

By: Representatives Denny, Taylor

To: Appropriations

HOUSE BILL NO. 1375

1 AN ACT TO AMEND SECTION 25-13-17, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE MEMBERS OF THE HIGHWAY SAFETY PATROL RETIREMENT
3 SYSTEM TO RECEIVE CREDITABLE SERVICE IN THAT SYSTEM AT NO COST FOR
4 PREVIOUS SERVICE AS A LAW ENFORCEMENT OFFICER FOR ANOTHER
5 JURISDICTION OR ENTITY; TO AMEND SECTION 25-11-137, MISSISSIPPI
6 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 25-13-17, Mississippi Code of 1972, is
10 amended as follows:

11 25-13-17. (1) All persons who are covered under the terms
12 of this chapter on July 1, 1958, and who become members of the
13 retirement system shall cease to be members under the provisions
14 of Sections 25-11-101 through 25-11-139 upon July 1, 1958, and
15 shall become members of this retirement system with full credit
16 for all prior service with the Highway Safety Patrol.

17 (2) In computing the period of service of a member of the
18 Highway Safety Patrol, any member who served on active duty in the
19 Armed Forces of the United States, or who served in maritime
20 service during periods of hostility in World War II, shall be
21 entitled to creditable service at no cost for his service on
22 active duty in the Armed Forces or in that maritime service,
23 provided that he entered state service after his discharge from
24 the Armed Forces or entered state service after he completed that
25 maritime service. The maximum period for that creditable service
26 for all military service as defined in this subsection (2) shall
27 not exceed four (4) years, unless positive proof can be furnished
28 by the person that he was retained in the Armed Forces during
29 World War II or in maritime service during World War II, by causes

30 beyond his control and without opportunity of discharge. The
31 member shall furnish proof satisfactory to the Board of Trustees
32 of the Public Employees' Retirement System of certification of
33 military service or maritime service records showing dates of
34 entrance into active duty service and the date of discharge. No
35 creditable service shall be granted for any military service or
36 maritime service to a member who qualifies for a retirement
37 allowance in another public retirement system administered by the
38 Board of Trustees of the Public Employees' Retirement System based
39 in whole or in part on that military or maritime service. In no
40 case shall the member receive creditable service if the member
41 received a dishonorable discharge from the Armed Forces of the
42 United States.

43 The credit for military service granted in this subsection
44 shall apply to all persons who have retired from the Highway
45 Patrol and who qualify for credit as outlined above, whether they
46 retired before or after July 1, 2000; but this provision shall not
47 operate to require any back payments of retirement.

48 (3) (a) Any member of the Mississippi Highway Safety Patrol
49 Retirement System whose membership service is interrupted as a
50 result of qualified military service within the meaning of Section
51 414(u)(5) of the Internal Revenue Code, and who has received the
52 maximum service credit available under subsection (2) of this
53 section, shall receive creditable service for the period of
54 qualified military service that does not qualify as creditable
55 service under subsection (2) of this section upon reentering
56 membership service in an amount not to exceed five (5) years if:

57 (i) The member pays the contributions he would
58 have made to the retirement system if he had remained in
59 membership service for the period of qualified military service
60 based upon his salary at the time his membership service was
61 interrupted;

62 (ii) The member returns to membership service
63 within ninety (90) days of the end of his qualified military
64 service; and

65 (iii) The employer at the time the member's
66 service was interrupted and to which employment the member returns
67 pays the contributions it would have made into the retirement
68 system for that period based on the member's salary at the time
69 the service was interrupted.

70 (b) The payments required to be made in paragraph
71 (a)(i) of this subsection may be made over a period beginning with
72 the date of return to membership service and not exceeding three
73 (3) times the member's qualified military service; however, in no
74 event shall that period exceed five (5) years.

75 (c) The member shall furnish proof satisfactory to the
76 board of trustees of certification of military service showing
77 dates of entrance into qualified service and the date of discharge
78 as well as proof that the member has returned to active employment
79 within the time specified.

80 (4) In computing the period of service of a member of the
81 Highway Safety Patrol, any member who served as a law enforcement
82 officer for a jurisdiction or entity other than the Highway Safety
83 Patrol shall be entitled to creditable service at no cost for that
84 service as a law enforcement officer, provided that the member
85 entered employment with the Highway Safety Patrol after he
86 completed that service as a law enforcement officer. The maximum
87 period for that creditable service for all previous service as a
88 law enforcement officer shall not exceed four (4) years. The
89 member shall furnish proof satisfactory to the Board of Trustees
90 of the Public Employees' Retirement System of records of the
91 member's service as a law enforcement officer. No creditable
92 service shall be granted for any service as a law enforcement
93 officer to a member who qualifies for a retirement allowance in
94 another public retirement system administered by the Board of

95 Trustees of the Public Employees' Retirement System based in whole
96 or in part on that service as a law enforcement officer.

97 **SECTION 2.** Section 25-11-137, Mississippi Code of 1972, is
98 amended as follows:

99 25-11-137. (1) (a) Any law enforcement officer or fireman
100 who has been covered under this article or under Section 21-29-101
101 et seq., Section 21-29-201 et seq., or Section 25-13-1 et seq.,
102 and who changes his employment from one jurisdiction to another
103 jurisdiction, or has previously made that change, may elect to
104 transfer retirement service credit earned while covered under the
105 retirement system of the former jurisdiction to that of the latter
106 as provided in this section.

107 (b) Any such law enforcement officer or fireman
108 transferring as described in paragraph (a) of this subsection and
109 having paid retirement funds under this article or under Section
110 21-29-101 et seq., Section 21-29-201 et seq., or Section 25-13-1
111 et seq., must pay into the retirement system to which he is
112 transferring the full amount of employee contributions that he
113 would have paid into that system if he had been a member of that
114 system for each year of creditable service that is being
115 transferred, together with regular interest that would have been
116 earned by that system thereon, and he must also pay, or the system
117 from which he is transferring must pay, into the system to which
118 he is being transferred an amount equal to that which the employer
119 would have paid if he had been a member of that system for each
120 year transferred, together with regular interest that would have
121 been earned by that system thereon. The retirement system from
122 which he is being transferred shall be required to pay into the
123 system to which he is transferring any funds credited to his
124 account. Any additional funds that may be required shall be paid
125 by the person being transferred. Failure to make these proper
126 adjustment payments will void any transfer of service credits.

127 (2) The benefits that are being currently paid by the system
128 in which the law enforcement officer or fireman has last been a
129 member, and the requirements for retirement or disability
130 benefits, shall be those applicable to the officer falling under
131 the provisions of this section. Those transfers may only be made
132 after the member has satisfied the minimum eligibility period for
133 monthly benefits, excluding any duty related benefits, in the
134 system to which the member is transferring the credit. Upon the
135 complete transfer and payment of that credit, all time spent in
136 the covered law enforcement or fire department service, as noted
137 above, within and for the State of Mississippi or the political
138 subdivisions thereof, shall apply to the time required by law
139 necessary to effect the retirement or disability of the officer.

140 (3) The provisions of this section requiring the payment of
141 employee and employer contributions from one (1) retirement system
142 to another shall not apply in the case of creditable service
143 received by members of the Highway Safety Patrol Retirement System
144 for previous service as a law enforcement officer, as provided in
145 Section 25-13-17(4).

146 **SECTION 3.** This act shall take effect and be in force from
147 and after July 1, 2004.