

SECOND REGULAR SESSION

# HOUSE BILL NO. 2473

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COLEMAN (97).

5360H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 50.1034, 50.1036, and 50.1038, RSMo, and to enact in lieu thereof one new section relating to the county employees' retirement system, with penalty provisions.

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

Section A. Sections 50.1034, 50.1036, and 50.1038, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 50.1034, to read as follows:

50.1034. 1. Should any error result in any member or beneficiary receiving more or less than he or she should have been entitled to receive had the error not occurred, the board shall correct such error and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayment.

2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of the system, in an attempt to defraud the system is subject to fine or imprisonment pursuant to the Missouri revised statutes. **For purposes of this subsection, falsifying a record of the system shall include, but not be limited to, failing to report to the system compensation earned in a given year and instead reporting such compensation to the system as earned in the next year, along with any compensation actually earned in the next year, in order to make the total compensation of such next year appear higher, thereby inflating an employee's average final compensation.**

3. The board of trustees of the county employees' retirement system shall cease paying benefits to any survivor or beneficiary who is charged with the intentional killing of a member without legal excuse or justification. A survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive benefits. If the survivor or beneficiary is not convicted of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 such charge, the board shall resume payment of benefits and shall pay the survivor or beneficiary  
19 any benefits that were suspended pending resolution of such charge.

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2 ~~[50.1036. 1. Should any error result in any member or beneficiary~~  
3 ~~receiving more or less than he or she should have been entitled to receive had the~~  
4 ~~error not occurred, the board shall correct such error and, as far as practicable,~~  
5 ~~make future payments in such a manner that the actuarial equivalent of the~~  
6 ~~benefit to which such member or beneficiary was entitled shall be paid, and to~~  
7 ~~this end may recover any overpayment.~~

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

2 ~~[50.1038. The board of trustees of the county employees' retirement~~  
3 ~~system shall cease paying benefits to any survivor or beneficiary who is charged~~  
4 ~~with the intentional killing of a member without legal excuse or justification. A~~  
5 ~~survivor or beneficiary who is convicted of such charge shall no longer be~~  
6 ~~entitled to receive benefits. If the survivor or beneficiary is not convicted of such~~  
7 ~~charge, the board shall resume payment of benefits and shall pay the survivor or~~  
8 ~~beneficiary any benefits that were suspended pending resolution of such charge.]~~

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