

SECOND REGULAR SESSION

SENATE BILL NO. 791

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS MAYER AND KENNEDY.

Pre-filed January 3, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4066S.01I

AN ACT

To repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to the highway patrol retirement system.

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

Section A. Section 104.040, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 104.040, to read as follows:

104.040. 1. Any member shall be entitled to creditable prior service
2 within the meaning of sections 104.010 to [104.270] **104.272** for all service in the
3 United States Army, Navy, or other armed services of the United States, or any
4 women's auxiliary thereof in time of active armed warfare, if such member was
5 a state employee immediately prior to his or her entry into the armed services
6 and became an employee of the state within ninety days after termination of such
7 service by an honorable discharge or release to inactive status; the requirement
8 of section 104.010 of duties during not less than one thousand hours for status
9 as an "employee" shall not apply to persons who apply for creditable prior service
10 pursuant to the provisions of this section.

11 2. Any member of the system who served as an employee prior to the
12 original effective date of sections 104.010 to [104.270] **104.272**, but was not an
13 employee on that date, shall be entitled to creditable prior service that such
14 member would have been entitled to had such member become a member of the
15 retirement system on the date of its inception if such member has, or hereafter
16 attains, one year of continuous membership service.

17 3. Any employee who completes one continuous year of creditable service
18 in the system shall receive credit for service with a state department, if such
19 service has not otherwise been credited.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 4. Any member who had served in the armed forces of the United States
21 prior to becoming a member, or who is otherwise ineligible pursuant to subsection
22 1 of this section or other provisions of this chapter, and who became a member
23 after his or her discharge under honorable conditions may elect, prior to
24 retirement, to purchase all of his or her creditable prior service equivalent to such
25 service in the armed forces, but not to exceed four years, if the member is not
26 receiving and is not eligible to receive retirement credits or benefits from any
27 other public or private retirement plan for the service to be purchased, and an
28 affidavit so stating shall be filed by the member with the retirement
29 system. However, if the member is eligible to receive retirement credits in a
30 United States military service retirement system, the member shall be permitted
31 to purchase creditable prior service equivalent to his or her service in the armed
32 services, but not to exceed four years, any other provision of law to the contrary
33 notwithstanding. The purchase shall be effected by the member's paying to the
34 retirement system an amount equal to what would have been contributed by the
35 state in his or her behalf had the member been a member for the period for which
36 the member is electing to purchase credit and had his or her compensation during
37 such period of membership been the same as the annual salary rate at which the
38 member was initially employed as a member, with the calculations based on the
39 contribution rate in effect on the date of his or her employment with simple
40 interest calculated from date of employment from which the member could first
41 receive creditable service to the date of election pursuant to this subsection. The
42 payment shall be made over a period of not longer than two years, measured from
43 the date of election, and with simple interest on the unpaid balance. Payments
44 made for such creditable prior service pursuant to this subsection shall be treated
45 by the retirement system as would contributions made by the state and shall not
46 be subject to any prohibition on member contributions or refund provisions in
47 effect at the time of enactment of this subsection.

48 5. Any uniformed member of the highway patrol who served as a certified
49 police officer prior to becoming a member may elect, prior to retirement, to
50 purchase all of his or her creditable prior service equivalent to such service in the
51 police force, but not to exceed four years, if he or she is not receiving and is not
52 eligible to receive credits or benefits from any other public or private retirement
53 plan for the service to be purchased, and an affidavit so stating shall be filed by
54 the member with the retirement system. The purchase shall be effected by the
55 member's paying to the retirement system an amount equal to what would have

56 been contributed by the state in his or her behalf had he or she been a member
57 of the system for the period for which the member is electing to purchase credit
58 and had his compensation during such period been the same as the annual salary
59 rate at which the member was initially employed as a member, with the
60 calculations based on the contribution rate in effect on the date of his or her
61 employment with simple interest calculated from the date of employment from
62 which the member could first receive creditable service to the date of election
63 pursuant to the provisions of this section. The payment shall be made over a
64 period of not longer than two years, measured from the date of election, and with
65 simple interest on the unpaid balance. Payments made for such creditable prior
66 service pursuant to the provisions of this section shall be treated by the
67 retirement system as would contributions made by the state and shall not be
68 subject to any prohibition on member contributions or refund provisions in effect
69 at the time of enactment of this section.

70 6. Any [uniformed] member of the [highway patrol] **system under**
71 **section 104.010 to 104.272 who is an active employee and** who served as
72 a nonfederal full-time public employee in this state prior to becoming a member
73 may elect, prior to retirement, to purchase all of his or her creditable prior service
74 equivalent to such service, but not to exceed four years, if he or she is not
75 receiving and is not eligible to receive credits or benefits from any other public
76 plan for the service to be purchased[, and an affidavit so stating shall be filed by
77 the member with the retirement system]. The purchase shall be effected by the
78 member's paying to the retirement system an amount equal to what would have
79 been contributed by the state in his or her behalf had he or she been a member
80 of the system for the period for which the member is electing to purchase credit
81 and had his compensation during such period been the same as the annual salary
82 rate at which the member was initially employed as a member, with the
83 calculations based on the contribution rate in effect on the date of his or her
84 employment with simple interest calculated from the date of employment from
85 which the member could first receive creditable service to the date of election
86 pursuant to the provisions of this section. The payment shall be made over a
87 period of not longer than two years, measured from the date of election, and with
88 simple interest on the unpaid balance. Payments made for such creditable prior
89 service pursuant to the provisions of this section shall be treated by the
90 retirement system as would contributions made by the state and shall not be
91 subject to any prohibition on member contributions or refund provisions in effect

92 at the time of enactment of this section. All purchase payments under this
93 subsection must be completed prior to retirement or prior to
94 termination of employment. If a member who purchased creditable
95 service under this subsection dies prior to retirement, the surviving
96 spouse may, upon written request, receive a refund of the amount
97 contributed for such purchase of such creditable service. The surviving
98 spouse shall not be eligible for a refund under this subsection if he or
99 she is entitled to survivorship benefits payable under section 104.110.
100 A member who is entitled to a deferred annuity under section 104.035
101 shall be ineligible to purchase service under this subsection.

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Bill

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