
**Rules of
Retirement Systems
Division 40—Highway and Transportation
Employees and Highway Patrol Retirement System
Chapter 1—General Organization**

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Title 16—RETIREMENT SYSTEMS

Division 40—Highway and Transportation Employees and Highway Patrol Retirement System Chapter 1—General Organization

16 CSR 40-1.010 Definitions

PURPOSE: This rule complies with section 536.023(3), RSMo which requires each agency to adopt as a rule a description of its operations and the procedures where the public may obtain information or make submissions or requests.

(1) Description of Board of Trustees. Under sections 104.010—104.270 and 104.600—104.620, RSMo, the Highway and Transportation Employees and Highway Patrol Retirement System is administered by a board of trustees. The board consists of three (3) members of the Highway and Transportation Commission, the chief engineer of the Highway and Transportation Department, the superintendent of the State Highway Patrol, one (1) member of the senate, one (1) member of the house of representatives, one (1) active member of the Highway and Transportation Department, one (1) active member of the State Highway Patrol and one (1) retired member previously employed by either the Highway and Transportation Department or the State Highway Patrol. The senator and representative are appointed by the president *pro tem* of the senate and the speaker of the house, respectively. Active members from the Highway and Transportation Department and State Highway Patrol are elected by a plurality vote of the active and vested members of their respective departments to serve four (4)-year terms. The retired member is elected by a plurality vote of all retirees of the retirement system for a four (4)-year term. Each member is encouraged to participate in this election.

(2) Officers of Board of Trustees. Under sections 104.010—104.270 and 104.600—104.620, RSMo, the chairman and the vice-chairman are elected by the board of trustees. Under section 104.230, RSMo, the chief counsel of the Missouri Highway and Transportation Commission furnishes necessary legal services.

(3) Contributions. The cost of the retirement plan is paid entirely from the state funds. Benefits, average age of members, average lifespan of members and investment earnings are some of the factors that influence the contribution necessary to keep the system actuarially sound.

(4) Benefits. In addition to benefits paid upon retirement, the Highway and Transportation Employees and Highway Patrol Retirement System provides, at the member's election, an annuity to continue to the member's spouse after the member's death. The retirement system also provides for those who qualify—disability benefits, survivor benefits for the member's spouse or unemancipated children under age twenty-one (21) and a deferred annuity for members terminating employment.

(5) Information and Requests. Anyone having questions or wishing information may contact the executive director of the retirement system as follows: Executive Director, Highway and Transportation Employees and Highway Patrol Retirement System, P.O. Box 270, Jefferson City, MO 65102 (314) 751-4640.

*Auth: sections 104.160, RSMo (Cum. Supp. 1992), 104.210.2., RSMo (Supp. 1988) and 536.023.3., RSMo (1986).** Original rule filed Sept. 8, 1987, effective Jan. 14, 1988. Amended: Filed Oct. 17, 1988, effective Feb. 11, 1989. Emergency amendment filed Aug. 13, 1992, effective Aug. 23, 1992, expired Dec. 20, 1992. Amended: Filed Aug. 13, 1992, effective Feb. 26, 1993.

**Original authority: 104.160, RSMo (1955), amended 1988, 1992; 104.210.2., RSMo (1955), amended 1983, 1988; and 536.023.3., RSMo (1975), amended 1976.*

16 CSR 40-1.020 Election to Fill Vacancy on Board of Trustees

PURPOSE: This rule provides for the election of board members to fill terms or vacancies of elective positions on the board of trustees.

(1) Under the provisions of section 104.160, RSMo, three (3) members of the board of trustees of the Highway and Transportation Employees and Highway Patrol Retirement System are to be elected for terms of four (4) years by plurality vote of members of the system. Terms shall commence on July 1 of even numbered years in which there is no election of a United States President. One (1) elected member shall be from the active employees of the Highway and Transportation Department, one (1) elected member shall be from the active employees of the State Highway Patrol and one (1) elected member shall be from the retirees of the system. The following is the procedure to be used for the nomination and election of the three (3) members:

(A) Eligible voters for regular elections shall be those members who are active employees or vested or retired members of the system on the first day of May of the year in which the election is held;

(B) All members of the system who are active employees of the State Highway Patrol, or vested by virtue of previous service with the State Highway Patrol last preceding termination of employment, shall be eligible to vote for candidates nominated from the active employees of the State Highway Patrol only. All members of the system who are active employees of the Highway and Transportation Department or vested by virtue of previous employment with the Highway and Transportation Department last prior to termination of employment are eligible to vote for candidates nominated from the active employees of the Highway and Transportation Department only. All retired members of the system are eligible to vote for candidates nominated from the retirees of the retirement system;

(C) Regular elections will be held on the last Thursday of May of even numbered years in which there is no election of a United States President;

(D) Any member may submit nominations for candidates. All nominations must be in written form and must be signed by at least ten (10) members of the retirement system. Nominations for the active employee member of the board from the Highway and Transportation Department may be made only by nonretired members of the system who are or were employees of the Highway and Transportation Department. Nominations for the active employee member of the board from the State Highway Patrol may be made only by nonretired members of the system who are or were employees of the State Highway Patrol. Nominations for the retired member of the board may be made only by retired members who were formerly employed by either agency. All nominations must be received by the executive director of the retirement system not less than forty-five (45) days prior to the date of election. Nomination forms will be made available at all offices of the Highway and Transportation Department and of the State Highway Patrol, but nominations may be submitted in writing on other than the form provided if the nominations are signed by the required number of members and clearly indicate the nature and purpose of the document;

(E) The names of nominees will not be announced by the executive director until the nomination period is over;

(F) Any candidate for election to the board of trustees will be permitted to have his/her name appear on the ballot as s/he is customarily known;



(G) Each candidate for election to the board of trustees will be permitted to prepare a brief statement for the purpose of identification. Information contained in the statement will be limited to name, any nickname by which customarily known, age, length of employment, position in which employed, the location at which employed and date of retirement if applicable. The statement must be submitted to the executive director of the retirement system at least forty (40) days prior to the election. The executive director will reproduce the statements of all candidates on one (1) page, or on successive pages, in alphabetical order and distribute them with the ballots;

(H) Ballots showing in alphabetical order the names of all candidates, with a designation as to the agency by which employed and date of retirement if applicable, and two (2) envelopes will be made available to each member eligible to vote. Separate ballots will be prepared for candidates nominated from the Highway and Transportation Department, candidates nominated from the State Highway Patrol and candidates nominated from the retirees of the system. Two (2) envelopes will be provided for mailing ballots. The envelopes will be designed so that one will fit inside the other. To vote, a member must mark the ballot for one (1) candidate of the member's choice and insert it inside the smaller envelope and seal it. The smaller envelope shall then be placed inside the larger envelope and mailed or delivered to the executive director of the retirement system so as to reach the executive director by 4:00 p.m., seven (7) days prior to the opening of the ballots. The name of the member voting should not appear on the ballot or on the smaller envelope, but the name and home address of the voter must appear on the outside of the larger envelope;

(I) On the day of the election, the executive director will supervise the opening. Prior to the opening of the ballot, the executive director will select not less than six (6) witnesses from the State Highway Patrol and Highway and Transportation Department and not less than two (2) retired members to assist in opening and counting the ballots. The executive director will swear the witnesses to secrecy as to any matter relating to how any person votes, whether revealed intentionally or inadvertently to the witnesses;

(J) Before opening any envelope, the name of the member appearing on the outside of the envelope will be checked against a roster of qualified voters. Any envelope not bearing a name, or having a name not on the list of qualified voters, or any envelope bearing a name which is not legible will be laid aside and kept separated from the other ballots and shall not be opened;

(K) After the names of voting members are verified, the outside envelope will be opened and separated from the inside envelope. The outside envelopes bearing the voters' names will be preserved;

(L) The inside envelope will be opened, the ballot removed and the inside envelope may be destroyed;

(M) The ballots then will be counted and tabulated. The witnesses reading ballots and tallying votes shall certify the accuracy of their respective tally sheets. The ballots and tally sheets will be preserved;

(N) Ballots which contain any alteration or erasures or which vote for more than one (1) candidate will not be counted. Those ballots shall be laid aside and preserved separate from those ballots counted;

(O) At the first meeting of the board of trustees following the counting and tallying of ballots, the executive director shall certify the results of the election to the board. The board of trustees will declare the successful candidates based upon the tally of votes cast; and

(P) The board of trustees may authorize the destruction of ballots, tally sheets and ballot envelopes sixty (60) days after the successful candidates are seated.

(2) In the event a vacancy occurs before the expiration of a regular term as specified in section (1), the board, at its next regular meeting, shall call a special election to fill the vacancy. A trustee elected by a special election shall serve for the remainder of a regular term.

*Auth: sections 104.160, RSMo (Cum. Supp. 1992), 104.210.2., RSMo (Supp. 1988) and 536.023.3., RSMo (1986).**
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**Original authority: 104.160, RSMo (1955), amended 1988, 1992; 104.210.2., RSMo (1955), amended 1983, 1988; and 536.023.3., RSMo (1975), amended 1976.*