In the Missouri Court of Appeals
Eastern District

DIVISION ONE

PUBLIC SCHOOL RETIREMENT SYSTEM OF THE CITY OF ST. LOUIS, ET AL.,	)	No. ED108450
Appellants,	)	Appeal from the Circuit Court of the City of St. Louis
vs.	)	Honorable Michael F. Stelzer
STATE OF MISSOURI, ET AL.,	)	
Respondents.	)	FILED: August 11, 2020

Appellants Public School Retirement System of the City of St. Louis, Board of Trustees of the Public School Retirement System of the City of St. Louis, Joseph W.B. Clark, Jr. and William Andrew Clark (collectively, "the Retirement System") appeal from the circuit court's Order and Judgment in favor of Defendants Special Administrative Board of the Transitional School District of the City of St. Louis, St. Louis Public Schools, Confluence Academy, Inc. and the State of Missouri. On appeal, the Retirement System asserts that the circuit court erred in concluding (1) that the modification of retirement eligibility requirements contained in Truly Agreed to and Finally Passed Senate Bill 62 ("TAFP SB 62") was not a benefit increase, supplement or enhancement under Section 105.684, (2) that the Retirement System is not an "other political subdivision" entitled to the protections of Missouri's Hancock Amendment, and (3) that while Section 169.597 provides the Retirement System with standing to bring a declaratory judgment action as to the application of the Hancock Amendment, it does not grant the Retirement System the substantive protections of the Hancock Amendment.

AFFIRMED.

DIVISION ONE HOLDS: The circuit court did not err in concluding that Section 105.684 was inapplicable to TAFP SB 62 and its changes to the retirement eligibility requirements relating to the Retirement System's members. TAFP SB 62's changes to eligibility requirements do not constitute a "benefit increase, supplement, [or] enhancement" under Section 105.684.

The circuit court did not err in holding that the Retirement System is not an "other political subdivision" entitled to protection under the Hancock Amendment. Because the Retirement System is not a "public subdivision, public corporation or public quasi-corporation having the

power to tax," it does not qualify as an "other political subdivision" under the Hancock Amendment. See Mo. Const. art. X, sec. 15.

The circuit court did not err in concluding that Section 169.597 does not grant the Retirement System the substantive protections of the Hancock Amendment. Section 169.597 grants the Retirement System standing to bring a declaratory judgment action regarding the "application of" the Hancock Amendment, but does not modify the entities that receive protection under the Hancock Amendment.

Opinion by: Michael E. Gardner, J.
Robert G. Dowd, Jr., C.J., and Robert M. Clayton III, P.J., concur.

Attorneys for Appellants: Matthew J. Gierse and James P. Faul

Attorneys for Respondents: Robert J. Isaacson, Grant D. Wiens, Margaret A. Hesse, James R. Layton, Veronica E. Potter, Lawrence C. Friedman, Jeffrey R. Fink, Lewis R. Mills, Jr., and Meredith P. Jacobowitz

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.