

By: Representatives Clarke, Banks, Flaggs,
Rushing

To: Education;
Appropriations

HOUSE BILL NO. 895

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT PERSONS RECEIVING A RETIREMENT ALLOWANCE
3 FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE EMPLOYED
4 AFTER RETIREMENT IN PUBLIC SCHOOL DISTRICTS AS TEACHERS IN
5 CRITICAL SHORTAGE SUBJECT AREAS, AND PERSONS EMPLOYED IN PUBLIC
6 SCHOOL DISTRICTS AS TEACHERS IN CRITICAL SHORTAGE SUBJECT AREAS
7 WHO ARE ELIGIBLE FOR RETIREMENT UNDER THE RETIREMENT SYSTEM, MAY
8 RECEIVE A RETIREMENT ALLOWANCE WHILE EMPLOYED AS TEACHERS IN
9 ADDITION TO RECEIVING A TEACHER'S SALARY; TO PROVIDE THAT THOSE
10 PERSONS MAY CHOOSE TO BE CONTRIBUTING MEMBERS OF THE RETIREMENT
11 SYSTEM FOR THE PERIOD DURING WHICH THEY RECEIVE A RETIREMENT
12 ALLOWANCE WHILE EMPLOYED AS TEACHERS; TO PROVIDE THAT ANY OF THOSE
13 PERSONS WHO CHOOSE TO BE A CONTRIBUTING MEMBER OF THE SYSTEM SHALL
14 RECEIVE CREDITABLE SERVICE FOR THE PERIOD OF EMPLOYMENT AS A
15 TEACHER; TO AMEND SECTIONS 25-11-103, 25-11-105 AND 25-11-127,
16 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
17 THIS ACT; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
18 PROVIDE THAT THE TEACHERS' SALARIES OF THOSE PERSONS SHALL BE
19 EQUAL TO THE AMOUNT OF THE SALARY THAT THEY RECEIVED DURING THE
20 SCHOOL YEAR IMMEDIATELY PRECEDING THE DATE OF THEIR RETIREMENT OR
21 THE DATE THAT CURRENT TEACHERS BEGAN RECEIVING A RETIREMENT
22 ALLOWANCE; TO PROVIDE THAT THE TEACHERS' SALARIES OF THOSE PERSONS
23 SHALL NOT INCLUDE ANY INCREASE IN THE SALARY FOR TEACHING
24 EXPERIENCE OBTAINED AFTER THE DATE OF THEIR EMPLOYMENT AS TEACHERS
25 AFTER THEIR RETIREMENT OR THE DATE THAT CURRENT TEACHERS BEGAN
26 RECEIVING A RETIREMENT ALLOWANCE; AND FOR RELATED PURPOSES.

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

28 SECTION 1. The following shall be codified as Section
29 25-11-126, Mississippi Code of 1972:

30 25-11-126. (1) (a) Any person who has retired under
31 Section 25-11-111 and is receiving a retirement allowance under
32 this article, who was employed as a teacher in a public school
33 district at the time of retirement, may be employed after
34 retirement in a public school district in this state as a teacher
35 in an academic subject area in which there exists a critical
36 shortage of teachers, as designated by the State Board of
37 Education, and may continue receiving his or her retirement
38 allowance while employed as a teacher after retirement in addition



39 to receiving the salary authorized under Section 37-19-7(3), as
40 provided in this section.

41 (b) Any person who is employed in a public school
42 district in this state as a teacher in an academic subject area in
43 which there exists a critical shortage of teachers, as designated
44 by the State Board of Education, who becomes eligible for
45 retirement under Section 25-11-111 during that employment as a
46 teacher, may receive a retirement allowance under this article
47 while continuing to be employed as a teacher in the public school
48 district in addition to receiving the salary authorized under
49 Section 37-19-7(3), as provided in this section.

50 (2) (a) Any person described in subsection (1)(a) of this
51 section must notify the executive director of the retirement
52 system, before being employed as a teacher in a public school
53 district after retirement, whether the person chooses to continue
54 receiving his or her retirement allowance while employed as a
55 teacher after retirement. If the person chooses not to continue
56 receiving his or her retirement allowance while employed as a
57 teacher after retirement, the person's retirement allowance will
58 cease on the day that he or she begins employment as a teacher
59 after retirement. After the person terminates employment as a
60 teacher that was begun after retirement, in order to begin
61 receiving a retirement allowance under this article again, the
62 person must make application to the executive director of the
63 retirement system, and the person's retirement allowance will
64 begin on the first of the month following the date that the
65 application is received by the executive director.

66 (b) Any person described in subsection (1)(b) who
67 chooses to receive a retirement allowance while continuing to be
68 employed as a teacher in the public school district must make
69 application to the executive director of the retirement system,
70 and the person's retirement allowance will begin on the first of
71 the month following the date that the application is received by



72 the executive director. Those persons are not required to
73 withdraw from service in order to receive the retirement
74 allowance.

75 (3) (a) Any person described in subsection (1)(a) of this
76 section who chooses not to receive his or her retirement allowance
77 while employed as a teacher after retirement will be a
78 contributing member of the retirement system and will receive
79 creditable service for the period during which he or she is
80 employed as a teacher without receiving a retirement allowance.
81 If the person has previously received a retirement allowance under
82 this article and is employed as a teacher after retirement for
83 more than six (6) months without receiving a retirement allowance,
84 the person's retirement allowance will be recomputed when he or
85 she retires again, and will include the creditable service that
86 was earned after the person again became a contributing member of
87 the retirement system.

88 (b) Any person who chooses to continue receiving a
89 retirement allowance while employed as a teacher after retirement
90 and any person who chooses to receive a retirement allowance while
91 continuing to be employed as a teacher may choose to be a
92 contributing member of the retirement system for the period during
93 which he or she receives a retirement allowance while employed as
94 a teacher. The person must make this choice at the time of
95 notification or application to the executive director of the
96 system under subsection (2) or (3) of this section.

97 (c) If a person chooses to be a contributing member of
98 the retirement system for the period during which he or she
99 receives a retirement allowance while employed as a teacher after
100 retirement or while continuing to be employed as a teacher, the
101 person will receive creditable service for that period of
102 employment as a teacher. The person's retirement allowance during
103 the period of employment as a teacher will not be based on any of
104 the creditable service that the person is earning during that



105 period; however, if the person is employed as a teacher for more
106 than six (6) months, the person's retirement allowance will be
107 recomputed when he or she terminates employment as a teacher, and
108 the recomputed retirement allowance will include the creditable
109 service that the person earned during the period of employment as
110 a teacher.

111 (d) If a person chooses not to be a contributing member
112 of the retirement system for the period during which he or she
113 receives a retirement allowance while employed as a teacher after
114 retirement or while continuing to be employed as a teacher, the
115 person will not receive any creditable service for that period of
116 employment as a teacher, and the person's retirement allowance
117 will not be recomputed when he or she terminates employment as a
118 teacher.

119 (e) After a person has made the choice of whether or
120 not to be a contributing member of the retirement system for the
121 period during which he or she receives a retirement allowance
122 while employed as a teacher after retirement or while continuing
123 to be employed as a teacher, that choice may not be changed.

124 SECTION 2. Section 25-11-103, Mississippi Code of 1972, is
125 amended as follows:

126 25-11-103. The following words and phrases as used in
127 Articles 1 and 3, unless a different meaning is plainly required
128 by the context, shall have the following meanings:

129 (a) "Accumulated contributions" shall mean the sum of
130 all the amounts deducted from the compensation of a member and
131 credited to his individual account in the annuity savings account,
132 together with regular interest thereon as provided in Section
133 25-11-123.

134 (b) "Actuarial cost" shall mean the amount of funds
135 presently required to provide future benefits as determined by the
136 board based on applicable tables and formulas provided by the
137 actuary.



138 (c) "Actuarial equivalent" shall mean a benefit of
139 equal value to the accumulated contributions, annuity or benefit,
140 as the case may be, when computed upon the basis of such mortality
141 tables as shall be adopted by the board of trustees, and regular
142 interest.

143 (d) "Actuarial tables" shall mean such tables of
144 mortality and rates of interest as shall be adopted by the board
145 in accordance with the recommendation of the actuary.

146 (e) "Agency" shall mean any governmental body employing
147 persons in the state service.

148 (f) "Average compensation" shall mean the average of
149 the four (4) highest years of earned compensation reported for an
150 employee in a fiscal or calendar year period, or combination
151 thereof which do not overlap, or the last forty-eight (48)
152 consecutive months of earned compensation reported for an
153 employee. The four (4) years need not be successive or joined
154 years of service. In no case shall the average compensation so
155 determined be in excess of One Hundred Twenty-five Thousand
156 Dollars (\$125,000.00). In computing the average compensation, any
157 amount paid in a lump sum for personal leave shall be included in
158 the calculation to the extent that such amount does not exceed an
159 amount which is equal to thirty (30) days of earned compensation
160 and to the extent that it does not cause the employees' earned
161 compensation to exceed the maximum reportable amount specified in
162 Section 25-11-103(k); provided, however, that such thirty-day
163 limitation shall not prevent the inclusion in the calculation of
164 leave earned under federal regulations prior to July 1, 1976, and
165 frozen as of that date as referred to in Section 25-3-99. Only
166 the amount of lump sum pay for personal leave due and paid upon
167 the death of a member attributable for up to one hundred fifty
168 (150) days shall be used in the deceased member's average
169 compensation calculation in determining the beneficiary's
170 benefits. In computing the average compensation, no amounts shall



171 be used which are in excess of the amount on which contributions
172 were required and paid. If any member who is or has been granted
173 any increase in annual salary or compensation of more than eight
174 percent (8%) retires within twenty-four (24) months from the date
175 that such increase becomes effective, then the board shall exclude
176 that part of the increase in salary or compensation that exceeds
177 eight percent (8%) in calculating that member's average
178 compensation for retirement purposes. The board may enforce this
179 provision by rule or regulation. However, increases in
180 compensation in excess of eight percent (8%) per year granted
181 within twenty-four (24) months of the date of retirement may be
182 included in such calculation of average compensation if
183 satisfactory proof is presented to the board showing that the
184 increase in compensation was the result of an actual change in the
185 position held or services rendered, or that such compensation
186 increase was authorized by the State Personnel Board or was
187 increased as a result of statutory enactment, and the employer
188 furnishes an affidavit stating that such increase granted within
189 the last twenty-four (24) months was not contingent on a promise
190 or agreement of the employee to retire. Nothing in Section
191 25-3-31 shall affect the calculation of the average compensation
192 of any member for the purposes of this article. The average
193 compensation of any member who retires before July 1, 1992, shall
194 not exceed the annual salary of the Governor.

195 (g) "Beneficiary" shall mean any person entitled to
196 receive a retirement allowance, an annuity or other benefit as
197 provided by Articles 1 and 3. In the event of the death prior to
198 retirement of any member whose spouse and/or children are not
199 entitled to a retirement allowance on the basis that the member
200 has less than four (4) years of service credit and/or has not been
201 married for a minimum of one (1) year or the spouse has waived his
202 or her entitlement to a retirement allowance pursuant to Section
203 25-11-114, the lawful spouse of a member at the time of the death



204 of such member shall be the beneficiary of such member unless the
205 member has designated another beneficiary subsequent to the date
206 of marriage in writing, and filed such writing in the office of
207 the executive director of the board of trustees. No designation
208 or change of beneficiary shall be made in any other manner.

209 (h) "Board" shall mean the board of trustees provided
210 in Section 25-11-15 to administer the retirement system herein
211 created.

212 (i) "Creditable service" shall mean "prior service,"
213 "retroactive service" and all lawfully credited unused leave not
214 exceeding the accrual rates and limitations provided in Section
215 25-3-91 et seq., as of the date of withdrawal from service plus
216 "membership service" for which credit is allowable as provided in
217 Section 25-11-109. Except to limit creditable service reported to
218 the system for the purpose of computing an employee's retirement
219 allowance or annuity or benefits provided in this article, nothing
220 in this paragraph shall limit or otherwise restrict the power of
221 the governing authority of a municipality or other political
222 subdivision of the state to adopt such vacation and sick leave
223 policies as it deems necessary.

224 (j) "Child" means either a natural child of the member,
225 a child that has been made a child of the member by applicable
226 court action before the death of the member, or a child under the
227 permanent care of the member at the time of the latter's death,
228 which permanent care status shall be determined by evidence
229 satisfactory to the board.

230 (k) "Earned compensation" shall mean the full amount
231 earned by an employee for a given pay period including any
232 maintenance furnished up to a maximum of One Hundred Twenty-five
233 Thousand Dollars (\$125,000.00) per year, and proportionately for
234 less than one (1) year of service. The value of such maintenance
235 when not paid in money shall be fixed by the employing state
236 agency, and, in case of doubt, by the board of trustees as defined



237 in Section 25-11-15. In any case, earned compensation shall be
238 limited to the regular periodic compensation paid, exclusive of
239 litigation fees, bond fees, and other similar extraordinary
240 nonrecurring payments. In addition, any member in a covered
241 position, as defined by Public Employees' Retirement System laws
242 and regulations, who is also employed by another covered agency or
243 political subdivision shall have the earnings of that additional
244 employment reported to the Public Employees' Retirement System
245 regardless of whether the additional employment is sufficient in
246 itself to be a covered position. In the case of fee officials,
247 the net earnings from their office after deduction of expenses
248 shall apply, except that in no case shall earned compensation be
249 less than the total direct payments made by the state or
250 governmental subdivisions to the official, and employer and
251 employee contributions shall be paid thereon. In the case of
252 members of the state Legislature, all remuneration or amounts
253 paid, except mileage allowance, shall apply. The amount by which
254 an eligible employee's salary is reduced pursuant to a salary
255 reduction agreement authorized under Section 25-17-5 shall be
256 included as earned compensation under this paragraph, provided
257 this inclusion does not conflict with federal law, including
258 federal regulations and federal administrative interpretations
259 thereunder, pertaining to the Federal Insurance Contributions Act
260 or to Internal Revenue Code Section 125 cafeteria plans.
261 Compensation in addition to an employee's base salary that is paid
262 to the employee pursuant to the vacation and sick leave policies
263 of a municipality or other political subdivision of the state that
264 employs him which exceeds the maximums authorized by Section
265 25-3-91 et seq., shall be excluded from the calculation of earned
266 compensation under this article. The maximum salary applicable
267 for retirement purposes before July 1, 1992, shall be the salary
268 of the Governor. Nothing in Section 25-3-31 shall affect the



269 determination of the earned compensation of any member for the
270 purposes of this article.

271 (l) "Employee" means any person legally occupying a
272 position in the state service, and shall include the employees of
273 the retirement system created hereunder.

274 (m) "Employer" shall mean the State of Mississippi or
275 any of its departments, agencies or subdivisions from which any
276 employee receives his compensation.

277 (n) "Executive director" shall mean the secretary to
278 the board of trustees, as provided in Section 25-11-15(9), and the
279 administrator of the Public Employees' Retirement System and all
280 systems under the management of the board of trustees. Wherever
281 the term "Executive Secretary of the Public Employees' Retirement
282 System" or "executive secretary" appears in this article or in any
283 other provision of law, it shall be construed to mean the
284 Executive Director of the Public Employees' Retirement System.

285 (o) "Fiscal year" shall mean the period beginning on
286 July 1 of any year and ending on June 30 of the next succeeding
287 year.

288 (p) "Medical board" shall mean the board of physicians
289 or any governmental or nongovernmental disability determination
290 service designated by the board of trustees that is qualified to
291 make disability determinations as provided for in Section
292 25-11-119.

293 (q) "Member" shall mean any person included in the
294 membership of the system as provided in Section 25-11-105.

295 (r) "Membership service" shall mean service as an
296 employee rendered while a member of the retirement system.

297 (s) "Position" means any office or any employment in
298 the state service, or two (2) or more of them, the duties of which
299 call for services to be rendered by one (1) person, including
300 positions jointly employed by federal and state agencies
301 administering federal and state funds. The employer shall



302 determine upon initial employment and during the course of
303 employment of an employee who does not meet the criteria for
304 coverage in the Public Employees' Retirement System based on the
305 position held, whether the employee is or becomes eligible for
306 coverage in the Public Employees' Retirement System based upon any
307 other employment in a covered agency or political subdivision. If
308 or when the employee meets the eligibility criteria for coverage
309 in such other position, then the employer must withhold
310 contributions and report wages from the noncovered position in
311 accordance with the provisions for reporting of earned
312 compensation. Failure to deduct and report those contributions
313 shall not relieve the employee or employer of liability thereof.
314 The board shall adopt such rules and regulations as necessary to
315 implement and enforce this provision.

316 (t) "Prior service" shall mean service rendered before
317 February 1, 1953, for which credit is allowable under Sections
318 25-11-105 and 25-11-109, and which shall allow prior service for
319 any person who is now or becomes a member of the Public Employees'
320 Retirement System and who does contribute to the system for a
321 minimum period of four (4) years.

322 (u) "Regular interest" shall mean interest compounded
323 annually at such a rate as shall be determined by the board in
324 accordance with Section 25-11-121.

325 (v) "Retirement allowance" shall mean an annuity for
326 life as provided in this article, payable each year in twelve (12)
327 equal monthly installments beginning as of the date fixed by the
328 board. The retirement allowance shall be calculated in accordance
329 with Section 25-11-111. Provided, any spouse who received a
330 spouse retirement benefit in accordance with Section 25-11-111(d)
331 prior to March 31, 1971, and said benefits were terminated because
332 of eligibility for a social security benefit, may again receive
333 his spouse retirement benefit from and after making application



334 with the board of trustees to reinstate such spouse retirement
335 benefit.

336 (w) "Retroactive service" shall mean service rendered
337 after February 1, 1953, for which credit is allowable under
338 Section 25-11-105(b) and Section 25-11-105(k).

339 (x) "System" shall mean the Public Employees'
340 Retirement System of Mississippi established and described in
341 Section 25-11-101.

342 (y) "State" shall mean the State of Mississippi or any
343 political subdivision thereof or instrumentality thereof.

344 (z) "State service" shall mean all offices and
345 positions of trust or employment in the employ of the state, or
346 any political subdivision or instrumentality thereof, which elect
347 to participate as provided by Section 25-11-105(f), including the
348 position of elected or fee officials of the counties and their
349 deputies and employees performing public services or any
350 department, independent agency, board or commission thereof, and
351 shall also include all offices and positions of trust or
352 employment in the employ of joint state and federal agencies
353 administering state and federal funds and service rendered by
354 employees of the public schools. Effective July 1, 1973, all
355 nonprofessional public school employees, such as bus drivers,
356 janitors, maids, maintenance workers and cafeteria employees,
357 shall have the option to become members in accordance with Section
358 25-11-105(b), and shall be eligible to receive credit for services
359 prior to July 1, 1973, provided the contributions and interest are
360 paid by the employee in accordance with said section; provided,
361 further, that the county or municipal separate school district may
362 pay the employer contribution and pro rata share of interest of
363 the retroactive service from available funds. From and after July
364 1, 1998, retroactive service credit shall be purchased at the
365 actuarial cost in accordance with Section 25-11-105(b).



366 (aa) "Withdrawal from service" shall mean complete
367 severance of employment in the state service of any member by
368 resignation, dismissal or discharge, except in the case of persons
369 who become eligible for retirement under this article during their
370 employment as a teacher and who choose to receive a retirement
371 allowance while continuing to be employed as a teacher as
372 authorized by Section 25-11-126.

373 (bb) The masculine pronoun, wherever used, shall
374 include the feminine pronoun.

375 SECTION 3. Section 25-11-105, Mississippi Code of 1972, is
376 amended as follows:

377 25-11-105. I. **THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

378 The membership of this retirement system shall be composed as
379 follows:

380 (a) All persons who shall become employees in the state
381 service after January 31, 1953, and whose wages are subject to
382 payroll taxes and are lawfully reported on IRS Form W-2, except
383 (i) those persons who are specifically excluded, (ii) those
384 persons to whom election is provided in Articles 1 and 3, and
385 (iii) those persons who continue receiving a retirement allowance
386 while employed as a teacher after retirement and those persons who
387 receive a retirement allowance while continuing to be employed as
388 a teacher, as authorized by Section 25-11-126, shall become
389 members of the retirement system as a condition of their
390 employment.

391 (b) All persons who shall become employees in the state
392 service after January 31, 1953, except those specifically excluded
393 or as to whom election is provided in Articles 1 and 3, unless
394 they shall file with the board prior to the lapse of sixty (60)
395 days of employment or sixty (60) days after the effective date of
396 the cited articles, whichever is later, on a form prescribed by
397 the board, a notice of election not to be covered by the
398 membership of the retirement system and a duly executed waiver of



399 all present and prospective benefits which would otherwise inure
400 to them on account of their participation in the system, shall
401 become members of the retirement system; provided, however, that
402 no credit for prior service will be granted to members until they
403 have contributed to Article 3 of the retirement system for a
404 minimum period of at least four (4) years. Such members shall
405 receive credit for services performed prior to January 1, 1953, in
406 employment now covered by Article 3, but no credit shall be
407 granted for retroactive services between January 1, 1953, and the
408 date of their entry into the retirement system unless the employee
409 pays into the retirement system both the employer's and the
410 employee's contributions on wages paid him during the period from
411 January 31, 1953, to the date of his becoming a contributing
412 member, together with interest at the rate determined by the board
413 of trustees. Members reentering after withdrawal from service
414 shall qualify for prior service under the provisions of Section
415 25-11-117. From and after July 1, 1998, upon eligibility as noted
416 above, the member may receive credit for such retroactive service
417 provided:

418 (1) The member shall furnish proof satisfactory to
419 the board of trustees of certification of such service from the
420 covered employer where the services were performed; and

421 (2) The member shall pay to the retirement system
422 on the date he or she is eligible for such credit or at any time
423 thereafter prior to the date of retirement the actuarial cost for
424 each year of such creditable service. The provisions of this
425 subparagraph (2) shall be subject to the limitations of Section
426 415 of the Internal Revenue Code and regulations promulgated
427 thereunder.

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



432 (c) All persons who shall become employees in the state
433 service after January 31, 1953, and who are eligible for
434 membership in any other retirement system shall become members of
435 this retirement system as a condition of their employment unless
436 they elect at the time of their employment to become a member of
437 such other system.

438 (d) All persons who are employees in the state service
439 on January 31, 1953, and who are members of any nonfunded
440 retirement system operated by the State of Mississippi, or any of
441 its departments or agencies, shall become members of this system
442 with prior service credit unless, before February 1, 1953, they
443 shall file a written notice with the board of trustees that they
444 do not elect to become members.

445 (e) All persons who are employees in the state service
446 on January 31, 1953, and who under existing laws are members of
447 any fund operated for the retirement of employees by the State of
448 Mississippi, or any of its departments or agencies, shall not be
449 entitled to membership in this retirement system unless, before
450 February 1, 1953, any such person shall indicate by a notice filed
451 with the board, on a form prescribed by the board, his individual
452 election and choice to participate in this system, but no such
453 person shall receive prior service credit unless he becomes a
454 member on or before February 1, 1953.

455 (f) Each political subdivision of the state and each
456 instrumentality of the state or a political subdivision, or both,
457 is hereby authorized to submit, for approval by the board of
458 trustees, a plan for extending the benefits of this article to
459 employees of any such political subdivision or instrumentality.
460 Each such plan or any amendment to the plan for extending benefits
461 thereof shall be approved by the board of trustees if it finds
462 that such plan, or such plan as amended, is in conformity with
463 such requirements as are provided in Articles 1 and 3; however,
464 upon approval of such plan or any such plan heretofore approved by



465 the board of trustees, the approved plan shall not be subject to
466 cancellation or termination by the political subdivision or
467 instrumentality, except that any community hospital serving a
468 municipality that joined the Public Employees' Retirement System
469 as of November 1, 1956, to offer social security coverage for its
470 employees and subsequently extended retirement annuity coverage to
471 its employees as of December 1, 1965, may, upon documentation of
472 extreme financial hardship, have future retirement annuity
473 coverage cancelled or terminated at the discretion of the board of
474 trustees. No such plan shall be approved unless:

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

482 (2) It specifies the source or sources from which
483 the funds necessary to make the payments required by paragraph (d)
484 of Section 25-11-123 and of paragraph (f) (5)B and C of this
485 section are expected to be derived and contains reasonable
486 assurance that such sources will be adequate for such purpose;

487 (3) It provides for such methods of administration
488 of the plan by the political subdivision or instrumentality as are
489 found by the board of trustees to be necessary for the proper and
490 efficient administration thereof;

491 (4) It provides that the political subdivision or
492 instrumentality will make such reports, in such form and
493 containing such information, as the board of trustees may from
494 time to time require;

495 (5) It authorizes the board of trustees to
496 terminate the plan in its entirety in the discretion of the board
497 if it finds that there has been a failure to comply substantially



498 with any provision contained in such plan, such termination to
499 take effect at the expiration of such notice and on such
500 conditions as may be provided by regulations of the board and as
501 may be consistent with applicable federal law.

502 A. The board of trustees shall not finally
503 refuse to approve a plan submitted under paragraph (f), and shall
504 not terminate an approved plan without reasonable notice and
505 opportunity for hearing to each political subdivision or
506 instrumentality affected thereby. The board's decision in any
507 such case shall be final, conclusive and binding unless an appeal
508 be taken by the political subdivision or instrumentality aggrieved
509 thereby to the Circuit Court of Hinds County, Mississippi, in
510 accordance with the provisions of law with respect to civil causes
511 by certiorari.

512 B. Each political subdivision or
513 instrumentality as to which a plan has been approved under this
514 section shall pay into the contribution fund, with respect to
515 wages (as defined in Section 25-11-5), at such time or times as
516 the board of trustees may by regulation prescribe, contributions
517 in the amounts and at the rates specified in the applicable
518 agreement entered into by the board.

519 C. Every political subdivision or
520 instrumentality required to make payments under paragraph (f)(5)B
521 hereof is authorized, in consideration of the employees' retention
522 in or entry upon employment after enactment of Articles 1 and 3,
523 to impose upon its employees, as to services which are covered by
524 an approved plan, a contribution with respect to wages (as defined
525 in Section 25-11-5) not exceeding the amount provided in Section
526 25-11-123(d) if such services constituted employment within the
527 meaning of Articles 1 and 3, and to deduct the amount of such
528 contribution from the wages as and when paid. Contributions so
529 collected shall be paid into the contribution fund as partial
530 discharge of the liability of such political subdivisions or



531 instrumentalities under paragraph (f) (5)B hereof. Failure to
532 deduct such contribution shall not relieve the employee or
533 employer of liability thereof.

534 D. Any state agency, school, political
535 subdivision, instrumentality or any employer that is required to
536 submit contribution payments or wage reports under any section of
537 this chapter shall be assessed interest on delinquent payments or
538 wage reports as determined by the board of trustees in accordance
539 with rules and regulations adopted by the board and such assessed
540 interest may be recovered by action in a court of competent
541 jurisdiction against such reporting agency liable therefor or may,
542 upon due certification of delinquency and at the request of the
543 board of trustees, be deducted from any other monies payable to
544 such reporting agency by any department or agency of the state.

545 E. Each political subdivision of the state
546 and each instrumentality of the state or a political subdivision
547 or subdivisions which submits a plan for approval of the board, as
548 provided in this section, shall reimburse the board for coverage
549 into the expense account, its pro rata share of the total expense
550 of administering Articles 1 and 3 as provided by regulations of
551 said board.

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

558 (h) An employee whose membership in this system is
559 contingent on his own election, and who elects not to become a
560 member, may thereafter apply for and be admitted to membership;
561 but no such employee shall receive prior service credit unless he
562 becomes a member prior to July 1, 1953, except as provided in
563 paragraph (b).



564 (i) In the event any member of this system should
565 change his employment to any agency of the state having an
566 actuarially funded retirement system, the board of trustees may
567 authorize the transfer of the member's creditable service and of
568 the present value of the member's employer's accumulation account
569 and of the present value of the member's accumulated membership
570 contributions to such other system, provided the employee agrees
571 to the transfer of his accumulated membership contributions and
572 provided such other system is authorized to receive and agrees to
573 make such transfer.

574 In the event any member of any other actuarially funded
575 system maintained by an agency of the state changes his employment
576 to an agency covered by this system, the board of trustees may
577 authorize the receipt of the transfer of the member's creditable
578 service and of the present value of the member's employer's
579 accumulation account and of the present value of the member's
580 accumulated membership contributions from such other system,
581 provided the employee agrees to the transfer of his accumulated
582 membership contributions to this system and provided the other
583 system is authorized and agrees to make such transfer.

584 (j) Wherever herein state employment is referred to, it
585 shall include joint employment by state and federal agencies of
586 all kinds.

587 (k) Employees of a political subdivision or
588 instrumentality who were employed by such political subdivision or
589 instrumentality prior to an agreement between such entity and the
590 Public Employees' Retirement System to extend the benefits of this
591 article to its employees, and which agreement provides for the
592 establishment of retroactive service credit, and who have been
593 members of the retirement system and have remained contributors to
594 the retirement system for four (4) years, may receive credit for
595 such retroactive service with such political subdivision or
596 instrumentality, provided the employee and/or employer, as



597 provided under the terms of the modification of the joinder
598 agreement in allowing such coverage, pay into the retirement
599 system the employer's and employee's contributions on wages paid
600 the member during such previous employment, together with interest
601 or actuarial cost as determined by the board covering the period
602 from the date the service was rendered until the payment for the
603 credit for such service was made. Such wages shall be verified by
604 the Social Security Administration or employer payroll records.
605 Effective July 1, 1998, upon eligibility as noted above, a member
606 may receive credit for such retroactive service with such
607 political subdivision or instrumentality provided:

608 (1) The member shall furnish proof satisfactory to
609 the board of trustees of certification of such services from the
610 political subdivision or instrumentality where the services were
611 rendered or verification by the Social Security Administration;
612 and

613 (2) The member shall pay to the retirement system
614 on the date he or she is eligible for such credit or at any time
615 thereafter prior to the date of retirement the actuarial cost for
616 each year of such creditable service. The provisions of this
617 subparagraph (2) shall be subject to the limitations of Section
618 415 of the Internal Revenue Code and regulations promulgated
619 thereunder.

620 Nothing contained in this paragraph (k) shall be construed to
621 limit the authority of the board to allow the correction of
622 reporting errors or omissions based on the payment of employee and
623 employer contributions plus applicable interest. Payment for such
624 time shall be made in increments of not less than one-quarter
625 (1/4) year of creditable service beginning with the most recent
626 service. Upon the payment of all or part of such required
627 contributions, plus interest or the actuarial cost as provided
628 above, the member shall receive credit for the period of



629 creditable service for which full payment has been made to the
630 retirement system.

631 (l) Through June 30, 1998, any state service eligible
632 for retroactive service credit, no part of which has ever been
633 reported, and requiring the payment of employee and employer
634 contributions plus interest, or, from and after July 1, 1998, any
635 state service eligible for retroactive service credit, no part of
636 which has ever been reported to the retirement system, and
637 requiring the payment of the actuarial cost for such creditable
638 service, may, at the member's option, be purchased in quarterly
639 increments as provided above at such time as its purchase is
640 otherwise allowed.

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

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

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

648 (a) Patient or inmate help in state charitable, penal
649 or correctional institutions;

650 (b) Students of any state educational institution
651 employed by any agency of the state for temporary, part-time or
652 intermittent work;

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

656 **III. TERMINATION OF MEMBERSHIP**

657 Membership in this system shall cease by a member withdrawing
658 his accumulated contributions, or by a member withdrawing from
659 active service with a retirement allowance, or by a member's
660 death.



661 SECTION 4. Section 25-11-127, Mississippi Code of 1972, is
662 amended as follows:

663 25-11-127. No person who is being paid a retirement
664 allowance or a pension after retirement under this article shall
665 be employed or paid for any service by the State of Mississippi,
666 except as provided in this section or in Section 25-11-126. This
667 section shall not apply to any pensioner who has been elected to
668 public office after retirement, nor to any person employed because
669 of special knowledge or experience. This section shall not be
670 construed to mean that any person employed or elected under the
671 above exceptions shall become a member under Article 3 of the
672 retirement system unless the person chooses to become a
673 contributing member of the retirement system as authorized by
674 25-11-126, nor shall any retirant of this retirement system who is
675 reemployed or is reelected to office after retirement continue to
676 draw retirement benefits while so reemployed or reelected, except
677 those persons who choose to continue receiving a retirement
678 allowance during their employment as teachers as authorized by
679 Section 25-11-126. Any person who has been retired under the
680 provisions of Articles 1 and 3 and who is later reemployed in
681 service covered by this article, except for those persons who
682 choose to continue receiving a retirement allowance during their
683 employment as teachers as authorized by Section 25-11-126, shall
684 cease to receive benefits under this article and the person shall
685 again become a contributing member of the retirement system unless
686 the person chooses not to be a contributing member as authorized
687 by Section 25-11-126. When the person retires again * * *, if the
688 person has been a contributing member of the retirement system
689 during his or her reemployment and the reemployment exceeds six
690 (6) months, the person shall have his or her benefit recomputed,
691 including service after again becoming a member, provided * * *
692 that the total retirement allowance paid to the retired member in
693 his or her previous retirement shall be deducted from the member's



694 retirement reserve and taken into consideration in recalculating
695 the retirement allowance under a new option selected. Nothing
696 contained in this section shall be construed as prohibiting any
697 county or city not a member of the Public Employees' Retirement
698 System from employing persons up to the age of seventy-three (73).
699 In addition, through June 30, 1988, nothing contained in this
700 section shall be construed as prohibiting any governmental unit
701 that is a member from employing persons up to the age of
702 seventy-three (73) who are not eligible for membership at the time
703 of employment under Article 3.

704 The board of trustees of the retirement system shall have the
705 right to prescribe rules and regulations for the carrying out of
706 this provision.

707 The provisions of this section shall not be construed to
708 prohibit any retirant, regardless of age, from being employed and
709 from drawing retirement allowance either (a) for a period of time
710 not to exceed one hundred twenty (120) days in any fiscal year,
711 but less than one-half (1/2) of the normal working days for the
712 position in any fiscal year, or (b) for a period of time in any
713 fiscal year sufficient in length to permit a retirant to earn not
714 in excess of twenty-five percent (25%) of retirant's average
715 compensation or the current rate of the salary in effect for the
716 regular position filled. Notice shall be given in writing to the
717 executive director of the system, setting forth the facts upon
718 which the * * * employment is being made, and the notice shall be
719 given within five (5) days from the date of employment and also
720 from the date of termination of the employment.

721 * * * Any member who has attained seventy (70) years of age
722 and who has forty (40) or more years of creditable service may
723 continue in office or employment or be reemployed or elected,
724 provided that the person files annually, in writing, in the office
725 of the employer and the office of the executive director of the
726 system before those services, a waiver of all salary or



727 compensation and elects to receive in lieu of that salary or
728 compensation a retirement allowance as provided in this section,
729 in which event no salary or compensation shall thereafter be due
730 or payable for those services. However, any such officer or
731 employee may receive, in addition to the retirement allowance, any
732 per diem, office expense allowance, mileage or travel expense
733 authorized by any statute of the State of Mississippi.

734 Any * * * member may continue in municipal or county office
735 or employment or be reemployed or elected in a municipality or
736 county, provided that the person files annually, in writing, in
737 the office of the employer and the office of the executive
738 director of the system before those services, a waiver of all
739 salary or compensation and elects to receive in lieu of that
740 salary or compensation a retirement allowance as provided in this
741 section, in which event no salary or compensation shall thereafter
742 be due or payable for those services. However, any such officer
743 or employee may receive, in addition to the retirement allowance,
744 any per diem, office expense allowance, mileage or travel expense
745 authorized by any statute of the State of Mississippi.

746 SECTION 5. Section 37-19-7, Mississippi Code of 1972, is
747 amended as follows:

748 37-19-7. (1) This section shall be known and may be cited
749 as the Mississippi "Teacher Opportunity Program (TOP)." The
750 allowance in the minimum education program and the Mississippi
751 Adequate Education Program for teachers' salaries in each county
752 and separate school district shall be determined and paid in
753 accordance with the scale for teachers' salaries as provided in
754 this subsection. For teachers holding the following types of
755 licenses or the equivalent as determined by the State Board of
756 Education, and the following number of years of teaching
757 experience, the scale shall be as follows:

758 **1999-2000 School Year and School Years Thereafter**

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



760	AAAA.....	\$ 25,790.00
761	AAA.....	24,940.00
762	AA.....	24,090.00
763	A.....	23,040.00

25 or More Years of Teaching Experience

765	AAAA.....	\$ 26,790.00
766	AAA.....	25,940.00
767	AA.....	25,090.00
768	A.....	24,040.00

769 Provided, however, that in the event the Sine Die General
770 Fund Revenue Estimate Increase for fiscal year 2002 is at least
771 five percent (5%), as certified by the Legislative Budget Office
772 to the State Board of Education, the scale shall be as follows:

2001-2002 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

775	AAAA.....	\$ 26,290.00
776	AAA.....	25,440.00
777	AA.....	24,590.00
778	A.....	23,540.00

25 or More Years of Teaching Experience

780	AAAA.....	\$ 27,790.00
781	AAA.....	26,940.00
782	AA.....	26,090.00
783	A.....	25,040.00

784 Provided further, that for each one percent (1%) that the
785 Sine Die General Fund Revenue Estimate Growth exceeds the five
786 percent (5%) minimum for fiscal year 2002, as certified by the
787 Legislative Budget Office to the State Board of Education and
788 subject to specific appropriation therefor by the Legislature, the
789 State Board of Education shall revise the salary scale to provide
790 an additional one percent (1%) across the board increase in the
791 base salaries for each type of certificate.



792 In the event the Sine Die General Fund Revenue Estimate
793 Increase for fiscal year 2003 is at least five percent (5%), as
794 certified by the Legislative Budget Office to the State Board of
795 Education, the scale shall be as follows:

796 **2002-2003 School Year and School Years Thereafter**

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

798	AAAA.....	\$ 27,850.00
799	AAA.....	27,000.00
800	AA.....	26,150.00
801	A.....	24,700.00

802 **25 or More Years of Teaching Experience**

803	AAAA.....	\$ 29,850.00
804	AAA.....	29,000.00
805	AA.....	28,150.00
806	A.....	26,700.00

807 The State Board of Education shall revise the salary scale
808 prescribed above for the 2002-2003 school year to conform to any
809 adjustments made to the salary scale in the prior fiscal year due
810 to revenue growth over and above five percent (5%). Provided
811 further, that for each one percent (1%) that the Sine Die General
812 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
813 for fiscal year 2003, as certified by the Legislative Budget
814 Office to the State Board of Education and subject to specific
815 appropriation therefor by the Legislature, the State Board of
816 Education shall revise the salary scale to provide an additional
817 one percent (1%) across the board increase in the base salaries
818 for each type of certificate.

819 In the event the Sine Die General Fund Revenue Estimate
820 Increase for fiscal year 2004 is at least five percent (5%), as
821 certified by the Legislative Budget Office to the State Board of
822 Education, the scale shall be as follows:

823 **2003-2004 School Year and School Years Thereafter**

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



825	AAAA.....	\$ 29,550.00
826	AAA.....	28,700.00
827	AA.....	27,850.00
828	A.....	26,000.00

25 or More Years of Teaching Experience

830	AAAA.....	\$ 31,550.00
831	AAA.....	30,700.00
832	AA.....	29,850.00
833	A.....	28,000.00

834 The State Board of Education shall revise the salary scale
835 prescribed above for the 2003-2004 school year to conform to any
836 adjustments made to the salary scale in prior fiscal years due to
837 revenue growth over and above five percent (5%). Provided
838 further, that for each one percent (1%) that the Sine Die General
839 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
840 for fiscal year 2004, as certified by the Legislative Budget
841 Office to the State Board of Education and subject to specific
842 appropriation therefor by the Legislature, the State Board of
843 Education shall revise the salary scale to provide an additional
844 one percent (1%) across the board increase in the base salaries
845 for each type of certificate.

846 In the event the Sine Die General Fund Revenue Estimate
847 Increase for fiscal year 2005 is at least five percent (5%), as
848 certified by the Legislative Budget Office to the State Board of
849 Education, the scale shall be as follows:

2004-2005 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

852	AAAA.....	\$ 31,775.00
853	AAA.....	30,850.00
854	AA.....	29,925.00
855	A.....	28,000.00

25 or More Years of Teaching Experience

857	AAAA.....	\$ 33,775.00
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858	AAA.....	32,850.00
859	AA.....	31,925.00
860	A.....	30,000.00

861 The State Board of Education shall revise the salary scale
862 prescribed above for the 2004-2005 school year to conform to any
863 adjustments made to the salary scale in prior fiscal years due to
864 revenue growth over and above five percent (5%). Provided
865 further, that for each one percent (1%) that the Sine Die General
866 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
867 for fiscal year 2005, as certified by the Legislative Budget
868 Office to the State Board of Education and subject to specific
869 appropriation therefor by the Legislature, the State Board of
870 Education shall revise the salary scale to provide an additional
871 one percent (1%) across the board increase in the base salaries
872 for each type of certificate.

873 In the event the Sine Die General Fund Revenue Estimate
874 Increase for fiscal year 2006 is at least five percent (5%), as
875 certified by the Legislative Budget Office to the State Board of
876 Education, the scale shall be as follows:

877 **2005-2006 School Year and School Years Thereafter**

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

879	AAAA.....	\$ 34,000.00
880	AAA.....	33,000.00
881	AA.....	32,000.00
882	A.....	30,000.00

883 **25 or More Years of Teaching Experience**

884	AAAA.....	\$ 36,000.00
885	AAA.....	35,000.00
886	AA.....	34,000.00
887	A.....	32,000.00

888 The State Board of Education shall revise the salary scale
889 prescribed above for the 2005-2006 school year to conform to any
890 adjustments made to the salary scale in prior fiscal years due to



891 revenue growth over and above five percent (5%). Provided
892 further, that for each one percent (1%) that the Sine Die General
893 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
894 for fiscal year 2006, as certified by the Legislative Budget
895 Office to the State Board of Education and subject to specific
896 appropriation therefor by the Legislature, the State Board of
897 Education shall revise the salary scale to provide an additional
898 one percent (1%) across the board increase in the base salaries
899 for each type of certificate.

900 It is the intent of the Legislature that any state funds made
901 available for salaries of licensed personnel in excess of the
902 funds paid for such salaries for the 1986-1987 school year shall
903 be paid to licensed personnel pursuant to a personnel appraisal
904 and compensation system implemented by the State Board of
905 Education. The State Board of Education shall have the authority
906 to adopt and amend rules and regulations as are necessary to
907 establish, administer and maintain the system.

908 All teachers employed on a full-time basis shall be paid a
909 minimum salary in accordance with the above scale. However, no
910 school district shall receive any funds under this section for any
911 school year during which the local supplement paid to any
912 individual teacher shall have been reduced to a sum less than that
913 paid to that individual teacher for performing the same duties
914 from local supplement during the immediately preceding school
915 year. The amount actually spent for the purposes of group health
916 and/or life insurance shall be considered as a part of the
917 aggregate amount of local supplement but shall not be considered
918 a part of the amount of individual local supplement.

919 For teachers holding a Class AAAA license, the minimum base
920 pay specified in this subsection shall be increased by the sum of
921 Six Hundred Sixty Dollars (\$660.00) for each year of teaching
922 experience possessed by the person holding such license until such
923 person shall have twenty-five (25) years of teaching experience.



924 For teachers holding a Class AAA license, the minimum base
925 pay specified in this subsection shall be increased by the sum of
926 Five Hundred Ninety-five Dollars (\$595.00) for each year of
927 teaching experience possessed by the person holding such license
928 until such person shall have twenty-five (25) years of teaching
929 experience.

930 For teachers holding a Class AA license, the minimum base pay
931 specified in this subsection shall be increased by the sum of Five
932 Hundred Thirty Dollars (\$530.00) for each year of teaching
933 experience possessed by the person holding such license until such
934 person shall have twenty-five (25) years of teaching experience.

935 For teachers holding a Class A license, the minimum base pay
936 specified in this subsection shall be increased by the sum of Four
937 Hundred Thirty-five Dollars (\$435.00) for each year of teaching
938 experience possessed by the person holding such license until such
939 person shall have twenty-one (21) years of teaching experience.

940 Provided, however, that in the event the Sine Die General
941 Fund Revenue Estimate Increase for fiscal year 2003 is at least
942 five percent (5%), as certified by the Legislative Budget Office
943 to the State Board of Education, the annual increments shall be as
944 follows:

945 For teachers holding a Class AAAA license, the minimum base
946 pay specified in this subsection shall be increased by the sum of
947 Six Hundred Eighty-five Dollars (\$685.00) for each year of
948 teaching experience possessed by the person holding such license
949 until such person shall have twenty-five (25) years of teaching
950 experience.

951 For teachers holding a Class AAA license, the minimum base
952 pay specified in this subsection shall be increased by the sum of
953 Six Hundred Twenty Dollars (\$620.00) for each year of teaching
954 experience possessed by the person holding such license until such
955 person shall have twenty-five (25) years of teaching experience.



956 For teachers holding a Class AA license, the minimum base pay
957 specified in this subsection shall be increased by the sum of Five
958 Hundred Fifty-five Dollars (\$555.00) for each year of teaching
959 experience possessed by the person holding such license until such
960 person shall have twenty-five (25) years of teaching experience.

961 For teachers holding a Class A license, the minimum base pay
962 specified in this subsection shall be increased by the sum of Four
963 Hundred Forty-five Dollars (\$445.00) for each year of teaching
964 experience possessed by the person holding such license until such
965 person shall have twenty-two (22) years of teaching experience.

966 In the event the Sine Die General Fund Revenue Estimate
967 Increase for fiscal year 2004 is at least five percent (5%), as
968 certified by the Legislative Budget Office to the State Board of
969 Education, the annual increments shall be as follows:

970 For teachers holding a Class AAAA license, the minimum base
971 pay specified in this subsection shall be increased by the sum of
972 Seven Hundred Ten Dollars (\$710.00) for each year of teaching
973 experience possessed by the person holding such license until such
974 person shall have twenty-five (25) years of teaching experience.

975 For teachers holding a Class AAA license, the minimum base
976 pay specified in this subsection shall be increased by the sum of
977 Six Hundred Forty-five Dollars (\$645.00) for each year of teaching
978 experience possessed by the person holding such license until such
979 person shall have twenty-five (25) years of teaching experience.

980 For teachers holding a Class AA license, the minimum base pay
981 specified in this subsection shall be increased by the sum of Five
982 Hundred Eighty Dollars (\$580.00) for each year of teaching
983 experience possessed by the person holding such license until such
984 person shall have twenty-five (25) years of teaching experience.

985 For teachers holding a Class A license, the minimum base pay
986 specified in this subsection shall be increased by the sum of Four
987 Hundred Fifty-five Dollars (\$455.00) for each year of teaching



988 experience possessed by the person holding such license until such
989 person shall have twenty-three (23) years of teaching experience.

990 In the event the Sine Die General Fund Revenue Estimate
991 Increase for fiscal year 2005 is at least five percent (5%), as
992 certified by the Legislative Budget Office to the State Board of
993 Education, the annual increments shall be as follows:

994 For teachers holding a Class AAAA license, the minimum base
995 pay specified in this subsection shall be increased by the sum of
996 Seven Hundred Forty Dollars (\$740.00) for each year of teaching
997 experience possessed by the person holding such license until such
998 person shall have twenty-five (25) years of teaching experience.

999 For teachers holding a Class AAA license, the minimum base
1000 pay specified in this subsection shall be increased by the sum of
1001 Six Hundred Seventy-five Dollars (\$675.00) for each year of
1002 teaching experience possessed by the person holding such license
1003 until such person shall have twenty-five (25) years of teaching
1004 experience.

1005 For teachers holding a Class AA license, the minimum base pay
1006 specified in this subsection shall be increased by the sum of Six
1007 Hundred Ten Dollars (\$610.00) for each year of teaching experience
1008 possessed by the person holding such license until such person
1009 shall have twenty-five (25) years of teaching experience.

1010 For teachers holding a Class A license, the minimum base pay
1011 specified in this subsection shall be increased by the sum of Four
1012 Hundred Sixty-five Dollars (\$465.00) for each year of teaching
1013 experience possessed by the person holding such license until such
1014 person shall have twenty-four (24) years of teaching experience.

1015 In the event the Sine Die General Fund Revenue Estimate
1016 Increase for fiscal year 2006 is at least five percent (5%), as
1017 certified by the Legislative Budget Office to the State Board of
1018 Education, the annual increments shall be as follows:

1019 For teachers holding a Class AAAA license, the minimum base
1020 pay specified in this subsection shall be increased by the sum of



1021 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching
1022 experience possessed by the person holding such license until such
1023 person shall have twenty-five (25) years of teaching experience.

1024 For teachers holding a Class AAA license, the minimum base
1025 pay specified in this subsection shall be increased by the sum of
1026 Seven Hundred Five Dollars (\$705.00) for each year of teaching
1027 experience possessed by the person holding such license until such
1028 person shall have twenty-five (25) years of teaching experience.

1029 For teachers holding a Class AA license, the minimum base pay
1030 specified in this subsection shall be increased by the sum of Six
1031 Hundred Forty Dollars (\$640.00) for each year of teaching
1032 experience possessed by the person holding such license until such
1033 person shall have twenty-five (25) years of teaching experience.

1034 For teachers holding a Class A license, the minimum base pay
1035 specified in this subsection shall be increased by the sum of Four
1036 Hundred Eighty Dollars (\$480.00) for each year of teaching
1037 experience possessed by the person holding such license until such
1038 person shall have twenty-four (24) years of teaching experience.

1039 The level of professional training of each teacher to be used
1040 in establishing the salary allotment for the teachers for each
1041 year shall be determined by the type of valid teacher's license
1042 issued to those teachers on or before October 1 of the current
1043 school year.

1044 (2) (a) The following employees shall receive an annual
1045 salary supplement in the amount of Six Thousand Dollars
1046 (\$6,000.00), plus fringe benefits, in addition to any other
1047 compensation to which the employee may be entitled:

1048 (i) Any licensed teacher who has met the
1049 requirements and acquired a Master Teacher certificate from the
1050 National Board for Professional Teaching Standards and who is
1051 employed by a local school board or the State Board of Education
1052 as a teacher and not as an administrator. In the 1999-2000 and
1053 2000-2001 school year, such teacher shall submit documentation to



1054 the State Department of Education that the certificate was
1055 received prior to April 15 in order to be eligible for the full
1056 salary supplement in the current school year. In the 2001-2002
1057 school year and in school years thereafter, such teacher shall
1058 submit documentation to the State Department of Education that the
1059 certificate was received prior to October 15 in order to be
1060 eligible for the full salary supplement in the current school
1061 year, or the teacher shall submit such documentation to the State
1062 Department of Education prior to February 15 in order to be
1063 eligible for a prorated salary supplement beginning with the
1064 second term of the school year.

1065 (ii) From and after July 1, 1999, any licensed
1066 school counselor who has met the requirements and acquired a
1067 National Certified School Counselor (NCSC) endorsement from the
1068 National Board of Certified Counselors and who is employed by a
1069 local school board or the State Board of Education as a counselor
1070 and not as an administrator. Such licensed school counselor shall
1071 submit documentation to the State Department of Education that the
1072 endorsement was received prior to October 15 in order to be
1073 eligible for the full salary supplement in the current school
1074 year, or the licensed school counselor shall submit such
1075 documentation to the State Department of Education prior to
1076 February 15 in order to be eligible for a prorated salary
1077 supplement beginning with the second term of the school year.
1078 However, the salary supplement authorized under this item shall be
1079 discontinued two (2) years after the date on which the National
1080 Board for Professional Teaching Standards offers a certification
1081 process for a Master Teacher certificate for school counselors,
1082 and any school counselor receiving the salary supplement will be
1083 required to complete the Master Teacher certificate process under
1084 item (i) of this paragraph in order to continue receiving such
1085 salary supplement.



1086 (iii) From and after July 1, 1999, any licensed
1087 speech-language pathologist and audiologist who has met the
1088 requirements and acquired a Certificate of Clinical Competence
1089 from the American Speech-Language-Hearing Association and who is
1090 employed by a local school board. Such licensed speech-language
1091 pathologist and audiologist shall submit documentation to the
1092 State Department of Education that the certificate or endorsement
1093 was received prior to October 15 in order to be eligible for the
1094 full salary supplement in the current school year, or the licensed
1095 speech-language pathologist and audiologist shall submit such
1096 documentation to the State Department of Education prior to
1097 February 15 in order to be eligible for a prorated salary
1098 supplement beginning with the second term of the school year.
1099 However, the salary supplement authorized under this item shall be
1100 discontinued two (2) years after the date on which the National
1101 Board for Professional Teaching Standards offers a certification
1102 process for a Master Teacher certificate for school speech
1103 pathologists and audiologists, and any school speech pathologist
1104 and audiologist receiving the salary supplement will be required
1105 to complete the Master Teacher certificate process under item (i)
1106 of this paragraph in order to continue receiving such salary
1107 supplement.

1108 (b) An employee shall be reimbursed one (1) time for
1109 the actual cost of completing the process of acquiring the
1110 certificate or endorsement, excluding any costs incurred for
1111 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
1112 for a school counselor or speech-language pathologist and
1113 audiologist, regardless of whether or not the process resulted in
1114 the award of the certificate or endorsement. A local school
1115 district or any private individual or entity may pay the cost of
1116 completing the process of acquiring the certificate or endorsement
1117 for any employee of the school district described under paragraph
1118 (a), and the State Department of Education shall reimburse the



1119 school district for such cost, regardless of whether or not the
1120 process resulted in the award of the certificate or endorsement.
1121 If a private individual or entity has paid the cost of completing
1122 the process of acquiring the certificate or endorsement for an
1123 employee, the local school district may agree to directly
1124 reimburse the individual or entity for such cost on behalf of the
1125 employee.

1126 (c) All salary supplements, fringe benefits and process
1127 reimbursement authorized under this subsection shall be paid
1128 directly by the State Department of Education to the local school
1129 district and shall be in addition to its minimum education program
1130 allotments and not a part thereof in accordance with regulations
1131 promulgated by the State Board of Education, and subject to
1132 appropriation by the Legislature. Local school districts shall
1133 not reduce the local supplement paid to any employee receiving
1134 such salary supplement, and the employee shall receive any local
1135 supplement to which employees with similar training and experience
1136 otherwise are entitled.

1137 (d) The State Department of Education may not pay any
1138 process reimbursement to a school district for an employee who
1139 does not complete the certification or endorsement process
1140 required to be eligible for the certificate or endorsement. If an
1141 employee for whom such cost has been paid in full or in part by a
1142 local school district or private individual or entity fails to
1143 complete the certification or endorsement process, the employee
1144 shall be liable to the school district or individual or entity for
1145 all amounts paid by the school district or individual or entity on
1146 behalf of that employee toward his or her certificate or
1147 endorsement.

1148 (3) (a) Notwithstanding any provision in this section to
1149 the contrary, any person who is receiving a retirement allowance
1150 from the Public Employees' Retirement System who is employed as a
1151 teacher after retirement and chooses to continue receiving his or



1152 her retirement allowance while employed as a teacher after
1153 retirement, as authorized by subsection (1)(a) of Section
1154 25-11-126, shall be paid a salary equal to the amount of the
1155 salary that the person received during the school year immediately
1156 preceding retirement. No increase in the salary of any such
1157 person shall be allowed for any teaching experience obtained after
1158 the date of the person's employment as a teacher after retirement.

1159 (b) Notwithstanding any provision in this section to
1160 the contrary, any person who is employed as a teacher and becomes
1161 eligible for retirement under the Public Employees' Retirement
1162 System during that employment as a teacher who chooses to receive
1163 a retirement allowance while continuing to be employed as a
1164 teacher, as authorized by subsection (1)(b) of Section 25-11-126,
1165 shall be paid a salary equal to the amount of the salary that the
1166 person received during the school year immediately preceding the
1167 date that the person began receiving the retirement allowance. No
1168 increase in the salary of any such person shall be allowed for any
1169 teaching experience obtained after the date that the person began
1170 receiving the retirement allowance.

1171 SECTION 6. This act shall take effect and be in force from
1172 and after July 1, 2001.

