

SECOND REGULAR SESSION

HOUSE BILL NO. 2134

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLOOK (Sponsor), DIECKHAUS, McNARY, ALLEN, SCHAD,
SCHARNHORST, WETER, HOSKINS (80) AND DIEHL (Co-sponsors).

4945L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 169.130 and 169.650, RSMo, and to enact in lieu thereof two new sections relating to the public school retirement system of Missouri.

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

Section A. Sections 169.130 and 169.650, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 169.130 and 169.650, to read as follows:

2 169.130. 1. Any person, duly certified under the law governing the certification of
2 teachers, employed full time as a teacher by the division of youth services prior to August 13,
3 1986, who did not become a member of the Missouri state employees' retirement system under
4 section 104.342, RSMo, is a member of the public school retirement system of Missouri. Any
5 such person who becomes a member before the end of the school year next following July 18,
6 1948, may claim and receive credit for prior service. The contributions required to be made by
7 the member's employer shall be paid from appropriations to the institution by which the member
8 is employed.

9 2. Any person, duly certified under the law governing the certification of teachers,
10 employed full time as a teacher by a division of the state department of social services prior to
11 August 13, 1986, who did not become a member of the Missouri state employees' retirement
12 system under section 104.342, RSMo, who renders services in a school whose standards of
13 education are set and which is supervised by a public school officer of the county in which the
14 school is located, by the department of elementary and secondary education or by the
15 coordinating board for higher education is a member of the public school retirement system 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.

16 Missouri. Any such member who becomes a member before the end of the school year next
17 following August 29, 1953, may claim and receive credit for prior service.

18 3. Any person, duly certified under the law governing the certification of teachers,
19 employed full time as a teacher by the section of inmate education of the department of
20 corrections prior to August 13, 1986, who did not become a member of the Missouri state
21 employees' retirement system under section 104.342, RSMo, is a member of the public school
22 retirement system of Missouri. Any such person who becomes a member before the end of the
23 school year next following August 29, 1959, may claim and receive credit for prior service. For
24 purposes of this subsection "prior service" means service rendered by a member of the retirement
25 system before the system becomes operative with respect to persons employed by the section of
26 inmate education, and may include service rendered by a member of the armed forces during a
27 period of war, if the member was a teacher at the time he was inducted, for which credit has been
28 approved by the board of trustees.

29 4. Any person, duly certificated under the law governing the certification of teachers,
30 employed full time by any statewide nonprofit educational association or organization serving
31 on an educational professional basis through its membership the active members of the public
32 school retirement system of Missouri or the public school districts maintaining high schools in
33 this state, may be a member of the public school retirement system of Missouri. Any such person
34 who becomes a member before July 1, 1955, may claim and receive credit for prior service. The
35 contributions required to be made by the member's employer shall be paid by the association or
36 organization. After June 30, 2010, no additional nonprofit educational associations or
37 organizations may have their employees become members of the public school retirement system
38 of Missouri or the public education employee retirement system of Missouri. **The provisions**
39 **of this subsection shall not apply to a nonprofit corporation whose mission includes high**
40 **school athletics unless such corporation has a school improvement plan in place sanctioned**
41 **by the department of elementary and secondary education and has the statutory authority**
42 **to levy a property tax.**

43 5. Any person, duly certificated under the law governing the certification of teachers,
44 employed full time, and whose duties include participation in the educational program of the
45 department of mental health, in either a teaching or supervisory teaching capacity prior to August
46 13, 1986, who did not become a member of the Missouri state employees' retirement system
47 under section 104.342, RSMo, shall, after August 7, 1969, be a member of the public school
48 retirement system, but any such person whose employment with the department of mental health
49 commenced prior to August 7, 1969, may elect not to become a member by so notifying the
50 department of mental health in writing within thirty days after August 7, 1969.

169.650. 1. On and after October 13, 1965, all employees as defined in section 169.600 of districts included in this retirement system shall be members of the system by virtue of their employment, and all persons who had five years of prior service who were employees of districts included in sections 169.600 to 169.710 during the school year next preceding October 13, 1965, but who ceased to be employees prior to October 13, 1965, because of physical disability, shall be members of this system by virtue of that prior service. Individuals who qualify as independent contractors under the common law and are treated as such by their employer shall not be considered employees for purposes of membership in or contributions to the retirement system.

2. Any member who rendered service prior to November 1, 1965, as an employee as defined in section 169.600 in a district or community college district included in the system may claim credit for that service by filing with the board of trustees a complete and detailed record of the service for which the credit is claimed, together with such supporting evidence as the board may require for verification of the record. To the extent that the board finds the record correct, it shall credit the claimant with prior service and shall notify the claimant of its decision.

3. Membership shall be terminated by failure of a member to earn any membership service credit as a public school employee under this system for five consecutive school years, by death, withdrawal of contributions, or retirement.

4. If a member withdraws or is refunded the member's contributions, the member shall thereby forfeit any creditable service the member may have; provided, however, if such person again becomes a member of the system, the member may elect prior to retirement to reinstate any creditable service forfeited at the times of previous withdrawals or refunds. The reinstatement shall be effected by the member paying to the retirement system, with interest, the amount of accumulated contributions withdrawn by the member or refunded to the member with respect to the service being reinstated. A member may reinstate less than the total service previously forfeited, in accordance with rules promulgated by the board of trustees. The payment shall be completed prior to termination of membership with the retirement system with interest on the unpaid balance; provided, however, that if a member is retired on disability before completing such payments, the balance due, with interest, shall be deducted from the member's disability retirement allowance.

5. Any person who is an employee of any statewide nonprofit educational association or organization serving the active membership of the public education employee retirement system of Missouri and who works at least twenty hours per week on a regular basis in a position which is not covered by the public school retirement system of Missouri may be a member of the public education employee retirement system of Missouri. Certificated employees of such statewide nonprofit educational association or organization may not be members of the public

37 school retirement system of Missouri unless such association or organization makes separate
38 application pursuant to subsection 4 of section 169.130. The contributions required to be made
39 by the employee will be deducted from salary and matched by the association or organization.
40 After June 30, 2010, no additional nonprofit educational associations or organizations may have
41 their employees become members of the public school retirement system of Missouri or the
42 public education employee retirement system of Missouri. **The provisions of this subsection**
43 **shall not apply to a nonprofit corporation whose mission includes high school athletics**
44 **unless such corporation has a school improvement plan in place sanctioned by the**
45 **department of elementary and secondary education and has the statutory authority to levy**
46 **a property tax.**

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