

By: Representatives Morris, Barnett (92nd)

To: Education;
Appropriations

HOUSE BILL NO. 215

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT CERTAIN PERSONS RECEIVING A RETIREMENT
3 ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY BE
4 EMPLOYED AS TEACHERS IN CERTAIN PUBLIC SCHOOL DISTRICTS AFTER
5 THEIR RETIREMENT AND SHALL CONTINUE TO RECEIVE THE RETIREMENT
6 ALLOWANCE DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO
7 RECEIVING THE REGULAR COMPENSATION FOR TEACHERS; TO PROVIDE THAT
8 THOSE PERSONS SHALL NOT BE CONTRIBUTING MEMBERS OF THE RETIREMENT
9 SYSTEM OR RECEIVE ANY CREDITABLE SERVICE FOR THE PERIOD DURING
10 WHICH THEY RECEIVE A RETIREMENT ALLOWANCE DURING THEIR EMPLOYMENT
11 AS TEACHERS; TO AMEND SECTIONS 25-11-105 AND 25-11-127,
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
13 THIS ACT; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
14 PROVIDE THAT THE TEACHING SALARIES OF THOSE PERSONS SHALL NOT
15 INCLUDE ANY INCREASE IN THE MINIMUM SALARY FOR TEACHING EXPERIENCE
16 OBTAINED BEFORE THE DATE OF THEIR EMPLOYMENT AS TEACHERS AFTER
17 THEIR RETIREMENT; AND FOR RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 SECTION 1. The following shall be codified as Section
20 25-11-126, Mississippi Code of 1972:

21 25-11-126. (1) Any person who is receiving a retirement
22 allowance under this article, who was employed as a teacher in a
23 public school district at the time of his retirement and who has
24 not been employed as a teacher in a public school district for at
25 least one (1) year after his retirement, may be employed as a
26 teacher in a public school district located in a geographic area
27 of this state in which there exists a critical shortage of
28 teachers, as designated by the State Board of Education, or as a
29 teacher in an academic subject area in which there exists a

30 critical shortage of teachers in a public school district in this
31 state, as designated by the State Board of Education. Any person
32 employed as a teacher after his retirement under the authority of
33 this section shall continue to receive the retirement allowance
34 under this article during his employment as a teacher after his
35 retirement, in addition to receiving the regular compensation for
36 a teacher as authorized under Section 37-19-7(3), for a period of
37 not more than three (3) years after being employed as a teacher
38 after his retirement. After any such person has been employed as
39 a teacher for three (3) years after his retirement, the person may
40 not continue to receive the retirement allowance under this
41 article while being employed as a teacher, except as authorized
42 under Section 25-11-127.

43 (2) Any person employed as a teacher after his retirement
44 under the authority of this section shall not be a contributing
45 member of the retirement system or receive any creditable service
46 for the period during which he receives a retirement allowance
47 during his employment as a teacher.

48 SECTION 2. Section 25-11-105, Mississippi Code of 1972, is
49 amended as follows:

50 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

51 The membership of this retirement system shall be composed as
52 follows:

53 (a) All persons who shall become employees in the state
54 service after January 31, 1953, and whose wages are subject to
55 payroll taxes and are lawfully reported on IRS Form W-2, except
56 (i) those persons who are specifically excluded, (ii) those
57 persons to whom election is provided in Articles 1 and 3, (iii)
58 those persons who continue to receive a retirement allowance
59 during their employment as teachers under the authority of Section
60 25-11-126, shall become members of the retirement system as a
61 condition of their employment.

62 (b) All persons who shall become employees in the state
63 service after January 31, 1953, except those specifically excluded
64 or as to whom election is provided in Articles 1 and 3, unless
65 they shall file with the board prior to the lapse of sixty (60)
66 days of employment or sixty (60) days after the effective date of
67 the cited articles, whichever is later, on a form prescribed by
68 the board, a notice of election not to be covered by the
69 membership of the retirement system and a duly executed waiver of
70 all present and prospective benefits which would otherwise inure
71 to them on account of their participation in the system, shall
72 become members of the retirement system; provided, however, that
73 no credit for prior service will be granted to members until they
74 have contributed to Article 3 of the retirement system for a
75 minimum period of at least four (4) years. Such members shall
76 receive credit for services performed prior to January 1, 1953, in
77 employment now covered by Article 3, but no credit shall be
78 granted for retroactive services between January 1, 1953, and the
79 date of their entry into the retirement system unless the employee
80 pays into the retirement system both the employer's and the
81 employee's contributions on wages paid him during the period from
82 January 31, 1953, to the date of his becoming a contributing
83 member, together with interest at the rate determined by the board
84 of trustees. Members reentering after withdrawal from service
85 shall qualify for prior service under the provisions of Section
86 25-11-117. From and after July 1, 1998, upon eligibility as noted
87 above, the member may receive credit for such retroactive service
88 provided:

89 (1) The member shall furnish proof satisfactory to
90 the board of trustees of certification of such service from the

91 covered employer where the services were performed; and

92 (2) The member shall pay to the retirement system
93 on the date he or she is eligible for such credit or at any time
94 thereafter prior to the date of retirement the actuarial cost for
95 each year of such creditable service. The provisions of this
96 subparagraph (2) shall be subject to the limitations of Section
97 415 of the Internal Revenue Code and regulations promulgated
98 thereunder.

99 Nothing contained in this paragraph (b) shall be construed to
100 limit the authority of the board to allow the correction of
101 reporting errors or omissions based on the payment of the employee
102 and employer contributions plus applicable interest.

103 (c) All persons who shall become employees in the state
104 service after January 31, 1953, and who are eligible for
105 membership in any other retirement system shall become members of
106 this retirement system as a condition of their employment unless
107 they elect at the time of their employment to become a member of
108 such other system.

109 (d) All persons who are employees in the state service
110 on January 31, 1953, and who are members of any nonfunded
111 retirement system operated by the State of Mississippi, or any of
112 its departments or agencies, shall become members of this system
113 with prior service credit unless, before February 1, 1953, they
114 shall file a written notice with the board of trustees that they
115 do not elect to become members.

116 (e) All persons who are employees in the state service
117 on January 31, 1953, and who under existing laws are members of
118 any fund operated for the retirement of employees by the State of
119 Mississippi, or any of its departments or agencies, shall not be

120 entitled to membership in this retirement system unless, before
121 February 1, 1953, any such person shall indicate by a notice filed
122 with the board, on a form prescribed by the board, his individual
123 election and choice to participate in this system, but no such
124 person shall receive prior service credit unless he becomes a
125 member on or before February 1, 1953.

126 (f) Each political subdivision of the state and each
127 instrumentality of the state or a political subdivision, or both,
128 is hereby authorized to submit, for approval by the board of
129 trustees, a plan for extending the benefits of this article to
130 employees of any such political subdivision or instrumentality.
131 Each such plan or any amendment to the plan for extending benefits
132 thereof shall be approved by the board of trustees if it finds
133 that such plan, or such plan as amended, is in conformity with
134 such requirements as are provided in Articles 1 and 3; however,
135 upon approval of such plan or any such plan heretofore approved by
136 the board of trustees, the approved plan shall not be subject to
137 cancellation or termination by the political subdivision or
138 instrumentality. No such plan shall be approved unless:

139 (1) It provides that all services which constitute
140 employment as defined in Section 25-11-5 and are performed in the
141 employ of the political subdivision or instrumentality, by any
142 employees thereof, shall be covered by the plan; with the
143 exception of municipal employees who are already covered by
144 existing retirement plans; provided, however, those employees in
145 this class may elect to come under the provisions of this article;

146 (2) It specifies the source or sources from which
147 the funds necessary to make the payments required by subsection
148 (d) of Section 25-11-123 and of subsections (f)(5)b and c of this

149 section are expected to be derived and contains reasonable
150 assurance that such sources will be adequate for such purpose;

151 (3) It provides for such methods of administration
152 of the plan by the political subdivision or instrumentality as are
153 found by the board of trustees to be necessary for the proper and
154 efficient administration thereof;

155 (4) It provides that the political subdivision or
156 instrumentality will make such reports, in such form and
157 containing such information, as the board of trustees may from
158 time to time require;

159 (5) It authorizes the board of trustees to
160 terminate the plan in its entirety in the discretion of the board
161 if it finds that there has been a failure to comply substantially
162 with any provision contained in such plan, such termination to
163 take effect at the expiration of such notice and on such
164 conditions as may be provided by regulations of the board and as
165 may be consistent with applicable federal law.

166 A. The board of trustees shall not finally
167 refuse to approve a plan submitted under subsection (f), and shall
168 not terminate an approved plan without reasonable notice and
169 opportunity for hearing to each political subdivision or
170 instrumentality affected thereby. The board's decision in any
171 such case shall be final, conclusive and binding unless an appeal
172 be taken by the political subdivision or instrumentality aggrieved
173 thereby to the Circuit Court of Hinds County, Mississippi, in
174 accordance with the provisions of law with respect to civil causes
175 by certiorari.

176 B. Each political subdivision or
177 instrumentality as to which a plan has been approved under this

178 section shall pay into the contribution fund, with respect to
179 wages (as defined in Section 25-11-5), at such time or times as
180 the board of trustees may by regulation prescribe, contributions
181 in the amounts and at the rates specified in the applicable
182 agreement entered into by the board.

183 C. Every political subdivision or
184 instrumentality required to make payments under subsection (f)(5)b
185 hereof is authorized, in consideration of the employees' retention
186 in or entry upon employment after enactment of Articles 1 and 3,
187 to impose upon its employees, as to services which are covered by
188 an approved plan, a contribution with respect to wages (as defined
189 in Section 25-11-5) not exceeding the amount provided in Section
190 25-11-123(d) if such services constituted employment within the
191 meaning of Articles 1 and 3, and to deduct the amount of such
192 contribution from the wages as and when paid. Contributions so
193 collected shall be paid into the contribution fund as partial
194 discharge of the liability of such political subdivisions or
195 instrumentality under subsection (f)(5)b hereof. Failure to
196 deduct such contribution shall not relieve the employee or
197 employer of liability thereof.

198 D. Any state agency, school, political
199 subdivision, instrumentality or any employer that is required to
200 submit contribution payments or wage reports under any section of
201 this chapter shall be assessed interest on delinquent payments or
202 wage reports as determined by the board of trustees in accordance
203 with rules and regulations adopted by the board and such assessed
204 interest may be recovered by action in a court of competent
205 jurisdiction against such reporting agency liable therefor or may,
206 upon due certification of delinquency and at the request of the

207 board of trustees, be deducted from any other monies payable to
208 such reporting agency by any department or agency of the state.

209 E. Each political subdivision of the state
210 and each instrumentality of the state or a political subdivision
211 or subdivisions which submits a plan for approval of the board, as
212 provided in this section, shall reimburse the board for coverage
213 into the expense account, its pro rate share of the total expense
214 of administering Articles 1 and 3 as provided by regulations of
215 said board.

216 (g) The board may, in its discretion, deny the right of
217 membership in this system to any class of employees whose
218 compensation is only partly paid by the state or who are occupying
219 positions on a part-time or intermittent basis. The board may, in
220 its discretion, make optional with employees in any such classes
221 their individual entrance into this system.

222 (h) An employee whose membership in this system is
223 contingent on his own election, and who elects not to become a
224 member, may thereafter apply for and be admitted to membership;
225 but no such employee shall receive prior service credit unless he
226 becomes a member prior to July 1, 1953, except as provided in
227 subsection (b).

228 (i) In the event any member of this system should
229 change his employment to any agency of the state having an
230 actuarially funded retirement system, the board of trustees may
231 authorize the transfer of the member's creditable service and of
232 the present value of the member's employer's accumulation account
233 and of the present value of the member's accumulated membership
234 contributions to such other system, provided the employee agrees
235 to the transfer of his accumulated membership contributions and

236 provided such other system is authorized to receive and agrees to
237 make such transfer.

238 In the event any member of any other actuarially funded
239 system maintained by an agency of the state changes his employment
240 to an agency covered by this system, the board of trustees may
241 authorize the receipt of the transfer of the member's creditable
242 service and of the present value of the member's employer's
243 accumulation account and of the present value of the member's
244 accumulated membership contributions from such other system,
245 provided the employee agrees to the transfer of his accumulated
246 membership contributions to this system and provided the other
247 system is authorized and agrees to make such transfer.

248 (j) Wherever herein state employment is referred to, it
249 shall include joint employment by state and federal agencies of
250 all kinds.

251 (k) Employees of a political subdivision or
252 instrumentality who were employed by such political subdivision or
253 instrumentality prior to an agreement between such entity and the
254 Public Employees' Retirement System to extend the benefits of this
255 article to its employees, and which agreement provides for the
256 establishment of retroactive service credit, and who have been
257 members of the retirement system and have remained contributors to
258 the retirement system for four (4) years, may receive credit for
259 such retroactive service with such political subdivision or
260 instrumentality, provided the employee and/or employer, as
261 provided under the terms of the modification of the joinder
262 agreement in allowing such coverage, pay into the retirement
263 system the employer's and employee's contributions on wages paid
264 the member during such previous employment, together with interest

265 or actuarial cost as determined by the board covering the period
266 from the date the service was rendered until the payment for the
267 credit for such service was made. Such wages shall be verified by
268 the Social Security Administration or employer payroll records.
269 Effective July 1, 1998, upon eligibility as noted above, a member
270 may receive credit for such retroactive service with such
271 political subdivision or instrumentality provided;

272 (1) The member shall furnish proof satisfactory to
273 the board of trustees of certification of such services from the
274 political subdivision or instrumentality where the services were
275 rendered or verification by the Social Security Administration;
276 and

277 (2) The member shall pay to the retirement system
278 on the date he or she is eligible for such credit or at any time
279 thereafter prior to the date of retirement the actuarial cost for
280 each year of such creditable service. The provisions of this
281 subparagraph (2) shall be subject to the limitations of Section
282 415 of the Internal Revenue Code and regulations promulgated
283 thereunder.

284 Nothing contained in this paragraph (k) shall be construed to
285 limit the authority of the board to allow the correction of
286 reporting errors or omissions based on the payment of employee and
287 employer contributions plus applicable interest. Payment for such
288 time shall be made in increments of not less than one-quarter
289 (1/4) year of creditable service beginning with the most recent
290 service. Upon the payment of all or part of such required
291 contributions, plus interest or the actuarial cost as provided
292 above, the member shall receive credit for the period of
293 creditable service for which full payment has been made to the

294 retirement system.

295 (1) Through June 30, 1998, any state service eligible
296 for retroactive service credit, no part of which has ever been
297 reported, and requiring the payment of employee and employer
298 contributions plus interest, or, from and after July 1, 1998, any
299 state service eligible for retroactive service credit, no part of
300 which has ever been reported to the retirement system, and
301 requiring the payment of the actuarial cost for such creditable
302 service, may, at the member's option, be purchased in quarterly
303 increments as provided above at such time as its purchase is
304 otherwise allowed.

305 (m) All rights to purchase retroactive service credit
306 or repay a refund as provided in Section 25-11-101 et seq. shall
307 terminate upon retirement.

308 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**

309 The following classes of employees and officers shall not
310 become members of this retirement system, any other provisions of
311 Articles 1 and 3 to the contrary notwithstanding:

312 (a) Patient or inmate help in state charitable, penal
313 or correctional institutions;

314 (b) Students of any state educational institution
315 employed by any agency of the state for temporary, part-time or
316 intermittent work;

317 (c) Participants of Comprehensive Employment and
318 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on
319 or after July 1, 1979.

320 **III. TERMINATION OF MEMBERSHIP**

321 Membership in this system shall cease by a member withdrawing
322 his accumulated contributions, or by a member withdrawing from

323 active service with a retirement allowance, or by a member's
324 death.

325 SECTION 3. Section 25-11-127, Mississippi Code of 1972, is
326 amended as follows:

327 25-11-127. No person who is being paid a retirement
328 allowance or a pension after retirement under this article shall
329 be employed or paid for any service by the State of Mississippi,
330 except as provided in this section or in Section 25-11-126. This
331 section shall not apply to any pensioner who has been elected to
332 public office after retirement, nor to any person employed because
333 of special knowledge or experience. This section shall not be
334 construed to mean that any person employed or elected under the
335 above exceptions shall become a member under Article 3 of the
336 retirement system, nor shall any retirant of this retirement
337 system who is reemployed or is reelected to office after
338 retirement continue to draw retirement benefits while so
339 reemployed or reelected except those persons who continue to
340 receive a retirement allowance during their employment as teachers
341 under the authority of Section 25-11-126. Any person who has been
342 retired under the provisions of Articles 1 and 3 and who is later
343 reemployed in service covered by this article shall cease to
344 receive benefits hereunder unless he continues to receive a
345 retirement allowance during his employment as a teacher under the
346 authority of Section 25-11-126, and the person shall again become
347 a contributing member of the retirement system; and when the
348 person again retires, if he has been a contributing member of the
349 retirement system during his reemployment and his reemployment
350 exceeds six (6) months, he shall have his benefit recomputed,
351 including service after again becoming a member. Provided,

352 further, that the total retirement allowance paid to the retired
353 member in his previous retirement shall be deducted from his
354 retirement reserve and taken into consideration in recalculating
355 the retirement allowance under a new option selected. Nothing
356 contained in this section shall be construed as prohibiting any
357 county or city not a member of the Public Employees' Retirement
358 System from employing persons up to the age of seventy-three (73);
359 and provided further that, through June 30, 1988, nothing
360 contained in this section shall be construed as prohibiting any
361 governmental unit which is a member from employing persons up to
362 the age of seventy-three (73) who are not eligible for membership
363 at the time of employment under Article 3.

364 The board of trustees of the retirement system shall have the
365 right to prescribe rules and regulations for the carrying out of
366 this provision.

367 The provisions of this section shall not be construed to
368 prohibit any retirant regardless of age from being employed and
369 from drawing retirement allowance either (a) for a period of time
370 not to exceed one hundred twenty (120) days in any fiscal year,
371 but less than one-half (1/2) of the normal working days for the
372 position in any fiscal year, or (b) for a period of time in any
373 fiscal year sufficient in length to permit a retirant to earn not
374 in excess of twenty-five percent (25%) of retirant's average
375 compensation or the current rate of the salary in effect for the
376 regular position filled. Notice shall be given in writing to the
377 executive director of the system, setting forth the facts upon
378 which the * * * employment is being made, and such notice shall be
379 given within five (5) days from the date of employment and also
380 from the date of termination of the employment. It is further

381 provided that any member who has attained seventy (70) years of
382 age and who has forty (40) or more years of creditable service may
383 continue in office or employment or be reemployed or elected
384 provided such person files annually, in writing, in the office of
385 the employer and the office of the executive director of the
386 system prior to such services, a waiver of all salary or
387 compensation and elects to receive in lieu of such salary or
388 compensation a retirement allowance as provided in this section,
389 in which even no salary or compensation shall thereafter be due or
390 payable for such services and provided, further, that any such
391 officer or employee may receive in addition to such retirement
392 allowance any per diem, office expense allowance, mileage or
393 travel expense authorized by any statute of the State of
394 Mississippi. Any other member may continue in municipal or county
395 office or employment or be reemployed or elected in a municipality
396 or county provided such person files annually, in writing, in the
397 office of the employer and the office of the executive director of
398 the system prior to such services, a waiver of all salary or
399 compensation and elects to receive in lieu of such salary or
400 compensation a retirement allowance as provided in this section,
401 in which event no salary or compensation shall thereafter be due
402 or payable for such services and provided further, that any such
403 officer or employee may receive in addition to such retirement
404 allowance any per diem, office expense allowance, mileage or
405 travel expense authorized by any statute of the State of
406 Mississippi.

407 SECTION 4. Section 37-19-7, Mississippi Code of 1972, is
408 amended as follows:

409 37-19-7. (1) The allowance in the minimum education program

410 for teachers' salaries in each county and separate school district
 411 shall be determined and paid in accordance with the scale for
 412 teachers' salaries as provided in this subsection for the number
 413 of teachers employed not in excess of the number of teacher units
 414 allotted. For teachers holding the following types of licenses or
 415 the equivalent as determined by the State Board of Education, and
 416 the following number of years of teaching experience, the scale
 417 shall be as follows:

418 **1999-2000 School Year**

419 **and School Years Thereafter**

420 **Less Than 25 Years of Teaching Experience**

421	AAAA.....	\$24,445.00
422	AAA.....	23,595.00
423	AA.....	22,745.00
424	A.....	21,695.00

425 **25 or More Years of Teaching Experience**

426	AAAA.....	\$25,445.00
427	AAA.....	24,595.00
428	AA.....	23,745.00
429	A.....	22,695.00

430 It is the intent of the Legislature that any state funds made
 431 available for salaries of licensed personnel in excess of the
 432 funds paid for such salaries for the 1986-1987 school year shall
 433 be paid to licensed personnel pursuant to a personnel appraisal
 434 and compensation system implemented by the State Board of
 435 Education. The State Board of Education shall have the authority
 436 to adopt and amend rules and regulations as are necessary to
 437 establish, administer and maintain the system.

438 All teachers employed on a full-time basis shall be paid a

439 minimum salary in accordance with the above scale. However, no
440 school district shall receive any funds under this section for any
441 school year during which the local supplement paid to any
442 individual teacher shall have been reduced to a sum less than that
443 paid to that individual teacher for performing the same duties
444 from local supplement during the immediately preceding school
445 year. The amount actually spent for the purposes of group health
446 and/or life insurance shall be considered as a part of the
447 aggregate amount of local supplement but shall not be considered
448 a part of the amount of individual local supplement.

449 For teachers holding a Class AAAA license, the minimum base
450 pay specified in this subsection shall be increased by the sum of
451 Six Hundred Fifty-five Dollars (\$655.00) for each year of teaching
452 experience possessed by the person holding such license until such
453 person shall have twenty-five (25) years of teaching experience.

454 For teachers holding a Class AAA license, the minimum base
455 pay specified in this subsection shall be increased by the sum of
456 Five Hundred Ninety Dollars (\$590.00) for each year of teaching
457 experience possessed by the person holding such license until such
458 person shall have twenty-five (25) years of teaching experience.

459 For teachers holding a Class AA license, the minimum base pay
460 specified in this subsection shall be increased by the sum of Five
461 Hundred Twenty Dollars (\$520.00) for each year of teaching
462 experience possessed by the person holding such license until such
463 person shall have twenty-five (25) years of teaching experience.

464 For teachers holding a Class A license, the minimum base pay
465 specified in this subsection shall be increased by the sum of Four
466 Hundred Twenty-five Dollars (\$425.00) for each year of teaching
467 experience possessed by the person holding such license until such

468 person shall have twenty-one (21) years of teaching experience.

469 The level of professional training of each teacher to be used
470 in establishing the salary allotment for the teachers for each
471 year shall be determined by the type of valid teacher's license
472 issued to those teachers on or before October 1 of the current
473 school year.

474 (2) Prior to April 15 of any school year in which a teacher
475 meets the standard requirements, any licensed teacher who shall
476 have met the requirements and acquired a Master Teacher
477 certificate from the National Board for Professional Teaching
478 Standards and who is employed by a local school board or the State
479 Board of Education as a teacher and not as an administrator shall
480 receive a salary supplement in the amount of Six Thousand Dollars
481 (\$6,000.00) in addition to any other compensation to which the
482 teacher may be entitled. The teacher shall be reimbursed one (1)
483 time for the actual cost of completing the process of acquiring
484 the Master Teacher certificate, regardless of whether or not the
485 process resulted in the award of the Master Teacher certificate.
486 All such salary supplements and process reimbursement shall be
487 paid directly by the State Department of Education to the local
488 school district and shall be in addition to its minimum education
489 program allotments and not a part thereof in accordance with
490 regulations promulgated by the State Board of Education, and
491 subject to appropriation by the Legislature. Local school
492 districts shall not reduce the local supplement paid to any
493 teacher receiving such salary supplement, and the teacher shall
494 receive any local supplement to which teachers with similar
495 training and experience are otherwise entitled.

496 (3) Any person who is receiving a retirement allowance from

497 the Public Employees' Retirement System who is employed as a
498 teacher after his retirement under the authority of Section
499 25-11-126 shall be paid a salary in accordance with the scale
500 prescribed in subsection (1) of this section under the heading
501 "Less Than 25 Years of Teaching Experience" for the class of the
502 teaching certificate held by the person. For such persons, no
503 increase in the minimum salary prescribed in subsection (1) of
504 this section shall be allowed for any teaching experience obtained
505 by the person before the date of his employment as a teacher after
506 his retirement, but the minimum salary shall be increased for each
507 year of teaching experience obtained by the person after the date
508 of his employment as a teacher after his retirement.

509 SECTION 5. This act shall take effect and be in force from
510 and after July 1, 1999.