

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 152, Page 57, Section 168.515, Line 32, by inserting after all of said section and line  
3 the following:  
4

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

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

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

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

22 3. Any person receiving a retirement allowance under sections 169.010 to 169.140 who  
23 elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse  
24 as the nominated beneficiary may have the retirement allowance increased to the amount the retired  
25 member would be receiving had the retired member elected option 1 if:

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

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

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

36 (b) The dissolution decree does not provide for sole retention by the retired person of all

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rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

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

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

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

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

(2) The nominated beneficiary consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees, or the parties obtain a court order or judgment after September 1, 2021, which provides that the nominated beneficiary may be removed;

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

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

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

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

(2) If the retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership has since ended, and the nominated same-sex domestic partner consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees or the parties obtain a court order or judgment after September 1, 2021, which provides that the nominated beneficiary may be removed, the retired person may, upon a later marriage, nominate his or her spouse under the same option elected in the application for retirement;

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

6. Any nomination of successor beneficiary under subdivision (1) or (2) of subsection 5 of this section shall be made in accordance with procedures established by the board of trustees, and

shall be filed within one year of September 1, 2021, or within one year of the marriage of the retired person and successor beneficiary, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

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

Further amend said bill, Page 58, Section 169.596, Line 56, by inserting after all of said section and line the following:

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

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

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

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

3. Any person receiving a retirement allowance under sections 169.600 to 169.715 who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

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

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

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

(b) The dissolution decree does not provide for sole retention by the retired person of all

rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

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

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

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

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

(2) The nominated beneficiary consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees, or the parties obtain a court order or judgment after September 1, 2021, which provides that the nominated beneficiary may be removed;

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

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

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

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

(2) If the retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership has since ended, and the nominated same-sex domestic partner consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees or the parties obtain a court order or judgment after September 1, 2021, which provides that the nominated beneficiary may be removed, the retired person may, upon a later marriage, nominate his or her spouse under the same option elected in the application for retirement;

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

6. Any nomination of successor beneficiary under subdivision (1) or (2) of subsection 5 of this section shall be made in accordance with procedures established by the board of trustees, and

1 shall be filed within one year of September 1, 2021, or within one year of the marriage of the retired  
2 person and successor beneficiary, whichever later occurs. Upon receipt of a successor nomination  
3 filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect  
4 actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary  
5 nominations.

6 7. For purposes of this section, the definition of "same-sex domestic partners" shall be  
7 individuals of the same sex who are at least eighteen years of age, who are not related to a degree  
8 that would prohibit their marriage in the law of the state where they reside, who are not married to  
9 or a domestic partner of another person, and who live together in a long-term relationship of  
10 indefinite duration with an exclusive mutual commitment in which the domestic partners agree to be  
11 jointly responsible for their common welfare and to share financial obligations. For purposes of  
12 this section, "same-sex domestic partners" shall also include individuals of the same sex who were  
13 legally married in a state that recognized same-sex marriage."; and  
14

15 Further amend said bill by amending the title, enacting clause, and intersectional references  
16 accordingly.