

By: Minor

To: Finance

## SENATE BILL NO. 2824

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:[WAN1]

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 such 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 such service; and

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

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