EXHIBIT B

EGTRRA Amendment for 403(b) TDA Plans

AMENDMENT OF THE TAX DEFERRED ANNUITY PLAN for EGTRRA

IN WITNESS WHEREOF, Drury University herein amends the Tax Deferred Annuity Plan, as follows:

A. PREAMBLE

1. Adoption and effective date of amendment. This amendment of the Plan is adopted to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (“EGTRRA”). This amendment is intended as good faith compliance with the requirements of EGTRRA and is to be construed in accordance with EGTRRA and guidance issued thereunder. Except as otherwise provided, this amendment shall be effective as of the first day of the first plan year beginning after December 31, 2001.

2. Super session of inconsistent provisions. This amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment.

B. LIMITATIONS ON CONTRIBUTIONS

1. Maximum Annual Addition. Except to the extent permitted under the section of this amendment that provides for catch-up contributions under EGTRRA §631 and section 414(v) of the Code, the annual addition that may be contributed or allocated to a Participant’s account under the Plan for any limitation year shall not exceed the lesser of:

   a. $40,000, as adjusted for increases in the cost-of-living under section 415(d) of the Code, or

   b. 100 percent of the Participant’s compensation, within the meaning of section 415(c)(3) of the Code, for the limitation year.

The compensation limit referred to in (b) shall not apply to any contribution for medical benefits after separation from service (within the meaning of section 401(h) or section 419(f)(2) of the Code), if any, otherwise treated as an annual addition.
2. **Maximum Exclusion Allowance.** Effective for plan years beginning on or after January 1, 2002, contributions to this Plan will not be subject to the exclusion allowance limitations of section 403(b) of the Code.

3. **Limitation Under §402(g).** No Participant shall be permitted to have elective deferrals made under this Plan, or any other retirement plan maintained by the employer during any taxable year, in excess of the dollar limitation contained in section 402(g) of the Code in effect for such taxable year, except to the extent permitted under the section of this amendment that provides for catch-up contributions under EGTRRA §631 and section 414(v) of the Code.

4. **Catch-up Contributions.** All employees who are eligible to make elective deferrals under this Plan and who have attained age 50 before the close of the plan year shall be eligible to make catch-up contributions in accordance with, and subject to the limitations of, section 414(v) of the Code. Such catch-up contributions shall not be taken into account for purposes of the provisions of the Plan implementing the required limitations of section 402(g) and 415 of the Code.

C. DISTRIBUTION UPON SEVERANCE FROM EMPLOYMENT

1. **Effective date.** This section shall apply for distributions and severances from employment occurring after December 31, 2001.

2. **New distributable event.** A participant’s elective deferrals or qualified nonelective contributions, if any, and earnings attributable to these contributions and amounts that have at any time been invested in a mutual fund custodial account may be distributed on account of the participant’s severance from employment. However, such a distribution shall be subject to the other provisions of the plan regarding distributions, other than provisions that require a separation from service before such amounts may be distributed.

D. DIRECT ROLLOVERS OF PLAN DISTRIBUTIONS

1. **Effective date.** This section shall apply to distributions made after December 31, 2001.

2. **Modification of definition of eligible retirement plan.** For purposes of the direct rollover provisions in Article VII of the Plan, an eligible retirement plan shall mean a qualified retirement plan described in section 401(a) or section 403(a) of the Code, a tax sheltered annuity plan described in
section 403(b) of the Code and an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in section 414(p) of the Code.

3. **Modification of definition of eligible rollover distribution to exclude hardship distributions.** For purposes of the direct rollover provisions in Article VII of the Plan, any amount that is distributed on account of hardship shall not be an eligible rollover distribution and the distributee may not elect to have any portion of such a distribution paid directly to an eligible retirement plan.

E. **ROLLOVERS FROM OTHER PLANS**

1. **Direct Rollovers.** The Plan will accept a direct rollover of an eligible rollover distribution from:

   a. A qualified plan described in section 401(a) or 403(a) of the Code, excluding after-tax employee contributions.

   b. A qualified tax sheltered annuity plan described in section 403(b) of the Code.

   c. An eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

2. **Participant Rollover Contributions from Other Plans.** The Plan will accept a Participant contribution of an eligible rollover distribution from:

   a. A qualified plan described in section 401(a) or 403(a) of the Code.

   b. A tax sheltered annuity plan described in section 403(b) of the Code.

   c. An eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.

3. **Participant Rollover Contributions from IRAs.** The Plan will accept a Participant rollover contribution of the portion of a distribution from an individual retirement account or annuity described in section 408(a) or
408(b) of the Code that is eligible to be rolled over and would otherwise be includible in gross income.

4. Withdrawals of Rollover Contributions. To the extent permitted by the Funding Vehicle, a Participant may receive a cash withdrawal of any rollover contribution made on or after January 1, 2002. Withdrawals may be received while the Participant is employed by the Institution. To the extent the Plan is subject to ERISA, this right will be subject to the spouse’s rights to survivor benefits.

F. HARDSHIP DISTRIBUTION

1. Suspension Period Following Hardship Distribution. A Participant who receives a distribution of elective deferrals after December 31, 2001, on account of hardship that is deemed necessary to satisfy a financial need of the Participant shall be prohibited from making elective deferrals and employee contributions under this and all other plans of the employer for 6 months after receipt of the distribution. A Participant who receives a distribution of elective deferrals in calendar year 2001 on account of hardship shall be prohibited from making elective deferrals and employee contributions under this and all other plans of the employer for 6 months after receipt of the distribution or until January 1, 2002, if later.

2. Post-Hardship Contribution Limitation. If, prior to January 1, 2001, a Participant receives a distribution of elective deferrals on account of hardship that is deemed necessary to satisfy a financial need of the Participant, the maximum amount of elective deferral contributions under this and all other plans of the employer for the Participant’s taxable year immediately following the taxable year of the hardship distribution shall not exceed the applicable limit under Code Section 402(g) for such year reduced by the amount of the elective deferral contributions to such plans for the taxable year of such hardship distribution. For hardship distributions after December 31, 2000, this limitation is eliminated.