person's final compensation;

22 (4) A retirant who becomes a member of the retirement system on or after January 1,  
23 2014, including any retirant who was a member of the retirement system before January 1, 2014,  
24 but ceased to be a member for any reason other than retirement, shall receive an annual service  
25 retirement allowance payable pursuant to section 169.320 in equal monthly installments for life  
26 equal to the retirant's number of years of creditable service multiplied by one and three-fourths  
27 percent of the person's average final compensation, subject to a maximum of sixty percent of the  
28 person's average final compensation;

29 (5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective  
30 January 1, 1996, any retirant who retired on, before or after January 1, 1996, with at least twenty  
31 years of creditable service shall receive at least three hundred dollars each month as a retirement  
32 allowance, or the actuarial equivalent thereof if the retirant elected any of the options available  
33 under section 169.326. Any retirant who retired with at least ten years of creditable service shall  
34 receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen  
35 dollars for each additional full year of creditable service greater than ten years but less than  
36 twenty years (or the actuarial equivalent thereof if the retirant elected any of the options available  
37 under section 169.326). Any beneficiary of a deceased retirant who retired with at least ten years  
38 of creditable service and elected one of the options available under section 169.326 shall also be  
39 entitled to the actuarial equivalent of the minimum benefit provided by this subsection,  
40 determined from the option chosen.

41           2. Except as otherwise provided in sections 169.331[~~169.580~~] and 169.585, payment  
42 of a retirant's retirement allowance will be suspended for any month for which such person  
43 receives remuneration from the person's employer or from any other employer in the retirement  
44 system established by section 169.280 for the performance of services except any such person  
45 other than a person receiving a disability retirement allowance under section 169.322 may serve  
46 as a nonregular substitute, part-time or temporary employee for not more than six hundred hours  
47 in any school year without becoming a member and without having the person's retirement  
48 allowance discontinued, provided that through such substitute, part-time, or temporary  
49 employment, the person may earn no more than fifty percent of the annual salary or wages the  
50 person was last paid by the employer before the person retired and commenced receiving a  
51 retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such  
52 compensation limit, payment of the person's retirement allowance shall be suspended for the  
53 month in which such limit was exceeded and each subsequent month in the school year for which  
54 the person receives remuneration from any employer in the retirement system. **In addition to**  
55 **the conditions set forth above, the restrictions of this subsection shall also apply to any**  
56 **person retired and currently receiving a retirement allowance under sections 169.270 to**  
57 **169.400, other than for disability, who is employed by a third party or is performing work**  
58 **as an independent contractor if the services performed by such person are provided to or**  
59 **for the benefit of any employer in the retirement system established under section 169.280.**  
60 **The retirement system may require the employer receiving such services, the third-party**  
61 **employer, the independent contractor, and the retirant subject to this subsection to provide**  
62 **documentation showing compliance with this subsection. If such documentation is not**  
63 **provided, the retirement system may deem the retirant to have exceeded the limitations**  
64 **provided for in this subsection.** If a retirant is reemployed by any employer in any capacity,  
65 whether pursuant to this section, or section 169.331[~~169.580~~] or 169.585, or as a regular  
66 employee, the amount of such person's retirement allowance attributable to service prior to the  
67 person's first retirement date shall not be changed by the reemployment. If the person again  
68 becomes an active member and earns additional creditable service, upon the person's second  
69 retirement the person's retirement allowance shall be the sum of:

70           (1) The retirement allowance the person was receiving at the time the person's retirement  
71 allowance was suspended, pursuant to the payment option elected as of the first retirement date,  
72 plus the amount of any increase in such retirement allowance the person would have received  
73 pursuant to subsection 3 of this section had payments not been suspended during the person's  
74 reemployment; and

75           (2) An additional retirement allowance computed using the benefit formula in effect on  
76 the person's second retirement date, the person's creditable service following reemployment, and

77 the person's average final annual compensation as of the second retirement date. The sum  
78 calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's  
79 average final compensation as of the second retirement date or the amount determined pursuant  
80 to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement  
81 date shall be considered in determining the person's average final compensation as of the second  
82 retirement date if such compensation would otherwise be included in determining the person's  
83 average final compensation.

84 3. The board of trustees shall determine annually whether the investment return on funds  
85 of the system can provide for an increase in benefits for retirants eligible for such increase. A  
86 retirant shall and will be eligible for an increase awarded pursuant to this section as of the second  
87 January following the date the retirant commenced receiving retirement benefits. Any such  
88 increase shall also apply to any monthly joint and survivor retirement allowance payable to such  
89 retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

90 (1) After determination by the actuary of the investment return for the preceding year as  
91 of December thirty-first (the "valuation year"), the actuary shall recommend to the board of  
92 trustees what portion of the investment return is available to provide such benefits increase, if  
93 any, and shall recommend the amount of such benefits increase, if any, to be implemented as of  
94 the first day of the thirteenth month following the end of the valuation year, and first payable on  
95 or about the first day of the fourteenth month following the end of the valuation year. The  
96 actuary shall make such recommendations so as not to affect the financial soundness of the  
97 retirement system, recognizing the following safeguards:

98 (a) The retirement system's funded ratio as of January first of the year preceding the year  
99 of a proposed increase shall be at least one hundred percent after adjusting for the effect of the  
100 proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

101 (b) The actuarially required contribution rate, after adjusting for the effect of the  
102 proposed increase, may not exceed the then applicable employer and member contribution rate  
103 as determined under subsection 4 of section 169.350;

104 (c) The actuary shall certify to the board of trustees that the proposed increase will not  
105 impair the actuarial soundness of the retirement system;

106 (d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding  
107 years;

108 (2) The board of trustees shall review the actuary's recommendation and report and shall,  
109 in their discretion, determine if any increase is prudent and, if so, shall determine the amount of  
110 increase to be awarded.

111 4. This section does not guarantee an annual increase to any retirant.

112           5. If an inactive member becomes an active member after June 30, 2001, and after a  
113 break in service, unless the person earns at least four additional years of creditable service  
114 without another break in service, upon retirement the person's retirement allowance shall be  
115 calculated separately for each separate period of service ending in a break in service. The  
116 retirement allowance shall be the sum of the separate retirement allowances computed for each  
117 such period of service using the benefit formula in effect, the person's average final  
118 compensation as of the last day of such period of service and the creditable service the person  
119 earned during such period of service; provided, however, if the person earns at least four  
120 additional years of creditable service without another break in service, all of the person's  
121 creditable service prior to and including such service shall be aggregated and, upon retirement,  
122 the retirement allowance shall be computed using the benefit formula in effect and the person's  
123 average final compensation as of the last day of such period of four or more years and all of the  
124 creditable service the person earned prior to and during such period.

125           6. Notwithstanding anything contained in this section to the contrary, the amount of the  
126 annual service retirement allowance payable to any retirant pursuant to the provisions of sections  
127 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section,  
128 shall at all times comply with the provisions and limitations of Section 415 of the Internal  
129 Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are  
130 specifically incorporated herein by reference.

131           7. All retirement systems established by the laws of the state of Missouri shall develop  
132 a procurement action plan for utilization of minority and women money managers, brokers and  
133 investment counselors. Such retirement systems shall report their progress annually to the joint  
134 committee on public employee retirement and the governor's minority advocacy commission.

169.460. 1. Any member may retire and receive a normal pension upon his **or her**  
2 written application to the board of trustees setting forth at what time not less than fifteen days  
3 nor more than one hundred eighty days subsequent to the execution and filing of such application  
4 he **or she** desires to be retired; provided, that the member at the time so specified for his **or her**  
5 retirement either (a) shall have attained age sixty-five or (b) shall have attained an age which  
6 when added to the number of years of credited service of such member shall total a sum not less  
7 than ~~[eighty-five]~~ **eighty**. For purposes of computing any member's age under this section, the  
8 board shall, if necessary, add to his **or her** actual age any accumulated and unused days of sick  
9 leave included in his **or her** credited service.

10           2. Upon retirement ~~[pursuant to]~~ **under** subsection 1 of this section, a member shall  
11 receive an annual pension payable in monthly installments **in the following manner:**

12           **(1) A member hired prior to January 1, 2018, shall receive an annual pension**  
13 **payable in monthly installments** equal to his **or her** number of years of credited service

14 multiplied by two percent of his **or her** average final compensation subject to a maximum  
15 pension of sixty percent of his **or her** average final compensation[-] ; **or**

16 **(2) A member hired for the first time on or after January 1, 2018, shall receive an**  
17 **annual pension payable in monthly installments equal to his or her number of years of**  
18 **credited service multiplied by one and three-fourths percent of such member's average**  
19 **final compensation subject to a maximum pension of sixty percent of the member's average**  
20 **final compensation.**

21 3. A member who is not eligible for normal pension pursuant to subsection 1 of this  
22 section but who has attained age sixty and has five or more years of credited service may make  
23 application in the same manner as pursuant to subsection 1 of this section for an early pension.  
24 His **or her** early pension shall be computed pursuant to subsection 2 of this section, but shall be  
25 reduced by five-ninths of one percent for each month such member's early retirement date  
26 precedes the earliest date he **or she** could have received a normal pension pursuant to subsection  
27 1 of this section had his **or her** service continued.

28 4. Upon the written application of the member or of the employing board, any active  
29 member who has five or more years of credited service with such board and does not qualify for  
30 a normal pension pursuant to subsection 1 of this section may be retired by the board of trustees,  
31 not less than fifteen days and not more than one hundred eighty days next following the date of  
32 filing such application, and receive a disability pension, provided, that the medical board after  
33 a medical examination of such member or such member's medical records shall certify that such  
34 member is unable to further perform his **or her** duties due to mental or physical incapacity, and  
35 that such incapacity is likely to be permanent and that such member should be retired; or,  
36 provided the member furnishes evidence of the receipt of disability benefits under the federal Old  
37 Age, Survivors and Disability Insurance System of the Social Security Act. The determination  
38 of the board of trustees in the matter shall be final and conclusive. A member being retired  
39 pursuant to this subsection who has accumulated unused vacation and sick leave may elect to  
40 have the commencement of his **or her** disability pension deferred for more than one hundred  
41 eighty days during the period he **or she** is entitled to vacation and sick pay.

42 5. Upon retirement for disability, a member shall receive a disability pension until such  
43 time as he **or she** meets the requirements for a normal pension pursuant to subsection 1 of this  
44 section, at which time his **or her** disability pension will be deemed to be a normal pension. The  
45 member's disability pension shall be the larger of:

46 (1) A normal pension based on his **or her** credited service to the date of his **or her**  
47 retirement for disability and calculated as if he **or she** were age sixty-five; or

48 (2) One-fourth of his **or her** average final compensation; except that such benefit shall  
49 not exceed the normal pension which he **or she** would have received upon retirement if his **or**

50 **her** service had continued and he **or she** had satisfied the eligibility requirements of subsection  
51 1 of this section and had his **or her** final average compensation been unchanged.

52 6. Once each year during the first five years following retirement for disability and once  
53 in every three-year period thereafter while receiving a disability pension, the board of trustees  
54 may, and shall, require any member receiving a disability pension who has not yet become  
55 eligible for a normal pension pursuant to subsection 1 of this section to undergo a medical  
56 examination at a place designated by the medical board or by a physician or physicians  
57 designated by such board. If any such member receiving a disability pension refuses to submit  
58 to such medical examination, his **or her** benefit may be discontinued until his **or her** withdrawal  
59 of such refusal, and if his **or her** refusal continues for one year, all rights in and to his **or her**  
60 pension may be revoked by the board of trustees.

61 7. If the board of trustees finds that any member receiving a disability pension is engaged  
62 in or is able to engage in a gainful occupation paying more than the difference between his **or**  
63 **her** disability pension plus benefits, if any, to which he **or she** and his **or her** family are eligible  
64 under the federal Old Age, Survivors and Disability Insurance System of the Social Security Act  
65 and the current rate of monthly compensation for the position he **or she** held at retirement, then  
66 the amount of his **or her** disability pension shall be reduced to an amount which together with  
67 the amount earnable by him **or her** shall equal such current rate of monthly compensation. The  
68 decisions of the board of trustees in regard to such modification of disability benefits shall be  
69 final and conclusive.

70 8. If any member receiving a disability pension is restored to service as an employee, he  
71 **or she** shall again become an active member of the retirement system and contribute thereunder.  
72 His **or her** credited service at the time of his **or her** retirement for disability shall be restored and  
73 the excess of his **or her** accumulated contributions at his **or her** retirement for disability over  
74 the total disability pension payments which he **or she** received shall be credited to his **or her**  
75 account.

76 9. If a member with fewer than five years credited service ceases to be an employee,  
77 except by death, he **or she** shall be paid the amount of his **or her** accumulated contributions in  
78 accordance with applicable provisions of the Internal Revenue Code.

79 10. If a member with five years or more credited service ceases to be an employee,  
80 except by death or retirement, he **or she** shall be paid on demand the amount of his **or her**  
81 accumulated contributions, or he **or she** may leave his **or her** accumulated contributions with  
82 the retirement system and be an inactive member and claim a retirement benefit at any time after  
83 he **or she** reaches the minimum age for retirement, except that if such a member's accumulated  
84 contributions do not exceed the involuntary distribution limits under provisions of the Internal  
85 Revenue Code, the member must elect to become an inactive member within thirty days of

86 employment separation to avoid application of the involuntary distribution provisions of the  
87 Internal Revenue Code. When an inactive member presents his **or her** valid claim to the board  
88 of trustees, he **or she** shall be granted a benefit at such time and for such amount as is available  
89 pursuant to subsection 2 or 3 of this section in accordance with the provisions of law in effect  
90 at the time his **or her** active membership ceased. The accumulated contributions of an inactive  
91 member may be withdrawn at any time upon ninety days' notice or such shorter notice as is  
92 approved by the board of trustees. If an inactive member dies before retirement, his **or her**  
93 accumulated contributions shall be paid to his **or her** designated beneficiary, if living, otherwise  
94 to the estate of the member. A member's accumulated contributions shall not be paid to him **or**  
95 **her** so long as he **or she** remains in service as an employee.

96 11. Any member upon retirement shall receive his **or her** pension payable throughout  
97 life subject to the provision that if his **or her** death occurs before he **or she** has received total  
98 benefits at least as large as his **or her** accumulated contributions at retirement, the difference  
99 shall be paid in one sum to his **or her** designated beneficiary, if living, otherwise to the estate  
100 of the retired member.

101 12. Prior to the date of retirement pursuant to subsection 2, 3, or 4 of this section, a  
102 member may elect to receive the actuarial equivalent of his **or her** pension in a lesser amount,  
103 payable throughout life under one of the following options with the provision that:

104 Option 1. Upon his **or her** death, his **or her** pension shall be continued throughout the  
105 life of and paid to his **or her** beneficiary, or

106 Option 2. Upon his **or her** death, one-half of his **or her** pension shall be continued  
107 throughout the life of and paid to his **or her** beneficiary, or

108 Option 3. Upon his **or her** death, his **or her** pension shall be continued throughout the  
109 life of and paid to his **or her** beneficiary, provided that in the event his **or her** designated  
110 beneficiary predeceases him **or her**, then his **or her** pension shall be adjusted effective the first  
111 day of the month following the month in which his **or her** designated beneficiary died to the  
112 amount determined pursuant to subsection 2 or 3 of this section at the time of his **or her**  
113 retirement, or

114 Option 4. Upon his **or her** death, one-half of his **or her** pension shall be continued  
115 throughout the life of and paid to his **or her** beneficiary, provided that in the event his **or her**  
116 designated beneficiary predeceases him **or her**, then his **or her** pension shall be adjusted  
117 effective the first day of the month following the month in which his **or her** designated  
118 beneficiary died to the amount determined pursuant to subsection 2 or 3 of this section at the  
119 time of his **or her** retirement.

120 Option 5. Prior to age sixty-two the member will receive an increased pension, where  
121 the total pension prior to age sixty-two is approximately equal to the pension after age sixty-two

122 plus the member's estimated federal Social Security benefit, provided that the reduced pension  
123 after age sixty-two is not less than one-half the pension the member could have received had no  
124 option been elected. A member may elect a combination of Option 1 and Option 5, or Option 2  
125 and Option 5. The survivor benefits payable to a beneficiary, other than the spouse of the retired  
126 member, under any of the foregoing options shall in no event exceed fifty percent of the actuarial  
127 equivalent of the pension determined pursuant to subsection 2 or 3 of this section at the time of  
128 retirement.

129         13. If an option has been elected pursuant to subsection 12 of this section, and both the  
130 retired member and beneficiary die before receiving total benefits as large as the member's  
131 accumulated contributions at retirement, the difference shall be paid to the designated beneficiary  
132 of the person last entitled to benefits, if living, otherwise to the estate of the person last entitled  
133 to benefits.

134         14. If an active member dies while an employee and with five or more years of credited  
135 service and a dependent of the member is designated as beneficiary to receive his **or her**  
136 accumulated contributions, such beneficiary may, in lieu thereof, request that benefits be paid  
137 under option 1, subsection 12 of this section, as if the member had attained age sixty, if the  
138 member was less than sixty years of age at the time of his **or her** death, and had retired under  
139 such option as of the date of death, provided that under the same circumstances a member may  
140 provide by written designation that benefits must be paid pursuant to option 1 to such  
141 beneficiary. In addition to benefits received under option 1, subsection 12 of this section, a  
142 surviving spouse receiving benefits under this subsection shall receive sixty dollars per month  
143 for each unmarried dependent child of the deceased member who is under twenty-two years of  
144 age and is in the care of the surviving spouse; provided, that if there are more than three such  
145 unmarried dependent children one hundred eighty dollars shall be divided equally among them.  
146 A "dependent beneficiary" for the purpose of this subsection only shall mean either the surviving  
147 spouse or a person who at the time of the death of the member was receiving at least one-half of  
148 his **or her** support from the member, and the determination of the board of trustees as to whether  
149 a person is a dependent shall be final.

150         15. In lieu of accepting the payment of the accumulated contributions of a member who  
151 dies after having at least eighteen months of credited service and while an employee, an eligible  
152 beneficiary or, if no surviving eligible beneficiary, the unmarried dependent children of the  
153 member under twenty-two years of age may elect to receive the benefits pursuant to subdivision  
154 (1), (2), (3), or (4) of this subsection. An "eligible beneficiary" is the surviving spouse,  
155 unmarried dependent children under twenty-two years of age or dependent parents of the  
156 member, if designated as beneficiary. A "dependent" is one receiving at least one-half of his **or**  
157 **her** support from the member at his **or her** death.

158 (1) A surviving spouse who is sixty-two years of age at the death of the member or upon  
159 becoming such age thereafter, and who was married to the member at least one year, may receive  
160 sixty dollars per month for life. A spouse may receive this benefit after receiving benefits  
161 pursuant to subdivision (2) of this subsection;

162 (2) A surviving spouse who has in his or her care an unmarried dependent child of the  
163 deceased member under twenty-two years of age may receive sixty dollars per month plus sixty  
164 dollars per month for each child under twenty-two years of age but not more than a total of two  
165 hundred forty dollars per month;

166 (3) If no benefits are payable pursuant to subdivision (2) of this subsection, unmarried  
167 dependent children under the age of twenty-two may receive sixty dollars each per month;  
168 provided that if there are more than three such children one hundred eighty dollars per month  
169 shall be divided equally among them;

170 (4) A dependent parent upon attaining sixty-two years of age may receive sixty dollars  
171 per month as long as not remarried provided no benefits are payable at any time pursuant to  
172 subdivision (1), (2), or (3) of this subsection. If there are two dependent parents entitled to  
173 benefits, sixty dollars per month shall be divided equally between them;

174 (5) If the benefits pursuant to this subsection are elected and the total amount paid is less  
175 than an amount equal to the accumulated contributions of a member at his **or her** death, the  
176 difference shall be payable to the beneficiary or the estate of the beneficiary last entitled to  
177 benefits.

178 16. If a member receiving a normal pension again becomes an active member, his **or her**  
179 pension benefit payments shall cease during such membership and shall be resumed upon  
180 subsequent retirement together with such pension benefit as shall accrue by reason of his **or her**  
181 latest period of membership. Except as otherwise provided in section 105.269, a retired member  
182 may not receive a pension benefit for any month for which he **or she** receives compensation from  
183 an employing board, except he **or she** may serve as a part-time or temporary employee for not  
184 to exceed sixty days in any calendar year without becoming a member and without having his  
185 **or her** pension benefit discontinued. A retired member may also serve as a member of the board  
186 of trustees and receive any reimbursement for expenses allowed him **or her** because of such  
187 service without becoming an active member and without having his **or her** pension benefit  
188 discontinued or reduced.

189 17. Upon approval of the board of trustees, any member may make contributions in  
190 addition to those required. Any additional contributions shall be accumulated at interest and paid  
191 in addition to the benefits provided hereunder. The board of trustees shall make such rules and  
192 regulations as it deems appropriate in connection with additional contributions including  
193 limitations on amounts of contributions and methods of payment of benefits.

194 18. Notwithstanding any other provisions of this section, any member retiring on or after  
195 age sixty-five who has five or more years of credited service shall be entitled to an annual  
196 pension of the lesser of (a) an amount equal to his **or her** number of years of credited service  
197 multiplied by one hundred twenty dollars, or (b) one thousand eight hundred dollars. Upon the  
198 death of such member, any benefits payable to the beneficiary of such member shall be computed  
199 as otherwise provided.

169.490. 1. All the assets of the retirement system shall be held as one fund.

2 ~~[±]~~ 2. (1) **For any member hired before January 1, 2018**, the employing board shall  
3 cause to be deducted from the compensation of each member at every payroll period five percent  
4 of his **or her** compensation~~[, and]~~ .

5 **(2) Beginning January 1, 2018, the percentage in subdivision (1) of this subsection**  
6 **shall increase one-half of one percent annually until such time as the percentage equals**  
7 **nine percent.**

8 **(3) For any member hired for the first time on or after January 1, 2018, the**  
9 **employing board shall cause to be deducted from the compensation of each member at**  
10 **every payroll period nine percent of such member's compensation.**

11 **(4)** The amounts so deducted shall be transferred to the board of trustees and credited  
12 to the individual account of each member from whose compensation the deduction was made.  
13 In determining the amount earnable by a member in any payroll period, the board of trustees may  
14 consider the rate of earnable compensation payable to such member on the first day of the payroll  
15 period as continuing throughout such payroll period; it may omit deduction from compensation  
16 for any period less than a full payroll period if the employee was not a member on the first day  
17 of the payroll period; and to facilitate the making of the deductions, it may modify the deduction  
18 required of any member by such amount as shall not exceed one-tenth of one percent of the  
19 compensation upon the basis of which such deduction was made.

20 ~~[(2)]~~ **(5)** The deductions provided for herein are declared to be a part of the salary of the  
21 member and the making of such deductions shall constitute payments by the member out of his  
22 **or her** salary or earnings and such deductions shall be made notwithstanding that the minimum  
23 compensation provided by law for any member shall be reduced thereby. Every member shall  
24 be deemed to consent to the deductions made and provided for herein, and shall receipt for his  
25 **or her** full salary or compensation, and the making of said deductions and the payment of salary  
26 or compensation less said deduction shall be a full and complete discharge and acquittance of  
27 all claims and demands whatsoever for services rendered during the period covered by the  
28 payment except as to benefits provided by sections 169.410 to 169.540.

29 ~~[(3)]~~ **(6)** The employing board may elect to pay member contributions required by this  
30 section as an employer pick up of employee contributions under Section 414(h)(2) of the Internal

31 Revenue Code of 1986, as amended, and such contributions picked up by the employing board  
32 shall be treated as contributions made by members for all purposes of sections 169.410 to  
33 169.540.

34 ~~[2-]~~ **3.** If a retired member receiving a pension pursuant to sections 169.410 to 169.540  
35 is restored to active service and again becomes an active member of the retirement system, there  
36 shall be credited to his **or her** individual account an amount equal to the excess, if any, of his  
37 **or her** accumulated contributions at retirement over the total pension benefits paid to him **or**  
38 **her**.

39 ~~[3-]~~ **4.** Annually, the actuary for the retirement system shall calculate each employer's  
40 contribution as an amount equal to a certain percentage of the total compensation of all members  
41 employed by that employer. The percentage shall be fixed on the basis of the liabilities of the  
42 retirement system as shown by the annual actuarial valuation. The annual actuarial valuation  
43 shall be made on the basis of such actuarial assumptions and the actuarial cost method adopted  
44 by the board of trustees, provided that the actuarial cost method adopted shall be in accordance  
45 with generally accepted actuarial standards and that the unfunded actuarial accrued liability, if  
46 any, shall be amortized by level annual payments over a period not to exceed thirty years. **The**  
47 **provisions of this subsection shall expire on December 31, 2017. Thereafter subsection 5**  
48 **of this section shall apply.**

49 **5.** For calendar year 2018, the rate of contribution payable by each employer shall  
50 equal sixteen percent of the total compensation of all members employed by that employer.  
51 For calendar year 2019, the rate of contribution payable by each employer shall equal  
52 fifteen percent of the total compensation of all members employed by that employer. For  
53 calendar year 2020, the rate of contribution payable by each employer shall equal fourteen  
54 percent of the total compensation of all members employed by that employer. For calendar  
55 year 2021, the rate of contribution payable by each employer shall equal thirteen percent  
56 of the total compensation of all members employed by that employer. For calendar year  
57 2022, the rate of contribution payable by each employer shall equal twelve percent of the  
58 total compensation of all members employed by that employer. For calendar year 2023,  
59 the rate of contribution payable by each employer shall equal eleven percent of the total  
60 compensation of all members employed by that employer. For calendar year 2024, the rate  
61 of contribution payable by each employer shall equal ten percent of the total compensation  
62 of all members employed by that employer. For calendar year 2025 and subsequent  
63 calendar years, the rate of contribution payable by each employer shall equal nine percent  
64 of the total compensation of all members employed by that employer.

65 [4-] 6. The expense and contingency reserve shall be a reserve for investment  
66 contingencies and estimated expenses of administration of the retirement system as determined  
67 annually by the board of trustees.

68 [5-] 7. Gifts, devises, bequests and legacies may be accepted by the board of trustees  
69 to be held and invested as a part of the assets of the retirement system and shall not be separately  
70 accounted for except where specific direction for the use of a gift is made by a donor.

169.560. Any person retired and currently receiving a retirement allowance pursuant to  
2 sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a  
3 district included in the retirement system created by those sections on either a part-time or  
4 temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school  
5 year, and through such employment may earn up to fifty percent of the annual compensation  
6 payable under the [employing] district's salary schedule for the position or positions filled by the  
7 retiree, given such person's level of experience and education, without a discontinuance of the  
8 person's retirement allowance. If the [employing] school district does not utilize a salary  
9 schedule, or if the position in question is not subject to the [employing] district's salary schedule,  
10 a retiree employed in accordance with the provisions of this section may earn up to fifty percent  
11 of the annual compensation paid to the person or persons who last held such position or  
12 positions. If the position or positions did not previously exist, the compensation limit shall be  
13 determined in accordance with rules duly adopted by the board of trustees of the retirement  
14 system; provided that, it shall not exceed fifty percent of the annual compensation payable for  
15 the position in the [employing] school district that is most comparable to the position filled by  
16 the retiree. In any case where a retiree fills more than one position during the school year, the  
17 fifty-percent limit on permitted earning shall be based solely on the annual compensation of the  
18 highest paid position occupied by the retiree for at least one-fifth of the total hours worked  
19 during the year. Such a person shall not contribute to the retirement system or to the public  
20 education employee retirement system established by sections 169.600 to 169.715 because of  
21 earnings during such period of employment. If such a person is employed in any capacity by such  
22 a district ~~[on a regular, full-time basis,]~~ **in excess of the limitations set forth in this section**, the  
23 person shall not be eligible to receive the person's retirement allowance for any month during  
24 which the person is so employed. **In addition, such person ~~and~~ shall contribute to the**  
25 **retirement system if the person satisfies the retirement system's membership eligibility**  
26 **requirements. In addition to the conditions set forth above, this section shall apply to any**  
27 **person retired and currently receiving a retirement allowance under sections 169.010 to**  
28 **169.141, other than for disability, who is employed by a third party or is performing work**  
29 **as an independent contractor, if such person is performing work in a district included in**  
30 **the retirement system as a temporary or long-term substitute teacher or in any other**

31 **position that would normally require that person to be duly certificated under the laws**  
32 **governing the certification of teachers in Missouri if such person was employed by the**  
33 **district. The retirement system may require the district, the third-party employer, the**  
34 **independent contractor, and the retiree subject to this section to provide documentation**  
35 **showing compliance with this section. If such documentation is not provided, the**  
36 **retirement system may deem the retiree to have exceeded the limitations provided in this**  
37 **section.**

169.715. 1. Any person receiving a retirement allowance under sections 169.600 to  
2 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670  
3 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either  
4 of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the retired person  
6 may, upon remarriage, nominate the new spouse under the same option elected in the application  
7 for retirement;

8 (2) If the marriage of the retired person and the nominated beneficiary is dissolved, and  
9 if the dissolution decree provides for sole retention by the retired person of all rights in the  
10 retirement allowance, the retired person may, upon remarriage, nominate the new spouse under  
11 the same option elected in the application for retirement.

12 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection  
13 1 of this section must be made in accordance with procedures established by the board of  
14 trustees, and must be filed within ninety days of May 6, 1993, or within [~~ninety days~~] **one year**  
15 of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in  
16 accordance with those procedures, the board shall adjust the retirement allowance to reflect  
17 actuarial considerations of that nomination as well as previous beneficiary and successor  
18 beneficiary nominations.

19 **3. Any person receiving a retirement allowance under sections 169.600 to 169.715**  
20 **who elected a reduced retirement allowance under subsection 4 of section 169.670 with his**  
21 **or her spouse as the nominated beneficiary may have the retirement allowance increased**  
22 **to the amount the retired member would be receiving had the retired member elected**  
23 **option 1 if:**

24 (1) **The marriage of the retired person and the nominated spouse is dissolved on or**  
25 **after September 1, 2017;**

26 (2) **If the dissolution decree provides for sole retention by the retired person of all**  
27 **rights in the retirement allowance; and**

28 (3) **The person receives a retirement allowance under subsection 4 of section**  
29 **169.670.**

30 **Any such increase in the retirement allowance shall be effective upon the receipt of an**  
31 **application for such increase and a certified copy of the decree of dissolution that meets the**  
32 **requirements of this section.**

Section B. Because immediate action is necessary to meet the requirements of the Social  
2 Security Administration and to prevent the expulsion of Missouri airport officers from the Social  
3 Security Program, section 86.207 of section A of this act is deemed necessary for the immediate  
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
5 emergency act within the meaning of the constitution, and section 86.207 of section A of this act  
6 shall be in full force and effect upon its passage and approval.

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