

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 830
93RD GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, February 16, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4123S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 86.1110, 86.1140, 86.1490, and 86.1500, RSMo, and to enact in lieu thereof four new sections relating to police military leave.

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

Section A. Sections 86.1110, 86.1140, 86.1490, and 86.1500, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 86.1110, 86.1140, 86.1490, and 86.1500, to read as follows:

86.1110. 1. Whenever a member is given a leave of absence for military
2 service and returns to employment after discharge from the service, such member
3 shall be entitled to creditable service for the years of employment prior to the
4 leave of absence.

5 2. **Except as provided in subsection 3 of this section**, any member
6 who served on active duty in the armed forces of the United States and who
7 became a member, or returned to membership, after discharge under honorable
8 conditions, may elect prior to retirement to purchase creditable service equivalent
9 to such service in the armed forces, not to exceed two years, provided the member
10 is not receiving and is not eligible to receive retirement credits or benefits from
11 any other public or private retirement plan for the service to be purchased, other
12 than a United States military service retirement system or United States Social
13 Security benefits attributable to such military service, and an affidavit so stating
14 is filed by the member with the retirement system. A member electing to make
15 such purchase shall pay to the retirement system an amount equal to the
16 actuarial value of the additional benefits attributable to the additional service
17 credit to be purchased, as of the date the member elects to make such
18 purchase. The retirement system shall determine such value using accepted
19 actuarial methods and the same assumptions with respect to interest rates,

20 mortality, future salary increases, and all related factors used in performing the
21 most recent regular actuarial valuation of the retirement system. Payment in full
22 of the amount due from a member electing to purchase creditable service under
23 this subsection shall be made over a period not to exceed five years, measured
24 from the date of election, or prior to the commencement date for payment of
25 benefits to the member from the retirement system, whichever is earlier,
26 including interest on unpaid balances compounded annually at the interest rate
27 assumed from time to time for actuarial valuations of the retirement system. If
28 payment in full including interest is not made within the prescribed period, any
29 partial payments made by the member shall be refunded, and no creditable
30 service attributable to such election, or as a result of any such partial payments,
31 shall be allowed; provided that if a benefit commencement date occurs because of
32 the death or disability of a member who has made an election under this
33 subsection and if the member is current in payments under an approved
34 installment plan at the time of the death or disability, such election shall be valid
35 if the member, the surviving spouse, or other person entitled to benefit payments
36 pays the entire balance of the remaining amount due, including interest to the
37 date of such payment, within sixty days after the member's death or
38 disability. The time of a disability shall be deemed to be the time when such
39 member is retired by the board of police commissioners for reason of disability as
40 provided in sections 86.900 to 86.1280.

41 **3. Notwithstanding any other provision of sections 86.900 to**
42 **86.1280, a member who is on leave of absence for military service during**
43 **any portion of which leave the United States is in a state of declared**
44 **war, or a compulsory draft is in effect for any of the military branches**
45 **of the United States, or any units of the military reserves of the United**
46 **States, including the National Guard, are mobilized for combat military**
47 **operations, and who becomes entitled to reemployment rights and other**
48 **employment benefits under 38 U.S.C. 43, relating to employment and**
49 **reemployment rights of members of the uniformed service by meeting**
50 **the requirements for such rights and benefits under section 4312 of said**
51 **chapter, or the corresponding provisions of any subsequent applicable**
52 **U.S. statute, shall be entitled to service credit for the time spent in such**
53 **military service for all purposes of sections 86.900 to 86.1280 and such**
54 **member shall not be required to pay any member contributions for such**
55 **time. If it becomes necessary for the years of such service to be included**
56 **in the calculation of such member's compensation for any purpose, such**

57 **member shall be deemed to have received the same compensation**
58 **throughout such period of service as the member's base annual salary**
59 **immediately prior to the commencement of such leave of absence.**

86.1140. 1. Should any member be granted leave of absence by the board
2 of police commissioners, such member shall not, because of such absence, cease
3 to be a member.

4 2. If a member is on leave of absence by authority of the board of police
5 commissioners for thirty consecutive days or less, such member shall receive
6 creditable service for such time.

7 3. **Except as provided in subsection 3 of section 86.1110**, if a
8 member is on leave of absence for more than thirty consecutive days without
9 compensation, such member shall not receive service credits for such time unless
10 such member shall, within one year after returning from such absence, pay into
11 the retirement system an amount equal to the member's contribution percentage
12 at the time such absence began times an assumed salary figure for the period of
13 such absence, computed by assuming that such member received a salary during
14 such absence at the rate of the base annual salary the member was receiving
15 immediately prior to such absence.

86.1490. 1. **Except as provided in subsection 3 of section 86.1500**,
2 creditable service at retirement on which the retirement allowance of a member
3 is based consists of the membership service rendered by such member for which
4 such member received compensation since such member last became a member.

5 2. Creditable service also includes any prior service credit to which a
6 member may be entitled by virtue of an authorized purchase of such credit or as
7 otherwise provided in sections 86.1310 to 86.1640.

8 3. Creditable service shall not include any time a member was suspended
9 from service without compensation. No contribution is required from either the
10 member under section 86.1400 or from the city under section 86.1390 for such
11 time.

86.1500. 1. Whenever a member is given a leave of absence for military
2 service and returns to employment after discharge from the service, such member
3 shall be entitled to creditable service for the years of employment prior to the
4 leave of absence.

5 2. **Except as provided in subsection 3 of this section**, any member
6 who served on active duty in the armed forces of the United States and who
7 became a member, or returned to membership, after discharge under honorable
8 conditions, may elect prior to retirement to purchase creditable service equivalent

9 to such service in the armed forces, not to exceed two years, provided the member
10 is not receiving and is not eligible to receive retirement credits or benefits from
11 any other public or private retirement plan for the service to be purchased, other
12 than a United States military service retirement system or United States Social
13 Security benefits attributable to such military service, and an affidavit so stating
14 is filed by the member with the retirement system. A member electing to make
15 such purchase shall pay to the retirement system an amount equal to the
16 actuarial value of the additional benefits attributable to the additional service
17 credit to be purchased, as of the date the member elects to make such
18 purchase. The retirement system shall determine such value using accepted
19 actuarial methods and the same assumptions with respect to interest rates,
20 mortality, future salary increases, and all related factors used in performing the
21 most recent regular actuarial valuation of the retirement system. Payment in full
22 of the amount due from a member electing to purchase creditable service under
23 this subsection shall be made over a period not to exceed five years, measured
24 from the date of election, or prior to the commencement date for payment of
25 benefits to the member from the retirement system, whichever is earlier,
26 including interest on unpaid balances compounded annually at the interest rate
27 assumed from time to time for actuarial valuations of the retirement system. If
28 payment in full including interest is not made within the prescribed period, any
29 partial payments made by the member shall be refunded, and no creditable
30 service attributable to such election, or as a result of any such partial payments,
31 shall be allowed; provided that if a benefit commencement date occurs because of
32 the death or disability of a member who has made an election under this
33 subsection and if the member is current in payments under an approved
34 installment plan at the time of the death or disability, such election shall be valid
35 if the member, the surviving spouse or other person entitled to benefit payments
36 pays the entire balance of the remaining amount due, including interest to the
37 date of such payment, within sixty days after the member's death or
38 disability. The time of a disability shall be deemed to be the time when such
39 member is determined by the retirement board to be totally and permanently
40 disabled as provided in section 86.1560.

41 **3. Notwithstanding any other provision of sections 86.1310 to**
42 **86.1640, a member who is on leave of absence for military service during**
43 **any portion of which leave the United States is in a state of declared**
44 **war, or a compulsory draft is in effect for any of the military branches**
45 **of the United States, or any units of the military reserves of the United**

46 States, including the National Guard, are mobilized for combat military
47 operations, and who becomes entitled to reemployment rights and other
48 employment benefits under 38 U.S.C. 43, relating to employment and
49 reemployment rights of members of the uniformed service by meeting
50 the requirements for such rights and benefits under section 4312 of said
51 chapter, or the corresponding provisions of any subsequent applicable
52 U.S. statute, shall be entitled to service credit for the time spent in such
53 military service for all purposes of sections 86.1310 to 86.1640 and such
54 member shall not be required to pay any member contributions for such
55 time. If it becomes necessary for the years of such service to be included
56 in the calculation of such member's compensation for any purpose, such
57 member shall be deemed to have received the same compensation
58 throughout such period of service as the member's base annual salary
59 immediately prior to the commencement of such leave of absence.

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