

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2322

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALKER (3).

6236H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 86.200, 86.223, 86.247, 86.250, 86.251, 86.253, 86.254, 86.257, 86.260, 86.263, 86.267, 86.277, 86.283, 86.288, 86.290, 86.320, 86.330, 86.333, 86.337, 86.344, and 86.354, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the public employee retirement system for prosecuting and circuit attorneys.

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

Section A. Sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 86.200, 86.223, 2 86.247, 86.250, 86.251, 86.253, 86.254, 86.257, 86.260, 86.263, 86.267, 86.277, 86.283, 86.288, 3 86.290, 86.320, 86.330, 86.333, 86.337, 86.344, and 86.354, RSMo, are repealed and twenty- 4 eight new sections enacted in lieu thereof, to be known as sections 56.363, 56.805, 56.807, 5 56.814, 56.833, 56.840, 86.200, 86.223, 86.247, 86.250, 86.251, 86.253, 86.254, 86.257, 86.260, 6 86.263, 86.267, 86.277, 86.283, 86.288, 86.290, 86.320, 86.330, 86.333, 86.337, 86.344, 86.354, 7 and 86.355 , to read as follows:

56.363. 1. The county commission of any county may on its own motion and shall upon 2 the petition of ten percent of the total number of people who voted in the previous general 3 election in the county submit to the voters at a general or special election the proposition of 4 making the county prosecutor a full-time position. The commission shall cause notice of the 5 election to be published in a newspaper published within the county, or if no newspaper is 6 published within the county, in a newspaper published in an adjoining county, for three weeks 7 consecutively, the last insertion of which shall be at least ten days and not more than thirty days

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 before the day of the election, and by posting printed notices thereof at three of the most public
9 places in each township in the county. The proposition shall be put before the voters
10 substantially in the following form:

11 Shall the office of prosecuting attorney be made a full-time position in _____ County?

12 YES

NO

13

14 If a majority of the voters voting on the proposition vote in favor of making the county
15 prosecutor a full-time position, it shall become effective upon the date that the prosecutor who
16 is elected at the next election subsequent to the passage of such proposal is sworn into office.

17 **The position shall then qualify for the retirement benefits available to a full-time**
18 **prosecutor of a county of the first classification. Any county that elects to make the**
19 **position of prosecuting attorney full time shall pay into the Missouri prosecuting attorneys**
20 **and circuit attorneys' retirement fund at the same contribution amount as paid by counties**
21 **of the first classification.**

22 2. The provisions of subsection 1 of this section notwithstanding, in any county where
23 the proposition of making the county prosecutor a full-time position was submitted to the voters
24 at a general election in 1998 and where a majority of the voters voting on the proposition voted
25 in favor of making the county prosecutor a full-time position, the proposition shall become
26 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May
27 1, 1999, under the provisions of this subsection shall have the additional duty of providing not
28 less than three hours of continuing education to peace officers in the county served by the
29 prosecuting attorney in each year of the term beginning January 1, 1999.

30 3. In counties that, prior to August 28, 2001, have elected pursuant to this section to
31 make the position of prosecuting attorney a full-time position, the county commission may at any
32 time elect to have that position also qualify for the retirement benefit available for a full-time
33 prosecutor of a county of the first classification. Such election shall be made by a majority vote
34 of the county commission and once made shall be irrevocable, unless the voters of the county
35 elect to change the position of prosecuting attorney back to a part-time position under subsection
36 4 of this section. When such an election is made, the results shall be transmitted to the Missouri
37 prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be
38 effective on the first day of January following such election. Such election shall also obligate
39 the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement
40 fund the same retirement contributions for full-time prosecutors as are paid by counties of the
41 first classification.

42 4. In any county of the third classification without a township form of government and
43 with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of

44 the fourth classification with more than one thousand seven hundred but fewer than one thousand
45 nine hundred inhabitants as the county seat that has elected to make the county prosecutor a
46 full-time position under this section after August 28, 2014, the county commission may on its
47 own motion and shall upon the petition of ten percent of the total number of people who voted
48 in the previous general election in the county submit to the voters at a general or special election
49 the proposition of changing the full-time prosecutor position to a part-time position. The
50 commission shall cause notice of the election to be published in a newspaper published within
51 the county, or if no newspaper is published within the county, in a newspaper published in an
52 adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten
53 days and not more than thirty days before the day of the election, and by posting printed notices
54 thereof at three of the most public places in each township in the county. The proposition shall
55 be put before the voters substantially in the following form:

56 Shall the office of prosecuting attorney be made a part-time position in _____ County?
57 YES NO

58

59 If a majority of the voters vote in favor of making the county prosecutor a part-time position, it
60 shall become effective upon the date that the prosecutor who is elected at the next election
61 subsequent to the passage of such proposal is sworn into office.

62 5. In any county that has elected to make the full-time position of county prosecutor a
63 part-time position under subsection 4 of this section, the county's retirement contribution to the
64 retirement system and the retirement benefit earned by the member shall prospectively be that
65 of a part-time prosecutor as established in this chapter. Any retirement contribution made and
66 retirement benefit earned prior to the effective date of the voter-approved proposition under
67 subsection 4 of this section shall be maintained by the retirement system and used to calculate
68 the retirement benefit for such prior full-time position service. Under no circumstances shall a
69 member in a part-time prosecutor position earn full-time position retirement benefit service
70 accruals for time periods after the effective date of the proposition changing the county
71 prosecutor back to a part-time position.

56.805. As used in sections 56.800 to 56.840, the following words and terms mean:

2 (1) "Annuity", annual payments, made in equal monthly installments, to a retired
3 member from funds provided for, in, or authorized by, the provisions of sections 56.800 to
4 56.840;

5 (2) "Average final compensation", the average compensation of an employee for the two
6 consecutive years prior to retirement when the employee's compensation was greatest;

7 (3) "Board of trustees" or "board", the board of trustees established by the provisions of
8 sections 56.800 to 56.840;

9 (4) "Compensation", all salary and other compensation payable by a county to an
10 employee for personal services rendered as an employee, **including any salary reduction**
11 **amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred**
12 **compensation plan that satisfies 26 U.S.C. Section 457**, but not including [~~travel and mileage~~]
13 reimbursement **for any expenses, any consideration for agreeing to terminate employment,**
14 **or any other nonrecurring or unusual payment that is not part of regular remuneration;**

15 (5) "County", the City of St. Louis and each county in the state;

16 (6) "Creditable service", the sum of both membership service and creditable prior
17 service;

18 (7) "Effective date of the establishment of the system", August 28, 1989;

19 (8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is
20 employed by a county or a city not within a county;

21 (9) "Membership service", service as a prosecuting attorney or circuit attorney after
22 becoming a member that is creditable in determining the amount of the member's benefits under
23 this system;

24 (10) "Prior service", service of a member rendered prior to the effective date of the
25 establishment of the system which is creditable under section 56.823;

26 (11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys'
27 retirement system authorized by the provisions of sections 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August
2 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2
3 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,
5 each county treasurer shall pay to the system the following amounts to be drawn from the general
6 revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and
10 sixty-seven cents;

11 (3) For counties of the first classification, and, except as otherwise provided under
12 section 56.363, counties which pursuant to section 56.363 elect to make the position of
13 prosecuting attorney a full-time position after August 28, 2001, or whose county commission has
14 elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of
15 St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the

18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840
23 and for no other purpose.

24 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys
25 provided for in this section shall be paid from county or city funds and the surcharge established
26 in this section and collected as provided by this section and sections 488.010 to 488.020.

27 5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the
28 following amounts to be drawn from the general revenues of the county:

29 (a) For counties of the third and fourth classification except as provided in paragraph (c)
30 of this subdivision, one hundred eighty-seven dollars;

31 (b) For counties of the second classification, two hundred seventy-one dollars;

32 (c) For counties of the first classification, counties which pursuant to section 56.363 elect
33 to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose
34 county commission has elected a full-time retirement benefit pursuant to subsection 3 of section
35 56.363, and the City of St. Louis, six hundred forty-six dollars.

36 (2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c)
37 of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule
38 based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial
39 valuation report. If the system's funding ratio is:

40 (a) One hundred twenty percent or more, no monthly sum shall be transmitted;

41 (b) More than one hundred ten percent but less than one hundred twenty percent, the
42 monthly sum transmitted shall be reduced fifty percent;

43 (c) At least ninety percent and up to and including one hundred ten percent, the monthly
44 sum transmitted shall remain the same;

45 (d) At least eighty percent and less than ninety percent, the monthly sum transmitted
46 shall be increased fifty percent; and

47 (e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred
48 percent.

49 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
50 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
51 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
52 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund

53 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other
54 purpose.

55 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and
56 circuit attorneys shall be collected and paid as follows:

57 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
58 filed in the courts of this state including violation of any county ordinance, any violation of
59 criminal or traffic laws of this state, including infractions, and against any person who has pled
60 guilty for any violation and paid a fine through a fine collection center, but no such surcharge
61 shall be assessed when the costs are waived or are to be paid by the state, county, or municipality
62 or when a criminal proceeding or the defendant has been dismissed by the court. For purposes
63 of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis;

64 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
65 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
66 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
67 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
68 provided for in sections 56.800 to 56.840 and for no other purpose.

69 8. The board may accept gifts, donations, grants and bequests from private or public
70 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

71 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
72 unless provided for by law.

73 **10. Beginning January first following the effective date of this subsection, all**
74 **members, who upon vesting and retiring are eligible to receive a normal annuity equal to**
75 **fifty percent of the final average compensation, shall, as a condition of participation,**
76 **contribute two percent of their gross salary to the fund. Beginning on January 1, 2020,**
77 **each such member shall contribute four percent of his or her gross salary to the fund.**
78 **Each county treasurer shall deduct the appropriate amount from the gross salary of the**
79 **prosecuting attorney or circuit attorney and, at least monthly, shall transmit the sum to the**
80 **prosecuting attorneys and circuit attorneys' retirement system for deposit in the**
81 **prosecuting attorneys and circuit attorneys' retirement fund.**

82 **11. Upon separation from the system, a nonvested member shall receive a lump sum**
83 **payment equal to the total contribution of the member without interest or other increases**
84 **in value.**

85 **12. Upon retirement and in the sole discretion of the board on the advice of the**
86 **actuary, a member shall receive a lump sum payment equal to the total contribution of the**
87 **member without interest or other increases in value, but such lump sum shall not exceed**

88 **twenty-five percent of the final average compensation of the member. This amount shall**
89 **be in addition to any retirement benefits to which the member is entitled.**

90 **13. Upon the death of a nonvested member or the death of a vested member prior**
91 **to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made**
92 **to the designated beneficiary of the member or, if no beneficiary has been designated, to**
93 **the member's estate.**

56.814. 1. Any ~~member~~ **person who became a member prior to January 1, 2019,**
2 **who has attained the age of sixty-two years and who has twelve years or more of creditable**
3 **service as prosecuting attorney or circuit attorney may retire with a normal annuity as**
4 **determined in subsection 3 of section 56.840.**

5 **2. Any person who becomes a member on or after January 1, 2019, who has**
6 **attained the age of sixty-five years and who has twelve years or more of creditable service**
7 **as a prosecuting attorney or circuit attorney may retire with a normal annuity.**

56.833. 1. Upon termination of employment, any ~~member with twelve or more years~~
2 ~~of creditable service~~ **person who became a member prior to January 1, 2019,** shall be
3 entitled to a deferred normal annuity, payable at age fifty-five with twelve or more years of
4 creditable service as **determined in subsection 3 of section 56.840. Upon termination of**
5 **employment, any person who became a member on or after January 1, 2019, shall be**
6 **entitled to a deferred normal annuity, payable at age sixty with twelve or more years of**
7 **creditable service as determined in subsection 3 of section 56.840.** Any member with less
8 than twelve years of creditable service shall forfeit all rights in the fund, including the member's
9 accrued creditable service as of the date of the member's termination of employment.

10 2. A former member who has forfeited creditable service may have the creditable service
11 restored by again becoming an employee ~~and~~ **within ten years of the date of the termination**
12 **of employment, completing four years of continuous membership service, and contributing an**
13 **amount to the fund equal to any lump sum payment received under subsection 11 or 12 of**
14 **section 56.807. Notwithstanding any other provision of section 104.800 to the contrary, a**
15 **former member shall not be entitled to transfer creditable service into this retirement**
16 **system unless the member previously vested in this system.**

17 3. Absences for sickness or injury of less than twelve months shall be counted as
18 membership service.

56.840. 1. Annuity payments to retired employees under the provisions of sections
2 56.800 to 56.840 shall be available beginning January first next succeeding the expiration of two
3 calendar years from the effective date of the establishment of the system to eligible retired
4 employees, and employees with at least twelve years of creditable service shall have vested rights
5 and upon reaching the required age shall be entitled to retirement benefits.

6 **2. All members serving as prosecuting attorneys or circuit attorneys in a county of**
7 **the first classification, a county with a charter form of government, or a city not within a**
8 **county shall receive one year of creditable service for each year served.**

9 **3. Notwithstanding any provision of law to the contrary, members serving as**
10 **prosecuting attorneys in counties that elected to make the position of prosecuting attorney**
11 **a full-time position shall receive one year of creditable vesting service for each year served**
12 **as a part-time or full-time prosecuting attorney. Such members shall receive one year of**
13 **creditable benefit service for each year served as a full-time prosecuting attorney and six-**
14 **tenths of a year of creditable benefit service for each year served as a part-time prosecuting**
15 **attorney. Upon retirement, any member who has less than twelve years of creditable**
16 **benefit service shall receive a reduced full-time benefit in a sum equal to the portion that**
17 **the member's creditable benefit years bear to twelve vesting years.**

18 **4. Members restoring creditable service under subsection 2 of section 56.833 shall**
19 **receive one year of creditable service for each restored year served as a full-time**
20 **prosecuting attorney and six-tenths of a year of creditable service for each restored year**
21 **served as a part-time prosecuting attorney. Unless otherwise permitted by law, no member**
22 **shall receive credit for any partial year of employment.**

23 **5. Notwithstanding any provision of law to the contrary, any member who vested**
24 **in the system as a part-time prosecuting attorney and who ceased being a member for more**
25 **than six months before returning as a full-time prosecuting attorney shall be entitled only**
26 **to retirement benefits as a part-time prosecuting attorney. Any creditable service earned**
27 **by such an employee upon returning to the system as a full-time prosecuting attorney shall**
28 **begin a new vesting period subject to the provisions of the system in effect at the time of**
29 **the member's return. No member shall receive benefits while employed as a prosecuting**
30 **attorney or circuit attorney.**

 86.200. The following words and phrases as used in sections 86.200 to 86.366, unless
2 a different meaning is plainly required by the context, shall have the following meanings:

3 (1) "Accumulated contributions", the sum of all mandatory contributions deducted from
4 the compensation of a member and credited to the member's individual account, together with
5 members' interest thereon;

6 (2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of
7 mortality tables and interest assumptions adopted by the board of trustees;

8 (3) "Average final compensation":

9 (a) ~~[With respect to a member who earns no creditable service on or after October 1,~~
10 ~~2001, the average earnable compensation of the member during the member's last three years of~~

11 ~~creditable service as a police officer, or if the member has had less than three years of creditable~~
12 ~~service, the average earnable compensation of the member's entire period of creditable service;~~
13 ~~——(b)] With respect to a member **who commenced employment before October 1, 2018,**~~
14 ~~who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did~~
15 ~~not participate in the DROP at any time before such date, and who earns any creditable service~~
16 ~~on or after October 1, 2001, the average earnable compensation of the member during the~~
17 ~~member's last two years of creditable service as a policeman, or if the member has had less than~~
18 ~~two years of creditable service, then the average earnable compensation of the member's entire~~
19 ~~period of creditable service; **provided, however, that with respect to a member who**~~
20 ~~**commenced employment on or after October 1, 2018, who is not participating in the DROP**~~
21 ~~**under section 86.251, who did not participate in the DROP at any time before such date,**~~
22 ~~**and who earns any creditable service on or after October 1, 2018, the "average final**~~
23 ~~**compensation" means the average earnable compensation of the member during the**~~
24 ~~**member's last three years of creditable service as a police officer or, if the member has had**~~
25 ~~**less than three years of creditable service, the average earnable compensation of the**~~
26 ~~**member's entire period of creditable service;**~~

27 ~~[(c) With respect to a member who is participating in the DROP pursuant to section~~
28 ~~86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns~~
29 ~~to active participation in the system pursuant to section 86.251, and who terminates employment~~
30 ~~as a police officer for reasons other than death or disability before earning at least two years of~~
31 ~~creditable service after such return, the portion of the member's benefit attributable to creditable~~
32 ~~service earned before DROP entry shall be determined using average final compensation as~~
33 ~~defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable~~
34 ~~to creditable service earned after return to active participation in the system shall be determined~~
35 ~~using average final compensation as defined in paragraph (b) of this subdivision;~~

36 ~~——(d)] (b) With respect to a member **who commenced employment before October 1,**~~
37 ~~**2018,** who is participating in the DROP pursuant to section 86.251 ~~[on] before~~ October 1, ~~[2001]~~~~
38 ~~**2018,** or whose participation in the DROP ended before such date, who returns to active~~
39 ~~participation in the system pursuant to section 86.251, and who terminates employment as a~~
40 ~~police officer after earning at least two years of creditable service after such return, the member's~~
41 ~~benefit attributable to all of such member's creditable service shall be determined using the~~
42 ~~member's average final compensation as defined in paragraph ~~[(b)] (a)~~ of this subdivision;~~
43 ~~**provided, however, that with respect to a member who commenced employment for the**~~
44 ~~**first time on or after October 1, 2018, who is participating in the DROP (regardless of the**~~
45 ~~**period of time such member has participated in DROP) under section 86.251, and who**~~
46 ~~**shall terminate employment as a police officer and actually retire:**~~

- 47 **a. At the end of the five-year DROP period; or**
48 **b. At the time such member elects to withdraw from participation in DROP**
49 **(regardless of the period of time such member participated in DROP),**

50

51 **the portion of the member's benefit attributable to creditable service earned before DROP**
52 **entry shall be determined using average final compensation as defined in paragraph (a) of**
53 **this subdivision;**

54 ~~[(c) With respect to a member who is participating in the DROP pursuant to section~~
55 ~~86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns~~
56 ~~to active participation in the system pursuant to section 86.251, and whose employment as a~~
57 ~~police officer terminates due to death or disability after such return, the member's benefit~~
58 ~~attributable to all of such member's creditable service shall be determined using the member's~~
59 ~~average final compensation as defined in paragraph (b) of this subdivision;]~~ and

60 ~~[(f)]~~ **(c) With respect to the surviving spouse or surviving dependent child of a member**
61 **who earns any creditable service on or after October 1, 2001, the average earnable compensation**
62 **of the member during the member's last two years of creditable service as a police officer or, if**
63 **the member has had less than two years of creditable service, the average earnable compensation**
64 **of the member's entire period of creditable service; provided, however, that with respect to**
65 **a member who commenced employment for the first time on or after October 1, 2018, the**
66 **"average final compensation" for purposes of this paragraph means the average earnable**
67 **compensation of the member during the member's last three years of creditable service as**
68 **a police officer or, if the member has had less than three years of creditable service, the**
69 **average earnable compensation of the member's entire period of creditable service;**

70 (4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

71 (5) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer
72 the retirement system;

73 (6) "Creditable service", prior service plus membership service as provided in sections
74 86.200 to 86.366;

75 (7) "DROP", the deferred retirement option plan provided for in section 86.251;

76 (8) "Earnable compensation", the annual salary established under section 84.160 which
77 a member would earn during one year on the basis of the member's rank or position plus any
78 additional compensation for academic work and shift differential that may be provided by any
79 official or board now or hereafter authorized by law to employ and manage a permanent police
80 force in such cities. Such amount shall include the member's deferrals to a deferred
81 compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan
82 pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a

83 transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code.
84 Earnable compensation shall not include a member's additional compensation for overtime,
85 standby time, court time, nonuniform time or unused vacation time. Notwithstanding the
86 foregoing, the earnable compensation taken into account under the plan established pursuant to
87 sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined
88 in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the
89 amount of compensation that may be taken into account under Section 401(a)(17) of the Internal
90 Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes
91 of this subdivision, a "noneligible participant" is an individual who first becomes a member on
92 or after the first day of the first plan year beginning after the earlier of:

93 (a) The last day of the plan year that includes August 28, 1995; or

94 (b) December 31, 1995;

95 (9) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

96 (10) "Mandatory contributions", the contributions required to be deducted from the
97 salary of each member who is not participating in DROP in accordance with section 86.320;

98 (11) "Medical board", the health care organization appointed by the trustees of the police
99 retirement board and responsible for arranging and passing upon all medical examinations
100 required under the provisions of sections 86.200 to 86.366, which shall investigate all essential
101 statements and certificates made by or on behalf of a member in connection with an application
102 for disability retirement and shall report in writing to the board of trustees its conclusions and
103 recommendations;

104 (12) "Member", a member of the retirement system as defined by sections 86.200 to
105 86.366;

106 (13) "Members' interest", interest on accumulated contributions at such rate as may be
107 set from time to time by the board of trustees;

108 (14) "Membership service", service as a policeman rendered since last becoming a
109 member, except in the case of a member who has served in the Armed Forces of the United
110 States and has subsequently been reinstated as a policeman, in which case "membership service"
111 means service as a policeman rendered since last becoming a member prior to entering such
112 armed service;

113 (15) "Plan year" or "limitation year", the twelve consecutive-month period beginning
114 each October first and ending each September thirtieth;

115 (16) "Policeman" or "police officer", any member of the police force of such cities who
116 holds a rank in such police force;

117 (17) "Prior service", all service as a policeman rendered prior to the date the system
118 becomes operative or prior to membership service which is creditable in accordance with the
119 provisions of sections 86.200 to 86.366;

120 (18) "Reserve officer", any member of the police reserve force of such cities, armed or
121 unarmed, who works less than full time, without compensation, and who, by his or her assigned
122 function or as implied by his or her uniform, performs duties associated with those of a police
123 officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

124 (19) "Retirement allowance", annual payments for life as provided by sections 86.200
125 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof
126 granted to a member upon termination of employment as a police officer and actual retirement;

127 (20) "Retirement system", the police retirement system of the cities as defined in sections
128 86.200 to 86.366;

129 (21) "Surviving spouse", the surviving spouse of a member who was the member's
130 spouse at the time of the member's death.

86.223. ~~[Six]~~ **A majority of the appointed and elected** trustees shall constitute a
2 quorum for the transaction of business, and any official action of the board shall be based on the
3 majority vote of the trustees present.

86.247. On the basis of such tables as the board of trustees shall adopt, the actuary shall
2 make an annual valuation of the assets and liabilities of the system created by sections 86.200
3 to 86.366. **The actuary may use the entry age normal actuarial cost method subject to**
4 **subsection 2 of section 86.344.**

86.250. Retirement of a member on a service retirement allowance shall be made by the
2 board of trustees as follows:

3 ~~[(1)]~~ Any member **who commenced employment before October 1, 2018**, may
4 terminate employment as a police officer and actually retire after completing twenty or more
5 years of creditable service or attaining the age of fifty-five upon the member's written application
6 to the board of trustees setting forth at what time, but not more than ninety days subsequent to
7 the execution and filing of the application, the member desires to be retired[;

8 ~~—(2) Any member in service who has attained the age of sixty-five shall be terminated as~~
9 ~~a police officer and actually retired forthwith provided that upon request of the chief of police~~
10 ~~the board of trustees may permit such member to remain in service for periods of not to exceed~~
11 ~~one year from the date of the last request from the chief of police].~~ **Any member who**
12 **commenced employment for the first time on or after October 1, 2018, may terminate**
13 **employment as a police officer and actually retire after completing ten or more years of**
14 **creditable service and attaining the age of fifty-five upon the member's written application**
15 **to the board of trustees setting forth at what time, but not more than ninety days**

16 **subsequent to the execution and filing of the application, the member desires to be retired;**
17 **provided, however, that any member who commenced employment for the first time on or**
18 **after October 1, 2018, may enter the DROP at any time after completing twenty years of**
19 **creditable service.**

86.251. 1. The board of trustees may develop and establish a deferred retirement option
2 plan (DROP) in which members who are eligible for retirement but who have not terminated
3 employment as police officers and who have not actually retired may participate. The DROP
4 shall be designed to allow members with at least twenty years of creditable service or who have
5 attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a
6 service retirement allowance and other benefits to postpone actual retirement, continue active
7 employment and accumulate a deferred receipt of the service retirement allowance. No one shall
8 participate in the DROP for a period exceeding five years.

9 2. Any member who has at least twenty years of creditable service or has attained the age
10 of fifty-five may elect in writing before retirement to participate in the DROP. A member
11 electing to participate in the DROP shall postpone actual retirement, shall continue in active
12 employment and shall not receive any direct retirement allowance payments or benefits during
13 the period of participation. **Any member who commenced employment for the first time on**
14 **or after October 1, 2018, who terminates employment before age fifty-five shall not be**
15 **eligible to receive a retirement allowance until he or she reaches age fifty-five.**

16 3. Upon the start of the participation in the DROP, the member shall cease to make any
17 mandatory contributions to the system. No contribution shall be required by the city into the
18 DROP account. During the period of participation in the DROP, the amount that the member
19 would have received as a service retirement allowance if the member had actually retired instead
20 of entering DROP shall be deposited monthly in the member's DROP account which shall be
21 established in the member's name by the board of trustees. The member's service retirement
22 allowance shall not be adjusted for any cost-of-living increases for any period prior to the
23 member's termination of employment as a police officer and actual retirement. Cost-of-living
24 increases, if any, for any period following the member's termination of employment as a police
25 officer and actual retirement shall be applied only to monthly service retirement payments made
26 following termination of employment as a police officer and actual retirement. Service earned
27 during the period of participation in the DROP shall not be creditable service and shall not be
28 counted in determination of any service retirement allowance or surviving spouse's or
29 dependents' benefits. Compensation paid during the period of participation in the DROP shall
30 not be earnable compensation and shall not be counted in the determination of any service
31 retirement allowance or surviving spouse's or dependent's benefits. The member's service
32 retirement allowance shall be frozen as of the date the member enters DROP. Except as

33 specifically provided in sections 86.200 to 86.366, the member's frozen service retirement
34 allowance shall not increase while the member is participating in DROP or after the member's
35 participation in DROP ends, and the member shall not share in any benefit improvement that is
36 enacted or that becomes effective while such member is participating in the DROP.

37 4. A member shall cease participation in the DROP upon the termination of the member's
38 employment as a police officer and actual retirement, or at the end of the five-year period
39 commencing on the first day of the member's participation in the DROP, or as of the effective
40 date of the member's election to return to active participation in the system, whichever occurs
41 first. A member's election to return to active participation in the system before the end of the
42 five-year period commencing on the first day of participation in the DROP shall be made and
43 shall become effective in accordance with procedures established by the board of trustees. Upon
44 the member's termination of employment as a police officer and actual retirement, the member
45 shall elect to receive the value of the member's DROP account, in one of the following forms of
46 payment:

- 47 (1) A lump sum payment; or
48 (2) Equal monthly installments over a ten-year period.

49

50 Either form of payment should begin within thirty days after the member's notice to the board
51 of trustees that the member has selected a particular option.

52 5. If a member who is participating in the DROP elects to return to active participation
53 in the system or if a member who is participating in the DROP does not terminate employment
54 and actually retires as a police officer in the city for which the retirement system was established
55 pursuant to sections 86.200 to 86.366 at the end of the five-year period commencing on the first
56 day of the member's participation in the DROP, the member shall return to active participation
57 in the system and shall resume making mandatory contributions to the system effective as of the
58 day after participation in the DROP ends. The board of trustees shall notify the chief of police
59 to begin deducting mandatory contributions from the member's salary and the member's
60 employment period shall count as creditable service beginning as of the day the member returns
61 to active participation.

62 6. In no event shall a member, **including any member who commenced employment**
63 **for the first time on or after October 1, 2018**, whose participation in DROP has ended for any
64 reason be eligible to participate in DROP again.

65 7. Upon the member's termination of employment as a police officer and actual
66 retirement, the member's mandatory contributions to the retirement system shall be paid to the
67 member pursuant to subsection 4 of section 86.253.

68 8. If a member dies prior to termination of employment as a police officer and actual
69 retirement while participating in the DROP or before the member has received full withdrawal
70 of the amount in the member's DROP account under the installment optional payment form, the
71 remaining balance of the member's DROP account shall be payable to the member's surviving
72 spouse; or, if the member is then unmarried, to the member's dependent children in equal shares;
73 or, if none, to the member's dependent mother or father; or, if none, to the member's designated
74 beneficiary or, if no such beneficiary is then living, to the member's estate. Payment shall be
75 made in a lump sum within sixty days after receipt by the board of trustees of evidence and proof
76 of the death of a member. In addition, the member's mandatory contributions, if any, that were
77 not already paid to the member pursuant to subsection 4 of section 86.253 shall be paid to the
78 member's surviving spouse pursuant to section 86.288.

79 9. If a member applies for and receives benefits for an accidental disability retirement
80 allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims
81 or interest in the member's DROP account and the member's benefits shall be calculated as if the
82 member has continued in employment and had not elected to participate in the DROP. Any
83 portion of a DROP account that has been forfeited as provided in this subsection shall be a
84 general asset of the system.

85 10. ~~[A member's]~~ **The DROP account of a member who commenced employment**
86 **before October 1, 2018**, shall earn interest equal to the rate of return earned by the system's
87 investment portfolio on a market value basis, including realized and unrealized gains and losses,
88 net of investment expense, as certified by the system's actuary. As of the last day of each plan
89 year beginning after DROP participation begins, the member's DROP account balance,
90 determined as of the last day of the prior plan year, shall be credited with interest at the
91 investment rate earned by the assets of the retirement system for such prior plan year. If
92 distribution of the member's DROP account balance is made in a lump sum under subsection 4
93 or 8 of this section, interest for the plan year of distribution shall be credited on the ending
94 balance for the prior plan year at the investment rate earned on the assets of the retirement system
95 for the prior plan year, in proportion to the part of the plan year preceding the date of the
96 member's termination of employment or death, whichever is earlier. If the member's DROP
97 account is paid in equal monthly installments pursuant to subsection 4 of this section, interest
98 during the installment period shall be credited as of the last day of each plan year ending after
99 installment payment begins on the account balance as of the first or last day of the plan year,
100 whichever is lower, at the investment rate earned by the assets of the system for the prior plan
101 year. Interest for the year in which the final installment is paid shall be credited on the balance
102 remaining after the final installment is paid, at the investment rate earned on the assets of the
103 system for the prior plan year, in proportion to the part of the plan year preceding payment of the

104 final installment. Any interest credited to the DROP account during the installment period shall
105 be paid as soon as reasonably possible after the final monthly installment. No interest shall be
106 credited on amounts, if any, added to the member's DROP account during the year in which the
107 distribution of the account is completed. **Any member who commenced employment for the**
108 **first time on or after October 1, 2018, shall earn interest for all purposes for which interest**
109 **is allowed at the rate of return earned by the ten-year United States Treasury note as of**
110 **September thirtieth each year plus one percent, not to exceed a rate of six percent per**
111 **annum.**

112 11. The board of trustees shall not incur any liability individually or on behalf of other
113 individuals for any act or omission made in good faith in relation to the DROP or assets credited
114 to DROP accounts established by this section. The provisions of the Internal Revenue Code and
115 regulations promulgated thereunder shall supersede any provision of this section if there is any
116 inconsistency with the Internal Revenue Code or regulation.

117 12. Upon the receipt by the board of trustees of evidence and proof that the death of a
118 member resulted from an event occurring while the member was in the actual performance of
119 duty, and if the member is participating in the DROP, the member's surviving spouse or, if the
120 member is then unmarried, the member's unmarried dependent children, may elect within thirty
121 days after the member's death to have the amount in the member's DROP account paid in the
122 form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty
123 days after the election is received. Payment to the member's surviving spouse shall continue
124 until the surviving spouse's death; payment to the member's unmarried dependent children shall
125 be made while any child qualifies as an unmarried dependent child pursuant to section 86.280.
126 The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the
127 date of the member's death. In no event shall the total amount paid pursuant to this subsection
128 be less than the member's DROP account balance as of the date of the member's death.

86.253. 1. Upon termination of employment as a police officer and actual retirement for
2 service, a member **who commenced employment before October 1, 2018**, shall receive a
3 service retirement allowance which shall be an amount equal to two percent of the member's
4 average final compensation multiplied by the number of years of the member's creditable service,
5 up to twenty-five years, plus an amount equal to four percent of the member's average final
6 compensation for each year of creditable service in excess of twenty-five years but not in excess
7 of thirty years; plus an additional five percent of the member's average final compensation for
8 any creditable service in excess of thirty years. Notwithstanding the foregoing, the service
9 retirement allowance of a member who ~~[does not earn any creditable service after August 11,~~
10 ~~1999]~~ **commenced employment before October 1, 2018**, shall not exceed an amount equal to
11 ~~[seventy]~~ **seventy-five** percent of the member's average final compensation~~]; and the service~~

12 retirement allowance of a member who earns creditable service on or after August 12, 1999, shall
13 not exceed an amount equal to seventy-five percent of the member's average final compensation;
14 provided, however, that the service retirement allowance of a member who is participating in the
15 DROP pursuant to section 86.251 on August 12, 1999, who returns to active participation in the
16 system pursuant to section 86.251, and who terminates employment as a police officer and
17 actually retires for reasons other than death or disability before earning at least two years of
18 creditable service after such return shall be the sum of (1) the member's service retirement
19 allowance as of the date the member entered DROP and (2) an additional service retirement
20 allowance based solely on the creditable service earned by the member following the member's
21 return to active participation]. **However, if a member commenced employment for the first**
22 **time on or after October 1, 2018, the service retirement allowance of the member shall not**
23 **exceed an amount equal to seventy percent of the member's average final compensation.**
24 The member's total years of creditable service shall be taken into account for the purpose of
25 determining whether the additional allowance attributable to such additional creditable service
26 is two percent, four percent or five percent of the member's average final compensation.

27 2. If, at any time since first becoming a member of the retirement system, the member
28 has served in the Armed Forces of the United States, and has subsequently been reinstated as a
29 policeman within ninety days after the member's discharge, the member shall be granted credit
30 for such service as if the member's service in the police department of such city had not been
31 interrupted by the member's induction into the Armed Forces of the United States. If earnable
32 compensation is needed for such period in computation of benefits it shall be calculated on the
33 basis of the compensation payable to the officers of the member's rank during the period of the
34 member's absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary,
35 the retirement system governed by sections 86.200 to 86.366 shall be operated and administered
36 in accordance with the applicable provisions of the Uniformed Services Employment and
37 Reemployment Rights Act of 1994, as amended.

38 3. The service retirement allowance of each present and future retired member **who**
39 **earned creditable service before October 1, 2018, and** who terminated employment as a police
40 officer and actually retired from service after attaining age fifty-five or after completing twenty
41 years of creditable service shall be increased annually at a rate not to exceed three percent as
42 approved by the board of trustees beginning with the first increase in the second October
43 following the member's retirement and subsequent increases in each October thereafter, provided
44 that each increase is subject to a determination by the board of trustees that the consumer price
45 index (United States City Average Index) as published by the United States Department of Labor
46 shows an increase of not less than the approved rate during the latest twelve-month period for
47 which the index is available at the date of determination; and provided further, that if the increase

48 is in excess of the approved rate for any year, such excess shall be accumulated as to any retired
49 member and increases may be granted in subsequent years subject to a maximum of three percent
50 for each full year from October following the member's retirement but not to exceed a total
51 percentage increase of thirty percent. **The service retirement allowance of a member who**
52 **commenced employment for the first time on or after October 1, 2018, shall be increased**
53 **in the same manner; except that, the increases shall not exceed a total percentage increase**
54 **of twenty-five percent.** In no event shall the increase described under this subsection be applied
55 to the amount, if any, paid to a member or surviving spouse of a deceased member for services
56 as a special consultant under subsection 5 of this section [~~or, if applicable, subsection 6 of this~~
57 ~~section~~]. If the board of trustees determines that the index has decreased for any year, the
58 benefits of any retired member that have been increased shall be decreased but not below the
59 member's initial benefit. No annual increase shall be made of less than one percent and no
60 decrease of less than three percent except that any decrease may be limited in amount by the
61 initial benefit.

62 4. In addition to any other retirement allowance payable under this section and section
63 86.250, a member, upon termination of employment as police officer and actual service
64 retirement, may request payment of the total amount of the member's mandatory contributions
65 to the retirement system without interest. Upon receipt of such request, the board shall pay the
66 retired member such total amount of the member's mandatory contributions to the retirement
67 system to be paid pursuant to this subsection within sixty days after such retired member's date
68 of termination of employment as a police officer and actual retirement. **Notwithstanding the**
69 **foregoing, a member who commenced employment for the first time on or after October**
70 **1, 2018, shall not be eligible for the return of his or her mandatory contributions to the**
71 **retirement system upon termination of employment as a police officer and actual service**
72 **retirement; except that, a member who commenced employment for the first time on or**
73 **after October 1, 2018, shall receive his or her mandatory contributions to the retirement**
74 **system without interest if not vested at the time of termination of employment as a police**
75 **officer or actual service retirement.**

76 5. Any person who is receiving retirement benefits from the retirement system, upon
77 application to the board of trustees, shall be made, constituted, appointed and employed by the
78 board of trustees as a special consultant on the problems of retirement, aging and other matters,
79 for the remainder of the person's life or, in the case of a deceased member's surviving spouse,
80 until the earlier of the person's death or remarriage, and upon request of the board of trustees
81 shall give opinions and be available to give opinions in writing or orally, in response to such
82 requests, as may be required. For such services the special consultant shall be compensated
83 monthly, in an amount which, when added to any monthly retirement benefits being received

84 from the retirement system, including any cost-of-living increases under subsection 3 of this
85 section, shall total six hundred fifty dollars a month. This employment shall in no way affect any
86 person's eligibility for retirement benefits under this chapter, or in any way have the effect of
87 reducing retirement benefits, notwithstanding any provisions of law to the contrary.

86.254. 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or
2 retirement allowance provided pursuant to sections 86.200 to 86.366, each present and future
3 retired member **who commenced employment before October 1, 2018**, after attaining the age
4 of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and
5 employed by the board of trustees as an advisor on the problems of retirement, aging and other
6 matters, for the remainder of the retired member's life, and upon request of the board of trustees
7 shall give opinions in writing or orally in response to such requests as may be required.

8 2. For the performance of duties required in subsection 1 of this section, each retired
9 member employed as an advisor by the board of trustees shall be compensated monthly in an
10 amount of ten dollars per month multiplied by the number of years the retired member is past the
11 age of sixty years. The compensation provided by this subsection shall be adjusted annually.
12 No funding shall be required prior to the effective date of this benefit.

13 3. Beginning October 1, 1999, in addition to any other benefit provided to any surviving
14 spouse pursuant to sections 86.200 to 86.366, each present and future surviving spouse of a
15 member **who commenced employment before October 1, 2018**, after attaining the age of sixty
16 years shall upon application to the board of trustees, be made, constituted, appointed and
17 employed by the board of trustees as an advisor on the problems of retirement, aging and other
18 matters for the remainder of the surviving spouse's life or until the surviving spouse remarries,
19 whichever is earlier, and upon request of the board of trustees shall give opinions in writing or
20 orally in response to such requests as may be required.

21 4. For the performance of duties required in subsection 3 of this section, each surviving
22 spouse of a member employed as an advisor by the board of trustees shall be compensated
23 monthly in an amount of ten dollars per month multiplied by the number of years the surviving
24 spouse is past the age of sixty years. The compensation provided by this subsection shall be
25 adjusted annually.

86.257. 1. Upon the application of the chief of police or a member, any member who
2 has completed ten or more years of creditable service or upon the police retirement system
3 created by sections 86.200 to 86.366 first attaining, after August 28, 2013, a funded ratio, as
4 defined in section 105.660 and as determined by the system's annual actuarial valuation, of at
5 least eighty percent, a member who has completed five or more years of creditable service and
6 who has become permanently unable to perform the duties of a police officer as the result of an
7 injury or illness not exclusively caused or induced by the actual performance of his or her official

8 duties or by his or her own negligence shall be retired by the board of trustees of the police
9 retirement system upon certification by the medical board of the police retirement system and
10 approval by the board of trustees of the police retirement system that the member is mentally or
11 physically unable to perform the duties of a police officer, that the inability is permanent or likely
12 to become permanent, and that the member should be retired.

13 2. Once each year during the first five years following such member's retirement, and at
14 least once in every three-year period thereafter, the board of trustees may, and upon the member's
15 application shall, require any nonduty disability beneficiary who has not yet attained sixty years
16 of age to undergo a medical examination at a place designated by the medical board or such
17 physicians as the medical board appoints. If any nonduty disability beneficiary who has not
18 attained sixty years of age refuses to submit to a medical examination, his or her nonduty
19 disability ~~[pension]~~ **retirement allowance** may be discontinued until his or her withdrawal of
20 such refusal, and if his or her refusal continues for one year, all rights in and to such ~~[pension]~~
21 **disability retirement allowance** may be revoked by the board of trustees.

22 3. If the medical board certifies to the board of trustees that a nonduty disability
23 beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs
24 on the report, then such beneficiary's nonduty disability ~~[pension]~~ **retirement allowance** shall
25 cease.

26 4. If upon cessation of a disability ~~[pension]~~ **retirement allowance** under subsection 3
27 of this section, the former disability beneficiary is restored to active service, he or she shall again
28 become a member, and he or she shall contribute thereafter at the same rate as other members.
29 Upon his or her subsequent retirement, he or she shall be credited with all of his or her active
30 retirement, but not including any time during which the former disability beneficiary received
31 a disability ~~[pension]~~ **retirement allowance** under this section.

86.260. 1. Upon termination of employment as a police officer and actual retirement for
2 nonduty disability a member shall receive a service retirement allowance as calculated under
3 subsection 1 of section 86.253 if the member has attained the age of fifty-five or completed
4 twenty years of creditable service; otherwise the member shall receive a nonduty disability
5 retirement allowance which shall be equal to ninety percent of the member's accrued service
6 retirement in section 86.253, but not less than one-fourth of the member's average final
7 compensation; provided, however, that no such allowance shall exceed ninety percent of the
8 member's accrued service retirement benefit based on continuation of the member's creditable
9 service to the age set out in section 86.250. **To the extent a member receiving a nonduty**
10 **disability retirement allowance is gainfully employed, a proportionate offset shall apply**
11 **against any disability retirement allowance received if the sum of the member's current**

12 **salary plus disability retirement allowance equals an amount in excess of one hundred**
13 **twenty-five percent of the member's current salary.**

14 2. Effective October 1, 1999, the nonduty disability retirement allowance will be
15 increased by fifteen percent of the member's average final compensation for each unmarried
16 dependent child of the disabled member who is under the age of eighteen, or who, regardless of
17 age, is totally and permanently mentally or physically disabled and incapacitated from engaging
18 in gainful occupation sufficient to support himself or herself.

19 3. Any member receiving benefits pursuant to the provisions of this section immediately
20 prior to October 1, 1999, shall upon application to the board of trustees be made, constituted,
21 appointed and employed by the board of trustees as a special consultant on the problems of
22 retirement, aging and other matters while the member is receiving such benefits, and upon
23 request of the board of trustees shall give opinions in writing or orally in response to such
24 requests as may be required. Beginning October 1, 1999, for such services as may be required,
25 there shall be payable an additional monthly compensation of one hundred dollars or five percent
26 of the member's average final compensation, whichever is greater, for each unmarried dependent
27 child of the member.

28 4. Any benefit payable to or for the benefit of a child or children under the age of
29 eighteen years pursuant to the provisions of subsections 2 and 3 of this section shall continue to
30 be paid beyond the age of eighteen years through the age of twenty-two years in those cases
31 where the child is a full-time student at a regularly accredited college, business school, nursing
32 school, school for technical or vocational training, or university, but such extended benefit shall
33 cease whenever the child ceases to be a student. A college or university shall be deemed to be
34 regularly accredited which maintains membership in good standing in a national or regional
35 accrediting agency recognized by any state college or university.

36 5. No benefits pursuant to this section shall be paid to a child over eighteen years of age
37 who is totally and permanently disabled if such child is a patient or resident of a public-supported
38 institution, nor shall such benefits be paid unless such disability occurred prior to such child
39 reaching the age of eighteen.

86.263. 1. Any member in active service who is permanently unable to perform the full
2 and unrestricted duties of a police officer as the natural, proximate, and exclusive result of an
3 accident occurring within the actual performance of duty at some definite time and place, through
4 no negligence on the member's part, shall be retired by the board of trustees of the police
5 retirement system upon certification by the medical board that the member is mentally or
6 physically unable to perform the full and unrestricted duties of a police officer, that the inability
7 is permanent or likely to become permanent, and that the member should be retired. The
8 inability to perform the "full and unrestricted duties of a police officer" means the member is

9 unable to perform all the essential job functions for the position of police officer as established
10 by the chief of police.

11 2. No member shall be approved for retirement under the provisions of subsection 1 of
12 this section unless the application was made and submitted by the chief of police or a member
13 no later than five years following the date of accident, provided, that if the accident was reported
14 within five years of the date of the accident and an examination made of the member within
15 thirty days of the date of accident by a health care provider whose services were provided
16 through the chief of police with subsequent examinations made as requested, then an application
17 made more than five years following the date of the accident shall be considered timely.

18 3. Once each year during the first five years following a member's retirement, and at least
19 once in every three-year period thereafter, the board of trustees may require any disability
20 beneficiary who has not yet attained sixty years of age to undergo a medical examination or
21 medical examinations at a place designated by the medical board or such physicians as the
22 medical board appoints. If any disability beneficiary who has not attained sixty years of age
23 refuses to submit to a medical examination, his or her disability ~~[pension]~~ **retirement allowance**
24 may be discontinued by the board of trustees of the police retirement system until his or her
25 withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to
26 such ~~[pension]~~ **disability retirement allowance** may be revoked by the board of trustees.

27 4. If the medical board certifies to the board of trustees that a disability beneficiary is
28 able to perform the duties of a police officer, then such beneficiary's disability ~~[pension]~~
29 **retirement allowance** shall cease.

30 5. If upon cessation of a disability ~~[pension]~~ **retirement allowance** under subsection 4
31 of this section, the former disability beneficiary is restored to active service, he or she shall again
32 become a member, and he or she shall contribute thereafter at the same rate as other members.
33 Upon his or her subsequent retirement, he or she shall be credited with all of his or her active
34 service time as a member including the service time prior to receiving disability retirement, but
35 not including any time during which the former disability beneficiary received a disability
36 ~~[pension]~~ **retirement allowance** under this section.

37 6. If upon cessation of a disability ~~[pension]~~ **retirement allowance** under subsection 4
38 of this section, the former disability beneficiary is not restored to active service, such former
39 disability beneficiary shall be entitled to the retirement benefit to which such former disability
40 beneficiary would have been entitled if such former disability beneficiary had terminated service
41 for any reason other than dishonesty or being convicted of a felony at the time of such cessation
42 of such former disability beneficiary's disability ~~[pension]~~ **retirement allowance**. For purposes
43 of such retirement benefits, such former disability beneficiary shall be credited with all of the
44 former disability beneficiary's active service time as a member, but not including any time during

45 which the former disability beneficiary received a disability [~~beneficiary pension~~] **retirement**
46 **allowance** under this section.

86.267. 1. Upon termination of employment as a police officer and actual retirement for
2 accidental disability, other than permanent total disability as defined in subsection 2 **of this**
3 **section**, a member shall receive a **disability** retirement allowance of seventy-five percent of the
4 member's average final compensation.

5 2. Any member who, as the natural and proximate result of an accident occurring at some
6 definite time and place in the actual performance of the member's duty through no negligence
7 on the member's part, is permanently and totally incapacitated from performing any work,
8 occupation or vocation of any kind whatsoever shall receive a **disability** retirement allowance
9 as under subsection 1 **of this section** or, in the discretion of the board of trustees, may receive
10 a larger **disability** retirement allowance in an amount not exceeding the member's rate of
11 compensation as a policeman in effect as of the date the allowance begins.

12 3. The board of trustees, in its discretion, may, in addition to the **disability retirement**
13 allowance granted in accordance with the provisions of subsections 1 and 2 **of this section**, grant
14 an allowance in an amount to be determined by the board of trustees, to provide such member
15 with surgical, medical and hospital care reasonably required after retirement, which are the result
16 and in consequence of the accident causing such disability.

17 4. Any person who is receiving benefits pursuant to subsection 2 of this section on or
18 after August 28, 1997, and any person who is receiving benefits pursuant to subsection 1 of this
19 section on or after October 1, 2001, and who made mandatory contributions to the retirement
20 system, upon application to the board of trustees, shall be made, constituted, appointed and
21 employed by the board of trustees as a special consultant on the problems of retirement, aging
22 and other matters, and upon request of the board of trustees shall give opinions and be available
23 to give opinions in writing or orally, in response to such requests, as may be required. For such
24 services the retired member shall be paid a lump sum payment in an amount equal to the total
25 amount of the member's mandatory contributions to the retirement system, without interest,
26 within sixty days after approval of the retired member's application by the board of trustees.

86.277. Should a disabled member be restored to active service, such member's disability
2 **retirement** allowance shall cease. The disabled member shall again become a member and shall
3 contribute thereafter at the same rate in effect prior to disability. Any prior service certificate on
4 the basis of which the member's service was computed at the time of retirement shall be restored
5 to full force and effect and in addition upon the member's subsequent retirement, the member
6 shall be credited with all service as a member, and if the member's then average final
7 compensation is less than the average final compensation used in determining the member's
8 disability **retirement** allowance, the latter amount shall be used in determining benefits.

86.283. Upon receipt of proper proofs of the death of a retired member who retired while
2 in service, including retirement for service, ~~ordinary~~ **nonduty** disability or accidental disability,
3 and provided no other benefits are payable from the retirement system, there shall be paid the
4 following benefits:

5 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving
6 spouse dies or remarries, whichever is earlier, of forty percent of the deceased member's average
7 final compensation plus fifteen percent of such compensation to, or for the benefit of, each
8 unmarried dependent child of the deceased member, who is either under the age of eighteen, or
9 who, regardless of age, is totally and permanently mentally or physically disabled and
10 incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

11 (2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to
12 this section immediately prior to October 1, 1999, shall upon application to the board of trustees
13 be made, constituted, appointed and employed by the board of trustees as a special consultant
14 on the problems of retirement, aging and other matters while the surviving spouse or unmarried
15 dependent child is receiving such benefits, and upon request of the board of trustees shall give
16 opinions in writing or orally in response to such requests as may be required. Beginning October
17 1, 1999, for such services as may be required, a surviving spouse shall receive additional
18 monthly compensation equal to the amount which when added to the benefits the surviving
19 spouse was receiving pursuant to this section prior to October 1, 1999, determined without
20 regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision
21 (8) of this section, will increase the surviving spouse's total monthly payment pursuant to this
22 section to forty percent of the deceased member's average final compensation, and there shall be
23 payable an additional monthly compensation of one hundred dollars or five percent of the
24 member's average final compensation, whichever is greater, for each unmarried dependent child
25 of the member. The additional monthly compensation payable to a surviving spouse pursuant
26 to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the
27 surviving spouse was receiving prior to October 1, 1999;

28 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of
29 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of
30 this section had there been a surviving spouse, determined without regard to any increase which
31 would have applied to the surviving spouse's benefits pursuant to subdivision (8) of this section,
32 shall be divided among the unmarried dependent children under age eighteen and unmarried
33 dependent children, regardless of age, who are totally and permanently mentally or physically
34 disabled and incapacitated from engaging in a gainful occupation sufficient to support
35 themselves. The benefit shall be divided equally among the eligible dependent children, and the
36 share of a child who is no longer eligible shall be divided equally among the remaining eligible

37 dependent children; provided that not more than one-half of the surviving spouse's benefits shall
38 be paid for one child;

39 (4) No benefits pursuant to this section shall be paid to a child over eighteen years of age
40 who is totally and permanently disabled if such child is a patient or resident of a public-supported
41 institution, nor shall such benefits be paid unless such disability occurred prior to such child
42 reaching the age of eighteen;

43 (5) Whenever any dependent child designated by the board of trustees to receive benefits
44 pursuant to this section is in the care of the surviving spouse of the deceased member, such
45 benefits may be paid to such surviving spouse for the child;

46 (6) In the event of the death of a retired member receiving accidental disability benefits
47 before such benefits have been paid for five years, the member's surviving spouse until the
48 surviving spouse dies or remarries, whichever is earlier, shall receive an additional pension of
49 ten percent of the deceased member's final average compensation;

50 (7) Any benefit payable to, or for the benefit of, a child or children under the age of
51 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond
52 the age of eighteen years through the age of twenty-two years if the child is a full-time student
53 at a regularly accredited college, business school, nursing school, school for technical or
54 vocational training, or university, but such extended benefit shall cease whenever the child
55 ceases to be a student. A college or university shall be deemed to be regularly accredited which
56 maintains membership in good standing in a national or regional accrediting agency recognized
57 by any state college or university;

58 (8) The benefits payable pursuant to this section to the surviving spouse of a retired
59 member who received or was entitled to receive a service retirement allowance shall be increased
60 in the same percentages and pursuant to the same method as is provided in section 86.253 for
61 adjustments in the service retirement allowance of a retired member.

86.288. In addition to any other benefits payable, notwithstanding any provisions of
2 sections 86.280 and 86.287 to the contrary, if a member **who commenced employment before**
3 **October 1, 2018**, dies while commissioned as a peace officer, or after retiring and before
4 receiving a refund of the member's mandatory contributions in accordance with section 86.253
5 or 86.290, or while receiving a disability retirement allowance in accordance with section 86.253
6 or 86.257, the total amount of the member's mandatory contributions to the retirement system
7 shall be paid without interest to the surviving spouse of such member. Payment pursuant to this
8 section shall be made within sixty days after the later of the date proper proofs of death are
9 provided or August 28, 1994, regardless of when the member died or actually retired, provided
10 that the surviving spouse shall be alive on the date that payment is made.

86.290. **Except in the case of a member who commenced employment for the first time on or after October 1, 2018, who is not vested under section 86.354,** should a member cease to be a policeman except by death or actual retirement, the member may request payment of the amount of the accumulated contributions standing to the credit of the member's individual account, including members' interest, in which event such amount shall be paid to the member not later than one year after the member ceases to be a policeman. If the former member is reemployed as a policeman before any portion of such former member's accumulated contributions is distributed, no distribution shall be made. If the former member is reemployed as a policeman after a portion of the former member's accumulated contributions is distributed, the amount remaining shall also be distributed.

86.320. 1. **(1)** The board of trustees shall certify to the chief of police who shall cause to be deducted, **prior to taxation,** from the salary of each member **hired before October 1, 2018,** on each and every payroll for each and every pay period, ~~seven~~ **eight** percent of the compensation of each member who is not participating in the DROP, including each member whose participation in the DROP has ended and who has returned to active participation in the system pursuant to section 86.251, and zero percent of the compensation of each member who is participating in the DROP or whose participation in the DROP has ended but who has not returned to active participation in the system pursuant to section 86.251.

(2) The board of trustees shall certify to the chief of police who shall cause to be deducted, prior to taxation, from the salary of each member hired on or after October 1, 2018, on each and every payroll for each and every pay period, nine percent of the compensation of each member who is not participating in the DROP and zero percent of the compensation of each member who is participating in the DROP.

2. The deductions provided for in this section shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for in this section, and shall receipt for the member's full salary or compensation and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 86.200 to 86.366. The chief of police shall certify to the board of trustees on each and every payroll or in such other manner as the board of trustees shall prescribe the amount deducted, and such amounts shall be paid into the system and shall be credited together with members' interest thereon to the individual account of the member from whose compensation such deduction was made.

25 3. The board of trustees is authorized to grant additional benefits for such parts of
26 contributions as were made prior to the adoption of the seven-percent rate for all members which
27 were in excess of the compulsory contributions required of each member.

 86.330. 1. After each annual valuation, the actuary engaged by the board to make the
2 valuation required by sections 86.200 to 86.366, shall determine the normal contribution rate.
3 The normal contribution rate shall be the rate percent of the earnable compensation of all
4 members obtained by deducting from the total liabilities of the retirement system the amount of
5 the assets in hand to the credit of the retirement system and the present value of expected future
6 member contributions and dividing the remainder by one percent of the present value of the
7 prospective future compensation of all members as computed on the basis of mortality and
8 service tables and interest assumptions adopted by the board of trustees.

9 **2. Notwithstanding the provisions of subsection 1 of this section, if a city not within**
10 **a county adopts an ordinance as described in subsection 2 of section 86.344, then, after the**
11 **effective date of such ordinance, for each annual valuation for the first of the plan years**
12 **beginning with the plan year of such adoption and each subsequent year, the actuary**
13 **engaged by the board to make the valuation required by sections 86.200 to 86.366 shall**
14 **determine the normal cost for such year using the entry age normal actuarial cost method**
15 **as described in this subsection. Under the entry age normal actuarial cost method, the**
16 **actuarial present value of the projected benefits of each individual included in an actuarial**
17 **valuation is allocated on a level basis over the service of the individual between entry age**
18 **and assumed exit age. The portion of this actuarial present value allocated to a valuation**
19 **year is called the "normal cost".**

 86.333. 1. At the first valuation after the effective date of these amendments the actuary
2 engaged by the board of trustees shall compute the rate percent of the total earnable
3 compensation of all members which is equivalent to four percent of the amount of the total
4 unfunded benefit liability on account of all members and beneficiaries which is not dischargeable
5 by the aforesaid normal contribution made on account of such members during the remainder of
6 their active service. The rate percent originally so determined shall be known as "the accrued
7 liability contribution rate".

8 **2. (1) Notwithstanding the provisions of subsection 1 of this section, if a city not**
9 **within a county adopts an ordinance as described in subsection 2 of section 86.344, then,**
10 **after each annual valuation for plan years beginning with the year of such adoption, the**
11 **actuary engaged by the board to make the valuation required by sections 86.200 to 86.366**
12 **shall determine the actuarial accrued liability under the entry age normal actuarial cost**
13 **method. Under the entry age normal actuarial cost method, the actuarial present value of**
14 **the projected benefits of each individual included in an actuarial valuation is allocated on**

15 a level basis over the service of the individual between entry age and assumed exit age. The
16 portion of this actuarial present value not provided for at a valuation date by the actuarial
17 present value of future normal costs is called the "actuarial accrued liability".

18 (2) The actuary shall determine the initial unfunded actuarial accrued liability as
19 the amount by which the actuarial accrued liability exceeds the actuarial value of the assets
20 of the retirement system. The amortization payment for the initial unfunded actuarial
21 accrued liability as of October 1, 2018, shall be determined as a level percentage of payroll
22 for a twenty-year period. The amortization period for subsequent years for the initial
23 unfunded accrued liability shall decline by one year for each of the next twenty years. Any
24 changes in the unfunded accrued liability that result from experience gains and losses,
25 changes in actuarial assumptions, and changes in plan benefits for plan years beginning
26 on or after October 1, 2018, shall be amortized in accordance with policies and procedures
27 adopted by the board. Such policies shall include the period of amortization and pattern
28 of payments, provided that the period of amortization is no more than thirty years. Other
29 than the initial unfunded liability, the board may combine amortization periods in the
30 interest of efficiency if the effect upon the contribution calculation is not considered
31 material. Such policies adopted by the board shall be based on the advice of the system's
32 actuary and shall comply with all applicable actuarial standards of practice.

86.337. 1. The total amount payable to the retirement system for each fiscal year shall
2 be not less than the normal contribution rate of the total compensation earnable by all members
3 during the year; provided, however, that the aggregate payment by the said cities shall be
4 sufficient when combined with the assets of the retirement system to provide the pensions and
5 other benefits payable during the then current year.

6 2. Notwithstanding the provisions of subsection 1 of this section, if a city not within
7 a county adopts an ordinance as described in subsection 2 of section 86.344, the total
8 amount payable to the retirement system for each plan year, beginning on or after October
9 first of the year of the adoption of such ordinance, shall be not less than the greater of the
10 following:

11 (1) The sum of:

12 (a) The normal cost determined under section 86.330; and

13 (b) The unfunded accrued liability contribution determined under section 86.333;

14 or

15 (2) The amount, when combined with the assets of the retirement system, required
16 to provide the pensions and other benefits payable during the then current plan year.

86.344. 1. On or before the first day of March of each year the board of trustees shall
2 certify to the board of estimate and apportionment of the city the amounts which will become due

3 and payable during the year next following for expenses pursuant to subsection 2 of section
4 86.343 and the cost of benefits as determined pursuant to section 86.337. The amounts so
5 certified shall be appropriated by the city and transferred to the retirement system in equal
6 payments in the first six months of the ensuing year.

7 **2. The city may change the actuarial formula by which such amounts are calculated**
8 **to the entry age normal actuarial cost method. The city may adopt an ordinance**
9 **authorizing the change to the entry age normal actuarial cost method, which ordinance**
10 **shall include the city's expressed acknowledgment that the benefit calculation formula**
11 **change is undertaken voluntarily and not under compulsion by the state of Missouri, so**
12 **that the conversion does not implicate the provisions of article X, sections 16 to 23 of the**
13 **Constitution of Missouri. If either the provisions of this subsection or the city's adoption**
14 **of the entry age normal actuarial cost method is determined by a final judgment of a court**
15 **of competent jurisdiction to violate article X, sections 16 to 23 of the Constitution of**
16 **Missouri, then this subsection and subsection 2 of section 86.330, subsection 2 of section**
17 **86.333, and subsection 2 of section 86.337 referencing this subsection shall be null and void,**
18 **the method of calculation shall revert to the method used before the effective date of this**
19 **subsection, and the board of trustees shall certify to the board of estimate and**
20 **apportionment of the city the amounts that will become due and payable during the year**
21 **based upon the formula described in subsection 1 of section 86.330, subsection 1 of section**
22 **86.333, and subsection 1 of section 86.337.**

86.354. 1. A member's benefit shall be one hundred percent vested and nonforfeitable
2 upon the first of the following to occur:

- 3 (1) The member's attainment of age fifty-five, the normal retirement age; or
- 4 (2) The member's completion of twenty years of creditable service regardless of age; or
- 5 (3) The termination of the plan established pursuant to sections 86.200 to 86.366, to the
6 extent the plan is funded.

7 **2. Notwithstanding any provision in subsection 1 of this section to the contrary:**

8 **(1) Any member who commenced employment before October 1, 2018, who has**
9 **completed a total of twenty years of creditable service is eligible for retirement at any age;**
10 **and**

11 **(2) Any member who commenced employment for the first time on or after October**
12 **1, 2018, who is one hundred percent vested due to the completion of ten years of creditable**
13 **service shall not be eligible to receive a retirement allowance until the age of fifty-five.**

14 **3. Forfeitures of any nature under such plan shall not be used to increase the benefits of**
15 **any member, but shall be used to reduce the city's contributions pursuant to section 86.243.**

**86.355. Any member's retirement allowance under the provisions of sections 86.200
2 to 86.366 shall not be affected by where such member resides at any time during the
3 members employment or retirement.**

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