

SECOND REGULAR SESSION

HOUSE BILL NO. 1617

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

Read 1st time January 24, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3642L.011

AN ACT

To repeal sections 104.374 and 104.610, RSMo, and to enact in lieu thereof two new sections relating to retirement of certain state employees.

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

Section A. Sections 104.374 and 104.610, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 104.374 and 104.610, to read as follows:

104.374. 1. The normal annuity of a member, other than a member of the general assembly or a member who served in an elective state office, shall be an amount equal to one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of the member. Years of membership service and twelfths of a year are to be used in calculating any annuity. Absences for sickness and injury of less than twelve months shall be counted as years of membership service.

2. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed member of the water patrol shall be increased by thirty-three and one-third percent of the benefit.

3. Employees who are fully vested at the age of sixty-five years and who continue to be employed by an agency covered under the system or members of the general assembly who serve in the general assembly after the age of sixty-five years shall have added to their normal annuity when they retire or die an amount equal to the total of all annual cost-of-living increases that the retired members of the system received during the years between when the employee or member of the general assembly reached sixty-five years of age and the year that the employee or member of the general assembly terminated employment or died. In no event shall the total increase in compensation granted under this subsection and subsection 2 of section 104.612 exceed sixty-five percent of the person's normal annuity calculated at the time of retirement or death.

19 **4. In addition to the amount determined pursuant to subsection 1 of this section,**
20 **the normal annuity of a uniformed conservation agent shall be increased by thirty-three**
21 **and one-third percent of the benefit.**

104.610. 1. Any person, who is receiving or hereafter may receive state retirement
2 benefits from the Missouri state employees' retirement system other than a person with twelve
3 or more years of service in statewide state elective office receiving benefits pursuant to the
4 provisions of section 104.371, a legislators' retirement system, or the highways and
5 transportation employees' and highway patrol retirement system, upon application to the board
6 of trustees of the system from which he or she is receiving retirement benefits, shall be made,
7 constituted, appointed and employed by the board as a special consultant on the problems of
8 retirement, aging, and other state matters, for the remainder of the person's life, and upon request
9 of the board, or other state agencies where such person was employed prior to retirement, give
10 opinions, and be available to give opinions in writing, or orally, in response to such requests, as
11 may be required, and for such services shall be compensated monthly, in an amount, which,
12 when added to any monthly state retirement benefits received on his or her retirement, shall be
13 equal to the state retirement benefits the person would be receiving currently if the person had
14 benefited from changes in the law effecting increases in the rate in the formula for calculating
15 benefits in his or her respective retirement system, for his or her type of employment or for those
16 persons having accrued thirty-five or more years of creditable service, changes in the law
17 pertaining to the age and service requirements for a normal annuity in his or her respective
18 retirement system, made subsequent to the date of his or her retirement; except that in calculating
19 such benefits the meaning of "average compensation" shall be that ascribed to it by the law in
20 effect on the date on which the benefits pursuant to this section are calculated.

21 2. In lieu of any other benefits pursuant to the provisions of this section, any member of
22 the Missouri state employees' retirement system who has or may hereafter retire pursuant to the
23 provisions of section 104.371, pertaining to those members who have held statewide state
24 elective office for at least twelve years, may apply pursuant to this section to be employed as a
25 special consultant and for such services shall be compensated monthly, in an amount, which,
26 when added to any monthly state retirement benefits received initially on his or her retirement,
27 shall be equal to the state retirement benefits the person would be receiving if the person had
28 benefited from changes in the law affecting increases in compensation for statewide state elective
29 offices, pursuant to house substitute for senate bill no. 528, second regular session of the
30 eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

31 3. This compensation shall be consolidated with any other retirement benefits payable
32 to the person, and shall be funded as provided in section 104.436.

33 4. This compensation shall be treated as any other state retirement benefits payable by

34 the Missouri state employees' retirement system or the highways and transportation employees'
35 and highway patrol retirement system are treated and shall not be subject to execution,
36 garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and
37 shall be unassignable, anything to the contrary notwithstanding.

38 5. The employment provided for by this section shall in no way affect any person's
39 eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of
40 reducing retirement benefits, anything to the contrary notwithstanding.

41 6. In order to determine the total monthly state retirement compensation due each retiree
42 who is eligible for the additional amount provided for in subsection 1 of this section, the
43 following formula shall be used:

44 (1) The retiree's base monthly retirement compensation shall be determined by dividing
45 the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate
46 in the formula for calculating benefits in his or her respective retirement system plus any annual
47 increases granted such retiree as a result of his or her being a consultant, by twelve;

48 (2) The amount determined pursuant to subdivision (1) of this subsection shall be
49 increased by an amount equal to the base monthly retirement compensation calculated pursuant
50 to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the
51 formula;

52 (3) The sum obtained from completing the calculations contained in subdivisions (1) and
53 (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any
54 retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit
55 pursuant to subsection 1 of this section was not calculated in accordance with the procedure
56 provided in this subsection shall have his or her total monthly retirement compensation for all
57 months beginning on or after September 28, 1985, recalculated in accordance with this
58 subsection.

59 7. The provisions of this section are severable. If any provision of this section is found
60 by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining
61 provisions of this section are valid unless the court finds that such valid provisions, standing
62 alone, are incomplete and incapable of being executed in accordance with the legislative intent.

63 8. Any person who terminates employment or retires prior to July 1, 2000, shall be made,
64 constituted, appointed and employed by the board as a special consultant on the problems of
65 retirement, aging, and other state matters, for the remainder of the person's life, and upon request
66 of the board, or other state agencies where such person was employed prior to retirement, give
67 opinions, and be available to give opinions in writing, or orally, in response to such requests, as
68 may be required, and for such services shall be eligible to elect to receive a retirement annuity
69 pursuant to the year 2000 plan as provided in this chapter.

70 **9. Any person who is receiving or hereafter may receive retirement benefits**
71 **pursuant to section 104.374, and would qualify for a benefit pursuant to subsection 4 of**
72 **section 104.374 if such person were an active employee, such person shall, upon application**
73 **to the board of trustees of the system from which he or she is receiving retirement benefits,**
74 **shall be made, constituted, appointed, and employed by the board as a special consultant**
75 **on the problems of retirement, aging, and other state matters, for the remainder of the**
76 **person's life, and upon request of the board, or other state agencies where such person was**
77 **employed prior to retirement, give opinions, and be available to give opinions in writing,**
78 **or orally, in response to such requests, as may be required, and for such services shall be**
79 **compensated monthly, in an amount, which, when added to any monthly state retirement**
80 **benefits received on his or her retirement, shall be equal to the retirement benefits the**
81 **person would be receiving currently if the person had benefited from changes in the law**
82 **effecting increases pursuant to subsection 4 of section 104.374.**

83 **10.** Effective August 28, 2000, any person otherwise eligible for survivor benefits due
84 to the death of a member prior to retirement, who was married less than two years to the member
85 at the time of the member's death, shall, upon application to the board, be made, constituted,
86 appointed and employed by the board as a special consultant on the problems of retirement,
87 aging and other state matters. As a special consultant pursuant to the provisions of this
88 subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to
89 what the system would have paid the person had the person been eligible for such survivor
90 benefit upon the death of the member. Such benefit shall commence the first of the month
91 following receipt by the system of an application from such person, but not earlier than
92 September 1, 2000. In no event shall any retroactive benefits be paid.