

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 75
AN ACT

To repeal sections 169.070, 169.560, and 169.596, RSMo, and to enact in lieu thereof three new sections relating to public school retirement systems.

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

Section A. Sections 169.070, 169.560, and 169.596, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 169.070, 169.560, and 169.596, to read as follows:

169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but

21 less than thirty years, and the member has not attained age
22 fifty-five;

23 (4) Two and thirty-five-hundredths percent of the
24 member's final average salary for each year of membership
25 service, if the member's creditable service is twenty-eight
26 years or more but less than twenty-nine years, and the
27 member has not attained age fifty-five;

28 (5) Two and three-tenths percent of the member's final
29 average salary for each year of membership service, if the
30 member's creditable service is twenty-seven years or more
31 but less than twenty-eight years, and the member has not
32 attained age fifty-five;

33 (6) Two and twenty-five-hundredths percent of the
34 member's final average salary for each year of membership
35 service, if the member's creditable service is twenty-six
36 years or more but less than twenty-seven years, and the
37 member has not attained age fifty-five;

38 (7) Two and two-tenths percent of the member's final
39 average salary for each year of membership service, if the
40 member's creditable service is twenty-five years or more but
41 less than twenty-six years, and the member has not attained
42 age fifty-five;

43 (8) [Between July 1, 2001, and July 1, 2014,] Two and
44 fifty-five hundredths percent of the member's final average
45 salary for each year of membership service, if the member's
46 creditable service is [thirty-one] thirty-two years or more
47 regardless of age.

48 2. In lieu of the retirement allowance provided in
49 subsection 1 of this section, a member whose age is sixty
50 years or more on September 28, 1975, may elect to have the
51 member's retirement allowance calculated as a sum of the
52 following items:

53 (1) Sixty cents plus one and five-tenths percent of
54 the member's final average salary for each year of
55 membership service;

56 (2) Six-tenths of the amount payable for a year of
57 membership service for each year of prior service not
58 exceeding thirty years;

59 (3) Three-fourths of one percent of the sum of
60 subdivisions (1) and (2) of this subsection for each month
61 of attained age in excess of sixty years but not in excess
62 of age sixty-five.

63 3. (1) In lieu of the retirement allowance provided
64 either in subsection 1 or 2 of this section, collectively
65 called "option 1", a member whose creditable service is
66 twenty-five years or more or who has attained the age of
67 fifty-five with five or more years of creditable service may
68 elect in the member's application for retirement to receive
69 the actuarial equivalent of the member's retirement
70 allowance in reduced monthly payments for life during
71 retirement with the provision that:

72 Option 2.

73 Upon the member's death the reduced retirement
74 allowance shall be continued throughout the life
75 of and paid to such person as has an insurable
76 interest in the life of the member as the member
77 shall have nominated in the member's election of
78 the option, and provided further that if the
79 person so nominated dies before the retired
80 member, the retirement allowance will be
81 increased to the amount the retired member would
82 be receiving had the retired member elected
83 option 1; or

84 Option 3.

85 Upon the death of the member three-fourths of
86 the reduced retirement allowance shall be
87 continued throughout the life of and paid to
88 such person as has an insurable interest in the
89 life of the member and as the member shall have
90 nominated in an election of the option, and
91 provided further that if the person so nominated
92 dies before the retired member, the retirement
93 allowance will be increased to the amount the
94 retired member would be receiving had the member
95 elected option 1; or

96 Option 4.

97 Upon the death of the member one-half of the
98 reduced retirement allowance shall be continued
99 throughout the life of, and paid to, such person
100 as has an insurable interest in the life of the
101 member and as the member shall have nominated in
102 an election of the option, and provided further
103 that if the person so nominated dies before the
104 retired member, the retirement allowance shall
105 be increased to the amount the retired member
106 would be receiving had the member elected option
107 1; or

108 Option 5.

109 Upon the death of the member prior to the member
110 having received one hundred twenty monthly
111 payments of the member's reduced allowance, the
112 remainder of the one hundred twenty monthly
113 payments of the reduced allowance shall be paid
114 to such beneficiary as the member shall have
115 nominated in the member's election of the option
116 or in a subsequent nomination. If there is no
117 beneficiary so nominated who survives the member

118 for the remainder of the one hundred twenty
119 monthly payments, the total of the remainder of
120 such one hundred twenty monthly payments shall
121 be paid to the surviving spouse, surviving
122 children in equal shares, surviving parents in
123 equal shares, or estate of the last person, in
124 that order of precedence, to receive a monthly
125 allowance in a lump sum payment. If the total
126 of the one hundred twenty payments paid to the
127 retired individual and the beneficiary of the
128 retired individual is less than the total of the
129 member's accumulated contributions, the
130 difference shall be paid to the beneficiary in a
131 lump sum; or

132 Option 6.

133 Upon the death of the member prior to the member
134 having received sixty monthly payments of the
135 member's reduced allowance, the remainder of the
136 sixty monthly payments of the reduced allowance
137 shall be paid to such beneficiary as the member
138 shall have nominated in the member's election of
139 the option or in a subsequent nomination. If
140 there is no beneficiary so nominated who
141 survives the member for the remainder of the
142 sixty monthly payments, the total of the
143 remainder of such sixty monthly payments shall
144 be paid to the surviving spouse, surviving
145 children in equal shares, surviving parents in
146 equal shares, or estate of the last person, in
147 that order of precedence, to receive a monthly
148 allowance in a lump sum payment. If the total
149 of the sixty payments paid to the retired
150 individual and the beneficiary of the retired

151 individual is less than the total of the
152 member's accumulated contributions, the
153 difference shall be paid to the beneficiary in a
154 lump sum.

155 (2) The election of an option may be made only in the
156 application for retirement and such application must be
157 filed prior to the date on which the retirement of the
158 member is to be effective. If either the member or the
159 person nominated to receive the survivorship payments dies
160 before the effective date of retirement, the option shall
161 not be effective, provided that:

162 (a) If the member or a person retired on disability
163 retirement dies after acquiring twenty-five or more years of
164 creditable service or after attaining the age of fifty-five
165 years and acquiring five or more years of creditable service
166 and before retirement, except retirement with disability
167 benefits, and the person named by the member as the member's
168 beneficiary has an insurable interest in the life of the
169 deceased member, the designated beneficiary may elect to
170 receive either survivorship benefits under option 2 or a
171 payment of the accumulated contributions of the member. If
172 survivorship benefits under option 2 are elected and the
173 member at the time of death would have been eligible to
174 receive an actuarial equivalent of the member's retirement
175 allowance, the designated beneficiary may further elect to
176 defer the option 2 payments until the date the member would
177 have been eligible to receive the retirement allowance
178 provided in subsection 1 or 2 of this section;

179 (b) If the member or a person retired on disability
180 retirement dies before attaining age fifty-five but after
181 acquiring five but fewer than twenty-five years of
182 creditable service, and the person named as the member's
183 beneficiary has an insurable interest in the life of the

184 deceased member, the designated beneficiary may elect to
185 receive either a payment of the member's accumulated
186 contributions, or survivorship benefits under option 2 to
187 begin on the date the member would first have been eligible
188 to receive an actuarial equivalent of the member's
189 retirement allowance, or to begin on the date the member
190 would first have been eligible to receive the retirement
191 allowance provided in subsection 1 or 2 of this section.

192 4. If the total of the retirement or disability
193 allowance paid to an individual before the death of the
194 individual is less than the accumulated contributions at the
195 time of retirement, the difference shall be paid to the
196 beneficiary of the individual, or to the surviving spouse,
197 surviving children in equal shares, surviving parents in
198 equal shares, or estate of the individual in that order of
199 precedence. If an optional benefit as provided in option 2,
200 3 or 4 in subsection 3 of this section had been elected, and
201 the beneficiary dies after receiving the optional benefit,
202 and if the total retirement allowance paid to the retired
203 individual and the beneficiary of the retired individual is
204 less than the total of the contributions, the difference
205 shall be paid to the surviving spouse, surviving children in
206 equal shares, surviving parents in equal shares, or estate
207 of the beneficiary, in that order of precedence, unless the
208 retired individual designates a different recipient with the
209 board at or after retirement.

210 5. If a member dies and his or her financial
211 institution is unable to accept the final payment or
212 payments due to the member, the final payment or payments
213 shall be paid to the beneficiary of the member or, if there
214 is no beneficiary, to the surviving spouse, surviving
215 children in equal shares, surviving parents in equal shares,
216 or estate of the member, in that order of precedence, unless

217 otherwise stated. If the beneficiary of a deceased member
218 dies and his or her financial institution is unable to
219 accept the final payment or payments, the final payment or
220 payments shall be paid to the surviving spouse, surviving
221 children in equal shares, surviving parents in equal shares,
222 or estate of the member, in that order of precedence, unless
223 otherwise stated.

224 6. If a member dies before receiving a retirement
225 allowance, the member's accumulated contributions at the
226 time of the death of the member shall be paid to the
227 beneficiary of the member or, if there is no beneficiary, to
228 the surviving spouse, surviving children in equal shares,
229 surviving parents in equal shares, or to the estate of the
230 member, in that order of precedence; except that, no such
231 payment shall be made if the beneficiary elects option 2 in
232 subsection 3 of this section, unless the beneficiary dies
233 before having received benefits pursuant to that subsection
234 equal to the accumulated contributions of the member, in
235 which case the amount of accumulated contributions in excess
236 of the total benefits paid pursuant to that subsection shall
237 be paid to the surviving spouse, surviving children in equal
238 shares, surviving parents in equal shares, or estate of the
239 beneficiary, in that order of precedence.

240 7. If a member ceases to be a public school employee
241 as herein defined and certifies to the board of trustees
242 that such cessation is permanent, or if the membership of
243 the person is otherwise terminated, the member shall be paid
244 the member's accumulated contributions with interest.

245 8. Notwithstanding any provisions of sections 169.010
246 to 169.141 to the contrary, if a member ceases to be a
247 public school employee after acquiring five or more years of
248 membership service in Missouri, the member may at the option
249 of the member leave the member's contributions with the

250 retirement system and claim a retirement allowance any time
251 after reaching the minimum age for voluntary retirement.
252 When the member's claim is presented to the board, the
253 member shall be granted an allowance as provided in sections
254 169.010 to 169.141 on the basis of the member's age, years
255 of service, and the provisions of the law in effect at the
256 time the member requests the member's retirement to become
257 effective.

258 9. The retirement allowance of a member retired
259 because of disability shall be nine-tenths of the allowance
260 to which the member's creditable service would entitle the
261 member if the member's age were sixty, or fifty percent of
262 one-twelfth of the annual salary rate used in determining
263 the member's contributions during the last school year for
264 which the member received a year of creditable service
265 immediately prior to the member's disability, whichever is
266 greater, except that no such allowance shall exceed the
267 retirement allowance to which the member would have been
268 entitled upon retirement at age sixty if the member had
269 continued to teach from the date of disability until age
270 sixty at the same salary rate.

271 10. Notwithstanding any provisions of sections 169.010
272 to 169.141 to the contrary, from October 13, 1961, the
273 contribution rate pursuant to sections 169.010 to 169.141
274 shall be multiplied by the factor of two-thirds for any
275 member of the system for whom federal Old Age and Survivors
276 Insurance tax is paid from state or local tax funds on
277 account of the member's employment entitling the person to
278 membership in the system. The monetary benefits for a
279 member who elected not to exercise an option to pay into the
280 system a retroactive contribution of four percent on that
281 part of the member's annual salary rate which was in excess
282 of four thousand eight hundred dollars but not in excess of

283 eight thousand four hundred dollars for each year of
284 employment in a position covered by this system between July
285 1, 1957, and July 1, 1961, as provided in subsection 10 of
286 this section as it appears in RSMo, 1969, shall be the sum
287 of:

288 (1) For years of service prior to July 1, 1946, six-
289 tenths of the full amount payable for years of membership
290 service;

291 (2) For years of membership service after July 1,
292 1946, in which the full contribution rate was paid, full
293 benefits under the formula in effect at the time of the
294 member's retirement;

295 (3) For years of membership service after July 1,
296 1957, and prior to July 1, 1961, the benefits provided in
297 this section as it appears in RSMo, 1959; except that if the
298 member has at least thirty years of creditable service at
299 retirement the member shall receive the benefit payable
300 pursuant to that section as though the member's age were
301 sixty-five at retirement;

302 (4) For years of membership service after July 1,
303 1961, in which the two-thirds contribution rate was paid,
304 two-thirds of the benefits under the formula in effect at
305 the time of the member's retirement.

306 11. The monetary benefits for each other member for
307 whom federal Old Age and Survivors Insurance tax is or was
308 paid at any time from state or local funds on account of the
309 member's employment entitling the member to membership in
310 the system shall be the sum of:

311 (1) For years of service prior to July 1, 1946, six-
312 tenths of the full amount payable for years of membership
313 service;

314 (2) For years of membership service after July 1,
315 1946, in which the full contribution rate was paid, full

316 benefits under the formula in effect at the time of the
317 member's retirement;

318 (3) For years of membership service after July 1,
319 1957, in which the two-thirds contribution rate was paid,
320 two-thirds of the benefits under the formula in effect at
321 the time of the member's retirement.

322 12. Any retired member of the system who was retired
323 prior to September 1, 1972, or beneficiary receiving
324 payments under option 1 or option 2 of subsection 3 of this
325 section, as such option existed prior to September 1, 1972,
326 will be eligible to receive an increase in the retirement
327 allowance of the member of two percent for each year, or
328 major fraction of more than one-half of a year, which the
329 retired member has been retired prior to July 1, 1975. This
330 increased amount shall be payable commencing with January,
331 1976, and shall thereafter be referred to as the member's
332 retirement allowance. The increase provided for in this
333 subsection shall not affect the retired member's eligibility
334 for compensation provided for in section 169.580 or 169.585,
335 nor shall the amount being paid pursuant to these sections
336 be reduced because of any increases provided for in this
337 section.

338 13. If the board of trustees determines that the cost
339 of living, as measured by generally accepted standards,
340 increases two percent or more in the preceding fiscal year,
341 the board shall increase the retirement allowances which the
342 retired members or beneficiaries are receiving by two
343 percent of the amount being received by the retired member
344 or the beneficiary at the time the annual increase is
345 granted by the board with the provision that the increases
346 provided for in this subsection shall not become effective
347 until the fourth January first following the member's
348 retirement or January 1, 1977, whichever later occurs, or in

349 the case of any member retiring on or after July 1, 2000,
350 the increase provided for in this subsection shall not
351 become effective until the third January first following the
352 member's retirement, or in the case of any member retiring
353 on or after July 1, 2001, the increase provided for in this
354 subsection shall not become effective until the second
355 January first following the member's retirement. Commencing
356 with January 1, 1992, if the board of trustees determines
357 that the cost of living has increased five percent or more
358 in the preceding fiscal year, the board shall increase the
359 retirement allowances by five percent. The total of the
360 increases granted to a retired member or the beneficiary
361 after December 31, 1976, may not exceed eighty percent of
362 the retirement allowance established at retirement or as
363 previously adjusted by other subsections. If the cost of
364 living increases less than five percent, the board of
365 trustees may determine the percentage of increase to be made
366 in retirement allowances, but at no time can the increase
367 exceed five percent per year. If the cost of living
368 decreases in a fiscal year, there will be no increase in
369 allowances for retired members on the following January
370 first.

371 14. The board of trustees may reduce the amounts which
372 have been granted as increases to a member pursuant to
373 subsection 13 of this section if the cost of living, as
374 determined by the board and as measured by generally
375 accepted standards, is less than the cost of living was at
376 the time of the first increase granted to the member; except
377 that, the reductions shall not exceed the amount of
378 increases which have been made to the member's allowance
379 after December 31, 1976.

380 15. Any application for retirement shall include a
381 sworn statement by the member certifying that the spouse of

382 the member at the time the application was completed was
383 aware of the application and the plan of retirement elected
384 in the application.

385 16. Notwithstanding any other provision of law, any
386 person retired prior to September 28, 1983, who is receiving
387 a reduced retirement allowance under option 1 or option 2 of
388 subsection 3 of this section, as such option existed prior
389 to September 28, 1983, and whose beneficiary nominated to
390 receive continued retirement allowance payments under the
391 elected option dies or has died, shall upon application to
392 the board of trustees have his or her retirement allowance
393 increased to the amount he or she would have been receiving
394 had the option not been elected, actuarially adjusted to
395 recognize any excessive benefits which would have been paid
396 to him or her up to the time of application.

397 17. Benefits paid pursuant to the provisions of the
398 public school retirement system of Missouri shall not exceed
399 the limitations of Section 415 of Title 26 of the United
400 States Code except as provided pursuant to this subsection.
401 Notwithstanding any other law to the contrary, the board of
402 trustees may establish a benefit plan pursuant to Section
403 415(m) of Title 26 of the United States Code. Such plan
404 shall be created solely for the purpose described in Section
405 415(m) (3) (A) of Title 26 of the United States Code. The
406 board of trustees may promulgate regulations necessary to
407 implement the provisions of this subsection and to create
408 and administer such benefit plan.

409 18. Notwithstanding any other provision of law to the
410 contrary, any person retired before, on, or after May 26,
411 1994, shall be made, constituted, appointed and employed by
412 the board as a special consultant on the matters of
413 education, retirement and aging, and upon request shall give
414 written or oral opinions to the board in response to such

415 requests. As compensation for such duties the person shall
416 receive an amount based on the person's years of service so
417 that the total amount received pursuant to sections 169.010
418 to 169.141 shall be at least the minimum amounts specified
419 in subdivisions (1) to (4) of this subsection. In
420 determining the minimum amount to be received, the amounts
421 in subdivisions (3) and (4) of this subsection shall be
422 adjusted in accordance with the actuarial adjustment, if
423 any, that was applied to the person's retirement allowance.
424 In determining the minimum amount to be received, beginning
425 September 1, 1996, the amounts in subdivisions (1) and (2)
426 of this subsection shall be adjusted in accordance with the
427 actuarial adjustment, if any, that was applied to the
428 person's retirement allowance due to election of an optional
429 form of retirement having a continued monthly payment after
430 the person's death. Notwithstanding any other provision of
431 law to the contrary, no person retired before, on, or after
432 May 26, 1994, and no beneficiary of such a person, shall
433 receive a retirement benefit pursuant to sections 169.010 to
434 169.141 based on the person's years of service less than the
435 following amounts:

436 (1) Thirty or more years of service, one thousand two
437 hundred dollars;

438 (2) At least twenty-five years but less than thirty
439 years, one thousand dollars;

440 (3) At least twenty years but less than twenty-five
441 years, eight hundred dollars;

442 (4) At least fifteen years but less than twenty years,
443 six hundred dollars.

444 19. Notwithstanding any other provisions of law to the
445 contrary, any person retired prior to May 26, 1994, and any
446 designated beneficiary of such a retired member who was
447 deceased prior to July 1, 1999, shall be made, constituted,

448 appointed and employed by the board as a special consultant
449 on the matters of education, retirement or aging and upon
450 request shall give written or oral opinions to the board in
451 response to such requests. Beginning September 1, 1996, as
452 compensation for such service, the member shall have added,
453 pursuant to this subsection, to the member's monthly annuity
454 as provided by this section a dollar amount equal to the
455 lesser of sixty dollars or the product of two dollars
456 multiplied by the member's number of years of creditable
457 service. Beginning September 1, 1999, the designated
458 beneficiary of the deceased member shall as compensation for
459 such service have added, pursuant to this subsection, to the
460 monthly annuity as provided by this section a dollar amount
461 equal to the lesser of sixty dollars or the product of two
462 dollars multiplied by the member's number of years of
463 creditable service. The total compensation provided by this
464 section including the compensation provided by this
465 subsection shall be used in calculating any future cost-of-
466 living adjustments provided by subsection 13 of this section.

467 20. Any member who has retired prior to July 1, 1998,
468 and the designated beneficiary of a deceased retired member
469 shall be made, constituted, appointed and employed by the
470 board as a special consultant on the matters of education,
471 retirement and aging, and upon request shall give written or
472 oral opinions to the board in response to such requests. As
473 compensation for such duties the person shall receive a
474 payment equivalent to eight and seven-tenths percent of the
475 previous month's benefit, which shall be added to the
476 member's or beneficiary's monthly annuity and which shall
477 not be subject to the provisions of subsections 13 and 14 of
478 this section for the purposes of the limit on the total
479 amount of increases which may be received.

480 21. Any member who has retired shall be made,
481 constituted, appointed and employed by the board as a
482 special consultant on the matters of education, retirement
483 and aging, and upon request shall give written or oral
484 opinions to the board in response to such request. As
485 compensation for such duties, the beneficiary of the retired
486 member, or, if there is no beneficiary, the surviving
487 spouse, surviving children in equal shares, surviving
488 parents in equal shares, or estate of the retired member, in
489 that order of precedence, shall receive as a part of
490 compensation for these duties a death benefit of five
491 thousand dollars.

492 22. Any member who has retired prior to July 1, 1999,
493 and the designated beneficiary of a retired member who was
494 deceased prior to July 1, 1999, shall be made, constituted,
495 appointed and employed by the board as a special consultant
496 on the matters of education, retirement and aging, and upon
497 request shall give written or oral opinions to the board in
498 response to such requests. As compensation for such duties,
499 the person shall have added, pursuant to this subsection, to
500 the monthly annuity as provided by this section a dollar
501 amount equal to five dollars times the member's number of
502 years of creditable service.

503 23. Any member who has retired prior to July 1, 2000,
504 and the designated beneficiary of a deceased retired member
505 shall be made, constituted, appointed and employed by the
506 board as a special consultant on the matters of education,
507 retirement and aging, and upon request shall give written or
508 oral opinions to the board in response to such requests. As
509 compensation for such duties, the person shall receive a
510 payment equivalent to three and five-tenths percent of the
511 previous month's benefit, which shall be added to the member
512 or beneficiary's monthly annuity and which shall not be

513 subject to the provisions of subsections 13 and 14 of this
514 section for the purposes of the limit on the total amount of
515 increases which may be received.

516 24. Any member who has retired prior to July 1, 2001,
517 and the designated beneficiary of a deceased retired member
518 shall be made, constituted, appointed and employed by the
519 board as a special consultant on the matters of education,
520 retirement and aging, and upon request shall give written or
521 oral opinions to the board in response to such requests. As
522 compensation for such duties, the person shall receive a
523 dollar amount equal to three dollars times the member's
524 number of years of creditable service, which shall be added
525 to the member's or beneficiary's monthly annuity and which
526 shall not be subject to the provisions of subsections 13 and
527 14 of this section for the purposes of the limit on the
528 total amount of increases which may be received.

169.560. 1. Any person retired and currently
2 receiving a retirement allowance pursuant to sections
3 169.010 to 169.141, other than for disability, may be
4 employed in any capacity for an employer included in the
5 retirement system created by those sections on either a part-
6 time or temporary-substitute basis not to exceed a total of
7 five hundred fifty hours in any one school year, and through
8 such employment may earn up to fifty percent of the annual
9 compensation payable under the employer's salary schedule
10 for the position or positions filled by the retiree, given
11 such person's level of experience and education, without a
12 discontinuance of the person's retirement allowance. If the
13 employer does not utilize a salary schedule, or if the
14 position in question is not subject to the employer's salary
15 schedule, a retiree employed in accordance with the
16 provisions of this subsection may earn up to fifty percent
17 of the annual compensation paid to the person or persons who

18 last held such position or positions. If the position or
19 positions did not previously exist, the compensation limit
20 shall be determined in accordance with rules duly adopted by
21 the board of trustees of the retirement system; provided
22 that, it shall not exceed fifty percent of the annual
23 compensation payable for the position by the employer that
24 is most comparable to the position filled by the retiree.
25 In any case where a retiree fills more than one position
26 during the school year, the fifty-percent limit on permitted
27 earning shall be based solely on the annual compensation of
28 the highest paid position occupied by the retiree for at
29 least one-fifth of the total hours worked during the year.
30 Such a person shall not contribute to the retirement system
31 or to the public education employee retirement system
32 established by sections 169.600 to 169.715 because of
33 earnings during such period of employment. If such a person
34 is employed in any capacity by such an employer in excess of
35 the limitations set forth in this subsection, the person
36 shall not be eligible to receive the person's retirement
37 allowance for any month during which the person is so
38 employed. In addition, such person shall contribute to the
39 retirement system if the person satisfies the retirement
40 system's membership eligibility requirements. In addition
41 to the conditions set forth above, this subsection shall
42 apply to any person retired and currently receiving a
43 retirement allowance under sections 169.010 to 169.141,
44 other than for disability, who is employed by a third party
45 or is performing work as an independent contractor, if such
46 person is performing work for an employer included in the
47 retirement system as a temporary or long-term substitute
48 teacher or in any other position that would normally require
49 that person to be duly certificated under the laws governing
50 the certification of teachers in Missouri if such person was

51 employed by the district. The retirement system may require
52 the employer, the third-party employer, the independent
53 contractor, and the retiree subject to this subsection to
54 provide documentation showing compliance with this
55 subsection. If such documentation is not provided, the
56 retirement system may deem the retiree to have exceeded the
57 limitations provided in this subsection.

58 2. Notwithstanding any other provision of this
59 section, any person retired and currently receiving a
60 retirement allowance in accordance with sections 169.010 to
61 169.141, other than for disability, may be employed by an
62 employer included in the retirement system created by those
63 sections in a position that does not normally require a
64 person employed in that position to be duly certificated
65 under the laws governing the certification of teachers in
66 Missouri, and through such employment may earn, beginning on
67 August 28, 2023, and ending on June 30, 2028, up to [sixty
68 percent of the minimum teacher's salary as set forth in
69 section 163.172] one hundred thirty-three percent of the
70 annual earnings exemption amount applicable to a Social
71 Security recipient before the calendar year of attainment of
72 full retirement age under 20 CFR 404.430, and, after June
73 30, 2028, up to the annual earnings exemption amount
74 applicable to a Social Security recipient before the
75 calendar year of attainment of full retirement age under 20
76 CFR 404.420, without a discontinuance of the person's
77 retirement allowance from the retirement system. The Social
78 Security annual earnings exemption amount applied shall be
79 the exemption amount in effect for the calendar year in
80 which the school year begins. Such person shall not
81 contribute to the retirement system or to the public
82 education employee retirement system established by sections
83 169.600 to 169.715 because of earnings during such period of

84 employment, and such person shall not earn membership
85 service for such employment. The employer's contribution
86 rate shall be paid by the hiring employer into the public
87 education employee retirement system established by sections
88 169.600 to 169.715. If such a person is employed in any
89 capacity by an employer in excess of the limitations set
90 forth in this subsection, the person shall not be eligible
91 to receive the person's retirement allowance for any month
92 during which the person is so employed. In addition, such
93 person shall become a member of and contribute to any
94 retirement system described in this subsection if the person
95 satisfies the retirement system's membership eligibility
96 requirements. The provisions of this subsection shall not
97 apply to any person retired and currently receiving a
98 retirement allowance in accordance with sections 169.010 to
99 169.141 employed by a public community college or employer
100 under subsection 4 of section 169.130.

169.596. 1. Notwithstanding any other provision of
2 this chapter to the contrary, a retired certificated teacher
3 receiving a retirement benefit from the retirement system
4 established pursuant to sections 169.010 to 169.141 may,
5 without losing his or her retirement benefit, teach full
6 time for up to **[two]** four years for a school district
7 covered by such retirement system; provided that the school
8 district has a shortage of certified teachers, as determined
9 by the school district, and provided that no such retired
10 certificated teacher shall be employed as a superintendent.
11 The total number of such retired certificated teachers shall
12 not exceed, at any one time, the lesser of ten percent of
13 the total teacher staff for that school district, or five
14 certificated teachers.

15 2. Notwithstanding any other provision of this chapter
16 to the contrary, a person receiving a retirement benefit

17 from the retirement system established pursuant to sections
18 169.600 to 169.715 may, without losing his or her retirement
19 benefit, be employed full time for up to ~~two~~ four years
20 for a school district covered by such retirement system;
21 provided that the school district has a shortage of
22 noncertificated employees, as determined by the school
23 district. The total number of such retired noncertificated
24 employees shall not exceed, at any one time, the lesser of
25 ten percent of the total noncertificated staff for that
26 school district, or five employees.

27 3. The employer's contribution rate shall be paid by
28 the hiring school district.

29 4. In order to hire teachers and noncertificated
30 employees pursuant to the provisions of this section, the
31 school district shall:

32 (1) Show a good faith effort to fill positions with
33 nonretired certificated teachers or nonretired
34 noncertificated employees;

35 (2) Post the vacancy for at least one month;

36 (3) Have not offered early retirement incentives for
37 either of the previous two years;

38 (4) Solicit applications through the local newspaper,
39 other media, or teacher education programs;

40 (5) Determine there is an insufficient number of
41 eligible applicants for the advertised position; and

42 (6) Declare a critical shortage of certificated
43 teachers or noncertificated employees that is active for one
44 year.

45 5. Any person hired pursuant to this section shall be
46 included in the State Directory of New Hires for purposes of
47 income and eligibility verification pursuant to 42 U.S.C.
48 Section 1320b-7.