

SECOND REGULAR SESSION

SENATE BILL NO. 830

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS RIDGEWAY, SHIELDS, CALLAHAN AND WHEELER.

Read 1st time January 10, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4123S.011

AN ACT

To repeal sections 86.1110 and 86.1500, RSMo, and to enact in lieu thereof two 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Section A. Sections 86.1110 and 86.1500, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 86.1110 and 86.1500, to
3 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. Any member who served on active duty in the armed forces of the
6 United States and who became a member, or returned to membership, after
7 discharge under honorable conditions, may elect prior to retirement to purchase
8 creditable service equivalent to such service in the armed forces, not to exceed
9 two years, provided the member is not receiving and is not eligible to receive
10 retirement credits or benefits from any other public or private retirement plan for
11 the service to be purchased, other than a United States military service
12 retirement system or United States Social Security benefits attributable to such
13 military service, and an affidavit so stating is filed by the member with the
14 retirement system. A member electing to make such purchase shall pay to the
15 retirement system an amount equal to the actuarial value of the additional
16 benefits attributable to the additional service credit to be purchased, as of the
17 date the member elects to make such purchase. The retirement system shall
18 determine such value using accepted actuarial methods and the same
19 assumptions with respect to interest rates, mortality, future salary increases, and

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

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

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

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. Any member who served on active duty in the armed forces of the
6 United States and who became a member, or returned to membership, after
7 discharge under honorable conditions, may elect prior to retirement to purchase
8 creditable service equivalent to such service in the armed forces, not to exceed
9 two years, provided the member is not receiving and is not eligible to receive
10 retirement credits or benefits from any other public or private retirement plan for
11 the service to be purchased, other than a United States military service
12 retirement system or United States Social Security benefits attributable to such
13 military service, and an affidavit so stating is filed by the member with the
14 retirement system. A member electing to make such purchase shall pay to the
15 retirement system an amount equal to the actuarial value of the additional
16 benefits attributable to the additional service credit to be purchased, as of the
17 date the member elects to make such purchase. The retirement system shall
18 determine such value using accepted actuarial methods and the same
19 assumptions with respect to interest rates, mortality, future salary increases, and
20 all related factors used in performing the most recent regular actuarial valuation
21 of the retirement system. Payment in full of the amount due from a member
22 electing to purchase creditable service under this subsection shall be made over
23 a period not to exceed five years, measured from the date of election, or prior to
24 the commencement date for payment of benefits to the member from the
25 retirement system, whichever is earlier, including interest on unpaid balances
26 compounded annually at the interest rate assumed from time to time for actuarial
27 valuations of the retirement system. If payment in full including interest is not
28 made within the prescribed period, any partial payments made by the member
29 shall be refunded, and no creditable service attributable to such election, or as a
30 result of any such partial payments, shall be allowed; provided that if a benefit
31 commencement date occurs because of the death or disability of a member who
32 has made an election under this subsection and if the member is current in

33 payments under an approved installment plan at the time of the death or
34 disability, such election shall be valid if the member, the surviving spouse or
35 other person entitled to benefit payments pays the entire balance of the
36 remaining amount due, including interest to the date of such payment, within
37 sixty days after the member's death or disability. The time of a disability shall
38 be deemed to be the time when such member is determined by the retirement
39 board to be totally and permanently disabled as provided in section 86.1560.

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

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