

FIRST REGULAR SESSION

# SENATE BILL NO. 339

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

0241S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 169.141 and 169.715, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits for certain public school employees.

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

Section A. Sections 169.141 and 169.715, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 169.141 and 169.715, to read as follows:

169.141. 1. Any person receiving a retirement  
2 allowance under sections 169.010 to 169.140, and who elected  
3 a reduced retirement allowance under subsection 3 of section  
4 169.070 with his or her spouse as the nominated beneficiary,  
5 may nominate a successor beneficiary under either of the  
6 following circumstances:

7 (1) If the nominated beneficiary precedes the retired  
8 person in death, the retired person may, upon remarriage,  
9 nominate the new spouse under the same option elected in the  
10 application for retirement;

11 (2) If the marriage of the retired person and the  
12 nominated beneficiary is dissolved, and if the dissolution  
13 decree provides for sole retention by the retired person of  
14 all rights in the retirement allowance, the retired person  
15 may, upon remarriage, nominate the new spouse under the same  
16 option elected in the application for retirement.

17 2. Any nomination of a successor beneficiary under  
18 subdivision (1) or (2) of subsection 1 of this section must

19 be made in accordance with procedures established by the  
20 board of trustees, and must be filed within ninety days of  
21 May 6, 1993, or within one year of the remarriage, whichever  
22 later occurs. Upon receipt of a successor nomination filed  
23 in accordance with those procedures, the board shall adjust  
24 the retirement allowance to reflect actuarial considerations  
25 of that nomination as well as previous beneficiary and  
26 successor beneficiary nominations.

27 3. Any person receiving a retirement allowance under  
28 sections 169.010 to 169.140 who elected a reduced retirement  
29 allowance under subsection 3 of section 169.070 with his or  
30 her spouse as the nominated beneficiary may have the  
31 retirement allowance increased to the amount the retired  
32 member would be receiving had the retired member elected  
33 option 1 if:

34 (1) The marriage of the retired person and the  
35 nominated spouse is dissolved on or after September 1, 2017,  
36 and the dissolution decree provides for sole retention by  
37 the retired person of all rights in the retirement  
38 allowance; or

39 (2) The marriage of the retired person and the  
40 nominated spouse was dissolved before September 1, 2017, and:

41 (a) The dissolution decree provides for sole retention  
42 by the retired person of all rights in the retirement  
43 allowance, and the parties obtain an amended or modified  
44 dissolution decree after September 1, 2017, providing for  
45 the immediate removal of the nominated spouse, or the  
46 nominated spouse consents in writing to his or her immediate  
47 removal as nominated beneficiary and disclaims all rights to  
48 future benefits to the satisfaction of the board of  
49 trustees; or

(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 3 of section 169.070.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution and separation agreement, if applicable, that meets the requirements of this section.

**4. Any person receiving a retirement allowance under sections 169.010 to 169.140, who, on or before September 1, 2015, elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her same-sex domestic partner as the nominated beneficiary, may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:**

(1) The retired person executes an affidavit attesting to the existence of a same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership has since ended, with such supporting information and documentation as required by the board of trustees;

(2) The nominated beneficiary consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees, or the parties obtain a court

81 order or judgment after September 1, 2023, which provides  
82 that the nominated beneficiary may be removed;

83 (3) If the retired person and the nominated  
84 beneficiary were legally married in a state that recognized  
85 same-sex marriage at the time of retirement or have since  
86 become legally married, the marriage must be dissolved and  
87 the dissolution decree must provide for sole retention by  
88 the retired person of all rights in the retirement  
89 allowance; and

90 (4) The person receives a retirement allowance under  
91 subsection 3 of section 169.070.

92 5. Any person receiving a retirement allowance under  
93 sections 169.010 to 169.140, who, on or before September 1,  
94 2015, elected a reduced retirement allowance under  
95 subsection 3 of section 169.070 with his or her same-sex  
96 domestic partner as the nominated beneficiary, may nominate  
97 a successor beneficiary under the following circumstances:

98 (1) If the nominated same-sex domestic partner  
99 precedes the retired person in death, and the retired person  
100 executes an affidavit attesting to the existence of the same-  
101 sex domestic partnership at the time of the nomination of  
102 the beneficiary, the retired person may, upon a later  
103 marriage, nominate his or her spouse under the same option  
104 elected in the application for retirement; or

105 (2) If the retired person executes an affidavit  
106 attesting to the existence of the same-sex domestic  
107 partnership at the time of the nomination of the beneficiary  
108 and that the same-sex domestic partnership has since ended,  
109 and the nominated same-sex domestic partner consents in  
110 writing to his or her immediate removal as nominated  
111 beneficiary and disclaims all rights to future benefits to  
112 the satisfaction of the board of trustees or the parties

113 obtain a court order or judgment after September 1, 2023,  
114 which provides that the nominated beneficiary may be  
115 removed, the retired person may, upon a later marriage,  
116 nominate his or her spouse under the same option elected in  
117 the application for retirement;

118 (3) In addition to the requirements of subsection (2)  
119 of this section, if the retired person and the nominated  
120 beneficiary were legally married in a state that recognized  
121 same-sex marriage at the time of retirement or have since  
122 become legally married, the marriage must be dissolved and  
123 the dissolution decree must provide for sole retention by  
124 the retired person of all rights in the retirement allowance.

125 6. Any nomination of successor beneficiary under  
126 subdivision (1) or (2) of subsection 5 of this section shall  
127 be made in accordance with procedures established by the  
128 board of trustees, and shall be filed within one year of  
129 September 1, 2023, or within one year of the marriage of the  
130 retired person and successor beneficiary, whichever later  
131 occurs. Upon receipt of a successor nomination filed in  
132 accordance with those procedures, the board shall adjust the  
133 retirement allowance to reflect actuarial considerations of  
134 that nomination as well as previous beneficiary and  
135 successor beneficiary nominations.

136 7. For purposes of this section, the definition of  
137 "same-sex domestic partners" shall be individuals of the  
138 same sex who are at least eighteen years of age, who are not  
139 related to a degree that would prohibit their marriage in  
140 the law of the state where they reside, who are not married  
141 to or a domestic partner of another person, and who live  
142 together in a long-term relationship of indefinite duration  
143 with an exclusive mutual commitment in which the domestic  
144 partners agree to be jointly responsible for their common

145 **welfare and to share financial obligations. For purposes of**  
146 **this section, "same-sex domestic partners" shall also**  
147 **include individuals of the same sex who were legally married**  
148 **in a state that recognized same-sex marriage.**

169.715. 1. Any person receiving a retirement  
2 allowance under sections 169.600 to 169.712, and who elected  
3 a reduced retirement allowance under subsection 4 of section  
4 169.670 with his or her spouse as the nominated beneficiary,  
5 may nominate a successor beneficiary under either of the  
6 following circumstances:

7 (1) If the nominated beneficiary precedes the retired  
8 person in death, the retired person may, upon remarriage,  
9 nominate the new spouse under the same option elected in the  
10 application for retirement;

11 (2) If the marriage of the retired person and the  
12 nominated beneficiary is dissolved, and if the dissolution  
13 decree provides for sole retention by the retired person of  
14 all rights in the retirement allowance, the retired person  
15 may, upon remarriage, nominate the new spouse under the same  
16 option elected in the application for retirement.

17 2. Any nomination of a successor beneficiary under  
18 subdivision (1) or (2) of subsection 1 of this section must  
19 be made in accordance with procedures established by the  
20 board of trustees, and must be filed within ninety days of  
21 May 6, 1993, or within one year of the remarriage, whichever  
22 later occurs. Upon receipt of a successor nomination filed  
23 in accordance with those procedures, the board shall adjust  
24 the retirement allowance to reflect actuarial considerations  
25 of that nomination as well as previous beneficiary and  
26 successor beneficiary nominations.

27 3. Any person receiving a retirement allowance under  
28 sections 169.600 to 169.715 who elected a reduced retirement

allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017, and the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; or

(2) The marriage of the retired person and the nominated spouse was dissolved before September 1, 2017, and:

(a) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees; or

(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 4 of section 169.670.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such

60 increase and a certified copy of the decree of dissolution  
61 and separation agreement, if applicable, that meets the  
62 requirements of this section.

63       4. Any person receiving a retirement allowance under  
64 sections 169.600 to 169.712, who, on or before September 1,  
65 2015, elected a reduced retirement allowance under  
66 subsection 4 of section 169.670 with his or her same-sex  
67 domestic partner as the nominated beneficiary, may have the  
68 retirement allowance increased to the amount the retired  
69 member would be receiving had the retired member elected  
70 option 1 if:

71       (1) The retired person executes an affidavit attesting  
72 to the existence of a same-sex domestic partnership at the  
73 time of the nomination of the beneficiary and that the same-  
74 sex domestic partnership has since ended, with such  
75 supporting information and documentation as required by the  
76 board of trustees;

77       (2) The nominated beneficiary consents in writing to  
78 his or her immediate removal as nominated beneficiary and  
79 disclaims all rights to future benefits to the satisfaction  
80 of the board of trustees, or the parties obtain a court  
81 order or judgment after September 1, 2023, which provides  
82 that the nominated beneficiary may be removed;

83       (3) If the retired person and the nominated  
84 beneficiary were legally married in a state that recognized  
85 same-sex marriage at the time of retirement or have since  
86 become legally married, the marriage must be dissolved and  
87 the dissolution decree must provide for sole retention by  
88 the retired person of all rights in the retirement  
89 allowance; and

90       (4) The person receives a retirement allowance under  
91 subsection 4 of section 169.670.



92           5. Any person receiving a retirement allowance under  
93 sections 169.600 to 169.712, who, on or before September 1,  
94 2015, elected a reduced retirement allowance under  
95 subsection 4 of section 169.670 with his or her same-sex  
96 domestic partner as the nominated beneficiary, may nominate  
97 a successor beneficiary under the following circumstances:

98           (1) If the nominated same-sex domestic partner  
99 precedes the retired person in death, and the retired person  
100 executes an affidavit attesting to the existence of the same-  
101 sex domestic partnership at the time of the nomination of  
102 the beneficiary, the retired person may, upon a later  
103 marriage, nominate his or her spouse under the same option  
104 elected in the application for retirement; or

105           (2) If the retired person executes an affidavit  
106 attesting to the existence of the same-sex domestic  
107 partnership at the time of the nomination of the beneficiary  
108 and that the same-sex domestic partnership has since ended,  
109 and the nominated same-sex domestic partner consents in  
110 writing to his or her immediate removal as nominated  
111 beneficiary and disclaims all rights to future benefits to  
112 the satisfaction of the board of trustees or the parties  
113 obtain a court order or judgment after September 1, 2023,  
114 which provides that the nominated beneficiary may be  
115 removed, the retired person may, upon a later marriage,  
116 nominate his or her spouse under the same option elected in  
117 the application for retirement;

118           (3) In addition to the requirements of subdivision (2)  
119 of this subsection, if the retired person and the nominated  
120 beneficiary were legally married in a state that recognized  
121 same-sex marriage at the time of retirement or have since  
122 become legally married, the marriage must be dissolved and

123 the dissolution decree must provide for sole retention by  
124 the retired person of all rights in the retirement allowance.

125 6. Any nomination of successor beneficiary under  
126 subdivision (1) or (2) of subsection 5 of this section shall  
127 be made in accordance with procedures established by the  
128 board of trustees, and shall be filed within one year of  
129 September 1, 2023, or within one year of the marriage of the  
130 retired person and successor beneficiary, whichever later  
131 occurs. Upon receipt of a successor nomination filed in  
132 accordance with those procedures, the board shall adjust the  
133 retirement allowance to reflect actuarial considerations of  
134 that nomination as well as previous beneficiary and  
135 successor beneficiary nominations.

136 7. For purposes of this section, the definition of  
137 "same-sex domestic partners" shall mean individuals of the  
138 same sex who are at least eighteen years of age, who are not  
139 related to a degree that would prohibit their marriage in  
140 the law of the state where they reside, who are not married  
141 to or a domestic partner of another person, and who live  
142 together in a long-term relationship of indefinite duration  
143 with an exclusive mutual commitment in which the domestic  
144 partners agree to be jointly responsible for their common  
145 welfare and to share financial obligations. For purposes of  
146 this section, "same-sex domestic partners" shall also  
147 include individuals of the same sex who were legally married  
148 in a state that recognized same-sex marriage.

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