

By: Representative Guice

To: Appropriations

HOUSE BILL NO. 703

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI HIGHWAY SAFETY PATROL
 2 RETIREMENT SYSTEM SHALL BE MERGED INTO AND COMBINED WITH THE
 3 PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO PROVIDE THAT ALL ACTIVE
 4 MEMBERS OF THE HIGHWAY SAFETY PATROL RETIREMENT SYSTEM SHALL
 5 BECOME MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND ALL
 6 RETIRED MEMBERS OF THE HIGHWAY SAFETY PATROL RETIREMENT SYSTEM AND
 7 BENEFICIARIES THEREOF SHALL CONTINUE TO RECEIVE FROM THE PUBLIC
 8 EMPLOYEES' RETIREMENT SYSTEM THE RETIREMENT BENEFITS TO WHICH THEY
 9 WERE ENTITLED UNDER THE HIGHWAY SAFETY PATROL RETIREMENT SYSTEM;
 10 TO PROVIDE THAT EMPLOYEE'S CONTRIBUTIONS, EMPLOYER'S CONTRIBUTIONS
 11 AND ALL OTHER ASSETS OF THE HIGHWAY SAFETY PATROL RETIREMENT
 12 SYSTEM SHALL BE TRANSFERRED TO THE PUBLIC EMPLOYEES' RETIREMENT
 13 SYSTEM; TO AMEND SECTIONS 25-11-111, MISSISSIPPI CODE OF 1972, TO
 14 REDUCE THE AGE AT WHICH A MEMBER OF THE PUBLIC EMPLOYEES'
 15 RETIREMENT SYSTEM MAY RETIRE FROM AGE SIXTY TO AGE FIFTY-FIVE; TO
 16 INCREASE THE PERCENTAGE USED TO CALCULATE A RETIREMENT ALLOWANCE
 17 UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FROM TWO PERCENT TO
 18 TWO AND ONE-HALF PERCENT FOR EACH YEAR OF SERVICE; TO PROVIDE FOR
 19 MINIMUM MONTHLY BENEFITS FOR RETIRED MEMBERS OF THE PUBLIC
 20 EMPLOYEES' RETIREMENT SYSTEM; TO AMEND SECTIONS 25-11-113 AND
 21 25-11-114, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
 22 PROVISIONS; TO AMEND SECTION 25-11-115, MISSISSIPPI CODE OF 1972,
 23 TO PROVIDE THAT ANY MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT
 24 SYSTEM WHO IS ELIGIBLE TO RETIRE WITH AN UNREDUCED BENEFIT MAY
 25 SELECT THE PARTIAL LUMP SUM DISTRIBUTION OPTION; TO AMEND SECTIONS
 26 25-11-15, 25-11-137, 41-29-107 AND 63-1-46, MISSISSIPPI CODE OF
 27 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTIONS
 28 25-13-1 THROUGH 25-13-33, MISSISSIPPI CODE OF 1972, WHICH
 29 ESTABLISH AND GOVERN THE OPERATION OF THE MISSISSIPPI HIGHWAY
 30 SAFETY PATROL RETIREMENT SYSTEM; AND FOR RELATED PURPOSES.

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

32 **SECTION 1.** The Mississippi Highway Safety Patrol Retirement
 33 System established by Section 25-13-1 et seq. shall be merged into
 34 and combined with the Public Employees' Retirement System. All
 35 active members of the Highway Safety Patrol Retirement System
 36 shall become members of the Public Employees' Retirement System,
 37 and all retired members of the Highway Safety Patrol Retirement
 38 System and beneficiaries thereof shall continue to receive from
 39 the Public Employees' Retirement System the retirement benefits to
 40 which they were entitled under the Highway Safety Patrol
 41 Retirement System. All employee's contributions, plus credited

42 interest, to the credit of each member of Highway Safety Patrol
43 Retirement System shall be transferred to the Public Employees'
44 Retirement System and credited to each individual member of the
45 Highway Safety Patrol Retirement System. All employer's
46 contributions and all other assets of the Highway Safety Patrol
47 Retirement System shall be transferred to the Public Employees'
48 Retirement System.

49 **SECTION 2.** Section 25-11-111, Mississippi Code of 1972, is
50 amended as follows:

51 25-11-111. (a) Any member upon withdrawal from service upon
52 or after attainment of the age of fifty-five (55) years who has
53 completed at least four (4) years of creditable service, or any
54 member upon withdrawal from service upon or after attainment of
55 the age of forty-five (45) years who has completed at least twenty
56 (20) years of creditable service, or any member upon withdrawal
57 from service regardless of age who has completed at least
58 twenty-five (25) years of creditable service, shall be entitled to
59 receive a retirement allowance, which shall begin on the first of
60 the month following the date the member's application for the
61 allowance is received by the board, but in no event before
62 withdrawal from service.

63 (b) Any member whose withdrawal from service occurs before
64 attaining the age of fifty-five (55) years who has completed four
65 (4) or more years of creditable service and has not * * * received
66 a refund of his accumulated contributions shall be entitled to
67 receive a retirement allowance, beginning upon his attaining the
68 age of fifty-five (55) years, of the amount earned and accrued at
69 the date of withdrawal from service.

70 (c) Any member in service who has qualified for retirement
71 benefits may select any optional method of settlement of
72 retirement benefits by notifying the Executive Director of the
73 Board of Trustees of the Public Employees' Retirement System in
74 writing, on a form prescribed by the board, of the option he has

75 selected and by naming the beneficiary of the option and
76 furnishing necessary proof of age. The option, once selected, may
77 be changed at any time before actual retirement or death, but upon
78 the death or retirement of the member, the optional settlement
79 shall be placed in effect upon proper notification to the
80 executive director.

81 (d) The annual amount of the retirement allowance shall
82 consist of:

83 (1) A member's annuity, which shall be the actuarial
84 equivalent of the accumulated contributions of the member at the
85 time of retirement computed according to the actuarial table in
86 use by the system; and

87 (2) An employer's annuity, which, together with the
88 member's annuity provided for in the preceding paragraph, shall be
89 equal to two and one-half percent (2-1/2%) of the average
90 compensation for each year of state service; and

91 * * *

92 (3) A prior service annuity equal to two and one-half
93 percent (2-1/2%) of the average compensation for each year
94 of * * * prior service for which the member is allowed
95 credit. * * *

96 * * *

97 (4) In the case of retirement of any member before
98 attaining the age of fifty-five (55) years, the retirement
99 allowance shall be computed in accordance with the formula set
100 forth in the preceding paragraphs, except that the employer's
101 annuity and prior service annuity described in the preceding
102 paragraphs shall be reduced three percent (3%) for each year of
103 age below fifty-five (55) years, or three percent (3%) for each
104 year of service below twenty-five (25) years of creditable
105 service, whichever is lesser.

106 (5) Upon retiring from service, a member shall be
107 eligible to obtain retirement benefits, as computed in the

108 preceding paragraphs, for life, except that the aggregate amount
109 of the employer's annuity and prior service annuity described in
110 the preceding paragraphs shall not exceed more than one hundred
111 percent (100%) of the average compensation, regardless of the
112 years of service.

113 (6) * * * In no case shall a member who has been
114 retired before July 1, 1987, receive less than Ten Dollars
115 (\$10.00) per month for each year of creditable service and
116 proportionately for each quarter year thereof. Persons retired on
117 or after July 1, 1987, shall receive at least Ten Dollars (\$10.00)
118 per month for each year of service and proportionately for each
119 quarter year thereof reduced for the option selected. However,
120 the Ten Dollars (\$10.00) minimum per month for each year of
121 creditable service shall not apply to a retirement allowance
122 computed under Section 25-11-114 based on a percentage of the
123 member's average compensation. In no case shall any retired
124 member who has completed at least fifteen (15) years of creditable
125 service receive less than Five Hundred Dollars (\$500.00) per
126 month; in no case shall any retired member who has completed ten
127 (10) or more years of creditable service, but less than fifteen
128 (15) years of creditable service, receive less than Three Hundred
129 Dollars (\$300.00) per month; and in no case shall any retired
130 member who has completed less than ten (10) years of creditable
131 service receive less than Two Hundred Fifty Dollars (\$250.00) per
132 month. In no case shall a beneficiary who is receiving a
133 retirement allowance receive less than Two Hundred Fifty Dollars
134 (\$250.00) per month or Three Thousand Dollars (\$3,000.00) per
135 year.

136 * * *

137 (7) Any member upon withdrawal from service upon or
138 after attaining the age of fifty-five (55) years who has completed
139 at least four (4) years of creditable service, or any member upon
140 withdrawal from service regardless of age who has completed at

141 least twenty-five (25) years of creditable service, shall be
142 entitled to receive a retirement allowance computed in accordance
143 with the formula set forth in this section. The retirement
144 allowance otherwise payable may be converted into a retirement
145 allowance of equivalent actuarial value in such an amount that,
146 with the member's benefit under Title II of the federal Social
147 Security Act, the member will receive, so far as possible,
148 approximately the same amount annually before and after the
149 earliest age at which the member becomes eligible to receive a
150 social security benefit.

151 * * *

152 (e) No member, except members excluded by the Age
153 Discrimination in Employment Act Amendments of 1986 (Public Law
154 99-592), under either Article 1 or Article 3 in state service
155 shall be required to retire because of age.

156 (f) No payment on account of any benefit granted under the
157 provisions of this section shall become effective or begin to
158 accrue until January 1, 1953.

159 (g) (1) A retiree or beneficiary may, on a form prescribed
160 by and filed with the retirement system, irrevocably waive all or
161 a portion of any benefits from the retirement system to which the
162 retiree or beneficiary is entitled. The waiver shall be binding
163 on the heirs and assigns of any retiree or beneficiary and the
164 same must agree to forever hold harmless the Public Employees'
165 Retirement System of Mississippi from any claim to the waived
166 retirement benefits.

167 (2) Any waiver under this subsection shall apply only
168 to the person executing the waiver. A beneficiary shall be
169 entitled to benefits according to the option selected by the
170 member at the time of retirement. However, a beneficiary may, at
171 the option of the beneficiary, execute a waiver of benefits under
172 this subsection.

173 (3) The retirement system shall retain in the annuity
174 reserve account amounts that are not used to pay benefits because
175 of a waiver executed under this subsection.

176 (4) The board of trustees may provide rules and
177 regulations for the administration of waivers under this
178 subsection.

179 **SECTION 3.** Section 25-11-113, Mississippi Code of 1972, is
180 amended as follows:

181 25-11-113. (1) (a) Upon the application of a member or his
182 employer, any active member in state service who has at least four
183 (4) years of membership service credit and who has not attained
184 the age of fifty-five (55) years may be retired by the board of
185 trustees on the first of the month following the date of filing
186 the application on a disability retirement allowance, but in no
187 event shall the disability retirement allowance commence before
188 termination of state service, provided that the medical board,
189 after an evaluation of medical evidence that may or may not
190 include an actual physical examination by the medical board, shall
191 certify that the member is mentally or physically incapacitated
192 for the further performance of duty, that the incapacity is likely
193 to be permanent, and that the member should be retired; however,
194 the board of trustees may accept a disability medical
195 determination from the Social Security Administration in lieu of a
196 certification from the medical board. For the purposes of
197 disability determination, the medical board shall apply the
198 following definition of disability: the inability to perform the
199 usual duties of employment or the incapacity to perform such
200 lesser duties, if any, as the employer, in its discretion, may
201 assign without material reduction in compensation, or the
202 incapacity to perform the duties of any employment covered by the
203 Public Employees' Retirement System (Section 25-11-101 et seq.)
204 that is actually offered and is within the same general
205 territorial work area, without material reduction in compensation.

206 The employer shall be required to furnish the job description and
207 duties of the member. The employer shall further certify whether
208 the employer has offered the member other duties and has complied
209 with the applicable provisions of the Americans With Disabilities
210 Act in affording reasonable accommodations that would allow the
211 employee to continue employment.

212 (b) Any inactive member with four (4) or more years of
213 membership service credit, who has withdrawn from active state
214 service, is not eligible for a disability retirement allowance
215 unless the disability occurs within six (6) months of the
216 termination of active service and unless satisfactory proof is
217 presented to the board of trustees that the disability was the
218 direct cause of withdrawal from state service.

219 (c) Any member who is or becomes eligible for service
220 retirement benefits under Section 25-11-111 while pursuing a
221 disability retirement allowance under this section or Section
222 25-11-114 may elect to receive a service retirement allowance
223 pending a final determination on eligibility for a disability
224 retirement allowance or withdrawal of the application for the
225 disability retirement allowance. In such a case, an application
226 for a disability retirement allowance must be on file with the
227 system before the commencement of a service retirement allowance.
228 If the application is approved, the option selected and
229 beneficiary designated on the retirement application shall be used
230 to determine the disability retirement allowance. If the
231 application is not approved or if the application is withdrawn,
232 the service retirement allowance shall continue to be paid in
233 accordance with the option selected. No person may apply for a
234 disability retirement allowance after the person begins to receive
235 a service retirement allowance.

236 (d) If the medical board certifies that the member is
237 not mentally or physically incapacitated for the future
238 performance of duty, the member may request, within sixty (60)

239 days, a hearing before the hearing officer as provided in Section
240 25-11-120. All hearings shall be held in accordance with rules
241 and regulations adopted by the board to govern those hearings.
242 The hearing may be closed upon the request of the member.

243 (e) The medical board may request additional medical
244 evidence and/or other physicians to conduct an evaluation of the
245 member's condition. If the medical board requests additional
246 medical evidence and the member refuses the request, the
247 application shall be considered void.

248 (2) Allowance on disability retirement.

249 (a) Upon retirement for disability, an eligible member
250 shall receive a retirement allowance if he has attained the age of
251 fifty-five (55) years.

252 (b) Except as provided in paragraph (c) of this
253 subsection (2), an eligible member who is retired for disability
254 and who has not attained fifty-five (55) years of age shall
255 receive a disability benefit as computed in Section
256 25-11-111(d)(1) through (d)(4), which shall consist of:

257 (i) A member's annuity, which shall be the
258 actuarial equivalent of his accumulated contributions at the time
259 of retirement; and

260 (ii) An employer's annuity equal to the amount
261 that would have been payable as a retirement allowance for both
262 membership service and prior service had the member continued in
263 service to the age of fifty-five (55) years, which shall apply to
264 the allowance for disability retirement paid to retirees receiving
265 that allowance upon and after April 12, 1977. This employer's
266 annuity shall be computed on the basis of the average "earned
267 compensation" as defined in Section 25-11-103.

268 (c) For persons who become members after June 30, 1992,
269 and for active members on June 30, 1992, who elect benefits under
270 this paragraph (c) instead of those provided under paragraph (b)

271 of this subsection (2), the disability allowance shall consist of
272 two (2) parts: a temporary allowance and a deferred allowance.

273 The temporary allowance shall equal the greater of (i) forty
274 percent (40%) of average compensation at the time of disability,
275 plus ten percent (10%) of average compensation for each of the
276 first two (2) dependent children, as defined in Sections 25-11-103
277 and 25-11-114, or (ii) the accrued benefit based on actual
278 service. It shall be payable for a period of time based on the
279 member's age at disability, as follows:

280	Age at Disability	Duration
281	60 and earlier	to age 65
282	61	to age 66
283	62	to age 66
284	63	to age 67
285	64	to age 67
286	65	to age 68
287	66	to age 68
288	67	to age 69
289	68	to age 70
290	69 and over	one year

291 The deferred allowance shall commence when the temporary
292 allowance ceases and shall be payable for life. The deferred
293 allowance shall equal the greater of (i) the allowance that would
294 have been payable had the member continued in service to the
295 termination age of the temporary allowance, but no more than forty
296 percent (40%) of average compensation, or (ii) the accrued benefit
297 based on actual service at the time of disability. The deferred
298 allowance as determined at the time of disability shall be
299 adjusted in accordance with Section 25-11-112 for the period
300 during which the temporary annuity is payable. In no case shall a
301 member receive less than Ten Dollars (\$10.00) per month for each
302 year of service and proportionately for each quarter year thereof
303 reduced for the option selected.

304 (d) The member may elect to receive the actuarial
305 equivalent of the disability retirement allowance in a reduced
306 allowance payable throughout life under any of the provisions of
307 the options provided under Section 25-11-115.

308 (e) If a disability retiree who has not selected an
309 option under Section 25-11-115 dies before being repaid in
310 disability benefits the sum of his total contributions, then his
311 named beneficiary shall receive the difference in cash, which
312 shall apply to all deceased disability retirees from and after
313 January 1, 1953.

314 (3) Reexamination of retirees retired on account of
315 disability. Except as otherwise provided in this section, once
316 each year during the first five (5) years following retirement of
317 a member on a disability retirement allowance, and once in every
318 period of three (3) years thereafter, the board of trustees may,
319 and upon his application shall, require any disability retiree who
320 has not yet attained the age of fifty-five (55) years or the
321 termination age of the temporary allowance under paragraph (2)(c)
322 of this section to undergo a medical examination, the examination
323 to be made at the place of residence of the retiree or other place
324 mutually agreed upon by a physician or physicians designated by
325 the board. The board, however, in its discretion, may authorize
326 the medical board to establish reexamination schedules appropriate
327 to the medical condition of individual disability retirees. If
328 any disability retiree who has not yet attained the age of
329 fifty-five (55) years or the termination age of the temporary
330 allowance under paragraph (2)(c) of this section refuses to submit
331 to any medical examination provided herein, his allowance may be
332 discontinued until his withdrawal of the refusal; and if his
333 refusal continues for one (1) year, all his rights to a disability
334 benefit shall be revoked by the board of trustees.

335 (4) If the medical board reports and certifies to the board
336 of trustees, after a comparable job analysis or other similar

337 study, that the disability retiree is engaged in, or is able to
338 engage in, a gainful occupation paying more than the difference
339 between his disability allowance, exclusive of cost of living
340 adjustments, and the average compensation, and if the board of
341 trustees concurs in the report, the disability benefit shall be
342 reduced to an amount that, together with the amount earnable by
343 him, equals the amount of his average compensation. If his
344 earning capacity is later changed, the amount of the benefit may
345 be further modified, provided that the revised benefit shall not
346 exceed the amount originally granted. A retiree receiving a
347 disability benefit who is restored to active service at a salary
348 less than the average compensation shall not become a member of
349 the retirement system.

350 (5) If a disability retiree under the age of fifty-five (55)
351 years or the termination age of the temporary allowance under
352 paragraph (2)(c) of this section is restored to active service at
353 a compensation not less than his average compensation, his
354 disability benefit shall cease, he shall again become a member of
355 the retirement system, and contributions shall be withheld and
356 reported. Any such prior service certificate, on the basis of
357 which his service was computed at the time of retirement, shall be
358 restored to full force and effect. In addition, upon his
359 subsequent retirement, he shall be credited with all creditable
360 service as a member, but the total retirement allowance paid to
361 the retired member in his previous retirement shall be deducted
362 from his retirement reserve and taken into consideration in
363 recalculating the retirement allowance under a new option
364 selected.

365 (6) If, following reexamination in accordance with the
366 provisions contained in this section, the medical board determines
367 that a retiree retired on account of disability is physically and
368 mentally able to return to the employment from which he is
369 retired, the board of trustees, upon certification of those

370 findings from the medical board, shall, after a reasonable period
371 of time, terminate the disability allowance, whether or not the
372 retiree is reemployed or seeks that reemployment. In addition, if
373 the board of trustees determines that the retiree is no longer
374 sustaining a loss of income as established by documented evidence
375 of the retiree's earned income, the eligibility for a disability
376 allowance shall terminate and the allowance terminated within a
377 reasonable period of time. If the retirement allowance is
378 terminated under the provisions of this section, the retiree may
379 later qualify for a retirement allowance under Section 25-11-111
380 based on actual years of service credit plus credit for the period
381 during which a disability allowance was paid.

382 (7) Any current member as of June 30, 1992, who retires on a
383 disability retirement allowance after June 30, 1992, and who has
384 not elected to receive benefits under paragraph (2)(c) of this
385 section, shall relinquish all rights under the Age Discrimination
386 in Employment Act of 1967, as amended, with regard to the benefits
387 payable under this section.

388 **SECTION 4.** Section 25-11-114, Mississippi Code of 1972, is
389 amended as follows:

390 25-11-114. (1) The applicable benefits provided in
391 subsections (2) and (3) of this section shall be paid to eligible
392 beneficiaries of any member who has completed four (4) or more
393 years of creditable service and who dies before retirement and who
394 has not filed a Pre-Retirement Optional Retirement Form as
395 provided in Section 25-11-111.

396 (2) (a) The member's surviving spouse who has been married
397 to the member for not less than one (1) year immediately preceding
398 his death shall receive an annuity computed in accordance with
399 paragraph (d) of this subsection (2) as if the member:

400 (i) Had retired on the date of his death with
401 entitlement to an annuity provided for in Section 25-11-111,

402 notwithstanding that he might not have attained age fifty-five
403 (55) or acquired twenty-five (25) years of creditable service;

404 (ii) Had nominated his spouse as beneficiary; and

405 (b) If, at the time of the member's death, there are no
406 dependent children, and the surviving spouse, who otherwise would
407 receive the annuity under this subsection (2), has filed with the
408 system a signed written waiver of his or her rights to the annuity
409 and that waiver was in effect at the time of the member's death, a
410 lump sum distribution of the deceased member's accumulated
411 contributions shall be refunded in accordance with Section
412 25-11-117.

413 (c) The spouse annuity shall begin on the first day of
414 the month following the date of the member's death, but in case of
415 late filing, retroactive payments will be made for a period of not
416 more than one (1) year.

417 (d) The spouse annuity shall be the greater of twenty
418 percent (20%) of the deceased member's average compensation as
419 defined in Section 25-11-103 at the time of death or Fifty Dollars
420 (\$50.00) monthly. If the spouse dies or if the spouse remarries
421 before age fifty-five (55), the spouse annuity shall terminate.

422 (e) However, the spouse may elect by an irrevocable
423 agreement on a form prescribed by the board of trustees to receive
424 a monthly allowance as computed under either paragraph (d) or this
425 paragraph. The irrevocable agreement shall constitute a waiver by
426 the spouse to any current and future monthly allowance under the
427 paragraph not elected and the waiver shall be a complete and full
428 discharge of all obligations of the retirement system under that
429 paragraph.

430 Any member who has completed four (4) or more years of
431 creditable service and who dies before retirement and leaves a
432 spouse who has been married to the member for not less than one
433 (1) year immediately preceding his death and has not exercised any
434 other option shall be deemed to have exercised Option 2 under

435 Section 25-11-115 for the benefit of his spouse, which spouse
436 shall be paid Option 2 settlement benefits under this article
437 beginning on the first of the month following the date of death,
438 but in case of late filing, retroactive payments will be made for
439 a period of not more than one (1) year. The method of calculating
440 the retirement benefits shall be on the same basis as provided in
441 Section 25-11-111(d). However, if the member dies before being
442 qualified for full unreduced benefits, then the benefits shall be
443 reduced by three percent (3%) per year for the lesser of either
444 the years of service or age required for full unreduced benefits
445 in Section 25-11-111(d).

446 (3) (a) Subject to the maximum limitation provided in this
447 paragraph, the member's dependent children each shall receive an
448 annuity of the greater of ten percent (10%) of the member's
449 average compensation as defined in Section 25-11-103 at the time
450 of the death of the member or Fifty Dollars (\$50.00) monthly;
451 however, if there are more than three (3) dependent children, each
452 dependent child shall receive an equal share of a total annuity
453 equal to thirty percent (30%) of the member's average
454 compensation, provided that the total annuity shall not be less
455 than One Hundred Fifty Dollars (\$150.00) per month for all
456 children.

457 (b) A child shall be considered to be a dependent child
458 until marriage, or the attainment of age nineteen (19), whichever
459 comes first; however, this age limitation shall be extended beyond
460 age nineteen (19), but in no event beyond the attainment of age
461 twenty-three (23), as long as the child is a student regularly
462 pursuing a full-time course of resident study or training in an
463 accredited high school, trade school, technical or vocational
464 institute, junior or community college, college, university or
465 comparable recognized educational institution duly licensed by a
466 state. A student child whose birthday falls during the school
467 year (September 1 through June 30) is considered not to reach age

468 twenty-three (23) until the July 1 following the actual
469 twenty-third birthday. A full-time course of resident study or
470 training means a day or evening noncorrespondence course that
471 includes school attendance at the rate of at least thirty-six (36)
472 weeks per academic year or other applicable period with a subject
473 load sufficient, if successfully completed, to attain the
474 educational or training objective within the period generally
475 accepted as minimum for completion, by a full-time day student, of
476 the academic or training program concerned. Any child who is
477 physically or mentally incompetent, as adjudged by either a
478 Mississippi court of competent jurisdiction or by the board, shall
479 receive benefits for as long as the incompetency exists.

480 (c) If there are more than three (3) dependent
481 children, upon a child's ceasing to be a dependent child, his
482 annuity shall terminate and there shall be a redetermination of
483 the amounts payable to any remaining dependent children.

484 (d) Annuities payable under this subsection (3) shall
485 begin the first day of the month following the date of the
486 member's death or in case of late filing, retroactive payments
487 will be made for a period of not more than one (1) year. Those
488 benefits may be paid to a surviving parent or the lawful custodian
489 of a dependent child for the use and benefit of the child without
490 the necessity of appointment as guardian.

491 (4) (a) Death benefits in the line of duty. Regardless of
492 the number of years of the member's creditable service, the spouse
493 and/or the dependent children of an active member who is killed in
494 the line of performance of duty or dies as a direct result of an
495 accident occurring in the line of performance of duty shall
496 qualify, on approval of the board, for a retirement allowance on
497 the first of the month following the date of death, but in the
498 case of late filing, retroactive payments will be made for a
499 period of not more than one (1) year. The spouse shall receive a
500 retirement allowance equal to one-half (1/2) of the average

501 compensation as defined in Section 25-11-103. In addition to the
502 retirement allowance for the spouse, or if there is no surviving
503 spouse, the member's dependent child shall receive a retirement
504 allowance in the amount of one-fourth (1/4) of the member's
505 average compensation as defined in Section 25-11-103; however, if
506 there are two (2) or more dependent children, each dependent child
507 shall receive an equal share of a total annuity equal to one-half
508 (1/2) of the member's average compensation. If there are more
509 than two (2) dependent children, upon a child's ceasing to be a
510 dependent child, his annuity shall terminate and there shall be a
511 redetermination of the amounts payable to any remaining dependent
512 children. Those benefits shall cease to be paid for the support
513 and maintenance of each child upon the child attaining the age of
514 nineteen (19) years; however, the spouse shall continue to be
515 eligible for the aforesaid retirement allowance. Those benefits
516 may be paid to a surviving parent or lawful custodian of the
517 children for the use and benefit of the children without the
518 necessity of appointment as guardian. The retirement allowance
519 shall cease to the spouse upon remarriage but continue to be
520 payable for each dependent child until the age of nineteen (19)
521 years.

522 (b) A child shall be considered to be a dependent child
523 until marriage, or the attainment of age nineteen (19), whichever
524 comes first; however, this age limitation shall be extended beyond
525 age nineteen (19), but in no event beyond the attainment of age
526 twenty-three (23), as long as the child is a student regularly
527 pursuing a full-time course of resident study or training in an
528 accredited high school, trade school, technical or vocational
529 institute, junior or community college, college, university or
530 comparable recognized educational institution duly licensed by a
531 state. A student child whose birthday falls during the school
532 year (September 1 through June 30) is considered not to reach age
533 twenty-three (23) until the July 1 following the actual

534 twenty-third birthday. A full-time course of resident study or
535 training means a day or evening noncorrespondence course that
536 includes school attendance at the rate of at least thirty-six (36)
537 weeks per academic year or other applicable period with a subject
538 load sufficient, if successfully completed, to attain the
539 educational or training objective within the period generally
540 accepted as minimum for completion, by a full-time day student, of
541 the academic or training program concerned. Any child who is
542 physically or mentally incompetent, as adjudged by either a
543 Mississippi court of competent jurisdiction or by the board, shall
544 receive benefits for as long as the incompetency exists.

545 (5) If all the annuities provided for in this section
546 payable on account of the death of a member terminate before there
547 has been paid an aggregate amount equal to the member's
548 accumulated contributions standing to the member's credit in the
549 annuity savings account at the time of the member's death, the
550 difference between the accumulated contributions and the aggregate
551 amount of annuity payments shall be paid to such person as the
552 member has nominated by written designation duly executed and
553 filed with the board. If there is no designated beneficiary
554 surviving at termination of benefits, the difference shall be
555 payable pursuant to Section 25-11-117.1(1).

556 (6) Regardless of the number of years of creditable service
557 upon the application of a member or employer, any active member
558 who becomes disabled as a direct result of an accident or
559 traumatic event resulting in a physical injury occurring in the
560 line of performance of duty, provided the medical board or other
561 designated governmental agency after a medical examination
562 certifies that the member is mentally or physically incapacitated
563 for the further performance of duty and the incapacity is likely
564 to be permanent, may be retired by the board of trustees on the
565 first of the month following the date of filing the application
566 but in no event shall the retirement allowance commence before the

567 termination of state service. The retirement allowance shall
568 equal the allowance on disability retirement as provided in
569 Section 25-11-113 but shall not be less than fifty percent (50%)
570 of average compensation.

571 Permanent and total disability resulting from a
572 cardiovascular, pulmonary or musculo-skeletal condition that was
573 not a direct result of a traumatic event occurring in the
574 performance of duty shall be deemed an ordinary disability. A
575 mental disability based exclusively on employment duties occurring
576 on an ongoing basis shall be deemed an ordinary disability.

577 (7) If the deceased or disabled member has less than four
578 (4) years of creditable service, the average compensation as
579 defined in Section 25-11-103 shall be the average of all annual
580 earned compensation in state service for the purposes of benefits
581 provided in this section.

582 (8) In case of death or total and permanent disability under
583 subsection (4) or subsection (6) of this section and before the
584 board shall consider any application for a retirement allowance,
585 the employer must certify to the board that the member's death or
586 disability was a direct result of an accident or a traumatic event
587 occurring during and as a result of the performance of the regular
588 and assigned duties of the employee and that the death or
589 disability was not the result of the willful negligence of the
590 employee.

591 (9) The application for the retirement allowance must be
592 filed within one (1) year after death of an active member who is
593 killed in the line of performance of duty or dies as a direct
594 result of an accident occurring in the line of performance of duty
595 or traumatic event; but the board of trustees may consider an
596 application for disability filed after the one-year period if it
597 can be factually demonstrated to the satisfaction of the board of
598 trustees that the disability is due to the accident and that the
599 filing was not accomplished within the one-year period due to a

600 delayed manifestation of the disability or to circumstances beyond
601 the control of the member. However, in case of late filing,
602 retroactive payments will be made for a period of not more than
603 one (1) year only.

604 (10) Notwithstanding any other section of this article and
605 in lieu of any payments to a designated beneficiary for a refund
606 of contributions under Section 25-11-117, the spouse and/or
607 children shall be eligible for the benefits payable under this
608 section, and the spouse may elect, for both the spouse and/or
609 children, to receive benefits in accordance with either
610 subsections (2) and (3) or subsection (4) of this section;
611 otherwise, the contributions to the credit of the deceased member
612 shall be refunded in accordance with Section 25-11-117.

613 (11) If the member has previously received benefits from the
614 system to which he was not entitled and has not repaid in full all
615 amounts payable by him to the system, the annuity amounts
616 otherwise provided by this section shall be withheld and used to
617 effect repayment until the total of the withholdings repays in
618 full all amounts payable by him to the system.

619 **SECTION 5.** Section 25-11-115, Mississippi Code of 1972, is
620 amended as follows:

621 25-11-115. (1) Upon application for superannuation or
622 disability retirement, any member may elect to receive his benefit
623 in a retirement allowance payable throughout life with no further
624 payments to anyone at his death, except that if his total
625 retirement payments under this article do not equal his total
626 contributions under this article, his named beneficiary shall
627 receive the difference in cash at his death. Alternatively, he
628 may elect upon retirement, or upon becoming eligible for
629 retirement, to receive the actuarial equivalent subject to the
630 provisions of subsection (3) of this section of his retirement
631 allowance in a reduced retirement allowance payable throughout
632 life with the provision that:

633 **Option 1.** If he dies before he has received in annuity
634 payment the value of the member's annuity savings account as it
635 was at the time of his retirement, the balance shall be paid to
636 his legal representative or to such person as he has nominated by
637 written designation duly acknowledged and filed with the board; or

638 **Option 2.** Upon his death, his reduced retirement allowance
639 shall be continued throughout the life of, and paid to, such
640 person as he has nominated by written designation duly
641 acknowledged and filed with the board of trustees at the time of
642 his retirement;

643 **Option 3.** Upon his death, one-half (1/2) of his reduced
644 retirement allowance shall be continued throughout the life of,
645 and paid to, such person as he has nominated by written
646 designation duly acknowledged and filed with the board of trustees
647 at the time of his retirement, and the other one-half (1/2) of his
648 reduced retirement allowance to some other designated beneficiary;

649 **Option 4-A.** Upon his death, one-half (1/2) of his reduced
650 retirement allowance, or such other specified amount, shall be
651 continued throughout the life of, and paid to, such person as he
652 has nominated by written designation duly acknowledged and filed
653 with the board of trustees at the time of his retirement; or

654 **Option 4-B.** A reduced retirement allowance shall be
655 continued throughout the life of the retirant, but with the
656 further guarantee of payments to the named beneficiary,
657 beneficiaries or to the estate for a specified number of years
658 certain. If the retired member or the last designated beneficiary
659 receiving annuity payments dies before receiving all guaranteed
660 payments due, the actuarial equivalent of the remaining payments
661 shall be paid pursuant to Section 25-11-117.1(1);

662 **Option 4-C.** The retirement allowance otherwise payable may
663 be converted into a retirement allowance of equivalent actuarial
664 value in such an amount that, with the member's benefit under
665 Title II of the federal Social Security Act, the member will

666 receive, so far as possible, approximately the same amount
667 annually before and after the earliest age at which the member
668 becomes eligible to receive a social security benefit. This
669 option shall not be available to retirees whose retirement is
670 effective on or after July 1, 2004.

671 **Option 6.** Any member who is eligible to retire with an
672 unreduced benefit may select the maximum retirement benefit or an
673 optional benefit as provided in this subsection together with a
674 partial lump sum distribution. The amount of the lump sum
675 distribution under this option shall be equal to the maximum
676 monthly benefit multiplied by twelve (12), twenty-four (24) or
677 thirty-six (36) as selected by the member. The maximum retirement
678 benefit shall be actuarially reduced to reflect the amount of the
679 lump sum distribution selected and further reduced for any other
680 optional benefit selected. The annuity and lump sum distribution
681 shall be computed to result in no actuarial loss to the system.
682 The lump sum distribution shall be made as a single payment
683 payable at the time the first monthly annuity payment is paid to
684 the retiree. The amount of the lump sum distribution shall be
685 deducted from the member's annuity savings account in computing
686 what contributions remain at the death of the retiree and/or a
687 beneficiary. The lump sum distribution option may be elected only
688 once by a member upon initial retirement, and may not be elected
689 by a retiree, by members applying for a disability retirement
690 annuity, by survivors or by a member selecting Option 4-C.

691 (2) No change in the option selected shall be permitted
692 after the member's death or after the member has received his
693 first retirement check except as provided in subsections (3) and
694 (4) of this section and in Section 25-11-127. Members who are
695 pursuing a disability retirement allowance and simultaneously or
696 subsequently elect to begin to receive a service retirement
697 allowance while continuing to pursue a disability retirement
698 allowance, shall not be eligible to select Option 4-C or Option 6

699 and those options may not be selected at a later time if the
700 application for a disability retirement allowance is voided or
701 denied. However, any retired member who is receiving a retirement
702 allowance under Option 2 or Option 4-A upon July 1, 1992, and
703 whose designated beneficiary predeceased him or whose marriage to
704 a spouse who is his designated beneficiary is terminated by
705 divorce or other dissolution, upon written notification to the
706 retirement system of the death of the designated beneficiary or of
707 the termination of his marriage to his designated beneficiary, the
708 retirement allowance payable to the member after receipt of that
709 notification by the retirement system shall be equal to the
710 retirement allowance that would have been payable had the member
711 not elected the option. In addition, any retired member who is
712 receiving the maximum retirement allowance for life, a retirement
713 allowance under Option 1 or who is receiving a retirement
714 allowance under Option 2 or Option 4-A on July 1, 1992, may elect
715 to provide survivor benefits under Option 2 or Option 4-A to a
716 spouse who was not previously the member's beneficiary and whom
717 the member married before July 1, 1992.

718 (3) Any retired member who is receiving a reduced retirement
719 allowance under Option 2 or Option 4-A whose designated
720 beneficiary predeceases him, or whose marriage to a spouse who is
721 his designated beneficiary is terminated by divorce or other
722 dissolution, may elect to cancel his reduced retirement allowance
723 and receive the maximum retirement allowance for life in an amount
724 equal to the amount that would have been payable if the member had
725 not elected Option 2 or Option 4-A. The election must be made in
726 writing to the office of the executive director of the system on a
727 form prescribed by the board. Any such election shall be
728 effective the first of the month following the date the election
729 is received by the system.

730 (4) Any retired member who is receiving the maximum
731 retirement allowance for life, or a retirement allowance under

732 Option 1, and who marries after his retirement may elect to cancel
733 his maximum retirement allowance and receive a reduced retirement
734 allowance under Option 2 or Option 4-A to provide continuing
735 lifetime benefits to his spouse. The election must be made in
736 writing to the office of the executive director of the system on a
737 form prescribed by the board not earlier than the date of the
738 marriage. Any such election shall be effective the first of the
739 month following the date the election is received by the system.

740 (5) If the election of an optional benefit is made after the
741 member has attained the age of sixty-five (65) years, the
742 actuarial equivalent factor shall be used to compute the reduced
743 retirement allowance as if the election had been made on his
744 sixty-fifth birthday; however, from and after January 1, 2003, if
745 there is an election of Option 6 after the member has attained the
746 age of sixty-five (65) years, the actuarial equivalent factor
747 based on the retiree's age at the time of retirement shall be used
748 to compute the reduced maximum monthly retirement allowance.
749 However, if a retiree marries or remarries after retirement and
750 elects either Option 2 or Option 4-A as provided in subsection (2)
751 or (4) of this section, the actuarial equivalent factor used to
752 compute the reduced retirement allowance shall be the factor for
753 the age of the retiree and his or her beneficiary at the time the
754 election for recalculation of benefits is made.

755 (6) Notwithstanding any provision of Section 25-11-1 et
756 seq., no payments may be made for a retirement allowance on a
757 monthly basis for a period of time in excess of that allowed by
758 federal law.

759 (7) If a retirant and his eligible beneficiary, if any, both
760 die before they have received in annuity payments a total amount
761 equal to the accumulated contributions standing to the retirant's
762 credit in the annuity savings account at the time of his
763 retirement, the difference between the accumulated contributions
764 and the total amount of annuities received by them shall be paid

765 to such persons as the retirant has nominated by written
766 designation duly executed and filed in the office of the executive
767 director. If no designated person survives the retirant and his
768 beneficiary, the difference, if any, shall be paid pursuant to
769 Section 25-11-117.1(1).

770 (8) Any retired member who retired on Option 2(5) or 4-A(5)
771 prior to July 1, 1992, who is still receiving a retirement
772 allowance on July 1, 1994, shall receive an increase in the annual
773 retirement allowance effective July 1, 1994, equal to the amount
774 they would have received under Option 2 or Option 4-A without a
775 reduction for Option 5 based on the ages at retirement of the
776 retiree and beneficiary and option factors in effect on July 1,
777 1992. The increase shall be prospective only.

778 **SECTION 6.** Section 25-11-15, Mississippi Code of 1972, is
779 amended as follows:

780 25-11-15. (1) Board of trustees: The general
781 administration and responsibility for the proper operation of the
782 Public Employees' Retirement System and the federal-state
783 agreement and for making effective the provisions of Articles 1
784 and 3 are * * * vested in a board of trustees.

785 (2) The board shall consist of ten (10) trustees, as
786 follows:

787 (a) The State Treasurer;

788 (b) One (1) member who shall be appointed by the
789 Governor for a term of four (4) years, who shall be a member of
790 the system;

791 (c) Two (2) members of the system having at least ten
792 (10) years of creditable service who are state employees who are
793 not * * * employees of the state institutions of higher learning,
794 who shall be elected by members of the system who are employees of
795 state agencies who are not employees of the state institutions of
796 higher learning;

797 (d) Two (2) members of the system having at least ten
798 (10) years of creditable service who do not hold office in the
799 legislative or judicial departments of municipal or county
800 government, one (1) of whom shall be an employee of a
801 municipality, instrumentality or juristic entity thereof, who
802 shall be elected by members of the system who are employees of the
803 municipalities, instrumentalities or juristic entities thereof and
804 by members of the municipal systems and the firemen's and
805 policemen's disability and relief funds administered by the board
806 of trustees, and one (1) of whom shall be an employee of a county,
807 instrumentality or juristic entity thereof, who shall be elected
808 by members of the system who are employees of the counties,
809 instrumentalities or juristic entities thereof;

810 (e) One (1) member of the system having at least ten
811 (10) years of creditable service who is an employee of a state
812 institution of higher learning, who shall be elected by members of
813 the system who are employees of the state institutions of higher
814 learning as included in Section 37-101-1. Any member of the board
815 on July 1, 1984, who is an employee of an institution of higher
816 learning shall serve as the member trustee representing the
817 institutions of higher learning until the end of the term for
818 which he was elected;

819 (f) Two (2) retired members who are receiving a
820 retirement allowance from the system, who shall be elected by the
821 retired members or beneficiaries receiving a retirement allowance
822 from the system and by the retired members or beneficiaries of the
823 municipal systems and the firemen's and policemen's disability and
824 relief funds * * * administered by the board of trustees, to serve
825 for a term of six (6) years under rules and regulations adopted by
826 the board to govern that election; however, any retired member of
827 the board in office on April 19, 1993, shall serve as a retired
828 trustee until the end of the term for which he was elected;

829 (g) One (1) member of the system having at least ten
830 (10) years of creditable service who is an employee of any public
831 school district or junior college or community college district
832 that participates in the system, who shall be elected by the
833 members of the system who are employees of any public school
834 district or junior college or community college district; however,
835 any member of the board on June 30, 1989, who is a certified
836 classroom teacher shall serve as the member representing a
837 classroom teacher until the end of the term for which the member
838 was appointed;

839 (h) In the first election to be held for trustees, one
840 (1) member shall be elected for a term of two (2) years, and one
841 (1) member for a term of four (4) years, and one (1) member for a
842 term of six (6) years. Thereafter, their successors shall be
843 elected for terms of six (6) years. All elections shall be held
844 in accordance with rules and regulations adopted by the board to
845 govern those elections and the board shall be the sole judge of
846 all questions arising incident to or connected with the elections.

847 (i) Any person eligible to vote for the election of a
848 member of the board of trustees and who meets the qualifications
849 for the office may seek election to the office and serve if
850 elected. For purposes of determining eligibility to seek office
851 as a member of the board of trustees, the required creditable
852 service in "the system" shall include each system administered by
853 the board of trustees in which the person is a member.

854 The members described above and serving on the board on June
855 30, 1989, shall continue to serve on the board until the
856 expiration of their terms.

857 (3) If a vacancy occurs in the office of a trustee, the
858 vacancy shall be filled for the unexpired term in the same manner
859 as the office was previously filled. However, if the unexpired
860 term is six (6) months or less, an election shall be held to fill
861 the office vacated for the next succeeding full term of office,

862 and the person so elected to fill the next full term shall be
863 appointed by the board to fill the remainder of the unexpired
864 term. Whenever any member who is elected to a position to
865 represent a class of members ceases to be a member of that class,
866 that board member is no longer eligible for membership on the
867 board. The position shall be declared vacant, and the unexpired
868 term shall be filled in the same manner as the office was
869 previously filled.

870 (4) Each trustee shall, within ten (10) days after his
871 appointment or election, take an oath of office as provided by law
872 and, in addition, shall take an oath that he will diligently and
873 honestly administer the affairs of the * * * board, and that he
874 will not knowingly violate or willingly permit to be violated any
875 of the provisions of law applicable to Articles 1 and 3. The oath
876 shall be signed by the member making it, certified by the officer
877 before whom it is taken, and immediately filed in the office of
878 the Secretary of State.

879 (5) Each trustee shall be entitled to one (1) vote. Six (6)
880 members shall constitute a quorum at any meeting of the board, and
881 a majority of those present shall be necessary for a decision.

882 (6) Subject to the limitations of Articles 1 and 3, the
883 board shall establish rules and regulations for the administration
884 of the system created by those articles and for the transaction of
885 its business, and to give force and effect to the provisions of
886 those articles wherever necessary to carry out the intent and
887 purposes of the Legislature. The cited articles are remedial law
888 and shall be liberally construed to accomplish their purposes.

889 (7) Notwithstanding any other law to the contrary, in the
890 event of a natural disaster or other occurrence that results in
891 the failure of the retirement system's computer system or a
892 significant disruption of the normal activities of the retirement
893 system, the executive director of the board, or his deputy, shall
894 be authorized to contract with another entity, governmental or

895 private, during the period of the failure or disruption, for
896 services, commodities, work space and supplies as necessary to
897 carry out the administration of all systems and programs
898 administered by the board. The board shall be authorized to pay
899 the reasonable cost of those services, commodities, work space and
900 supplies. At the meeting of the board next following the
901 execution of a contract authorized under this subsection,
902 documentation of the contract, including a description of the
903 services, commodities, work space or supplies, the price thereof
904 and the nature of the disaster or occurrence, shall be presented
905 to the board and placed on the minutes of the board. Because of
906 their emergency nature, purchases made under this subsection shall
907 not be required to comply with the provisions of Section 31-7-13
908 or any other law governing public purchases.

909 (8) Except as otherwise provided in subsection (7) of this
910 section, in its acquisition of computer equipment, services and
911 software, the board shall submit to the Mississippi Department of
912 Information Technology Services for review and comment all
913 proposals over Fifteen Thousand Dollars (\$15,000.00), but less
914 than Fifty Thousand Dollars (\$50,000.00), for the acquisition of
915 computer equipment, services and software. The Department of
916 Information Technology Services shall furnish its written
917 recommendations to the board within thirty (30) days of its
918 receipt of the proposal. If the Department of Information
919 Technology Services finds that alternatives should be considered
920 with respect to a proposed acquisition and if the board elects by
921 two-thirds (2/3) vote to deviate from these recommendations, the
922 board shall spread upon its minutes the reasons for its decision
923 not to act on those recommendations. From and after April 15,
924 1990, any acquisition of computer equipment, services and software
925 by the board in the amount of Fifty Thousand Dollars (\$50,000.00)
926 or more is subject to approval by the Department of Information
927 Technology Services; and, in responding to a request of approval

928 therefor, the Department of Information Technology Services shall
929 reply within thirty (30) days of its receipt of the request from
930 the board. The computer equipment and software owned by the
931 Public Employees' Retirement System are assets of the Trust Fund
932 by virtue of the Constitution, Section 272-A and acquisition and
933 operation thereof shall be under the jurisdiction of the Public
934 Employees' Retirement System.

935 (9) The board shall elect a chairman and shall by a majority
936 vote of all of its members appoint a secretary whose title shall
937 be executive director, who shall serve at the will and pleasure of
938 the board, who shall not be a member of the board of trustees, who
939 shall be entitled to membership in the system, and who shall act
940 as secretary of the board. The board of trustees shall employ
941 such actuarial, clerical and other employees as are required to
942 transact the business of the system, and shall fix the
943 compensation of all employees, subject to the rules and
944 regulations of the State Personnel Board.

945 (10) Each member of the board shall receive as compensation
946 for his services Three Hundred Dollars (\$300.00) per month. All
947 members of the board shall be reimbursed for their necessary
948 traveling expenses, which shall be paid in accordance with the
949 requirements of Section 25-3-41 or other applicable statutes with
950 respect to traveling expenses of state officials and employees on
951 official business. All members of the board shall be entitled to
952 be members of the system and shall be entitled to creditable
953 service for all time served as a member of the board, except for
954 the retired members, who shall not be entitled to be a member of
955 the system and who shall be eligible to receive the retirement
956 allowance and compensation for services from the system while
957 serving as a member of the board.

958 (11) All expenses of the board incurred in the
959 administration of Articles 1 and 3 shall be paid from such funds
960 as may be appropriated by the Legislature for that purpose or from

961 administrative fees collected from political subdivisions or
962 juristic entities of the state. Each political subdivision of the
963 state and each instrumentality of the state or of a political
964 subdivision or subdivisions that submit a plan for approval by the
965 board as provided in Section 25-11-11 shall reimburse the board,
966 for coverage into the administrative expense fund, its pro rata
967 share of the total expense of administering Articles 1 and 3 as
968 provided by regulations of the board.

969 (12) There shall be an investment advisory board to provide
970 advice and counsel to the board of trustees regarding the
971 investment of the funds of the system. The advisory board shall
972 consist of three (3) members, one (1) appointed by the Governor,
973 one (1) appointed by the Lieutenant Governor, and one (1)
974 appointed by the Speaker of the House of Representatives. Each
975 member of the advisory board shall be someone who is not a public
976 employee who has had at least ten (10) years' experience in
977 investment banking or commercial banking or who has had at least
978 ten (10) years' professional experience in managing investments.
979 Each member of the advisory board shall serve for a term
980 concurrent with the term of the appointing authority. Any vacancy
981 on the advisory board shall be filled by appointment of the
982 original appointing authority for the remainder of the unexpired
983 term. Members of the advisory board shall receive no compensation
984 for their services, but shall be reimbursed for their actual and
985 necessary expenses incurred in the performance of their duties, as
986 provided in Section 25-3-41 for state officers and employees. The
987 advisory board shall operate under the rules and regulations of
988 the board of trustees and shall meet at such times as determined
989 by the board of trustees.

990 (13) The Lieutenant Governor may designate two (2) Senators
991 and the Speaker of the House of Representatives may designate two
992 (2) Representatives to attend any meeting of the Board of Trustees
993 of the Public Employees' Retirement System. The appointing

994 authorities may designate alternate members from their respective
995 houses to serve when the regular designees are unable to attend
996 the meetings of the board. The legislative designees shall have no
997 jurisdiction or vote on any matter within the jurisdiction of the
998 board. For attending meetings of the board, the legislators shall
999 receive per diem and expenses, which shall be paid from the
1000 contingent expense funds of their respective houses in the same
1001 amounts as provided for committee meetings when the Legislature is
1002 not in session; however, no per diem and expenses for attending
1003 meetings of the board will be paid while the Legislature is in
1004 session. No per diem and expenses will be paid except for
1005 attending meetings of the board without prior approval of the
1006 proper committee in their respective houses.

1007 **SECTION 7.** Section 25-11-137, Mississippi Code of 1972, is
1008 amended as follows:

1009 25-11-137. (1) (a) Any law enforcement officer or fireman
1010 who has been covered under this article or under Section 21-29-101
1011 et seq. or Section 21-29-201 et seq., * * * and who changes his
1012 employment from one jurisdiction to another jurisdiction, or has
1013 previously made that change, may elect to transfer retirement
1014 service credit earned while covered under the retirement system of
1015 the former jurisdiction to that of the latter as provided in this
1016 section.

1017 (b) Any such law enforcement officer or fireman
1018 transferring as described in paragraph (a) of this subsection and
1019 having paid retirement funds under this article or under Section
1020 21-29-101 et seq. or Section 21-29-201 et seq. * * * must pay into
1021 the retirement system to which he is transferring the full amount
1022 of employee contributions that he would have paid into that system
1023 had he been a member of that system for each year of creditable
1024 service that is being transferred, together with regular interest
1025 that would have been earned by that system thereon, and he must
1026 also pay, or the system from which he is transferring must pay,

1027 into the system to which he is being transferred, an amount equal
1028 to that which the employer would have paid had he been a member of
1029 that system for each year transferred, together with regular
1030 interest that would have been earned by that system thereon. The
1031 retirement system from which he is being transferred shall be
1032 required to pay into the system to which he is transferring any
1033 funds credited to his account. Any additional funds that may be
1034 required shall be paid by the person being transferred. Failure
1035 to make these proper adjustment payments will void any transfer of
1036 service credits.

1037 (2) The benefits that are being currently paid by the system
1038 in which the law enforcement officer or fireman has last been a
1039 member, and the requirements for retirement or disability
1040 benefits, shall be those applicable to the officer falling under
1041 the provisions of this section. Those transfers may only be made
1042 after the member has satisfied the minimum eligibility period for
1043 monthly benefits, excluding any duty related benefits, in the
1044 system to which the member is transferring the credit. Upon the
1045 complete transfer and payment of that credit, all time spent in
1046 the covered law enforcement or fire department service, as noted
1047 above, within and for the State of Mississippi or the political
1048 subdivisions thereof, shall apply to the time required by law
1049 necessary to effect the retirement or disability of the officer.

1050 **SECTION 8.** Section 41-29-107, Mississippi Code of 1972, is
1051 amended as follows:

1052 41-29-107. There is * * * created the Bureau of Narcotics
1053 within, and under the supervision of, the Mississippi Department
1054 of Public Safety. The * * * bureau shall have as chief
1055 administrative officer a director, who shall be appointed by the
1056 Governor with the advice and consent of the Senate. The director
1057 is empowered to employ or appoint necessary agents. The * * *
1058 director may also employ such secretarial, clerical and
1059 administrative personnel, including a duly licensed attorney, as

1060 necessary for the operation of the bureau, and shall have such
1061 quarters, equipment and facilities as needed. The salary and
1062 qualifications of the attorney authorized by this section shall be
1063 fixed by the director, but the salary shall not exceed the salary
1064 authorized for an assistant attorney general who performs similar
1065 duties.

1066 The director and agents so appointed shall be citizens of the
1067 United States and of the State of Mississippi, and of good moral
1068 character. The agents shall be not less than twenty-one (21) nor
1069 shall have attained the age of thirty-six (36) years of age at the
1070 time of their appointment. In addition thereto, those appointed
1071 shall have satisfactorily completed at least two (2) years of
1072 college studies. However, two (2) years of satisfactory service
1073 as a law enforcement officer and the completion of the prescribed
1074 course of study at a school operated by the Bureau of Narcotics
1075 and Dangerous Drugs, United States Justice Department, shall
1076 satisfy one (1) year of those college studies, and four (4) years
1077 of satisfactory service as a law enforcement officer and the
1078 completion of the prescribed course of study at the federal bureau
1079 school as previously stated * * * shall fully satisfy the two (2)
1080 years of college requirement. The director shall also be required
1081 to complete a prescribed course of study at a school operated by
1082 the Bureau of Narcotics and Dangerous Drugs, United States Justice
1083 Department.

1084 During the period of the first twelve (12) months after
1085 appointment, any employee of the bureau shall be subject to
1086 dismissal at the will of the director. After twelve (12) months'
1087 service, no employee of the bureau shall be subject to dismissal
1088 unless charges have been filed with the director, showing cause
1089 for dismissal of the employee of the bureau. A date shall be set
1090 for hearing before the director and the employee notified in
1091 writing of the date of the hearing and of the charges filed. The
1092 hearing shall be held not less than ten (10) days after

1093 notification to the employee. After the hearing, at which the
1094 employee shall be entitled to legal counsel, a written order of
1095 the director shall be necessary for dismissal and the decision
1096 shall be final. Any such order of the director shall be a public
1097 record and subject to inspection as such.

1098 The Commissioner of Public Safety may assign members of the
1099 Mississippi Highway Safety Patrol, regardless of age, to the
1100 bureau at the request of the director of the bureau; however, when
1101 any highway patrolman or other employee, agent or official of the
1102 Mississippi Department of Public Safety is assigned to duty with,
1103 or is employed by, the bureau, he shall not be subject to
1104 assignment or transfer to any other bureau or department within
1105 the Mississippi Department of Public Safety except by the
1106 director. Any highway patrolman assigned to duty with the bureau
1107 shall retain his status as a highway patrolman, but shall be under
1108 the supervision of the director. * * *

1109 The director may enter into contracts or agreements with the
1110 State Board of Health for purposes of recruitment and screening of
1111 applicants through the merit system.

1112 The director may enter into agreements with bureaus or
1113 departments of other states or of the United States for the
1114 exchange or temporary assignment of agents for special undercover
1115 assignments and for performance of specific duties.

1116 The director may assign agents of the bureau to that duty and
1117 may request and accept agents from those other bureaus or
1118 departments for that duty.

1119 **SECTION 9.** Section 63-1-46, Mississippi Code of 1972, is
1120 amended as follows:

1121 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be
1122 charged for the reinstatement of a license issued under this
1123 article to every person whose license has been validly suspended,
1124 revoked or cancelled. This fee shall be in addition to the fee
1125 provided for in Section 63-1-43.

1126 (2) The funds received under the provisions of subsection
1127 (1) of this section shall be deposited into the State General Fund
1128 in accordance with Section 45-1-23.

1129 (3) In addition to the fee provided for in subsection (1) of
1130 this section, an additional fee of Seventy-five Dollars (\$75.00)
1131 shall be charged for the reinstatement of a license issued under
1132 this article to every person whose license has been suspended or
1133 revoked under the provisions of the Mississippi Implied Consent
1134 Law or as a result of a conviction of a violation of the Uniform
1135 Controlled Substances Law under the provisions of Section 63-1-71.

1136 (4) The funds received under the provisions of subsection
1137 (3) of this section shall be placed in a special fund that is
1138 created in the State Treasury. Monies in the special fund may be
1139 expended solely to contribute to the Public Employees' Retirement
1140 System such amounts as are necessary to make sworn agents of the
1141 Mississippi Bureau of Narcotics who were employed by the bureau
1142 before December 1, 1990, and who were subsequently employed as
1143 enforcement troopers by the Department of Public Safety, full
1144 members of the retirement system * * * with full credit for the
1145 time they were employed as sworn agents for the Mississippi Bureau
1146 of Narcotics. The Board of Trustees of the Public Employees'
1147 Retirement System shall certify to the State Treasurer the amounts
1148 necessary for the purposes described above. The State Treasurer
1149 shall monthly transfer from the special fund created under this
1150 subsection the amounts deposited in the special fund to the
1151 Public Employees' Retirement System until such time as the
1152 certified amount has been transferred. At such time as the
1153 certified amount has been transferred, the State Treasurer shall
1154 transfer any funds remaining in the special fund created under
1155 this subsection to the State General Fund and shall then dissolve
1156 the special fund. This subsection (4) shall stand repealed at
1157 such time when the State Treasurer transfers funds and dissolves

1158 the special fund account in accordance with the provisions of this
1159 subsection.

1160 (5) The procedure for the reinstatement of a license issued
1161 under this article that has been suspended for being out of
1162 compliance with an order for support, as defined in Section
1163 93-11-153, and the payment of any fees for the reinstatement of a
1164 license suspended for that purpose, shall be governed by Section
1165 93-11-157 or 93-11-163, as the case may be.

1166 **SECTION 10.** Sections 25-13-1, 25-13-3, 25-13-5, 25-13-7,
1167 25-13-8, 25-13-9, 25-13-11, 25-13-11.1, 25-13-12, 25-13-13,
1168 25-13-14, 25-13-16, 25-13-17, 25-13-19, 25-13-21, 25-13-21.1,
1169 25-13-22, 25-13-23, 25-13-25, 25-13-27, 25-13-28, 25-13-29,
1170 25-13-31 and 25-13-33, Mississippi Code of 1972, which establish
1171 and govern the operation of the Mississippi Highway Safety Patrol
1172 Retirement System, are repealed.

1173 **SECTION 11.** This act shall take effect and be in force from
1174 and after July 1, 2004.