

By: Smith (39th), Chism

To: Appropriations

HOUSE BILL NO. 940

1 AN ACT TO AMEND SECTION 25-11-109, MISSISSIPPI CODE OF 1972,
2 TO ALLOW CERTAIN MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM
3 TO PURCHASE CREDITABLE SERVICE FOR SERVICE RENDERED AS A MEMBER OF
4 THE BOARD OF TRUSTEES OF ANY PUBLIC JUNIOR OR COMMUNITY COLLEGE
5 DISTRICT IN MISSISSIPPI; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 25-11-109, Mississippi Code of 1972, is
8 amended as follows:[RF1]

9 25-11-109. (1) Under such rules and regulations as the
10 board of trustees shall adopt, each person who becomes a member of
11 this retirement system, as provided in Section 25-11-105, on or
12 prior to July 1, 1953, or who becomes a member and contributes to
13 the system for a minimum period of four (4) years, shall receive
14 credit for all state service rendered before February 1, 1953. To
15 receive such credit, such member shall file a detailed statement
16 of all services as an employee rendered by him in the state
17 service before February 1, 1953. For any member who joined the
18 system after July 1, 1953, any creditable service for which the
19 member is not required to make contributions shall not be credited
20 to the member until the member has contributed to the system for a
21 minimum period of at least four (4) years, except as otherwise
22 provided in subsection (10) of this section.

23 (2) In the computation of membership service or prior
24 service under the provisions of this article, the total months of
25 accumulative service during any fiscal year shall be calculated in
26 accordance with the schedule as follows: ten (10) or more months
27 of creditable service during any fiscal year shall constitute a

28 year of creditable service; seven (7) months to nine (9) months
29 inclusive, three-quarters (3/4) of a year of creditable service;
30 four (4) months to six (6) months inclusive, one-half-year of
31 creditable service; one (1) month to three (3) months inclusive,
32 one-quarter (1/4) of a year of creditable service. In no case
33 shall credit be allowed for any period of absence without
34 compensation except for disability while in receipt of a
35 disability retirement allowance, nor shall less than fifteen (15)
36 days of service in any month, or service less than the equivalent
37 of one-half (1/2) of the normal working load for the position and
38 less than one-half (1/2) of the normal compensation for the
39 position in any month, constitute a month of creditable service,
40 nor shall more than one (1) year of service be creditable for all
41 services rendered in any one (1) fiscal year; provided that for a
42 school employee, substantial completion of the legal school term
43 when and where the service was rendered shall constitute a year of
44 service credit for both prior service and membership service. Any
45 state or local elected official shall be deemed a full-time
46 employee for the purpose of creditable service for prior service
47 or membership service. However, an appointed or elected official
48 compensated on a per diem basis only shall not be allowed
49 creditable service for terms of office, except as otherwise
50 provided in subsection (10) of this section.

51 In the computation of any retirement allowance or any annuity
52 or benefits provided in this article, any fractional period of
53 service of less than one (1) year shall be taken into account and
54 a proportionate amount of such retirement allowance, annuity or
55 benefit shall be granted for any such fractional period of
56 service.

57 In the computation of unused leave for creditable service
58 authorized in Section 25-11-103, the following shall govern:
59 twenty-one (21) days of unused leave shall constitute one (1)
60 month of creditable service and in no case shall credit be allowed
61 for any period of unused leave of less than fifteen (15) days.
62 The number of months of unused leave shall determine the number of
63 quarters or years of creditable service in accordance with the
64 above schedule for membership and prior service. In order for the

65 member to receive creditable service for the number of days of
66 unused leave, the system must receive certification from the
67 governing authority.

68 For the purpose of this subsection, for members of the system
69 who are elected officers and who retire on or after July 1, 1987,
70 the following shall govern:

71 (a) For service prior to July 1, 1984, the members
72 shall receive credit for leave (combined personal and major
73 medical) for service as an elected official prior to that date at
74 the rate of thirty (30) days per year.

75 (b) For service on and after July 1, 1984, the member
76 shall receive credit for personal and major medical leave
77 beginning July 1, 1984, at the rates authorized in Sections
78 25-3-93 and 25-3-95, computed as a full-time employee.

79 (3) Subject to the above restrictions and to such other
80 rules and regulations as the board may adopt, the board shall
81 verify, as soon as practicable after the filing of such statements
82 of service, the services therein claimed.

83 (4) Upon verification of the statement of prior service, the
84 board shall issue a prior service certificate certifying to each
85 member the length of prior service for which credit shall have
86 been allowed on the basis of his statement of service. So long as
87 membership continues, a prior service certificate shall be final
88 and conclusive for retirement purposes as to such service,
89 provided that any member may within five (5) years from the date
90 of issuance or modification of such certificate request the board
91 of trustees to modify or correct his prior service certificate.
92 Any modification or correction authorized shall only apply
93 prospectively.

94 When membership ceases, such prior service certificates shall
95 become void. Should the employee again become a member, he shall
96 enter the system as an employee not entitled to prior service
97 credit except as provided in Sections 25-11-105(I), 25-11-113 and

98 25-11-117.

99 (5) Creditable service at retirement, on which the
100 retirement allowance of a member shall be based, shall consist of
101 the membership service rendered by him since he last became a
102 member, and also, if he has a prior service certificate which is
103 in full force and effect, the amount of the service certified on
104 his prior service certificate.

105 (6) Anything in this article to the contrary
106 notwithstanding, any member who served on active duty in the Armed
107 Forces of the United States, or who served in maritime service
108 during periods of hostility in World War II, shall be entitled to
109 creditable service for his service on active duty in the armed
110 forces or in such maritime service, provided he entered state
111 service after his discharge from the armed forces or entered state
112 service after he completed such maritime service. The maximum
113 period for such creditable service for all military service shall
114 not exceed four (4) years unless positive proof can be furnished
115 by such person that he was retained in the armed forces during
116 World War II or in maritime service during World War II by causes
117 beyond his control and without opportunity of discharge. The
118 member shall furnish proof satisfactory to the board of trustees
119 of certification of military service or maritime service records
120 showing dates of entrance into active duty service and the date of
121 discharge. From and after July 1, 1993, no creditable service
122 shall be granted for any military service or maritime service to a
123 member who qualifies for a retirement allowance in another public
124 retirement system administered by the Board of Trustees of the
125 Public Employees' Retirement System based in whole or in part on
126 such military or maritime service. In no case shall the member
127 receive creditable service if the member received a dishonorable
128 discharge from the Armed Forces of the United States.

129 (7) Any member of the Public Employees' Retirement System
130 who has at least four (4) years of membership service credit shall

131 be entitled to receive a maximum of five (5) years creditable
132 service for service rendered in another state as a public employee
133 of such other state, or a political subdivision, public education
134 system or other governmental instrumentality thereof, or service
135 rendered as a teacher in American overseas dependent schools
136 conducted by the Armed Forces of the United States for children of
137 citizens of the United States residing in areas outside the
138 continental United States, provided that:

139 (a) The member shall furnish proof satisfactory to the
140 board of trustees of certification of such services from the
141 state, public education system, political subdivision or
142 retirement system of the state where the services were performed
143 or the governing entity of the American overseas dependent school
144 where the services were performed; and

145 (b) The member is not receiving or will not be entitled
146 to receive from the public retirement system of the other state or
147 from any other retirement plan, including optional retirement
148 plans, sponsored by the employer, a retirement allowance including
149 such services; and

150 (c) The member shall pay to the retirement system on
151 the date he or she is eligible for credit for such out-of-state
152 service or at any time thereafter prior to date of retirement the
153 actuarial cost as determined by the actuary for each year of
154 out-of-state creditable service. The provisions of this
155 subsection are subject to the limitations of Section 415 of the
156 Internal Revenue Code and regulations promulgated thereunder.

157 (8) Any member of the Public Employees' Retirement System
158 who has at least four (4) years of membership service credit and
159 who receives, or has received, professional leave without
160 compensation for professional purposes directly related to the
161 employment in state service shall receive creditable service for
162 the period of professional leave without compensation provided:

163 (a) The professional leave is performed with a public

164 institution or public agency of this state, or another state or
165 federal agency;

166 (b) The employer approves the professional leave
167 showing the reason for granting the leave and makes a
168 determination that the professional leave will benefit the
169 employee and employer;

170 (c) Such professional leave shall not exceed two (2)
171 years during any ten-year period of state service;

172 (d) The employee shall serve the employer on a
173 full-time basis for a period of time equivalent to the
174 professional leave period granted immediately following the
175 termination of the leave period;

176 (e) The contributing member shall pay to the retirement
177 system the actuarial cost as determined by the actuary for each
178 year of professional leave. The provisions of this subsection are
179 subject to the regulations of the Internal Revenue Code
180 limitations;

181 (f) Such other rules and regulations consistent
182 herewith as the board may adopt and in case of question, the board
183 shall have final power to decide the questions.

184 Any actively contributing member participating in the School
185 Administrator Sabbatical Program established in Section 37-9-77
186 shall qualify for continued participation under this subsection
187 (8).

188 (9) Any member of the Public Employees' Retirement System
189 who has at least four (4) years of credited membership service
190 shall be entitled to receive a maximum of ten (10) years
191 creditable service for:

192 (a) Any service rendered as an employee of any
193 political subdivision of this state, or any instrumentality
194 thereof, which does not participate in the Public Employees'
195 Retirement System; or

196 (b) Any service rendered as an employee of any

197 political subdivision of this state, or any instrumentality
198 thereof, which participates in the Public Employees' Retirement
199 System but did not elect retroactive coverage; or

200 (c) Any service rendered as an employee of any
201 political subdivision of this state, or any instrumentality
202 thereof, for which coverage of the employee's position was or is
203 excluded; provided that the member pays into the retirement system
204 the actuarial cost as determined by the actuary for each year, or
205 portion thereof, of such service. Payment for such service may be
206 made in increments of one-quarter-year of creditable service.
207 After a member has made full payment to the retirement system for
208 all or any part of such service, the member shall receive
209 creditable service for the period of such service for which full
210 payment has been made to the retirement system.

211 (10) From and after July 1, 2000, through October 1, 2000,
212 any member of the Public Employees' Retirement System who has at
213 least two (2) years of continuous state service shall be entitled
214 to receive creditable service for all service rendered as a member
215 of the board of trustees of any public junior or community college
216 district located in Mississippi, provided that:

217 (a) The member furnishes proof satisfactory to the
218 board of trustees of certification of that service from the junior
219 or community college district; and

220 (b) The member is not receiving or will not be entitled
221 to receive from any other retirement system or plan a retirement
222 allowance including that service; and

223 (c) The member pays to the retirement system the
224 actuarial cost for each year of that service calculated on the
225 basis of the compensation being paid to him at the time he elects
226 to receive credit for that service.

227 SECTION 2. This act shall take effect and be in force from
228 and after July 1, 2000.