HOUSE BILL NO. 911


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

SECTION 1. Section 25-11-117, Mississippi Code of 1972, is amended as follows:

25-11-117. (1) A member may be paid a refund of the amount of accumulated contributions to the credit of the member in the annuity savings account provided the member has withdrawn from state service and further provided the member has not returned to state service on the date the refund of the accumulated contributions would be paid. The refund of the contributions to the credit of the member in the annuity savings account shall be paid within ninety (90) days from receipt in the office of the retirement system of the properly completed form requesting the payment. In the event of death before retirement of any member whose spouse and/or children are not entitled to a retirement allowance, the accumulated contributions to the credit of the deceased member in the annuity savings account shall be paid to the designated beneficiary on file in writing in the office of the executive director of the board of trustees within ninety (90) days from receipt of a properly completed form requesting the payment. If there is no such designated beneficiary on file for the deceased member in the office of the system, upon the filing
of a proper request with the board, the contributions to the
credit of the deceased member in the annuity savings account shall
be refunded according to Section 25-11-117.1(1). The payment of
the refund shall discharge all obligations of the retirement
system to the member on account of any creditable service rendered
by the member before the receipt of the refund. By the acceptance
of the refund, the member shall waive and relinquish all accrued
rights in the system.

(2) Under the Unemployment Compensation Amendments of 1992
(Public Law 102-318 (UCA)), a member or the spouse of a member who
is an eligible beneficiary entitled to a refund under this section
may elect, on a form prescribed by the board under rules and
regulations established by the board, to have an eligible rollover
distribution of accumulated contributions payable under this
section paid directly to an eligible retirement plan, as defined
under applicable federal law, or an individual retirement account.
If the member or the spouse of a member who is an eligible
beneficiary makes that election and specifies the eligible
retirement plan or individual retirement account to which the
distribution is to be paid, the distribution will be made in the
form of a direct trustee-to-trustee transfer to the specified
eligible retirement plan. Flexible rollovers under this
subsection shall not be considered assignments under Section
25-11-129.

(3) If any person who has received a refund reenters the
state service and again becomes a member of the system, the member
may repay all or part of the amounts previously received as a
refund, together with regular interest covering the period from
the date of refund to the date of repayment; however, the amounts that are repaid by the member and the creditable
service related thereto shall not be used in any benefit
calculation or determination until the member has remained a
contributor to the system for a period of at least four (4) years
after the member's reentry into state service. Repayment for that
time shall be made in increments of not less than one-quarter
(1/4) year of creditable service beginning with the most recent
service for which refund has been made. Upon the repayment of all
or part of the refund and interest, the member shall again receive
credit for the period of creditable service for which full
repayment has been made to the system.

SECTION 2. Section 25-11-118, Mississippi Code of 1972, is
amended as follows:

25-11-118. Effective July 1, 2000, and subject to the rules
adopted by the board of trustees, the system shall accept an
eligible rollover distribution or a direct transfer of funds from
another eligible retirement plan, as defined under applicable
federal law, in payment of all or a portion of the cost to
purchase optional service credit or to reinstate previously
withdrawn service credit as permitted by the system. The system
may only accept rollover payments in an amount equal to or less
than the balance due for purchase or reinstatement of service
credit. The rules adopted by the board of trustees shall
condition the acceptance of a rollover or transfer from another
eligible retirement plan on the receipt from the other plan of
information necessary to enable the system to determine the
eligibility of any transferred funds for tax-free rollover
treatment or other treatment under federal income tax law.

SECTION 3. Section 25-11-311, Mississippi Code of 1972, is
amended as follows:

25-11-311. (1) A member may be paid a refund of the amount
of accumulated contributions to the credit of the member in the
annuity savings account, provided the member has withdrawn from
state service and further provided the member has not returned to
state service on the date the refund of the accumulated
contributions would be paid. The refund of the contributions to
the credit of the member in the annuity savings account shall be
paid within ninety (90) days from receipt in the office of the
credit of the deceased member in the annuity savings account shall be paid to
the designated beneficiary on file in writing in the office of
effective director of the board of trustees within ninety (90)
days from receipt of a properly completed form requesting the
payment. If there is no such designated beneficiary on file for
the deceased member in the office of the system, upon the filing
of a proper request with the board, the contributions to the
credit of the deceased member in the annuity savings account shall be refunded according to Section 25-11-311.1(1). The payment of
the refund shall discharge all obligations of the retirement
system to the member on account of any creditable service rendered
by the member before the receipt of the refund. By the acceptance
of the refund, the member shall waive and relinquish all accrued
rights in the plan.

(2) Under the Unemployment Compensation Amendments of 1992
(Public Law 102-318 (UCA)), a member or eligible beneficiary
making application for a refund under this section may elect, on a
form prescribed by the board under rules and regulations
established by the board, to have an eligible rollover
distribution of accumulated contributions payable under this
section paid directly to an eligible retirement plan, as defined
under applicable federal law, or an individual retirement account.
If the member or eligible beneficiary makes that election and
specifies the eligible retirement plan or individual retirement
account to which the distribution is to be paid, the distribution
will be made in the form of a direct trustee-to-trustee transfer
to the specified eligible retirement plan. Flexible rollovers
under this subsection shall not be considered assignments under Section 25-11-129.

(3) If any person who has received a refund is reelected to the Legislature or as President of the Senate and again becomes a member of the plan, the member may repay all or part of the amounts previously received as a refund, together with regular interest covering the period from the date of refund to the date of repayment; however, the amounts that are repaid by the member and the creditable service related thereto shall not be used in any benefit calculation or determination until the member has remained a contributor to the system for a period of at least four years after the member's reentry into state service. Repayment for that time shall be made in increments of not less than one-quarter (1/4) year of creditable service beginning with the most recent service for which refund has been made. Upon the repayment of all or part of the refund and interest, the member shall again receive credit for the period of creditable service for which full repayment has been made to the system.

SECTION 4. Section 25-11-312, Mississippi Code of 1972, is amended as follows:

25-11-312. From and after July 1, 2000, subject to the rules adopted by the board, the supplemental legislative retirement plan shall accept an eligible rollover distribution or a direct transfer of funds from another eligible retirement plan, as defined under applicable federal law, in payment of all or a portion of the cost to reinstate previously withdrawn service credit as permitted by the plan. The plan may only accept rollover payments in an amount equal to or less than the balance due for reinstatement of service credit. The rules adopted by the board of trustees shall condition the acceptance of a rollover or transfer from another eligible retirement plan on the receipt from the other plan of information necessary to enable the plan to determine the eligibility of any transferred funds for tax-free
rollover treatment or other treatment under federal income tax

SECTION 5. Section 25-13-21, Mississippi Code of 1972, is
amended as follows:

25-13-21. If a highway patrolman ceases to work for the
Highway Safety Patrol for any reason other than occupational
disease contracted or for any accident sustained by the patrolman
by reason of his service or discharge of his duty in the Highway
Patrol, and if the highway patrolman is not eligible for
retirement either for service or disability, he shall be refunded
the amount of his total contribution under the provisions of this
chapter, including any credit transferred to his account in this
system from any other system, at his request; and if he dies
before retirement, the fund is to be refunded to any beneficiary
he may name. If there is no surviving designated beneficiary, the
contributions to the credit of the deceased member shall be
refunded according to Section 25-13-21.1(1).

Under the Unemployment Compensation Amendments of 1992
(Public Law 102-318 (UCA)), a member or the spouse of a member who
is an eligible beneficiary entitled to a refund under this section
may elect, on a form prescribed by the board under rules and
regulations established by the board, to have an eligible rollover
distribution of accumulated contributions payable under this
section paid directly to an eligible retirement plan, as defined
under applicable federal law, or an individual retirement account.
If the member or the spouse of a member who is an eligible
beneficiary makes that election and specifies the eligible
retirement plan or individual retirement account to which the
distribution is to be paid, the distribution will be made in the
form of a direct trustee-to-trustee transfer to the specified
eligible retirement plan. Flexible rollovers under this
subsection shall not be considered assignments under Section
If any highway patrolman who receives a refund reenters the service of the Highway Safety Patrol and again becomes a member of the system, he may repay all amounts previously received by him as a refund, together with regular interest covering the period from the date of refund to the date of repayment; however, the amounts that are repaid by the member and the creditable service related thereto shall not be used in any benefit calculation or determination until the member has remained a contributor to the system for a period of at least five (5) years after the member's reentry into state service. Repayment for that time shall be made in increments of not less than one-quarter (1/4) year of creditable service beginning with the most recent service for which refund has been made. Upon the repayment of all or part of the refund and interest, the highway patrolman shall again receive credit for the period of creditable service for which full repayment has been made to the system.

SECTION 6. Section 25-13-22, Mississippi Code of 1972, is amended as follows:

25-13-22. Effective July 1, 2000, and subject to the rules adopted by the board of trustees, the system shall accept an eligible rollover distribution or a direct transfer of funds from another eligible retirement plan, as defined under applicable federal law, in payment of all or a portion of the cost to purchase optional service credit or to reinstate previously withdrawn service credit as permitted by the system. The system may only accept rollover payments in an amount equal to or less than the balance due for purchase or reinstatement of service credit. The rules adopted by the board shall condition the acceptance of a rollover or transfer from another eligible retirement plan on the receipt from the other plan of information necessary to enable the system to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.
SECTION 7. Section 21-29-316, Mississippi Code of 1972, is amended as follows:

21-29-316. (1) **Under** the Unemployment Compensation Amendments of 1992 (Public Law 102-318 (UCA)), a member or the spouse of a member who is an eligible beneficiary entitled to a refund under Article 1, 3 or 5 of this chapter may elect on a form prescribed by the board under rules and regulations established by the board, to have an eligible rollover distribution of accumulated contributions payable under this section paid directly to an eligible retirement plan, as defined under applicable federal law, or an individual retirement account. If the member or the spouse of a member who is an eligible beneficiary makes that election and specifies the eligible retirement plan or individual retirement account to which the distribution is to be paid, the distribution will be made in the form of a direct trustee-to-trustee transfer to the specified eligible retirement plan. Flexible rollovers under this subsection shall not be considered assignments under Section 21-29-307.

(2) From and after July 1, 2001, subject to the rules adopted by the board of trustees, any plan under this chapter shall accept an eligible rollover distribution or a direct transfer of funds from another eligible retirement plan in payment of all or a portion of the cost to repay a refund as permitted by the plan. The plans may only accept rollover payments in an amount equal to or less than the balance due for reinstatement of service credit. The rules adopted by the board of trustees shall condition the acceptance of a rollover or transfer from another eligible retirement plan on the receipt from the other plan of information necessary to enable the system to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

SECTION 8. This act shall take effect and be in force from and after its passage.