

FIRST REGULAR SESSION

SENATE BILL NO. 141

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0404S.01I

AN ACT

To amend chapter 104, RSMo, by adding thereto one new section relating to retirement benefits for elected officials.

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

Section A. Chapter 104, RSMo, is amended by adding thereto one new section, to be known as section 104.1089, to read as follows:

104.1089. 1. For purposes of this section, an "elected official" shall be defined as:

(1) Any member of the general assembly who first serves as a member of the general assembly on or after January 1, 2018, who has not previously been employed in a position covered by either system; and

(2) Any statewide elected official who first serves as a statewide elected official on or after January 1, 2018, who has not previously been employed in a position covered by either system.

2. Notwithstanding any provision of the year 2000 plan to the contrary, elected officials shall not be eligible to participate in the year 2000 plan, but shall be eligible to participate in a 401(a) defined contribution plan to be administered as part of the deferred compensation program established pursuant to chapter 105, and subject to the additional provisions of this section. The contribution rate for such plan for elected officials, in addition to any contributions made pursuant to section 105.927, shall be as follows:

(1) The participant contribution rate shall be equal to four percent of the participant's pay; and

(2) The employer contribution rate shall be equal to four percent of the participant's pay.

22 **3. Employers, pursuant to the provisions of 26 U.S.C. Section**
23 **414(h)(2), shall pick up and pay the contributions that would otherwise**
24 **be payable by a participant under this section. The contributions so**
25 **picked up shall be treated as employer contributions for purposes of**
26 **determining the participant's pay that is includable in the participant's**
27 **gross income for federal income tax purposes. Participant**
28 **contributions picked up by the employer shall be:**

29 **(1) Paid from the same source of funds used for the payment of**
30 **pay to a participant. A deduction shall be made from each participant's**
31 **pay equal to the amount of the participant's contributions picked up by**
32 **the employer;**

33 **(2) Credited to a separate account within the participant's**
34 **individual account; and**

35 **(3) Paid by the employer in lieu of the contributions by the**
36 **participant, although designated as participant contributions. The**
37 **participant shall not have the option of choosing to receive the**
38 **contributed amounts directly instead of having them paid by the**
39 **employer to the defined contribution plan.**

40 **4. Participants shall be immediately vested in the defined**
41 **contribution plan and contributions made to the plan shall not be**
42 **subject to forfeiture.**

43 **5. Notwithstanding any provisions of law to the contrary, elected**
44 **officials shall remain eligible to receive health care benefits pursuant**
45 **to chapter 103 and life insurance and disability income benefits that**
46 **are otherwise available for participants of the year 2000 plan.**

47 **6. Elected officials who subsequently become employed in a**
48 **position covered by either system that is a position other than an**
49 **elected official position shall participate in the plan that would**
50 **otherwise apply to that position and shall not receive any service credit**
51 **for time served as an elected official under this section.**

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