

By: Furniss

To: Finance

## SENATE BILL NO. 2885

1 AN ACT TO AMEND SECTION 25-11-109, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
3 WHO SERVED IN COMBAT OR WERE PRISONERS OF WAR WHILE ON ACTIVE DUTY  
4 IN THE ARMED FORCES OF THE UNITED STATES, TO RECEIVE A CERTAIN  
5 ADDITIONAL AMOUNT OF CREDITABLE SERVICE; 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.

22 (2) In the computation of membership service or prior  
23 service under the provisions of this article, the total months of  
24 accumulative service during any fiscal year shall be calculated in  
25 accordance with the schedule as follows: ten (10) or more months  
26 of creditable service during any fiscal year shall constitute a  
27 year of creditable service; seven (7) months to nine (9) months

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

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

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

65 governing authority.

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

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

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

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

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

92 When membership ceases, such prior service certificates shall  
93 become void. Should the employee again become a member, he shall  
94 enter the system as an employee not entitled to prior service  
95 credit except as provided in Sections 25-11-105(I), 25-11-113 and  
96 25-11-117.

97 (5) Creditable service at retirement, on which the

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

103 (6) (a) Anything in this article to the contrary  
104 notwithstanding, any member who served on active duty in the Armed  
105 Forces of the United States, or who served in maritime service  
106 during periods of hostility in World War II, shall be entitled to  
107 creditable service for his service on active duty in the armed  
108 forces or in such maritime service, provided he entered state  
109 service after his discharge from the armed forces or entered state  
110 service after he completed such maritime service.

111 (b) Except as otherwise provided in paragraphs (c) and  
112 (d) of this subsection, the maximum period for such creditable  
113 service for all military service shall not exceed four (4) years  
114 unless positive proof can be furnished by such person that he was  
115 retained in the armed forces during World War II or in maritime  
116 service during World War II by causes beyond his control and  
117 without opportunity of discharge.

118 (c) A member who served in combat while on active duty  
119 in the Armed Forces of the United States shall be entitled to  
120 receive creditable service for such combat service that, when  
121 added to his other military service, is in excess of the four-year  
122 limitation provided for in paragraph (b) of this subsection;  
123 provided, however, that a member shall not receive creditable  
124 service under paragraph (b) of this subsection and this paragraph  
125 (c) in excess of seven (7) years.

126 (d) A member who was a prisoner of war while on active  
127 duty in the Armed Forces of the United States shall receive credit  
128 for the period of time he was a prisoner of war that, when added  
129 to his other military service, is in excess of the four-year  
130 limitation in paragraph (b) of this subsection.

131           (e) The member shall furnish proof satisfactory to the  
132 board of trustees of certification of military service or maritime  
133 service records showing dates of entrance into active duty service  
134 and the date of discharge. From and after July 1, 1993, no  
135 creditable service shall be granted for any military service or  
136 maritime service to a member who qualifies for a retirement  
137 allowance in another public retirement system administered by the  
138 Board of Trustees of the Public Employees' Retirement System based  
139 in whole or in part on such military or maritime service. In no  
140 case shall the member receive creditable service if the member  
141 received a dishonorable discharge from the Armed Forces of the  
142 United States.

143           (7) Any member of the Public Employees' Retirement System  
144 who has at least four (4) years of membership service credit shall  
145 be entitled to receive a maximum of five (5) years creditable  
146 service for service rendered in another state as a public employee  
147 of such other state, or a political subdivision, public education  
148 system or other governmental instrumentality thereof, or service  
149 rendered as a teacher in American overseas dependent schools  
150 conducted by the Armed Forces of the United States for children of  
151 citizens of the United States residing in areas outside the  
152 continental United States, provided that:

153           (a) The member shall furnish proof satisfactory to the  
154 board of trustees of certification of such services from the  
155 state, public education system, political subdivision or  
156 retirement system of the state where the services were performed  
157 or the governing entity of the American overseas dependent school  
158 where the services were performed; and

159           (b) The member is not receiving or will not be entitled  
160 to receive from the public retirement system of the other state or  
161 from any other retirement plan, including optional retirement  
162 plans, sponsored by the employer, a retirement allowance including  
163 such services; and

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

171           (8) Any member of the Public Employees' Retirement System  
172 who has at least four (4) years of membership service credit and  
173 who receives, or has received, professional leave without  
174 compensation for professional purposes directly related to the  
175 employment in state service shall receive creditable service for  
176 the period of professional leave without compensation provided:

177           (a) The professional leave is performed with a public  
178 institution or public agency of this state, or another state or  
179 federal agency;

180           (b) The employer approves the professional leave  
181 showing the reason for granting the leave and makes a  
182 determination that the professional leave will benefit the  
183 employee and employer;

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

186           (d) The employee shall serve the employer on a  
187 full-time basis for a period of time equivalent to the  
188 professional leave period granted immediately following the  
189 termination of the leave period;

190           (e) The contributing member shall pay to the retirement  
191 system the actuarial cost as determined by the actuary for each  
192 year of professional leave. The provisions of this subsection are  
193 subject to the regulations of the Internal Revenue Code  
194 limitations;

195           (f) Such other rules and regulations consistent  
196 herewith as the board may adopt and in case of question, the board

197 shall have final power to decide the questions.

198 Any actively contributing member participating in the School  
199 Administrator Sabbatical Program established in Section 37-9-77  
200 shall qualify for continued participation under this subsection  
201 (8).

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

206 (a) Any service rendered as an employee of any  
207 political subdivision of this state, or any instrumentality  
208 thereof, which does not participate in the Public Employees'  
209 Retirement System; or

210 (b) Any service rendered as an employee of any  
211 political subdivision of this state, or any instrumentality  
212 thereof, which participates in the Public Employees' Retirement  
213 System but did not elect retroactive coverage; or

214 (c) Any service rendered as an employee of any  
215 political subdivision of this state, or any instrumentality  
216 thereof, for which coverage of the employee's position was or is  
217 excluded; provided that the member pays into the retirement system  
218 the actuarial cost as determined by the actuary for each year, or  
219 portion thereof, of such service. Payment for such service may be  
220 made in increments of one-quarter-year of creditable service.  
221 After a member has made full payment to the retirement system for  
222 all or any part of such service, the member shall receive  
223 creditable service for the period of such service for which full  
224 payment has been made to the retirement system.

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