

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 898, Page 31, Section 105.688, Line 53,

2 by inserting after all of said line the following:

3 "169.070. 1. The retirement allowance of a member  
4 whose age at retirement is sixty years or more and whose  
5 creditable service is five years or more, or whose sum of  
6 age and creditable service equals eighty years or more, or  
7 who has attained age fifty-five and whose creditable service  
8 is twenty-five years or more or whose creditable service is  
9 thirty years or more regardless of age, may be the sum of  
10 the following items, not to exceed one hundred percent of  
11 the member's final average salary:

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

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

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

20 (3) Two and four-tenths percent of the member's final  
21 average salary for each year of membership service, if the  
22 member's creditable service is twenty-nine years or more but  
23 less than thirty years, and the member has not attained age  
24 fifty-five;

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

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

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

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

45           (8) Two and fifty-five hundredths percent of the  
46 member's final average salary for each year of membership  
47 service, if the member's creditable service is thirty-two  
48 years or more regardless of age;

49           (9) Two and six-tenths percent of the member's final  
50 average salary for each year of membership service, if the  
51 member's creditable service is thirty-three years or more  
52 regardless of age.

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



91 interest in the life of the member and as the member shall  
92 have nominated in an election of the option, and provided  
93 further that if the person so nominated dies before the  
94 retired member, the retirement allowance will be increased  
95 to the amount the retired member would be receiving had the  
96 member elected option 1; or

97 Option 4.

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

107 Option 5.

108 Upon the death of the member prior to the member having  
109 received one hundred twenty monthly payments of the member's  
110 reduced allowance, the remainder of the one hundred twenty  
111 monthly payments of the reduced allowance shall be paid to  
112 such beneficiary as the member shall have nominated in the  
113 member's election of the option or in a subsequent  
114 nomination. If there is no beneficiary so nominated who  
115 survives the member for the remainder of the one hundred  
116 twenty monthly payments, the total of the remainder of such  
117 one hundred twenty monthly payments shall be paid to the  
118 surviving spouse, surviving children in equal shares,  
119 surviving parents in equal shares, or estate of the last  
120 person, in that order of precedence, to receive a monthly  
121 allowance in a lump sum payment. If the total of the one  
122 hundred twenty payments paid to the retired individual and  
123 the beneficiary of the retired individual is less than the

124 total of the member's accumulated contributions, the  
125 difference shall be paid to the beneficiary in a lump sum; or  
126 Option 6.

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

144 (2) The election of an option may be made only in the  
145 application for retirement and such application must be  
146 filed prior to the date on which the retirement of the  
147 member is to be effective. If either the member or the  
148 person nominated to receive the survivorship payments dies  
149 before the effective date of retirement, the option shall  
150 not be effective, provided that:

151 (a) If the member or a person retired on disability  
152 retirement dies after acquiring twenty-five or more years of  
153 creditable service or after attaining the age of fifty-five  
154 years and acquiring five or more years of creditable service  
155 and before retirement, except retirement with disability  
156 benefits, and the person named by the member as the member's

157 beneficiary has an insurable interest in the life of the  
158 deceased member, the designated beneficiary may elect to  
159 receive either survivorship benefits under option 2 or a  
160 payment of the accumulated contributions of the member. If  
161 survivorship benefits under option 2 are elected and the  
162 member at the time of death would have been eligible to  
163 receive an actuarial equivalent of the member's retirement  
164 allowance, the designated beneficiary may further elect to  
165 defer the option 2 payments until the date the member would  
166 have been eligible to receive the retirement allowance  
167 provided in subsection 1 or 2 of this section;

168 (b) If the member or a person retired on disability  
169 retirement dies before attaining age fifty-five but after  
170 acquiring five but fewer than twenty-five years of  
171 creditable service, and the person named as the member's  
172 beneficiary has an insurable interest in the life of the  
173 deceased member, the designated beneficiary may elect to  
174 receive either a payment of the member's accumulated  
175 contributions, or survivorship benefits under option 2 to  
176 begin on the date the member would first have been eligible  
177 to receive an actuarial equivalent of the member's  
178 retirement allowance, or to begin on the date the member  
179 would first have been eligible to receive the retirement  
180 allowance provided in subsection 1 or 2 of this section.

181 4. If the total of the retirement or disability  
182 allowance paid to an individual before the death of the  
183 individual is less than the accumulated contributions at the  
184 time of retirement, the difference shall be paid to the  
185 beneficiary of the individual, or to the surviving spouse,  
186 surviving children in equal shares, surviving parents in  
187 equal shares, or estate of the individual in that order of  
188 precedence. If an optional benefit as provided in option 2,  
189 3 or 4 in subsection 3 of this section had been elected, and

190 the beneficiary dies after receiving the optional benefit,  
191 and if the total retirement allowance paid to the retired  
192 individual and the beneficiary of the retired individual is  
193 less than the total of the contributions, the difference  
194 shall be paid to the surviving spouse, surviving children in  
195 equal shares, surviving parents in equal shares, or estate  
196 of the beneficiary, in that order of precedence, unless the  
197 retired individual designates a different recipient with the  
198 board at or after retirement.

199         5. If a member dies and his or her financial  
200 institution is unable to accept the final payment or  
201 payments due to the member, the final payment or payments  
202 shall be paid to the beneficiary of the member or, if there  
203 is no beneficiary, to the surviving spouse, surviving  
204 children in equal shares, surviving parents in equal shares,  
205 or estate of the member, in that order of precedence, unless  
206 otherwise stated. If the beneficiary of a deceased member  
207 dies and his or her financial institution is unable to  
208 accept the final payment or payments, the final payment or  
209 payments shall be paid to the surviving spouse, surviving  
210 children in equal shares, surviving parents in equal shares,  
211 or estate of the member, in that order of precedence, unless  
212 otherwise stated.

213         6. If a member dies before receiving a retirement  
214 allowance, the member's accumulated contributions at the  
215 time of the death of the member shall be paid to the  
216 beneficiary of the member or, if there is no beneficiary, to  
217 the surviving spouse, surviving children in equal shares,  
218 surviving parents in equal shares, or to the estate of the  
219 member, in that order of precedence; except that, no such  
220 payment shall be made if the beneficiary elects option 2 in  
221 subsection 3 of this section, unless the beneficiary dies  
222 before having received benefits pursuant to that subsection

223 equal to the accumulated contributions of the member, in  
224 which case the amount of accumulated contributions in excess  
225 of the total benefits paid pursuant to that subsection shall  
226 be paid to the surviving spouse, surviving children in equal  
227 shares, surviving parents in equal shares, or estate of the  
228 beneficiary, in that order of precedence.

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

234         8. Notwithstanding any provisions of sections 169.010  
235 to 169.141 to the contrary, if a member ceases to be a  
236 public school employee after acquiring five or more years of  
237 membership service in Missouri, the member may at the option  
238 of the member leave the member's contributions with the  
239 retirement system and claim a retirement allowance any time  
240 after reaching the minimum age for voluntary retirement.  
241 When the member's claim is presented to the board, the  
242 member shall be granted an allowance as provided in sections  
243 169.010 to 169.141 on the basis of the member's age, years  
244 of service, and the provisions of the law in effect at the  
245 time the member requests the member's retirement to become  
246 effective.

247         9. The retirement allowance of a member retired  
248 because of disability shall be nine-tenths of the allowance  
249 to which the member's creditable service would entitle the  
250 member if the member's age were sixty, or fifty percent of  
251 one-twelfth of the annual salary rate used in determining  
252 the member's contributions during the last school year for  
253 which the member received a year of creditable service  
254 immediately prior to the member's disability, whichever is  
255 greater, except that no such allowance shall exceed the



256 retirement allowance to which the member would have been  
257 entitled upon retirement at age sixty if the member had  
258 continued to teach from the date of disability until age  
259 sixty at the same salary rate.

260 10. Notwithstanding any provisions of sections 169.010  
261 to 169.141 to the contrary, from October 13, 1961, the  
262 contribution rate pursuant to sections 169.010 to 169.141  
263 shall be multiplied by the factor of two-thirds for any  
264 member of the system for whom federal Old Age and Survivors  
265 Insurance tax is paid from state or local tax funds on  
266 account of the member's employment entitling the person to  
267 membership in the system. The monetary benefits for a  
268 member who elected not to exercise an option to pay into the  
269 system a retroactive contribution of four percent on that  
270 part of the member's annual salary rate which was in excess  
271 of four thousand eight hundred dollars but not in excess of  
272 eight thousand four hundred dollars for each year of  
273 employment in a position covered by this system between July  
274 1, 1957, and July 1, 1961, as provided in subsection 10 of  
275 this section as it appears in RSMo, 1969, shall be the sum  
276 of:

277 (1) For years of service prior to July 1, 1946, six-  
278 tenths of the full amount payable for years of membership  
279 service;

280 (2) For years of membership service after July 1,  
281 1946, in which the full contribution rate was paid, full  
282 benefits under the formula in effect at the time of the  
283 member's retirement;

284 (3) For years of membership service after July 1,  
285 1957, and prior to July 1, 1961, the benefits provided in  
286 this section as it appears in RSMo, 1959; except that if the  
287 member has at least thirty years of creditable service at  
288 retirement the member shall receive the benefit payable

289 pursuant to that section as though the member's age were  
290 sixty-five at retirement;

291 (4) For years of membership service after July 1,  
292 1961, in which the two-thirds contribution rate was paid,  
293 two-thirds of the benefits under the formula in effect at  
294 the time of the member's retirement.

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

300 (1) For years of service prior to July 1, 1946, six-  
301 tenths of the full amount payable for years of membership  
302 service;

303 (2) For years of membership service after July 1,  
304 1946, in which the full contribution rate was paid, full  
305 benefits under the formula in effect at the time of the  
306 member's retirement;

307 (3) For years of membership service after July 1,  
308 1957, in which the two-thirds contribution rate was paid,  
309 two-thirds of the benefits under the formula in effect at  
310 the time of the member's retirement.

311 12. Any retired member of the system who was retired  
312 prior to September 1, 1972, or beneficiary receiving  
313 payments under option 1 or option 2 of subsection 3 of this  
314 section, as such option existed prior to September 1, 1972,  
315 will be eligible to receive an increase in the retirement  
316 allowance of the member of two percent for each year, or  
317 major fraction of more than one-half of a year, which the  
318 retired member has been retired prior to July 1, 1975. This  
319 increased amount shall be payable commencing with January,  
320 1976, and shall thereafter be referred to as the member's  
321 retirement allowance. The increase provided for in this

322 subsection shall not affect the retired member's eligibility  
323 for compensation provided for in section 169.580 or 169.585,  
324 nor shall the amount being paid pursuant to these sections  
325 be reduced because of any increases provided for in this  
326 section.

327       13. If the board of trustees determines that the cost  
328 of living, as measured by generally accepted standards,  
329 increases two percent or more in the preceding fiscal year,  
330 the board shall increase the retirement allowances which the  
331 retired members or beneficiaries are receiving by two  
332 percent of the amount being received by the retired member  
333 or the beneficiary at the time the annual increase is  
334 granted by the board with the provision that the increases  
335 provided for in this subsection shall not become effective  
336 until the fourth January first following the member's  
337 retirement or January 1, 1977, whichever later occurs, or in  
338 the case of any member retiring on or after July 1, 2000,  
339 the increase provided for in this subsection shall not  
340 become effective until the third January first following the  
341 member's retirement, or in the case of any member retiring  
342 on or after July 1, 2001, the increase provided for in this  
343 subsection shall not become effective until the second  
344 January first following the member's retirement. Commencing  
345 with January 1, 1992, if the board of trustees determines  
346 that the cost of living has increased five percent or more  
347 in the preceding fiscal year, the board shall increase the  
348 retirement allowances by five percent. The total of the  
349 increases granted to a retired member or the beneficiary  
350 after December 31, 1976, may not exceed eighty percent of  
351 the retirement allowance established at retirement or as  
352 previously adjusted by other subsections. If the cost of  
353 living increases less than five percent, the board of  
354 trustees may determine the percentage of increase to be made

355 in retirement allowances, but at no time can the increase  
356 exceed five percent per year. If the cost of living  
357 decreases in a fiscal year, there will be no increase in  
358 allowances for retired members on the following January  
359 first.

360 14. The board of trustees may reduce the amounts which  
361 have been granted as increases to a member pursuant to  
362 subsection 13 of this section if the cost of living, as  
363 determined by the board and as measured by generally  
364 accepted standards, is less than the cost of living was at  
365 the time of the first increase granted to the member; except  
366 that, the reductions shall not exceed the amount of  
367 increases which have been made to the member's allowance  
368 after December 31, 1976.

369 15. Any application for retirement shall include a  
370 sworn statement by the member certifying that the spouse of  
371 the member at the time the application was completed was  
372 aware of the application and the plan of retirement elected  
373 in the application.

374 16. Notwithstanding any other provision of law, any  
375 person retired prior to September 28, 1983, who is receiving  
376 a reduced retirement allowance under option 1 or option 2 of  
377 subsection 3 of this section, as such option existed prior  
378 to September 28, 1983, and whose beneficiary nominated to  
379 receive continued retirement allowance payments under the  
380 elected option dies or has died, shall upon application to  
381 the board of trustees have his or her retirement allowance  
382 increased to the amount he or she would have been receiving  
383 had the option not been elected, actuarially adjusted to  
384 recognize any excessive benefits which would have been paid  
385 to him or her up to the time of application.

386 17. Benefits paid pursuant to the provisions of the  
387 public school retirement system of Missouri shall not exceed

388 the limitations of Section 415 of Title 26 of the United  
389 States Code except as provided pursuant to this subsection.  
390 Notwithstanding any other law to the contrary, the board of  
391 trustees may establish a benefit plan pursuant to Section  
392 415(m) of Title 26 of the United States Code. Such plan  
393 shall be created solely for the purpose described in Section  
394 415(m) (3) (A) of Title 26 of the United States Code. The  
395 board of trustees may promulgate regulations necessary to  
396 implement the provisions of this subsection and to create  
397 and administer such benefit plan.

398 18. Notwithstanding any other provision of law to the  
399 contrary, any person retired before, on, or after May 26,  
400 1994, shall be made, constituted, appointed and employed by  
401 the board as a special consultant on the matters of  
402 education, retirement and aging, and upon request shall give  
403 written or oral opinions to the board in response to such  
404 requests. As compensation for such duties the person shall  
405 receive an amount based on the person's years of service so  
406 that the total amount received pursuant to sections 169.010  
407 to 169.141 shall be at least the minimum amounts specified  
408 in subdivisions (1) to (4) of this subsection. In  
409 determining the minimum amount to be received, the amounts  
410 in subdivisions (3) and (4) of this subsection shall be  
411 adjusted in accordance with the actuarial adjustment, if  
412 any, that was applied to the person's retirement allowance.  
413 In determining the minimum amount to be received, beginning  
414 September 1, 1996, the amounts in subdivisions (1) and (2)  
415 of this subsection shall be adjusted in accordance with the  
416 actuarial adjustment, if any, that was applied to the  
417 person's retirement allowance due to election of an optional  
418 form of retirement having a continued monthly payment after  
419 the person's death. Notwithstanding any other provision of  
420 law to the contrary, no person retired before, on, or after

421 May 26, 1994, and no beneficiary of such a person, shall  
422 receive a retirement benefit pursuant to sections 169.010 to  
423 169.141 based on the person's years of service less than the  
424 following amounts:

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

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

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

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

433 19. Notwithstanding any other provisions of law to the  
434 contrary, any person retired prior to May 26, 1994, and any  
435 designated beneficiary of such a retired member who was  
436 deceased prior to July 1, 1999, shall be made, constituted,  
437 appointed and employed by the board as a special consultant  
438 on the matters of education, retirement or aging and upon  
439 request shall give written or oral opinions to the board in  
440 response to such requests. Beginning September 1, 1996, as  
441 compensation for such service, the member shall have added,  
442 pursuant to this subsection, to the member's monthly annuity  
443 as provided by this section a dollar amount equal to the  
444 lesser of sixty dollars or the product of two dollars  
445 multiplied by the member's number of years of creditable  
446 service. Beginning September 1, 1999, the designated  
447 beneficiary of the deceased member shall as compensation for  
448 such service have added, pursuant to this subsection, to the  
449 monthly annuity as provided by this section a dollar amount  
450 equal to the lesser of sixty dollars or the product of two  
451 dollars multiplied by the member's number of years of  
452 creditable service. The total compensation provided by this  
453 section including the compensation provided by this

454 subsection shall be used in calculating any future cost-of-  
455 living adjustments provided by subsection 13 of this section.

456         20. Any member who has retired prior to July 1, 1998,  
457 and the designated beneficiary of a deceased retired member  
458 shall be made, constituted, appointed and employed by the  
459 board as a special consultant on the matters of education,  
460 retirement and aging, and upon request shall give written or  
461 oral opinions to the board in response to such requests. As  
462 compensation for such duties the person shall receive a  
463 payment equivalent to eight and seven-tenths percent of the  
464 previous month's benefit, which shall be added to the  
465 member's or beneficiary's monthly annuity and which shall  
466 not be subject to the provisions of subsections 13 and 14 of  
467 this section for the purposes of the limit on the total  
468 amount of increases which may be received.

469         21. Any member who has retired shall be made,  
470 constituted, appointed and employed by the board as a  
471 special consultant on the matters of education, retirement  
472 and aging, and upon request shall give written or oral  
473 opinions to the board in response to such request. As  
474 compensation for such duties, the beneficiary of the retired  
475 member, or, if there is no beneficiary, the surviving  
476 spouse, surviving children in equal shares, surviving  
477 parents in equal shares, or estate of the retired member, in  
478 that order of precedence, shall receive as a part of  
479 compensation for these duties a death benefit of five  
480 thousand dollars.

481         22. Any member who has retired prior to July 1, 1999,  
482 and the designated beneficiary of a retired member who was  
483 deceased prior to July 1, 1999, shall be made, constituted,  
484 appointed and employed by the board as a special consultant  
485 on the matters of education, retirement and aging, and upon  
486 request shall give written or oral opinions to the board in

487 response to such requests. As compensation for such duties,  
488 the person shall have added, pursuant to this subsection, to  
489 the monthly annuity as provided by this section a dollar  
490 amount equal to five dollars times the member's number of  
491 years of creditable service.

492 23. Any member who has retired prior to July 1, 2000,  
493 and the designated beneficiary of a deceased retired member  
494 shall be made, constituted, appointed and employed by the  
495 board as a special consultant on the matters of education,  
496 retirement and aging, and upon request shall give written or  
497 oral opinions to the board in response to such requests. As  
498 compensation for such duties, the person shall receive a  
499 payment equivalent to three and five-tenths percent of the  
500 previous month's benefit, which shall be added to the member  
501 or beneficiary's monthly annuity and which shall not be  
502 subject to the provisions of subsections 13 and 14 of this  
503 section for the purposes of the limit on the total amount of  
504 increases which may be received.

505 24. Any member who has retired prior to July 1, 2001,  
506 and the designated beneficiary of a deceased retired member  
507 shall be made, constituted, appointed and employed by the  
508 board as a special consultant on the matters of education,  
509 retirement and aging, and upon request shall give written or  
510 oral opinions to the board in response to such requests. As  
511 compensation for such duties, the person shall receive a  
512 dollar amount equal to three dollars times the member's  
513 number of years of creditable service, which shall be added  
514 to the member's or beneficiary's monthly annuity and which  
515 shall not be subject to the provisions of subsections 13 and  
516 14 of this section for the purposes of the limit on the  
517 total amount of increases which may be received."; and

518 Further amend the title and enacting clause accordingly.