

By: Senator(s) Chaney, Wilemon, Jordan

To: Appropriations

SENATE BILL NO. 2321

1 AN ACT CREATING A JOINT STUDY COMMITTEE TO STUDY AND MAKE  
 2 RECOMMENDATIONS CONCERNING A PENSION PLAN RESTRUCTURE FOR TEACHERS  
 3 RECEIVING A RETIREMENT ALLOWANCE WHO ARE OFFERED REEMPLOYMENT IN  
 4 SCHOOL DISTRICTS WITH A TEACHER SHORTAGE; TO DIRECT THE JOINT  
 5 COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS ON THE CONDITIONS FOR  
 6 SUCH REEMPLOYMENT OF RETIRED TEACHERS IN ORDER TO MAKE THE PLAN  
 7 COST NEUTRAL TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO DIRECT  
 8 THE JOINT COMMITTEE TO MAKE A WRITTEN REPORT OF ITS FINDINGS AND  
 9 RECOMMENDATIONS BEFORE DECEMBER 1, 2004; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** A Special Joint Committee is created to Study and  
 12 Make Recommendations Concerning a Public Employees' Retirement  
 13 System Plan Restructure for teachers receiving a retirement  
 14 allowance who are offered reemployment in school districts in  
 15 Mississippi with a documented teacher shortage. The joint  
 16 committee shall be composed of the Chairman of the Senate  
 17 Appropriations Committee, the Chairman of the Senate Finance  
 18 Committee, the Chairman of the Senate Education Committee, the  
 19 Chairman of the House Appropriations Committee, the Chairman of  
 20 the House Ways and Means Committee, the Chairman of the House  
 21 Education Committee, the members of the Joint Legislative  
 22 Oversight Committee of the Board of Trustees of the Public  
 23 Employees' Retirement System, the Executive Director of the Public  
 24 Employees' Retirement System, the State Superintendent of  
 25 Education, the Chairman of the State Board of Education, a  
 26 licensed teacher appointed by the Lieutenant Governor, and a local  
 27 school superintendent appointed by the Speaker of the House.

28 Within sixty (60) days after sine die adjournment of the 2004  
 29 Regular Session of the Legislature, the Lieutenant Governor and  
 30 Speaker shall appoint the members of the committee, after which

31 the entire joint committee shall meet on a date designated by the  
32 State Superintendent of Education in Jackson, Mississippi, to  
33 select a chairman, organize the committee and establish rules for  
34 transacting its business and keeping records. An affirmative vote  
35 of a majority of the members from each house shall be required in  
36 the adoption of rules and reports. All members of the joint  
37 committee shall be notified in writing of all meetings of the  
38 committee, which notices shall be mailed at least five (5) days  
39 before the dates of the meetings. The joint committee may  
40 establish any subcommittees that it deems desirable to study and  
41 report to the committee with respect to any matter that is within  
42 the scope of this act.

43 The joint committee shall review in depth and study the  
44 present laws and regulations of the state and federal government  
45 and the Internal Revenue Service relating to retirement and  
46 reemployment of public employees generally, and teachers  
47 specifically, and make recommendations regarding the  
48 implementation of a PERS retirement option in response to  
49 increasing teacher shortages in the public schools in Mississippi.  
50 This study shall address the following: (a) Internal Revenue  
51 Service requirements, and recent rulings, regarding the length of  
52 time a retired member must be retired prior to being eligible for  
53 reemployment; (b) the contract period and workday requirements  
54 allowed for any such retired member to be reemployed; (c) may this  
55 retirement option be limited to teachers if the employing school  
56 district has a teacher shortage due to its geographical location  
57 or a teacher shortage in high-demand subject areas; (d) what  
58 documentation is required for such reemployment contracts; (e)  
59 what salary, health insurance or leave benefits should be allowed  
60 to such retired teachers who are reemployed under this option; (f)  
61 what salary should the retired teacher receive upon reemployment  
62 in order to maximize participation in this option within federal  
63 requirements; (g) in order to make this option cost neutral to the

64 retirement system, what contributions should be required from the  
65 state, the school district and/or the participating member. The  
66 joint committee shall make a written report with proposed  
67 legislation relating to its findings and recommendations, and  
68 shall mail copies of the report to each member of the Legislature  
69 not later than December 1, 2004. Upon submission of its report,  
70 the joint committee shall be dissolved.

71 In carrying out the provisions of this act, the joint  
72 committee may utilize the services, facilities and personnel of  
73 all departments, agencies, offices and institutions of the state,  
74 including the state universities and the community and junior  
75 colleges, in particular the State Department of Education and the  
76 Public Employees' Retirement System, and each requested agency  
77 shall cooperate with the joint committee and provide the joint  
78 committee with any information and other assistance requested by  
79 the chairman.

80 Nonlegislative members of the joint committee shall serve  
81 without compensation. For attending meetings of the joint  
82 committee, each legislative member shall be paid per diem  
83 compensation in the amount authorized by Section 25-3-69 and a  
84 mileage allowance and an expense allowance in the amount  
85 authorized by Section 5-1-47. Legislative members shall be paid  
86 from the contingent expense fund of the member's respective house.  
87 However, no per diem compensation, mileage allowance or expense  
88 allowance shall be paid for attending meetings of the joint  
89 committee while the Legislature is in session, and no per diem  
90 compensation, mileage allowance or expense allowance shall be paid  
91 without prior approval of the proper committee in the member's  
92 respective house.

93 **SECTION 2.** This act shall take effect and be in force from  
94 and after July 1, 2004.