

By: Senator(s) Jordan (24th)

To: Finance

SENATE BILL NO. 2592

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE RETIREES WHO HAD AT LEAST 30 YEARS OF CREDITABLE
3 SERVICE AT THE TIME OF THEIR RETIREMENT TO BE EMPLOYED IN STATE
4 SERVICE AND DRAW A RETIREMENT ALLOWANCE FOR A PERIOD OF TIME NOT
5 TO EXCEED 185 DAYS IN ANY FISCAL YEAR; TO PROVIDE THAT ANY PERSON
6 EMPLOYED PURSUANT TO THIS PROVISION SHALL NOT BE AN ACTIVE MEMBER
7 OF THE RETIREMENT SYSTEM AND SHALL NOT RECEIVE ANY CREDITABLE
8 SERVICE FOR THE PERIOD DURING WHICH HE IS EMPLOYED PURSUANT TO
9 THIS PROVISION; TO PROVIDE THAT THE EMPLOYER OF A PERSON EMPLOYED
10 PURSUANT TO SUCH PROVISION SHALL DEDUCT EMPLOYEE CONTRIBUTIONS AND
11 MAKE EMPLOYER CONTRIBUTIONS ON BEHALF OF SUCH PERSON; TO PROVIDE
12 THAT THE RETIREMENT ALLOWANCE OF SUCH PERSON SHALL NOT BE ENHANCED
13 OR DIMINISHED AS A RESULT OF SUCH EMPLOYMENT; TO PROVIDE THAT ANY
14 PERSON EMPLOYED UNDER THE ABOVE PROVISION SHALL RECEIVE AS
15 COMPENSATION NOT MORE THAN THE ENTRY LEVEL COMPENSATION FOR SUCH
16 POSITION; TO AMEND SECTION 25-11-117, MISSISSIPPI CODE OF 1972, TO
17 PROVIDE THAT A MEMBER EMPLOYED UNDER THE ABOVE PROVISION MAY NOT
18 RECEIVE A REFUND OF THE AMOUNT OF EMPLOYEE CONTRIBUTIONS, OR
19 INTEREST EARNED ON THOSE CONTRIBUTIONS THAT WERE MADE DURING ANY
20 PERIOD WHEN HE WAS SO EMPLOYED; TO AMEND SECTION 37-19-7,
21 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
22 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
23 MISSISSIPPI:

24
25 SECTION 1. Section 25-11-127, Mississippi Code of 1972, is
26 amended as follows:

27 25-11-127. (1) No person who is being paid a retirement
28 allowance, or a pension after retirement under this article shall
29 be employed or paid for any service by the State of Mississippi,
30 except as provided in this section. This section shall not apply
31 to any pensioner who has been elected to public office after
32 retirement, nor to any person employed because of special
33 knowledge or experience. This section shall not be construed to
34 mean that any person employed or elected under the above
35 exceptions shall become a member under Article 3 of the retirement
36 system, nor shall any retirant of this retirement system who is
37 reemployed or is reelected to office, after retirement continue to

38 draw retirement benefits while so reemployed. Any person who has
39 been retired under the provisions of Articles 1 and 3 and who is
40 later reemployed in service covered by this article shall cease to
41 receive benefits hereunder and shall again become a contributing
42 member of the retirement system; and upon again retiring, if his
43 reemployment exceeds six (6) months, shall have his benefit
44 recomputed, including service after again becoming a member.
45 Provided, further, that the total retirement allowance paid to the
46 retired member in his previous retirement shall be deducted from
47 his retirement reserve and taken into consideration in
48 recalculating the retirement allowance under a new option
49 selected. Nothing contained in this section shall be construed as
50 prohibiting any county or city not a member of the Public
51 Employees' Retirement System from employing persons up to the age
52 of seventy-three (73); and provided further that, through June 30,
53 1988, nothing contained in this section shall be construed as
54 prohibiting any governmental unit which is a member from employing
55 persons up to the age of seventy-three (73) who are not eligible
56 for membership at the time of employment under Article 3.

57 The board of trustees of the retirement system shall have the
58 right to prescribe rules and regulations for the carrying out of
59 this provision.

60 (2) The provisions of this section shall not be construed to
61 prohibit any retirant regardless of age from being employed and
62 from drawing retirement allowance either (a) for a period of time
63 not to exceed one hundred twenty (120) days in any fiscal year,
64 but less than one-half (1/2) of the normal working days for the
65 position in any fiscal year, or (b) for a period of time in any
66 fiscal year sufficient in length to permit a retirant to earn not
67 in excess of twenty-five percent (25%) of retirant's average
68 compensation or the current rate of the salary in effect for the
69 regular position filled. Notice shall be given in writing to the
70 executive director of the system, setting forth the facts upon
71 which the emergency employment is being made, and such notice
72 shall be given within five (5) days from the date of employment
73 and also from the date of termination of said employment.

74 (3) The provisions of this section shall not be construed to

75 prohibit any retirant, regardless of age, who had at least thirty
76 (30) years of creditable service at the time of his retirement
77 from being employed and from drawing a retirement allowance for a
78 period of time not to exceed one hundred eighty-five (185) days in
79 any fiscal year. Such employment may begin at any time following
80 the date of retirement. Notice shall be given in writing to the
81 executive director of the system, setting forth the facts upon
82 which the emergency employment is being made, and such notice
83 shall be given within five (5) days from the date of employment
84 and also from the date of termination of said employment. Any
85 person employed pursuant to this subsection shall not be an active
86 member of the retirement system and shall not receive any
87 creditable service for the period during which he is employed.
88 The employer shall deduct employee contributions for any person
89 employed pursuant to this subsection and shall make employer
90 contributions on behalf of the person in the same manner as
91 provided in Section 25-1-123 for active members for the period
92 during which such person is employed, and the employer shall pay
93 the contributions to the retirement system. The retirement
94 allowance of any person employed pursuant to this subsection shall
95 not be enhanced or diminished as a result of such employment.

96 (4) * * * Any member who has attained seventy (70) years of
97 age and who has forty (40) or more years of creditable service may
98 continue in office or employment or be reemployed or elected
99 provided such person files annually, in writing, in the office of
100 the employer and the office of the executive director of the
101 system prior to such services, a waiver of all salary or
102 compensation and elects to receive in lieu of such salary or
103 compensation a retirement allowance as provided in this section,
104 in which event no salary or compensation shall thereafter be due
105 or payable for such services and provided, further, that any such
106 officer or employee may receive in addition to such retirement
107 allowance any per diem, office expense allowance, mileage or

108 travel expense authorized by any statute of the State of
109 Mississippi.

110 (5) Any * * * member may continue in municipal or county
111 office or employment or be reemployed or elected in a municipality
112 or county provided such person files annually, in writing, in the
113 office of the employer and the office of the executive director of
114 the system prior to such services, a waiver of all salary or
115 compensation and elects to receive in lieu of such salary or
116 compensation a retirement allowance as provided in this section,
117 in which event no salary or compensation shall thereafter be due
118 or payable for such services and provided, further, that any such
119 officer or employee may receive in addition to such retirement
120 allowance any per diem, office expense allowance, mileage or
121 travel expense authorized by any statute of the State of
122 Mississippi.

123 SECTION 2. Persons who are employed under the provisions of
124 Section 27-11-127(3) shall receive as compensation for such
125 employment not more than the entry level compensation for an
126 employee who performs the same services for the employer.

127 SECTION 3. Section 25-11-117, Mississippi Code of 1972, is
128 amended as follows:

129 25-11-117. (1) A member may be paid a refund of the amount
130 of accumulated contributions to the credit of the member in the
131 annuity savings account provided the member has withdrawn from
132 state service and further provided the member has not returned to
133 state service on the date the refund of the accumulated
134 contributions would be paid. However, a member may not receive a
135 refund of the amount of employee contributions, or interest earned
136 on those contributions, that were made during any period when he
137 was employed under the provisions of Section 25-11-127(3). Such
138 refund of the contributions to the credit of the member in the
139 annuity savings account shall be paid within ninety (90) days from
140 receipt in the office of the retirement system of the properly

141 completed form requesting such payment. In the event of death
142 prior to retirement of any member whose spouse and/or children are
143 not entitled to a retirement allowance, the accumulated
144 contributions to the credit of the deceased member in the annuity
145 savings account shall be paid to the designated beneficiary on
146 file in writing in the office of executive director of the board
147 of trustees within ninety (90) days from receipt of a properly
148 completed form requesting such payment. If there is no such
149 designated beneficiary on file for such deceased member in the
150 office of the system, upon the filing of a proper request with the
151 board, the contributions to the credit of the deceased member in
152 the annuity savings account shall be refunded to the estate of the
153 deceased member. The payment of the said refund shall discharge
154 all obligations of the retirement system to the said member on
155 account of any creditable service rendered by the member prior to
156 the receipt of the refund. By the acceptance of the refund, the
157 member shall waive and relinquish all accrued rights in the
158 system.

159 (2) Pursuant to the Unemployment Compensation Amendments of
160 1992 (P.L. 102-318 (UCA)), a member or eligible beneficiary
161 eligible for a refund under this section may elect on a form
162 prescribed by the board under rules and regulations established by
163 the board, to have an eligible rollover distribution of
164 accumulated contributions payable under this section paid directly
165 to an eligible retirement plan or individual retirement account.
166 If the member or eligible beneficiary makes such election and
167 specifies the eligible retirement plan or individual retirement
168 account to which such distribution is to be paid, the distribution
169 will be made in the form of a direct trustee-to-trustee transfer
170 to the specified eligible retirement plan. Flexible rollovers
171 under this subsection shall not be considered assignments under
172 Section 25-11-129.

173 (3) If any person who has received a refund reenters the

174 state service and again becomes a member of the system and remains
175 a contributor for two (2) years, the member may repay all or part
176 of the amounts previously received as a refund, together with
177 regular interest covering the period from the date of refund to
178 the date of repayment; provided, however, that the amounts that
179 are repaid by the member and the creditable service related
180 thereto shall not be used in any benefit calculation or
181 determination until the member has remained a contributor to the
182 system for a period of at least four (4) years subsequent to such
183 member's reentry into state service. Repayment for such time
184 shall be made in increments of not less than one-quarter (1/4)
185 year of creditable service beginning with the most recent service
186 for which refund has been made. Upon the repayment of all or part
187 of such refund and interest, the member shall again receive credit
188 for the period of creditable service for which full repayment has
189 been made to the system.

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

192 **[From and after July 1, 1998, and until July 1, 1999, Section**
193 **37-19-7 will read as follows:]**

194 37-19-7. (1) The allowance in the minimum education program
195 for teachers' salaries in each county and separate school district
196 shall be determined and paid in accordance with the scale for
197 teachers' salaries as provided in this subsection for the number
198 of teachers employed not in excess of the number of teacher units
199 allotted. Except as otherwise provided for in Section 2 of Senate
200 Bill No. 2592, 1999 Regular Session, for teachers holding the
201 following types of licenses or the equivalent as determined by the
202 State Board of Education, and the following number of years of
203 teaching experience, the scale shall be as follows:

204 **1998-1999 School Year**

205 **Less than 25 Years of Teaching Experience**

206 AAAA..... \$23,895.00

207	AAA.....	23,045.00
208	AA.....	22,195.00
209	A.....	21,145.00

25 or More Years of Teaching Experience

211	AAAA.....	\$24,895.00
212	AAA.....	24,045.00
213	AA.....	23,195.00
214	A.....	22,145.00

215 It is the intent of the Legislature that any state funds made
216 available for salaries of licensed personnel in excess of the
217 funds paid for such salaries for the 1986-1987 school year shall
218 be paid to licensed personnel pursuant to a personnel appraisal
219 and compensation system implemented by the State Board of
220 Education. The State Board of Education shall have the authority
221 to adopt and amend rules and regulations as are necessary to
222 establish, administer and maintain the system.

223 Except as otherwise provided for in Section 2 of Senate Bill
224 No. 2592, 1999 Regular Session, all teachers employed on a
225 full-time basis shall be paid a minimum salary in accordance with
226 the above scale. However, no school district shall receive any
227 funds under this section for any school year during which the
228 local supplement paid to any individual teacher shall have been
229 reduced to a sum less than that paid to that individual teacher
230 for performing the same duties from local supplement during the
231 immediately preceding school year. The amount actually spent for
232 the purposes of group health and/or life insurance shall be
233 considered as a part of the aggregate amount of local supplement
234 but shall not be considered a part of the amount of individual
235 local supplement.

236 Except as otherwise provided for in Section 2 of Senate Bill
237 No. 2592, 1999 Regular Session, for teachers holding a Class AAAA
238 license, the minimum base pay specified in this subsection shall
239 be increased by the sum of Six Hundred Thirty Dollars (\$630.00)

240 for each year of teaching experience possessed by the person
241 holding such license until such person shall have twenty-four (24)
242 years of teaching experience.

243 Except as otherwise provided for in Section 2 of Senate Bill
244 No. 2592, 1999 Regular Session, for teachers holding a Class AAA
245 license, the minimum base pay specified in this subsection shall
246 be increased by the sum of Five Hundred Seventy Dollars (\$570.00)
247 for each year of teaching experience possessed by the person
248 holding such license until such person shall have twenty-four (24)
249 years of teaching experience.

250 Except as otherwise provided for in Section 2 of Senate Bill
251 No. 2592, 1999 Regular Session, for teachers holding a Class AA
252 license, the minimum base pay specified in this subsection shall
253 be increased by the sum of Five Hundred Five Dollars (\$505.00) for
254 each year of teaching experience possessed by the person holding
255 such license until such person shall have twenty-four (24) years
256 of teaching experience.

257 Except as otherwise provided for in Section 2 of Senate Bill
258 No. 2592, 1999 Regular Session, for teachers holding a Class A
259 license, the minimum base pay specified in this subsection shall
260 be increased by the sum of Four Hundred Fifteen Dollars (\$415.00)
261 for each year of teaching experience possessed by the person
262 holding such license until such person shall have twenty (20)
263 years of teaching experience.

264 The level of professional training of each teacher to be used
265 in establishing the salary allotment for the teachers for each
266 year shall be determined by the type of valid teacher's license
267 issued to those teachers on or before October 1 of the current
268 school year.

269 (2) Except as otherwise provided for in Section 2 of Senate
270 Bill No. 2592, 1999 Regular Session, prior to April 15 of any
271 school year in which a teacher meets the standard requirements,
272 any licensed teacher who shall have met the requirements and

273 acquired a Master Teacher certificate from the National Board for
274 Professional Teaching Standards and who is employed by a local
275 school board or the State Board of Education as a teacher and not
276 as an administrator shall receive a salary supplement in the
277 amount of Six Thousand Dollars (\$6,000.00) in addition to any
278 other compensation to which the teacher may be entitled. The
279 teacher shall be reimbursed one (1) time for the actual cost of
280 completing the process of acquiring the Master Teacher
281 certificate, regardless of whether or not the process resulted in
282 the award of the Master Teacher certificate. All such salary
283 supplements and process reimbursement shall be paid directly by
284 the State Department of Education to the local school district and
285 shall be in addition to its minimum education program allotments
286 and not a part thereof in accordance with regulations promulgated
287 by the State Board of Education, and subject to appropriation by
288 the Legislature. Local school districts shall not reduce the
289 local supplement paid to any teacher receiving such salary
290 supplement, and the teacher shall receive any local supplement to
291 which teachers with similar training and experience are otherwise
292 entitled.

293 **[From and after July 1, 1999, Section 37-19-7 will read as**
294 **follows:]**

295 37-19-7. (1) The allowance in the minimum education program
296 for teachers' salaries in each county and separate school district
297 shall be determined and paid in accordance with the scale for
298 teachers' salaries as provided in this subsection for the number
299 of teachers employed not in excess of the number of teacher units
300 allotted. Except as otherwise provided for in Section 2 of Senate
301 Bill No. 2592, 1999 Regular Session, for teachers holding the
302 following types of licenses or the equivalent as determined by the
303 State Board of Education, and the following number of years of
304 teaching experience, the scale shall be as follows:

305 **1999-2000 School Year and School Years Thereafter**

306	Less Than 25 Years of Teaching Experience	
307	AAAA.....	\$24,445.00
308	AAA.....	23,595.00
309	AA.....	22,745.00
310	A.....	21,695.00

311	25 or More Years of Teaching Experience	
312	AAAA.....	\$25,445.00
313	AAA.....	24,595.00
314	AA.....	23,745.00
315	A.....	22,695.00

316 It is the intent of the Legislature that any state funds made
317 available for salaries of licensed personnel in excess of the
318 funds paid for such salaries for the 1986-1987 school year shall
319 be paid to licensed personnel pursuant to a personnel appraisal
320 and compensation system implemented by the State Board of
321 Education. The State Board of Education shall have the authority
322 to adopt and amend rules and regulations as are necessary to
323 establish, administer and maintain the system.

324 Except as otherwise provided for in Section 2 of Senate Bill
325 No. 2592, 1999 Regular Session, all teachers employed on a
326 full-time basis shall be paid a minimum salary in accordance with
327 the above scale. However, no school district shall receive any
328 funds under this section for any school year during which the
329 local supplement paid to any individual teacher shall have been
330 reduced to a sum less than that paid to that individual teacher
331 for performing the same duties from local supplement during the
332 immediately preceding school year. The amount actually spent for
333 the purposes of group health and/or life insurance shall be
334 considered as a part of the aggregate amount of local supplement
335 but shall not be considered a part of the amount of individual
336 local supplement.

337 Except as otherwise provided for in Section 2 of Senate Bill
338 No. 2592, 1999 Regular Session, for teachers holding a Class AAAA

339 license, the minimum base pay specified in this subsection shall
340 be increased by the sum of Six Hundred Fifty-five Dollars
341 (\$655.00) for each year of teaching experience possessed by the
342 person holding such license until such person shall have
343 twenty-five (25) years of teaching experience.

344 Except as otherwise provided for in Section 2 of Senate Bill
345 No. 2592, 1999 Regular Session, for teachers holding a Class AAA
346 license, the minimum base pay specified in this subsection shall
347 be increased by the sum of Five Hundred Ninety Dollars (\$590.00)
348 for each year of teaching experience possessed by the person
349 holding such license until such person shall have twenty-five (25)
350 years of teaching experience.

351 Except as otherwise provided for in Section 2 of Senate Bill
352 No. 2592, 1999 Regular Session, for teachers holding a Class AA
353 license, the minimum base pay specified in this subsection shall
354 be increased by the sum of Five Hundred Twenty Dollars (\$520.00)
355 for each year of teaching experience possessed by the person
356 holding such license until such person shall have twenty-five (25)
357 years of teaching experience.

358 Except as otherwise provided for in Section 2 of Senate Bill
359 No. 2592, 1999 Regular Session, for teachers holding a Class A
360 license, the minimum base pay specified in this subsection shall
361 be increased by the sum of Four Hundred Twenty-five Dollars
362 (\$425.00) for each year of teaching experience possessed by the
363 person holding such license until such person shall have
364 twenty-one (21) years of teaching experience.

365 The level of professional training of each teacher to be used
366 in establishing the salary allotment for the teachers for each
367 year shall be determined by the type of valid teacher's license
368 issued to those teachers on or before October 1 of the current
369 school year.

370 (2) Except as otherwise provided for in Section 2 of Senate
371 Bill No. 2592, 1999 Regular Session, prior to April 15 of any

372 school year in which a teacher meets the standard requirements,
373 any licensed teacher who shall have met the requirements and
374 acquired a Master Teacher certificate from the National Board for
375 Professional Teaching Standards and who is employed by a local
376 school board or the State Board of Education as a teacher and not
377 as an administrator shall receive a salary supplement in the
378 amount of Six Thousand Dollars (\$6,000.00) in addition to any
379 other compensation to which the teacher may be entitled. The
380 teacher shall be reimbursed one (1) time for the actual cost of
381 completing the process of acquiring the Master Teacher
382 certificate, regardless of whether or not the process resulted in
383 the award of the Master Teacher certificate. All such salary
384 supplements and process reimbursement shall be paid directly by
385 the State Department of Education to the local school district and
386 shall be in addition to its minimum education program allotments
387 and not a part thereof in accordance with regulations promulgated
388 by the State Board of Education, and subject to appropriation by
389 the Legislature. Local school districts shall not reduce the
390 local supplement paid to any teacher receiving such salary
391 supplement, and the teacher shall receive any local supplement to
392 which teachers with similar training and experience are otherwise
393 entitled.

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