

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Bill No. 17, Page 1, Section A, Line 2, by inserting after all of said line the  
2 following:

3  
4 "104.020. There is hereby created the "Missouri Department of Transportation and Highway  
5 Patrol Employees' Retirement System", which shall be a body corporate and an instrumentality of  
6 the state. In such system shall be vested the powers and duties specified in sections 104.010 to  
7 ~~[104.270]~~ 104.312 and such other powers as may be necessary or proper to enable it, its officers,  
8 employees, and agents to carry out fully and effectively all the purposes of sections 104.010 to  
9 ~~[104.270]~~ 104.312.

10 104.035. 1. Any member whose employment terminated prior to August 13, 1976, and who  
11 had served twenty years or more as an employee shall be entitled to a deferred normal annuity based  
12 on his creditable service, average compensation, and the act in effect at the time his employment  
13 was terminated.

14 2. Any member whose employment terminates on or after August 13, 1976, and prior to  
15 June 1, 1981, and who had served fifteen or more years' creditable service as an employee or had  
16 served ten or more years of creditable service as an employee and was at least thirty-five years of  
17 age at the date of termination of employment shall be entitled to a deferred normal annuity based on  
18 his creditable service, average compensation, and the act in effect at the time his employment was  
19 terminated.

20 3. Any member whose employment terminates on or after June 1, 1981, and who has ten or  
21 more years of creditable service at the date of termination of employment shall be entitled to a  
22 deferred normal annuity based on the member's creditable service, average compensation, and the  
23 act in effect at the time the member's employment is terminated.

24 4. Any member entitled to a deferred normal annuity as provided in subsection 1, 2, 3, or 5  
25 of this section who reenters the service of a department and again becomes a member of the system  
26 ~~[and thereafter serves for one continuous year]~~ shall have his prior period of service restored, so that  
27 benefits determined by reason of his retirement or subsequent withdrawal from service will include  
28 the sum of all periods of creditable service, and his annuity shall be based on his creditable service,  
29 average compensation, and the act in effect at the time of his retirement or subsequent withdrawal  
30 from service.

31 5. Notwithstanding any other law to the contrary, any member of the transportation  
32 department and highway patrol retirement system whose employment terminated on or after  
33 September 28, 1992, who has five or more years of vesting service as an employee at the date of  
34 termination of employment shall be entitled to a deferred normal annuity based on the member's  
35 creditable service, average compensation, and the act in effect at the time the member's employment  
36 was terminated.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           104.170. 1. The board shall elect [~~by secret ballot~~] one member as chair and one member as  
2 vice chair at the first board meeting of each year. The chair may not serve more than two  
3 consecutive terms beginning after August 13, 1988. The chair shall preside over meetings of the  
4 board and perform such other duties as may be required by action of the board. The vice chair shall  
5 perform the duties of the chair in the absence of the latter or upon the chair's inability or refusal to  
6 act.

7           2. The board shall appoint a full-time executive director, who shall not be compensated for  
8 any other duties under the state highways and transportation commission. The executive director  
9 shall have charge of the offices and records and shall hire such employees that the executive director  
10 deems necessary subject to the direction of the board. The executive director and all other  
11 employees of the system shall be members of the system and the board shall make contributions to  
12 provide the insurance benefits available [~~pursuant to~~] under section 104.270 on the same basis as  
13 provided for other state employees [~~pursuant to the provisions of~~] under section 104.515, and also  
14 shall make contributions to provide the retirement benefits on the same basis as provided for other  
15 employees [~~pursuant to the provisions of~~] under sections 104.090 to 104.260. The executive  
16 director is authorized to execute all documents including contracts necessary to carry out any and all  
17 actions of the board.

18           3. Any summons or other writ issued by the courts of the state shall be served upon the  
19 executive director or, in the executive director's absence, on the assistant director.

20           104.200. Should any error in any records result in any [~~member's~~] member or [~~beneficiary's~~]  
21 beneficiary receiving more or less than he or she would have been entitled to receive had the records  
22 been correct, the board shall correct such error, and, as far as practicable, make future payments in  
23 such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was  
24 entitled shall be paid, and to this end may recover any overpayments. In all cases in which such  
25 error has been made, no such error shall be corrected unless the system discovers or is notified of  
26 such error within ten years after the member's annuity starting date or [initial] date of error,  
27 whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern to  
28 the amount of time that has passed.

29           104.312. 1. The provisions of subsection 2 of section 104.250, subsection 2 of section  
30 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding, any  
31 pension, annuity, benefit, right, or retirement allowance provided [~~pursuant to~~] under this chapter,  
32 chapter 287, or chapter 476 is marital property and after August 28, 1994, a court of competent  
33 jurisdiction may divide the pension, annuity, benefits, rights, and retirement allowance provided  
34 [~~pursuant to~~] under this chapter, chapter 287, or chapter 476 between the parties to any action for  
35 dissolution of marriage. A division of benefits order issued [~~pursuant to~~] under this section:

36           (1) Shall not require the applicable retirement system to provide any form or type of annuity  
37 or retirement plan not selected by the member and not normally made available by that system;

38           (2) Shall not require the applicable retirement system to commence payments until the  
39 member submits a valid application for an annuity and the annuity becomes payable in accordance  
40 with the application;

41           (3) Shall identify the monthly amount to be paid to the alternate payee, which shall be  
42 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's  
43 annuity accrued during all or part of the time while the member and alternate payee were married,  
44 excluding service accrued under section 104.601; and which shall be based on the member's vested  
45 annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which  
46 amount shall be adjusted proportionately if the member's annuity is reduced due to early retirement  
47 or the member's annuity is reduced [~~pursuant to~~] under section 104.395 under an annuity option in  
48 which the member named the alternate payee as beneficiary prior to the dissolution of marriage or  
49 [~~pursuant to~~] under section 104.090 under an annuity option in which the member on or after August

1 28, 2007, named the alternative payee as beneficiary prior to the dissolution of marriage, and the  
 2 percentage established shall be applied to the pro rata portion of any lump sum distribution  
 3 ~~[pursuant to]~~ under subsection 6 of section 104.335, accrued during the time while the member and  
 4 alternate payee were married;

5 (4) Shall not require the payment of an annuity amount to the member and alternate payee  
 6 which in total exceeds the amount which the member would have received without regard to the  
 7 order;

8 (5) Shall provide that any benefit formula increases, additional years of service, increased  
 9 average compensation or other type of increases accrued after the date of the dissolution of marriage  
 10 shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any  
 11 annual benefit increase paid after the member's annuity starting date shall not be considered to be an  
 12 increase accrued after the date of termination of marriage and shall be part of the monthly amount  
 13 subject to division pursuant to any order issued after September 1, 2001;

14 (6) Shall terminate upon the death of either the member or the alternate payee, whichever  
 15 occurs first;

16 (7) Shall not create an interest which is assignable or subject to any legal process;

17 (8) Shall include the name, address, and date of birth of both the member and the alternate  
 18 payee, and the identity of the retirement system to which it applies;

19 (9) Shall be consistent with any other division of benefits orders which are applicable to the  
 20 same member;

21 (10) Shall not require the applicable retirement system to continue payments to the alternate  
 22 payee if the member's retirement benefit is suspended or waived as provided by this chapter but  
 23 such payments shall resume when the retiree begins to receive retirement benefits in the future.

24 2. A system established by this chapter shall provide the court having jurisdiction of a  
 25 dissolution of marriage proceeding or the parties to the proceeding with information necessary to  
 26 issue a division of benefits order concerning a member of the system, upon written request from  
 27 either the court, the member or the member's spouse, which cites this section and identifies the case  
 28 number and parties.

29 3. A system established by this chapter shall have the discretionary authority to reject a  
 30 division of benefits order for the following reasons:

31 (1) The order does not clearly state the rights of the member and the alternate payee;

32 (2) The order is inconsistent with any law governing the retirement system.

33 4. The amount paid to an alternate payee under an order issued ~~[pursuant to]~~ under this  
 34 section shall be based on the plan the member was in on the date of the dissolution of marriage;  
 35 except that any annual benefit increases subject to division shall be based on the actual annual  
 36 benefit increases received after the retirement plan election.

37 5. The lump sum payment described in section 104.625 shall not be subject to any division  
 38 of benefits order.

39 104.410. 1. Any uniformed member of the water patrol who shall be affirmatively found by  
 40 the board to be wholly and permanently incapable of holding any position of gainful employment as  
 41 a result of injuries or illness incurred in the performance of the member's duties shall be entitled to  
 42 receive disability benefits in an amount equal to one-half of the compensation that the employee was  
 43 receiving at the time of the occurrence of the injury entitling the employee to such disability  
 44 benefits. Any disability benefit payable ~~[pursuant to]~~ under this subsection shall be decreased by  
 45 any amount paid to such uniformed member of the water patrol by reason of the workers'  
 46 compensation laws of this state. After termination of payment under workers' compensation,  
 47 however, any such reduction and disability benefits shall be restored.

48 2. The board of trustees may require a medical examination of any uniformed member of  
 49 the water patrol who is receiving disability benefits ~~[pursuant to]~~ under this section at any time by a

1 designated physician, and disability benefits shall be discontinued if the board finds that such  
2 member is able to perform the duties of the member's former position, or if such member refuses to  
3 submit to such an examination.

4 3. The disability benefits described in this section shall not be paid to any uniformed  
5 member of the water patrol who has retained or regained more than fifty percent of the member's  
6 earning capacity. If any uniformed member of the water patrol who has been receiving disability  
7 benefits again becomes an employee, the member's disability benefits shall be discontinued, the  
8 member's prior period of creditable service shall be restored, and any subsequent determination of  
9 benefits due the member or the member's survivors shall be based on the sum of the member's  
10 creditable service accrued to the date the member's disability benefits commenced and the period of  
11 creditable service after the member's return to employment.

12 4. Any uniformed member of the water patrol receiving benefits ~~[pursuant to]~~ under the  
13 provisions of this section for five or more years immediately prior to attainment of age fifty-five  
14 shall be considered a normal ~~[retirant]~~ retiree at age fifty-five, and may elect, within thirty days  
15 preceding the attainment of age fifty-five, option 1 of section 104.395, but only for the member's  
16 spouse who was the member's spouse for two or more years prior to the member's attainment of age  
17 fifty-five.

18 5. Any member who is receiving disability benefits as of December 31, 1985, or any  
19 member who is disabled on December 31, 1985, and would have been entitled to receive disability  
20 benefits ~~[pursuant to]~~ under this section as the provisions of this section existed immediately prior to  
21 September 28, 1985, shall be eligible to receive or shall continue to receive benefits in accordance  
22 with such prior provisions of this section until the member again becomes an employee; however,  
23 all employees of the department of conservation who are disabled shall receive benefits ~~[pursuant]~~  
24 under only ~~[to]~~ this section or section 104.518, whichever is applicable, and shall not be eligible for  
25 benefits under any other plan or program purchased or provided after September 28, 1985.

26 6. Any member who qualifies for disability benefits ~~[pursuant to]~~ under subsection 1 of this  
27 section or ~~[pursuant to the provisions of]~~ under section 104.518, or under a long-term disability  
28 program provided by the member's employing department as a consequence of employment by the  
29 department, shall continue to accrue creditable service based on the member's rate of pay  
30 immediately prior to the date the member became disabled in accordance with sections 104.370,  
31 104.371, 104.374, and 104.615, until the date the member's retirement benefit goes into pay status,  
32 the disability benefits cease being paid to the member, or the member is no longer disabled,  
33 whichever comes first. Persons covered by the provisions of sections 476.515 to 476.565 or  
34 sections 287.812 to 287.855, who qualify for disability benefits ~~[pursuant to the provisions of]~~ under  
35 section 104.518, at the date the person becomes disabled, shall continue to accrue creditable service  
36 based on the person's rate of pay immediately prior to the date the person becomes disabled until the  
37 date the person's retirement benefit goes into pay status, the disability benefits cease being paid to  
38 the person or the person is no longer disabled, whichever comes first. Members or persons  
39 continuing to accrue creditable service ~~[pursuant to]~~ under this subsection shall be entitled to  
40 continue their life insurance coverage subject to the provisions of the life insurance plan  
41 administered by the board ~~[pursuant to]~~ under section 104.517. The rate of pay for purposes of  
42 calculating retirement benefits for a member or person described in this subsection who becomes  
43 disabled and retires on or after August 28, 1999, shall be the member's or person's regular monthly  
44 compensation received at the time of disablement, increased thereafter for any increases in the  
45 consumer price index. Such increases in the member's monthly pay shall be made annually  
46 beginning twelve months after disablement and shall be equal to eighty percent of the increase in the  
47 consumer price index during the calendar year prior to the adjustment, but not more than five  
48 percent of the member's monthly pay immediately before the increase. Such accruals shall continue  
49 until the earliest of: receipt of an early retirement annuity, attainment of normal retirement

1 eligibility, or termination of disability benefits.

2 7. A member or person who continues to be disabled as provided in subsection 6 of this  
3 section until the member's normal retirement age shall be eligible to retire on the first day of the  
4 month next following the member's or person's final payment ~~[pursuant to]~~ under section 104.518  
5 or, if applicable, subsection 1 of this section. A member or person who retires ~~[pursuant to]~~ under  
6 this subsection shall receive the greater of the normal annuity or the minimum annuity, if applicable,  
7 determined ~~[pursuant to]~~ under sections 104.370, 104.371, 104.374, ~~[and]~~ 104.615, ~~[and section]~~  
8 287.820, and ~~[section]~~ 476.530 as if the member or person had continued in the active employ of the  
9 employer until the member's or person's retirement benefit goes into pay status, the disability  
10 benefits cease being paid to the member or person, or the member or person is no longer disabled,  
11 whichever comes first, and the member's or person's compensation for such period had been the  
12 member's or person's rate of pay immediately preceding the date the member or person became  
13 disabled.

14 8. If a member who has been disabled becomes an employee again and if the member was  
15 disabled during the entire period of the member's absence, ~~[then]~~ the member shall resume active  
16 participation as of the date of reemployment. Such a member shall receive creditable service for the  
17 entire period the member was disabled as provided in subsection 6 of this section.

18 9. If a member ceases to be disabled and if the member does not return to work as provided  
19 in subsection 8 of this section, the member's rights to further benefits shall be determined in  
20 accordance with sections 104.335, 104.380, 104.400, 104.420, and 104.615 as though the member  
21 had withdrawn from service as of the date the member ceased to be disabled, as determined by the  
22 system.

23 10. Members of the general assembly who are accruing service under subsection 6 of this  
24 section shall continue to accrue service until the earliest of attainment of normal retirement age  
25 eligibility, termination of disability benefits, or the end of the member's constitutionally mandated  
26 limit on service as a member of the general assembly for the chamber in which the member was  
27 serving and the time of disablement.

28 11. Statewide elected officials who are accruing service under subsection 6 of this section  
29 shall continue to accrue service until the earliest of attainment of normal retirement age eligibility,  
30 termination of disability benefits, or the end of the member's constitutionally mandated limit on  
31 service as a statewide elected official for the office in which the member was serving at the time of  
32 disablement.

33 104.490. 1. Should any error result in any member or beneficiary receiving more or less  
34 than he or she would have been entitled to receive had the error not occurred, the board shall correct  
35 such error, and, as far as practicable, make future payments in such a manner that the actuarial  
36 equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this  
37 end may recover any overpayments. In all cases in which such error has been made, no such error  
38 shall be corrected unless the system discovers or is notified of such error within ten years after the  
39 member's annuity starting date or [initial] date of error, whichever occurs later. In cases of fraud,  
40 any error discovered shall be corrected without concern to the amount of time that has passed.

41 2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a  
42 record of the system, in an attempt to defraud the system is subject to fine or imprisonment  
43 ~~[pursuant to]~~ under the Missouri revised statutes.

44 3. The board of trustees of the Missouri state employees' retirement system shall cease  
45 paying benefits to any survivor or beneficiary who is charged with the intentional killing of a  
46 member without legal excuse or justification. A survivor or beneficiary who is convicted of such  
47 charge shall no longer be entitled to receive benefits. If the survivor or beneficiary is not convicted  
48 of such charge, the board shall resume payment of benefits and shall pay the survivor or beneficiary  
49 any benefits that were suspended pending resolution of such charge.

1           104.515. 1. Separate accounts for medical, life insurance and disability benefits provided  
2 ~~[pursuant to]~~ under sections 104.517 and 104.518 shall be established as part of the fund. The  
3 funds, property, and return on investments of the separate account shall not be commingled with any  
4 other funds, property, and investment return of the system. All benefits and premiums are paid  
5 solely from the separate account for medical, life insurance and disability benefits provided  
6 ~~[pursuant to]~~ under this section.

7           2. The state shall contribute an amount as appropriated by law and approved by the  
8 governor per month for medical benefits, life insurance and long-term disability benefits as provided  
9 ~~[pursuant to]~~ under this section and sections 104.517 and 104.518. Such amounts shall include the  
10 cost of providing life insurance benefits for each active employee who is a member of the Missouri  
11 state employees' retirement system, a member of the public school retirement system and who is  
12 employed by a state agency other than an institution of higher learning, a member of the retirement  
13 system established by sections 287.812 to 287.855, the judicial retirement system, each legislator  
14 and official holding an elective state office, members not on payroll status who are receiving  
15 workers' compensation benefits, and if the state highways and transportation commission so elects,  
16 those employees who are members of the state transportation department employees' and highway  
17 patrol retirement system; if the state highways and transportation commission so elects to join the  
18 plan, the state shall contribute an amount as appropriated by law for medical benefits for those  
19 employees who are members of the transportation department employees' and highway patrol  
20 retirement system; an additional amount equal to the amount required, based on competitive bidding  
21 or determined actuarially, to fund the retired members' death benefit or life insurance benefit, or  
22 both, provided in subsection 4 of this section and the disability benefits provided in section 104.518.  
23 This amount shall be reported as a separate item in the monthly certification of required  
24 contributions which the commissioner of administration submits to the state treasurer and shall be  
25 deposited to the separate account for medical, life insurance and disability benefits. All  
26 contributions made on behalf of members of the state transportation department employees' and  
27 highway patrol retirement system shall be made from highway funds. If the highways and  
28 transportation commission so elects, the spouses and unemancipated children under twenty-three  
29 years of age of employees who are members of the state transportation department employees' and  
30 highway patrol retirement system shall be able to participate in the program of insurance benefits to  
31 cover medical expenses ~~[pursuant to the provisions of]~~ under subsection 3 of this section.

32           3. The board shall determine the premium amounts required for participating employees.  
33 The premium amounts shall be the amount, which, together with the state's contribution, is required  
34 to fund the benefits provided, taking into account necessary actuarial reserves. Separate premiums  
35 shall be established for employees' benefits and a separate premium or schedule of premiums shall  
36 be established for benefits for spouses and unemancipated children under twenty-three years of age  
37 of participating employees. The employee's premiums for spouse and children benefits shall be  
38 established to cover that portion of the cost of such benefits which is not paid for by contributions  
39 by the state. All such premium amounts shall be paid to the board of trustees at the time that each  
40 employee's wages or salary would normally be paid. The premium amounts so remitted will be  
41 placed in the separate account for medical, life insurance and disability benefits. In lieu of the  
42 availability of premium deductions, the board may establish alternative methods for the collection of  
43 premium amounts.

44           4. Each special consultant eligible for life benefits employed by a board of trustees of a  
45 retirement system as provided in section 104.610 who is a member of the Missouri state life  
46 insurance plan or Missouri state transportation department and Missouri state highway patrol life  
47 insurance plan shall, in addition to duties prescribed in section 104.610 or any other law, and upon  
48 request of the board of trustees, give the board, orally or in writing, a short detailed statement on life  
49 insurance and death benefit problems affecting retirees. As compensation for the extra duty

1 imposed by this subsection, any special consultant as defined above, other than a special consultant  
 2 entitled to a deferred normal annuity ~~[pursuant to]~~ under section 104.035 or 104.335, who retires on  
 3 or after September 28, 1985, shall receive as a part of compensation for these extra duties, a death  
 4 benefit of five thousand dollars, and any special consultant who terminates employment on or after  
 5 August 28, 1999, after reaching normal or early retirement age and becomes a retiree within ~~[sixty]~~  
 6 sixty-five days of such termination shall receive five thousand dollars of life insurance coverage. In  
 7 addition, each special consultant who is a member of the transportation department employees' and  
 8 highway patrol retirement system medical insurance plan shall also provide the board, upon request  
 9 of the board, orally or in writing, a short detailed statement on physical, medical and health  
 10 problems affecting retirees. As compensation for this extra duty, each special consultant as defined  
 11 above shall receive, in addition to all other compensation provided by law, nine dollars, or an  
 12 amount equivalent to that provided to other special consultants pursuant to the provisions of section  
 13 103.115. In addition, any special consultant as defined in section 287.820 or section 476.601 who  
 14 terminates employment and immediately retires on or after August 28, 1995, shall receive as a part  
 15 of compensation for these duties, a death benefit of five thousand dollars and any special consultant  
 16 who terminates employment on or after August 28, 1999, after reaching the age of eligibility to  
 17 receive retirement benefits and becomes a retiree within sixty days of such termination shall receive  
 18 five thousand dollars of life insurance coverage.

19 5. Any former employee who is receiving disability income benefits from the Missouri state  
 20 employees' retirement system or the transportation department employees' and highway patrol  
 21 retirement system shall, upon application with the board of trustees of the Missouri consolidated  
 22 health care plan or the transportation department employees and highway patrol medical plan, be  
 23 made, constituted, appointed, and employed by the respective board as a special consultant on the  
 24 problems of the health of disability income recipients and, upon request of the board of trustees of  
 25 each medical plan, give the board, orally or in writing, a short detailed statement of physical,  
 26 medical, and health problems affecting disability income recipients. As compensation for the extra  
 27 duty imposed by this subsection, each such special consultant as defined in this subsection may  
 28 receive, in addition to all other compensation provided by law, an amount contributed toward  
 29 medical benefits coverage provided by the Missouri consolidated health care plan or the  
 30 transportation employees and highway patrol medical plan pursuant to appropriations.

31 104.625. Effective July 1, 2002, any member retiring ~~[pursuant to]~~ under the provisions of  
 32 sections 104.010 to 104.801, except an elected official or a member of the general assembly, who  
 33 has not been paid retirement benefits and continues employment for at least two years beyond  
 34 normal retirement age, may elect to receive an annuity and lump sum payment or payments,  
 35 determined as follows:

36 (1) A retroactive starting date shall be established which shall be a date selected by the  
 37 member; provided, however, that the retroactive starting date selected by the member shall not be a  
 38 date which is earlier than the date when a normal annuity would have first been payable. In  
 39 addition, the retroactive starting date shall not be more than five years prior to the annuity starting  
 40 date, which shall be the first day of the month with respect to which an amount is paid as an annuity  
 41 ~~[pursuant to]~~ under this section. The member's selection of a retroactive starting date shall be done  
 42 in twelve-month increments, except this restriction shall not apply when the member selects the total  
 43 available time between the retroactive starting date and the annuity starting date;

44 (2) The prospective annuity payable as of the annuity starting date shall be determined  
 45 ~~[pursuant to]~~ under the provisions otherwise applicable under the law, with the exception that it shall  
 46 be the amount which would have been payable had the member actually retired on the retroactive  
 47 starting date under the retirement plan selected by the member. Other than for the lump sum  
 48 payment or payments specified in subdivision (3) of this section, no other amount shall be due for  
 49 the period between the retroactive starting date and the annuity starting date;

1 (3) The lump sum payable shall be ninety percent of the annuity amounts which would have  
 2 been paid to the member from the retroactive starting date to the annuity starting date had the  
 3 member actually retired on the retroactive starting date and received a normal annuity. The member  
 4 shall ~~elect to~~ receive the lump sum amount ~~[either]~~ in its entirety at the same time as the initial  
 5 annuity payment is made ~~[or in three equal annual installments with the first payment made at the~~  
 6 ~~same time as the initial annuity payment]; and~~

7 (4) ~~[Any annuity payable pursuant to this section that is subject to a division of benefit order~~  
 8 ~~pursuant to section 104.312 shall be calculated as follows:~~

9 ~~—(a) Any service of a member between the retroactive starting date and the annuity starting~~  
 10 ~~date shall not be considered creditable service except for purposes of calculating the division of~~  
 11 ~~benefit; and~~

12 ~~—(b) The lump sum payment described in subdivision (3) of this section shall not be subject~~  
 13 ~~to any division of benefit order; and~~

14 ~~—(5)] For purposes of determining annual benefit increases payable as part of the lump sum~~  
 15 ~~and annuity provided [pursuant to] under this section, the retroactive starting date shall be~~  
 16 ~~considered the member's date of retirement.~~

17 104.810. 1. Employees of the Missouri state water patrol who are earning creditable service  
 18 in the closed plan of the Missouri state employees' retirement system and who are transferred to the  
 19 division of water patrol with the Missouri state highway patrol shall elect within ninety days of  
 20 January 1, 2011, to either remain a member of the Missouri state employees' retirement system or  
 21 transfer membership and creditable service to the closed plan of the Missouri department of  
 22 transportation and highway patrol employees' retirement system. The election shall be made in  
 23 writing after the employee has received a detailed analysis comparing retirement, life insurance,  
 24 disability benefits, and medical benefits of a member of the Missouri state employees' retirement  
 25 system with the corresponding benefits provided an employee of the highway patrol covered by the  
 26 closed plan of the Missouri department of transportation and highway patrol employees' retirement  
 27 system. In electing plan membership the employee shall acknowledge and agree that an election  
 28 made under this subsection is irrevocable, and constitutes a waiver to receive retirement, life  
 29 insurance, disability benefits, and medical benefits except as provided by the system elected by the  
 30 employee. Furthermore, in connection with the election, the employee shall be required to  
 31 acknowledge that the benefits provided by virtue of membership in either system, and any  
 32 associated costs to the employee, may be different now or in the future as a result of the election and  
 33 that the employee agrees to hold both systems harmless with regard to benefit differences resulting  
 34 from the election. In the event an employee terminates and then returns to the same position, the  
 35 employee shall be a member of the system of which he or she was a member prior to termination. If  
 36 the employee returns to any other job, the employee shall be a member of the system that currently  
 37 covers that position.

38 2. Employees of the Missouri state water patrol who are earning credited service in the year  
 39 2000 plan of the Missouri state employees' retirement system and who are transferred to the division  
 40 of water patrol with the Missouri state highway patrol shall elect within ninety days of January 1,  
 41 2011, to either remain a member of the Missouri state employees' retirement system or transfer  
 42 membership and creditable service to the year 2000 plan of the Missouri department of  
 43 transportation and highway patrol employees' retirement system. The election shall be made in  
 44 writing after the employee has received a detailed analysis comparing retirement, life insurance,  
 45 disability benefits, and medical benefits of a member of the Missouri state employees' retirement  
 46 system with the corresponding benefits provided an employee of the highway patrol covered by the  
 47 year 2000 plan of the Missouri department of transportation and highway patrol employees'  
 48 retirement system. In electing plan membership the employee shall acknowledge and agree that an  
 49 election made under this subsection is irrevocable, and constitutes a waiver to receive retirement,

1 life insurance, disability benefits, and medical benefits except as provided by the system elected by  
 2 the employee. Furthermore, in connection with the election, the employee shall be required to  
 3 acknowledge that the benefits provided by virtue of membership in either system, and any  
 4 associated costs to the employee, may be different now or in the future as a result of the election and  
 5 that the employee agrees to hold both systems harmless with regard to benefit differences resulting  
 6 from the election.

7 3. The Missouri state employees' retirement system shall pay to the Missouri department of  
 8 transportation and highway patrol employees' retirement system, by June 30, 2011, an amount  
 9 actuarially determined to equal the liability at the time of the transfer for any employee who elects  
 10 under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and  
 11 highway patrol employees' retirement system, to the extent that liability is funded as of the most  
 12 recent actuarial valuation and based on the actuarial value of assets not to exceed one hundred  
 13 percent.

14 4. In no event shall any employee receive service credit for the same period of service under  
 15 more than one retirement system as a result of the provisions of this section.

16 5. The only medical coverage available for any employee who elects under subsection 1 or 2  
 17 of this section to transfer to the Missouri department of transportation and highway patrol  
 18 employees' retirement system shall be the medical coverage provided in section 104.270. The  
 19 effective date for commencement of medical coverage shall be July 1, 2011. However, this does not  
 20 preclude medical coverage for the transferred employee as a dependent under any other health care  
 21 plan.

22 6. Any employee who elects under subsection 1 or 2 of this section to transfer to the  
 23 Missouri department of transportation and highway patrol employees' retirement system and who is  
 24 also thereafter a uniformed member of the highway patrol shall be subject to the mandatory  
 25 retirement age stated in section 104.081.

26 104.1003. 1. Unless a different meaning is plainly required by the context, the following  
 27 words and phrases as used in sections 104.1003 to 104.1093 shall mean:

28 (1) "Act", the year 2000 plan created by sections 104.1003 to 104.1093;

29 (2) "Actuary", an actuary who is experienced in retirement plan financing and who is either  
 30 a member of the American Academy of Actuaries or an enrolled actuary under the Employee  
 31 Retirement Income Security Act of 1974;

32 (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds  
 33 provided for in, or authorized by, sections 104.1003 to 104.1093;

34 (4) "Annuity starting date" means the first day of the first month with respect to which an  
 35 amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

36 (5) "Beneficiary", any persons or entities entitled to receive an annuity or other benefit  
 37 ~~[pursuant to]~~ under sections 104.1003 to 104.1093 based upon the employment record of another  
 38 person;

39 (6) "Board of trustees", "board", or "trustees", a governing body or bodies established for  
 40 the year 2000 plan pursuant to sections 104.1003 to 104.1093;

41 (7) "Closed plan", a benefit plan created ~~[pursuant to]~~ under this chapter and administered  
 42 by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a  
 43 member of the closed plan, but the closed plan shall continue to function for the benefit of persons  
 44 covered by and remaining in the closed plan and their beneficiaries;

45 (8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the  
 46 United States, or its successor index, as approved by the board, as such index is defined and  
 47 officially reported by the United States Department of Labor, or its successor agency;

48 (9) "Credited service", the total credited service to a member's credit as provided in sections  
 49 104.1003 to 104.1093; except that in no case shall more than one day of credited service be credited

1 to any member or vested former member for any one calendar day of eligible credit as provided by  
2 law;

3 (10) "Department", any department or agency of the executive, legislative, or judicial  
4 branch of the state of Missouri receiving state appropriations, including allocated funds from the  
5 federal government but not including any body corporate or politic unless its employees are eligible  
6 for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

7 (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the  
8 completion of at least five years of credited service;

9 (12) "Effective date", July 1, 2000;

10 (13) "Employee" shall be any person who is employed by a department and is paid a salary  
11 or wage by a department in a position normally requiring the performance of duties of not less than  
12 one thousand forty hours per year, provided:

13 (a) The term "employee" shall not include any patient or inmate of any state, charitable,  
14 penal, or correctional institution, or any person who is employed by a department in a position that  
15 is covered by a state-sponsored defined benefit retirement plan not created by this chapter;

16 (b) The term "employee" shall be modified as provided by other provisions of sections  
17 104.1003 to 104.1093;

18 (c) The system shall consider a person who is employed in multiple positions  
19 simultaneously within a single agency to be working in a single position for purposes of determining  
20 whether the person is an employee as defined in this subdivision;

21 (d) ~~[Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the~~  
22 ~~twelve-month period beginning on the first day of employment;~~

23 ~~—(e)]~~ The term "employee" shall include any person as defined under paragraph (b) of  
24 subdivision (21) of subsection 1 of section 104.010 who is first employed on or after July 1, 2000,  
25 but prior to August 28, 2007;

26 (14) "Employer", a department;

27 (15) "Executive director", the executive director employed by a board established ~~[pursuant~~  
28 ~~to the provisions of]~~ under sections 104.1003 to 104.1093;

29 (16) "Final average pay", the average pay of a member for the thirty-six full consecutive  
30 months of service before termination of employment when the member's pay was greatest; or if the  
31 member was on workers' compensation leave of absence or a medical leave of absence due to an  
32 employee illness, the amount of pay the member would have received but for such leave of absence  
33 as reported and verified by the employing department; or if the member was employed for less than  
34 thirty-six months, the average monthly pay of a member during the period for which the member  
35 was employed. The board of each system may promulgate rules for purposes of calculating final  
36 average pay and other retirement provisions to accommodate for any state payroll system in which  
37 pay is received on a monthly, semimonthly, biweekly, or other basis;

38 (17) "Fund", a fund of the year 2000 plan established ~~[pursuant to]~~ under sections 104.1003  
39 to 104.1093;

40 (18) "Investment return", or "interest", rates as shall be determined and prescribed from time  
41 to time by a board;

42 (19) "Member", a person who is included in the membership of the system, as set forth in  
43 section 104.1009;

44 (20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age  
45 and the completion of at least five or more years of credited service or, the attainment of at least  
46 forty-eight years of age with a total of years of age and years of credited service which is at least  
47 eighty or, in the case of a member of the highway patrol who shall be subject to the mandatory  
48 retirement provisions of section 104.080, the mandatory retirement age and completion of five years  
49 of credited service or, the attainment of at least forty-eight years of age with a total of years of age

1 and years of credited service which is at least eighty;

2 (21) "Pay" shall include:

3 (a) All salary and wages payable to an employee for personal services performed for a  
4 department; but excluding:

5 a. Any amounts paid after an employee's employment is terminated, unless the payment is  
6 made as a final installment of salary or wages at the same rate as in effect immediately prior to  
7 termination of employment in accordance with a state payroll system adopted on or after January 1,  
8 2000;

9 b. Any amounts paid upon termination of employment for unused annual leave or unused  
10 sick leave;

11 c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue  
12 Code of 1986 as amended and other applicable federal laws or regulations;

13 d. Any nonrecurring single sum payments; and

14 e. Any amounts for which contributions have not been made in accordance with section  
15 104.1066;

16 (b) All salary and wages which would have been payable to an employee on workers'  
17 compensation leave of absence during the period the employee is receiving a weekly workers'  
18 compensation benefit, as reported and verified by the employing department;

19 (c) All salary and wages which would have been payable to an employee on a medical leave  
20 due to employee illness, as reported and verified by the employing department;

21 (d) For purposes of members of the general assembly, pay shall be the annual salary  
22 provided to each senator and representative ~~[pursuant to]~~ under section 21.140, plus any salary  
23 adjustment ~~[pursuant to]~~ under section 21.140;

24 (22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the  
25 person's employment record;

26 (23) "State", the state of Missouri;

27 (24) "System" or "retirement system", the Missouri state employees' retirement system or  
28 the Missouri department of transportation and highway patrol employees' retirement system, as the  
29 case may be;

30 (25) "Vested former member", a person entitled to receive a deferred annuity ~~[pursuant to]~~  
31 under section 104.1036;

32 (26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

33 2. Benefits paid under the provisions of this chapter shall not exceed the limitations of  
34 Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference.  
35 Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan  
36 under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be  
37 created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of  
38 1986, as amended. The board of trustees may promulgate regulations necessary to implement the  
39 provisions of this subsection and to create and administer such benefit plan.

40 104.1024. 1. Any member who terminates employment may retire on or after attaining  
41 normal retirement eligibility by making application in written form and manner approved by the  
42 appropriate board. The written application shall set forth the annuity starting date which shall not be  
43 earlier than the first day of the second month following the month of the execution and filing of the  
44 member's application for retirement nor later than the first day of the fourth month following the  
45 month of the execution and filing of the member's application for retirement. The payment of the  
46 annuity shall be made the last working day of each month, providing all documentation required  
47 under section 104.1027 for the calculation and payment of the benefits is received by the board.

48 2. A member's annuity shall be paid in the form of a life annuity, except as provided in  
49 section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final

1 average pay of the member multiplied by the member's years of credited service.

2 3. The life annuity defined in subsection 2 of this section shall not be less than a monthly  
3 amount equal to fifteen dollars multiplied by the member's full years of credited service.

4 4. If as of the annuity starting date of a member who has attained normal retirement  
5 eligibility the sum of the member's years of age and years of credited service equals eighty or more  
6 years and if the member's age is at least forty-eight years but less than sixty-two years, or, in the  
7 case of a member of the highway patrol who shall be subject to the mandatory retirement provision  
8 of section 104.080, the mandatory retirement age and completion of five years of credited service,  
9 then in addition to the life annuity described in subsection 2 of this section, the member shall  
10 receive a temporary annuity equal to eight-tenths of one percent of the member's final average pay  
11 multiplied by the member's years of credited service. The temporary annuity and any cost-of-living  
12 adjustments attributable to the temporary annuity ~~[pursuant to]~~ under section 104.1045 shall  
13 terminate at the end of the calendar month in which the earlier of the following events occurs: the  
14 member's death or the member's attainment of the earliest age of eligibility for reduced Social  
15 Security retirement benefits, but no later than age sixty-two.

16 5. The annuity described in subsection 2 of this section for any person who has credited  
17 service not covered by the federal Social Security Act, as provided in ~~[sections 105.300 to 105.430]~~  
18 subdivision (1) of subsection 7 of section 104.342, shall be calculated as follows: the life annuity  
19 shall be an amount equal to two and five-tenths percent of the final average pay of the member  
20 multiplied by the number of years of service not covered by the federal Social Security Act in  
21 addition to one and seven-tenths percent of the final average pay of the member multiplied by the  
22 member's years of credited service covered by the federal Social Security Act.

23 6. Effective July 1, 2002, any member, except an elected official or a member of the general  
24 assembly, who has not been paid retirement benefits and continues employment for at least two  
25 years beyond the date of normal retirement eligibility, may elect to receive an annuity and lump sum  
26 payment or payments, determined as follows:

27 (1) A retroactive starting date shall be established which shall be a date selected by the  
28 member; provided, however, that the retroactive starting date selected by the member shall not be a  
29 date which is earlier than the date when a normal annuity would have first been payable. In  
30 addition, the retroactive starting date shall not be more than five years prior to the annuity starting  
31 date. The member's selection of a retroactive starting date shall be done in twelve-month  
32 increments, except this restriction shall not apply when the member selects the total available time  
33 between the retroactive starting date and the annuity starting date;

34 (2) The prospective annuity payable as of the annuity starting date shall be determined  
35 ~~[pursuant to the provisions of]~~ under this section, with the exception that it shall be the amount  
36 which would have been payable at the annuity starting date had the member actually retired on the  
37 retroactive starting date under the retirement plan selected by the member. Other than for the lump  
38 sum payment or payments specified in subdivision (3) of this subsection, no other amount shall be  
39 due for the period between the retroactive starting date and the annuity starting date;

40 (3) The lump sum payable shall be ninety percent of the annuity amounts which would have  
41 been paid to the member from the retroactive starting date to the annuity starting date had the  
42 member actually retired on the retroactive starting date and received a life annuity. The member  
43 shall ~~[elect to]~~ receive the lump sum amount ~~[either]~~ in its entirety at the same time as the initial  
44 annuity payment is made ~~[or in three equal annual installments with the first payment made at the~~  
45 ~~same time as the initial annuity payment]; and~~

46 (4) ~~[Any annuity payable pursuant to this section that is subject to a division of benefit order~~  
47 ~~pursuant to section 104.1051 shall be calculated as follows:~~

48 ~~—— (a) Any service of a member between the retroactive starting date and the annuity starting~~  
49 ~~date shall not be considered credited service except for purposes of calculating the division of~~

1 benefit; and

2 ~~\_\_\_\_\_ (b) The lump sum payment described in subdivision (3) of this section shall not be subject~~  
3 ~~to any division of benefit order; and~~

4 ~~\_\_\_\_\_ (5)] For purposes of determining annual benefit increases payable as part of the lump sum~~  
5 ~~and annuity provided [pursuant to] under this section, the retroactive starting date shall be~~  
6 ~~considered the member's date of retirement.~~

7 104.1051. 1. Any annuity provided pursuant to the year 2000 plan is marital property and a  
8 court of competent jurisdiction may divide such annuity between the parties to any action for  
9 dissolution of marriage if at the time of the dissolution the member has at least five years of credited  
10 service ~~[pursuant to] under~~ sections 104.1003 to 104.1093. A division of benefits order issued  
11 ~~[pursuant to] under~~ this section:

12 (1) Shall not require the applicable retirement system to provide any form or type of annuity  
13 or retirement plan not selected by the member;

14 (2) Shall not require the applicable retirement system to commence payments until the  
15 member's annuity starting date;

16 (3) Shall identify the monthly amount to be paid to the former spouse, which shall be  
17 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's  
18 annuity accrued during all or part of the period of the marriage of the member and former spouse,  
19 excluding service accrued under subsection 2 of section 104.1021, and which shall be based on the  
20 member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in  
21 the order, which amount shall be adjusted proportionately upon the annuity starting date if the  
22 member's annuity is reduced due to the receipt of an early retirement annuity or the member's  
23 annuity is reduced ~~[pursuant to] under~~ section 104.1027 under an annuity option in which the  
24 member named the alternate payee as beneficiary prior to the dissolution of marriage;

25 (4) Shall not require the payment of an annuity amount to the member and former spouse  
26 which in total exceeds the amount which the member would have received without regard to the  
27 order;

28 (5) Shall provide that any annuity increases, additional years of credited service, increased  
29 final average pay, increased pay ~~[pursuant to] under~~ subsections 2 and 5 of section 104.1084, or  
30 other type of increases accrued after the date of the dissolution of marriage and any temporary  
31 annuity received ~~[pursuant to] under~~ subsection 4 of section 104.1024 shall accrue solely to the  
32 benefit of the member; except that on or after September 1, 2001, any cost-of-living adjustment  
33 (COLA) due after the annuity starting date shall not be considered to be an increase accrued after  
34 the date of termination of marriage and shall be part of the monthly amount subject to division  
35 pursuant to any order issued after September 1, 2001;

36 (6) Shall terminate upon the death of either the member or the former spouse, whichever  
37 occurs first;

38 (7) Shall not create an interest which is assignable or subject to any legal process;

39 (8) Shall include the name, address, and date of birth of both the member and the former  
40 spouse, and the identity of the retirement system to which it applies;

41 (9) Shall be consistent with any other division of benefits orders which are applicable to the  
42 same member;

43 (10) Shall not require the applicable retirement system to continue payments to the alternate  
44 payee if the member's retirement benefit is suspended or waived as provided by this chapter but  
45 such payments shall resume when the retiree begins to receive retirement benefits in the future.

46 2. A system shall provide the court having jurisdiction of a dissolution of a marriage  
47 proceeding or the parties to the proceeding with information necessary to issue a division of benefits  
48 order concerning a member of the system, upon written request from either the court, the member,  
49 or the member's spouse, citing this section and identifying the case number and parties.

1           3. A system shall have the discretionary authority to reject a division of benefits order for  
2 the following reasons:

3           (1) The order does not clearly state the rights of the member and the former spouse;

4           (2) The order is inconsistent with any law governing the retirement system.

5           4. Any member of the closed plan who elected the year 2000 plan ~~[pursuant to]~~ under  
6 section 104.1015 and then becomes divorced and subject to a division of benefits order shall have  
7 the division of benefits order calculated pursuant to the provisions of the year 2000 plan.

8           5. The lump sum payment described in subsection 6 of section 104.1024 shall not be subject  
9 to any division of benefits order.

10           104.1060. 1. Should any error result in any person receiving more or less than the person  
11 would have been entitled to receive had the error not occurred, the board shall correct such error,  
12 and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the  
13 annuity to which such person was entitled shall be paid, and to this end may recover any  
14 overpayments. In all cases in which such error has been made, no such error shall be corrected  
15 unless the system discovers or is notified of such error within ten years after the member's annuity  
16 starting date or the [initial] date of error, whichever occurs later. In cases of fraud, any error  
17 discovered shall be corrected without concern to the amount of time that has passed.

18           2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a  
19 record of the system, in an attempt to defraud the system shall be subject to fine or imprisonment  
20 under the Missouri revised statutes.

21           3. A board shall not pay an annuity to any survivor or beneficiary who is charged with the  
22 intentional killing of a member, retiree or survivor without legal excuse or justification. A survivor  
23 or beneficiary who is convicted of such charge shall no longer be entitled to receive an annuity. If  
24 the survivor or beneficiary is not convicted of such charge, the board shall resume annuity payments  
25 and shall pay the survivor or beneficiary any annuity payments that were suspended pending  
26 resolution of such charge.

27           104.1072. 1. Each board shall provide or contract, or both, for life insurance benefits for  
28 employees covered pursuant to the year 2000 plan as follows:

29           (1) Employees shall be provided fifteen thousand dollars of life insurance until December  
30 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life  
31 insurance for employees covered under any retirement plan administered by the system ~~[pursuant to]~~  
32 under this chapter, persons covered by sections 287.812 to 287.856, for employees who are  
33 members of the judicial retirement system as provided in section 476.590, and, at the election of the  
34 state highways and transportation commission, employees who are members of the highways and  
35 transportation employees' and highway patrol retirement system, in the amount equal to one times  
36 annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by  
37 rule or contract the method for determining the annual rate of pay and any other terms of such  
38 insurance as it deems necessary to implement the requirements ~~[pursuant to]~~ under this section.  
39 Annual rate of pay shall not include overtime or any other irregular payments as determined by the  
40 board. Such life insurance shall provide for triple indemnity in the event the cause of death is a  
41 proximate result of a personal injury or disease arising out of and in the course of actual  
42 performance of duty as an employee;

43           (2) Any member who terminates employment after reaching normal or early retirement  
44 eligibility and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination shall receive five  
45 thousand dollars of life insurance coverage.

46           2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this  
47 section, any person for whom life insurance is provided or contracted for ~~[pursuant to]~~ under such  
48 subsection may purchase, at the person's own expense and only if monthly voluntary payroll  
49 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a

1 private insurance company or as may be required by a system if the board of trustees determines that  
2 the system should provide such insurance itself. The maximum amount of additional life insurance  
3 which may be so purchased prior to January 1, 2004, is that amount which equals six times the  
4 amount of the person's annual rate of pay, subject to any maximum established by a board, except  
5 that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum  
6 amount of additional insurance which may be purchased is the next higher amount evenly divisible  
7 by one thousand dollars. The maximum amount of additional life insurance which may be so  
8 purchased on or after January 1, 2004, is an amount to be stipulated in a contract with a private  
9 insurance company or as may be required by the system if the board of trustees determines that the  
10 system should provide the insurance itself.

11 (2) Any person defined in subdivision (1) of this subsection may retain an amount not to  
12 exceed sixty thousand dollars of life insurance following the date of his or her retirement if such  
13 person becomes a retiree the month following termination of employment and makes written  
14 application for such life insurance at the same time such person's application is made to the board  
15 for retirement benefits. Such life insurance shall only be provided if such person pays the entire  
16 cost of the insurance, as determined by the board, by allowing voluntary deductions from the  
17 member's annuity.

18 (3) In addition to the life insurance authorized in subdivision (1) of this subsection, any  
19 person for whom life insurance is provided or contracted for ~~[pursuant to]~~ under this subsection may  
20 purchase, at the person's own expense and only if monthly voluntary payroll deductions are  
21 authorized, life insurance covering the person's children or the person's spouse or both at coverage  
22 amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer  
23 or as may be required by the system if the board of trustees determines that the system should  
24 provide such insurance itself.

25 (4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity  
26 based on the attainment of at least forty-eight years of age with a total of years of age and years of  
27 credited service which is at least eighty shall be eligible to retain any optional life insurance  
28 described in subdivision (1) of this subsection. The amount of such retained insurance shall not be  
29 greater than the amount in effect during the month prior to termination of employment. Such  
30 insurance may be retained until the member's attainment of the earliest age for eligibility for  
31 reduced Social Security retirement benefits but no later than age sixty-two, at which time the  
32 amount of such insurance that may be retained shall be that amount permitted ~~[pursuant to]~~ under  
33 subdivision (2) of this subsection.

34 3. The state highways and transportation commission may provide for insurance benefits to  
35 cover medical expenses for members of the highways and transportation employees' and highway  
36 patrol retirement system. The state highways and transportation commission may provide medical  
37 benefits for dependents of members and for retired members. Contributions by the state highways  
38 and transportation commission to provide the benefits shall be on the same basis as provided for  
39 other state employees ~~[pursuant to the provisions of]~~ under section 104.515. Except as otherwise  
40 provided by law, the cost of benefits for dependents of members and for retirees and their  
41 dependents shall be paid by the members or retirees. The commission may contract with other  
42 persons or entities including but not limited to third-party administrators, health network providers  
43 and health maintenance organizations for all, or any part of, the benefits provided for in this section.  
44 The commission may require reimbursement of any medical claims paid by the commission's  
45 medical plan for which there was third-party liability.

46 4. The highways and transportation employees' and highway patrol retirement system may  
47 request the state highways and transportation commission to provide life insurance benefits as  
48 required in subsections 1 and 2 of this section. If the state highways and transportation commission  
49 agrees to the request, the highways and transportation employees' and highway patrol retirement

1 system shall reimburse the state highways and transportation commission for any and all costs for  
 2 life insurance provided ~~[pursuant to]~~ under subdivision (2) of subsection 1 of this section. The  
 3 person who is covered ~~[pursuant to]~~ under subsection 2 of this section shall be solely responsible for  
 4 the costs of any additional life insurance. In lieu of the life insurance benefit in subdivision (2) of  
 5 subsection 1 of this section, the highways and transportation employees' and highway patrol  
 6 retirement system is authorized in its sole discretion to provide a death benefit of five thousand  
 7 dollars.

8 5. To the extent that the board enters or has entered into any contract with any insurer or  
 9 service organization to provide life insurance provided for ~~[pursuant to]~~ under this section:

10 (1) The obligation to provide such life insurance shall be primarily that of the insurer or  
 11 service organization and secondarily that of the board;

12 (2) Any member who has been denied life insurance benefits by the insurer or service  
 13 organization and has exhausted all appeal procedures provided by the insurer or service organization  
 14 may appeal such decision by filing a petition against the insurer or service organization in a court of  
 15 law in the member's county of residence; and

16 (3) The board and the system shall not be liable for life insurance benefits provided by an  
 17 insurer or service organization ~~[pursuant to]~~ under this section and shall not be subject to any cause  
 18 of action with regard to life insurance benefits or the denial of life insurance benefits by the insurer  
 19 or service organization unless the member has obtained judgment against the insurer or service  
 20 organization for life insurance benefits and the insurer or service organization is unable to satisfy  
 21 that judgment.

22 104.1084. 1. For members of the general assembly, the provisions of this section shall  
 23 supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement  
 24 eligibility" means attainment of age fifty-five for a member who has served at least three full  
 25 biennial assemblies or the attainment of at least age fifty for a member who has served at least three  
 26 full biennial assemblies with a total of years of age and years of credited service which is at least  
 27 eighty. A member shall receive two years of credited service for every full biennial assembly  
 28 served. A full biennial assembly shall be equal to the period of time beginning on the first day the  
 29 general assembly convenes for a first regular session until the last day of the following year. If a  
 30 member serves less than a full biennial assembly, the member shall receive credited service for the  
 31 pro rata portion of the full biennial assembly served.

32 2. For the purposes of section 104.1024, the normal retirement annuity of a member of the  
 33 general assembly shall be an amount for life equal to one twenty-fourth of the monthly pay for a  
 34 senator or representative on the annuity starting date multiplied by the years of credited service as a  
 35 member of the general assembly. In no event shall any such member or eligible beneficiary receive  
 36 annuity amounts in excess of one hundred percent of pay.

37 3. To be covered by the provisions of section 104.1030~~]~~ or section 104.1036, a member of  
 38 the general assembly must have served at least three full biennial assemblies.

39 4. For members who are statewide elected officials, the provisions of this section shall  
 40 supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement  
 41 eligibility" means attainment of age fifty-five for a member who has served at least four years as a  
 42 statewide elected official, or the attainment of age fifty with a total of years of age and years of such  
 43 credited service which is at least eighty.

44 5. For the purposes of section 104.1024, the normal retirement annuity of a member who is  
 45 a statewide elected official shall be an amount for life equal to one twenty-fourth of the monthly pay  
 46 in the highest office held by such member on the annuity starting date multiplied by the years of  
 47 credited service as a statewide elected official not to exceed twelve years.

48 6. To be covered by the provisions of sections 104.1030 and 104.1036, a member who is a  
 49 statewide elected official must have at least four years as a statewide elected official.

1           7. The provisions of section 104.1045 shall not apply to persons covered by the general  
2 assembly and statewide elected official provisions of this section. Persons covered by the general  
3 assembly provisions and receiving a year 2000 plan annuity shall be entitled to a cost-of-living  
4 adjustment (COLA) when there are increases in pay for members of the general assembly. Persons  
5 covered by the statewide elected official provisions and receiving a year 2000 plan annuity shall be  
6 entitled to COLAs when there are increases in the pay for statewide elected officials in the highest  
7 office held by such person. The COLA described in this subsection shall be equal to and concurrent  
8 with the percentage increase in pay as described in section 105.005. No COLA shall be less than  
9 zero.

10           8. Any member who serves under this chapter as a member of the general assembly or as a  
11 statewide elected official on or after August 28, 1999, shall not be eligible to receive any retirement  
12 benefits from the system under either the closed plan or the year 2000 plan based on service  
13 rendered on or after August 28, 1999, as a member of the general assembly or as a statewide elected  
14 official if such member is convicted of a felony that is determined by a court of law to have been  
15 committed in connection with the member's duties either as a member of the general assembly or as  
16 a statewide elected official, unless such conviction is later reversed by a court of law.

17           9. A member of the general assembly who has purchased or transferred creditable service  
18 shall not be subject to the cap on benefits ~~[pursuant to]~~ under subsection 2 of this section for that  
19 portion of the benefit attributable to the purchased or transferred service.

20           10. For the purposes of section 104.1042, the service credit accrued by a member of the  
21 general assembly while receiving long-term disability benefits shall continue to accrue until the  
22 earliest of attainment of normal retirement age eligibility, termination of disability benefits, or the  
23 end of the member's constitutionally mandated limit on service as member of the general assembly  
24 for the chamber in which the member was serving at the time of disablement.

25           11. For the purposes of section 104.1042, the service credit accrued by a statewide elected  
26 official while receiving long-term disability benefits shall continue to accrue until the earliest of  
27 attainment of normal retirement age eligibility, termination of disability benefits, or the end of the  
28 member's constitutionally mandated limit on service as a statewide elected official for the office in  
29 which the member was serving at the time of disablement.

30           104.1091. 1. Notwithstanding any provision of the year 2000 plan to the contrary, each  
31 person who first becomes an employee on or after January 1, 2011, shall be a member of the year  
32 2000 plan subject to the provisions of this section.

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

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

40           (2) For members of the general assembly, the member's attainment of at least age sixty-two  
41 and the completion of at least three full biennial assemblies; or the member's attainment of at least  
42 age fifty-five with the sum of the member's age and credited service equaling at least ninety;

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

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

48           4. A temporary annuity paid ~~[pursuant to]~~ under subsection 4 of section 104.1024 shall be  
49 payable if the member has attained at least age fifty-five with the sum of the member's age and

1 credited service equaling at least ninety; or in the case of a member who is serving as a uniformed  
2 member of the highway patrol and subject to the mandatory retirement provisions of section  
3 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at  
4 least age fifty-five with ten years of credited service.

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

9 6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied  
10 ~~[pursuant to]~~ under subsection 7 of section 104.1021 and section 104.1090 shall not apply to  
11 members covered by this section.

12 7. The minimum credited service requirements of five years contained in sections 104.1018,  
13 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The  
14 normal and early retirement eligibility requirements in this section shall apply for purposes of  
15 administering section 104.1087.

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

20 (1) The state of Missouri employer, ~~[pursuant to]~~ under the provisions of 26 U.S.C. Section  
21 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member  
22 under this section. The contributions so picked up shall be treated as employer contributions for  
23 purposes of determining the member's pay that is includable in the member's gross income for  
24 federal income tax purposes;

25 (2) Member contributions picked up by the employer shall be paid from the same source of  
26 funds used for the payment of pay to a member. A deduction shall be made from each member's  
27 pay equal to the amount of the member's contributions picked up by the employer. This deduction,  
28 however, shall not reduce the member's pay for purposes of computing benefits under the retirement  
29 system ~~[pursuant to]~~ under this chapter;

30 (3) Member contributions so picked up shall be credited to a separate account within the  
31 member's individual account so that the amounts contributed ~~[pursuant to]~~ under this section may be  
32 distinguished from the amounts contributed on an after-tax basis;

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

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

45 (6) A vested former member or a former member who is not vested may request a refund of  
46 his or her contributions and interest credited thereon. If such member is married at the time of such  
47 request, such request shall not be processed without consent from the spouse. Such member is not  
48 eligible to request a refund if such member's retirement benefit is subject to a division of benefit  
49 order ~~[pursuant to]~~ under section 104.1051. After ninety days from the date of termination, a

1 member may request such refund, which shall be paid by the system within sixty days from the date  
 2 of request, [Such refund shall be paid by the system after ninety days from the date of termination of  
 3 employment or the request, whichever is later,] and shall include all contributions made to any  
 4 retirement plan administered by the system and interest credited thereon. A vested former member  
 5 may not request a refund after such member becomes eligible for normal retirement. A vested  
 6 former member or a former member who is not vested who receives a refund shall forfeit all the  
 7 member's credited service and future rights to receive benefits from the system and shall not be  
 8 eligible to receive any [long-term] disability benefits; provided that any member or vested former  
 9 member receiving [long-term] disability benefits shall not be eligible for a refund. If such member  
 10 subsequently becomes an employee and works continuously for at least one year, the credited  
 11 service previously forfeited shall be restored if the member returns to the system the amount  
 12 previously refunded plus interest at a rate established by the board;

13 (7) The beneficiary of any member who made contributions shall receive a refund upon the  
 14 member's death equal to the amount, if any, of such contributions and interest credited thereon less  
 15 any retirement benefits received by the member unless an annuity is payable to a survivor or  
 16 beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or  
 17 beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's  
 18 death equal to the amount, if any, of the member's contributions less any annuity amounts received  
 19 by the member and the survivor or beneficiary.

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

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

28  
 29 Option 1.

30 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.  
 31 Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on  
 32 the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent  
 33 for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is  
 34 younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent  
 35 for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the  
 36 annuity starting date, an increase of three-tenths of one percent for each year of age difference;  
 37 provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter  
 38 percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such  
 39 beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by  
 40 subsection 5 of this section.

41  
 42 Option 2.

43 A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable.  
 44 Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity  
 45 starting date is younger than sixty-seven years, an increase of four-tenths of one percent for each  
 46 year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than  
 47 the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of  
 48 age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting  
 49 date, an increase of five-tenths of one percent for each year of age difference; provided, after all

1 adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the  
2 retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary  
3 who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of  
4 this section.

5  
6 Option 3.

7 A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise payable.  
8 If the retiree dies before having received one hundred twenty monthly payments, the reduced  
9 annuity shall be continued for the remainder of the one hundred twenty-month period to the retiree's  
10 designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value  
11 of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.  
12 If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred  
13 twenty monthly payments, the present value of the remaining annuity payments shall be paid as  
14 provided under subsection 3 of section 104.620.

15  
16 Option 4.

17 A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise payable.  
18 If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity  
19 shall be continued for the remainder of the one hundred eighty-month period to the retiree's  
20 designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value  
21 of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.  
22 If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred  
23 eighty monthly payments, the present value of the remaining annuity payments shall be paid as  
24 provided under subsection 3 of section 104.620.

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

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

30 (1) A member's normal retirement eligibility shall be based on the attainment of at least age  
31 sixty-seven and the completion of at least five years of credited service; or the member's attainment  
32 of at least age fifty-five with the sum of the member's age and credited service equaling at least  
33 ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and  
34 subject to the mandatory retirement provisions of section 104.081, such member's attainment of at  
35 least age sixty or the attainment of at least age fifty-five with five years of credited service;

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

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

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

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

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

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

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

11 (9) The minimum credited service requirements of five years contained in sections  
12 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this  
13 subsection."; and

14  
15 Further amend said bill, Page 3, Section 169.560, Line 66, by inserting after all of said line the  
16 following:

17  
18 "~~104.130. Upon the death of a retired member, the board shall pay to such member's designated~~  
19 ~~beneficiaries or to his estate a death benefit equal to the excess, if any, of the accumulated~~  
20 ~~contributions of the member at retirement over the total amount of retirement benefits received by~~  
21 ~~such member prior to his death.]; and~~  
22

23 Further amend said bill by amending the title, enacting clause, and intersectional references  
24 accordingly.