

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 664

96TH GENERAL ASSEMBLY

1583L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 87.005, 87.006, 87.120, 87.205, 87.207, 87.325, 87.330, 87.335, 87.340, and 87.345, RSMo, and to enact in lieu thereof eleven new sections relating to the firemen's retirement system of St. Louis.

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

Section A. Sections 87.005, 87.006, 87.120, 87.205, 87.207, 87.325, 87.330, 87.335, 2 87.340, and 87.345, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be 3 known as sections 87.005, 87.006, 87.120, 87.127, 87.205, 87.207, 87.325, 87.330, 87.335, 4 87.340, and 87.345, to read as follows:

87.005. 1. Notwithstanding the provisions of any law to the contrary, after five years' 2 service, any condition of impairment of health caused by any **infectious disease**, disease of the 3 lungs or respiratory tract, hypertension, or disease of the heart resulting in total or partial 4 disability or death to a uniformed member of a paid fire department, who successfully passed a 5 physical examination within five years prior to the time a claim is made for such disability or 6 death, which examination failed to reveal any evidence of such condition, shall be presumed to 7 have been suffered in line of duty, unless the contrary be shown by competent evidence. **In 8 order to receive the presumption that an infectious disease was contracted in the line of 9 duty, the member shall submit to an annual physical examination, at which a blood test is 10 administered.**

11 2. This section shall apply only to the provisions of chapter 87, RSMo 1959.

12 3. **As used in this section, the term "infectious disease" means the human 13 immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A, 14 hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal meningitis, methicillin-**

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.

15 **resistant staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe acute**
16 **respiratory syndrome.**

87.006. 1. Notwithstanding the provisions of any law to the contrary, and only for the
2 purpose of computing retirement benefits provided by an established retirement plan, after five
3 years' service, any condition of impairment of health caused by any **infectious disease**, disease
4 of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart resulting in
5 total or partial disability or death to a uniformed member of a paid fire department, who
6 successfully passed a physical examination within five years prior to the time a claim is made
7 for such disability or death, which examination failed to reveal any evidence of such condition,
8 shall be presumed to have been suffered in the line of duty, unless the contrary be shown by
9 competent evidence. **In order to receive the presumption that an infectious disease was**
10 **contracted in the line of duty, the member shall submit to an annual physical examination,**
11 **at which a blood test is administered.**

12 2. Any condition of cancer affecting the skin or the central nervous, lymphatic, digestive,
13 hematological, urinary, skeletal, oral, breast, testicular, genitourinary, liver or prostate systems,
14 as well as any condition of cancer which may result from exposure to heat or radiation or to a
15 known or suspected carcinogen as determined by the International Agency for Research on
16 Cancer, which results in the total or partial disability or death to a uniformed member of a paid
17 fire department who successfully passed a physical examination within five years prior to the
18 time a claim is made for disability or death, which examination failed to reveal any evidence of
19 such condition, shall be presumed to have been suffered in the line of duty unless the contrary
20 be shown by competent evidence and it can be proven to a reasonable degree of medical certainty
21 that the condition did not result nor was contributed to by the voluntary use of tobacco.

22 3. This section shall apply to paid members of all fire departments of all counties, cities,
23 towns, fire districts, and other governmental units.

24 4. **As used in this section, the term "infectious disease" means the human**
25 **immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A,**
26 **hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal meningitis, methicillin-**
27 **resistant staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe acute**
28 **respiratory syndrome.**

87.120. The following words and phrases as used in sections 87.120 to 87.370, unless
2 a different meaning is plainly required by the context, have the following meanings:

3 (1) "Accumulated contributions", the sum of all amounts deducted from the
4 compensation of a member and credited to his or her individual account in the members' savings
5 fund together with interest thereon;

- 6 (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of
7 such mortality tables and interest rate as shall be adopted by the board of trustees;
- 8 (3) "Average final compensation", the average earnable compensation of the member
9 during his or her last two years of service as a firefighter, or if the firefighter has less than two
10 years of service, then the average earnable compensation of his or her entire period of service;
- 11 (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit as
12 provided by sections 87.120 to 87.370;
- 13 (5) "Benefit reserve", the present value of all payments to be made on account of any
14 retirement allowance or benefit in lieu of a retirement allowance upon the basis of such mortality
15 tables and interest rate as shall be adopted by the board of trustees;
- 16 (6) "Board of trustees", the board provided for in section 87.140 to administer the
17 retirement system;
- 18 (7) "City", any city not within a county and adopting the retirement system provided by
19 sections 87.120 to 87.370;
- 20 (8) "Creditable service", prior service plus membership service as provided in section
21 87.135;
- 22 (9) "DROP", the deferred retirement option plan provided in section 87.182;
- 23 (10) "Earnable compensation", the regular compensation which a member would earn
24 during one year on the basis of the stated compensation for his or her rank or position;
- 25 (11) **"Entry age normal funding method", a method under which the actuarial
26 present value of each active member's projected pension and death benefit is allocated as
27 a level percentage of the earning of the individual between entry age and assumed exit age.
28 The portion of the funding requirement allocated to a valuation year is called the normal
29 cost. The actuarial accrued liability is the portion of the actuarial present value not
30 provided for at a valuation date by the present value of future normal costs;**
- 31 (12) "Firefighter", any officer or employee of the fire department of the city employed
32 by the city for the duty of fighting fires, but does not include anyone employed in a clerical or
33 other capacity not involving fire-fighting duties. In case of doubt as to whether any person is a
34 firefighter within the meaning of sections 87.120 to 87.370, the decision of the board of trustees
35 shall be final;
- 36 [(12)] (13) "Medical board", the board of physicians provided for in section 87.160;
- 37 [(13)] (14) "Member", a member of the retirement system as defined by section 87.130;
- 38 [(14)] (15) "Membership service", service as a firefighter rendered since last becoming
39 a member;

40 [(15)] (16) "Prior service", all service as a firefighter rendered prior to the date the
41 system becomes operative which is creditable in accordance with the provisions of section
42 87.135;

43 [(16)] (17) "Retirement allowance", annual payments for life which shall be payable in
44 equal monthly installments or any benefits in lieu thereof granted to a member upon retirement
45 or to a beneficiary;

46 [(17)] (18) "Retirement system", the firefighter's retirement system of any city as defined
47 in section 87.125.

**87.127. A retirement plan under sections 87.120 to 87.370 is intended to be a
2 qualified governmental plan under the provisions of applicable federal law. The benefits
3 and conditions of the plan shall be interpreted and the system shall be operated to ensure
4 that the system meets the federal qualification requirements.**

87.205. 1. Upon retirement for accidental disability **before August 28, 2011**, a member
2 shall receive seventy-five percent of the pay then provided by law for the highest step in the
3 range of salary for the title or rank held by such member at the time of such retirement unless the
4 member is permanently and totally incapacitated from performing any work, occupation or
5 vocation of any kind whatsoever and is continuously confined to the member's home except for
6 visits to obtain medical treatment, in which event the member may receive, in the discretion of
7 the board of trustees, a retirement allowance in an amount not exceeding the member's rate of
8 compensation as a firefighter in effect as of the date the allowance begins.

9 2. Anyone who has retired pursuant to the provisions of section 87.170 and has been
10 reinstated pursuant to subsection 2 of section 87.130 who subsequently becomes disabled, as
11 provided in section 87.200, shall receive a total benefit which is the higher of either the disability
12 pension or the service pension.

13 **3. Upon retirement for accidental disability on or after August 28, 2011, based on
14 conditions of the heart, lungs, or cancer or based on permanent and total disability which
15 will prevent the member from obtaining employment elsewhere, as determined by the
16 board of trustees based on medical evidence presented by the retirement system's
17 physicians, a member shall receive, regardless of his or her number of years of credible
18 service, seventy-five percent of the earnable compensation then provided for the step in the
19 range of salary for the title or rank held by such member at the time of such retirement.**

20 **4. Except as provided in subsection 3 of this section, upon retirement for accidental
21 disability on or after August 28, 2011, a member shall receive a base pension equal to
22 twenty-five percent of the member's earnable compensation then provided for the step in
23 the range of salary for the title or rank held by such member at the time of such retirement.**

24 **5. Except as provided in subsection 3 of this section, upon retirement for accidental**
25 **disability on or after August 28, 2011, the member may elect to receive an education**
26 **allowance in an amount not to exceed the tuition for a state resident at the University of**
27 **Missouri-St. Louis. The accidentally disabled member shall enroll in a college, university,**
28 **community college, or vocational or technical school at the first opportunity after the**
29 **accidentally disabled member was retired and shall receive such educational allowance in**
30 **the form of reimbursement upon proof of payment to such institution. The education**
31 **allowance described in this subsection shall cease when the accidentally disabled member**
32 **ceases to be a full-time student or if the accidentally disabled member is restored to active**
33 **service as a firefighter, but in no event shall such education allowance be available for**
34 **more than five years after the member is retired under section 87.200.**

35 **6. Except as provided in subsection 3 of this section, upon retirement for accidental**
36 **disability on or after August 28, 2011, in addition to the base pension provided for in**
37 **subsection 4 of this section and the education allowance provided for in subsection 5 of this**
38 **section, members with twenty-five years or less of creditable service shall receive an**
39 **additional accidental retirement pension equal to two and three-fourths percent of the**
40 **member's earnable compensation then provided for the step in the range of salary for the**
41 **title or rank held by such member at the time of retirement for each year of credible**
42 **service equal to or greater than ten years but not more than twenty-five years.**

43 **7. Except as provided in subsection 3 of this section, upon retirement for accidental**
44 **disability on or after August 28, 2011, in addition to the base pension provided for in**
45 **subsection 4 of this section and the additional accidental retirement pension provided for**
46 **in subsection 6 of this section, for members with twenty-five years or less of creditable**
47 **service, then during such time that the disabled member is a full-time student in a college,**
48 **university, community college, or vocational or technical school and is receiving the**
49 **educational allowance provided for in subsection 5 of this section, such member shall also**
50 **receive a supplemental disability retirement pension in the amount necessary so that his**
51 **or her total accidental disability retirement pension, excluding the education allowance,**
52 **shall be equal to one hundred percent of the earnable compensation then provided for the**
53 **step in the range of salary for the title or rank held by such member at the time of such**
54 **retirement. In no event shall such supplemental accidental disability pension be paid for**
55 **a period more than five years after the member is retired under section 87.200.**

56 **8. Except as provided in subsection 3 of this section, upon retirement for accidental**
57 **disability on or after August 28, 2011, in addition to the base pension provided for in**
58 **subsection 4 of this section and the education allowance provided for in subsection 5 of this**
59 **section, for members with more than twenty-five years of credible service, such member**

60 shall also receive an additional pension equal to fifty percent of the member's earnable
61 compensation then provided for the step in the range of salary for the title or rank held by
62 such member at the time of such retirement.

63 **9. Notwithstanding any other provisions in this section, upon retirement for**
64 **accidental disability, other than as provided in subsection 3 of this section, on or after**
65 **August 28, 2011, a member with more than twenty years of credible service but not more**
66 **than twenty-five years of creditable service may waive the right to receive the education**
67 **allowance provided for in subsection 5 of this section, the right to additional pension**
68 **retirement allowance provided for in subsection 6 of this section, and the right to receive**
69 **the supplemental disability retirement pension provided for in subsection 7 of this section**
70 **and may elect to receive instead in addition to the accidental disability retirement base**
71 **pension as provided for in subsection 4 of this section an additional pension from the date**
72 **of such member's retirement equal to forty percent of the member's earnable compensation**
73 **then provided for the step in the range of salary for the title or rank held by such member**
74 **at the time of such retirement. Any such election shall be made prior to such member's**
75 **receipt of his or her first accidental disability pension payment.**

87.207. The following allowances due under the provisions of sections 87.120 to 87.371
2 of any member who retired from service shall be increased annually, as approved by the board
3 of trustees beginning with the first increase in the October following his or her retirement and
4 subsequent increases in each October thereafter, at the rates designated:

- 5 (1) With a retirement service allowance or ordinary disability allowance:
6 (a) One and one-half percent per year, compounded each year, up to age sixty for those
7 retiring with twenty to twenty-four years of service,
8 (b) Two and one-fourth percent per year, compounded each year, up to age sixty for
9 those retiring with twenty-five to twenty-nine years of service,
10 (c) Three percent per year, compounded each year, up to age sixty for those retiring with
11 thirty or more years of service,
12 (d) After age sixty, five percent per year for five years;
13 (2) With an accidental disability allowance, three percent per year, compounded each
14 year, up to age sixty, then five percent per year for five years. **Provided, however, for**
15 **accidental disability on or after August 28, 2011, for reasons other than provided in**
16 **subsection 3 of section 87.205, unless a member has more than twenty-five years of**
17 **creditable service, the accidental disability allowance shall only increase at a rate of one**
18 **percent per year, compounded each year, up to age sixty, then five percent per year for five**
19 **years. For accidental disability on or after August 28, 2011, for reasons other than**
20 **provided in subsection 3 of section 87.205, if a member has more than twenty-five years of**

21 **creditable service, the accidental disability allowance shall only increase at a rate of two**
22 **and one-fourth percent per year, compounded each year, up to age sixty, then five percent**
23 **per year for five years.**

87.325. [Contributions to and payments from the general reserve fund shall be as
2 follows: On account of each member there shall be paid annually into the fund by the city an
3 amount equal to a certain percentage of the earnable compensation of the member to be known
4 as "the normal contribution" and an additional amount equal to a percentage of his earnable
5 compensation to be known as "the accrued liability contribution". The rates percent of the
6 contributions shall be fixed on the basis of the liabilities of the retirement system as shown by
7 actuarial valuations.] **Effective October 1, 2011, based on data from the plan year that ended**
8 **September 30, 2011, the plan's actuary shall calculate the amount that the city shall**
9 **contribute in the following manner: Each year, as of the first day of the system's fiscal**
10 **year, the actuary shall perform an actuarial valuation under the entry age normal funding**
11 **method and utilize such mortality tables and other tables as shall be adopted by the board**
12 **of trustees. On the basis of each valuation, there shall be paid annually into the fund by**
13 **the city an amount equal to the sum of the normal contribution and an additional amount**
14 **to be known as the accrued liability contribution.**

87.330. On the basis of [the interest rate and of such mortality and other tables as shall
2 be adopted by the board of trustees, the actuary shall determine the uniform and constant
3 percentage of the earnable compensation of the average new entrant, which, if contributed
4 throughout his entire period of active service, would be sufficient to provide for the payment of
5 any death benefit or pension payable on his account. The rate percent so determined shall be
6 known as "the normal contribution rate". After the accrued liability contribution has ceased to
7 be payable the normal contribution rate shall be the rate percent of the earnable compensation
8 of all members obtained by deducting from the total liabilities of the fund the amount of the
9 funds in hand to the credit of the fund and dividing the remainder by one percent of the present
10 value of the prospective future compensation of all members as computed on the basis of the
11 interest rate and the mortality and service tables adopted by the board of trustees. The normal
12 rate of contribution shall be determined by the actuary after each valuation.] **each annual**
13 **actuarial valuation, as provided in section 87.325, the normal contribution shall be**
14 **determined as the normal cost under the entry age normal funding method.**

87.335. [At the first valuation after the effective date of these amendments (in 1959) the
2 actuary engaged by the board of trustees shall compute the rate percent of the total earnable
3 compensation of all members which is equivalent to three and one-half percent of the amount
4 of the total unfunded benefit liability on account of all members and beneficiaries which is not
5 dischargeable by the aforesaid normal contribution made on account of such members during the

6 remainder of their active service. The rate percent originally so determined shall be known as
7 "the accrued liability contribution rate".] **Effective on October 1, 2011, based on data from the**
8 **plan year ended September 30, 2011, the actuary engaged by the board of trustees shall**
9 **compute an accrued liability contribution, the level rate percentage of the total earnable**
10 **compensation of current and future earnings of current active members that will be**
11 **required to amortize the unfunded actuarial accrued liability as determined under the**
12 **entry age normal funding method over a thirty-year period commencing October 1, 2011,**
13 **based on data from the plan year ended September 30, 2011. Any future increase or**
14 **decrease in the unfunded actuarial accrued liability resulting from statutory changes shall**
15 **be amortized by an increment in the accrued liability contribution determined, as a level**
16 **percentage of earnable compensation over the thirty-year period commencing with the**
17 **beginning of the fiscal year coincident with or next following the effective date of the**
18 **statutory changes. All other changes in the unfunded actuarial accrued liability**
19 **subsequent to October 1, 2011, including from experience gains and losses and from**
20 **changes in actuarial assumptions and methods shall be aggregated at each actuarial**
21 **valuation subsequent to October 1, 2011, and shall be amortized as a level percentage of**
22 **earnable compensation over the thirty-year period commencing at the valuation date. The**
23 **thirty-year amortization period for the aggregated, unfunded liability changes from**
24 **experience gains and losses and from assumptions and method changes shall be**
25 **reestablished at each valuation date. The accrued liability contribution at each valuation**
26 **at and after October 1, 2012, shall be increased by the level percentage determined as**
27 **provided in this section for the amortization of the aggregated unfunded liability changes**
28 **from experience gains and losses and from assumption and method changes.**

87.340. The total amount payable in each year to the general reserve fund shall be not
2 less than the sum of the [rates percent known as the] normal contribution [rate] and the accrued
3 liability contribution [rate of the total compensation earnable by all members during the year],
4 and the aggregate payment by the city shall be sufficient when combined with the amount in the
5 fund to provide the retirement allowances and other benefits payable out of the fund during the
6 then current year. The city may contribute at any time from bond issue or other available funds
7 an amount equal to the unfunded accrued liability as certified by the actuary in which event no
8 further accrued liability contribution [will] **shall** be required [or] , **except as determined at**
9 **subsequent actuarial valuations under section 87.335. The city may also** contribute any
10 lesser amount **from a bond issue or other available funds** which [will] **shall** be used to
11 proportionately reduce future accrued liability contributions.

87.345. The accrued liability contribution [should be discontinued as soon as the
2 accumulated reserve in the general reserve fund shall equal the present value as actuarially

3 computed and approved by the board of trustees, of the total liability of the fund, less the present
4 value computed on the basis of the normal contribution rate then in force of the prospective
5 normal contributions to be received on account of persons who are at that time members. The
6 accrued liability contribution rate may be decreased by the board of trustees provided the reduced
7 level rate does not require an amortization period extending beyond the year 2010 for any
8 accrued liability as of August 31, 1980. Subsequent to that date, any changes in the accrued
9 liability by reason of changes in the benefits payable under the retirement system, changes in the
10 actuarial assumptions, or changes in the actuarial funding method are to be amortized over a
11 period not exceeding thirty years from the date in which the additional accrued liabilities are
12 recognized in the annual actuarial valuation of the system.] **will not need to be paid for years**
13 **in which the accumulated reserve in the general reserve fund equals or exceeds the**
14 **actuarial accrued liability as determined by an actuarial valuation provided under section**
15 **87.325. For each year in which the accumulated reserve is equal to or greater than the**
16 **actuarial accrued liability, as determined under the entry age normal funding method, the**
17 **city shall contribute the normal contribution as calculated by the plan actuary, and the city**
18 **shall not reduce its payment with respect to the normal contribution.**

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